

Status: Point in time view as at 01/04/1999.

Changes to legislation: Electricity Act 1989, SCHEDULE 17 is up to date with all changes known to be in force on or before 09 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 17

Section 112(4).

TRANSITIONAL PROVISIONS AND SAVINGS

PART I

PROVISIONS AND SAVINGS FOR PART I OF ACT

- 1 (1) In so far as any requisition made under section 27 of the Schedule to the Electric Lighting (Clauses) Act 1899 which is effective on the day appointed for the coming into force of section 16 of this Act requires a supply of electricity to continue to be given, it shall have effect as if made under subsection (1) of the said section 16; and the provisions of Part I of this Act shall apply accordingly.
- (2) In so far as any requisition made under section 27 of the Schedule to the Electric Lighting (Clauses) Act 1899 which is effective on the day appointed for the coming into force of that section's repeal by this Act requires a supply of electricity to be given, the repeal shall not affect the operation of that section in relation to that requisition.
- (3) The repeal by this Act of sections 24 to 26 of the Schedule to the ^{M1}Electric Lighting (Clauses) Act 1899 shall not affect the operation of those sections in relation to any requisition made under the said section 24 which is effective on the day appointed for the coming into force of the repeal.

Marginal Citations

M1 1899 c. 19.

- 2 Any tariff fixed under section 37(3) of the ^{M2}Electricity Act 1947 or section 22(1) of the ^{M3}Electricity (Scotland) Act 1979 which is effective on the day appointed for the coming into force of section 18 of this Act shall have effect as if fixed under subsection (1) of the said section 18; and the provisions of Part I of this Act shall apply accordingly.

Marginal Citations

M2 1947 c. 54.

M3 1979 c. 11.

- 3 Any regulations made under section 16 of the ^{M4}Energy Act 1983 which are effective on the day appointed for the coming into force of section 29 of this Act shall have effect as if—
- (a) they were made under the said section 29; and

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- (b) references to an Electricity Board were references to a person authorised by a licence to supply or transmit electricity;
and the provisions of Part I of this Act shall apply accordingly.

Commencement Information

- II** Sch. 17 para. 3 wholly in force at 9.11.2001; Sch. 17 para. 3 not in force at Royal Assent see s. 113(2); Sch. 17 para. 3 in force at 31.3.1990 except for para. (b) and word “and” preceding it by S.I. 1990/117, art. 3(c); Sch. 17 para. 3(b) and word “and” preceding it in force at 9.11.2001 by S.I. 2001/3419, art. 2(b)

Marginal Citations

- M4** 1983 c. 25.

- 4 (1) Where any application made under section 2 of the ^{M5}Electric Lighting Act 1909 or section 35 of the Electricity (Scotland) Act 1979 is effective on the day appointed for the coming into force of section 36 of this Act—
- (a) the application shall have effect as if made under the said section 36 modified for that purpose by the omission of subsections (2) and (3);
 - (b) anything done before that day in relation to the application (whether under the said section 2 or 35 or under section 33 or 34 of the ^{M6}Electricity Act 1957) shall have effect as if done under the corresponding provisions of Schedule 8 to this Act; and
 - (c) the provisions of Part I of this Act shall apply accordingly.
- (2) The repeal by this Act of section 2 of the Electric Lighting Act 1909 or section 35 of the Electricity (Scotland) Act 1979 shall not affect the validity of any consent granted under that section before the day appointed for the coming into force of the repeal.
- (3) Section 36 of this Act shall not apply in relation to—
- (a) the construction of a generating station, or its operation as constructed; or
 - (b) the extension of a generating station, or its operation as extended,
- if its construction or, as the case may be, extension is authorised by a consent given or having effect as if given under section 2 of the Electric Lighting Act 1909 or section 35 of the Electricity (Scotland) Act 1979, or by a planning permission granted on an application made before the day appointed for the coming into force of the said section 36.

Marginal Citations

- M5** 1909 c. 34.
M6 1957 c. 48.

