



# Energy Act 1976

## 1976 CHAPTER 76

*Other measures for controlling energy sources and promoting economy* [<sup>F1</sup>: Secretary of State's functions]

### Textual Amendments

- F1** Words in cross-heading inserted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 2\(3\)](#); [S.I. 2016/920](#), reg. 2(a)

### 12 Disposal of gas by flaring, etc. **E+W+S**

- (1) Subject to subsection (3) below, the Secretary of State's consent is required for natural gas to be disposed of (whether at source or elsewhere) by flaring or by releasing it unignited into the atmosphere.
  - (2) This section applies to all natural gas of the United Kingdom, whether obtained there or in territorial waters, or in areas designated under the <sup>M1</sup>Continental Shelf Act 1964, [<sup>F2</sup>except gas conveyed through pipes to premises by a public gas transporter][<sup>F3</sup>within the meaning of Part I of the Gas Act 1986]
- [<sup>F4</sup>(2A) Disposal of gas by flaring, or by releasing it unignited into the atmosphere, does not require consent under this section if consent—
- (a) is required under section 12A (disposal of gas by flaring etc: OGA's functions), or
  - (b) would be required under that section but for subsection (3) of that section.]
- (3) Disposal of gas by flaring does not require consent under this section—
- (a) if it is permitted under the terms of a production licence granted under United Kingdom legislation;
  - (b) if it is of refinery tail gas produced in refining crude liquid petroleum (and “refining” here does not include the treatment of crude for the sole purpose of enabling it to be safely stored or transported);
  - (c) if it is necessary in connection with the start-up or shut-down of manufacturing plant; or

---

*Changes to legislation:* There are currently no known outstanding effects for the Energy Act 1976, Cross Heading: Other measures for controlling energy sources and promoting economy : Secretary of State's functions. (See end of Document for details)

---

- (d) if it is necessary in the interests of the safety of such plant; or
  - (e) if it is necessary in order to comply with a requirement imposed by or under any enactment.
- (4) In this section “manufacturing plant” means plant used for any of the activities referred to in any of the minimum list headings in Orders III to XIX (inclusive) of the Standard Industrial Classification.
- (5) The Secretary of State’s consent under this section—
- (a) may be given either with reference to particular cases or by means of orders of general application; and
  - (b) may in any case be made subject to conditions which may, in particular, be framed by reference to the description or origin of the gas, or the quantities to be disposed of.

#### Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only.

#### Textual Amendments

- F2** Words in s. 12(2) substituted (E.W.S.) (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 11(2)**; S.I. 1996/218, **art. 2**.
- F3** Words substituted by virtue of **Gas Act 1986 (c. 44, SIF 44:2)**, s. 67(1)(3), **Sch. 7 para. 26(2)**, **Sch. 8 para. 33**
- F4** S. 12(2A) inserted (1.10.2016) by **Energy Act 2016 (c. 20)**, s. 84(3), **Sch. 1 para. 2(2)**; S.I. 2016/920, **reg. 2(a)**

#### Marginal Citations

- M1** 1964 c. 29.

## 12 Disposal of gas by flaring, etc. **N.I.**

- (1) Subject to subsection (3) below, the Secretary of State’s consent is required for natural gas to be disposed of (whether at source or elsewhere) by flaring or by releasing it unignited into the atmosphere.
- (2) This section applies to all natural gas of the United Kingdom, whether obtained there or in territorial waters, or in areas designated under the <sup>M2</sup>Continental Shelf Act 1964, except gas supplied by [<sup>F8</sup>a public gas supplier within the meaning of Part I of the Gas Act 1986].
- [<sup>F4</sup>(2A) Disposal of gas by flaring, or by releasing it unignited into the atmosphere, does not require consent under this section if consent—
- (a) is required under section 12A (disposal of gas by flaring etc: OGA's functions), or
  - (b) would be required under that section but for subsection (3) of that section.]
- (3) Disposal of gas by flaring does not require consent under this section—
- (a) if it is permitted under the terms of a production licence granted under United Kingdom legislation;

---

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 1976, Cross Heading: Other measures for controlling energy sources and promoting economy : Secretary of State's functions. (See end of Document for details)*

