



# Electricity (Scotland) Act 1979

## CHAPTER 11

### ARRANGEMENT OF SECTIONS

#### PART I

#### THE BOARDS

##### *Constitution*

Section

1. Constitution of Boards.
2. Definition and variation of districts.

##### *Principal functions*

3. Functions of the Boards.
4. General duties in exercising functions.
5. Duty in relation to amenity.
6. Duty of North Board in relation to economic development.

##### *Powers and duties*

7. Ancillary powers.
8. Powers of Boards to enter into agreements with each other, and with other Boards and persons.
9. Purchase and supply of electricity.
10. Constructional schemes.
11. Acquisition of land etc. for purposes of constructional schemes.
12. Compulsory purchase of land.
13. Ancillary powers in relation to land.
14. Power to conduct experiments.
15. Research into heating from electricity.
16. Agreements for technical assistance overseas.

##### *Consultation*

17. Consultative Councils.

*Finance*

## Section

18. General Fund.
19. General reserve fund of the South Board.
20. Sums which are to be chargeable by the South Board to revenue account.
21. Application of surplus revenues of the South Board.
22. Fixing and variation of tariffs.
23. Maximum charges for reselling electricity supplied by the Boards.
24. Exchequer advances to the Boards.
25. Power to Treasury to guarantee loans to the Boards.
26. Power to issue stock.
27. Power of the Boards to borrow.
28. Application of money.
29. Limit on aggregate of amount outstanding.
30. Accounts and audit.
31. Exemption from taxes.

## PART II

## POWERS OF SECRETARY OF STATE

32. Powers of the Secretary of State.
33. Power to give directions.
34. Transfer orders.
35. Control of new private hydro-electric generating stations.
36. Compensation for members and officers of the Boards.
37. Pension rights.
38. Inquiries.

## PART III

## GENERAL AND MISCELLANEOUS

39. Disputes between the Boards.
40. Orders and regulations.
41. Offences and penalties.
42. Annual reports, statistics and returns.
43. Power of Boards to promote and oppose private legislation.
44. Service of notices etc.
45. Interpretation.
46. Transitional and saving provisions and consequential amendment and repeals.
47. Short title, extent and commencement.

## SCHEDULES:

- Schedule 1—Constitution and proceedings of the Boards.

- Schedule 2—Districts.
- Schedule 3—Supply of electricity to railways.
- Schedule 4—Constitution and function of Amenity Committee and Fisheries Committee.
- Schedule 5—Constructional schemes.
- Schedule 6—Adaptations and modifications of Lands Clauses Acts and of the Railway Clauses Consolidation (Scotland) Act 1845.
- Schedule 7—Consultative Councils.
- Schedule 8—Provisions as to Inquiries.
- Schedule 9—Service of Notices.
- Schedule 10—Transitional and saving provisions.
- Schedule 11—Consequential amendment.
- Schedule 12—Repeals.



ELIZABETH II



# Electricity (Scotland) Act 1979

1979 CHAPTER 11

An Act to consolidate certain enactments relating to the North of Scotland Hydro-Electric Board and the South of Scotland Electricity Board and to functions of the Secretary of State in relation to the generation and distribution of electricity in Scotland with amendments to give effect to recommendations of the Scottish Law Commission. [22nd March 1979]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I

### THE BOARDS

#### *Constitution*

1.—(1) The North of Scotland Hydro-Electric Board established by section 1 of the Act of 1943 (in this Act referred to as "the North Board") and the South of Scotland Electricity Board established by section 2 of the Act of 1954 (in this Act referred to as "the South Board") shall continue in existence, and are referred to in this Act as "the Boards".

(2) Schedule 1 shall have effect in relation to the constitution and proceedings of the Boards.

2.—(1) Subject to the provisions of this section, the districts of the North and South Boards shall continue to be as defined in Parts I and II of Schedule 2 respectively.

(2) Subject to subsection (3), the Secretary of State may, after giving to each Board an opportunity to make representations, by order vary the districts defined in Schedule 2 and any such

Definition  
and variation  
of districts.

## PART I

variation may include the formation of a new district from any part of an existing district or parts of existing districts, or the amalgamation with an existing district of the whole or part of any other existing district.

(3) Part III of Schedule 2 shall have effect in relation to any order made under subsection (2).

(4) In subsection (2), "existing" means existing immediately before the order in question is made.

*Principal functions*

## Functions of the Boards.

3.—(1) Subject to the provisions of this Act, the Boards shall be responsible for initiating and undertaking the development of all means of generation of electricity within their respective districts.

(2) Subject to any directions of the Secretary of State and the provisions of this Act, it shall, so far as practicable, be the duty—

(a) of the South Board—

(i) to plan and carry out an efficient and economic distribution of supplies of electricity to persons in their district;

(ii) to provide supplies of electricity to meet the requirements for haulage or traction of railway undertakers in their district;

(b) of the North Board—

(i) to provide supplies of electricity required to meet the demands of ordinary consumers in their district;

(ii) to provide supplies of electricity suitable for the needs of large power users in their district, including the requirements for haulage or traction of railway undertakers.

(3) Subject to any duty of the North Board to supply electricity to the South Board, the duties imposed on the North Board under head (i) of paragraph (b) of subsection (2) shall have priority over all other demands for the electricity generated by them.

(4) Schedule 3 shall have effect in relation to the supply of electricity by the Boards to railway undertakers under subsection (2).

## General duties in exercising functions.

4.—In exercising and performing their functions the Boards shall, subject to and in accordance with any directions given by the Secretary of State under section 33—

(a) promote the use of all economical methods of generating, transmitting and distributing electricity;

- (b) secure so far as practicable, the development, extension to rural areas and cheapening of supplies of electricity ;
- (c) avoid undue preference in the provision of such supplies ;
- (d) promote the simplification and standardisation of methods of charge for such supplies ;
- (e) promote the standardisation of systems of supply and types of electrical fittings ;
- (f) promote the welfare, health and safety of persons in their employment and in consultation with any organisation appearing to them to be appropriate make provision for advancing the skill of persons employed by them and for improving the efficiency of their equipment and of the manner in which that equipment is to be used, including provision by them, and the assistance of the provision by others, of facilities for training and education ;
- (g) conduct research into matters affecting the supply of electricity and assist other persons conducting such research.

PART I

5.—(1) In the exercise of their functions the Boards shall have regard in relation to their respective districts to the desirability of preserving the beauty of the scenery and any object of architectural or historical interest and of avoiding as far as possible injury to fisheries and to the stock of fish in any waters. Duty in relation to amenity.

(2) For the purpose of giving advice and assistance to the Secretary of State and to each of the Boards, the Secretary of State shall appoint two Committees (in this Act referred to as the Amenity Committee and the Fisheries Committee respectively) ; and Schedule 4 shall have effect in relation to the constitution, proceedings and functions of those Committees.

6. The North Board shall, so far as their powers and duties permit, collaborate in the carrying out of any measures for the economic development and social improvement of the whole or any part of their district. Duty of North Board in relation to economic development.

#### *Powers and duties*

7.—(1) Subject to subsection (2), each of the Boards shall have Ancillary powers.  
power

- (a) to manufacture electrical plant and electrical fittings ;
- (b) to sell, hire or otherwise supply electrical plant and electrical fittings and to instal, repair, maintain or remove any electrical plant and electrical fittings ;

## PART I

(c) to carry on all such other activities as may appear to the Board concerned to be requisite, advantageous or convenient for them to carry on for or in connection with the performance of their duties under this Act, or with a view to making the best use of any assets vested in them.

(2) Subsection (1) shall not apply to the manufacture of electrical plant or electrical fittings for export.

(3) The Boards may do anything and enter into any transaction (whether or not involving the expenditure, the borrowing in accordance with the provisions of this Act or the lending of money, the acquisition of any property or rights or the disposal of any property or rights not in their opinion required for the proper exercise and performance of their functions) which in their opinion is calculated to facilitate the proper exercise or performance of any of their functions under this Act or is incidental or conducive thereto.

(4) The Boards may collect for the purposes of their powers and duties under this Act information as to the requirements of the whole or any part of their respective districts in respect of electricity.

Powers of Boards to enter into agreements with each other, and with other persons.

8.—(1) Subject to this section and section 9 either of the Boards may by agreement—

(a) with each other—

(i) give to or acquire from the other Board bulk supplies of electricity ;

(ii) supply electricity to consumers in the district of the other Board ;

(b) with the Generating Board or with any person or body of persons carrying on an electricity undertaking outside Great Britain, provide bulk supplies of electricity for the Generating Board or for that undertaking.

(2) If either of the Boards are unable to obtain the agreement of the other Board under head (ii) of paragraph (a) of subsection (1), they may apply to the Secretary of State for an authorisation to supply electricity to consumers in such part of the district of the other Board as may be specified in the application, and if the Secretary of State gives such authorisation the Board which has applied for it shall have power to supply electricity in accordance with it.



(3) Either of the Boards may by agreement with the other Board use for the purposes of any of their functions any works, plant or other property of the other Board.

PART I

(4) If it appears to the Secretary of State that such use cannot be obtained by agreement between the Boards and is required by one of them for the purpose of securing efficient and economical services he may by order authorise such use by that Board on such terms and conditions (including the payment of money) as he may determine.

**9.**—(1) Either of the Boards may purchase electricity from the other Board on such terms and conditions as they may agree.

Purchase and supply of electricity.

(2) Either of the Boards may purchase electricity from any other person (other than an Area Board) on such terms and conditions as may be agreed with that person but—

(a) where any purchase of electricity is made by either of the Boards from a person in the district of the other Board any such purchase shall require the approval of that other Board ; or

(b) where any purchase of electricity is made by either of the Boards from a person in the area of an Area Board, any such purchase shall require the approval of the Generating Board.

(3) The South Board and the North Board may enter into and carry into effect agreements for the construction by either Board of such main transmission lines as are necessary for the delivery of electricity purchased under this section, and for that purpose the powers of either Board shall be exercisable in the district of the other.

