



Electricity Act 1957

1957 CHAPTER 48

Reorganisation

1 Dissolution of Central Electricity Authority

On the first day of January, nineteen hundred and fifty-eight (in this Act referred to as "the vesting date"), the Central Electricity Authority shall cease to exist.

2 Establishment, constitution and functions of Central Electricity Generating Board

- (1) There shall be established a Board, to be called the Central Electricity Generating Board (in this Act referred to as "the Generating Board"), who shall, as from the vesting date, perform the functions assigned to them by or under this Act, together with such functions of the Central Authority under the Electricity Act, 1947 (in this Act referred to as "the principal Act"), and other enactments, as by virtue of this Act are transferred to the Generating Board.
- (2) The Generating Board shall consist of a chairman appointed by the Minister and such number of other members so appointed, not being less than seven or more than nine, as the Minister may from time to time determine.
- (3) All the members of the Generating Board shall be appointed by the Minister from amongst persons appearing to him to be qualified as having had experience of, and having shown capacity in, the generation or supply of electricity, industrial, commercial or financial matters, applied science, administration, or the organisation of workers.
- (4) The Minister shall appoint one or more members of the Generating Board to be deputy chairman or deputy chairmen of the Board.
- (5) Without prejudice to any other functions assigned or transferred to them as mentioned in subsection (1) of this section, it shall as from the vesting date be the duty of the Generating Board to develop and maintain an efficient, co-ordinated and economical system of supply of electricity in bulk for all parts of England and Wales, and for that purpose—

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- (a) to generate or acquire supplies of electricity ; and
 - (b) to provide bulk supplies of electricity for the Area Boards for distribution by those Boards.
- (6) In accordance with any agreement made in that behalf by the Generating Board with the person or body of persons to be supplied, the Generating Board may provide bulk supplies of electricity—
- (a) for either of the Scottish Electricity Boards, or
 - (b) for any person or body of persons carrying on an electricity undertaking outside Great Britain,
- and may provide supplies of electricity (whether in bulk or otherwise) for any other person or body of persons for whom the Generating Board may for the time being be authorised by the Minister to provide such supplies.
- (7) The Generating Board shall have power—
- (a) to manufacture anything required by the Generating Board or by any Area Board for purposes of research or development or for the repair or maintenance of their equipment;
 - (b) to sell, hire or otherwise supply electrical plant, and to instal, repair, maintain or remove any electrical plant and electrical fittings ; and
 - (c) to carry on all such other activities as it may appear to the Generating Board to be requisite, advantageous or convenient for them to carry on for or in connection with the performance of their functions under the preceding provisions of this section or with a view to making the best use of any assets vested in them:
- Provided that nothing in paragraph (c) of this subsection, or in the principal Act, shall be construed as authorising the Generating Board to manufacture anything except as mentioned in paragraph (a) of this subsection, or to sell, hire or otherwise supply electrical fittings.
- (8) For the purposes of any enactment (including the principal Act and this Act) the Generating Board shall be included among the Boards referred to as Electricity Boards, or as Electricity Boards in England and Wales.

3 Establishment, constitution and functions of Electricity Council

- (1) There shall be established a Council, to be called the Electricity Council, who shall, as from the vesting date, perform the functions assigned to them by or under this Act, together with such functions of the Central Authority under the principal Act and other enactments as by virtue of this Act are transferred to the Electricity Council.
- (2) The Electricity Council shall be constituted as follows:—
- (a) the Minister shall appoint a person to be the chairman of the Council, and shall appoint two other persons to be deputy chairmen of the Council, and may (in addition to the members so appointed) appoint as members of the Council such number, not exceeding three, of other persons (being persons appearing to the Minister to be qualified as mentioned in subsection (3) of the last preceding section) as he may from time to time determine;
 - (b) three other members shall be the person for the time being holding office as chairman of the Generating Board, and such other members of that Board as may be designated by that Board ; and

- (c) the remaining members shall be the persons for the time being holding the office of chairman of an Area Board:

Provided that the deputy chairman of an Area Board shall be entitled to attend meetings of the Electricity Council in place of the chairman of that Board during any vacancy in the office of chairman or in the event of the chairman being unable to attend owing to illness or absence from Great Britain; and any member of the Generating Board designated by the Board in that behalf shall be entitled to attend meetings of the Electricity Council—

- (i) in place of the chairman of the Generating Board, during any vacancy in the office of chairman of that Board, or
- (ii) in place of any of the members of the Council referred to in paragraph (b) of this subsection, in the event of any inability of that member to attend owing to illness or absence from Great Britain,

and any person attending a meeting of the Electricity Council by virtue of this proviso in place of another person shall, in relation to that meeting, have the same rights, powers and duties as the person in whose place he attends.

- (3) A person who is for the time being a member of an Electricity Board shall not be eligible to be appointed by the Minister by virtue of paragraph (a) of the last preceding subsection to be a member of the Electricity Council, whether as chairman, deputy chairman or otherwise; and, notwithstanding anything in the last preceding section or in any other enactment, a person who is for the time being a member of the Electricity Council so appointed shall not be eligible for appointment as a member of an Electricity Board.
- (4) Without prejudice to any other functions assigned or transferred to the Electricity Council as mentioned in subsection (1) of this section, it shall as from the vesting date be the duty of that Council—
 - (a) to advise the Minister on questions affecting the electricity supply industry and matters relating thereto; and
 - (b) to promote and assist the maintenance and development by Electricity Boards in England and Wales of an efficient, co-ordinated and economical system of electricity supply.
- (5) The Electricity Council shall have power, if so authorised by all the Electricity Boards in England and Wales, or by any group of those Boards, to perform services for, or act on behalf of, the Boards concerned in relation to matters of common interest to those Boards.
- (6) Subsection (5) of section two of the principal Act (which confers ancillary powers on Electricity Boards), and subsections (1), (6), (7) and (8) of section three of that Act (which relate respectively to the incorporation of Electricity Boards, to the remuneration, allowances and pensions of members of Electricity Boards, to the power of the Minister to make regulations with respect to Electricity Boards, and to the regulation of their procedure subject to any such regulations) shall apply in relation to the Electricity Council as they apply in relation to any of the Electricity Boards in England and Wales.
- (7) The power to make regulations under subsection (7) of section three of the principal Act, as applied in relation to the Electricity Council by the last preceding subsection, shall be exercisable by statutory instrument; and any instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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- (8) For the avoidance of doubt it is hereby declared that the provisions of this section as to the functions of the Electricity Council (including the provisions of subsection (5) of section two of the principal Act as applied to that Council) relate only to the capacity of the Electricity Council as a statutory corporation ; and nothing in those provisions shall be construed as authorising the disregard by that Council of any enactment or rule of law.

4 Whole-time members of Generating Board, Electricity Council and Area Boards

- (1) The office of chairman of the Generating Board or of the Electricity Council shall not be held except by a person appointed as a whole-time member of the Board or Council.
- (2) Subject to the preceding subsection, in the exercise of his powers of appointing members of the Generating Board or of the Electricity Council in accordance with sections two and three of this Act, or of appointing members of an Area Board in accordance with section three of the principal Act, the Minister shall secure that as many of the members so appointed as he may consider requisite for the efficient performance of the functions of the Council or Board shall be appointed as whole-time members of the Council or Board.

5 Consultative Councils

- (1) Section seven of the principal Act (under which a Consultative Council is established for the area of each Area Board) shall, in its application to England and Wales, have effect subject to the amendments specified in Part I of the First Schedule to this Act.
- (2) The section set out in Part II of the First Schedule to this Act shall be inserted in the principal Act after section seven; and the said section seven shall cease to extend to Scotland.

Generation of electricity by Area Boards, and provision for research

6 Generation of electricity by Area Boards

- (1) If it appears to an Area Board to be expedient that the Board should generate electricity for the purpose of distribution to consumers whom they are required or authorised to supply, the Board, after consultation with the Generating Board and the Electricity Council, may formulate proposals for the generation of electricity by them for that purpose and may submit those proposals to the Minister.
- (2) Where any proposals under this section have been submitted to the Minister and have been approved by him, with or without modifications, the Area Board submitting the proposals shall have power to generate electricity in accordance with those proposals as so approved.
- (3) Subsection (9) of section two of the principal Act (which relates to the construction of provisions conferring powers on Electricity Boards) shall have effect in relation to the provisions of this section as it has effect in relation to the provisions referred to in that subsection.

