# ELECTRICITY

[*See also* RATING AND VALUATION, S., below; and the Index to Vol. II for Instruments made under the Defence Regulations.]

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## 1. ARBITRATION TRIBUNAL (SCOTLAND)

## The Electricity Arbitration Tribunal (Scotland) Rules, 1949

## 1949 No. 1517 (S. 108)

*Made* - - - - *5th August*, 1949
*Coming into Operation* *11th August*, 1949

ARRANGEMENT OF RULES

PART I. Introductory ... ... ... ... ... Rules 1 to 3
PART II. Proceedings before the Tribunal ... ... Rules 4 to 9
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Whereas I, the undersigned, Douglass Alexander Mortimer am the person appointed by the Lord President of the Court of Session in exercise of the power conferred on him by the Electricity Act, 1947(a), to be a member of the Electricity Arbitration Tribunal and Whereas we, the undersigned Sir Frederick John Alban and Edgar Charles Ellen, are the two persons appointed by the Lord Chancellor in exercise of the power conferred on him by the said Act, to be members of the said Tribunal;

And Whereas by section 32 (5) as read with section 32 (6) (*b*) of the said Act it is provided that, subject to the provisions of that section, the procedure in or in connection with any proceedings before the Tribunal, which under section 31 (5) of the said Act are required to be held in Scotland, shall be such as may be determined by rules to be made by the Tribunal with the approval of the Secretary of State;

Now, therefore, we, with the approval thereof of the Secretary of State, do hereby make the following Rules:—

### PART I

*Introductory*

**1.** These Rules may be cited as the Electricity Arbitration Tribunal (Scotland) Rules, 1949, and shall come into operation on the 11th day of August, 1949.

**2.**—(1) In these Rules the following expressions shall (if not inconsistent with the context or subject matter) have the respective meanings hereinafter assigned to them that is to say—

"the Act" shall mean the Electricity Act, 1947;

"the Tribunal" shall mean the Electricity Arbitration Tribunal established under section 31 of the Act;

"the Clerk" shall mean the person for the time being performing the functions of clerk to the Tribunal in Scotland;

"the Office" shall mean the office for the time being of the Tribunal;

"the Minister" shall mean the Minister of Fuel and Power.

(a) 10 & 11 Geo. 6. c. 54.

(2) The Interpretation Act, 1889(a), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

**3.** These Rules shall only apply to proceedings which under section 31 (5) of the Act or under that subsection as applied by section 48 are required to be held in Scotland.

## PART II

### *Proceedings before the Tribunal*

**4.**—(1) All proceedings before the Tribunal for the determination of any question matter or dispute shall be commenced by lodging at the Office an initial application in writing to the Tribunal signed by the applicant or by the solicitors or (in the case of a company or corporation) the secretary or other proper officer of the applicant on behalf of the applicant.

(2) Every such application shall name as a respondent every party to the question matter or dispute, or other person appearing to be directly interested in the subject of the application, and shall also contain a certificate that the application relates to proceedings which are required to be held in Scotland under the sections referred to in the immediately preceding Rule.

(3) Every applicant shall state in his initial application an address at which any notice, order, or other document in the proceedings may be served upon him.

**5.** An initial application shall be in or as nearly as may be in the form of Form No. 1 in the Appendix to these Rules.

**6.**—(1) The applicant shall at the time of lodging such initial application leave at the Office five additional copies thereof, and shall as soon as may be thereafter serve upon each respondent named therein a copy of the initial application having endorsed thereon a notice in the following terms:—

"To the respondent (*naming the respondent served*).

You will in due course be served with a statement setting out the facts alleged by and contentions of the applicant, and you are requested not to take any step in these proceedings until after service of such statement upon you."

(2) Every such endorsement shall be sealed with the seal of the Tribunal.

(3) One copy of the initial application shall forthwith be served by the Clerk upon the Minister, except in a case where the Minister is a respondent and, in any proceedings to which the North of Scotland Board is a party, upon the Secretary of State.

**7.**—(1) The Tribunal may at any time upon the application of any person, whether an applicant or respondent or not, or of its own motion, direct that any person appearing to the Tribunal to be directly interested in the subject of the application be added as a respondent, and thereupon the applicant shall forthwith serve upon such person a copy of the initial application having endorsed thereon a notice in the terms set out in the preceding Rule and sealed with the seal of the Tribunal.

(2) The Tribunal may likewise, upon any such application as aforesaid, or of its own motion, order that any respondent named in the initial application or subsequently added, who shall appear to the Tribunal not to have been or to have ceased to be directly interested in the subject of the application, be dismissed from the proceedings upon such terms as the Tribunal may think fit.

