



# Electricity Act 1989

## 1989 CHAPTER 29

### PART III

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Miscellaneous*

#### **96 Directions for preserving security of electricity supplies etc**

- (1) The Secretary of State may, after consultation with a person to whom this section applies, give to that person such directions of a general character as appear to the Secretary of State to be requisite or expedient for the purpose of—
  - (a) preserving the security of buildings or installations used for, or for purposes connected with, the generation, transmission or supply of electricity; or
  - (b) mitigating the effects of any civil emergency which may occur.
- (2) If it appears to the Secretary of State to be requisite or expedient to do so for any such purpose as is mentioned in subsection (1) above, he may, after consultation with a person to whom this section applies, give to that person a direction requiring him (according to the circumstances of the case) to do, or not to do, a particular thing specified in the direction.
- (3) A person to whom this section applies shall give effect to any direction given to him by the Secretary of State under this section notwithstanding any other duty imposed on him by or under this Act.
- (4) The Secretary of State shall lay before each House of Parliament a copy of every direction given under this section unless he is of the opinion that disclosure of the direction is against the interests of national security or the commercial interests of any person.
- (5) A person shall not disclose, or be required by virtue of any enactment or otherwise to disclose, anything done by virtue of this section if the Secretary of State has notified him that the Secretary of State is of the opinion that disclosure of that thing is against the interests of national security or the commercial interests of some other person.

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- (6) This section applies to any licence holder and any person authorised by an exemption to generate or supply electricity.
- (7) In this section “civil emergency” means any natural disaster or other emergency which, in the opinion of the Secretary of State, is or may be likely to disrupt electricity supplies; and expressions used in Part I have the same meanings as in that Part.

## **97 Financial assistance for discharge of nuclear liabilities**

The provisions of Schedule 12 to this Act (which provide for the giving of financial assistance in connection with the storage and reprocessing of nuclear fuel, the treatment, storage and disposal of radioactive waste and the decommissioning of nuclear installations) shall have effect.

## **98 Provision of statistical information**

- (1) The Secretary of State may, if he considers it expedient for the purpose of obtaining statistical information relating to the generation, transmission or supply of electricity, serve a notice under this section on any licence holder or any person who is authorised by an exemption to generate or supply electricity.
- (2) A notice under this section may require the person on whom it is served to furnish, at a time and place specified in the notice, to the Secretary of State such statistical information about that person’s business as may be so specified.
- (3) Subject to subsections (4) and (5) below, no information with respect to any particular business which—
  - (a) has been obtained under this section; and
  - (b) relates to the affairs of any individual or to any particular business,
 shall, during the lifetime of that individual or so long as that business continues to be carried on, be published or otherwise disclosed without the consent of that individual or the person for the time being carrying on that business.
- (4) Subsection (3) above does not apply in relation to any disclosure which is made after consultation with the individual concerned, or the person for the time being carrying on the business concerned, and is of information relating to—
  - (a) the quantities of electricity generated by particular methods or by the use of particular fuels;
  - (b) the quantities of particular fuels used for the generation of electricity;
  - (c) the quantities of electricity transferred between Great Britain and countries or territories outside Great Britain, or between England and Wales on the one hand and Scotland on the other; or
  - (d) the quantities of electricity supplied in England, Scotland or Wales either generally or to persons of any particular class or description.
- (5) Subsection (3) above does not apply in relation to any disclosure which is made to the Minister in charge of any Government department or for the purposes of any proceedings under this section.
- (6) The Secretary of State may, after consultation with persons or bodies appearing to him to be representative of persons likely to be affected, by order amend subsection (4) above so as to add other descriptions of information which may be disclosed notwithstanding that it may relate to a particular person or business.

- (7) Any person who without reasonable excuse fails to furnish information in compliance with a requirement under this section shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (8) Any person who publishes or discloses any information in contravention of subsection (3) above or, in purported compliance with a requirement under this section, knowingly or recklessly furnishes any information which is false in any material particular shall be liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.
- (9) In this section “information” does not include estimates as to future matters but, subject to that, expressions which are used in Part I have the same meanings as in that Part.

