



# Gas Act 1972

## 1972 CHAPTER 60

### PART IV

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Miscellaneous*

#### **32 Position of Corporation as respects taxation etc. generally**

With the exception of sections 33 and 34 below, nothing in this Act shall be deemed to exempt the Corporation from any liability for any tax, duty, rate, levy or other charge whatsoever, whether general or local.

#### **33 Special provisions with respect to stamp duty**

- (1) Section 12 of the Finance Act 1895 (which requires certain Acts to be stamped as conveyances on sale) shall not apply to this Act.
- (2) Where the redemption of, and the payment of interest on any British Gas Stock issued by the Corporation is guaranteed by the Treasury under section 22 of this Act, transfers of the stock shall be exempt from all stamp duty (including stamp duty payable in Northern Ireland).

For the purposes of section 6 of the Government of Ireland Act 1920, this subsection shall, so far as it relates to stamp duty payable in Northern Ireland, be deemed to be contained in an Act passed before the day appointed for the purposes of that section.

- (3) Where a subsidiary is to be formed by the Corporation, or the amount of the nominal share capital of a subsidiary of the Corporation is to be increased, then, if the Treasury are satisfied that the formation of the subsidiary or, as the case may be, the increase of capital, is for the purpose of giving effect to conclusions reported to the Secretary of State under subsection (1) of section 4 of this Act or a direction given by the Secretary of State under subsection (3) of that section, or is for purposes that include that purpose, stamp duty shall not be chargeable on so much of the nominal share

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capital of the subsidiary or, as the case may be, of the increase in the nominal share capital of the subsidiary as, in the opinion of the Treasury, is necessary for achieving that purpose.

### **34 Rating of Corporation**

- (1) Subsection (2) below applies to the rating of the Corporation in England and Wales, and subsection (3) to the rating of the Corporation in Scotland.
- (2) As from the appointed day, the provisions set out in Part I of Schedule 5 to this Act shall, as there directed, be substituted for section 33 of, and Schedule 6 to, the General Rate Act 1967 (which relate to the rating of the Gas Council and the Area Boards in England and Wales).

The transitional provisions contained in Part II of the said Schedule 5 shall also have effect, and the provisions in the said Part I shall have effect subject to them.

- (3) For the purposes of the levying of rates in respect of—
  - (a) the year following the appointed day, the Corporation shall be treated as having—
    - (i) supplied, manufactured or produced all gas supplied or manufactured or produced in Scotland by the Gas Council and the Scottish Gas Board during the twelve months ending with the 31st March falling within the immediately preceding year, and
    - (ii) purchased all gas purchased by the Gas Council in order to supply the Scottish Gas Board and consumers in Scotland, and all gas purchased by the Scottish Gas Board from any person other than the Gas Council during the said period, and
    - (iii) occupied during that year, the lands and heritages mentioned in section, 24(1) of the Valuation and Rating (Scotland) Act 1956, and for this purpose that Act and any other enactments relating to the levying of rates in Scotland on the Gas Council and the Scottish Gas Board shall apply as in operation immediately before the appointed day, except in relation to the definition of " excepted premises " in section 24(4) of the Valuation and Rating (Scotland) Act 1956,
  - (b) any subsequent year, the provisions of section 24 of, and Schedule 4 to, the Valuation and Rating (Scotland) Act 1956, shall apply as read with section 3 of the Local Government (Financial Provisions etc.) (Scotland) Act 1962, section 12 of the Local Government (Financial Provisions) (Scotland) Act 1963 and sections 18 and 19 of the Local Government (Scotland) Act 1966.

### **35 Machinery for settling terms and conditions of employment etc.**

- (1) Except so far as they are satisfied that adequate machinery exists for. achieving the purposes of this section—
  - (a) it shall be the duty of the Corporation to seek consultation with any organisation appearing to them to be appropriate with a view to the conclusion between the Corporation and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for the settlement by negotiation of terms and conditions of employment of persons employed by the Corporation, with provision for

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reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements, and

- (b) it shall be the duty of the Corporation to seek consultation with any organisation appearing to them to be appropriate with a view to the conclusion between the Corporation and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the Corporation and the discussion of other matters of mutual interest to the Corporation and such persons, including the training and education of such persons and efficiency in the operation of the services of the Corporation.
- (2) The Corporation, shall send to the Secretary of State for Trade and Industry and to the Secretary of State for Employment copies of any agreement made by them under this section and of any instrument varying the terms of any such agreement.

### **36 Provisions as to pension rights**

- (1) The Corporation may, in the case of such of the persons to whom this subsection applies as they may determine, pay such pensions to or in respect of those persons as they may determine, make such payments as they may determine towards the provision of such pensions, or establish and maintain such schemes as they may determine for the payment of such pensions.

