



# Electricity Act 1947

## 1947 CHAPTER 54

### PART IV

#### MISCELLANEOUS AND GENERAL.

##### *General.*

#### **60 Power to make regulations relating to efficiency of supply and safety.**

- (1) The Minister may make such regulations as he thinks fit for the purpose of securing that any supply of electricity furnished to any consumer by an Electricity Board is regular and efficient, and that the public is so far as practicable protected from any personal injury, fire or other dangers arising from the use of electricity so furnished.
- (2) Any regulations made under section six of the Electric Lighting Act, 1882, and in force immediately before the vesting date shall continue in force, notwithstanding the repeal by this Act of the said section six, and shall have effect as if they had been made under this section.

#### **61 Penalties.**

- (1) If any person, in giving any information, making any claim or giving any notice for the purposes of any provision of this Act or of any regulation thereunder, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine.
- (2) Regulations made under any provision of this Act may provide that persons offending against the regulations shall be liable on summary conviction to a fine not exceeding one hundred pounds and, 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 liable in

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respect thereof on summary conviction to a fine not exceeding five pounds for each day on which the offence is so continued.

**62 Provisions as to prosecutions and as to offences by corporations.**

- (1) Proceedings for an offence under the last foregoing section or any regulation made under this Act shall not, in England and Wales, be instituted except by or with the consent of the Minister or by the Director of Public Prosecutions.
- (2) Where an offence under the last foregoing section or any regulation made under this Act has been committed by a body corporate, every person who at the time of the commission of, the offence was a director, general manager, 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.

**63 Service of notices, etc.**

Any notice or other document required or authorised to be given, delivered or served under this Act or regulations or orders made thereunder or under any enactment applied by or incorporated with 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 in a prepaid registered letter addressed to that person at his usual or last known place of abode; or
- (d) in the case of an incorporated company or body, or the arbitration tribunal, by delivering it to the secretary or clerk of the company, body or tribunal at their registered or principal office or sending it in a prepaid registered letter addressed to the secretary or clerk of the company, body or tribunal 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.

**64 Provisions as to regulations and orders.**

- (1) Any power conferred by this Act to make regulations or orders shall include power to provide by those regulations or orders for the determination of questions of fact or of law which may arise in giving effect to the regulations- or orders and for regulating (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 provision as to the mode of proof of any matters and provision as to parties and their representation and provision for the right to appear and be heard (as well in court proceedings as otherwise) of the Minister or other authorities, and as

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to awarding costs of proceedings for the determination of such questions, determining the amount thereof and the enforcement of awards thereof.

- (2) Any power conferred by this Act to prescribe by regulations or orders a period within which things are to be done shall include power to provide by those regulations or orders for extending the period so prescribed.
- (3) All orders and regulations made under this Act, not being orders or regulations required to be laid before Parliament in draft or orders subject to special parliamentary procedure, shall be laid before Parliament immediately after they are made and if either House, within a period of forty days beginning with the day on which any such order or regulations is or are so laid before it, resolves that the order or regulations be annulled, the order or regulations shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of any new order or regulations.
- (4) In reckoning for the purposes of the last foregoing subsection any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.
- (5) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, orders and regulations made under this Act shall be deemed not to be, or to contain, statutory rules to which that section applies.
- (6) In the case of orders defining or varying the areas for which Area Boards are established under this Act, copies of the maps by reference to which those areas are defined by the orders shall be made available, during the period for which the orders or drafts thereof are laid before Parliament, for inspection by members of each House of Parliament.
- (7) Any order made under any such power may be revoked or varied by a subsequent order made in the like manner and subject to the like conditions.

## **65 Expenses of the Minister.**

Any administrative expenses incurred by the Minister or any other Minister of the Crown or Government department under this Act shall be paid out of moneys provided by Parliament, and any sums received by the Minister or by any other Minister of the Crown or Government department under or by virtue of this Act shall be paid into the Exchequer.