- 5 (1) Where any application made under section 10(b) of the Schedule to the Electric Lighting (Clauses) Act 1899 is effective on the day appointed for the coming into force of section 37 of this Act—
- (a) the application shall have effect as if made under the said section 37 modified for that purpose by the omission of subsection (2);
 - (b) anything done before that day in relation to the application (whether under the said section 10(b) or under section 32 or 34 of the Electricity Act 1957) shall have effect as if done under the corresponding provisions of Schedule 8 to this Act; and

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- (c) the provisions of Part I of this Act shall apply accordingly.
- (2) The repeal by this Act of section 10(b) of the Schedule to the ^{M7}Electric Lighting (Clauses) Act 1899 shall not affect the validity of any consent granted under that section before the day appointed for the coming into force of the repeal.
- (3) Where such a consent as is mentioned in sub-paragraph (2) above includes a direction that planning permission for the installation of the electric line shall be deemed to be granted, or otherwise has effect as a grant of planning permission for that installation, that permission shall be deemed to extend to the installation of any of the following, namely—
- (a) any support for that line, that is to say, any structure, pole or other thing in, on, by or from which that line is to be supported, carried or suspended;
 - (b) any apparatus connected to that line for the purpose of carrying electricity; and
 - (c) any wire, cable, tube, pipe or other similar thing (including its casing or coating) which surrounds or supports, or is surrounded or supported by, or is installed in close proximity to, or is supported, carried or suspended in association with, that line.
- (4) Section 37 of this Act shall not apply in relation to an electric line if its installation is authorised by a consent given under section 10(b) of the Schedule to the Electric Lighting (Clauses) Act 1899 or by a planning permission granted on an application made before the day appointed for the coming into force of the said section 37.
- (5) Section 37 of this Act shall not apply to any electric line which—
- (a) is a service line within the meaning of section 1 of the Schedule to the Electric Lighting (Clauses) Act 1899; and
 - (b) is or was installed before the day appointed for the coming into force of the said section 37.

Marginal Citations

M7 1899 c. 19.

- 6 Any maximum charge fixed by an Electricity Board under section 29 of the ^{M8}Electricity Act 1957 or section 23 of the ^{M9}Electricity (Scotland) Act 1979 for the resale of electricity supplied by it which is effective on the day appointed for the coming into force of section 44 of this Act shall have effect as a maximum price fixed by the Director under the said section 44 for the resale of electricity so supplied.

Marginal Citations

M8 1957 c. 48.

M9 1979 c. 11.

- 7 Where any representation, reference or report made under, or in such circumstances as are mentioned in, any of the following enactments, namely—
- (a) section 7 of the ^{M10}Electricity Act 1947;
 - (b) Schedule 7 to the Electricity (Scotland) Act 1979; and

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(c) section 21 of the ^{M11}Energy Act 1983, is effective on the day appointed for the coming into force of the repeal by this Act of that enactment, the representation, reference or report shall have effect as if it were a representation made to the Director; and the provisions of Part I of this Act shall apply accordingly.

Marginal Citations

M10 1947 c. 54.

M11 1983 c. 25.

- 8 (1) Any land which has been compulsorily acquired under section 9 of the Electricity Act 1947 or section 12 of the Electricity (Scotland) Act 1979 before the day appointed for the coming into force of Part I of Schedule 3 to this Act shall be treated for the purposes of that Part as compulsorily acquired by virtue of that Part.
- (2) Any compulsory purchase order made under section 9 of the Electricity Act 1947 or section 12 of the Electricity (Scotland) Act 1979 before the day appointed for the coming into force of Part I of Schedule 3 to this Act shall have effect as if made under that Part; and the provisions of that Schedule shall apply accordingly.
- 9 Any consent given under subsection (1) of section 22 of the ^{M12}Electricity (Supply) Act 1919 which is effective on the day appointed for the coming into force of Schedule 4 to this Act shall have effect as if granted under paragraph 6(3) of that Schedule; anything done before that day with a view to, or otherwise in connection with, the giving of a consent under that subsection (whether under that section or under section 11 of the ^{M13}Electricity (Supply) Act 1922) shall have effect as if done under the corresponding provisions of that Schedule; and the provisions of Part I of this Act shall apply accordingly.

Marginal Citations

M12 1919 c. 100.

M13 1922 c. 46.