7 Research

- (1) It shall be the duty of the Electricity Council to settle from time to time, in consultation with the Minister, a general programme of research into matters affecting the supply of electricity and other matters affecting the functions of Area Boards, the Generating Board or the Electricity Council.
- (2) It shall be the duty of the Electricity Council to secure the carrying out of any general programme settled by them under the preceding subsection ; and for that purpose they may themselves conduct research into any of the matters mentioned in that subsection and may make arrangements with any other persons, including any of the Electricity Boards, for the conduct of such research by them.
- (3) Any of the Area Boards or the Generating Board may conduct research in accordance with arrangements made by the Electricity Council under this section, and may also, after consultation with the Electricity Council, conduct research into such matters affecting the functions of the Board as are not for the time being included in the general programme settled by the Council.

Provisions as to administration, and as to conditions of employment

8 Powers of Minister in relation to Electricity Council and Electricity Boards

- (1) The Minister may give to the Electricity Council, or to any of the Electricity Boards in England and Wales, such directions of a general character as to the performance by that Council or Board of their functions as appear to the Minister to be requisite in the national interest.
- (2) Before giving any directions to the Electricity Council under the preceding subsection the Minister shall consult the Council; and before giving any directions to an Electricity Board under that subsection, the Minister shall consult that Board and the Electricity Council.
- (3) The Minister may, after consultation with the Electricity Council, give directions to any of the Electricity Boards in England and Wales as to the use or disposal of any assets vested in the Board which are not connected with the generation, transmission or distribution of electricity.
- (4) In carrying out such measures of reorganisation or such works of development as involve substantial outlay on capital account, each of the Electricity Boards in England and Wales shall act in accordance with a general programme settled by the Board from time to time after consultation with the Electricity Council and approved by the Minister.
- (5) The Electricity Council shall furnish the Minister with such returns, accounts and other information as he may require with respect to the property and activities of the Council and of Electricity Boards in England and Wales, and shall afford to him facilities for verifying such information, in such manner and at such times as he may reasonably require.
- (6) Each of the Electricity Boards in England and Wales shall afford to the Electricity Council, and, if the Minister so requires, to the Minister, facilities for obtaining information with respect to the property and activities of the Board, and shall furnish the Electricity Council, and, if he so requires, the Minister, with returns, accounts and other information with respect thereto, and shall afford to the Electricity Council and

the Minister facilities for verifying such information, in such manner and at such times as the Council or the Minister may reasonably require.

9 Representations by Electricity Boards to Electricity Council

- (1) Any of the Electricity Boards in England and Wales may make representations to the Electricity Council on any matter relating to the performance of the functions of any other of those Boards;

Provided that an Electricity Board, before making any representations under this subsection with respect to any matter relating to the functions of another Electricity Board, shall consult that Board with respect to that matter.

- (2) Where any representations are made to the Electricity Council under the preceding subsection, and, after consultation with the Board making the representations and with the Board to whom the representations relate, it appears to the Council that a defect is disclosed in the general plans and arrangements of either or both of those Boards for the performance of their functions, the Electricity Council may give to that Board or those Boards such advice as they think fit for remedying the defect.
- (3) The Electricity Council may make representations to the Minister on any matters arising out of advice given by them to an Electricity Board under this section; and if it appears to the Minister, after consultation with that Board and with the Electricity Council, that a defect is disclosed in that Board's general plans and arrangements for the performance of their functions, he may give such directions to that Board as he thinks necessary for remedying the defect.

10 Annual reports

- (1) Every Area Board and the Generating Board shall, as soon as possible after the end of each financial year, make to the Minister a report on the performance by them of their functions during that year and on their policy and programmes; and every Area Board and the Generating Board shall, as soon as their report has been made to the Minister, send a copy thereof to the Electricity Council.
- (2) As soon as possible after copies of the reports of the Generating Board and all the Area Boards for any financial year have been received by the Electricity Council, the Council shall make to the Minister a report consisting of—
 - (a) a report on the performance by the Council of their functions during that year, and on the policy and programmes of the Council, and
 - (b) a general review of the activities and progress during that year of the electricity supply industry in England and Wales, taking that industry as a whole.
- (3) Every report made under this section by an Area Board, the Generating Board or the Electricity Council for any year shall set out any directions given by the Minister to the Board or Council during that year, except any direction in the case of which the Minister has notified to the Board or Council his opinion that it should be omitted in the interests of national security.
- (4) The Minister may give directions as to the form of the reports to be made under the preceding provisions of this section.
- (5) A Consultative Council for the area of any Area Board may, in respect of any financial year of the Board, make to the Board a report on the performance by the Council of

their functions during that year; and any such report shall be made to the Board as soon as possible after the end of the financial year in question, and the Board shall include that report in the report made by them under this section.

- (6) The Minister shall lay before each House of Parliament a copy of the report made for each financial year by each Area Board, the Generating Board and the Electricity Council, and shall at the same time lay before each House of Parliament a report with respect to the performance of his functions during that year under the principal Act and this Act and the Electricity (Supply) Acts, 1882 to 1936, except as regards matters which in his opinion it is against the interests of national security to disclose.

11 Consolidated statements of accounts

- (1) In addition to the statements of accounts required by section forty-six of the principal Act, the Electricity Council shall prepare, in respect of each financial year beginning on or after the vesting date, a consolidated statement of accounts of the Council, the Generating Board and the Area Boards for that year in such form as the Minister, with the approval of the Treasury, may direct, being a form which shall conform with the best commercial standards.
- (2) The form of a consolidated statement under this section shall be such as to provide separate information with respect to the generation of electricity, the distribution of electricity, and each of the other main activities of the electricity supply industry in England and Wales, and to show as far as may be the financial and operating results of each such activity,
- (3) The consolidated statement prepared under this section for a financial year shall be submitted to the auditors appointed by the Minister to audit the accounts of the Electricity Council for that year, and those auditors shall make a report on the statement.
- (4) As soon as the auditors have made a report on a consolidated statement prepared under this section, the Electricity Council shall send a copy of the statement and of that report to the Minister; and copies of the statement and report shall be made available to the public at a reasonable price.
- (5) The Minister shall lay before each House of Parliament a copy of every statement prepared under this section and of the report of the auditors thereon.

12 Machinery for settling terms and conditions of employment

- (1) Except in so far as they are satisfied that adequate machinery exists for achieving the purposes of this section, it shall be the duty of the Electricity Council and the Scottish Electricity Boards to seek joint consultations with any organisation appearing to them to be appropriate, with a view to the conclusion between the Council, those Boards and that organisation of such joint agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—
 - (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Electricity Council or by Electricity Boards, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements ; and
 - (b) the promotion, improvement and encouragement of measures affecting the safety, health, welfare, education and training of persons employed by the Electricity Council or by Electricity Boards, and the discussion of other

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matters of mutual interest to that Council or those Boards and persons so employed, including efficiency in the operation of the services of the Council or the Boards.

- (2) Before entering into any agreement in pursuance of the preceding subsection, the Electricity Council shall consult the Generating Board and each of the Area Boards.
- (3) It shall be the duty of the Generating Board and of each of the Area Boards to comply with any agreement concluded in pursuance of subsection (1) of this section.
- (4) In so far as the Generating Board or any Area Board are required by subsection (2) of section two of the principal Act to consult with any organisation appearing to them to be appropriate with respect to the performance of their duty under that subsection to provide, or assist the provision of, facilities for training and education, the Board, in determining what organisation is appropriate, shall have regard to any machinery established for the purposes of paragraph (b) of subsection (1) of this section.
- (5) The Electricity Council and each of the Scottish Electricity Boards shall send to the Minister, the Secretary of State and the Minister of Labour and National Service a copy of any agreement concluded for the purposes of this section to which the Council or that Board, as the case may be, are a party.

Finances of Electricity Boards and Electricity Council

13 General duty of Boards to balance revenue account

It shall be the duty of the Generating Board and of each of the Area Boards so to perform their functions as to secure that the revenues of the Board are not less than sufficient to meet the outgoings of the Board properly chargeable to revenue account, taking one year with another.

14 Tariffs and special agreements

- (1) The following subsection shall be substituted for subsection (1) of section thirty-seven of the principal Act (which relates to the prices to be charged by the Central Authority):

—

“(1) The prices to be charged by the Generating Board for the supply of electricity by them to Area Boards shall be in accordance with such tariffs as may be fixed from time to time by the Generating Board after consultation with the Electricity Council; and different tariffs may be fixed for different Area Boards”.

- (2) In subsection (3) of the said section thirty-seven (which relates to the prices to be charged by Area Boards), the following words shall be substituted for the words from the beginning of the subsection to the words " fixed from time to time by them " :—

“Subject to the provisions of the Electricity Act, 1957, with respect to railways, the prices to be charged by an Area Board for the supply of electricity by them shall be in accordance with such tariffs as may be fixed from time to time by them after consultation with the Consultative Council established for their area and with the Electricity Council”.

