



Electricity Act 1947

1947 CHAPTER 54

PART IV

MISCELLANEOUS AND GENERAL.

Consequential Amendment of Statutory Provisions.

57 Application, amendment and repeal of enactments relating to electricity supply.

- (1) As from the vesting date, the Electricity (Supply) Acts, 1882 to 1936, and any other enactment to which any provision of Part I of the Fourth Schedule to this Act applies, shall have effect subject to the adaptations and modifications specified in Part I of that Schedule, and the Act of 1943 shall have effect subject to the adaptations and modifications specified in Part II of that Schedule, being adaptations, and modifications required for the purpose of applying the said Acts and enactments to Electricity Boards and otherwise required in consequence of the provisions of this Act.
- (2) The Schedule to the Electric Lighting (Clauses) Act, 1899, shall, as from the vesting date, be incorporated with this Act, and shall have effect, as so incorporated, subject to the adaptations and modifications specified in Part III of the said Fourth Schedule.
- (3) All local enactments, in force at the vesting date and applicable to any authorised undertakers except enactments applicable to local authorities or composite companies otherwise than in their capacity as authorised undertakers, shall, as from the vesting date, have effect—
 - (a) as if for references to the undertakers there were substituted references to the appropriate Board;
 - (b) as if for any reference (however worded and whether expressed or implied) to the undertaking or any part of the undertaking or to the area of supply or any part of the area of supply of the Undertakers there were substituted a reference to so much of the business carried on by the appropriate Board as corresponds to that undertaking or part thereof or, as the case may be, a reference to the area constituting the said area of supply or part thereof immediately before the vesting date;

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and shall also have effect, as from such date as may be prescribed which may be prior to the making of the regulations but not to the vesting date, with such other adaptations and modifications (if any) as may be prescribed, being adaptations and modifications required in consequence of the provisions of this Act (including the foregoing provisions of this section) or of the Act of 1943:

Provided that the provisions of any such local enactment shall, in so far as they are inconsistent with or rendered redundant by the provisions of this Act (including the foregoing provisions of this section) or of the Act of 1943, cease to have effect, as from the vesting date.

In this subsection the expression " the appropriate Board "—

- (a) in relation to undertakers all of whose property, rights, liabilities and obligations vest by virtue of this Act in a single Electricity Board, means that Board;
 - (b) in relation to undertakers, in whose case generating stations and main transmission lines vest by virtue of this Act in the Central Authority, and other parts of the undertaking vest as aforesaid in an Area Board, means—
 - (i) the Central Authority, as respects any enactment applicable only to the part of the undertaking vested in that Authority;
 - (ii) the Area Board, as respects any enactment applicable only to other parts of the undertaking;
 - (iii) both the said Authority and Board, as respects any enactment applicable both to the part vested in the Authority and to other parts of the undertaking.
- (4) For the purpose of securing, so far as reasonably practicable, a uniform statutory code applicable throughout the area of each Area Board and the North of Scotland District, the Minister may, as respects local enactments applicable to an Area Board, and the Secretary of State may, as respects local enactments applicable to the North of Scotland Board, by order provide for the repeal or amendment of any such enactment or for its extension to the whole of the area concerned, and for such matters consequential on or incidental to any such repeal, amendment or extension for which the Minister or the Secretary of State considers it necessary or expedient to provide.
- An order under this subsection shall be subject to special parliamentary procedure.
- (5) Where an order made under this Act provides for the transfer of property, rights, liabilities and obligations from any Electricity Board to another such Board, that order or a subsequent order may provide for the application to the last named Board of the provisions of any local enactment applicable to the first named Board, so far as appears to the Minister or Ministers by whom the order is made necessary or expedient in consequence of the said transfer.
 - (6) Where the undertaking of any person authorised by any enactment to supply electricity does not vest by virtue of this Act in any Electricity Board, the Minister or Secretary of State, as the case may be, may by order provide for the continued application to the undertaking, subject to such adaptations and modifications as may be necessary, of any enactments which would otherwise cease to apply to the undertaking in consequence of this section, including enactments repealed by this section.
 - (7) As from the vesting date, the enactments mentioned in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, and, where any local enactment incorporates (with or without adaptations or modifications)

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any provisions of the Schedule to the Electric Lighting (Clauses) Act, 1899, repealed by this subsection, or contains any provisions substantially corresponding therewith, those provisions shall cease to have effect:

Provided that—

- (a) the repeal of any provision under which any special order or other order was made, being an order which would be applicable to an Electricity Board by virtue of subsection (3) of this section, shall not affect that order;
- (6) the repeal of the provisions of section sixteen of the Electricity (Supply) Act, 1919, and section fifteen of and the Fourth Schedule to the Electricity (Supply) Act, 1926, and of the Fifth Schedule, to the Act of 1943 (so far as it applies the provisions aforesaid shall not affect the rights of any person arising under any of those provisions in consequence of any event occurring before the vesting date; and
 - (c) the repeal of section forty-two of and the First Schedule to the Civil Defence Act, 1939, shall not prevent the disposal of plant, equipment and property, and the application of the proceeds thereof, in accordance with Part II of the said Schedule.

58 Power to dissolve Electricity Commissioners.

- (1) The Minister may by order provide—
 - (a) for dissolving the Electricity Commissioners;
 - (b) for transferring to the Minister all property, rights, liabilities and obligations of the Electricity Commissioners, and for the modification of agreements so far as necessary for giving effect to the transfer of rights, liabilities and obligations thereunder;
 - (c) for transferring to the Minister, the Secretary of State, the Central Authority or the North of Scotland Board any functions previously exercisable by the Electricity Commissioners under any enactment or for extinguishing any such functions;
 - (d) for transferring from the Minister to the Central Authority or the North of Scotland Board such of the property, rights, liabilities and obligations transferred to him from the Electricity Commissioners as appear to the Minister to relate to any functions of the Commissioners so transferred;
 - (e) for the adaptation, modification or repeal of enactments relating to the Electricity Commissioners; and
 - (f) for matters incidental or supplementary to the matters aforesaid for which it appears to the Minister to be necessary or expedient to provide.
- (2) Any order made under this section shall secure that the pension rights of persons who have been Electricity Commissioners or officers of the Electricity Commissioners are not prejudiced by the order, and any pension payable in satisfaction of those rights shall be paid out of moneys provided by Parliament and shall be repaid to the Treasury by the Central Authority and the North of Scotland Board on demand to such extent as the Treasury may determine.

59 Assets of Electricity Associations to be applicable for compensating their officers.

Where any body, not being a body to whom Part II of this Act applies, have among their objects the promotion or protection of the interests of electricity undertakers or

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any class thereof, or of the officers of electricity undertakers or any class thereof, and, by reason of the failure of the objects of the body in consequence of the provisions of this Act, the affairs of the body are being wound up, any assets of the body which, after satisfaction of all their debts and liabilities, remain undisposed of may, notwithstanding anything in any enactment or instrument defining the objects of the body or regulating their affairs, be applied in whole or in part in compensating the officers of the body.