---

- (b) if it is of refinery tail gas produced in refining crude liquid petroleum (and “refining” here does not include the treatment of crude for the sole purpose of enabling it to be safely stored or transported);
  - (c) if it is necessary in connection with the start-up or shut-down of manufacturing plant; or
  - (d) if it is necessary in the interests of the safety of such plant; or
  - (e) if it is necessary in order to comply with a requirement imposed by or under any enactment.
- (4) In this section “manufacturing plant” means plant used for any of the activities referred to in any of the minimum list headings in Orders III to XIX (inclusive) of the Standard Industrial Classification.
- (5) The Secretary of State’s consent under this section—
- (a) may be given either with reference to particular cases or by means of orders of general application; and
  - (b) may in any case be made subject to conditions which may, in particular, be framed by reference to the description or origin of the gas, or the quantities to be disposed of.

#### **Extent Information**

- E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only.

#### **Textual Amendments**

- F4** S. 12(2A) inserted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 2\(2\)](#); S.I. 2016/920, reg. 2(a)
- F8** Words substituted by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(1)(3), [Sch. 7 para. 26\(2\)](#), [Sch. 8 para. 33](#)

#### **Marginal Citations**

- M2** 1964 c. 29.

### **[<sup>F5</sup>12A Disposal of gas by flaring, etc: OGA's functions**

- (1) The OGA's consent is required for natural gas to be disposed of (whether at source or elsewhere)—
- (a) by flaring, or by releasing it unignited into the atmosphere, from anything that for the purposes of section 82(1) of the Energy Act 2011 is a relevant oil processing facility or a relevant gas processing facility, or
  - (b) by releasing it unignited into the atmosphere in connection with activities carried out under a licence granted under—
    - (i) section 3 of the Petroleum Act 1998, or
    - (ii) section 2 of the Petroleum (Production) Act 1934.
- (2) This section applies to all natural gas of the United Kingdom, whether obtained there or in territorial waters, or in areas designated under the Continental Shelf Act 1964, except gas conveyed through pipes to premises by a gas transporter within the meaning of Part 1 of the Gas Act 1986.
- (3) Disposal of gas does not require consent under this section if—

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 1976, Cross Heading: Other measures for controlling energy sources and promoting economy : Secretary of State's functions. (See end of Document for details)*

- (a) it is necessary in order to reduce or avoid the risk of injury to any person,
  - (b) the risk could not reasonably have been foreseen in time to reduce or avoid it otherwise than by means of the disposal, and
  - (c) it was not reasonably practicable to obtain consent under this section in the time available.
- (4) A person who disposes of gas in cases where the consent of the OGA would have been required but for subsection (3) must inform the OGA of that disposal as soon as practicable after the disposal takes place.
- (5) The OGA's consent under this section—
- (a) may be given only by reference to particular cases, and
  - (b) may be made subject to conditions which may, in particular, be framed by reference to the description or origin of the gas, or the quantities to be disposed of.

**Textual Amendments**

**F5** Ss. 12A, 12B inserted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 3](#); S.I. 2016/920, reg. 2(a)

**12B Sanctions for failure to comply with section 12A**

- (1) The requirements imposed by subsections (1) and (4) of section 12A are to be treated for the purposes of Chapter 5 of Part 2 of the Energy Act 2016 (power of the OGA to impose sanctions) as petroleum-related requirements.
- (2) But the OGA may not give an enforcement notice, a revocation notice or an operator removal notice under that Chapter by virtue of this section.]

**Textual Amendments**

**F5** Ss. 12A, 12B inserted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 3](#); S.I. 2016/920, reg. 2(a)

**13** ..... **F6**

**Textual Amendments**

**F6** S.13 repealed by [Gas Act 1980 \(c. 37, SIF 44:2\)](#), s. 1(4)

**<sup>F7</sup>14 Fuelling of new and converted power stations.**

.....