- (3) Where a consumer has requested an Area Board to enter into an agreement with him under subsection (7) of the said section thirty-seven (under which Area Boards

are empowered to enter into special agreements with consumers), or to renew an agreement entered into under that subsection, or to vary the terms of such an agreement, and the Board—

- (a) have refused to comply with that request, or
- (b) have refused to comply with it except on terms which are not acceptable to the consumer,

the consumer may refer the matter to the Consultative Council established for the area of that Board.

(4) The grounds on which a consumer may refer a matter to a Consultative Council under the last preceding subsection are as follows, that is to say.—

- (a) where the consumer's request to the Board to enter into or renew an agreement has been refused, that, owing to special circumstances, the tariffs in force in the area are not appropriate to him ;
- (b) where the consumer's request to the Board to vary the terms of an agreement have been refused, that, owing to a change of circumstances since the agreement was made, its terms have ceased to be reasonable;
- (c) in any other case, that the terms proposed by the Board are unreasonable.

(5) Where a matter is referred to a Consultative Council under subsection (3) of this section, then, without prejudice to any functions of the Consultative Council or of the Electricity Council under section seven of the principal Act.—

- (a) if it appears to the Consultative Council that the consumer has established to their satisfaction the grounds on which the matter was referred to them, the Council shall notify their conclusions to the consumer and to the Area Board;
- (b) if it appears to the Consultative Council that the consumer has not so established those grounds, the Council shall notify their conclusions to the consumer;
- (c) if the consumer is dissatisfied with the conclusions of the Consultative Council, or if (in a case falling within paragraph (a) of this subsection) he claims that the Area Board have failed to give effect to those conclusions, he may refer the matter to the Electricity Council, on the same grounds as those on which the matter was referred to the Consultative Council, subject to any modifications which may be appropriate in view of any subsequent proposal of the Area Board; and
- (d) if it appears to the Electricity Council, after consultation with the Area Board and with the Consultative Council, that the consumer has established to the satisfaction of the Electricity Council the grounds on which the matter was referred to them, the Electricity Council may give to the Area Board such advice as they may consider appropriate in the circumstances.

(6) Any reference in this section to a refusal to comply with a request includes a reference to a failure to comply with it within a reasonable time after the request is made.

15 Borrowing powers of Electricity Council, Generating Board and Area Boards

(1) The Electricity Council, the Generating Board or any Area Board, with the consent of the Minister and with the approval of the Treasury, or in accordance with the terms of any general authority issued by the Minister with the approval of the Treasury, may borrow temporarily, by way of overdraft or otherwise, such sums as the borrowing Council or Board may require for meeting their obligations or performing their functions.

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- (2) The Electricity Council, with the consent of the Minister and the approval of the Treasury, may borrow money by the issue of British Electricity Stock, for all or any of the following purposes, that is to say,—
- (a) the redemption of any British Electricity Stock;
 - (b) the repayment of Exchequer advances made to the Central Authority or to the Electricity Council;
 - (c) the provision of money for meeting any expenditure incurred by the Electricity Council, the Generating Board or any Area Board in connection with any works the cost of which is properly chargeable to capital account;
 - (d) the provision of any working capital required by the Electricity Council, the Generating Board or any Area Board;
 - (e) any other purpose for which capital moneys are properly applicable by the Electricity Council, the Generating Board or any Area Board, including the repayment of money temporarily borrowed by them for any of the purposes, mentioned in this subsection;
 - (f) any other payment which the Electricity Council, the Generating Board or any Area Board are authorised to make and which ought, in the opinion of the Electricity Council, to be spread over a term of years.
- (3) The Electricity Council may raise money, for all or any of the purposes mentioned in the last preceding subsection, by the taking of Exchequer advances from the Minister.
- (4) The Generating Board or any Area Board, after consultation with the Electricity Council, and with the consent of the Minister and the approval of the Treasury, may borrow money by the issue of stock, for all or any of the following purposes, that is to say,—
- (a) the redemption of any stock issued by the Board ;
 - (b) the provision of money for meeting any expenditure incurred by the Board in connection with any works the cost of which is properly chargeable to capital account;
 - (c) the provision of any working capital required by the Board;
 - (d) the discharge of any responsibility allocated to the Board in respect of British Electricity Stock or Exchequer advances, in so far as that responsibility is attributable to the principal of that Stock or of those advances;
 - (e) any other purpose for which capital moneys are properly applicable by the Board, including the repayment of any money temporarily borrowed by the Board for any of the purposes mentioned in this subsection ;
 - (f) any other payment which the Board are authorised to make and which ought in their opinion to be spread over a term of years.
- (5) The aggregate of the amounts outstanding in respect of—
- (a) the principal of any British Electricity Stock issued by the Central Authority, otherwise than for the purpose of paying compensation under Part II of the principal Act whether in stock or cash, and
 - (b) the principal of any Exchequer advances made to the Central Authority or to the Electricity Council, and
 - (c) the principal of any stock issued under this Act, and
 - (d) any temporary loans raised by the Central Authority, the Electricity Council, the Generating Board or any Area Board,

shall not at any time exceed the sum of fourteen hundred million pounds:

Provided that nothing in this subsection shall prevent the Electricity Council, the Generating Board or any Area Board from borrowing for the purpose of redeeming any stock which they are required or entitled to redeem, or of repaying Exchequer advances, or of repaying any money temporarily borrowed by them.

- (6) Neither the Electricity Council nor the Generating Board nor any Area Board shall borrow any money except in accordance with the preceding provisions of this section.
- (7) In this Act " Exchequer advances " means advances made under section forty-two of the Finance Act, 1956 (which provides for the making of Exchequer advances to nationalised industries and undertakings).

16 Issue of stock

- (1) The Electricity Council may create and issue any stock required for the purpose of exercising their powers under the last preceding section; and any stock so created and issued shall, in common with any British Electricity Stock issued by the Central Authority under the principal Act, be known as British Electricity Stock, and shall be included in the stock referred to by that name in any enactment (including the principal Act and this Act).
- (2) The Generating Board or any Area Board may create and issue any stock required for the purpose of exercising their powers under the last preceding section; and any stock so created and issued by one of those Boards shall be known by the name of that Board followed by the word "Stock ".
- (3) Subject to the provisions of the Third Schedule to the principal Act (which relates to the issue of British Electricity Stock in satisfaction of compensation), British Electricity Stock shall be issued, transferred, dealt with and redeemed upon such terms and in accordance with such provisions as may be prescribed by regulations made by the Minister with the approval of the Treasury; and any such regulations may, in relation to any such stock, apply (with or without modifications) any provisions of the Local Loans Act, 1875, or of any enactments relating to stock issued by a local authority.
- (4) For the purposes of issues of stock by the Generating Board or by Area Boards, provision may be made by regulations made by the Minister with the approval of the Treasury—
 - (a) for empowering the Board issuing any such stock to charge the stock and the interest thereon upon the revenues of the Board, with or without power to charge the stock and the interest thereon upon the undertaking of the Board;
 - (b) for treating the obligations of such a Board under the following provisions of this Act in respect of payments to the Electricity Council, and contributions to the central guarantee fund, as a charge upon the revenues and undertaking of the Board, and for determining how that charge shall rank in relation to any charge upon those revenues or that undertaking created by the Board in connection with any such issue of stock ;
 - (c) for prescribing (subject to any provision made by virtue of the last preceding paragraph) the terms upon which any such stock may be issued, transferred, dealt with or redeemed;
 - (d) for applying (with or without modifications) any provisions of the Local Loans Act, 1875, or of any enactments relating to stock issued by a local authority;

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and different provision may be made by any such regulations in relation to different Boards or in relation to different issues of stock by the same Board.

- (5) The power to make regulations under this section shall be exercisable by statutory instrument; and any instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

17 Treasury guarantees

- (1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the redemption or repayment of, and the payment of any interest on.—
- (a) any British Electricity Stock, or
 - (b) any temporary loan raised by the Electricity Council, the Generating Board or any Area Board.
- (2) Any sums required by the Treasury for fulfilling any guarantee given under the preceding subsection, or under section forty-two of the principal Act, shall be charged on and issued out of the Consolidated Fund; and all such sums, together with interest thereon at such rate as the Treasury may determine, shall be repaid to the Treasury by the Electricity Council in such manner and over such period as the Treasury, after consultation with the Minister, may determine.
- (3) Immediately after a guarantee is given under this section, the Treasury shall lay a statement of the guarantee before each House of Parliament.
- (4) Where any sum is issued out of the Consolidated Fund under this section, the Treasury shall forthwith lay before each House of Parliament a statement that that sum has been issued.
- (5) Any sums repaid to the Treasury under subsection (2) of this section shall be paid into the Exchequer.

