



Electricity Act 1957

1957 CHAPTER 48

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

25 Transfer of assets and liabilities of Central Authority

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

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on that date, by virtue of this Act and without further assurance, be transferred to the Generating Board.

- (6) In this and the next following section " obligation" includes any such customary obligation as is referred to in subsection (5) of section fifty-four of the principal Act (which relates to certain customary obligations in respect of pensions).

26 Supplementary provisions as to transfer of assets and liabilities

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

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and for any other matters for which provision appears to the Minister to be necessary or expedient for the purpose of securing the effective transfer of any assets vesting in that Council or Board by virtue of this Act.

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

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

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

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

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- (a) for enabling any party to such an appeal, who is aggrieved by the decision of the referee or board of referees on the appeal as being erroneous in point of law, to require the referee or board to state a case for the decision of the High Court, and
- (b) for requiring the decision of a referee or board of referees on such an appeal to be modified, where requisite, so as to conform with the decision in any proceedings in the High Court on a case stated in accordance with the preceding paragraph, or in any proceedings arising from any such proceedings;

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

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