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(a) 52 & 53 Vict. c. 63.

**8.**—(1) Within 14 days from the lodging of an initial application the applicant shall serve upon each respondent a statement in writing, signed by or on behalf of the applicant, of the facts alleged by the applicant and of such other matters as may appear to the applicant to be relevant to the application and of the contentions of the applicant, and the applicant shall at the same time deliver at the Office six copies of such statement, whereof one copy shall forthwith be served by the Clerk upon the Minister, except in a case where the Minister is a respondent, and, in any proceedings to which the North of Scotland Board is a party, upon the Secretary of State.

(2) Every such statement served upon a respondent, shall have endorsed thereon a notice in the following terms:—

"To the respondent (*naming the respondent served*)

If you do not admit or wish to deny any of the facts alleged or do not agree with any of the contentions put forward in this statement, of if you wish to allege any additional or other facts or put forward any other contentions, you should within 14 days after service of this statement upon you, or within such extended period as the Tribunal may allow, serve upon the applicant at the applicant's address for service an answer to this statement and also deliver to the Tribunal at its office at six copies of your answer. Your answer should conform to the provisions of the Electricity Arbitration Tribunal (Scotland) Rules, 1949, and should state an address at which any further notices, orders or other documents in these proceedings may be served upon you."

(3) Every such endorsement shall be sealed with the seal of the Tribunal.

**9.**—(1) Every respondent may within 14 days after service upon him of the statement of the applicant so endorsed serve upon the applicant an answer to the statement of the applicant. Such answer shall be in writing signed by or on behalf of the respondent.

(2) In such answer the respondent shall state which (if any) of the facts alleged in the statement of the applicant are denied or are not admitted by the respondent, and such answer shall include a statement of any additional or other facts alleged by the respondent and of such other matters as may appear to the respondent to be relevant to the proceedings and of the contentions of the respondent.

(3) Any fact alleged in the statement of an applicant, and not expressly denied or not admitted in an answer served by a respondent, shall as against such respondent be taken to be admitted, but without prejudice to the power of the Tribunal to require proof thereof.

(4) The respondent shall at the time of serving such answer lodge at the Office six copies thereof, whereof one copy shall be served by the Clerk upon the Minister except where the Minister is the respondent and, in any proceedings to which the North of Scotland Board is a party, upon the Secretary of State.

(5) Every respondent shall state in his answer an address at which any notice, order or other document in the proceedings may be served upon him.

## PART III

### *General*

**10.** The Clerk shall allot to every initial application to the Tribunal a distinctive serial number which shall be written in the top right hand corner of and also endorsed upon such statement or application, and every subsequent notice, statement, answer order or other document relating to the

same proceedings shall likewise have the same distinctive serial number written in the top right hand corner thereof and also endorsed thereon, and shall also bear the same heading as such statement or initial application.

**11.** The Clerk shall make and keep a list or lists of all applications to the Tribunal with the distinctive numbers thereof and the dates thereof and such list or lists may be inspected at the Office upon application being made to the Clerk.

**12.**—(1) Every application, notice, statement, answer, order or other document relating to any matter shall be filed by the Clerk under the distinctive serial number thereof, and the file relating to any such matter may be inspected at the Office upon application being made to the Clerk by the Minister or by any person appearing to the Clerk to have an interest in the matter or by their respective authorised agents. If any dispute or question arises as to whether any person ought to be permitted to inspect any such file, such dispute or question shall be determined by the Tribunal on the application of the person seeking such inspection.

(2) Every order or other document in a file recording a decision of the Tribunal, or a copy of such order or document purporting to be certified by the Clerk to be a true copy thereof, shall be evidence of the terms of that order or document.

**13.** Except by special leave of the Tribunal and subject to the provisions of these Rules, no further step in the proceedings before the Tribunal shall be taken until after the expiration of the time limited for service of an answer by every respondent or of such extension of such time as the Tribunal may allow.

**14.**—(1) Any party to any proceedings before the Tribunal may at any time, subject to the provisions of Rule 13 hereof, apply to the Tribunal for orders of an incidental nature, including orders for further specification of any allegation, for leave to serve any reply or duply or to amend any statement, answer, or other pleading, for a commission and diligence to examine witnesses or to recover documents for extending or shortening the time for taking any step in the proceedings, for fixing the day of the hearing, or for any other purpose.

(2) Any such application shall be heard and determined by the Clerk: provided always that the Clerk may, and shall at the request of any party to the application made either at the hearing of the application or within such time (not being less than four days) as the Clerk may fix at the hearing of the application, adjourn the application to be heard and determined by the Tribunal or by a single member thereof.