18 Estimates of Boards' requirements and allocations to them of liabilities in respect of stock

- (1) The Generating Board and each Area Board shall submit to the Electricity Council, at such times as the Council may direct, periodical estimates of the sums that they will require to be provided by means of borrowing by the issue of British Electricity Stock, and shall provide therewith such information as the Electricity Council may require as to the purposes for which those sums will be required; and the Electricity Council shall not proceed to exercise any powers exercisable by them of borrowing for the purpose of defraying expenditure incurred by any such Board in carrying out reorganisation or development unless the Council are satisfied that the reorganisation or development will be in accordance with a general programme settled by the Board and approved by the Minister under subsection (4) of section eight of this Act.
- (2) Where the Electricity Council borrow money by the issue of British Electricity Stock, they shall determine, in accordance with a scheme from time to time settled by the Council with the Minister, after giving to the Generating Board and each Area Board an opportunity to make representations thereon to him, the shares in which the ultimate responsibility for meeting obligations in respect of that issue of stock is to be borne; and the scheme shall provide—
- (a) for allocating to the Electricity Council responsibility in respect of stock issued for the provision of money required by the Council for the performance

- of their functions, and for allocating to the Generating Board and the Area Boards responsibility in respect of all other stock issued for the purpose of borrowing money, having regard to the extent to which the money is borrowed for the purposes of the respective Boards;
- (b) for allocating to the Generating Board, the Area Boards and the Electricity Council responsibility in respect of any stock issued for the purpose of redeeming or converting British Electricity Stock, in the same proportions as responsibility was allocated in respect of the stock to be redeemed or converted.
- (3) The Generating Board and each Area Board shall, at such times as may be directed by the Electricity Council, pay to the Council—
- (a) such sums as may be necessary to enable the Council to make any payments, or to refund to themselves any payments made, in respect of interest on or the redemption of British Electricity Stock, including payments into a sinking fund, in so far as the payments are attributable to stock for which the Generating Board or Area Board, as the case may be, are ultimately responsible under this section, and
- (b) such contributions towards the expenses incurred by the Electricity Council in issuing any British Electricity Stock, and in managing that stock, as bear to the total expenses so incurred the same proportion as the amount of the stock in respect of which the Board in question are ultimately responsible under this section bears to the total amount of the stock.
- (4) The preceding provisions of this section shall apply in relation to the raising of money by the taking of Exchequer advances as they apply in relation to the borrowing of money by the issue of British Electricity Stock; and accordingly references in those provisions to borrowing money, to British Electricity Stock or an issue of such stock, to issuing such stock, or to redeeming or converting such stock, shall be construed as including references to the raising of money, to Exchequer advances, to the taking of such advances, or to repaying such advances, as the case may be.

19 Central guarantee fund

- (1) The Electricity Council shall establish and maintain a fund, which shall be known as the central guarantee fund, for the following purposes, that is to say:—
- (a) in the event of any temporary inability on the part of the Electricity Council, the Generating Board or any Area Board to discharge their obligations in respect of the payment of interest on, or the redemption or repayment of, any British Electricity Stock or Exchequer advances or any temporary loan, for enabling the payment in question to be made out of the fund;
- (b) for repaying to the Treasury any payments made by them for the purpose of fulfilling any guarantee given by the Treasury under section seventeen of this Act, or under section forty-two of the principal Act;
- and the moneys in the central guarantee fund shall not be applied for any other purposes.
- (2) The Generating Board and each of the Area Boards shall in each financial year contribute to the central guarantee fund such sums as the Electricity Council, with the approval of the Minister and the Treasury, may from time to time determine, including any sums required to make good payments out of the fund for the purposes mentioned in the preceding subsection:

Status: This is the original version (as it was originally enacted).

Provided that—

- (a) the aggregate of the sums standing to the credit of the central guarantee fund shall not at any time exceed the sum of twenty million pounds ;
 - (b) the aggregate of the sums contributed to the central guarantee fund, excluding any sums required to make good payments out of the fund, shall not in any financial year exceed the sum of four million pounds.
- (3) If the Electricity Council propose to determine any sums to be contributed under the last preceding subsection, but the Minister and the Treasury do not approve the proposal, the Minister, with the approval of the Treasury, may himself determine the sums to be so contributed.
 - (4) The Electricity Council, for the purpose of correcting from time to time, having regard to changed circumstances, the extent of the contributions made by the Electricity Boards to the central guarantee fund under this section, may, with the approval of the Minister and the Treasury, repay out of the fund to any such Board any part of those contributions previously made by that Board.
 - (5) All moneys in the central guarantee fund, which are not for the time being required to be applied for the purposes of the fund, shall be invested in such securities of Her Majesty's Government in the United Kingdom, or such securities guaranteed by the Treasury, as may be determined by the Electricity Council with the approval of the Minister and the Treasury.
 - (6) Any interest arising from the investment of moneys in the fund shall be paid into the fund, except when the sums standing to the credit of the fund have reached the sum of twenty million pounds, and shall in that case be distributed among the Generating Board and the Area Boards in such shares as may be determined by the Electricity Council, having regard to the extent of their respective contributions to the fund.
 - (7) If the Generating Board or any Area Board fail to discharge their obligations in respect of any such payments as are referred to in paragraph (a) of subsection (1) of this section, or in respect of contributions which they are required to make to the central guarantee fund, the Electricity Council, with the approval of the Minister, may give directions to that Board with respect to the management or policy of the Board, including tariffs and other financial matters, during such period as the Minister after consultation with the Electricity Council and the Board may determine, being a period which extends at least until those obligations (including any contributions required to be made to the central guarantee fund in respect of the default) have been met.

20 Reserve funds

- (1) The Generating Board shall establish and maintain a general reserve fund for the purposes of that Board, which shall be known as the generating reserve fund.
- (2) Every Area Board shall establish and maintain (or, in the case of a fund established before the coming into operation of this section, shall continue to maintain) a general reserve fund for the purposes of the Board, which shall be known as an area reserve fund.
- (3) Subject to the following provisions of this section, the Generating Board shall contribute to the generating reserve fund, and each Area Board shall contribute to the area reserve fund maintained by them, to such extent as the Board maintaining the fund may from time to time determine.

- (4) The management of the generating reserve fund, and of every area reserve fund, and the application of the moneys comprised therein, shall, subject to the next following subsection, be as the Board maintaining the fund may determine:

Provided that no part of any such fund shall be applied otherwise than for the purposes of the Board maintaining the fund.

- (5) The power of the Minister under section eight of this Act to give directions to any of the Electricity Boards in England and Wales as to the performance of their functions shall extend to the giving to them of directions (whether of a general or a specific character) as to—

- (a) any matter relating to the establishment or management of a fund which the Board are required to maintain under this section, or
- (b) the making of contributions to such a fund, or
- (c) the application of any moneys comprised in such a fund;

but no directions shall be given by the Minister as to a matter falling within paragraph (a), paragraph (b) or paragraph (c) of this subsection except with the approval of the Treasury.

- (6) The preceding provisions of this section shall be without prejudice to the power of the Generating Board or any Area Board to establish appropriate reserves for replacements or other purposes ; but with respect to the management and application of any such reserves the Generating Board or an Area Board shall act in accordance with any directions given by the Minister after consultation with the Treasury.
- (7) It is hereby declared that one of the purposes of the generating reserve fund and the area reserve funds is the prevention of frequent fluctuations in the charges made by the Generating Board and the Area Boards, and the powers of those Boards in relation to those funds shall be exercised accordingly.
- (8) Section forty-three of the principal Act (which contains provisions as to reserve funds, including provisions as to the maintenance of a central reserve fund) shall cease to have effect.

21 Contributions by Electricity Boards to expenses of Electricity Council

- (1) The Electricity Council may require any of the Electricity Boards in England and Wales from time to time to contribute such sums as the Council, with the approval of the Minister, may determine, towards meeting the expenses of the Council; and every Electricity Board shall comply with any requirement of the Electricity Council under this subsection.
- (2) Without prejudice to the generality of the preceding subsection, the expenses referred to in that subsection shall be taken to include the satisfaction of any obligations of the Electricity Council in respect of—
- (a) compensation to members and officers of the Central Authority;
 - (b) payments under Part V of the Local Government Act, 1948, for the benefit of local authorities ;
 - (c) income tax or the profits tax ;
 - (d) payments to local authorities in pursuance of section twenty-three of this Act.

22 Application of surplus revenues of Electricity Boards

- (1) Any excess, for any financial year, of the revenues of any of the Electricity Boards in England and Wales over their outgoings for that year properly chargeable to revenue account shall, subject to the following provisions of this section, be applied for such purposes of the Board as the Board may determine.
- (2) The power of the Minister under section eight of this Act to give directions to any of the Electricity Boards in England and Wales as to the performance of their functions shall extend to the giving to them, with the approval of the Treasury, of directions (whether of a general or a specific character) as to the application of any such excess of revenues over outgoings.

