



New Towns Act 1946

1946 CHAPTER 68

10 Statutory undertakers.

- (1) In relation to the provision of services by statutory undertakers for the purposes of new towns under this Act, and to the consequences of the acquisition of land thereunder, the following provisions of the Town and Country Planning Act, 1944, that is to say—
 - (a) section twenty-six (which provides for the extension and modification of the powers and duties of statutory undertakers in order to secure the provision of services for purposes in connection with which land may be acquired under Part I of that Act by a local planning authority, or in order to facilitate adjustments necessitated by the acquisition under that Part of land of the undertakers) ; and
 - (b) section twenty-seven (which provides for the relief of statutory undertakers from obligations the performance of which is rendered impracticable by the acquisition under Part I of that Act of land of the undertakers) ;shall apply as they apply in relation to the provision of services for purposes in connection with which land may be acquired under Part I of that Act, and to the consequences of the acquisition of land under that Part.
- (2) Without prejudice to the provisions of section twenty-six of the Town and Country Planning Act, 1944, as applied by the last foregoing subsection, if it appears to the Minister of Fuel and Power to be expedient for the purpose of securing an efficient supply of electricity or gas in an area designated under this Act as the site of a new town that any part of that area which is included in the limits of supply of any statutory undertakers authorised to supply electricity or gas (in this section referred to as " the transferors ") should be included in the limits of supply of any other such undertakers (in this section referred to as "the transferees") he may by order provide for varying the respective limits of supply of those undertakers accordingly.
- (3) An order made under the last foregoing subsection may provide for the transfer to the transferees of any part of the undertaking of the transferors, and may contain such incidental, consequential and supplementary provisions as the Minister of Fuel and Power thinks necessary or expedient for the purposes of the order; and in particular, but without prejudice to the generality of the foregoing provision, any such order may provide—

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- (a) for transferring to the transferees any property or liabilities of the transferors ;
- (b) for amending or repealing any local enactment (including ' any order or byelaw) relating to the undertaking of the transferees or of the transferors ;
- (c) for requiring the transferees to pay to the transferors such sum by way of compensation as may be agreed upon between them, or, in default of such agreement, as may be determined by the arbitration of such tribunal as may be specified in the order :

Provided that in determining the sum to be so paid under any such order the tribunal shall not take account of any potential profit that might have been derived by the transferors from the development of land which ceases to be comprised within their limits of supply by virtue of the order, except in so far as such development would have been likely to take place if the land had not been included in the site of a new town under this Act.

- (4) Provision shall be made by any order under subsection (2) of this section for securing that persons who, immediately before that order comes into operation, are employed by any undertakers whose limits of supply are varied by the order, and suffer damage in respect of their employment in consequence of the order, shall be entitled, in such cases, to such extent and subject to such conditions as may be prescribed by the order, to recover compensation in respect of that damage from such of those undertakers as may be specified therein ; and for the purpose of prescribing the matters aforesaid any such order shall provide—
 - (a) in the case of an order varying the limits of supply of undertakers authorised to supply electricity, for the application of provisions not less favourable to the persons employed by those undertakers than those of section sixteen of the Electricity (Supply) Act, 1919 ;
 - (b) in the case of an order varying the limits of supply of undertakers authorised to supply gas, for the application of provisions not less favourable to the persons employed by those undertakers than those which, in the opinion of the Minister of Fuel and Power, would be applied to them if the variation were effected under arrangements approved by a special order made under the Gas Regulation Act, 1920.
- (5) An order made under subsection (2) of this section shall be subject to special parliamentary procedure, and the First Schedule to the Statutory Orders (Special Procedure) Act, 1945 (which sets out the notices to be given and other requirements to be complied with before an order is made), shall, in its application to any such order, have effect as if paragraph 1 of the said Schedule included a provision requiring the notice of the order as proposed to be made to be served by the Minister of Fuel and Power on the transferors and on the transferees.
- (6) In this section the expression " limits of supply ", in relation to any undertakers, means the area within which those undertakers are authorised by any enactment to supply electricity or gas, as the case may be.