## **99 Promotion of new techniques in national interest**

- (1) The Secretary of State shall exercise the power conferred on him by section 5 of the Science and Technology Act 1965 (expenditure on research and development in science or technology) for the purpose of promoting such research into, and such development of, new techniques relating to the generation, transmission or supply of electricity as appears to him to be necessary in the national interest.
- (2) The Secretary of State may, if he considers it expedient for purposes connected with the performance of his duty under this section, serve notice under this subsection on any licence holder or any person who is authorised by an exemption to generate or supply electricity.
- (3) A notice under subsection (2) above may require the person on whom it is served to furnish, at a time and place specified in the notice, to the Secretary of State such information about that person’s business as may be so specified.
- (4) Subsections (3), (5) and (7) to (9) of section 98 above shall apply for the purposes of this section as they apply for the purposes of that section.

### *Amendment of enactments*

## **100 Competition and restrictive trade practices**

- (1) Electricity shall be treated as goods for the purposes of the 1973 Act, the Restrictive Trade Practices Act 1976 (in this section referred to as “the 1976 Act”) and the 1980 Act.
- (2) The 1976 Act shall not apply, and shall be deemed never to have applied, in relation to any agreement relating to the generation, transmission or supply of electricity which—
  - (a) was determined before the commencement of this section; or
  - (b) is specified, or is of a description specified, in an order made by the Secretary of State (whether before or after the making of the agreement) and satisfies such conditions as may be so specified.
- (3) Before making an order under subsection (2) above, the Secretary of State shall consult the Director and the Director General of Fair Trading; and the conditions specified in

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such an order may include conditions which refer any matter to the Secretary of State for determination after such consultation as may be so specified.

- (4) The 1976 Act shall have effect in relation to any agreement which—
- (a) relates to the generation, transmission or supply of electricity; and
  - (b) was made before the commencement of this section,
- as if the time within which particulars of the agreement, or any variation or determination of the agreement, are to be furnished under section 24 of and Schedule 2 to that Act were the time given by paragraph 5 of that Schedule or six months from that commencement, whichever is the later.
- (5) In this section “agreement” has the same meaning as in the 1976 Act and expressions which are used in Part I have the same meanings as in that Part.

### **101 Rights of entry**

In section 2 of the Rights of Entry (Gas and Electricity Boards) Act 1954 (warrant to authorise entry), for subsection (4) there shall be substituted the following subsection—

- “(4) Every warrant granted under this section shall continue in force until—
- (a) the time when the purpose for which the entry is required is satisfied; or
  - (b) the end of the period of 28 days beginning with the day on which the warrant was granted,
- whichever is the earlier.”

### **102 Production and supply of heat or electricity etc. by Scottish local authorities**

The provisions of Schedule 13 (which inserts into the Local Government (Scotland) Act 1973 provisions analogous to sections 11 (production and supply of heat or electricity or both by local authorities in England and Wales) and 12 (provisions supplementary to the said section 11) of the Local Government (Miscellaneous Provisions) Act 1976) shall have effect.

### **103 Stamp duty exemption for certain contracts**

Electricity shall be treated as goods for the purposes of section 59 of the Stamp Act 1891 (certain contracts chargeable as conveyances on sale).

*Amendment etc. of pension schemes*

### **104 Amendment etc. of Electricity Supply Pension Scheme**

The provisions of Schedule 14 to this Act (which provide for amending the Electricity Supply Pension Scheme and for giving special protection to certain persons who have or may acquire rights under that scheme) shall have effect.

### **105 Amendment etc. of Scottish Pension Schemes**

The provisions of Schedule 15 to this Act (which provide for amending the Hydroboard Superannuation Fund and the South of Scotland Electricity Board’s

Superannuation Scheme and for giving special protection to certain persons who have or may acquire rights under those schemes) shall have effect.

### *Supplemental*

#### **106 Regulations and orders**

- (1) Any power under this Act to make regulations, and any power of the Secretary of State under this Act to make orders (other than the powers conferred by paragraph 9(6) of Schedule 4 and paragraph 2 of Schedule 5), shall be exercisable by statutory instrument.
- (2) Any statutory instrument containing—
  - (a) regulations under this Act made by the Secretary of State; or
  - (b) an order under this Act (other than an order appointing a day or nominating a company or an order under paragraph 4 of Schedule 12 to this Act),shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **107 Directions**

- (1) It shall be the duty of any person to whom a direction is given under this Act to give effect to that direction.
- (2) Any power conferred by this Act to give a direction shall, unless the context otherwise requires, include power to vary or revoke the direction.
- (3) Any direction given under this Act shall be in writing.

