The Gas (Vesting of Assets) (Amendment) Regulations, 1949

1949 No. 1418

Made - - - -	27*th July*, 1949
Laid before Parliament	28*th July*, 1949
Coming into Operation	31*st July*, 1949

The Minister of Fuel and Power, in exercise of the powers conferred upon him by section eighteen of the Gas Act, 1948(**a**), and of all other powers him enabling, hereby makes the following regulations :—

1. The Gas (Vesting of Assets) Regulations, 1949(**b**) (in these regulations referred to as " the principal regulations "), shall have effect subject to the modifications specified in these regulations.

2.—(1) The following sub-paragraph shall be substituted for sub-paragraph (*a*) of paragraph (3) of regulation two (which provides that, in the case of property to which that regulation applies not being, amongst other things, real or heritable property, a notice may be served claiming that that property ought to be excluded from or included in the property which vests in the appropriate Board by virtue of the Act):—

" (*a*) property of which particulars have been delivered in pursuance of paragraph (1) of the foregoing regulation ".

(2) In paragraph (4) of regulation four (which provides that, in the case of an agreement to which that regulation applies other than an agreement to which paragraph (2) or (3) of that regulation applies, a notice may be served claiming that that agreement ought to be excluded from or included in the agreements which have effect in accordance with subsection (3) of section seventeen of the Act)—

(*a*) there shall be substituted for the words " to which paragraph (2) or (3) applies " the words " of which particulars have been delivered in pursuance of paragraph (2) of regulation one, or an agreement providing only for the acquisition or use by the undertaker of real or heritable property " ; and

(*b*) in the proviso the words from " or (*b*) " to the end shall be deleted.

3.—(1) In paragraph (2) of regulation two (which provides that real or heritable property, specified by an undertaker in particulars delivered by him to the appropriate Board as property which ought not to vest in that Board by virtue of the Act, shall not so vest except in certain eventualities) there shall be substituted for sub-paragraph (*b*) the following sub-paragraph :—

" (*b*) on a claim by that Board that it ought so to vest, and after service by them on the undertaker, before the expiry of three months from the delivery of the particulars, of a notice in the form set out in the schedule to these regulations or a form to the like effect stating that a question has arisen between them and him as to the vesting of that property, it has been determined as hereinafter provided ".

(a) 11 & 12 Geo. 6. c. 67. (b) S.I. 1949 No. 815, p. 2045 above.

(2) After paragraph (2) aforesaid there shall be inserted the following paragraph :—

"(2A). Any notice in form as aforesaid served by the appropriate Board on an undertaker to whom section eighteen applies or by any such undertaker on the appropriate Board, stating that a question has arisen between them with respect to any property, and giving particulars thereof, is in these regulations referred to as a 'notice of question'".

(3) In paragraph (3) of regulation four (which provides that an agreement specified by an undertaker in particulars delivered by him to the appropriate Board as an agreement which ought not to have effect in accordance with subsection (3) of section seventeen of the Act shall not so have effect unless the appropriate Board serve counter proposals not later than the thirty-first day of July, nineteen hundred and forty-nine)—

(*a*) there shall be inserted after the word "unless" the words "before the expiry of three months from the delivery of the particulars"; and

(*b*) the words "not later than the thirty-first day of July, nineteen hundred and forty-nine" shall be deleted.

(4) In sub-paragraph (*b*) of paragraph (8) of regulation four aforesaid (which provides that, where particulars delivered by an undertaker, or a notice served by the appropriate Board or the undertaker, have required the substitution for an agreement to which that regulation applies of separate agreements, such agreements shall be substituted unless a counter notice is served before the thirty-first day of July aforesaid) there shall be substituted for the words "before the thirty-first day of July aforesaid" the words "within three months from the delivery of the particulars or the service of the notice, as the case may be."

4.—(1) There shall be substituted for the words "fifteenth day of July" the words "thirty-first day of December" in—

(*a*) paragraph (3) of regulation two (which relates to the service of notices claiming that property be excluded from or included in the property which vests in the appropriate Board);

(*b*) paragraph (2) of regulation three (which relates to the service of notices claiming the grant of interests in or rights over or attaching to certain property or in respect of the user thereof);

(*c*) sub-paragraph (*b*) of paragraph (8) of regulation four (which relates to the service of notices requiring the substitution for an agreement falling within a certain category of separate agreements).

(2) There shall be substituted for the words "fifteenth day of July in the year aforesaid" the words "thirty-first day of December, nineteen hundred and forty-nine" in paragraph (4) of regulation four (which relates to the service of notices claiming that agreements ought to be excluded from or included in the agreements which have effect in accordance with subsection (3) of section seventeen of the Act).

5.—(1) There shall be substituted for the words "before the thirty-first day of July, in the year aforesaid" the words "within two months of the service of that notice" in—

(*a*) paragraph (4) of regulation two (which relates to action after service of a notice claiming that property be excluded from or included in the property which vests in the appropriate Board);

(*b*) paragraph (3) of regulation three (which relates to action after service of a notice claiming the grant of interests in or rights over or attaching to certain property or in respect of the user thereof);

(2) There shall be substituted for the words " not later than the thirty-first day of July in the year aforesaid " the words " within two months thereof " in paragraph (5) of regulation four (which relates to action after service of a notice claiming that an agreement ought to be excluded from or included in the agreements which have effect in accordance with subsection (3) of section seventeen of the Act.