23 Compensation to local authorities

- (1) Any sum which, if the Central Authority had continued to exist, would, at a time on or after the vesting date, have become payable by or to that Authority under section twenty-two of the principal Act (which relates to compensation to local authorities in respect of the undertakings transferred to Electricity Boards under that Act) shall be payable by the Electricity Council, or to that Council, as the case may be.
- (2) The provisions of subsections (4) and (5) of the said section twenty-two (which contain supplementary provisions for the purposes of that section) shall apply in relation to payments under this section as, in the circumstances mentioned in subsection (1) of this section, they would have applied to the payments to be made by or to the Central Authority.

24 Provisions as to income tax and profits tax

- (1) For the purposes of the enactments relating to income tax, and of the enactments relating to the profits tax, the Electricity Council shall be treated as carrying on a trade or business ; and, subject to the following provisions of this section, those enactments—
 - (a) shall have effect, and shall be deemed always to have had effect, as if the trade or business carried on by the Central Authority at any time before the vesting date had been the trade or business of the Electricity Council;
 - (b) shall have effect, and shall be deemed always to have had effect, as if any reference in those enactments to the Central Authority were a reference to the Electricity Council; and
 - (c) shall have effect, in relation to any time on or after the vesting date, as if any reference in those enactments to an Area Board included a reference to the Generating Board.
- (2) For the purposes of the enactments relating to income tax, the trade carried on by the Central Authority shall not be treated as permanently discontinued on the vesting date, nor shall a new trade be treated as set up and commenced on that date by the Generating Board or the Electricity Council.
- (3) For the avoidance of doubt it is hereby declared that nothing in paragraph (b) of subsection (1) of this section shall be taken to affect the construction, in section forty of the Finance Act, 1947 (which relates to profits tax in respect of nationalised undertakings), of any reference to the principal Act; but the said paragraph (b) shall apply in relation to any reference in the said section forty to the Authority constituted

by the principal Act, as it applies in relation to other references to the Central Authority in the enactments relating to the profits tax.

- (4) For the purposes of the operation of the enactments relating to income tax and to the profits tax respectively in accordance with the preceding provisions of this section, the Electricity Council shall be deemed to have been in existence as from the first day of April, nineteen hundred and forty-eight, and anything done by, to or in relation to the Central Authority, whether before or after the passing of this Act, shall be treated as if it had been done by, to or in relation to the Electricity Council.

Transfer of undertaking of Central Authority to Electricity Council and Generating Board

25 Transfer of assets and liabilities of Central Authority

- (1) There shall on the vesting date be transferred to the Electricity Council, by virtue of this Act and without further assurance, such property, rights, liabilities and obligations of the Central Authority as may, before the beginning of the period of two months ending with the vesting date, have been agreed in writing by the Electricity Council and the Generating Board.
- (2) In default of any such agreement between the Electricity Council and the Generating Board, the Minister shall give directions specifying the property, rights, liabilities and obligations of the Central Authority which, in his opinion, are required to vest in the Electricity Council for the purpose of enabling that Council to perform their functions; and any property, rights, liabilities and obligations so specified shall, by virtue of this Act and without further assurance, be transferred to the Electricity Council on the vesting date.
- (3) An agreement under subsection (1) of this section, and any directions under the last preceding subsection, shall not apply to any liability in respect of Exchequer advances made to the Central Authority; but as from the vesting date subsection (4) of section forty-two of the Finance Act, 1956 (which relates to the repayment of, and payment of interest on, advances made under that section) shall apply in relation to Exchequer advances made to the Central Authority as if they had been made to the Electricity Council, and the provisions of that section as to sums received under the said subsection (4) shall apply accordingly.
- (4) All liabilities and obligations which immediately before the vesting date were liabilities and obligations of the Central Authority in respect of British Electricity Stock issued before that date shall, on that date, by virtue of this Act and without further assurance, be transferred to the Electricity Council.
- (5) Subject to the preceding subsections, and to the following provisions of this Act, all property, rights, liabilities and obligations which immediately before the vesting date were property, rights, liabilities and obligations of the Central Authority shall, on that date, by virtue of this Act and without further assurance, be transferred to the Generating Board.
- (6) In this and the next following section " obligation" includes any such customary obligation as is referred to in subsection (5) of section fifty-four of the principal Act (which relates to certain customary obligations in respect of pensions).

26 Supplementary provisions as to transfer of assets and liabilities

- (1) Subject to the provisions of this section, every agreement to which the Central Authority were a party immediately before the vesting date, whether in writing or not and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned by the Central Authority, shall, unless its terms or subject-matter make it impossible that it should have effect as modified in the manner provided by this subsection, have effect as from the vesting date as if—
 - (a) the appropriate transferees had been a party to the agreement ;
 - (b) for any reference (however worded and whether express or implied) to the Central Authority there were substituted, as respects anything falling to be done on or after the vesting date, a reference to the appropriate transferees;
 - (c) for any reference (however worded and whether express or implied) to any member or officer of the Central Authority there were substituted, as respects anything falling to be done on or after the vesting date, a reference to such person as the appropriate transferees may appoint, or, in default of appointment, to the member or officer of the appropriate transferees who corresponds as nearly as may be to the member or officer of the Central Authority in question; and
 - (d) in the case of an agreement for the rendering of personal services to the Central Authority, the services to which the agreement relates were, on and after the vesting date, any services under the appropriate transferees, to be selected by the appropriate transferees, which are reasonably equivalent services.
- (2) Other documents, not being enactments, which refer, whether specifically or generally, to the Central Authority shall be construed in accordance with the provisions of the preceding subsection, so far as applicable.
- (3) Without prejudice to the generality of the preceding provisions of this section, where, by the operation of any of those provisions or of the last preceding section, any right, liability or obligation vests in the Electricity Council or the Generating Board, that Council or Board, as the case may be, and all other persons shall, as from the vesting date, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of that Council or Board, as the case may be.
- (4) Notwithstanding anything in this section, no right, liability or obligation under any agreement for the rendering by any person of services to the Central Authority as a member of that Authority shall be transferred to the Electricity Council or the Generating Board, except any liability in respect of remuneration earned or expenses incurred before the vesting date.
- (5) The Minister may make regulations providing for the registration of the title of the Electricity Council or the Generating Board to assets vesting in them by virtue of this Act, being assets of a kind subject to provisions for the registration of title thereto, and for any other matters for which provision appears to the Minister to be necessary or expedient for the purpose of securing the effective transfer of any assets vesting in that Council or Board by virtue of this Act.

The power to make regulations under this subsection shall be exercisable by statutory instrument; and any instrument containing such regulations shall be laid before Parliament.

- (6) For the purposes of section fifty-two of the Finance Act, 1946 (which exempts from stamp duty certain documents connected with nationalisation schemes), any transfers of property effected by virtue of the last preceding section or this section or of any regulations made thereunder shall be deemed to be part of the initial putting into force of such a scheme; and for the purposes of section eight of the Finance Act, 1899 (which imposes stamp duty in respect of issues of loan capital) the transfer of liabilities and obligations in respect of British Electricity Stock from the Central Authority to the Electricity Council shall not be treated as an issue of loan capital.
- (7) In this section " the appropriate transferees ", in relation to any agreement or other document,—
- (a) in so far as the agreement or document relates to any property, right, liability or obligation vested in the Electricity Council by virtue of this Act, means that Council, and
 - (b) in so far as the agreement or document relates to any property, right, liability or obligation vested in the Generating Board by virtue of this Act, means that Board.

27 Compensation to members and officers of Central Authority and Area Boards

- (1) The Minister shall, with the approval of the Treasury, require the Electricity Council to make to any person holding office as a member of the Central Authority immediately before that Authority ceases to exist, being a person who suffers loss of employment or loss or diminution of emoluments or pension rights or whose position is worsened in consequence of the dissolution of the Central Authority, payment of such compensation for loss of office as the Minister may, with the approval of the Treasury, determine.
- (2) The Minister shall by regulations require the Electricity Council to pay, in such cases and to such extent as may be specified in the regulations, compensation to officers of the Central Authority or any Area Board who suffer loss of employment or loss or diminution of emoluments or pension rights or whose position is worsened in consequence of this Act.
- (3) Subject to the next following subsection, the provisions of subsections (3) to (6) and subsection (8) of section fifty-five of the principal Act (which relates to the payment of compensation to officers of electricity undertakings transferred under that Act) shall apply to any regulations made under this section as if those regulations had been made under subsection (1) of the said section fifty-five, and as if, in subsection (4) of that section, the reference to an Electricity Board included a reference to the Electricity Council.
- (4) Where any regulations made under subsection (2) of this section provide for appeals to be brought as mentioned in paragraph (b) of subsection (5) of the said section fifty-five, the regulations shall make provision—
- (a) for enabling any party to such an appeal, who is aggrieved by the decision of the referee or board of referees on the appeal as being erroneous in point of law, to require the referee or board to state a case for the decision of the High Court, and
 - (b) for requiring the decision of a referee or board of referees on such an appeal to be modified, where requisite, so as to conform with the decision in any proceedings in the High Court on a case stated in accordance with

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the preceding paragraph, or in any proceedings arising from any such proceedings;

and a decision of the High Court on a case stated in accordance with paragraph (a) of this subsection shall be treated as a judgment of that court for the purposes of section twenty-seven of the Supreme Court of Judicature (Consolidation) Act, 1925 (which relates to the jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court).