The persons to whom this subsection applies are all persons who are or at any time have been employed by the Corporation (whether as such or as the Gas Council), an Area Board, the National Council, a Regional Council, or a Gas Consultative Council established under section 9 of the Gas Act 1948, and all persons who were at any time before 1st May 1949 (the vesting date for the purposes of the said Act of 1948) either employed by an undertaker to whom Part II of that Act applied or employed whole-time for the purpose of administering the undertaking of such an undertaker or a part of that undertaking (the expression "undertaker to whom Part II of that Act applied" including for this purpose the bodies mentioned in section 62(1) of that Act, which relates to certain gas and coke associations).

- (2) A scheme under subsection (1) above may provide that, where a person participating therein as an employee of the Corporation becomes a member of the Corporation, his service as a member shall be treated for the purposes of the scheme as if it were service as an employee ; and any such scheme may also provide for the like treatment, in the case of any person who is a member of the Corporation as from the appointed day, and was immediately before that day participating in a pension scheme maintained by the Gas Council or an Area Board either as an employee of the body in question or as a member whose service as such was treated for the purposes of that scheme as service as an employee, of the whole service of that person as a member of the Corporation and a member or employee of the Council or Board.
- (3) Notwithstanding the repeal by this Act of section 58 of the Gas Act 1948 (pensions for persons employed in the gas industry), any regulations in force under that section immediately before the appointed day (including regulations made by virtue of section 62(2) of that Act), and any pension scheme subsisting immediately before that day under or by virtue of any such regulations, shall continue in force thereafter by virtue of this subsection, subject however to the necessary modifications and to the provisions of any regulations made under subsection (4) below.

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- (4) Under this subsection (in which " old scheme " and " new scheme " mean respectively a pension scheme continued in force by subsection (3) above, and a pension scheme established under subsection (1) above), the Secretary of State may make regulations providing for all or any of the following matters—
- (a) the amendment, repeal or revocation of an old scheme, or the amalgamation of such a scheme either with another old scheme or with a new scheme,
  - (b) the amendment, repeal or revocation of any enactment relating to an old scheme or to a new scheme, of any regulations continued in force by subsection (3) above and not constituting such an enactment, and of any trust deed, rules or other instrument made for the purpose of any such scheme,
  - (c) the transfer in whole or in part, or the extinguishment, of liabilities and obligations under an old scheme,
  - (d) the transfer in whole or in part, or the winding up, of any pension fund held for the purposes of an old scheme, and
  - (e) any matter supplemental to or consequential on any of the matters aforesaid, including the dissolution or winding up of bodies, whether incorporated or not, the continued existence of which is unnecessary having regard to the regulations ;

but nothing in this subsection shall authorise the making of provision for the diversion of any pension fund to purposes other than the payment of pensions to or in respect of persons to whom subsection (1) above applies.

- (5) Regulations made under subsection (4) above shall be so framed as to secure that persons having pension rights under any scheme or regulations to which they relate are not placed in any worse position by reason of the regulations.

Regulations shall not be invalid by reason that in fact they fail to secure that result; but if the Secretary of State is satisfied that they have failed to secure it, or it is so determined as hereinafter mentioned, the Secretary of State shall as soon as possible make the necessary amending regulations.

Any dispute arising as to whether or not the said result has been secured shall be referred to and determined by a tribunal established under section 12 of the Industrial Training Act 1964.

- (6) Regulations made under the said subsection (4) may be made so as to have effect from a date prior to the making thereof, so however that so much of any regulations as provides that any provision thereof is to have effect from a date prior to the making thereof shall not place any person other than the Corporation in a worse position than he would have been in if the regulations had been made to have effect only as from the date of the making thereof.

### **37 Compensation to members and officers of Gas Council and Area Boards, and officers of Gas Consultative Councils**

- (1) The Secretary of State may require the Corporation to pay—
- (a) to any person whose term of office as a member of the Gas Council expires on the appointed day by virtue of paragraph 1 of Schedule 1 to this Act, and who is not appointed to membership of the body under its new name for a term of office beginning on that day, and
  - (b) to the persons who are members of Area Boards immediately before the appointed day,

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such sums by way of compensation for loss of office as the Secretary of State may with the consent of the Minister for the Civil Service determine.