**Textual Amendments**

**F7** S. 14 omitted (25.6.2013) by virtue of [Growth and Infrastructure Act 2013 \(c. 27\)](#), [ss. 18\(1\)\(a\)](#), 35(3)

---

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 1976, Cross Heading: Other measures for controlling energy sources and promoting economy : Secretary of State's functions. (See end of Document for details)*

---

## **15 Passenger car fuel consumption.**

- (1) Subject to the provisions of this section, the Secretary of State may in relation to passenger cars make orders—
  - (a) requiring fuel consumption to be determined by means of officially approved tests; and
  - (b) providing for test results, showing the consumption of different classes or descriptions of cars in standard conditions, to be recorded in official fuel economy certificates and published in the specified manner.
- (2) The orders may provide—
  - (a) for requiring manufacturers or importers of cars to carry out officially approved tests, or to arrange for such tests to be carried out (by making available a car to officers of the Secretary of State's department for that purpose, or otherwise);
  - (b) for tests to be repeated from time to time with a view to the issue, where appropriate, of amended or amplified certificates;
  - (c) for payment of fees in connection with testing; and
  - (d) for official approval to be extended to tests carried out in other countries, and for the results of such tests to be adopted, certified and published in the United Kingdom.
- (3) As from a date appointed by such an order in relation to any class or description of cars—
  - (a) no person shall, in the course of a business, deal in or offer for sale new cars of that class or description unless the relevant official tests have been carried out;
  - (b) every person who issues material to the general public with a view to promoting sales of cars of that class or description (especially advertisements, technical specifications, sales brochures and the like) shall, if the material contains any statement about fuel consumption, include specified information as to the results of the relevant official tests;
  - (c) every manufacturer or, in the case of imported cars, importer of cars of that class or description shall secure that any manual or handbook compiled with a view to a copy of it being issued to any first purchaser of such a car includes specified information as to the results of the relevant official tests;
  - (d) every person who, in the course of a business, deals in or offers for sale new cars of that class or description shall make available for inspection by his customers at any place where he causes such cars to be offered for sale, or regularly transacts business with customers relating to the sale of such cars, specified information as to the results of officially approved tests on all cars which have been subjected to the tests, including not only cars which he deals in or offers for sale, but also those which he does not; and
  - (e) no person shall, with a view to promoting the sale of new cars of that class or description, display such a car on premises where he carries on a business unless the car has affixed to it, so as to be clearly visible to those to whom the car is displayed, a label in specified form containing specified information including—
    - (i) the results of the relevant official tests; and
    - (ii) the fact that the results of officially approved tests on other cars are available for inspection by customers.

---

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 1976, Cross Heading: Other measures for controlling energy sources and promoting economy : Secretary of State's functions. (See end of Document for details)*

---

- (4) The cars about whose fuel consumption provision may be made by orders under this section are road vehicles constructed solely for carrying passengers and their effects and adapted to carry not more than 8 passengers excluding the driver.
- (5) In regard to the making and administration of such orders the Secretary of State shall maintain consultation with the motor industry, that is to say with organisations representative of manufacturers, importers, distributors and retailers of cars for the United Kingdom market.
- (6) Orders under this section may classify and describe cars by reference to—
- (a) manufacturer, mark, serial number, trade appellation or country of origin;
  - (b) design and application (including passenger and baggage carrying capacity);
  - (c) technical characteristics (including engine size, mode of transmission and carburation system); or
  - (d) date of manufacture, date of issue from factory or date of importation into the United Kingdom,
- or to any such combination of those matters, or of those and other similar matters, as the Secretary of State thinks best adapted to keeping the public informed about the fuel consumption of cars on the market.
- (7) In this section—
- (a) “relevant official tests”, in relation to any car, means the officially approved tests carried out or, as the case may be, required to be carried out (pursuant to orders under this section) on cars of that class or description; and
  - (b) “specified” means specified by such orders;
- and the orders may specify the cases in which a car is to be regarded as a new car and those in which a person is, or is not, to be regarded as one who deals in new cars.

---

**Modifications etc. (not altering text)**

**C1** S. 15 functions of Secretary of State now exercisable by Minister of Transport: [S.I. 1980/1719](#), [arts. 2, 3](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 1976, Cross Heading: Other measures for controlling energy sources and promoting economy : Secretary of State's functions.