- (5) So much of subsection (5) of the said section fifty-five as provides that the decision of the referee or board of referees shall be final shall have effect, in relation to appeals brought by virtue of this section, subject to the provisions of the last preceding subsection and of any regulations made in accordance therewith.
- (6) The power to make regulations under this section shall be exercisable by statutory instrument; and no regulations shall be made under this section unless a draft of the regulations has been laid before Parliament and has been approved by a resolution of each House of Parliament.

Miscellaneous and supplementary provisions

28 Supply of electricity to railways

- (1) Subject to the provisions of this section, it shall be the duty of the Generating Board to provide in England and Wales, and it shall be the duty of the Scottish Electricity Boards to provide in their respective Districts, a supply of electricity to meet the requirements for haulage or traction of railway undertakers.
- (2) A supply of electricity to railway undertakers may be provided—
 - (a) in England or Wales by the South of Scotland Board with the approval of the Generating Board ;
 - (b) in the South of Scotland District by the Generating Board with the approval of the South of Scotland Board; or
 - (c) in the District of either of the Scottish Electricity Boards by the other of them, with the approval of the Board in whose District the supply is provided.
- (3) An Area Board shall not, except with the approval of the Generating Board, supply electricity to railway undertakers for purposes of haulage or traction.
- (4) Nothing in the last preceding subsection shall be construed as authorising an Area Board to supply electricity to railway undertakers in the area of another Area Board, or in the District of a Scottish Electricity Board, except with the agreement of that Board or an authorisation given by the Electricity Council or the Secretary of State (in accordance with the provisions of subsections (4) and (5) of section one of the principal Act), as well as the approval of the Generating Board as required by the last preceding subsection.
- (5) The terms and conditions on which electricity is supplied by an Electricity Board to any railway undertakers for the purposes of haulage or traction shall be such as may be agreed between the Board and the undertakers or, in default of such agreement, as may be determined by the appropriate Ministers:

Provided that any terms and conditions so agreed or determined shall be such as, in the opinion of the Board, or of the appropriate Ministers, as the case may be, will not cause a financial loss to result to the Board from the provision of the supply.

- (6) Where the terms and conditions on which electricity is supplied by an Electricity Board to any railway undertakers for purposes of haulage or traction are determined by the appropriate Ministers, that determination—
 - (a) shall not extend to the terms and conditions on which any electricity so supplied may be used by the undertakers for other purposes, and
 - (b) shall not be taken to preclude the Board and the undertakers from subsequently varying the terms and conditions so determined by agreement between them.
- (7) An Electricity Board may enter into an agreement with any railway undertakers, to whom the Board are to supply electricity for purposes of haulage or traction, whereby any of that electricity may be used by the undertakers for other purposes, on such terms and conditions as may be specified in the agreement.
- (8) Without prejudice to any other enactment providing for the protection of telegraphic lines belonging to or used by the Postmaster General, any electricity supplied under this section to any railway undertakers shall be used in such manner as not to cause, or to be likely to cause, any interference (whether by induction or otherwise) with any such telegraphic line, or with telegraphic communication by means of any such line.
- (9) In this section " the appropriate Ministers ", in relation to Electricity Boards in England and Wales, means the Minister and the Minister of Transport and Civil Aviation acting jointly, and, in relation to Scottish Electricity Boards, means the Secretary of State and the Minister of Transport and Civil Aviation acting jointly, and " telegraphic line " has the same meaning as in the Telegraph Act, 1878.

29 Maximum charges for reselling electricity supplied by Electricity Boards

- (1) An Area Board, or either of the Scottish Electricity Boards, may publish a notice fixing maximum charges in consideration of which electricity supplied by the Board may be resold by persons to whom it is so supplied, or by any class of such persons specified in the notice.
- (2) Any notice under this section shall be published in such manner as in the opinion of the Board will secure adequate publicity for it; and the maximum charges fixed by any such notice may be varied by a subsequent notice published by the Board in accordance with this subsection.
- (3) Different maximum charges may be fixed by a Board under this section for different classes of cases, whether by reference to different parts of the area or District of the Board or to different tariffs under which electricity is supplied by the Board or to any other relevant circumstances.
- (4) If any person, in consideration of the resale of any electricity supplied by an Area Board or Scottish Electricity Board, in circumstances to which a notice published by the Board under this section applies, requires the payment of charges exceeding the maximum charges applicable thereto in accordance with the notice, the amount of the excess shall be recoverable by the person to whom the electricity is resold.
- (5) So much of section eighteen of the Gasworks Clauses Act, 1847, as incorporated with the Electric Lighting Act, 1882, as provides for a penalty to be imposed on persons who supply persons with electricity supplied to them, shall cease to have effect.

30 Certification of meters

- (1) With regard to the certification of meters under the provisions of the Schedule to the Electric Lighting (Clauses) Act, 1899, as incorporated with the principal Act (in this Act referred to as " the Schedule of 1899 "), the Minister may by order provide, either in relation to meters generally or in relation to meters of any class specified in the order.—
- (a) that, where a meter is certified under the provisions of the Schedule of 1899 after the date on which the order comes into operation, that certification (if it has not previously ceased to have effect) shall cease to have effect at the end of such period, beginning with the date of the certification, as may be specified in the order;
 - (b) that the certification of a meter under those provisions, where it was effected before the passing of this Act, or thereafter but before the date on which the order comes into operation, shall cease to have effect (if it has not previously ceased to have effect) either on the date on which the order comes into operation, or at the end of such period beginning with the date of the certification as may be specified in the order, whichever is the later;
 - (c) that, notwithstanding the proviso to section fifty of the Schedule of 1899 (under which, if a certified meter is altered, it ceases to be certified until re-certified), the making in a meter of an alteration of a description specified in the order (being a description of alteration appearing to the Minister to be such as not to affect the ascertainment of the value of the supply) shall not cause the meter to cease to be a certified meter ;
 - (d) that, where a certified meter is moved in circumstances specified in the order, the certification of the meter shall thereupon cease to have effect, notwithstanding that the move does not involve any alteration of the meter.
- (2) Any order made under the preceding subsection may be revoked or varied by a subsequent order thereunder; and the power to make orders under that subsection shall be exercisable by statutory instrument, and any instrument containing such an order shall be laid before Parliament.
- (3) The Minister may give directions to Electricity Boards—
- (a) as to the examination and testing of meters by those Boards, by the use of apparatus provided in accordance with section two of the Electricity Supply (Meters) Act, 1936, before submitting the meters to a meter examiner for certification ;
 - (b) as to the making of reports by those Boards on meters examined and tested by them, and as to the information to be included in such reports;
 - (c) as to the sealing and unsealing of meters, and, in particular, as to the custody and use of apparatus for sealing meters and the keeping of records in connection therewith.
- (4) A meter examiner may certify a meter under the provisions of the Schedule of 1899, notwithstanding that he has not himself examined or tested it, if—
- (a) the meter is submitted to him for certification by an Electricity Board, together with a report stating that the Board have examined and tested the meter in accordance with directions given by the Minister under the last preceding subsection, and containing the information required by those directions;
 - (b) the information contained in the report is such as to indicate, in the opinion of the meter examiner, that the meter is entitled to be certified;

- (c) the meter is one of a number submitted to the meter examiner together at the same time by the same Electricity Board; and
 - (d) the meter examiner, by the use of apparatus provided in accordance with section two of the said Act of 1936, has himself examined and tested such number of those meters as he may consider sufficient to constitute a reasonable test of all the meters submitted to him by the Board for certification on that occasion.
- (5) If any Electricity Board, on or after the first day of July, nineteen hundred and fifty-eight, installs a meter for the purpose of ascertaining the value of the supply, and that meter, at the time when it is installed, is not duly certified under the provisions of the Schedule of 1899, the Board shall be guilty of an offence:

Provided that, in any proceedings against an Electricity Board for an offence under this subsection, it shall be a defence for the Board to prove that the meter was installed in pursuance of an agreement in writing with the consumer whereby it was agreed that the value of the supply should be ascertained otherwise than by means of a meter so certified.