#### **108 Offences by bodies corporate**

- (1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

#### **109 Service of documents**

- (1) Any document required or authorised by virtue of this Act to be served on any person may be served—
  - (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address; or
  - (b) if the person is a body corporate, by serving it in accordance with paragraph (a) above on the secretary of that body; or

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- (c) if the person is a partnership, by serving it in accordance with paragraph (a) above on a partnership or a person having the control or management of the partnership business.
- (2) For the purposes of this section and section 7 of the Interpretation Act 1978 (which relates to the service of documents by post) in its application to this section, the proper address of any person on whom a document is to be served shall be his last known address, except that—
- (a) in the case of service on a body corporate or its secretary, it shall be the address of the registered or principal office of the body;
  - (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership;
- and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.
- (3) If a person to be served by virtue of this Act with any document by another has specified to that other an address within the United Kingdom other than his proper address (as determined in pursuance of subsection (2) above) as the one at which he or someone on his behalf will accept documents of the same description as that document, that address shall also be treated as his proper address for the purposes of this section and for the purposes of the said section 7 in its application to this section.
- (4) If the name or address of any owner or occupier of land on whom by virtue of this Act any document is to be served cannot after reasonable inquiry be ascertained, the document may be served by—
- (a) addressing it to him by the description of “owner” or “occupier” of the land (describing it); and
  - (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.
- (5) This section shall not apply to any document in relation to the service of which provision is made by rules of court.
- (6) In this section “secretary”, in relation to a local authority within the meaning of the Local Government Act 1972 or the Local Government (Scotland) Act 1973, means the proper officer within the meaning of that Act.

## **110 Financial provisions**

There shall be paid out of money provided by Parliament—

- (a) any administrative expenses incurred by the Secretary of State or the treasury in consequence of the provisions of this Act; and
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

## **111 General interpretation**

- (1) In this Act, unless the context otherwise requires—
- “Area Board” has the same meaning as in the Electricity Act 1947;

“contravention”, in relation to any direction, condition, requirement, regulation or order, includes any failure to comply with it and cognate expressions shall be construed accordingly;

“the Director” means the Director General of Electricity Supply;

“Electricity Board” means an Area Board, the Generating Board or a Scottish Board;

“the Generating Board” means the Central Electricity Generating Board;

“modifications” includes additions, alterations and omissions and cognate expressions shall be construed accordingly;

“Scottish Board” means either the North of Scotland Hydro-Electric Board or the South of Scotland Electricity Board.

- (2) For the purposes of this Act any class or description may be framed by reference to any matters or circumstances whatever.

## **112 Amendments, transitional provisions, savings and repeals**

- (1) The enactments mentioned in Schedule 16 to this Act shall have effect subject to the amendments there specified (being minor amendments or amendments consequential on the preceding provisions of this Act).
- (2) The Secretary of State may by order make such consequential modifications of any provision contained in any Act (whether public general or local) passed, or in subordinate legislation made, before the relevant date as appear to him necessary or expedient—
- (a) in respect of any reference in that Act or subordinate legislation to any of the Electricity Boards or the Electricity Council;
  - (b) in respect of any reference (in whatever terms) in that Act or subordinate legislation to a person carrying on an electricity undertaking or to such an undertaking;
  - (c) in respect of any reference in that Act or subordinate legislation to any enactment repealed by this Act; or
  - (d) in the case of a provision contained in a local Act or subordinate legislation, in respect of any other inconsistency between that Act or subordinate legislation and this Act;

and in this subsection “the relevant date”, in relation to any modifications, means the date of the coming into force of the provisions of this Act on which they are consequential.

- (3) The transitional provisions and savings contained in Schedule 17 to this Act shall have effect; but those provisions are without prejudice to sections 16 and 17 of the Interpretation Act 1978 (effect of repeals).
- (4) The enactments mentioned in Schedule 18 to this Act (which include some that are spent or no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.

## **113 Short title, commencement and extent**

- (1) This Act may be cited as the Electricity Act 1989.

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- (2) This Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be so appointed for different provisions or for different purposes.
- (3) This Act, except this section and the following provisions, namely—  
sections 65 to 70;  
section 82;  
sections 91 to 95;  
section 100;  
paragraph 8 of Schedule 1 and section 1(5) so far as relating to that paragraph;  
paragraph 10 of Schedule 2 and section 2(7) so far as relating to that paragraph;  
paragraph 11 of Schedule 16 and section 112(1) so far as relating to that paragraph; and  
Schedule 18 and section 112(4) so far as relating to enactments which extend there (other than paragraph 3 of Schedule 5 to the Fair Trading Act 1973),  
does not extend to Northern Ireland.