(4) Any question between the Boards under this section shall be determined by an arbiter appointed by the Secretary of State.

**10.**—(1) Each of the Boards shall in respect of their respective districts prepare schemes (in this Act referred to as “constructional schemes”) with a view to the execution of works necessary for the generation of electricity by water power, other than works required for the replacement or renewal of works already authorised.

(2) Schedule 5 shall have effect in relation to constructional schemes.

## PART I

(3) If the Secretary of State is satisfied that a proposed extension of existing works involves only works of a minor character he may, subject to such conditions as he may think fit to impose, authorise the Board concerned to execute those works without the preparation of a constructional scheme.

Acquisition of land etc. for purposes of constructional schemes.

**11.**—(1) For the purpose of carrying out any scheme confirmed under section 10, the Board authorised to carry out the scheme so confirmed may, subject to the provisions of this Act,

- (a) acquire such land,
- (b) abstract, divert and use such water,
- (c) divert such roads, and
- (d) construct, operate and maintain such works and plant,

as may be necessary for that purpose, and do any other thing necessary for the effective exercise and discharge of their powers and duties.

1963 c. 51.  
1973 c. 56.  
1845 c. 19.  
1845 c. 33.

(2) Subject to the provisions of the Land Compensation (Scotland) Acts 1963 and 1973, and of this section, the Lands Clauses Acts and section 6 and sections 70 to 78 of the Railways Clauses Consolidation (Scotland) Act 1845 shall apply in accordance with the provisions of Schedule 6 for the purposes of the acquisition of land which either of the Boards are authorised by a constructional scheme to acquire.

(3) If it appears to the Board concerned necessary or expedient for the purpose of carrying out a constructional scheme to enter upon and take possession of any land which they are authorised by the scheme to acquire, they may, after giving not less than 28 days notice by registered post to the persons appearing from the valuation roll to be the owners and occupiers of that land, enter upon and take possession of that land, and may give such directions as appear to them to be necessary or expedient in connection with the taking of possession of that land.

(4) A certified copy of any direction to give up possession of and remove from any land given under subsection (3) shall be sufficient warrant for ejection against any occupier or any party in his right in the event of non-compliance with any such direction.

(5) Land of which either of the Boards are in possession in pursuance of subsection (3) may, notwithstanding any restriction imposed on the use of that land under any enactment or otherwise, be used, subject to the provisions of the scheme, by

the Board in such manner as they think expedient for the purpose of carrying out the scheme.

PART I

(6) Where in the exercise of the powers conferred on them by subsection (3) either of the Boards have taken possession of any land, they shall as soon as may be proceed with the acquisition of the land and shall, if they are unable to acquire the land by agreement, serve notice to treat.

**12.**—(1) This section applies to land required by either of the Boards for any purpose connected with the discharge of their functions, not being land required by them for the purposes of a constructional scheme under section 10.

Compulsory purchase of land.

(2) The Secretary of State may authorise either of the Boards to purchase compulsorily any land to which this section applies and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to any such compulsory purchase as if the Board making the purchase were a local authority within the meaning of that Act and as if this Act had been in force immediately before the commencement of that Act.

1947 c. 42.

(3) Either of the Boards may be authorised under this section to purchase compulsorily a right to place an electric line across land, whether above or below ground, and a right to repair and maintain the line, without purchasing any other interest in the land.

(4) The said Act of 1947 shall have effect in relation to compulsory purchase under subsection (3) as if references to the land comprised in the compulsory purchase order were construed as references to the land across which the line is to be placed and as if references to the obtaining or taking possession of the land comprised in the order were construed as references to the exercise of the right to place the line across land.

(5) In this section “ land ” includes servitudes and other rights over land.

(6) Section 14 of the Schedule to the Electric Lighting (Clauses) Act 1899 shall, so far as it relates to the Post Office, apply to the placing of an electric line in pursuance of any right purchased under subsection (3) as it applies to the execution of works involving the placing of lines in, under, along or across any street or public bridge.

1899 c. 19.

**13.**—(1) Without prejudice to any other rights of entry exercisable by the Boards, any person duly authorised in writing by either of the Boards may, subject to the provisions of this section, Ancillary powers in relation to land.

**PART I** at any reasonable time enter upon and survey any land, not being 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) In subsection (1) the power conferred to survey land includes power, subject to subsection (4), to search and bore for the purpose of ascertaining the nature of the subsoil.

(3) Any person duly authorised by either of the Boards under subsection (1) to enter on any land shall, if so required, produce evidence of his authority before so entering and shall not demand admission as of right to any land which is occupied unless 28 days notice of the intended entry has been given to the occupier.

(4) Where a person proposes to carry out works authorised by virtue of subsection (2)—

(a) he shall not carry out those works unless notice of his intention to do so was included in the notice given under subsection (3); and

(b) if the land in question is held by statutory undertakers, and those undertakers object to the proposed works on the grounds that the carrying out of the works would be seriously detrimental to the carrying on of their undertaking, the works shall not be carried out except with the authority of the Secretary of State.

1972 c. 52. In this subsection “statutory undertakers” has the meaning given by the Town and Country Planning (Scotland) Act 1972 and includes the Post Office.

(5) Any person who wilfully obstructs a person acting in the exercise of his powers under subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20.

(6) Where in the exercise of any power conferred by subsection (1) any damage is caused to land or to corporeal moveables, any person interested in the land or moveables may recover compensation in respect of that damage from the 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 moveables he may recover from that Board compensation in respect of the disturbance.

1963 c. 51. (7) Any question of disputed compensation under subsection (6) shall be referred to and determined by the Lands Tribunal for Scotland, and in relation to the determination of any such question sections 9 and 11 of the Land Compensation (Scotland) Act 1963 shall apply.

(8) Where either of the Boards—

PART I

- (a) acquire a bulk supply of electricity which is received by them outside their district, or
- (b) provide a supply of electricity outside their district,

that Board may, in accordance with proposals submitted by them to the Secretary of State and approved by him, exercise outside their district for the purpose of such acquisition or the provision of such supply any powers exercisable within their district by that Board under this Act or the Electricity (Supply) Acts or any local enactment, being powers relating to the breaking up of streets, railways and tramways which would not be so exercisable apart from this subsection.

(9) The powers conferred by subsection (8) shall be exercisable in like manner and subject to the like provisions and restrictions as they are exercisable by the Board concerned for the purpose of the supply of electricity in the district of that Board.

14. Either of the Boards may conduct experiments or trials for the improvement of methods of generation, distribution or use of electricity in the special conditions and circumstances in their respective districts and may for that purpose incur such expenditure as they may think fit. Power to conduct experiments.

15.—(1) It shall be the duty of the Boards to investigate methods by which heat obtained from or in connection with the generation of electricity may be used for the heating of buildings in neighbouring localities or for any other useful purpose, and the Boards may accordingly conduct or assist others in conducting research into any matters relating to such methods of using heat. Research into heating from electricity.

(2) Either of the Boards may provide or assist other persons to provide for the heating of buildings by any such methods or otherwise for the use of heat so obtained, and may, in accordance with a scheme submitted by the Board concerned to the Secretary of State and approved by order made with or without modification by him, exercise for those purposes the powers conferred by section 13(8) for the purposes of that section, and section 13(9) shall apply in relation to the manner in which those powers are exercisable.

16.—(1) The Boards may, with the consent of the Secretary of State, enter into and carry out agreements with the relevant Minister in pursuance of which the Boards, or one or other of Agreements for technical assistance overseas.

PART I  
1966 c. 21. them, may act at the expense of the Minister as the instrument by means of which technical assistance is furnished by him in exercise of the power conferred on him by section 1(1) of the Overseas Aid Act 1966.

(2) In this section “ the relevant Minister ” means the Minister of the Crown by whom is exercisable the powers conferred on the Minister of Overseas Development by that section 1(1) as originally enacted.

#### *Consultation*

Consultative  
Councils. **17.**—(1) The Consultative Councils established for the districts of each of the Boards under section 7A of the Act of 1947 shall continue in existence.

(2) Schedule 7 shall have effect in relation to the constitution, proceedings and functions of those Councils.

#### *Finance*

General fund. **18.**—(1) It shall be the duty of each of the Boards so to exercise and perform their functions under this Act as to secure that their respective revenues are not less than sufficient to meet their outgoings properly chargeable to revenue account, taking one year with another.

(2) All sums received by the Boards on revenue account from whatever source, including any interest on money invested, shall in the case of each Board be credited to and form part of a fund to be called the “ general fund ”.

General  
reserve fund  
of the South  
Board. **19.**—(1) The South Board shall continue to maintain the general reserve fund established in pursuance of section 11A of the Act of 1943.

(2) The South Board shall contribute to the general reserve fund such sums at such times as the Board may determine, and the management of the fund and the application of the monies contained in the fund shall, subject to the provisions of this section, be as the Board may determine.

(3) No part of the general reserve fund shall be applied otherwise than for the purposes of the South Board.

**PART I**

(4) The Secretary of State may, with the approval of the Treasury, give directions of a general or specific character to the South Board as to any matter relating to the management of the general reserve fund, the carrying of sums to the credit thereof, or the application thereof.

(5) One of the purposes of the general reserve fund is the prevention of frequent fluctuations in the charges made by the South Board, and the powers of the Board in relation to the said fund shall be exercised accordingly.

(6) The provisions of this section shall be without prejudice to the power of the South Board to establish appropriate reserves for replacements or other purposes.

**20.** The South Board shall charge to the general fund in every year all charges which are proper to be made to revenue account including in particular—

Sums which are to be chargeable by the South Board to revenue account.

- (a) proper allocations to the general reserve fund ;
- (b) proper provision for the redemption of capital ;
- (c) proper provision for depreciation of assets or for renewal of assets ; and
- (d) all payments (including the payments which are by the relevant provision of this Act or by any other relevant enactment to be deemed to be capital payments) which fall to be made in that year to any local authority under this Act or the Act of 1947 in respect of any loan by that local authority ;

and references in this Act to outgoings properly chargeable to revenue account shall be construed accordingly.