- (6) Where a meter—
- (a) is in use immediately before the said first day of July for the purpose of ascertaining the value of the supply, and is then a meter duly certified under the provisions of the Schedule of 1899, but ceases to be so certified on or after that day, or
 - (b) is installed for that purpose on or after that day, and at the time of its installation is duly certified under those provisions, but subsequently ceases to be so certified,

then if, as soon as practicable after the meter has ceased to be so certified, the Electricity Board providing the supply does not take all reasonable steps either for causing the meter to be recertified under those provisions, or for removing it or (if it is not reasonably practicable to remove it) for ceasing to supply energy through it, the Board shall be guilty of an offence:

Provided that, in any proceedings against an Electricity Board for an offence under this subsection, it shall be a defence for the Board to prove that the meter ceased to be certified under the said provisions by reason only of its being altered or moved without the knowledge of the Board.

- (7) An Electricity Board guilty of an offence under this section shall be liable on summary conviction—
- (a) if it is the first conviction of that Board of an offence under this section, to a fine not exceeding ten pounds ;
 - (b) in any other case, to a fine not exceeding twenty pounds.
- (8) No proceedings shall be brought in England or Wales for an offence under this section except by or with the consent of the Minister or the Director of Public Prosecutions.
- (9) In this section " the value of the supply " has the same meaning as in the Schedule of 1899, and " meter examiner " has the same meaning as in the Electricity Supply (Meters) Act, 1936.

31 Placing of service lines above ground

Paragraph (b) of section ten of the Schedule of 1899 (which restricts the placing of electric lines above ground) shall cease to apply to service lines; and accordingly in that paragraph after the words " electric line " there shall be inserted the words " other than a service line " , and the words " and except so much of any service line as is necessarily so placed for the purpose of supply " shall be omitted.

32 Further provisions as to placing of electric lines

- (1) Every application for the consent or authorisation of the Minister under paragraph (b) of section ten of the Schedule of 1899 (in this section referred to as " section ten (b) ")—
 - (a) shall be in writing ;
 - (b) shall describe by reference to a map the land across which the electric line is proposed to be placed; and
 - (c) shall state whether all necessary wayleaves have been agreed with owners and occupiers of land proposed to be crossed by the line.
- (2) Where such an application made by an Electricity Board states that all necessary wayleaves have not been agreed as mentioned in paragraph (c) of the preceding subsection, the Minister, if he thinks fit, may give notice to the Board that he does not propose to proceed with the application until he is satisfied, with respect to all the land over which wayleaves have not been agreed, that the Board have taken such action on their part as is mentioned in subsection (1) of section forty-four of the Electricity (Supply) Act, 1926 (which enables applications for consent or authorisation under section ten (b) and applications in respect of wayleaves to be taken concurrently); and where the Minister gives such a notice under this subsection—
 - (a) the Minister shall not be required to proceed with the application until he is satisfied that the Board have taken all the requisite action in accordance with the notice, and
 - (b) the provisions of subsection (1) of the said section forty-four as to concurrent proceedings shall apply accordingly.
- (3) Where an application for consent or authorisation under section ten (b) states that all necessary wayleaves have not been agreed, but the Minister does not proceed concurrently as mentioned in subsection (1) of the said section forty-four, the Minister, if he gives his consent or authorisation under section ten (b), may give it subject to the condition (either in respect of the whole of the line or in respect of any part of it specified in the consent or authorisation) that the work is not to proceed until the Minister gives his permission; and in determining at any time whether to give permission for the work to proceed, either generally or in respect of a part of the line, the Minister—
 - (a) shall have regard to the extent to which the necessary wayleaves have been agreed by that time, and
 - (b) in so far as any such wayleaves have not then been agreed in respect of any part of the line, shall take into account any prejudicial effect which, in his opinion, the giving of permission (whether in respect of that part or of any adjacent part of the line) might have on any subsequent proceedings relating to the outstanding wayleaves.
- (4) In the application of this section to Scotland, for any reference to the Minister there shall be substituted a reference to the Secretary of State.

33 Provisions as to construction or extension of generating stations

- (1) Where under section two of the Electric Lighting Act, 1909 (which relates to the construction or extension of generating stations), notice, and an opportunity of stating objections, are required to be given to the local authority of the district in which the land in question is situated, the like requirements as to notice, and as to an opportunity of stating objections, shall apply in relation to the local planning authority in whose area the land is situated.
- (2) An application for the consent of the Minister or of the Secretary of State under the said section two shall be in writing, and shall describe by reference to a map the land in relation to which the consent is required.
- (3) In this and the next following section "local planning authority", in relation to England and Wales, has the same meaning as in the Town and Country Planning Act, 1947, and, in relation to Scotland, has the same meaning as in the Town and Country Planning (Scotland) Act, 1947.

34 Special provisions as to public inquiries

- (1) Where an application has been made to the Minister for his consent or authorisation under paragraph (b) of section ten of the Schedule of 1899, or for his consent under section two of the Electric Lighting Act, 1909, and the local planning authority have notified the Minister that they object to the application, and that objection of the local planning authority has not been withdrawn, the Minister (either in addition to, or in lieu of, any other hearing or opportunity of stating objections) shall cause a public inquiry to be held, and, before determining whether to give his consent or authorisation, shall consider the objection and the report of the person who held the inquiry:

Provided that this subsection shall not apply where the Minister proposes to accede to the application subject to such modifications or conditions as will give effect to the objection of the local planning authority.

- (2) In relation to applications for consent under section two of the Electric Lighting Act, 1909, and to applications for consent or authorisation under paragraph (b) of section ten of the Schedule of 1899 in respect of the placing of high voltage lines, the Minister shall make provision by regulations for securing—
 - (a) that (in addition to any notice required to be given under section two of the said Act of 1909) notice of every such application shall be published in such manner as may be specified in the regulations;
 - (b) that (in addition to any notice required to be given under the said section two, and to the publication of notices in accordance with the preceding paragraph) notice of any such application shall, where the Minister so directs, be served upon such persons as may be specified in the directions;
 - (c) that every notice published or served in pursuance of the regulations shall state the time within which, and the manner in which, objections to the application can be made by persons other than those to whom (under the said section two, or under section twenty-one of the Electricity (Supply) Act, 1919) an opportunity of being heard or of stating objections is required to be given, and that the time so stated shall not be less than such minimum period as may be specified in the regulations; and
 - (d) that, in so far as any such notice requires objections to be sent to any person other than the Minister, copies of the objections shall be sent to the Minister by that person:

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Provided that, in relation to applications for consent under the said section two to the extension of generating stations, any regulations made under this subsection may include provision for enabling the Minister to give directions dispensing with the requirements of the regulations, in cases where in accordance with that section the Minister dispenses with the giving of notices thereunder.

- (3) Where, in the case of any such application as is mentioned in the last preceding subsection,—
- (a) the Minister is not required by virtue of subsection (1) of this section to cause a public inquiry to be held, but
 - (b) objections or copies of objections have been sent to the Minister in pursuance of regulations made under the last preceding subsection,
- the Minister shall consider those objections, together with all other material considerations, with a view to determining whether a public inquiry should be held with respect to the application, and, if he thinks it appropriate to do so, shall cause a public inquiry to be held, either in addition to, or in lieu of, any other hearing or opportunity of stating objections to the application.
- (4) Where in accordance with any of the preceding provisions of this section a public inquiry is to be held in respect of an application by an Electricity Board, the Minister shall inform the Board accordingly; and the Board shall in two successive weeks publish a notice stating—
- (a) the fact that the application has been made, and the purpose thereof, together with a description of the land to which it relates;
 - (b) a place in the locality where a copy of the application, and of the map referred to therein, can be inspected; and
 - (c) the place, date and time of the public inquiry.
- (5) A notice under the last preceding subsection shall be published in one or more local newspapers circulating in the locality in which the land in question is situated, or circulating respectively in the several localities in which different parts of that land are situated, as the Board publishing the notice may consider appropriate.
- (6) If it appears to the Minister that, in addition to the publication of a notice in accordance with subsections (4) and (5) of this section, further notification of the public inquiry should be given (either by the service of notices, or by advertisement, or in any other way) in order to secure that the information specified in paragraphs (a) to (c) of subsection (4) of this section is sufficiently made known to persons in the locality, the Minister may direct the Board to take such further steps for that purpose as may be specified in the direction.
- (7) Where in accordance with this section a public inquiry is to be held in respect of an application for the consent or authorisation of the Minister under paragraph (b) of section ten of the Schedule of 1899, and (whether in pursuance of subsection (2) of section thirty-two of this Act or otherwise) the Minister is proceeding concurrently as mentioned in subsection (1) of section forty-four of the Electricity (Supply) Act, 1926, the public inquiry shall extend to all the matters arising in those concurrent proceedings, and any notice of the inquiry (in addition to any other matters required to be stated therein) shall indicate the extent of the inquiry accordingly.
- (8) The provisions of the Second Schedule to this Act shall have effect for the purposes of this section.