- 10 Any order made under subsection (3) of section 34 of the ^{M14}Electricity (Supply) Act 1926 which is effective on the day appointed for the coming into force of Schedule 4 to this Act shall have effect as if made under paragraph 9(6) of that Schedule; anything done under that section before that day with a view to, or otherwise in connection with, the making of an order under that subsection shall have effect as if done under the corresponding provisions of that Schedule; and the provisions of Part I of this Act shall apply accordingly.

Marginal Citations

M14 1926 c. 51.

- 11 (1) Any meter of a pattern which is approved for the purposes of section 12 of the ^{M15}Energy Act 1983 immediately before the day appointed for the coming into force of Schedule 7 to this Act shall be treated as being of an approved pattern for the purposes of that Schedule.

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- (2) Any meter which is certified under section 50 of the Schedule to the ^{M16}Electric Lighting (Clauses) Act 1899 immediately before the day appointed for the coming into force of Schedule 7 to this Act shall be treated as certified under paragraph 5 of the said Schedule 7.
- (3) Any regulations made under section 30(1) of the ^{M17}Electricity Act 1957 which are effective on the day appointed for the coming into force of Schedule 7 to this Act shall have effect as if made under paragraph 5 of that Schedule.
- (4) Paragraphs (a) and (b) of paragraph 2(1) of Schedule 7 to this Act shall not apply in relation to a meter installed before (and not moved since) the day appointed for the coming into force of that Schedule until, in the case of paragraph (b)—
 - (a) electricity is supplied through the meter in pursuance of a notice given under section 16(2) of this Act more than twelve months after that day; or
 - (b) the period of ten years beginning with that day expires,whichever first occurs.
- (5) Sub-paragraph (2) of paragraph 12 of Schedule 7 to this Act shall not prevent a pre-payment meter from being used as mentioned in that sub-paragraph in pursuance of an agreement made before the day appointed for the coming into force of that Schedule.

Marginal Citations

- M15** 1983 c. 25.
M16 1899 c. 19.
M17 1957 c. 48.

- 12 Any regulations made under section 34(2) of the Electricity Act 1957 which are effective on the day appointed for the coming into force of Schedule 8 to this Act shall have effect as if they were made under paragraph 3(1) of that Schedule; and the provisions of that Schedule shall apply accordingly.
- 13 Where—
 - (a) any sum was deposited with an Electricity Board by way of security under any provision of the Electricity Acts; and
 - (b) on and after the day appointed for the coming into force of any provision of Part I of this Act that sum is treated by the Board as deposited under that provision of that Part,any period beginning three months or less before that day, being a period during which the sum was deposited with the Board, shall be treated for the purposes of the payment of interest on that sum as a period during which the sum was deposited under that provision of that Part.
- 14 (1) Where immediately before the day appointed for the coming into force of any provision of Part I of this Act there is in force an agreement which—
 - (a) confers or imposes on an Electricity Board any rights or liabilities; and
 - (b) refers (in whatever terms and whether expressly or by implication) to any provision of the Electricity Acts, to an Electricity Board's statutory electricity undertaking or to statutory purposes,the agreement shall have effect, in relation to anything falling to be done on or after that day, as if that reference included or, as the case may require, were a reference

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to the corresponding provision of this Act, to the Board's undertaking as a person authorised by a licence to generate, transmit or supply electricity or to purposes connected with the generation, transmission or supply of electricity.

- (2) References in this paragraph to an agreement include references to a deed, bond or other instrument.
- 15 The repeal by this Act of any provision by virtue of which any enactment applies in relation to a person carrying on an electricity undertaking shall not affect the continuing validity of anything done under that enactment before the day appointed for the coming into force of that repeal.
- 16 In this Part of this Schedule “the Electricity Acts” means—
- (a) the Electricity Acts 1947 to 1961 and the ^{M18}Electricity (Scotland) Act 1979; and
 - (b) such of the provisions of the ^{M19}Energy Act 1976 and the ^{M20}Energy Act 1983 as are repealed by this Act;
- and expressions which are used in Part I of this Act have the same meanings as in that Part.

Marginal Citations

M18 1979 c. 11.

M19 1976 c. 76.

M20 1983 c. 25.

