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## SCHEDULES

### THIRD SCHEDULE

Section 41.

#### TRANSITIONAL PROVISIONS

##### *Consultative Councils*

- 1 (1) Any person holding office as a member of a Consultative Council, or as chairman or deputy chairman of a Consultative Council, by virtue of an appointment made before the vesting date, shall continue to hold that office on and after that date, notwithstanding that his appointment—
- (a) in the case of any of the Consultative Councils in England and Wales, was not in accordance with the provisions of section seven of the principal Act as amended by section five of, and Part I of the First Schedule to, this Act, or
  - (b) in the case of either of the Consultative Councils in Scotland, was not in accordance with the provisions of the new section seven A inserted in the principal Act by section five of, and Part II of the First Schedule to, this Act,
- until the time when he would have ceased to hold that office by virtue of that appointment if section five of this Act had not been enacted.
- (2) Any regulations made by virtue of the said section seven which are in force immediately before the vesting date, in so far as they relate to matters for which provision could be made by regulations under that section as amended by this Act, or under the said new section seven A, as the case may be, shall continue to have effect after that date, until revoked, as if they had been made under the said section seven as so amended, or under the said section seven A, as the case may be.

##### *Machinery for settling employment conditions*

- 2 (1) This paragraph applies to any agreement entered into by the Central Authority under section fifty-three of the principal Act (which made provision for purposes similar to those of section twelve of this Act), being an agreement which is in force immediately before the vesting date.
- (2) Any such agreement relating to employed persons generally or to any class of employed persons—
- (a) shall continue in operation on and after the vesting date until it is superseded by an agreement made in relation to employed persons generally or to that class of employed persons, as the case may be, under the corresponding provisions of section twelve of this Act, and
  - (b) while it so continues in operation, shall, subject to the following provisions of this paragraph, have effect, in relation to any time on or after the vesting date, as if the Electricity Council had been a party to the agreement and as if, in the provisions of the agreement, references (however expressed) to the Central Authority were references to the Electricity Council or to the Generating Board or to both of them, as the case may require.

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- (3) In so far as any agreement to which this paragraph applies provides for the constitution of a national organisation (that is to say, a council or other organisation whose functions under the agreement extend to the whole of Great Britain or the whole of England and Wales), the agreement shall have effect, in relation to any time on or after the vesting date, subject to the following provisions, that is to say—
- (a) any power for the Central Authority to appoint members of the organisation to represent the Authority generally shall be construed as a power for the Electricity Council to appoint members to represent the Council; and any member of the organisation so appointed by the Central Authority shall be treated as if he had been appointed by the Electricity Council to represent the Council;
  - (b) any other power for the Central Authority to appoint a member of the organisation shall be construed as if it were a power for the Electricity Council to appoint such a member, and as if any reference in that power to a division of the Authority were a reference to the corresponding division of the Generating Board; and any member of the organisation appointed by the Central Authority in the exercise of such a power shall be treated as if he had been appointed by the Electricity Council in the exercise of that power as modified by this provision.
- (4) In so far as any agreement to which this paragraph applies provides for the constitution of an organisation other than a national organisation, the agreement shall have effect, in relation to any time on or after the vesting date, subject to the following provisions, that is to say,—
- (a) any power for the Central Authority, or a division of the Central Authority, to appoint any members of the organisation shall be construed as a power for the Generating Board, or the corresponding division of the Generating Board, as the case may be, to appoint those members;
  - (b) any members of the organisation appointed by the Central Authority, or a division of the Central Authority, shall be treated as if they had been appointed by the Generating Board, or the corresponding division of the Generating Board, as the case may be.
- (5) It shall be the duty of the Generating Board and of each of the Area Boards to comply with any agreement to which this paragraph applies, while it continues in operation in accordance with this paragraph.
- (6) Subsection (1) of section twenty-six of this Act shall not apply to any agreement to which this paragraph applies.

### *Tariffs*

- 3 (1) Any tariff fixed before the passing of this Act by the Central Authority, in accordance with subsections (1) and (2) of section thirty-seven of the principal Act, for regulating the prices to be charged by the Authority for the supply of electricity by them to Area Boards during the period of twelve months beginning on the first day of April, nineteen hundred and fifty-seven.—
- (a) shall apply to electricity supplied to Area Boards within that period by the Generating Board on or after the vesting date, as well as to electricity supplied to Area Boards within that period by the Central Authority before the vesting date, and