- (9) In the application of this section to Scotland.—
- (a) for any reference to the Minister there shall be substituted a reference to the Secretary of State; and
 - (b) subsections (4) and (5) shall not apply, and for subsection (6) there shall be substituted the following subsection:—
 - “(6) Where in pursuance of subsection (1) or subsection (3) of this section a public inquiry is to be held, and it appears to the Secretary of State that in addition to any public notice of such an inquiry any further notification concerning the inquiry is necessary or expedient (either by way of service of notice upon any person or in any other way), the Secretary of State may direct the Board to take such further steps for this purpose as may be specified in the direction.”
- (10) In this section " high voltage line " means an electric line for conveying or transmitting electricity at or above a voltage of one hundred and thirty-two thousand.

35 Entry on land for purposes of exploration

- (1) Without prejudice to any other rights of entry exercisable by Electricity Boards, an Electricity Board, or any person duly authorised in writing by an Electricity Board, may, at any reasonable time, enter upon and survey any land, other than land covered by buildings or used as a garden or pleasure ground, for the purpose of ascertaining whether the land would be suitable for use for the purposes of any functions of the Board.
- (2) Subsections (4), (5) and (9) of section one hundred and three of the Town and Country Planning Act, 1947 (which contain supplementary provisions relating to the right of entry conferred by that section) shall apply in relation to the powers conferred by this section as they apply in relation to the powers conferred by that section:
- Provided that—
- (a) subsection (4) of that section (which requires twenty-four hours' notice to be given of an intended entry upon any occupied land) shall so apply as if for the words " twenty-four hours " there were substituted the words " twenty-eight days "; and
 - (b) subsection (9) of that section (which relates to power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein) shall so apply as if the words " or the presence of minerals therein " were omitted.
- (3) Where in the exercise of any power conferred by this section any damage is caused to land or to chattels, any person interested in the land or chattels may recover compensation in respect of that damage from the Electricity Board by whom or on whose behalf the power is exercised; and where in consequence of the exercise of any such power any person is disturbed in his enjoyment of any land or chattels, he may recover from that Electricity Board compensation in respect of the disturbance.
- (4) Subsection (1) of section one hundred and ten of the Town and Country Planning Act, 1947 (which provides for the determination of disputes as to compensation under that Act), shall apply to any question of disputed compensation under this section.
- (5) In relation to Scotland, any reference in this section to section one hundred and three of the Town and Country Planning Act, 1947, shall be construed as a reference to section

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ninety-nine of the Town and Country Planning (Scotland) Act, 1947; any reference to section one hundred and ten of the Town and Country Planning Act, 1947, shall be construed as a reference to section one hundred and five of the Town and Country Planning (Scotland) Act, 1947; and any reference to chattels shall be construed as a reference to corporeal moveables.

36 Expedition of highway procedure in connection with electricity works

- (1) Where the Minister of Transport and Civil Aviation proposes to make an order under section forty-nine of the Town and Country Planning Act, 1947 (under which that Minister is empowered to authorise the stopping up or diversion of highways), and it appears to him that the development in question is to be carried out by an Electricity Board, and is development in connection with the generation of electricity, he may certify accordingly; and where a certificate is given under this subsection, the Sixth Schedule to the said Act of 1947 (which relates to the procedure to be followed in connection with the making of an order under the said section forty-nine) shall apply as if—
- (a) in sub-paragraph (b) of paragraph 1 of that Schedule (which requires a copy of the draft order to be available for inspection during a period of three months), and
 - (b) in paragraph 4 of that Schedule (which relates to the procedure where an objection is received before the end of that period),
- for the words " three months " there were substituted the words " thirty days ".
- (2) In relation to Scotland the preceding subsection shall have effect with the substitution, for references to the Minister of Transport and Civil Aviation, to the Town and Country Planning Act, 1947, and to section forty-nine of that Act, of references to the Secretary of State, to the Town and Country Planning (Scotland) Act, 1947, and to section forty-six of that Act.

37 Preservation of amenity

In formulating or considering any proposals relating to the functions of the Generating Board or of any of the Area Boards (including any such general programme as is mentioned in subsection (4) of section eight of this Act), the Board in question, the Electricity Council and the Minister, having regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest, and of protecting buildings and other objects of architectural or historic interest, shall each take into account any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, buildings or objects.

38 Status of Electricity Council, Generating Board and Area Boards

It is hereby declared for the avoidance of doubt that neither the Electricity Council nor the Generating Board nor any of the Area Boards are to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown, and no property of the Council or of any of those Boards is to be regarded as property of, or held on behalf of, the Crown.

39 Administrative expenses

There shall be defrayed out of moneys provided by Parliament any administrative expenses incurred by the Minister, or by any other Minister of the Crown or Government department, in consequence of the provisions of this Act.

40 Interpretation

(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—

" Exchequer advances " has the meaning assigned to it by section fifteen of this Act;

" the Generating Board " has the meaning assigned to it by section two of this Act;

" performance ", in relation to functions, includes the exercise of powers as well as the performance of duties, and " perform " shall be construed accordingly ;

" the principal Act " means the Electricity Act, 1947 ;

" the Schedule of 1899 " has the meaning assigned to it by section thirty of this Act;

" the vesting date " has the meaning assigned to it by section one of this Act;

and, except in so far as the context otherwise requires, other expressions used in this Act and in the principal Act have the same meanings in this Act as in that Act.

(2) Any provision of this Act conferring a power to give directions, if it does not expressly provide that the directions shall be of a general character, shall be construed as conferring a power to give directions either of a general or of a specific character; and every provision of this Act conferring a power to give directions shall be construed as imposing, on any person to whom directions are given thereunder, a duty to comply with those directions.

(3) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

41 Transitional provisions

The transitional provisions contained in the Third Schedule to this Act shall have effect for the purposes of this Act.

42 Amendment and adaptation of enactments, and repeals

(1) Without prejudice to the amendments and adaptations of enactments having effect by virtue of the preceding provisions of this Act, the enactments specified in the Fourth Schedule to this Act, and all other enactments (including local enactments) to which any general provisions of Part II of that Schedule apply, shall have effect subject to the amendments and adaptations specified in that Schedule, being—

(a) amendments and adaptations for transferring functions of the Central Authority to the Electricity Council, the Generating Board or the Minister, or for applying to the Electricity Council, the Generating Board or the Minister provisions which apply to the Central Authority;

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- (b) amendments and adaptations consequential on the preceding provisions of this Act or on the amendments and adaptations referred to in the preceding paragraph ;
 - (c) other amendments of a minor character.
- (2) In so far as any reference in a local enactment to any authorised undertakers, or to any matter relating to any authorised undertakers.—
- (a) has effect as adapted or modified by virtue of subsection (3) of section fifty-seven of the principal Act, and
 - (b) as so adapted or modified, has effect as a reference to the Central Authority, or to any matter relating to the Central Authority,
- that reference shall have effect as a reference to the Generating Board, or to the corresponding matter relating to the Generating Board, as the case may be; and so much of the said subsection (3) as confers power to prescribe other adaptations and modifications of local enactments shall apply in relation to the provisions of this Act (including the preceding provisions of this subsection) as it applies in relation to the provisions mentioned in that subsection.
- (3) Subject to the provisions of subsection (4) of the next following section, the enactments specified in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

43 Short title, citation, commencement and extent

- (1) This Act may be cited as the Electricity Act, 1957 ; and the Electricity Act, 1947, and this Act may be cited together as the Electricity Acts, 1947 and 1957.
- (2) The Electricity (Scotland) Acts, 1943 to 1954, and this Act, so far as it relates to Scotland, may be cited together as the Electricity (Scotland) Acts, 1943 to 1957.
- (3) Sections five to twenty-two, section twenty-four, section twenty-eight and section forty-two of this Act shall come into operation on the vesting date.
- (4) The following provisions of this Act shall not extend to Scotland, that is to say.—
 - (a) subsection (1) of section five and Part I of the First Schedule to this Act; and
 - (b) subsection (3) of the last preceding section, in so far as it relates to the enactments specified in Part II of the Fifth Schedule to this Act.
- (5) This Act shall not extend to Northern Ireland.