(3) There shall be substituted for the words " no notice of question is served on or before the thirty-first day of July in the year aforesaid relating to the grant there specified, or if " the words " either it is agreed or " in paragraph (3) of regulation eight (which relates to action after an Area Board has served a notice claiming the grant of easements or other rights over or attaching to other land of the undertaker).

6. The following regulation shall be substituted for regulation ten (which prescribes a form of notice):—

" Form. 10. The form prescribed for the purposes of subsection (3) of section eighteen shall be the form set out in the schedule to these regulations, or a form to the like effect."

7. In paragraph (1) of regulation twenty-one (which relates to interpretation) there shall be substituted in the meaning assigned to the expression " notice of question " for the figure " (2) " the figure and letter " (2A)."

8. The schedule to these regulations shall be substituted for the schedule to the principal regulations.

9. These regulations shall come into operation on the thirty-first day of July, nineteen hundred and forty-nine, and may be cited as the Gas (Vesting of Assets) (Amendment) Regulations, 1949.

Dated this twenty-seventh day of July, nineteen hundred and forty-nine.

Hugh Gaitskell,
Minister of Fuel and Power.

Regulation 10 of the principal regulations.
Regulation 8 of the amending regulations.

SCHEDULE

GAS ACT, 1948

The Gas (Vesting of Assets) Regulations, 1949,
(as amended by the Gas (Vesting of Assets) (Amendment) Regulations, 1949)

To.....(*a*)

of (*b*).....in the county of.....

TAKE NOTICE that a question has arisen between you and.....

.....of (*b*).....

in the county of.....in relation to the property of which

particulars are given in col. 1 below, and that it falls to be determined under reg. 19 of the above-mentioned regulations.

Col. 1	Col. 2	Col. 3
Identification, and acreage or approximate rateable value, of property (*c*)	Section and subsection, or regulation and paragraph, under which the question has arisen (*d*)	Particulars of question or questions (*e*)

THE ADDRESS to which communications should be sent is:—

.....(*f*)

.....(*g*)

(*a*) Name of the other party to the question.

(*b*) Address, or in the case of a company, address of registered office or principal place of business.

(*c*) If the question relates to a part of a holding, identify the part.

(*d*) Section and subsection of the Gas Act, 1948, or regulation and paragraph of the Gas (Vesting of Assets) Regulations, 1949.

(*e*) Indicate if the question is as to the use to which the property was put, or as to its vesting, or as to the grant of interests in, or rights over or attaching to it, or in respect of the user thereof.

(*f*) If desired, the name and address of solicitors may be inserted.

(*g*) Signature of solicitors, or of the individual (or of a partner, or of a duly authorised director or officer of a company).

EXPLANATORY NOTE

(This note is not part of these regulations, but is intended to indicate their general purport).

The Gas (Vesting of Assets) Regulations, 1949, provided that undertakers to whom sec. 18 of the Gas Act, 1948, applied should deliver to Gas Boards particulars of all real or heritable property held or used partly for the purposes of their gas undertakings and partly for other purposes, or partly in their capacity as gas undertakers and partly in other capacities, and of agreements entered into partly for the purposes of their gas undertakings and partly for other purposes or partly in their capacity as gas undertakers and partly in other capacities.

Those regulations also prescribed machinery for the exclusion of such property and agreements from, or their inclusion in, the property and agreements transferred to Gas Boards under that Act, by means partly of the

delivery of the particulars, partly of the service of notices and counter notices. Similar provision was made with regard to claims for the substitution in the case of certain agreements of separate agreements for the Gas Board and the undertaker, and for the grant by either of them to the other of rights and interests over property.

The regulations fixed time limits for this machinery, 15th July, 1949, for the majority of the notices, and 31st July, 1949 for the counter notices.

It has been found that for various reasons these time limits were insufficient. They are therefore extended by these regulations, so as to run in certain cases from the delivery of the undertakers' particulars, and in others up till 31st December, 1949.

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2. GAS FUND

The Gas Fund (Contribution) Order, 1949

1949 No. 30

Made - - - - 11*th January*, 1949

10 & 11 Geo. 5. c. 28. 24 & 25 Geo. 5. c. 28.

The Minister of Fuel and Power (in this Order referred to as "the Minister") in pursuance of section seven of the Gas Regulation Act, 1920 (in this Order referred to as "the Act"), as amended by the Gas Undertakings Act, 1934, hereby prescribes as follows:

Rate of contribution for 1949.

1. The rate of contribution to the Gas Fund for the year nineteen hundred and forty-nine shall be:—

(*a*) for each five thousand therms in the form of gas sold during the year nineteen hundred and forty-eight (excluding gas sold to other undertakers in bulk for distribution and gas supplied separately for industrial purposes only), two pence;

(*b*) for each five thousand therms in the form of gas supplied separately for industrial purposes only during the year nineteen hundred and forty-eight, one penny.

Contribution payable to the Minister.

2. The said contribution shall be paid to the Minister at Heyhouses Lane, Lytham St. Anne's, Lancashire, on or before the first day of April, nineteen hundred and forty-nine, by all gas undertakers with respect to whom an Order under the Act shall have been made or to whom subsection (3) of section seven of the Act applies by virtue of any public general Act, special Act or Special Order.

Contribution payable by cheque.

3. Payment of the said contribution shall be made by cheques payable to the Minister and crossed "Bank of England".

Citation.

4. This Order may be cited as the Gas Fund (Contribution) Order, 1949.

Dated this eleventh day of January, 1949.

Donald Fergusson,
Secretary to the Ministry of Fuel and Power.