PART II

PROVISIONS AND SAVINGS FOR PART II OF ACT

- 17 Any licence granted under section 6 of this Act to an Electricity Board which is effective on the transfer date shall have effect as if granted to the appropriate successor company.
- 18 Any tariff fixed, or having effect as if fixed, under section 18(1) of this Act by an Electricity Board which is effective on the transfer date shall have effect as if fixed by its successor company.
- 19 Any consent given under section 36 of this Act to an Electricity Board which is effective on the transfer date shall have effect as if given to the appropriate successor company.
- 20 Any consent given under section 37 of this Act to an Electricity Board which is effective on the transfer date shall have effect as if given to the appropriate successor company.
- 21 Any maximum price fixed, or having effect as if fixed, under section 44 of this Act for the resale of electricity supplied by an Electricity Board which is effective on the transfer date shall have effect as if fixed for the resale of electricity by the appropriate successor company.
- 22 A direction given under section 96 of this Act to an Electricity Board which is effective on the transfer date shall have effect as if given to the appropriate successor company.

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- 23 (1) Any land compulsorily acquired by an Electricity Board before the transfer date which was so acquired by virtue of Part I of Schedule 3 to this Act, or is treated as so acquired for the purposes of that Part, shall be treated for those purposes as so acquired by the appropriate successor company; but nothing in paragraph 4 of that Schedule (as applied by this sub-paragraph) shall be taken as requiring the consent of the Director to any disposal which is affected in pursuance of a provision included in a transfer scheme by virtue of section 68(2)(c) of this Act or in pursuance of Schedule 10 to this Act.
- (2) Any compulsory purchase order made by an Electricity Board which is made, or has effect as if made, by virtue of Part I of Schedule 3 to this Act and is effective on the transfer date shall have effect as if made by the appropriate successor company.
- 24 (1) Where immediately before the transfer date there is in force an agreement which—
- (a) confers or imposes on an Electricity Board or the Electricity Council any rights or liabilities which vest in the appropriate successor company by virtue of this Act; and
 - (b) refers (in whatever terms and whether expressly or by implication) to a member or officer of that Board or Council,
- the agreement shall have effect, in relation to anything falling to be done on or after that date, as if for that reference there were substituted a reference to such person as that company may appoint or, in default of appointment, to the officer of that company who corresponds as nearly as may be to the member or officer of the Board or Council in question.
- (2) References in this paragraph to an agreement include references to a deed, bond or other instrument.
- 25 (1) Any agreement made, transaction effected or other thing done by, to or in relation to an Electricity Board or the Electricity Council which is in force or effective immediately before the transfer date shall have effect as if made, effected or done by, to or in relation to the appropriate successor company, in all respects as if that company were the same person in law as the Board or Council; and accordingly references to an Electricity Board or the Electricity Council—
- (a) in any agreement (whether or not in writing) and in any deed, bond or instrument;
 - (b) in any process or other document issued, prepared or employed for the purposes of any proceeding before any court or other tribunal or authority; and
 - (c) in any other document whatsoever (other than an enactment) relating to or affecting any property, right or liability of that Board or Council which is transferred by this Act,
- shall be taken as referring to the appropriate successor company.
- (2) Nothing in sub-paragraph (1) above shall be taken as applying in relation to any agreement made, transaction effected or other thing done with respect to, or any document relating to or affecting, any rights and liabilities which are excepted rights and liabilities within the meaning of section 66 or 67 of this Act.
- 26 It is hereby declared for the avoidance of doubt that—
- (a) the effect of Part II of this Act in relation to any contract of employment with an Electricity Board or the Electricity Council which is in force immediately before the transfer date is merely to modify the contract by

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substituting the appropriate successor company as the employer (and not to terminate the contract or vary it in any other way); and

- (b) that Part is effective to vest the rights and liabilities of an Electricity Board or the Electricity Council under any agreement or arrangement for the payment of pensions, allowances or gratuities in the appropriate successor company along with all other rights and liabilities of the Board or Council;

and accordingly any period of employment with an Electricity Board or the Electricity Council, or a wholly owned subsidiary of such a Board or that Council, shall count for all purposes as a period of employment with the appropriate successor company or (as the case may be) a wholly owned subsidiary of the appropriate successor company.