**21.—**(1) Subject to the provisions of this section any excess of the revenues of the South Board for any financial year over their outgoings for that year properly chargeable to revenue account shall be applied for such purposes as that Board may determine.

Application of surplus revenues of the South Board.

(2) No part of any such excess shall be applied otherwise than for the purposes of the South Board.

(3) The Secretary of State may, with the approval of the Treasury, give directions of a general or specific character to the South Board as to the application of any such excess.

**PART I**  
Fixing and  
variation of  
tariffs.

**22.—(1)** The prices to be charged by each Board for the supply of electricity shall be in accordance with such tariffs as may be fixed by that Board from time to time.

(2) The tariffs fixed under subsection (1) shall be so framed as to show the methods by which, and the principles on which, the charges are to be made as well as the prices which are to be charged, and shall be published in such manner as in the opinion of each Board will secure adequate publicity for them.

(3) A tariff fixed by either of the Boards in respect of a supply of electricity by virtue of the provisions of this Act may include a rent or other charge in respect of electrical fittings provided by the Board on the premises of the consumer.

(4) Notwithstanding anything in the foregoing provisions of this section, in cases where the tariffs in force are not appropriate owing to special circumstances a Board may enter into an agreement with any consumer for the supply of electricity to him on such terms as may be specified in the agreement.

(5) The Boards in fixing tariffs and making agreements under this section shall not show undue preference to any person or class of persons and shall not exercise any undue discrimination against any person or class of persons.

**Maximum  
charges for  
reselling  
electricity  
supplied by  
the Boards.**

**23.—(1)** Either of the 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 concerned will secure adequate publicity for it, and the maximum charges fixed by any such notice may be varied by a subsequent notice published by that Board in accordance with this subsection.

(3) Different maximum charges may be fixed by either Board under this section for different classes of cases, whether by reference to different parts of the district of the Board concerned or by reference to different tariffs under which electricity is supplied by that Board or by reference to any other relevant circumstances.

(4) If, in consideration of the resale of any electricity supplied by either of the Boards in circumstances to which a notice published by that Board under this section applies, any person 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. PART I

**24.**—(1) The Secretary of State may, with the approval of the Treasury, advance to the Boards or either of them any sums which the Boards have power to borrow. Exchequer advances to the Boards.

(2) Any advances made by the Secretary of State under subsection (1) shall be repaid to him at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times, as he may with the approval of the Treasury from time to time direct.

(3) The Treasury may issue out of the National Loans Fund to the Secretary of State such sums as are necessary to enable him to make advances under this section.

(4) Any sums received by the Secretary of State under subsection (2) shall be paid into the National Loans Fund.

(5) In respect of each financial year the Secretary of State shall prepare, in such form and manner as the Treasury may direct, an account of sums issued to him under this section and of the sums to be paid into the National Loans Fund under subsection (4) and of the disposal by him of those sums respectively, and shall send it to the Comptroller and Auditor General not later than the end of November following that financial year; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

**25.**—(1) Subject to the provisions of this section, the Treasury may guarantee, in such manner and on such conditions as they think fit the payment of the interest and principal of any loan proposed to be raised by either Board, or of either the interest or the principal. Power to Treasury to guarantee loans to the Boards.

(2) Such sums as may from time to time be required by the Treasury for fulfilling any guarantees given under this section shall be charged on and issued out of the Consolidated Fund.

(3) The repayment to the Treasury of any sums so issued out of the Consolidated Fund, together with interest thereon at such rate as the Treasury may fix, shall be a charge on the undertaking and all the revenues of the Board next after the principal and interest of the guaranteed loan and any sinking fund payments for the repayment of the principal thereof, and in priority to any other charges not existing at the date on which the loan is raised.

## PART I

(4) All sums paid from time to time in or towards the repayment of any sum issued out of the Consolidated Fund under this section shall be paid into the Exchequer.

(5) Immediately after a guarantee is given under this section, the Treasury shall lay a statement of the guarantee before each House of Parliament.

(6) 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.

Power to  
issue stock.

**26.**—(1) The Boards may for the purpose of raising money which they are authorised to borrow under this Act, create and issue stock.

(2) Any stock issued by either of the Boards and the interest thereon shall be charged on the undertaking and all the revenues of that Board.

(3) Subject to the provisions of this Act, any stock created by the Boards under this section shall be issued, transferred, dealt with, and redeemed according to regulations to be made by the Secretary of State with the approval of the Treasury.

(4) Regulations made under subsection (3) may apply for the purposes of this section, with or without modifications, any provisions of any Act relating to stock issued by a local authority.

Power of the  
Boards to  
borrow.

**27.**—(1) Subject to the provisions of this section, either of the Boards may for the purposes to which this section applies, with the consent of the Secretary of State (which shall require the approval of the Treasury) and subject to regulations to be made by the Secretary of State with the approval of the Treasury, borrow money in sterling or foreign currency from any source, whether within or outwith the United Kingdom, in such manner and subject to such provisions as to repayments as may be prescribed.

(2) Each Board shall have such powers as may be prescribed with respect to reborrowing for the purpose of paying off a loan previously raised under this section.

(3) Regulations under subsection (1) may provide—

- (a) for either of the Boards to borrow temporarily ; and
- (b) for the application, with or without modifications, of any enactments relating to borrowing by local authorities.

(4) The purposes to which this section applies are—

- (a) the acquisition of such land and the acquisition or construction of such works as the Boards are authorised to acquire or construct ;

- (b) the provision of working capital ;
- (c) providing temporarily for any current expenses properly chargeable to revenue ;
- (d) the making of any other payment which the Boards are authorised to make and which ought in the opinion of the Secretary of State to be spread over a term of years, including the payment of interest on money borrowed for capital expenditure for such period as may be determined by the Secretary of State with the approval of the Treasury, not exceeding the period during which the expenditure remains unremunerative.

PART I

(5) Any money borrowed for any of the purposes to which this section applies, and the interest on any such money, shall be charged on the undertaking and all the revenues of the Board concerned.

(6) It shall be lawful for any annual provision required to be made by the North Board for the repayment of money borrowed under this section to be suspended subject to such conditions and for such period, not exceeding the period during which the relative expenditure remains unremunerative, as the Secretary of State, with the approval of the Treasury, may determine.

(7) Where any annual provision is suspended under subsection (6) that suspension shall not be for a period exceeding 5 years from the commencement of the financial year following that in which such expenditure is incurred.

(8) The amount outstanding in respect of the principal of any sums of foreign currency borrowed under this section or section 3 of the Gas and Electricity Act 1968, and of any sums of sterling borrowed from outwith the United Kingdom under this section, shall be included in the aggregate of the amounts outstanding in respect of loans raised by the Boards which is subject to the limit imposed by section 29. 1968 c. 39.

(9) Nothing in subsection (8) shall

(a) prevent the Boards from borrowing in excess of the limit mentioned in that subsection for the purpose of repaying the principal of any such sums borrowed by them under this section or the said section 3, or for the purpose of redeeming any securities issued under either of those sections which they are required or entitled to redeem ;

(b) be taken as exempting the Boards from the provisions of any order under section 1 of the Borrowing (Control and Guarantees) Act 1946 or from the provisions of the Exchange Control Act 1947. 1946 c. 58. 1947 c. 14.

PART I  
Application of  
money.

**28.**—(1) All money borrowed by either of the Boards shall be applied to the purpose for which it is authorised to be borrowed up to the amount required for that purpose, and any excess over that amount and all other capital money received by the Board in respect of their undertaking, including money arising from the disposal of lands acquired by the Board for the purposes of any scheme, shall be applied towards the discharge of any loan, or, with the approval of the Secretary of State, to any other purpose to which capital may properly be applied.

(2) In the case of the North Board there shall be paid out of the general fund all the expenses of the Board which are properly chargeable to revenue including, without prejudice to the generality of this provision—

- (a) interest on money borrowed and the sums required to be set aside for the repayment thereof ;
- (b) payments to the reserve fund ;
- (c) the salaries, fees and allowances to members of the Board ;
- (d) the salaries, remuneration, allowances of, and payments made for the purpose of providing superannuation allowances and gratuities for, the members and the secretary, officers and servants of the Board or their representatives ; and
- (e) expenditure on the operation, maintenance and repair of the works, machinery and plant forming part of the undertaking of the Board.

(3) The North Board may provide out of revenue a reserve fund by setting aside such sums as they think reasonable and investing such sums, and the resulting income thereof, in securities of Her Majesty's Government in the United Kingdom or securities guaranteed as to principal and interest by the Government, not being securities of that Board.

(4) The reserve fund shall be applicable to meet any deficiency at any time existing in the income of the North Board from their undertaking or to meet any extraordinary claim or demand at any time arising against the Board in respect of their undertaking.

(5) The North Board may make provision for the carrying forward of such working balance as they may consider reasonably necessary and may, with the approval of the Secretary of State, apply any surplus revenues in payment of expenses chargeable to capital.

- 29.**—(1) The aggregate of the amounts outstanding in respect of—
- PART I  
Limit on  
aggregate  
of amount  
outstanding.
- (a) the principal of any stock issued (other than stock issued to the Central Authority under section 47 of the Act of 1947 and transferred to the South Board by virtue of section 5(1) of the Act of 1954) ; and
- (b) any loans raised by the Boards ; and
- (c) any advances, whether temporary or otherwise, made to either of those Boards under section 42 of the Finance Act 1956 or under section 2 of the Electricity and Gas Act 1963, or under section 24,

shall not at any time exceed the sum of £1,500 million, or such greater sum not exceeding £1,950 million as the Secretary of State may by order specify.

(2) Nothing in this section shall prevent the Boards from borrowing in excess of the said sum for the purposes of redeeming any stock which they are required or entitled to redeem or of repaying any such loans or any such advances.

