STATUTORY INSTRUMENTS

1963 No. 252

ELECTRICITY

The Electricity (Kent and Surrey Undertakings) (Transfer) Order 1963

Made - - - -	*8th February* 1963
Laid before Parliament	*15th February* 1963
Coming into Operation	*20th February* 1963

The Minister of Power, on the application of the London Electricity Board and the South Eastern Electricity Board (in this Order referred to respectively as "the London Board" and "the South Eastern Board" and together as "the Boards"), and after consulting the Electricity Council, in exercise of the powers conferred upon him by Sections 19 and 57 of the Electricity Act 1947(a) (in this Order referred to as "the Act") and of all other powers him enabling, hereby makes the following Order:—

1.—(1) All property, rights, liabilities and obligations of the South Eastern Board existing immediately before the commencement of this Order and held, used, acquired or incurred wholly or mainly for the purposes of the undertaking mentioned in Part I of the Schedule hereto authorised by the Crayford Electricity Supply Order 1899 or of those parts described in that Part of the said Schedule of the other undertakings therein mentioned are hereby transferred without further assurance to the London Board.

(2) All property, rights, liabilities and obligations of the London Board existing immediately before the commencement of this Order and held, used, acquired or incurred wholly or mainly for the purposes of the undertakings mentioned in Part II of the said Schedule authorised respectively by the Caterham and Woldingham and District Electricity Orders 1900 to 1934 or by the Merstham Electricity Special Order 1926 or of those parts described in that Part of the said Schedule of the other undertakings therein mentioned are hereby transferred without further assurance to the South Eastern Board.

2.—(1) In relation to any property, right, liability or obligation transferred by this Order, "the transferor Board" means the Board in which that property, right, liability or obligation was immediately before the commencement of this Order vested, and "the transferee Board" means the Board to which it is so transferred.

(2) Every agreement, to which immediately before the commencement of this Order either of the Boards were party, whether or not in writing and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned by that Board, shall, unless its terms or subject matter make it impossible that it shall have effect as modified by this Article, have effect so far as necessary to give effect to the transfer of any property, right, liability or obligation transferred by this Order from the transferor Board to the transferee Board as if—

(*a*) the transferee Board had been a party to the agreement,

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

(*b*) for any reference (however worded and whether express or implied) in operation by virtue of Section 14 (5) (*b*) of the Act to the transferor Board, there were substituted a reference to the transferee Board,

(*c*) for any reference (however worded and whether express or implied) in operation by virtue of Section 14 (5) (*d*) or (*e*) of the Act to any officer of or person directed or appointed by the transferor Board, there were substituted a reference to such officer or person as the transferee Board may direct or appoint, and

(*d*) for any reference (however worded and whether express or implied) in operation by virtue of Section 14 (5) (*g*) of the Act to so much of the business carried on by the transferor Board as corresponded to any of the undertakings or to any of those parts of the undertakings specified in the Schedule hereto, there were substituted a reference to so much of the business carried on by the transferee Board as corresponds to that undertaking or that part.

(3) Every other document, not being an enactment, which refers, whether by virtue of Section 14 (6) of the Act or otherwise, and whether specifically or generally, to the transferor Board shall, in so far as concerns any property, right, liability or obligation transferred by this Order to the transferee Board, or any part of the business carried on by the transferor Board referred to in sub-paragraph (2) (*d*) of this Article, be construed in accordance with the provisions of paragraph (2) of this Article.

(4) Without prejudice to the generality of the foregoing provisions of this Order the transferee Board and all other persons shall after the commencement of this Order have the same rights, powers and remedies (and in particular the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing any right, liability or obligation transferred by this Order as they would have had if it had at all times been a right, liability or obligation of the transferee Board, and any legal proceedings or applications to any authority pending immediately before the commencement of this Order by or against the transferor Board in so far as they relate to any property, right, liability or obligation transferred by this Order shall be continued by or against the transferee Board to the exclusion of the transferor Board.

3. Each of the Orders and Enactments specified in the Schedule hereto shall, so far as that Order or Enactment relates to any property, right, liability or obligation transferred by this Order to the transferee Board and is in force at the commencement of this Order, apply to the transferee Board.

4. This Order shall come into operation on 20th February 1963, and may be cited as the Electricity (Kent and Surrey Undertakings) (Transfer) Order 1963..

Dated 8th February 1963.

Richard Wood,
Minister of Power.

SCHEDULE

PART I

The undertaking authorised by the Crayford Electricity Supply Order 1899.

Such part of the undertaking authorised by the Bromley Rural District Electric Lighting Order 1903 as was immediately before the commencement of this Order within the area of the London Board.

Such part of the undertaking of the West Kent Electric Company Limited established under any powers transferred to or conferred upon that company by or under the Electric Lighting Acts 1882(a), 1888(b) and 1909(c), the Electric Lighting (Clauses) Act 1899(d), or the West Kent Electric Power Acts 1909(e) and 1917(f), as was immediately before the commencement of this Order within the area of the London Board.

PART II

The undertakings authorised by the Caterham and Woldingham and District Electricity Orders 1900 to 1934, and constituted one undertaking by the Caterham and Woldingham and District Electricity (Amendment) Special Order 1939.

The undertaking authorised by the Merstham Electricity Special Order 1926.

Such part of the undertaking authorised by the Banstead Chipstead and District Electricity Orders 1914 to 1923 as was transferred to the County of London Electric Supply Company Limited by virtue of the Chipstead and District Electricity Special Order 1925.

Such part of the undertaking authorised by the Beckenham Electric Lighting Orders 1893 and 1913 as was immediately before the commencement of this Order within the area of the South Eastern Board.

Such part of the undertaking authorised by the Croydon Rural Electric Lighting Order 1905, as amended by Section 18 of the Croydon Corporation Act 1924(g), and Section 4 of the County of London Electric Supply Company (Surrey) Special Order 1939, and by Section 4 of the Wimbledon Electricity (Amendment) Special Order 1935, as was immediately before the commencement of this Order within the area of the South Eastern Board.

EXPLANATORY NOTE

(This Note is not part of this Order, but is intended to indicate its general purport.)

This Order transfers to the London Electricity Board certain electricity undertakings in the districts of Crayford, Sidcup and Mottingham, which are in the area of that Board, but which vested in the South Eastern Electricity Board under the Electricity Act 1947. It also transfers to the South Eastern Electricity Board certain electricity undertakings in the districts of Caterham, Warlingham, Banstead, Chipstead, Purley, Coulsdon, and Beddington, which are in the area of that Board, but which vested in the London Electricity Board under the Electricity Act 1947.

(a) 45 & 46 Vict. c. 56.
(b) 51 & 52 Vict. c. 12.
(c) 9 Edw. 7. c. 34.
(d) 62 & 63 Vict. c. 19.
(e) 9 Edw. 7. c. lxxviii.
(f) 7 & 8 Geo. 5. c. lxxviii.
(g) 14 & 15 Geo. 5. c. xcviii.