27 The ^{M21}Transfer of Undertakings (Protection of Employment) Regulations 1981 shall apply to any transfer effected by Part II of this Act, being a transfer of—

- (a) all property, rights and liabilities comprised in the Electricity Council's undertaking (other than excepted rights and liabilities within the meaning of section 66 of this Act); or
- (b) all property, rights and liabilities comprised in a specified part of that undertaking,

whether or not, apart from this paragraph, that undertaking would be treated as an undertaking in the nature of a commercial venture for the purposes of those Regulations.

Marginal Citations

M21 [S.I. 1981/1794.](#)

28 Any agreement made under section 53 of the ^{M22}Electricity Act 1947 or section 12 of the ^{M23}Electricity Act 1957 (machinery for settling terms and conditions of employment) which is effective on the transfer date shall have effect as if—

- (a) the parties to the agreement on the employers' side were the successor companies and not the Electricity Council and the Scottish Boards; and
- (b) each of the parties to the agreement were entitled to withdraw from it on giving the other parties 12 months' notice in writing.

Marginal Citations

M22 [1947 c. 54.](#)

M23 [1957 c. 48.](#)

29 (1) It shall be the duty of an Electricity Board or the Electricity Council and (in either case) the appropriate successor company to take, as and when during the transitional period that company considers appropriate, all such steps as may be requisite to secure that the vesting in that company by virtue of Part II of this Act or this paragraph of any foreign property, right or liability is effective under the relevant foreign law.

(2) During the transitional period, until the vesting in a successor company by virtue of Part II of this Act or this paragraph of any foreign property, right or liability is effective under the relevant foreign law, it shall be the duty of the Board or Council concerned to hold that property or right for the benefit of, or to discharge that liability on behalf of, the successor company.

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- (3) Nothing in sub-paragraphs (1) and (2) above shall be taken as prejudicing the effect under the law of the United Kingdom or of any part of the United Kingdom of the vesting in a successor company by virtue of Part II of this Act or this paragraph of any foreign property, right or liability.
 - (4) An Electricity Board or the Electricity Council shall have all such powers as may be requisite for the performance of its duty under this paragraph, but—
 - (a) it shall be the duty of the appropriate successor company during the transitional period to act on behalf of the Board or Council (so far as possible) in performing the duty imposed on the Board or Council by this paragraph; and
 - (b) any foreign property, rights and liabilities acquired or incurred by the Board or Council during that period shall immediately become property, rights and liabilities of the appropriate successor company.
 - (5) References in this paragraph to any foreign property, right or liability are references to any property, right or liability as respects which any issue arising in any proceedings would have been determined (in accordance with the rules of private international law) by reference to the law of a country or territory outside the United Kingdom.
 - (6) Any expenses incurred by an Electricity Board or the Electricity Council under this paragraph shall be met by the appropriate successor company.
- 30 (1) Notwithstanding the repeal by this Act of section 46 of the ^{M24}Electricity Act 1947, it shall be the duty of the Electricity Council, the Generating Board and each Area Board to prepare statements of accounts in accordance with that section in respect of each financial year ending before the transfer date, and that section shall continue to apply during the transitional period in relation to those statements and the auditing of those statements.
- (2) Notwithstanding the repeal by this Act of section 10 of the ^{M25}Electricity Act 1957, it shall be the duty of each Area Board, the Generating Board and the Electricity Council—
 - (a) to make a report to the Secretary of State in accordance with that section in respect of each financial year ending before the transfer date; and
 - (b) in the case of each Area Board and the Generating Board, to send a copy of the report, as soon as it is so made, to the Electricity Council.
- (3) Notwithstanding the repeal by this Act of section 11 of that Act, it shall be the duty of the Electricity Council to prepare consolidated statements of accounts in accordance with that section in respect of each financial year ending before the transfer date, and that section shall continue to apply during the transitional period in relation to those statements and the auditing of those statements.
- (4) Any expenses incurred by the Electricity Council, the Generating Board or an Area Board under this paragraph shall be met by the appropriate successor company.

Marginal Citations

M24 1947 c. 54.

M25 1957 c. 48.