**30.**—(1) The Boards shall each cause proper books of account and other books in relation thereto to be kept and shall prepare an annual statement of accounts in such form as the Secretary of State with the approval of the Treasury may direct, being a form which shall conform with the best commercial standards and which shall be such as to secure the provision of separate information as respects the generation of electricity, the distribution of electricity and each of the main other activities of the Board concerned and to show as far as may be the financial and operating results of each such activity.

Accounts  
and audit.

(2) The accounts of each Board and their officers shall be audited by an auditor appointed by the Secretary of State and the audit shall be conducted in such manner as may be prescribed.

(3) As soon as the accounts of either of the Boards have been audited that Board shall send copies to the Secretary of State, together with copies of any report of the auditor, and shall publish the accounts in such manner as the Secretary of State may direct, and shall place copies of the accounts on sale at a reasonable price.

(4) The Secretary of State shall lay before each House of Parliament a copy of the accounts of each of the Boards and of any reports thereon sent to him under subsection (3).

**31.**—(1) Subject to the provisions of this section, nothing in this Act shall exempt either of the Boards from any liability for tax, duty, rate, levy or other charge whatsoever, whether general or local.

Exemption  
from taxes.

**PART I**  
1946 c. 64.

(2) For the purposes of section 52 of the Finance Act 1946 (which exempts from stamp duty certain documents connected with nationalisation schemes) any transfer of property from one of the Boards to the other effected by an order made under this Act shall be deemed to be part of the initial putting into force of such a scheme.

**PART II**

**POWERS OF SECRETARY OF STATE**

Powers of the Secretary of State.

**32.** The Secretary of State shall continue to exercise the functions transferred to him by subsections (1) and (2) of section 1 of the Act of 1954 (functions relating to the generation and supply of electricity in Scotland and matters connected therewith).

Power to give directions.

**33.—**(1) The Secretary of State may after consultation with either of the Boards give to that Board such directions of a general character as to the exercise and performance by the Board of their functions under this Act as appear to the Secretary of State to be requisite in the national interest, and the Board shall give effect to any such directions.

(2) In carrying out such measures of reorganisation, or such works of development, as involve substantial outlay on capital account, the Boards shall act in accordance with a general programme settled from time to time in consultation with the Secretary of State.

(3) In the exercise and performance of their functions as to training, education and research the Boards shall act in accordance with a general programme settled from time to time in consultation with the Secretary of State.

(4) The Secretary of State may, after consultation with either of the Boards, give to that Board directions as to the use or disposal of any assets vested in them, being assets which are not connected with the generation, transmission or distribution of electricity; and the Board shall give effect to any such directions.

Transfer orders.

**34.** The Secretary of State may, after consulting the Boards, provide by order—

- (a) for the transfer to either of the Boards of any property, rights, liabilities and obligations vested in the other Board;
- (b) for the modification of agreements so far as necessary for giving effect to the transfer of rights, liabilities and

obligations thereunder from one of the Boards to the other, and, in a case where part only of the rights, liabilities and obligations under any agreement are transferred, for substituting for the agreement separate agreements in the requisite terms, and for any apportionments and indemnities consequent thereon ;

PART II

- (c) in connection with the transfer to one of the Boards of part of the land comprised in any lease vested in the other Board, for the severance of that lease and for apportionments and indemnities consequent thereon ;
- (d) for such other financial adjustments between the Boards as may be required in consequence of any such order, and for any other matters supplementary to or consequential on the matters aforesaid for which provision appears to the Secretary of State to be necessary or expedient, including the application to the Board to whom the transfer is made of the provisions of any local enactment applicable to the Board from whom the transfer is made.

**35.**—(1) It shall not be lawful, except with the consent of the Secretary of State given after consultation with the North Board or the South Board, as the case may be, for any body or person to establish in the district of either Board a new private generating station operated by water power and having plant with a rating exceeding 50 kilowatts, or to extend any existing private generating station so operated in that district by the installation of plant with a rating exceeding 50 kilowatts.

Control of new private hydro-electric generating stations.

(2) The Secretary of State shall not refuse his consent to the establishment or extension of any such station if he is satisfied that such establishment or extension would not prejudice the exercise or performance by the Board concerned of their powers or duties regarding the development of further means of generation of electricity by water power.

(3) Where consent is given by the Secretary of State under subsection (1) to any body or person, nothing in this Act shall prevent that body or person from exercising any powers otherwise competent to them in relation to the construction or extension of the station and the carrying out of any other works necessary for the operation of the station.

**36.**—(1) Where a person ceases otherwise than on the expiry of his term of office to be a member of either of the Boards and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive compensation, the Secretary of State may, with the approval of

Compensation for members and officers of the Boards.

## PART II

the Minister for the Civil Service, require the Board concerned to make to that person a payment of such amount as may be determined by the Secretary of State with the approval of the Minister for the Civil Service.

(2) The Secretary of State shall by regulations require the Boards and any Board established by order made under section 2 to pay, in such cases and to such extent as may be specified in the regulations, compensation to officers of those Boards who suffer loss of employment or loss or diminution of emoluments or pension rights or whose position is worsened in consequence of—

- (a) the transfer of any property, rights, liabilities and obligations vested in one of those Boards to another of those Boards under section 34(a) or paragraph 6(a) of Schedule 2, or
- (b) the disposal in any other manner of any such property, rights, liabilities or obligations.

(3) Different regulations may be made under subsection (2) in relation to different classes of persons, and any such regulations may be made so as to have effect from a date prior to the date of making, provided that any such regulation so made shall not place any person other than any of those Boards in a worse position than he would have been if the regulations had not been so made.

(4) Regulations made under subsection (2)—

- (a) shall prescribe the procedure to be followed in making claims for compensation, and the manner in which, and the person by whom, the question whether any or all the compensation is payable is to be determined ; and
- (b) may in particular contain provisions enabling appeals from any determination under paragraph (a) to be brought, in such cases and subject to such conditions as may be prescribed before a tribunal established under section 12 of the Industrial Training Act 1964 ; and
- (c) shall, in such cases and to such extent as may be specified in the regulations, extend to persons to whom the said subsection would have applied, but for any service in Her Majesty's Forces and in such other employment as may be specified in the regulations.

1964 c. 16.

**Pension rights.** 37.—(1) The Secretary of State may make regulations—

- (a) for providing pensions to or in respect of persons who are or have been in the employment of either of the Boards or of a Consultative Council established for the district of either of the Boards ;



- (b) for the establishment and administration of pension schemes and pension funds for the purpose of providing the pensions mentioned in paragraph (a) ;
- (c) for the continuance, amendment, repeal or revocation of existing pension schemes, whenever constituted, relating in whole or in part to that purpose and of enactments relating thereto, and of trust deeds, rules or other instruments made for that purpose ;
- (d) for the transfer in whole or in part, or for the extinguishing, of liabilities under any such existing pension schemes, and for the transfer in whole or in part, or winding up, of pension funds held for the purposes of any such existing pension scheme, not being, in the case of a transfer, a diversion of any such funds to purposes other than those mentioned in paragraph (a) ; and
- (e) for making any consequential provision, including—
  - (i) provision for the dissolution or winding up of any body whose continued existence has by reason of regulations made under this section become unnecessary ;
  - (ii) provision as to the manner in which questions arising under the regulations are to be determined ; and
  - (iii) provision for adapting, modifying or repealing enactments, whether of general or special application.

(2) Regulations made under subsection (1) may contain provisions authorising any person who, being a participant in any pension scheme to which the regulations relate, becomes a member of one of the Boards being treated as if his service as a member of the Board were service in the employment of the Board ; and the pension rights of any such person resulting from the operation of any such provision shall not be affected by any provision of this Act which requires that the pensions if any, which are to be paid in the case of members of the Board are to be determined by the Secretary of State with the approval of the Minister for the Civil Service.

(3) Subject to subsection (4), regulations made under subsection (1) shall be so framed as to ensure that persons having existing pension rights are not by reason of any provision of the regulations made under this section placed in any worse position than their position under the existing scheme.

## PART II

(4) Regulations shall not be invalid by reason only that they do not comply with subsection (3), but if the Secretary of State is satisfied, or it is determined under subsection (5), that they do not so comply, the Secretary of State shall as soon as possible after being so satisfied, or, as the case may be, after it is so determined, make amending regulations to comply with subsection (3).

1964 c. 16.

(5) Any dispute as to whether regulations made under subsection (1) comply with subsection (3) shall be referred to a tribunal established under section 12 of the Industrial Training Act 1964.

(6) Regulations made under subsection (1) may be made so as to have effect from a date prior to the date of making, provided that any such regulation so made shall not place any person other than either of the Boards in a worse position than he would have been if the regulations had not been so made.

Inquiries.

**38.**—(1) The Secretary of State may in any case where he deems it advisable to do so cause an inquiry to be held in connection with any matter arising under this Act, the Act of 1957 or the Electricity (Supply) Acts.

(2) Schedule 8 shall have effect in relation to any inquiry caused to be held by the Secretary of State under this section.

## PART III

## GENERAL AND MISCELLANEOUS

Disputes  
between the  
Boards.

**39.**—(1) Subject to the provisions of this Act, any question or dispute arising between the Boards shall, failing agreement between them, be determined by the Secretary of State or by an arbiter appointed by the Secretary of State.

(2) Any arbiter so appointed shall have the like powers for securing the attendance of witnesses and the production of documents and with regard to the examination of witnesses on oath and the awarding of expenses as if the arbitration were under a submission.

(3) The arbiter may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in the proceedings.

(4) Any award of the Secretary of State or as the case may be of an arbiter under this section may be recorded in the Books of Council and Session for execution and may be enforced accordingly.

**40.**—(1) Any power of the Secretary of State to make regulations or orders under this Act shall be exercisable by statutory instrument. PART III  
Orders and  
regulations.

(2) A statutory instrument made under the powers conferred by sections 8(4), 34, 37(1), paragraph 3 of Schedule 7, or, subject to subsection (4), by section 2(2), shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) A statutory instrument made under the powers conferred by section 15(2) shall be subject to special parliamentary procedure.