- (2) The Secretary of State may by regulations require the Corporation to pay, in such cases and to such extent as may be determined by or under the regulations, compensation to or in respect of officers of the Gas Council, of Area Boards, or of Gas Consultative Councils established under section 9 of the Gas Act 1948, being officers who suffer loss of employment, or loss or diminution of emoluments or pension rights, in consequence of this Act.
- (3) Different regulations may be made under subsection (2) above in relation to different classes of persons, and any such regulations may be so framed as to have effect as from a date prior to the making thereof, so, however, that so much of any regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any person other than the Corporation in a worse position than he would have been in if the regulations had been made to have effect only as from the date of the making thereof.
- (4) Regulations under subsection (2) above—
  - (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 what compensation is payable is to be determined, and
  - (b) shall in particular contain provisions enabling appeals from any determination as to whether any or what compensation is payable to be brought, in such cases and subject to such conditions as may be prescribed by the regulations, before a tribunal established under section 12 of the Industrial Training Act 1964.

### **38 Contributions by Secretary of State towards expenditure designed to promote employment**

- (1) There may be defrayed out of moneys provided by Parliament such sums not in the aggregate exceeding £5 million as may be required by the Secretary of State for the purpose of making with the approval of the Treasury contributions towards expenses to which this section applies.
- (2) This section applies—
  - (a) to expenses incurred by the Gas Council, any of the Area Boards or the Corporation in or in connection with the carrying out of any project which is commenced before 1st April 1974 and which, pursuant to an agreement entered into with the Secretary of State with a view to promoting employment (whether or not in the gas industry) is, in whole or in part, commenced or carried out earlier than it would have been but for the agreement, and
  - (b) to expenses incurred by any of those bodies in or by reason of the purchase before that date of materials for any project, being a purchase which, pursuant to any such agreement, was effected earlier than it would have been but for the agreement;and, in the case of the Gas Council and the Area Boards, this section applies to expenses incurred before as well as after the passing of this Act.

### **39 Application of Pipe-lines Act 1962**

- (1) As from the appointed day, section 58(1) of the Pipe-lines Act 1962 (which sets out certain statutory bodies to whom, or in relation to whose pipe-lines, certain provisions

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of that Act are not to apply) shall be amended by substituting the following paragraph for paragraphs (a) and (b) (Area Boards and Gas Council)—

“(a) the British Gas Corporation ;”.

- (2) Notwithstanding subsections (4) and (5) of the said section 58 and subsection (1) above, but subject to subsection (3) below, the references to a pipe-line in sections 27(1), 31(1) and 42 of the said Act (protection of pipe-lines imperilled by buildings, structures or deposits, and powers of inspectors) shall include references to any pipe-line vested in the Corporation other than one laid in a street or a service pipe, and the references in the said section 42 to pipe-line works shall include references to any such works executed by the Corporation in relation to such a pipe-line.

In this subsection "street" has the same meaning as in the Public Utilities Street Works Act 1950.

- (3) The application by virtue of subsection (2) above of the said section 27(1) and the said section 31(1) to a particular part of any pipe-line shall be dependent upon there having been previously deposited with every local authority in whose area the part lies, either by the Corporation or, before the appointed day, by the Gas Council or an Area Board, a map, on a scale not less than 1 in 10,560, showing the route taken by the part.

A local authority holding a map relating to a pipe-line vested in the Corporation shall keep the map at their offices, and shall secure that it is open to inspection by any person at all reasonable times free of charge.

In this subsection " local authority " means—

- (a) in England and Wales, the council of a county, county borough or county district, the Greater London Council, the council of a London borough, and the Common Council of the City of London, and
- (b) in Scotland, a town or county council.

#### **40 Meaning of "operational land" in Planning Acts**

Section 223 of the Town and Country Planning Act 1971 and section 212 of the Town and Country Planning (Scotland) Act 1972 (which relate to the determination of what is operational land for the purposes of those Acts) shall each be amended by inserting in subsection (2)(b), before the words " the Transport Act 1968 " , the words " the Gas Act 1972 or ".

#### **41 Adaptation to metric units**

- (1) The Secretary of State may by regulations amend any provision of this Act, or any other enactment (whenever passed or made) relating to gas by substituting—
- (a) for any reference therein to the therm, a reference to a unit of measurement defined in terms of metric units, and
  - (b) for any reference therein to a distance expressed in imperial units, a reference to one expressed in metric units, being one which is either equivalent thereto or such an approximation thereto as the Secretary of State considers it preferable to substitute for the purpose of securing that the enactment in question as amended is expressed in convenient terms.
- (2) The Secretary of State may also by regulations amend section 25(1) of this Act by substituting for the definition of " calorific value " a definition expressed in terms of metric units.

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- (3) Regulations under this section may contain such incidental, supplemental and consequential provisions as the Secretary of State considers expedient.