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- 31 (1) Notwithstanding the repeal by this Act of section 30 of the ^{M26}Electricity (Scotland) Act 1979, it shall be the duty of each Scottish Board to prepare an annual statement of accounts in accordance with that section in respect of each financial year ending before the transfer date, and that section shall continue to apply during the transitional period in relation to such a statement and the auditing of such a statement.
- (2) Notwithstanding the repeal by this Act of section 42 of that Act, it shall be the duty of each Scottish Board to make an annual report to the Secretary of State in accordance with that section in respect of each financial year ending before the transfer date.
- (3) Any expenses incurred by a Scottish Board under this paragraph shall be met by the appropriate successor company.

Marginal Citations

M26 1979 c. 11.

- 32 Notwithstanding the repeal by this Act of sections 10 and 11 of and Schedule 5 to the Electricity (Scotland) Act 1979—
- (a) any constructional scheme prepared by a Scottish Board and confirmed by an order of the Secretary of State made under, or having effect as if made under, Schedule 5 to that Act;
 - (b) the powers conferred by section 11 of that Act for the purpose of carrying out any such scheme; and
 - (c) any authorisation of a Scottish Board under section 10(3) of that Act to execute works of a minor character without the preparation of a constructional scheme,
- shall have effect after the transfer date in relation to the appropriate successor company as they had effect before that date in relation to the Scottish Board.
- 33 Where by virtue of anything done before the transfer date, any enactment amended by Schedule 16 to this Act has effect in relation to an Electricity Board or the Electricity Council, that enactment shall have effect in relation to the appropriate successor company as if that company were the same person, in law, as the Board or Council.
- 34 Without prejudice to the powers conferred by section 112(2) of this Act, every provision contained in a local Act, or in subordinate legislation, which is in force immediately before the transfer date and then applicable to an Electricity Board or the Electricity Council shall have effect as if—
- (a) for references therein to the Board or Council there were substituted references to the appropriate successor company; and
 - (b) for any reference (however worded and whether expressly or by implication) to the undertaking or business, or any part of the undertaking or business, of the Board or Council there were substituted a reference to the undertaking or business, or the corresponding part of the undertaking or business, of the appropriate successor company.
- 35 (1) Nothing in this Act shall affect the validity of anything done by, or in relation to, an Electricity Board before the transfer date under or by virtue of the ^{M27}Public Utilities Street Works Act 1950; and anything which, immediately before that date, is in process of being done under, or by virtue of, that Act by or in relation to the

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Board (including, in particular, any legal proceedings to which it is a party) may be continued by, or in relation to, the appropriate successor company.

- (2) Any notice or direction given or other thing whatsoever done under the said Act of 1950 by an Electricity Board shall, if effective at the transfer date, continue in force and have effect as if similarly given or done by the appropriate successor company.

Marginal Citations

M27 1950 c. 30.

- 36 (1) Where immediately before the transfer date an Electricity Board falls, by virtue of section 34(3) of the ^{M28}General Rate Act 1967, to be treated for the purposes of that Act as occupying in a rating area a hereditament of a rateable value calculated in accordance with the provisions of Part I of Schedule 7 to that Act, that Board shall, notwithstanding the transfers of property, rights and liabilities effected by Part II of this Act, continue to be so treated until 1st April 1990.
- (2) Section 16(1) of the ^{M29}Valuation and Rating (Scotland) Act 1956 (liability for rates) shall, in relation to such lands and heritages as the Secretary of State may after consultation with the Scottish Boards by regulations prescribe, have effect until 1st April 1990 as if any reference to a rate being payable by occupiers only were a reference to the rate being payable by the Scottish Board from which the lands and heritages were transferred by Part II of this Act.
- (3) Any sums which by virtue of this paragraph fall to be paid by an Electricity Board after the transfer date shall be met by the appropriate successor company.

Marginal Citations

M28 1967 c. 9.

M29 1956 c. 60.

- 37 (1) An application or claim by an Electricity Board for hazardous substances consent which is effective on the transfer date—
- (a) shall have effect as if made by the appropriate successor company; and
- [^{F1}(b) in the case of an application or claim made to the Secretary of State, shall be determined by him notwithstanding that the land to which it relates is no longer land to which [^{F2}section 2 of the Planning (Hazardous Substances) Act 1990] or, as the case may be, section 56B of the ^{M30}Town and Country Planning (Scotland) Act 1972 applies.]
- (2) A hazardous substances consent granted or deemed to be granted to an Electricity Board which is effective on the transfer date shall have effect as if it had been granted to the appropriate successor company.