(4) No order shall be made in the exercise of the power conferred by section 2(2) the effect of which is to increase or reduce the total number of districts or to constitute a new district for which a new Board is required to be established and no regulations shall be made under section 36(2) relating to compensation to officers unless a draft of the order or regulations has been laid before Parliament and has been approved by a resolution of each House of Parliament.

(5) No order shall be made in the exercise of the power conferred by section 29 unless a draft of the order has been laid before the Commons House of Parliament and has been approved by resolution of that House.

(6) Where a power to make regulations or orders is exercisable by the Secretary of State by virtue of sections 2(2), 8(4), 15(2), 34, 36(2), 37(1) or paragraph 3 of Schedule 7, any regulations or order, as the case may be, made in the exercise of that power may—

- (a) provide for the determination of questions of fact or of law which may arise in giving effect to the regulations or order ;
- (b) regulate (otherwise than in relation to any court proceedings) any matters relating to the practice and procedure to be followed in connection with the determination of such questions, including—
  - (i) provision as to the mode of proof of any matters ;
  - (ii) provision as to parties and their representation ;
  - (iii) provision for the right of the Secretary of State or other authorities to appear and be heard in court proceedings or otherwise, and

## PART III

(iv) provision as to awarding expenses of proceedings for the determination of such questions, determining the amount of such expenses, and the enforcement of awards of expenses ;

(c) provide for extending any period prescribed by any such regulations or order as a period within which anything is required to be done ;

(d) in the case of regulations, provide that any person offending against them shall be liable on summary conviction to a fine not exceeding £100 and that, if the offence in respect of which he is so convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding £5 for each day on which the offence is so continued.

(7) Any power conferred on the Secretary of State by this Act to make orders includes power to vary or revoke any orders so made.

## Offences and penalties.

**41.**—(1) If any person, in giving any information, making any claim or giving any notice for the purposes of sections 4(g), 12, 15, 36(2) to (4) and 37 or of any regulation made thereunder, knowingly or recklessly makes any statement which is false in a material particular, he shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding 3 months, or to a fine not exceeding £100, or to both ;

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine not exceeding £500, or to both.

(2) Where an offence under subsection (1) has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, or secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

## Annual reports, statistics and returns.

**42.**—(1) The Boards shall each annually, at such date and in such form as the Secretary of State may require, make to him a report dealing generally with the operations of the Board during the preceding year, and such report shall set out any direction given by the Secretary of State to the Board during that year unless the Secretary of State has notified the Board that

in his opinion it is against the interests of national security to do so ; and any such report shall be laid before Parliament and shall be on sale at a reasonable charge to the public at the offices of the Board.

PART III

(2) Each of the Boards shall furnish to the Secretary of State such returns, accounts and information regarding the property and activities of the Board as he may require, and shall, in such manner and at such times as he may require, afford to him facilities for the verification of the information furnished.

43. The Boards may with the consent of the Secretary of State promote an order under the Private Legislation Procedure (Scotland) Act 1936 and may oppose any such order.

Power of Boards to promote and oppose private legislation.

44. Schedule 9 shall have effect in relation to the service of notices or other documents under this Act.

Service of notices etc.

45.—(1) In this Act, unless the context otherwise requires— Interpretation.

“ Act of 1943 ” means the Hydro-Electric Development (Scotland) Act 1943 ; 1943 c. 32.

“ Act of 1947 ” means the Electricity Act 1947 ; 1947 c. 54.

“ Act of 1954 ” means the Electricity Reorganisation (Scotland) Act 1954 ; 1954 c. 60.

“ Act of 1957 ” means the Electricity Act 1957 ; 1957 c. 48.

“ Area Board ” means an Area Board within the meaning of section 1 of the Act of 1947, being an Area Board whose area is within England and Wales ;

“ the Boards ” has the meaning given by section 1, and any reference to a Board shall be construed as a reference to one or other of the Boards ;

“ bulk supply ” means a supply of electricity to be used for the purposes of distribution ;

“ Central Authority ” means the Central Electricity Authority established by section 1 of the Act of 1947 and dissolved by section 1 of the Act of 1957 ;

“ constructional scheme ” has the meaning given by section 10 ;

“ Consultative Councils ” shall be construed in accordance with section 17 ;

“ electric line ” means a wire or wires, conductor, or other means used for the purpose of conveying, transmitting, or distributing electricity with any casing, coating, covering, tube, pipe, or insulator enclosing, surrounding, or supporting the same, or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity or electric currents ;

## PART III

- “ electrical fittings ” means electric lines, fittings, apparatus and appliances designed for use by consumers of electricity for lighting, heating, motive power and other purposes for which electricity can be used ;
- “ electrical plant ” means any plant, equipment, apparatus and appliances used for the purposes of generating, transmitting and distributing electricity, but not including any electrical fittings ;
- “ Electricity Council ” means the Electricity Council established by section 3 of the Act of 1957 ;
- “ Electricity (Supply) Acts ” means the Electricity (Supply) Acts 1882 to 1936 ;
- “ financial year ” in relation to either of the Boards means the financial year prescribed for that Board by the Secretary of State under section 30 ;
- “ general fund ” has the meaning given by section 18 ;
- “ general reserve fund ” shall be construed in accordance with section 19 ;
- “ the Generating Board ” means the Central Electricity Generating Board established by section 2 of the Act of 1957 ;
- 1919 c. 100. “ generating station ” has the meaning given by section 36 of the Electricity (Supply) Act 1919 ;
- “ land ” includes an interest in land and references to entering upon or taking possession of land shall be construed accordingly ; and any reference to land shall include a reference to salmon fishings ;
- “ large power user ” means a consumer (other than either of the Boards) with a demand for a supply of not less than 5,000 kilowatts ;
- “ lease ” includes an agreement for a lease and any tenancy agreement ;
- “ local authority ” means a regional, islands or district council ;
- “ local enactment ” means any enactment other than a public general act ;
- “ main transmission lines ” has the meaning given by the Electricity (Supply) Act 1919 ;
- “ North Board ” has the meaning given by section 1 ;
- “ ordinary consumer ” means any consumer other than a large power user or the South Board ;
- “ pension ”, in relation to any person, means a pension, whether contributory or not, of any kind whatsoever

payable to or in respect of him, and includes a gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto ;

“ pension fund ” means a fund established for the purposes of paying pensions ;

“ pension rights ” includes, in relation to any person, all forms of right to or eligibility for the present or future payment of a pension to or in respect of that person, and any expectation of the accruer of a pension to or in respect of that person under any customary practice and includes a right of allocation in respect of the present or future payment of a pension ;

“ pension scheme ” includes any form of arrangements for the payment of pensions, whether subsisting by virtue of an Act, trust, contract or otherwise ;

“ prescribed ” means prescribed by regulations made by the Secretary of State ;

“ railway undertakers ” means any body authorised by any enactment to carry goods and passengers by railway ;

“ South Board ” has the meaning given by section 1 ;

“ telegraphic line ” has the meaning given by the Telegraph Act 1878 c. 76.

(2) Except insofar 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.

(3) In this Act, except where otherwise indicated—

(a) the reference to a numbered Part, section or schedule is a reference to the Part or section of, or the schedule to, this Act so numbered, and

(b) the reference in a section to a numbered subsection is a reference to the subsection of that section so numbered, and

(c) a reference in a section, subsection or schedule to a numbered or lettered paragraph is a reference to the paragraph of that section, subsection or schedule so numbered or lettered.

**46.—**(1) Schedule 10 (transitional and saving provisions) and Schedule 11 (consequential amendment) shall have effect, but the provisions of those Schedules shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

Transitional and saving provisions and consequential amendment and repeals.  
1889 c. 63.

PART III (2) The enactments specified in Schedule 12 are hereby repealed to the extent shown in column 3 of that Schedule.

Short title,  
extent and  
commence-  
ment.

**47.—(1) This Act may be cited as the Electricity (Scotland) Act 1979.**

(2) Subject to subsection (3), this Act extends to Scotland only.

(3) Paragraph 1(b) of Schedule 3 shall extend also to England and Wales.

(4) This Act shall come into force on the expiry of the period of one month beginning on the date of its passing.



## SCHEDULES

### SCHEDULE 1

Section 1(2).

#### CONSTITUTION AND PROCEEDINGS OF THE BOARDS

1. The Boards shall each be appointed by the Secretary of State and shall consist of a Chairman, and not less than 4 nor more than 8 other members of whom one or more may be appointed Deputy Chairman or Chairmen.

2. A person shall be disqualified from being appointed or being a member of either of the Boards if he is an undischarged bankrupt or if he has granted a trust deed for behoof of creditors, or entered into a composition contract.

3. A member of either of the Boards shall hold office for such term and on such conditions as the Secretary of State may determine at the time of his appointment, but may at any time resign his office by notice in writing given to the Secretary of State.

4. Any member of either of the Boards shall, if he is interested in any company with which the Board has made or proposes to make any contract, disclose to the Board the fact and nature of his interest, and shall take no part in any deliberation or decision of the Board relating to that contract; and the disclosure shall be forthwith recorded in the minutes of the Board.

5. Where any member of either of the Boards is absent from the meetings of the Board for more than 6 months consecutively, except for some reason approved by the Secretary of State, the Secretary of State shall forthwith declare the office of that member to be vacant and thereupon the office shall become vacant.

6. Each of the Boards shall be a body corporate and subject to the quorum of the Board not being less than 3, shall have power to regulate their own procedure.

7. Either of the Boards may act notwithstanding a vacancy in their number.

8. The Boards shall have their offices in Scotland.

9. Each Board shall have a common seal and the seal of each Board shall be authenticated by the signature of the secretary to the Board or some person authorised by the Board to act in that behalf.