## **66 Inquiries.**

- (1) The Minister or the Secretary of State may cause an inquiry to be held in any case when he deems it advisable to do so in connection with any matter arising under this Act (including any enactment incorporated therewith) or the Electricity (Supply) Acts, 1882 to 1936, or the Act of 1943.
- (2) Subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933, shall apply to any inquiry held by the Minister in England and Wales in pursuance of this section, and shall have effect as if the expression " department " included the Minister, and the provisions of the Sixth Schedule to the Act of 1943 shall apply to any inquiry held in Scotland, whether by the Minister or the Secretary of State, in pursuance of this section in like manner as those provisions apply to any inquiry held by the Secretary of State for the purposes of that Act:

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Provided that no local authority shall be ordered to pay costs under subsection (4) of the said section two hundred and ninety in the case of any inquiry unless they are a party thereto.

## 67 Interpretation.

(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

" the Act of 1943 " means the Hydro-Electric Development (Scotland) Act, 1943;

" arbitration tribunal " means the tribunal established under section thirty-one of this Act;

" Area Board " has the meaning assigned to it by section one of this Act;

" authorised undertakers " means the bodies specified in the Second Schedule to this Act, and any reference in this Act to the capacity of a local authority or a composite company as authorised undertakers shall be construed as a reference to their capacity as a body authorised by any enactment to supply electricity in an area of supply;

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

" Central Authority " has the meaning assigned to it by section one of this Act;

" company " means a company incorporated by any enactment and a company within the meaning of the Companies Act, 1929;

" Electricity Board " has the meaning assigned to it by section one of this Act;

" electricity holding company " has the meaning assigned to it by section thirteen of this Act;

" 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;

" electric line " has the same meaning as in the Electric Lighting Act, 1882;

" 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;

" emoluments " includes any allowances, privileges or benefits, whether obtaining legally or by customary practice;

" employed " means employed as an officer and " employment " shall be construed accordingly;

" enactment " means a public general Act, a local, private or personal Act, a provisional order confirmed by an Act, and any regulation or order made under any enactment, or any provision contained in any such Act, provisional order, regulation or order, and also includes any deed of transfer whereby statutory powers have been transferred to any authorised undertakers;

" financial year, "—

(a) in relation to the North of Scotland Board, means the financial year determined by the Secretary of State under section fifteen of the Act of 1943;

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- (b) in relation to any other Electricity Board, means a period of twelve months ending with a day to be prescribed, so however that the first financial year shall be the period beginning with the passing of this Act and ending with the first occurrence of the prescribed day, and, in case of any alteration of the prescribed day, the duration of the financial year as to which the alteration is first to have effect shall be shortened or extended as may be prescribed, by not more than six months, so as to end on the new prescribed day; and
- (c) in relation to any body to whom Part II of this Act applies, other than a local authority, means the period of twelve months for which the accounts of the body are normally made up;
  - " functions " means duties and powers;
  - " generating station " has the same meaning as in the Electricity (Supply) Act, 1919;
  - " holding company " shall be construed in accordance with the definition contained in the Companies Act, 1947;
  - " joint board of local authorities " means a joint board constituted under section eight of the Electric Lighting Act, 1909, or by a local enactment;
  - " lease " includes an agreement for a lease and any tenancy agreement;
  - " loan ", in relation to a local authority, means a loan raised by the issue of securities or by a mortgage created under Part IX of the Local Government Act, 1933, or any similar enactment, and a loan advanced by the Public Works Loan Commissioners on the security of a mortgage;
  - " local authority " means the council of a county borough, county district or metropolitan borough, and the Common Council of the City of London, and includes, in section seven of this Act, the council of a county, and also includes in any other provision of this Act except the said section seven any joint board of local authorities having functions as authorised undertakers and also other functions;
  - " local enactment " means any enactment except a public general Act;
  - " main transmission lines " has the same meaning as in the Electricity (Supply) Act, 1919;
  - " Minister " means the Minister of Fuel and Power;
  - " net revenue ", in relation to any body, means the revenue of that body, after deducting therefrom all charges which are proper to be made to revenue account, including, in particular, proper provision for the redemption of capital and proper provision for depreciation of assets or for renewal of assets, but not including provision for interest on debentures and debenture stock;
  - " North of Scotland Board " means the North of Scotland Hydro-Electric Board constituted under the Act of 1943;
  - " North of Scotland District " means the area defined in the Second Schedule to the Act of 1943, subject to any order made under Part I of this Act varying that area;
  - " officer " includes a managing director and a director whose functions are substantially those of an employee but not any other director, and also includes a servant;
  - " 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;