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- (b) shall have effect, and shall be deemed to have had effect as from the said first day of April, as if any reference therein to the Central Authority were a reference to the Central Authority or the Generating Board.
- (2) Subsection (2) of section twenty-six of this Act shall not apply to any such tariff as is mentioned in the preceding sub-paragraph.
- (3) Any charges payable under any such tariff in respect of electricity supplied to an Area Board before the vesting date, in so far as they are not paid to the Central Authority, shall be payable to the Generating Board.
- (4) Notwithstanding the amendment made by subsection (2) of section fourteen of this Act, the tariffs in force under subsection (3) of section thirty-seven of the principal Act immediately before the vesting date shall remain in force on and after that date, until varied or replaced by tariffs fixed in accordance with the said subsection (3) as so amended.
- (5) Nothing in subsection (2) of section fourteen of this Act shall be construed as affecting any agreement in force immediately before the vesting date, being an agreement entered into by an Area Board under the provisions of subsection (7) of section thirty-seven of the principal Act (under which Area Boards are empowered to enter into special agreements with consumers).

*Liabilities in respect of British Electricity Stock and Exchequer advances*

- 4 (1) In respect of British Electricity Stock issued before the vesting date, the Electricity Council shall prepare a scheme for determining, as between the Electricity Council, the Generating Board and the Area Boards, the shares in which the ultimate responsibility for meeting obligations in respect of that stock is to be borne, and for allocating to the Council, to the Generating Board, and to each of the Area Boards respectively, responsibility in respect of stock so issued in accordance with the shares determined under that scheme.
- (2) In paragraph (b) of subsection (2) of section eighteen of this Act, the reference to the proportions in which responsibility was allocated in respect of the stock to be redeemed or converted shall be construed, where the stock to be redeemed or converted is stock issued before the vesting date, as a reference to the proportions in which responsibility for that stock was allocated under the preceding sub-paragraph.
- (3) Subsection (3) of section eighteen of this Act shall apply in relation to stock for which responsibility is allocated under this paragraph as it applies in relation to stock for which responsibility is allocated in accordance with that section.
- 5 (1) The Electricity Council shall prepare a scheme for determining, as between the Electricity Council, the Generating Board and the Area Boards, the shares in which the ultimate responsibility is to be borne for meeting obligations in respect of Exchequer advances made to the Central Authority, and for allocating to the Council, to the Generating Board, and to each of the Area Boards respectively, responsibility in respect of such Exchequer advances in accordance with the shares determined under that scheme.
- (2) Paragraph (b) of subsection (2) of section eighteen of this Act shall apply to British Electricity Stock issued by the Electricity Council for the purpose of repaying Exchequer advances made to the Central Authority, with the substitution, for the

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words " stock to be redeemed or converted " of the words " Exchequer advances to be repaid ".

- (3) Subsection (3) of section eighteen of this Act shall apply in relation to payments in respect of interest on, or the repayment of, Exchequer advances made to the Central Authority as it applies in relation to payments in respect of interest on or the redemption of stock, as if any reference therein to responsibility, under that section were a reference to responsibility under a scheme made by virtue of this paragraph.

- 6 Any scheme prepared by the Electricity Council under paragraph 4 or paragraph 5 of this Schedule shall not have effect until it has been settled by the Council with the Minister, after giving to the Generating Board and each of the Area Boards an opportunity to make representations thereon to him.

*Central reserve fund*

- 7 (1) The central reserve fund shall be wound up as from the vesting date.
- (2) The Electricity Council shall prepare a scheme for distributing the central reserve fund among the Generating Board and the Area Boards.
- (3) A scheme prepared by the Electricity Council under the last preceding sub-paragraph shall not have effect until it has been settled by the Council with the Minister, after giving to the Generating Board and each of the Area Boards an opportunity to make representations thereon to him.
- (4) Subject to the last preceding sub-paragraph, the central reserve fund shall be distributed in accordance with the scheme prepared and settled by the Electricity Council under this paragraph.

*Transfer of undertaking of Central Authority*

- 8 (1) Any legal proceedings or applications to any authority pending on the vesting date by or against the Central Authority, in so far as they relate to any property, right, liability or obligation transferred to the Electricity Council or the Generating Board by virtue of this Act, or to any enactment applied to the Electricity Council or the Generating Board by virtue of this Act, may be continued on and after the vesting date by or against the Electricity Council or the Generating Board, as the case may be.
- (2) Any legal proceedings or applications to any authority pending on the vesting date by or against the Central Authority, in so far as they relate to any agreement or document which has effect in accordance with subsection (1) or subsection (2) of section twenty-six of this Act, may be continued on and after the vesting date by or against the appropriate transferees (as denoted by that section).
- (3) In this paragraph " obligation " has the same meaning as in section twenty-five of this Act.
- 9 (1) The Minister may direct the Central Authority to produce such books of account, records and documents, and to supply such other information, as may reasonably be required—
- (a) by the Electricity Council or the Generating Board for the purpose of assisting that Council or Board in taking over the property, rights, liabilities and obligations transferred to them by virtue of this Act, or