10. Every document purporting to be an instrument issued by either of the Boards and

(a) to be sealed with the seal of the Board authenticated in the manner provided by paragraph 9, or

(b) to be signed by the secretary to the Board or by a person authorised by the Board to act in that behalf.

shall be received in evidence and be deemed to be such an instrument or document without further proof unless the contrary is shown.

11. Each Board shall appoint a secretary and such other officers and servants as the Board may determine.

SCH. 1 12. There shall be paid to the members of each Board such salaries or fees and allowances for expenses as the Secretary of State with the approval of the Minister for the Civil Service may determine, and there shall be paid to the secretary, officers and servants of each Board such salaries, remuneration and allowances as the Board may determine; and on the retirement or death of any member in whose case it may be so determined to make such provision there shall be paid such a pension to or in respect of that member as may be so determined.

Section 2.

## SCHEDULE 2

### DISTRICTS

#### PART I

##### NORTH DISTRICT

1. The district of the North Board (in this Act referred to as the North District) shall consist of—

(a) the following Regions:—Highland, Grampian and Tayside, and

(i) in the Central Region—In Stirling District, the former parishes of Balfron, Buchanan, Drymen, Fintry, Gargunnoch, Killearn and Kippen;

(ii) in Strathclyde Region—Argyll and Bute District, that part of Cunninghame District, formerly in the County of Bute, and that part of Dunbarton District formerly comprising the parishes of Arrochar, Kilmarnock and Luss;

(b) the Islands Areas.

#### PART II

##### SOUTH DISTRICT

2. The district of the South Board (in this Act referred to as the South District) shall consist of all of Scotland other than the North District.

#### PART III

##### ORDERS VARYING DISTRICTS

3. If any question arises as to the exact boundary between the North District and the South District as defined by any order made under section 2 it shall be determined by the Secretary of State after giving to the Boards an opportunity to make representations in relation to that question.

4. An order so made shall state whether the districts affected by the order are to be regarded as the districts of the Boards or whether any such district is to be regarded as a new district.

5. An order so made which includes the formation of a new district shall establish for that district a new Board which shall

be known by such name as may be specified in the order and Schedule 1 shall have effect in relation to any such new Board as it has effect in relation to the Boards, and any such new Board shall have the like functions as the South Board.

SCH. 2

6. An order made under section 2 shall, so far as it appears to the Secretary of State to be necessary or expedient in consequence of the variation of districts or the establishment of a new Board provide—

- (a) for the transfer of property, rights, liabilities and obligations from one Board to another ;
- (b) for the modification of agreements for the purposes of giving effect to the transfer of rights, liabilities and obligations under any such agreement from one Board to another and, in a case where part only of the rights, liabilities and obligations under any agreement are transferred, for substituting for that agreement separate agreements in the requisite terms and for any consequent apportionments and indemnities ;
- (c) for the purpose of transferring part of the land comprised in any lease vested in any such Board to another such Board, for the severance of that lease and for consequent apportionments and indemnities ;
- (d) for dissolving any Board the whole of whose functions are to be exercised by another Board or Boards and for winding up the affairs of the Board to be dissolved ; and
- (e) for such other financial adjustments between the Boards concerned as may be required in consequence of any such transfer,

and for any other matter supplementary to or consequential on the matters aforesaid, including the continuation of legal proceedings.

7. An order made under section 2 shall define by reference to a map the new districts or new boundaries constituted by the order, and copies of the map shall be made available for inspection at such places and such times as may be published by the Secretary of State in the Edinburgh Gazette and in such other newspapers circulating in the districts concerned as the Secretary of State thinks fit, and shall also be made available for inspection to Members of each House of Parliament when the order is laid before Parliament.

### SCHEDULE 3

Section 3(4).

#### SUPPLY OF ELECTRICITY TO RAILWAYS

1. A supply of electricity to railway undertakers under section 3 may be provided—

- (a) by either of the Boards in their own district ;
- (b) in England or Wales by the South Board with the approval of the Generating Board ;
- (c) in the South District by the Generating Board with the approval of the South Board ;

SCH. 3

(d) in the district of either of the Boards by the other of them with the approval of the Board in whose district the supply is provided.

2. The terms and conditions on which electricity is supplied by either of the Boards to railway undertakers under section 3 shall be such as may be agreed between the Board concerned and the undertakers or in default of such agreement, as may be determined by the Secretary of State, being such terms and conditions as in the opinion of that Board or, as the case may be, of the Secretary of State, will not cause a financial loss to result to that Board from the provision of the supply.

3. Where the terms and conditions mentioned in paragraph 2 are determined by the Secretary of State 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 concerned and the undertakers from subsequently varying the terms and conditions so determined by agreement between them.

4. Either of the Boards may enter into an agreement with any railway undertakers to whom the Board are to supply electricity under section 3 for purposes of haulage and 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.

5. Without prejudice to any other enactment providing for protection of telegraphic lines belonging to or used by the Post Office, any electricity supplied to railway undertakers under section 3 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.

Section 5(2).

## SCHEDULE 4

CONSTITUTION AND FUNCTIONS OF AMENITY COMMITTEE  
AND FISHERIES COMMITTEE

1. The Amenity Committee and the Fisheries Committee shall consist of such number of persons as the Secretary of State may think proper for them respectively, and shall have the function of giving advice and assistance to the Secretary of State and to each of the Boards on questions of amenity and fisheries respectively.

2. The Boards shall furnish to each of those Committees any maps, plans, drawings or information which the Committee may reasonably require, and shall give to each Committee reasonable facilities for inspection.

3. The Boards shall before and during the preparation of a constructional scheme under section 10, and may at any other time, consult the Amenity Committee and the Fisheries Committee; and upon being so consulted or at any other time each of those Committees may make recommendations to the Board concerned; and

that Board shall transmit a copy of every such recommendation to the Secretary of State, together with an intimation as to whether or not they are prepared to accept it.

SCH. 4

4. If either of the Boards is not prepared to accept any recommendation made to them under paragraph 3, the Secretary of State after considering any representations made to him may—

- (a) if the recommendation relates to a scheme which has been submitted to him for confirmation but has not yet been confirmed, refuse to confirm the scheme, and
- (b) in the case of any other recommendation (not being a recommendation involving the execution by either of the Boards of any works authorised by a confirmed scheme otherwise than in the manner set out in that scheme), require that Board to give effect to it ;

and where a requirement is imposed on a Board under sub-paragraph (b) that Board shall thereupon be bound to carry out the requirement.

5. The Boards shall not, without giving prior notice to the Amenity Committee of their intention to do so, use or permit to be used for the exhibition of advertisements any part of any land or building owned or leased by them in connection with a constructional scheme under section 10.

6. Each of the Boards shall defray any expenses reasonably incurred by the Amenity Committee and the Fisheries Committee up to such amounts and in such proportions as the Secretary of State may from time to time approve.

## SCHEDULE 5

Section 10.

### CONSTRUCTIONAL SCHEMES

1. A constructional scheme shall contain particulars with regard to such matters, and shall be accompanied by such maps, drawings and plans, as the Secretary of State may require.

2. When either of the Boards have prepared a constructional scheme they shall submit it to the Secretary of State for confirmation and shall publish, in such form and in such newspapers as the Secretary of State may require, a notice stating that the scheme has been prepared and submitted for confirmation and specifying the situation of any works proposed to be undertaken and of any land proposed to be acquired.

3. The Board concerned shall send copies of that notice to the persons appearing from the valuation roll to be the owners and the occupiers of any land proposed to be acquired, and shall also deposit a copy of the scheme and keep copies available for inspection and sale at the offices of the Board and at one or more other convenient places ; and the notice so published shall state where the copies of

SCH. 5 the scheme are deposited and shall also specify a period of 40 days within which, and the manner in which objection thereto may be made to the Secretary of State.

4. Subject to paragraph 5, if on the expiry of the time within which objection may be made to a constructional scheme the Secretary of State on considering the scheme together with any objections made thereto, and after holding such inquiry (if any) as he thinks fit, is of the opinion that it is in the public interest that the Board should be authorised to carry out the scheme, he may make an order confirming the scheme without amendment or with such amendments as the Board may submit.

5. Where any person who has lodged an objection to the scheme requests that an inquiry shall be held, the Secretary of State shall, unless he is of the opinion that the objection is frivolous, cause an inquiry to be held before confirming the scheme.

6. Every order made by the Secretary of State confirming a constructional scheme shall be laid before Parliament as soon as may be after it is made, together with a copy of the scheme as confirmed, and shall be subject to annulment by a resolution of either House of Parliament.

7. A constructional scheme shall become operative on the expiry of the period within which the order confirming the scheme might be annulled without its being so annulled.

8. The Board shall thereon deposit copies of the scheme as confirmed and give notice of the places where such copies are available for inspection and sale in like manner as under paragraph 3.

9. As soon as may be after notice has been given in accordance with paragraph 8 the Board shall proceed with the construction of the works specified in the scheme and may do all things necessary for giving effect to the scheme.

10. A scheme confirmed under this Schedule may be amended or revoked by a subsequent scheme prepared and confirmed in the like manner and subject to the like conditions as the original scheme.

Section 11(2).

#### SCHEDULE 6

##### ADAPTATIONS AND MODIFICATIONS OF LANDS CLAUSES ACTS AND OF THE RAILWAYS CLAUSES CONSOLIDATION (SCOTLAND) ACT, 1845.

1. The scheme shall be deemed to be the special Act, and—

(a) in the Lands Clauses Acts references to the promoters of the undertaking shall be construed as references to the Board concerned, and

(b) in the Railways Clauses Consolidation (Scotland) Act, 1845— SCH. 6

(i) references to the railway company shall be construed as references to that Board, and 1845 c. 33.

(ii) references to the railway shall be construed as references to the land acquired or to any works which have been or may be constructed thereon, or to any use to which the land is or may be put, according to the context.

2. Sections 83 to 88 and section 90 of the Lands Clauses Consolidation (Scotland) Act, 1845, and the provisions of that Act relating to access to the special Act, shall not apply. 1845 c. 19.

