



# Electricity Act 1947

## 1947 CHAPTER 54

### PART IV

#### MISCELLANEOUS AND GENERAL.

##### *Conditions of Employment and Pension rights.*

#### **53 Machinery for settling terms and conditions of employment of staff, etc.**

- (1) Except so far as they are satisfied that adequate machinery exists for achieving the purposes of this section, it shall be the duty of the Central Authority to seek consultation with any organisation appearing to them to be appropriate with a view to the conclusion between the Authority and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—
  - (a) the settlement by negotiation of terms and conditions of employment of persons employed by Electricity Boards, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements; and
  - (b) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by Electricity Boards and the discussion of other matters of mutual interest to the Boards and such persons, including efficiency in the operation of the services of the Boards.
- (2) In exercising their powers under the last foregoing subsection the Central Authority shall consult with the Area Boards and the North of Scotland Board.
- (3) It shall be the duty of every Area Board and of the North of Scotland Board to comply with any such agreement as aforesaid.
- (4) The Central Authority shall send to the Minister, the Secretary of State and the Minister of Labour and National Service copies of any such agreement as aforesaid and of any instrument varying the terms of any such agreement.

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## 54 Provisions as to pension rights.

- (1) The Minister and the Secretary of State may make joint regulations for all or any of the following purposes, that is to say—
- (a) for providing pensions to or in respect of persons who are or have been in the employment of an Electricity Board or a Consultative Council, or persons who have been members of the Central Electricity Board or have been employed by any body to whom Part II of this Act applies or have been employed whole-time for the purpose of administering undertakings or parts of undertakings of authorised undertakers, but who have not been taken into the employment of an Electricity Board as aforesaid;
  - (b) for the establishment and administration of pension schemes and pension funds for the purposes of the foregoing paragraph, for the continuance, amendment, - repeal or revocation of existing pension schemes relating in whole or in part to the like purposes and of enactments relating thereto and of trust deeds, rules or other instruments made for the purposes thereof, for the transfer in whole or in part, or for the extinguishment, 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 schemes, so, however, that nothing in this paragraph shall be construed as authorising the diversion of any such funds to purposes other than those of the foregoing paragraph;
  - (c) for making any provision consequential on any such provision as aforesaid including provision for the dissolution or winding up of bodies, whether incorporated or not, the continued existence whereof is unnecessary having regard to the regulations.
- (2) Where provision is made by any such regulations for the amendment, repeal or revocation of any existing pension scheme or of any enactment relating thereto or any trust deed, rules or other instrument made for the purposes thereof, or for the transfer or extinguishment of any liability under any pension scheme or for the transfer or winding up of any pension fund held for the purposes of any such scheme, the regulations shall be so framed as to secure that persons having pension rights under the scheme, whether such persons as are mentioned in paragraph (a) of the last foregoing subsection or not, are not placed in any worse position by reason of the amendment, repeal, revocation, transfer, extinguishment or winding up:
- Provided that this subsection shall, have effect subject to such limitations as may be prescribed for meeting cases in which, in connection with any provision made by this Act or in anticipation of the making of any such provision, pension rights have been created otherwise than in the ordinary course.
- (3) Regulations made under this section shall not be invalid by reason that in fact they do not secure that persons having pension rights, are not placed in any worse position by reason of any such amendment, repeal, revocation, transfer, extinguishment or winding up as is mentioned in the last foregoing subsection, but if the Minister and the Secretary of State are satisfied or it is determined as hereinafter mentioned that any such regulations have failed to secure that result, the Minister and 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 by any regulations made under this section shall be referred to a referee or board of referees appointed by the Minister of Labour and National Service, after consultation with the Lord Chancellor or, where the proceedings are to be held in Scotland, after consultation

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with the Secretary of State, for his or their determination thereon, and the decision of that referee or board shall be final.