(3) Any application so adjourned to be heard by a single member of the Tribunal may likewise, and shall at the request of any party to the application, made either at the hearing of the application or within such time (not being less than four days) as such member may fix at the hearing of the application, be adjourned to be heard and determined by the Tribunal.

(4) Any order made by the Clerk or a single member of the Tribunal under this Rule shall be deemed to be the order of the Tribunal.

**15.**—(1) The party making an application for an order of an incidental nature shall obtain from the Clerk an appointment for the hearing thereof and shall give to every other party not less than seven days' notice of the appointment. Such notice shall be in the form of Form No. 2 in the Appendix to these Rules.

(2) Before making any such application, the party seeking the order shall, if it is reasonably possible so to do, endeavour to obtain the consent thereto of every other party. Where such consent is obtained, the application may be made by letter addressed to the Clerk and enclosing the consent in writing signed by or on behalf of the other parties, and the Tribunal may thereupon make the order and notify the parties thereof: provided that if the Tribunal desires to hear the parties the Clerk shall inform the parties in writing accordingly, and give not less than seven days' notice of an appointment for the hearing.

**16.** The Tribunal may of its own motion at any stage of any proceedings before it, give any order of an incidental nature after hearing the parties at a meeting of the Tribunal, whereof not less than seven days' notice in writing shall be given to the parties by the Clerk, or may communicate with the parties in writing and may require answers to such inquiries as the Tribunal may think fit to make.

**17.**—(1) Every notice or other document which in pursuance of these Rules is required to be given or served shall, unless otherwise directed by the Tribunal be served:—

(*a*) in the case of the British Electricity Authority, the North of Scotland Board, or an Area Board or of a local authority or corporate body or company, by delivering the same to their clerk or secretary, or leaving the same at his office with some person employed there, or by sending the same by post addressed to such clerk or secretary at his office; or

(*b*) in the case of the Minister, by leaving the same at or sending the same by post to the office of the Ministry of Fuel and Power at 7, Millbank, London, S.W.1; or

(*c*) in the case of the Secretary of State by leaving the same at or sending the same by post to the Scottish Home Department, St. Andrew's House, Edinburgh 1; or

(*d*) in any other case by delivering the same personally to the person required to be served or to any agent of such person authorized to accept service thereof, or by leaving the same at the usual or last known place of abode of such person as aforesaid, or by sending the same by post addressed to the usual or last known place of abode of such person:

Provided always that where any party to any proceeding has specified an address for service under the provisions of these Rules, service of any such notice or document shall be made by leaving the same at or sending the same by post addressed to the address for service so specified.

(2) The lodging (by any person other than the Clerk) of any document required by these Rules to be lodged at the Office may be effected by leaving the same at the Office or by sending the same by post as a registered letter addressed to the Clerk at the Office.

(3) It shall not be necessary, unless the Tribunal otherwise directs, to serve upon the Minister except in a case where he is a respondent, or upon the Secretary of State, notice of any application for, or meeting held by the Tribunal for the purpose of giving orders of an incidental nature, in any proceedings unless the Minister or the Secretary of State, as the case may be, shall previously have lodged at the Office, and shall not have withdrawn, notice of his desire to be heard in such proceedings.

**18.** If it shall appear to the Tribunal that any respondent or other person interested in the subject of any application cannot be found, or has died and has no personal representative, or is out of the United Kingdom, or that for any other reason service upon any respondent or other such person cannot readily be effected in accordance with the foregoing Rules, the Tribunal may dispense with service upon any such respondent or other person, or make an order for substituted service upon any other person, or appoint any other person to represent such respondent or person or his estate, or direct that an advertisement in such form and in such newspaper as the Tribunal shall think proper shall be deemed to be good service upon such respondent or other person.

**19.** Any party to any proceedings may at any time by notice in writing served upon the Tribunal and every other party to that proceedings change his address for service under the provisions of these Rules.

**20.** The sittings of the Tribunal for the hearing of all matters which are to be determined by the Tribunal shall be held at dates, times and places, to be from time to time determined by the Tribunal and announced by them. Not less than 72 hours before the hearing of any application the applicant, or in the case of an application of an incidental nature the party or person making such application, shall lodge with the clerk at the Office such number of copies of any relevant documents as the Clerk shall reasonably require.

**21.** Upon the hearing of any application or other matter at any stage of any proceedings the Tribunal may determine the order in which the parties thereto shall be heard, and may allow any amendment of any notice, statement, answer or other document, and, subject to the provisions of the Act, may dispense with the observance of any of the provisions of these Rules, or extend or shorten the time for taking any steps in the proceedings, on such terms as may seem just.