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" 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;

" power station company " has the meaning assigned to it by section thirteen of this Act;

" prescribed " means prescribed by regulations;

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

" regulations " means regulations made by the Minister;

" securities ", in relation to a body corporate, means any shares, stock, debentures and debenture stock of the body corporate, and also includes any mortgages of the body which were quoted in the Stock Exchange Official Daily List (within the meaning of section twenty of this Act) on all six of the dates first mentioned in subsection (2.) of that Section, and " holder of securities ", in relation to any body to whom Part II of this Act applies, means, except in the provisions relating to the appointment of the stockholders' representative, a person who, immediately before the vesting date, was the holder of securities of that body, or his successor in title;

" stockholders' representative " has the meaning assigned to it by section twenty-one of this Act;

" subsidiary company " shall be construed in accordance with the definition contained in the Companies Act, 1947;

" vesting date " has the meaning assigned to it by subsection (1) of section fourteen of this Act.

- (2) The definitions of "the Act of 1943 ", " electrical fittings ", "the North of Scotland Board " and " the North of Scotland District " shall apply for the purposes of any amendment made by this Act in any other enactment.
- (3) References in this Act to any other enactment shall be construed as references to that enactment as amended by or under any other enactment, including this Act.

## **68 Application to Scotland.**

- (1) The provisions of this section shall (in addition to the provisions of this Act relating to the North of Scotland District) have effect for the purpose of the application of this Act to Scotland.
- (2) For any reference to the Minister of Health there shall be substituted a reference to the Secretary of State, and for any reference to the Acquisition of Land (Authorisation Procedure) Act, 1946, there shall be substituted a reference to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947.
- (3) The expression " easement " means servitude; the expression " mortgage " includes a heritable security; the expression " local authority " means a county or town council; the expression " disclaim " includes abandon, and the expression " disclaimer " shall

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be construed accordingly; and for any reference to the transfer of stock or the payment of money into Court there shall be substituted a reference to the deposit of a stock certificate or the consignment of money in a bank subject to the orders of the Court of Session.

- (4) Any reference to a Bill in Parliament shall include a reference to an order under the Private Legislation Procedure (Scotland) Act, 1936.
- (5) Regulations under subsection (g) of section fourteen of this Act may include provision for the completion of the title of any Electricity Board to heritable property in Scotland vesting in them by virtue of this Act by the execution and recording in the General Register of Sasines of conveyances or instruments relating to such property.
- (6) Sections eighteen and twenty-nine of this Act shall have effect as if for any reference to the Law Reform (Frustrated Contracts) Act, 1943, there were substituted a reference to the common law of Scotland with regard to the frustration of contracts.
- (7) Any order of the arbitration tribunal may be recorded for execution in the books of Council and Session and shall be enforceable accordingly.
- (8) It shall be the duty of the Assessor of Public Undertakings (Scotland) to ascertain and fix the value of all lands and heritages in Scotland belonging to or leased by the Central Authority or any Area Board (other than dwelling-houses or lands and heritages which are let by the said Authority or any such Board, or are not used or adapted for use for the purposes of their functions with regard to the generation or supply of electricity), and for that purpose the provisions of the Lands Valuation (Scotland) Act, 1854, and the Acts amending it shall apply in like manner as that Act as so amended applies in relation to the valuation of the lands and heritages belonging to any company or body which it is the duty of the Assessor to value.

## **69 Short title and extent.**

- (1) This Act may be cited as the Electricity Act, 1947.
- (2) This Act shall not extend to Northern Ireland.