Textual Amendments

F1 Sch. 17 para. 37(1)(b) repealed (*prosp.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 162(2), 164(2)(3), **Sch. 16 Pt. VII**

F2 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 83(2)**

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Marginal Citations

M30 1972 c. 52.

- 38 (1) Where an asset, or the right to receive an asset, vests in a successor company by virtue of this Act, then for the purposes of Part I of the ^{M31}Industry Act 1972 and Part II of the ^{M32}Industrial Development Act 1982—
- (a) so much of any expenditure incurred by the appropriate Board or Council in providing that asset as is approved capital expenditure (of any description relevant for the purposes of regional development grant) in respect of which no payment of regional development grant has been made to the Board or Council shall be treated as having been incurred by the successor company and not by the Board or Council; and
 - (b) where the asset itself vests in the successor company by virtue of this Act, it shall be treated as a new asset if it would have fallen to be so treated if it had remained vested in the Board or Council.
- (2) In this paragraph “regional development grant” means a grant under Part I of the Industry Act 1972 or Part II of the Industrial Development Act 1982 and “approved capital expenditure” has the same meaning as it has for the purposes of the provisions relating to regional development grant.

Marginal Citations

M31 1972 c. 63.

M32 1982 c. 52.

- 39 (1) Where a distribution is proposed to be declared during the accounting reference period of a successor company which includes the transfer date or before any accounts are laid or filed in respect of that period, sections 270 to 276 of the ^{M33}Companies Act 1985 (accounts relevant for determining whether a distribution may be made by a company) shall have effect as if—
- (a) references in section 270 to the company’s accounts or to accounts relevant under that section; and
 - (b) references in section 273 to initial accounts,
- included references to such accounts as, on the assumptions stated in subparagraph (2) below, would have been prepared under section 227 of that Act in respect of the relevant year.
- (2) The said assumptions are—
- (a) that the relevant year had been a financial year of the successor company;
 - (b) that the vesting effected by Part II of this Act had been a vesting of all the property, rights and liabilities (other than excepted rights and liabilities within the meaning of section 66 or 67 of this Act) to which the Board or Council concerned was entitled or subject immediately before the beginning of the relevant year and had been effected immediately after the beginning of that year;
 - (c) that the value of any asset and the amount of any liabilities of the Board or Council concerned vested in the successor company by virtue of that section had been the value or (as the case may be) the amount assigned to that asset or liability for the purposes of the statement of accounts prepared by that

Status: Point in time view as at 01/04/1999.

Changes to legislation: Electricity Act 1989, SCHEDULE 17 is up to date with all changes known to be in force on or before 09 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Board or Council in respect of the financial year immediately preceding the relevant year;

- (d) that any securities of the successor company issued or allotted before the declaration of the distribution had been issued or allotted before the end of the relevant year; and
- (e) such other assumptions (if any) as may appear to the directors of the successor company to be necessary or expedient for the purposes of this paragraph.

- (3) For the purposes of the said accounts the amount to be included in respect of any item shall be determined as if anything done by the Board or Council concerned (whether by way of acquiring, revaluing or disposing of any asset or incurring, revaluing or discharging any liability, or by carrying any amount to any provision or reserve, or otherwise) had been done by the successor company.

Accordingly (but without prejudice to the generality of the preceding provision) the amount to be included in any reserves of the successor company as representing its accumulated realised profits shall be determined as if any profits realised and retained by the Board or Council concerned had been realised and retained by the successor company.

- (4) The said accounts shall not be regarded as statutory accounts for the purposes of section 76 of this Act.
- (5) In this paragraph—

“complete financial year” means a financial year ending with 31st March;

“the relevant year” means the last complete financial year ending before the transfer date.

Marginal Citations

M33 1985 c. 6.

- 40 In this Part of this Schedule expressions which are used in Part II of this Act have the same meanings as in that Part.

Status:

Point in time view as at 01/04/1999.

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