STATUTORY INSTRUMENTS

1963 No. 555

ELECTRICITY

The Electricity (Essex Undertakings) (Variation of Areas and Transfer) Order 1963

Made - - - -	19*th March* 1963
Laid before Parliament	26*th March* 1963
Coming into Operation	1*st April* 1963

The Minister of Power (in this Order referred to as "the Minister") after consultation with the Electricity Council and after giving to the London Electricity Board and the Eastern Electricity Board an opportunity to make representations, in exercise of the powers conferred upon him by Sections 4, 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:—

PART I

Variation of Areas

1.—(1) The areas for which the London Electricity Board and the Eastern Electricity Board (in this Order referred to respectively as "the London Board" and "the Eastern Board") were established (such areas being in this Order referred to respectively as "the London Area" and "the Eastern Area") are hereby varied to the extent that—

(*a*) there shall be included in the London Area and excluded from the Eastern Area such part of the area of supply for the purposes of the Woodford and District Electricity Special Order 1925, within the urban district of Chigwell, as is shown and edged red on the map referred to in paragraph (2) of this Article;

(*b*) there shall be included in the Eastern Area and excluded from the London Area such part of the area of supply for the purposes of the Romford and District Electric Lighting Order 1913, within the borough of Dagenham, as is shown and edged green on the said map.

(2) The new boundary constituted by this Order between the London Area and the Eastern Area shall be the boundary shown on a map certified under the hand of the Minister at the making of this Order to be the map relating to the variations effected by this Order.

2.—(1) All property, rights, liabilities or obligations of the Eastern Board existing immediately before the commencement of this Order and held, used, acquired or incurred wholly or mainly for the purposes of the exercise of the duties or powers of that Board in the part of the area of supply for the purposes of the Woodford and District Electricity Special Order 1925 which is specified in Article 1 (1) (*a*) of this Order and thereby included in the London area, are hereby transferred without further assurance to the London Board.

(2) All property, rights, liabilities or obligations of the London Board existing immediately before the commencement of this Order and held,

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

used, acquired or incurred wholly or mainly for the purposes of the exercise of the duties or powers of that Board in the part of the area of supply for the purposes of the Romford and District Electric Lighting Order 1913 which is specified in Article 1 (1) (*b*) of this Order and thereby included in the Eastern Area, are hereby transferred without further assurance to the Eastern Board.

PART II

Transfer of Property relating to Essex Undertakings

3. All property, rights, liabilities or 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 exercise outside the London Area, as varied by this Order, of any duties or powers of that Board arising under any of the Orders or Enactments (being Orders or Enactments relating wholly or mainly to undertakings in the county of Essex) specified in Part I of the Schedule to this Order, are hereby transferred without further assurance to the Eastern Board.

PART III

Consequential Provisions

4.—(1) In this Article the expressions " Transferor Board " and " Transferee Board " mean

(*a*) with reference to the transfer of any property, right, liability or obligation under or by virtue of Article 2 (1) of this Order, the Eastern Board and the London Board respectively ;

(*b*) with reference to any such transfer under or by virtue of Article 2 (2) or of Article 3 of this Order, the London Board and the Eastern Board respectively.

(2) Every agreement to which immediately before the commencement of this Order the Transferor Board was 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,

(*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 outside the area of that Board, as varied by this Order, under or by virtue of any of the Orders or Enactments specified in Article 1 of or the Schedule to this Order, as corresponded to the business carried on by any

undertaking under or by virtue of any of the said Orders or Enactments immediately before the vesting date, or to any part of such business, there were substituted a reference to so much of the business carried on by the Transferee Board within the area of that Board, as varied by this Order, under or by virtue of any of the said Orders or Enactments, as corresponds to that business 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 as aforesaid, or any part of the business carried on by them referred to in 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.

5.—(1) The Woodford and District Electricity Special Order 1925 shall, so far as concerns the part of the area of supply for the purposes of that Order specified in Article 1 (1) (*a*) of this Order and thereby included in the London Area, apply after the commencement of this Order to the London Board and have effect as if for any reference (whether express or implied) to the County of London Electric Supply Company Limited there were substituted a reference to the London Board.

(2) Each of the Orders and Enactments specified in the Schedule to this Order shall so far as concerns any part of the Eastern Area, as varied by this Order, apply after the commencement of this Order to the Eastern Board and have effect as if for any reference (whether express or implied) to the said County of London Electric Supply Company Limited there were substituted a reference to the Eastern Board.

6. This Order shall come into operation on 1st April 1963, and may be cited as the Electricity (Essex Undertakings) (Variation of Areas and Transfer) Order 1963.

Dated 19th March 1963.

Richard Wood,
Minister of Power.

SCHEDULE

PART I

The Burnham-on-Crouch and District Electricity Orders 1927 and 1929.
The Chelmsford and District Electricity Orders 1894 to 1934.
The County of London Electric Supply Company's Act 1927(a).
The Epping and District Electricity Special Order 1927.
The Maldon and District Electricity Orders 1925 and 1932.
The Romford and District Electric Lighting Order 1913.
The Saffron Walden Electricity Orders 1923 and 1934.

PART II

Canvey Island Urban District Council Act 1937(b), Section 24.
Dagenham Urban District Council Act 1931(c), Section 21.
Hornchurch Urban District Council Act 1936(d), Section 14.
Romford Urban District Council Act 1931(e), Section 18.

EXPLANATORY NOTE

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

This Order varies the boundaries between the areas of the London Electricity Board and the Eastern Electricity Board by (i) including in the former area and excluding from the latter, part of the Urban District of Chigwell which was made part of the area of the Eastern Electricity Board on its establishment under the Electricity Act 1947 and (ii) including in the latter area, and excluding from the former, part of the Borough of Dagenham which was made part of the area of the London Electricity Board on its establishment under the Electricity Act 1947.

The Order also transfers from the London Electricity Board to the Eastern Electricity Board certain electricity undertakings in the County of Essex which are in the area of the Eastern Electricity Board, but which vested in the London Electricity Board under the Electricity Act 1947.

The map referred to in Article 1 (2) of the Order will be available for inspection each day of the week from Monday to Friday, except Bank Holidays, between the hours of 10 a.m. and 12 noon and between 2 p.m. and 4 p.m. at the following addresses:—

Ministry of Power, Thames House South, Millbank, London, S.W.1.
The Electricity Council, Trafalgar Buildings, Charing Cross, S.W.1.
London Electricity Board, 46-47, New Broad Street, London, E.C.2.
London Electricity Board's Essex Suburban District Office, 497-499, Ley Street, Ilford, Essex.
Eastern Electricity Board, Wherstead, Ipswich, Suffolk.
Eastern Electricity Board's South-West Essex District Office, Ashton Road, Harold Hill, Romford.

(a) 15 & 16 Geo. 5. c. lxii. (b) 1 Edw. 8 & 1 Geo. 6. c. cxxvi.
(c) 21 & 22 Geo. 5. c. xcv. (d) 26 Geo. 5 & 1 Edw. 8. c. cxxiii.
(e) 21 & 22 Geo. 5. c. lviii.