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- (b) by the Minister, the Electricity Council or the Generating Board for any other purposes arising out of the provisions of this Act,  
and to provide facilities for the examination of any such books, records and documents, and the taking of copies thereof and extracts therefrom, and facilities for the verification of other information supplied under the directions.
- (2) Any such directions may make provision as to the manner, time and place in or at which any requirement of the directions is to be complied with.
- 10 (1) Notwithstanding the definition of " financial year " in subsection (1) of section sixty-seven of the principal Act, or any regulations made for the purposes of that definition.
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- (a) the period beginning with the first day of April, nineteen hundred and fifty-seven, and ending with the thirty-first day of December, nineteen hundred and fifty-seven (in this paragraph referred to as " the 1957 period "), shall, for all the purposes of the principal Act, be taken to be a financial year of the Central Authority and of each of the Area Boards; and
- (b) so much (if any) of the period beginning with the first day of January, nineteen hundred and fifty-eight, and ending with the thirty-first day of March, nineteen hundred and fifty-eight, as (apart from this paragraph) would not have been comprised in the first financial year of the Electricity Council, or of the Generating Board, or, in the case of any of the Area Boards, would not have been comprised in the first financial year of that Board beginning after the end of the 1957 period, shall, for all the purposes of the principal Act and of this Act, be treated as added to, and incorporated in, that first financial year.
- (2) The Electricity Council and the Generating Board shall be jointly responsible for the annual report of the Central Authority for the 1957 period (which, in accordance with the preceding sub-paragraph, will constitute a financial year of the Authority) and for the accounts and audit of the Central Authority for that period, but only so far as may be necessary—
- (a) for completing that report and submitting it to the Minister;
- (b) for completing those accounts; and
- (c) for sending to the Minister a copy of the statement of those accounts and of any report of the auditors thereon;
- and the provisions of section ten of this Act and of section forty-six of the principal Act shall apply accordingly with the necessary modifications.

#### *Pension rights*

- 11 Notwithstanding any amendment of the principal Act having effect by virtue of this Act, in section fifty-four of that Act (which relates to pensions for former employees) any reference to an Electricity Board shall continue on and after the vesting date to include a reference to the Central Authority.
- 12 Notwithstanding any amendment by this Act of subsection (6) of section three of the principal Act (which relates to the remuneration and pensions of members of the Central Authority and of Area Boards),—
- (a) the provisions of that subsection (except so much of those provisions as requires the payments thereunder to be made by the Central Authority) shall continue on and after the vesting date to have effect in relation to persons who were members of the Central Authority at any time before the vesting

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date, other than persons to whom compensation becomes payable by virtue of subsection (1) of section twenty-seven of this Act;

- (b) any liability arising by virtue of the said subsection (6) (in so far as that subsection has effect in accordance with the preceding sub-paragraph) to pay any pension on or after the vesting date to or in respect of persons who were members of the Central Authority shall be treated for the purposes of section twenty-six of this Act as if it had been a liability of the Central Authority subsisting immediately before the vesting date.

*Activities and expenses of Electricity Council and Generating Board before vesting date*

- 13 (1) Notwithstanding anything contained in subsection (3) of section forty-three of this Act, subsection (5) of section two of the principal Act and subsections (1), (6), (7) and (8) of section three of that Act, as amended respectively by Part I of the Fourth Schedule to this Act, shall have effect in relation to the Generating Board as from the establishment of that Board:

Provided that nothing in this sub-paragraph shall affect the operation of those subsections in relation to the Central Authority.

- (2) In respect of any expenses incurred or to be incurred by the Electricity Council or the Generating Board before the vesting date, the Council or Board, as the case may be, may require the Central Authority to make such payments to them as the Council or Board may certify to be necessary for meeting any such expenses.
- (3) All payments made by the Central Authority in accordance with the last preceding sub-paragraph shall be charged to the revenue account of the Authority for the financial year ending on the thirty-first day of December, nineteen hundred and fifty-seven.
- (4) All expenses incurred by the Electricity Council or the Generating Board before the vesting date shall, for the purposes of the accounts of the Council or Board, be treated as expenses incurred in the first financial year of the Council or Board; and all sums received by the Electricity Council or the Generating Board by virtue of sub-paragraph (2) of this paragraph shall be treated for those purposes as receipts attributable to that financial year.

*Applications for consent or authorisation made before vesting date*

- 14 The following provisions of this Act, that is to say.—
- (a) sections thirty-two to thirty-four, and
- (b) so much of the Fourth Schedule to this Act as amends section two of the Electric Lighting Act, 1909,

shall not have effect in relation to the giving of any consent or authorisation for which application was made before the passing of this Act, or is made thereafter but before the vesting date.