- (4) Without prejudice to the generality of the foregoing provisions of this section, regulations made under this section may contain provisions authorising any person who, being a participant in any pension scheme to which the regulations relate, becomes a member of an Electricity Board, 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 Minister with the approval of the Treasury.
- (5) Subject to any regulations made under this section, the provisions of this Act which vest liabilities and obligations of a body to whom Part II of this Act applies in an Electricity Board shall apply in relation to customary obligations of the body in respect of pensions notwithstanding that the body was under no legal obligation in respect of those pensions, and if any question arises as to the existence or extent of any such customary obligation, the question shall, in default of agreement, be referred to a referee or board of referees appointed by the Minister of Labour and National Service, after consultation with the Lord Chancellor, or where the proceedings are to be held in Scotland, after consultation with the Secretary of State, and the decision of that referee or board shall be final and the Electricity Board shall give effect to that decision.
- (6) Nothing in this section, and in particular nothing in subsection (2) thereof, shall be taken to derogate from the power conferred by subsection (4) of section sixty-nine of the National Insurance Act, 1946, to make regulations providing for the modifying or winding up of pension schemes in connection with the passing of that Act.
- (7) Regulations made under this section may contain such supplementary and consequential provisions as the Minister and the Secretary of State think necessary, including provisions as to the manner in which questions arising under the regulations are to be determined and provisions adapting, modifying or repealing enactments, whether of general or special application.
- (8) Regulations made for the purposes of this section 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 an Electricity Board in a worse position than he would have been if the regulations had been made to have effect only as from the date of the making thereof.

## **55 Compensation to officers in connection with transfers.**

- (1) The Minister and the Secretary of State jointly shall by regulations require every Electricity Board to pay, in such cases and to such extent as may be specified in the regulations, compensation to officers of any body whose property, rights, liabilities and obligations vest by virtue of this Act in the Board and officers employed whole-time for the purpose of administering undertakings or parts of undertakings of authorised undertakers, being officers who suffer loss of employment or loss or diminution of emoluments or pension rights or whose position is worsened in consequence of the vesting, or in consequence of the subsequent transfer to another Electricity Board or the subsequent disposal in any other manner, of any such property, rights, liabilities or obligations.

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- (2) The Minister shall also, in such cases and to such extent as may be specified in the regulations, by regulations require the Central Authority to pay compensation to—
- (a) members of the Central Electricity Board, and
  - (b) Electricity Commissioners and officers of the Electricity Commissioners, who suffer 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 Electricity Board or, as the case may be, the Electricity Commissioners, by or under this Act.

- (3) Regulations made under subsection (1) or subsection (2) of this section shall, in such cases and to such extent as may be specified in the regulations, extend to persons who would have been within the said subsection (1) or, as the case may be, the said subsection (2) but for any war service in which they have been engaged.

In this subsection the expression " war service " means service in any of His Majesty's forces and. such other employment as may be specified in the regulations.

- (4) Different regulations may be made under this section 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 an Electricity Board 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.

- (5) Regulations made under this section—

- (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) may 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 referee or board of referees appointed by the Minister of Labour and National Service, after consultation with the Lord Chancellor or where the proceedings are to be held in Scotland, after consultation with the Secretary of State,

and where any such provision is made as is specified in paragraph (b) of this subsection, the decision of the referee or board of referees shall be final.

- (6) Nothing in this section shall be construed as enabling regulations to be made prejudicing the rights of any person under section sixteen of the Electricity (Supply) Act, 1919, or under section fifteen of and the Fourth Schedule to the Electricity (Supply) Act, 1926, or under the Compensation of Displaced Officers (War Service) (Electricity Undertakings) Order, 1946, being rights' arising in consequence of events which occurred before the vesting date.

References to the said sections and Schedule shall be construed as including references to those sections and that Schedule as applied by any other enactment, with or without modifications and adaptations.

- (7) No regulations shall be made under this section unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

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- (8) The Minister of Labour and National Service may, with the consent of the Treasury, pay out of moneys provided by Parliament—
- (a) to any referee or to the members of any board of referees appointed by him under this section or the last foregoing section such fees and allowances as he may with the consent of the Treasury determine; and
  - (b) to persons giving evidence before any such referee or board such allowances as he may with the consent of the Treasury determine.

**56 Arbitration Acts not to apply to proceedings before referees or boards of referees.**

Nothing in the Arbitration Acts, 1889 to 1934, shall be construed as applying to any proceedings before a referee or board of referees appointed under either of the two last foregoing sections by the Minister of Labour and National Service.