3. No person shall be required to sell a part only of any house, building or manufactory or of any land which forms part of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the arbiter by whom compensation is to be assessed determines—

(a) in the case of a house, building or manufactory that the part proposed to be taken can be taken without material detriment to the house, building or manufactory ; or

(b) in the case of a park or garden, that such part can be taken without seriously affecting the amenity or convenience of the house ;

and if the arbiter so determines, compensation shall be awarded in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the person interested shall be required to sell to the Board that part of the house, building, manufactory, park or garden.

4.—(1) In assessing the sums to be included in the compensation payable to any person by way of compensation in respect of the injurious affection of, or the severance of the land acquired from, any land in which that person has an interest, account shall be taken of any increase, ascribable to any use to which the land acquired is intended to be put, in the value of his interest in any land which at the relevant time was held with the land acquired.

(2) In this paragraph the expression “the relevant time” means, in connection with the acquisition of any land, immediately before the date of the service of the notice to treat relating to the land, or, if possession of the land had then already been taken by the Board in exercise of the power conferred on them by section 11(3), immediately before the taking of possession.

5. In assessing the compensation payable in respect of the acquisition of any land, no account shall be taken of any change in the value of the land attributable to anything done by the Board in the exercise of their powers under section 11(5), but the value of the land shall be computed by reference to the circumstances existing at the date of the notice given in pursuance of section 11(3).

6. The compensation payable in respect of the acquisition of a servitude over any land shall be the difference between the value of the land free from that servitude and the value of that land subject to that servitude.

**SCH. 6** 7. Any person empowered to sell or convey any land to the Board shall have power to grant to them a servitude over that land.

8.—(1) The Board concerned may sell, feu, or lease for such periods and for such consideration as they may think fit any land and property for the time being belonging to them which they do not require for the purposes of any scheme.

(2) On so disposing of any land, the Board concerned may reserve to themselves all or any part of the water rights or any servitude belonging thereto, and may so dispose of any land subject to such other reservations, conditions, and restrictions as they may think fit.

#### SCHEDULE 7

Section 17.

#### CONSULTATIVE COUNCILS

##### *Constitution, Proceedings and Functions*

1. Each of the Consultative Councils established for the respective districts of the Boards shall consist of a chairman appointed by the Secretary of State and of not less than 20 or more than 30 other persons so appointed of whom—

- (a) not less than two-fifths or more than three-fifths shall be appointed from a panel of persons nominated by such associations as appear to the Secretary of State to represent local authorities in the district ;
- (b) the remainder shall be appointed after consultation with such bodies as the Secretary of State thinks fit to represent agriculture, commerce, industry, labour and the general interests of consumers of electricity and other persons or organisations interested in the development of electricity in the district.

2. In the appointment of any person under subparagraph (a) of paragraph 1, the Secretary of State shall have particular regard to that person's ability to exercise a wide and impartial judgment on the matters to be dealt with by the Council generally ; and in making appointments under subparagraph (b) of that paragraph the Secretary of State shall have particular regard to any nominations made to him by the bodies mentioned in that subparagraph of persons who are recommended by them as having both adequate knowledge of the requirements of the interests to be represented and also the ability to exercise a wide and impartial judgment on the matters to be dealt with by the Council generally.

3. The Secretary of State may make regulations with respect to—

- (a) the appointment of, and the tenure and the vacation of office by, the members of a Consultative Council and the appointment of a person to act in the place of the Chairman of such a Council ;
- (b) the quorum, proceedings, meetings and determinations of a Consultative Council ;
- (c) any other matters supplementary or incidental to the matters aforesaid for which provision appears to the Secretary of State to be necessary or expedient.



4. Subject to the provisions of any regulations made under paragraph 3, a Consultative Council may regulate their own procedure.

SCH. 7

5. Each of the Councils—

(a) shall consider any matter affecting the distribution of electricity in their district, including the variation of tariffs and the provision of new or improved services and facilities within the district, being a matter which is the subject of a representation made to them by consumers or other persons requiring supplies of electricity in that district, or which appears to them to be a matter to which consideration ought to be given apart from any such representation, and where action appears to them to be requisite as to any such matter, shall notify their conclusions to the Board; and

(b) shall consider and report to the Board on any such matter which may be referred to them by that Board.

6. Each of the Councils shall be informed by the Board of that Board's general plans and arrangements for exercising and performing their functions under this Act and may make representations thereon to that Board.

7. The Board shall consider any conclusion, reports and representations notified or made to them by the Council for their district under paragraphs 5 and 6, and the Council may after consultation with the Board make representations to the Secretary of State on matters arising therefrom.

8. Where representations have been so made to the Secretary of State and it appears to him after consultation with the Board and with the Council that a defect is disclosed in that Board's general plans and arrangements for the exercise and performance of their functions under this Act, the Secretary of State may give to the Board such directions as he thinks fit for remedying the defect.

9. Each of the Councils shall prepare and submit to the Secretary of State a scheme for the appointment by them of committees or individuals to be local representatives of the Council in such localities as may be specified in the scheme; and it shall be the duty of such committees and individuals to consider the particular circumstances and requirements of those localities with respect to the distribution of electricity and to make representations to the Council thereon, and to be available for receiving on behalf of the Council representations from consumers in those localities; and if the scheme is approved by the Secretary of State the Consultative Council shall put it into effect.

10. Under a scheme prepared and submitted under paragraph 8 a member of a Council shall be eligible for appointment either as a member of a Committee or as an individual, but membership of the Council shall not be a necessary qualification for such an appointment.

SCH. 7

11. A Council may make to the Board concerned a report on the exercise and performance by the Council of their functions during any financial year of the Board and any such report shall be made to the Board as soon as possible after the end of that financial year and the Board shall include that report in the report made by them under section 42.

*Council Chairmen*

12. There shall be paid to the chairman of a Council such remuneration as the Secretary of State may determine ; and in the case of a person remunerated under this paragraph there shall be no obligation to remunerate him also under paragraph 12 of Schedule 1.

13. If the Secretary of State so determines in the case of a person who has been remunerated under paragraph 12, he shall pay such pension to or in respect of that person, or make such payments towards the provision of such a pension, as the Secretary of State may determine.

14. If a person in receipt of remuneration under paragraph 12 ceases to hold the office by virtue of which he receives it, and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive compensation, that person shall be paid a sum of such amount as the Secretary of State may determine.

*Council's Administration, Personnel etc.*

15. A Council may, subject to the approval of the Secretary of State as to numbers, appoint such officers as appear to the Council to be requisite for the performance of their functions, including those of any committee or individual appointed under paragraph 9.

16. The Secretary of State shall provide the Council with funds wherewith to pay—

- (a) to their members, and to members of any such committee, or to any such individual, as is mentioned above such travelling and other allowances ; and
- (b) to the officers of a Council, such remuneration, and such travelling and other allowances,

as the Secretary of State may determine, and wherewith also to defray such other expenses in connection with their functions as he may determine to be appropriate ; and he may make arrangements for Councils to be provided with office accommodation.

17.—(1) There shall be paid, to or in respect of persons who are or have been officers of Consultative Councils such pensions as the Secretary of State may determine or arrangements shall be made for the payment of such pensions.

(2) A Consultative Council may, if the Secretary of State determines that they should do so, assume in respect of such persons as are referred to in sub-paragraph (1) any liabilities incurred by either of the Boards under or in pursuance of section 37.

(3) The Secretary of State shall provide Consultative Councils with funds wherewith to pay pensions under sub-paragraph (1) or to finance any arrangements under that sub-paragraph, and to discharge any liabilities assumed by Councils under sub-paragraph (2).

SCH. 7

*Supplementary*

18.—(1) The consent of the Minister for the Civil Service shall be required for any determination or approval by the Secretary of State under paragraphs 12 to 17.

(2) In this Schedule “pension” includes allowance and gratuity payable on retirement or otherwise.

SCHEDULE 8

Section 38.

PROVISIONS AS TO INQUIRIES

1. The Secretary of State shall appoint a person to hold the inquiry and to report thereon to him.

2. The person appointed to hold the inquiry shall notify the Board concerned and any person who has lodged objections to the matter which is the subject of the inquiry, and shall publish in such newspaper or newspapers as the Secretary of State may direct a notice of the time when and the place where the inquiry is to be held.

3. Except with the sanction of the person appointed to hold the inquiry, no person other than the Board or a person who has lodged objections to the matter which is the subject of the inquiry shall be entitled to appear or to be represented at the inquiry.

4. The person appointed to hold the inquiry may, on the motion of any party thereto, or of his own motion, require any person by notice in writing—

(a) to attend at the time and place set forth in the notice to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry; or

(b) to furnish within such reasonable period as is specified in the notice such information relating to any matter in question at the inquiry as the person appointed to hold the inquiry may think fit and as the person so required is able to furnish:

Provided that no person shall be required in obedience to such a notice to attend at any place which is more than 10 miles from the place where he resides unless the necessary expenses are paid or tendered to him.

5. The person appointed to hold the inquiry may administer oaths and examine witnesses on oath and may accept, in lieu of evidence on oath by any person, a statement in writing by that person.

6. The inquiry shall be held in public.

## SCH. 8

7. Any person who refuses or wilfully neglects to attend in obedience to a notice issued under paragraph 4, or who wilfully alters, suppresses, conceals, destroys, or refuses to produce, any book or document which he may be required by any such notice to produce, or who refuses or wilfully neglects to comply with any requirement under paragraph 4 of the person appointed to hold the inquiry, shall be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a period not exceeding 3 months.

8. The Secretary of State shall communicate to each party to the inquiry the recommendations made by the person appointed to hold it.

9. The expenses incurred by the Secretary of State in relation to the inquiry (including such reasonable sum as the Secretary of State may determine for the services of the person appointed to hold the inquiry) shall be paid by such of the parties to the inquiry as the Secretary of State may direct.

10. The Secretary of State may make directions as to the expenses incurred by the parties to the inquiry and as to the parties by whom such expenses shall be paid.