**22.** In any proceedings before the Tribunal any of the following persons may address the Tribunal, namely:—

(*a*) Any applicant, respondent, or other party to the proceedings, not being a company or corporate body;

(*b*) A member of the Faculty of Advocates instructed by or on behalf of any party;

(*c*) A solicitor acting generally in the proceedings for a party thereto;

(*d*) Any other person allowed by leave of the Tribunal to appear on behalf of any party.

**23.** Evidence before the Tribunal may be given orally, or, if the parties to the proceedings consent or the Tribunal so orders, by affidavit, but the Tribunal may at any stage of the proceedings make an order requiring the personal attendance of any deponent for examination and cross-examination.

**24.** In dealing with the expenses of any proceedings, or of any application in any proceedings, the Tribunal may

(*a*) take into account any failure or refusal on the part of any person to consent to any proposed order of an incidental nature, and to admit any document or fact specified in any notice to admit documents or facts served upon that person;

(*b*) direct to and by what parties the expenses or any part of the expenses of the reference shall be paid, and direct in what manner, and by whom such sum is to be taxed.

**25.** Non-compliance with any of these Rules shall not render any proceeding in any matter referred to the Tribunal void, unless the Tribunal shall so direct, but such proceeding may be set aside either wholly or in part as irregular, or amended, or otherwise dealt with in such manner and upon such terms as the Tribunal think fit.

**26.** All orders of the Tribunal shall be sealed with the seal of the Tribunal.

**27.** Subject to the provisions of the Act and of these Rules, the Tribunal may regulate its own procedure.

Dated this 5th day of August, 1949.

*D. A. Mortimer,* President.
*F. J. Alban.*
*E. C. Ellen.*

Approved.
*Arthur Woodburn.*

## APPENDIX

FORM NO. 1

*The Electricity Arbitration Tribunal (Scotland)*

No. .....

The Electricity Act, 1947.

Initial Application
*in causa*

(Name of Applicant) Applicant.

Against

(Name(s) of respondent(s)) Respondent(s)

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The above-named applicant of hereby applies to the Electricity Arbitration Tribunal pursuant to the provisions of the Electricity Act, 1947, for the determination of the following question(s) arising under section of the said Act:—

(or as the case may require).

The applicant hereby certifies that this application relates to proceedings which * under section 31 (5)

* under section 31 (5) as applied by section 48 of the said Act are required to be held in Scotland.

It is intended to serve this application upon the above-named respondent(s)

of

who is (are) interested in the subject of this application and upon the Minister of Fuel and Power, and the Secretary of State for Scotland.*

The address for service of the applicant is

Dated, etc.

(Signed)

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* Delete if inapplicable.

FORM No. 2

*The Electricity Arbitration Tribunal (Scotland)*

(Heading as in Initial Application)

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Notice is hereby given to all parties concerned to attend before the Clerk of the Electricity Arbitration Tribunal (Scotland) at the office of the Tribunal at (or other place appointed for the hearing), on the , 19 , at o'clock in the noon on the hearing of an application on the part of for an order that

Dated, etc.

(Signed)

To

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EXPLANATORY NOTE

*(This Note is not part of these Rules, but is intended to indicate their general purport.)*

These Rules regulate the procedure in or in connection with any proceedings before the Arbitration Tribunal established under the Electricity Act, 1947, which are required to be held in Scotland.

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## 2. COMPENSATION

(1) *Composite Companies.* | (2) *Staff*, p. 1581.

### (1) COMPOSITE COMPANIES

# The Electricity (Composite Company) (Securities) Regulations, 1949

## 1949 No. 339

| | |
|---|---|
| *Made* - - - - | *3rd March*, 1949 |
| *Laid before Parliament* | *3rd March*, 1949 |
| *Coming into Operation* | *7th March*, 1949 |

The Minister of Fuel and Power (in these regulations referred to as " the Minister "), in exercise of the powers conferred on him by section twenty-five of the Electricity Act, 1947(a), (in these regulations referred to as " the Act "), and of all other powers him enabling, hereby makes the following regulations :—

Notice to composite company to transfer stock.

**1.**—(1) Where any British Electricity Stock (in these regulations referred to as " electricity stock ") has been issued to any composite company under section twenty-five of the Act, the holder of any debenture, debenture stock, preference share or preference stock of the company shall be entitled, by notice given within the period prescribed

(a) 10 & 11 Geo. 6. c. 54.