11. Any direction by the Secretary of State under paragraph 9 or paragraph 10 requiring any party to pay expenses may be recorded in the Books of Council and Session for execution and may be enforced accordingly.

## Section 44.

## SCHEDULE 9

## SERVICE OF NOTICES

Any notice or other document required or authorised to be given, delivered or served by or under this Act, or under any enactment applied by this Act, may be given, delivered or served either—

- (a) by delivering it to the person to whom it is to be given or delivered or on whom it is to be served ; or
- (b) by leaving it at the usual or last known place of abode of that person ; or
- (c) by sending it by registered post or recorded delivery service addressed to that person at his usual or last known place of abode ; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it by registered post or recorded delivery service addressed to the secretary or clerk of the company or body at that office ; or
- (e) if it is not practicable after reasonable enquiry to ascertain the name or address of a person to whom it should be given or delivered, or on whom it should be served, as being a person having any interest in land, by addressing it to him by the description of the person having that interest in the premises (naming them) to which it relates, and delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, affixing it, or a copy of it, to some conspicuous part of the premises.

## SCHEDULE 10

Section 46(1).

## TRANSITIONAL AND SAVING PROVISIONS

1. In so far as any regulation, order, licence, permit, notice, entry, directive, warrant or other instrument made, issued or given, under any enactment repealed by this Act, or any such other thing done or having effect as if done under any such enactment, could have been made, issued, given or done under a corresponding provision of this Act, it shall not be invalidated by the repeal but shall have effect as if made, issued, given or done under that corresponding provision.

2. Without prejudice to paragraph 1, any provision of this Act relating to anything done or required or authorised to be done under or by reference to that provision or any other provision of this Act shall have effect as if any reference to that provision, or that other provision, as the case may be, included a reference to the corresponding provision of the enactments repealed by this Act.

3. Without prejudice to the generality of paragraphs 1 and 2, any scheme or agreement made, or any charge or tariff imposed, under any enactment repealed by this Act, shall continue to have effect as if made or imposed under the corresponding provision of this Act.

4.—(1) Nothing in this Act shall affect the enactments repealed by this Act in their operation in relation to offences committed before the commencement of this Act.

(2) Where an offence, for the continuance of which a penalty may be provided, has been committed under an enactment repealed by this Act, proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act in the same manner as if the offence had been committed under the corresponding provision of this Act.

5. Where any enactment or document refers, either expressly or by implication, to an enactment repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.

6. Nothing in this Act shall affect the operation of the provisions of section 57(1) of or of Schedule 4 Part I to the Act of 1947 (adaptation and modification of Electricity (Supply) Acts) and references in any of the provisions of the Electricity (Supply) Acts, to those Acts, and any reference therein to one or more of those Acts, being a reference which, by virtue of the construction of those Acts as one, is to be construed as a reference to all the said Acts shall in their application to Scotland be construed as containing a reference to this Act.

7. Nothing in this Act shall affect the operation of the provisions of section 57(2) of or of Schedule 4 Part III to the Act of 1947 (incorporation of the Schedule to the Electric Lighting (Clauses) Act 1899) and those provisions shall have effect in relation to the provisions of this Act as they had effect immediately before the coming into operation of this Act in relation to the provisions of

SCH. 10 the Act of 1947, with the adaptations and modifications subject to which they so had effect.

8. Notwithstanding the repeal by this Act of section 2(9) of the Act of 1947 (capacity of Boards as statutory corporations), the provisions of that subsection shall continue to have effect in relation to the provisions of this Act as they had effect in relation to the provisions of the Act of 1947 immediately before the coming into operation of this Act.

1975 c. 55.  
1968 c. 39. 9. The repeal by the Statutory Corporations (Financial Provisions) Act 1975 of section 3 of the Gas and Electricity Act 1968 shall not affect anything done or any right established under that section before the passing of the said Act of 1975.

1899 c. 19.  
1936 c. 20. 10. Nothing in section 32 shall affect the functions of the Secretary of State under the Schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with the Act of 1947, so far as that Schedule relates to the certification of meters and the measurement of electricity, or under the Electricity Supply (Meters) Act 1936, being the functions formerly exercised by the Minister of Fuel and Power and referred to in section 1(4) of the Act of 1954, as originally enacted.

11. Notwithstanding the repeal by this Act of Section 51 of the Act of 1947 (power to break up streets), any powers exercisable by an Area Board in Scotland by virtue of that section immediately before the coming into force of this Act, shall continue to be so exercisable thereafter.

12.—(1) Section 24 shall have effect without prejudice to the operation of any provisions of section 42 of the Finance Act 1956 in relation to advances made to the Boards before 18th December 1963, and the provisions of the said section 42 shall, notwithstanding its repeal by section 4(2) of the Electricity and Gas Act 1963, continue to operate in relation to any such advances.

(2) Notwithstanding the repeal by this Act of section 2(8) of the said Act of 1963, any account prepared under section 24(5) shall include any sums received by the Secretary of State under section 42(4) of the Finance Act 1956 in respect of the financial year to which the account relates; and the Secretary of State shall not be required to prepare an account under the said section 42.

13. Notwithstanding the repeal by this Act—

- (a) of section 38(4) of the Act of 1947 (amendments to Schedule 4 of the Act of 1943);
- (b) of Schedule 4 Part II to the Act of 1947 (amendments to the Act of 1943);
- (c) of Schedule 1 Part 1 to the Act of 1954 (amendments to the Act of 1943);
- (d) of Schedule 1 Part II to the Act of 1954 (amendments to Act of 1947),

the amendments made by the said section 38(4) to Schedule 4 of the Act of 1943 and by the said Schedule 4 Part II to the Act of 1947 to sections 2(1)(d), 16(1), 17, 27 and Schedule 4 of the Act of 1943 and by the said Schedule 1 Part I to the Act of 1954 to sections

2(1)(d), 16(1), 17 and Schedule 4 and by the said Schedule 1 Part II to the Act of 1954 to sections 1(4) and (5), 2(8A), 4, 19, 60 and 67 of the Act of 1947 shall continue to have the same effect in relation to that Schedule and to those sections and Schedules as they had immediately before the coming into force of this Act.

SCH. 10

14. Notwithstanding the repeal by this Act of section 55(6) of the Act of 1947 (saving of rights in respect of compensation), regulations made under section 36(2) shall not prejudice the rights of any person arising in consequence of events which occurred before 1st April 1948 under—

- (a) section 16 of the Electricity (Supply) Act 1919 ;
- (b) section 15 of and the Fourth Schedule to the Electricity (Supply) Act 1926 ;
- (c) the Compensation of Displaced Officers (War Service) (Electricity Undertakings) Order 1946,

including those sections and that Schedule as applied by any other enactment, with or without modifications and adaptations.

SCHEDULE 11

Section 46(1).

CONSEQUENTIAL AMENDMENT

*The Salmon Fisheries (Scotland) Act 1868*

1868 c. 123.

In Schedule G to the Salmon Fisheries (Scotland) Act 1868, at the end, add the following paragraph:—

“ 8. Nothing in this Schedule shall apply to any dam, aqueduct, pipe or other work constructed under the Electricity (Scotland) Act 1979 or under any enactment repealed by that Act.”

SCHEDULE 12

Section 46(2).

REPEALS

Chapter	Short Title	Extent of Repeal
6 & 7 Geo. 6. c. 32.	The Hydro-Electric Development (Scotland) Act 1943.	The whole Act, except sections 2(1)(d), 16(1), 17, 27 in so far as it defines “ maximum number of kilowatts ” and other expressions, 28 and Schedule 4.
10 & 11 Geo. 6. c. 54.	The Electricity Act 1947.	The whole Act except sections 1(3), 2(8A), 4(8), 13, 22, 54(5), 57(1) and (2), 60, 67, 68(1) to (3) and 69, Schedule 2 and Schedule 4 Parts I and III, and in so far as they relate to any matter affecting one of the Boards and the Generating Board or an Area Board, sections 1(4) and (5), 2(7), 4(2) to (7), 11(2) and 19.
2 & 3 Eliz. 2. c. 60.	The Electricity Reorganisation (Scotland) Act 1954.	The whole Act, except sections 1(3), 10(2), 15(1), 16, 17 and, in Schedule 1, Part III.

## SCH. 12

Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2. c. 48.	The Electricity Act 1957.	Sections 28 and 35. In section 29— in subsection (1), the words “ or either of the Scottish Electricity Boards ”; in subsection (3), the words “ or District ”; in subsection (4), the words “ or Scottish Electricity Board ”; In Schedule 4 Part II, the entries relating to section 2 and section 10A of the Act of 1943.
1963 c. 59.	The Electricity and Gas Act 1963.	In section 2— in subsection (1), the words from “ and the Secretary of State ” to the words “ South of Scotland Electricity Board ”; and the words “ or Board in question ”; in subsections (3) and (6), the words “ or the Secretary of State ”; in subsections (4) and (7), the words “ and the Secretary of State ”; subsection (8); in subsection (9), the words “ and Boards ”. In section 3— in subsection (2), paragraphs (d) and (e); subsection (3). In section 4, subsection (3); In Schedule 1, the entry relating to the Act of 1947; Schedule 3.
1968 c. 39.	The Gas and Electricity Act 1968.	The whole Act.
1969 c. 1.	The Electricity (Scotland) Act 1969.	The whole Act.
1972 c. 17.	The Electricity Act 1972.	The whole Act except sections 2 and 4.
1975 c. 55.	The Statutory Corpora- tions (Financial Provi- sions) Act 1975.	In Schedule 2, the references to the North Board and the South Board. In Schedule 3, Part I, except paragraph 5. In Schedule 4, paragraphs 1 and 4.
1976 c. 61.	The Electricity (Financial Provisions) (Scotland) Act 1976.	Section 1.

PRINTED IN ENGLAND BY BERNARD M. THIMONT  
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament  
LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

ISBN 0 10 541179 5