

SCHEDULES

SCHEDULE 1

Section 4(2).

RELAXATIONS OF ROAD TRAFFIC AND TRANSPORT LAW PERMISSIBLE UNDER SECTION 4(2)

- 1 (1) A person acting under and in accordance with a general or special authority granted by the Secretary of State under section 4(2) of this Act may use, or cause or permit the use of, any vehicle on a road as a stage carriage, an express carriage or a contract carriage—
- (a) without a licence, permit, agreement or consent otherwise required; and
 - (b) notwithstanding that the vehicle does not comply with regulations.
- (2) The regulations here referred to are those made under section 160 of the Road Traffic Act 1960 (general regulations relating to public service vehicles), or such of the regulations made under section 40 of the Road Traffic Act 1972 (construction and use of motor vehicles and their equipment) as apply to a vehicle used as mentioned in this paragraph and do not apply to a vehicle not so used.
- 2 A person acting under and in accordance with such an authority may—
- (a) drive or act as conductor of a public service vehicle without being licensed to do so under section 144 of the Road Traffic Act 1960 ; or
 - (b) employ a person not so licensed to drive or act as conductor of any such vehicle.
- 3 A person acting under and in accordance with such an authority may, to such extent and in accordance with such conditions as may be specified in the authority, act, or cause or permit another person to act, as the driver of a vehicle without complying with the requirements of section 96(1) to (6) of the Transport Act 1968 (as for the time being in force).
- 4 (1) A person charged under section 143 of the Road Traffic Act 1972 with the offence of using, or causing or permitting the use, of a motor vehicle so as to contravene that section (driving uninsured) may prove as a defence that the vehicle was being used by authority of the Secretary of State under section 4(2) of this Act and that—
- (a) it was at the material time the subject of insurance or security complying with Part VI of the 1972 Act; and
 - (b) pursuant to arrangements made by or with the Secretary of State for the purposes of section 4(2), the insurance or security is treated as extending to its use on that occasion.
- (2) A person charged under section 162 or 166 of the Road Traffic Act 1972 with an offence of failing to produce the relevant certificate of insurance or certificate of security within the meaning of Part VI of that Act may prove as a defence that the vehicle was being used by authority of the Secretary of State under section 4(2) of this Act and that—
- (a) he produced a certificate of insurance or certificate of security complying with Part VI of that Act; and

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- (b) pursuant to arrangements made by or with the Secretary of State for the purposes of section 4(2), the insurance or security to which the certificate relates is treated as extending to the use in question.

SCHEDULE 2

Section 18(1).

ADMINISTRATION AND OTHER MATTERS

Power to obtain information

- 1 (1) Subject to the provisions of this paragraph, the Secretary of State may direct any person carrying on an undertaking—
- (a) to keep such books, accounts and records relating to a substance mentioned in section 1(1) of this Act, or to electricity, as may be specified;
 - (b) to furnish, as and when specified, estimates, forecasts, returns and information relating to such a substance, or to electricity;
 - (c) to furnish, as and when specified, information and forecasts relating to the undertaking itself or its activities, including the way in which the undertaking is organised and administered and the character and extent of its operations.
- (2) All the powers of this paragraph are exercisable by the Secretary of State where it appears to him expedient for the purpose of implementing obligations incumbent on the United Kingdom as a member of the European Communities or the International Energy Agency or as a party to the International Energy Agreement, and the powers conferred by paragraphs (a) and (b) of sub-paragraph (1) are also exercisable where it appears to the Secretary of State expedient for any purpose connected with the operation of this Act or the effective performance by him of his functions under it.
- (3) In this paragraph " specified " means specified by the Secretary of State's directions.

Power to call for documents

- 2 (1) The powers of this paragraph are exercisable—
- (a) by a person authorised by or on behalf of the Secretary of State, on production (if so required) of his authorisation ;
 - (b) for the purpose of securing compliance with any provision made by or under this Act, and of checking estimates and forecasts or verifying returns and information provided in response to directions under paragraph 1 above.
- (2) The powers are—
- (a) to require any person to produce for inspection, or to deliver up, any document in his possession or control which has been issued by or on the authority of the Secretary of State in connection with the administration and enforcement of this Act, or any provision made under it;
 - (b) to require any person with executive functions in an under taking, or the persons carrying it on, to produce documents relating to the undertaking or its operations, and allow copies or extracts to be made from them ;
 - (c) to require any such person, or one who has in the preceding 5 years exercised such functions, to provide further particulars as to the whereabouts, contents or subject matter of such documents.

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Access to premises etc. for enforcement purposes

- 3 (1) Subject to sub-paragraph (2) below, a person authorised by or on behalf of the Secretary of State may for the purpose—
- (a) of securing compliance with orders made and directions given by the Secretary of State under this Act;
 - (b) of checking estimates and forecasts or verifying returns and information provided in response to directions under paragraph 1 of this Schedule ;
- at all reasonable hours and on production (if so required) of his authorisation, go on any premises and there make such enquiries and inspections, and purchase or take such samples of any substance, as are allowed by the terms of his authorisation or he thinks necessary for those purposes.
- (2) The powers of this paragraph are not exercisable—
- (a) for the purpose only of securing compliance with orders under section 15 of this Act;
 - (b) except when an Order in Council under section 3 of this Act is in force, for the purpose only of securing compliance with orders under section 1(1).
- (3) The reference in this paragraph to premises includes vehicles and vessels, but not any premises used only as a dwelling.

Entry with warrant

- 4 (1) Subject to sub-paragraph (4) below, if a justice of the peace (in Scotland a justice of the peace or a sheriff) is satisfied, on sworn information in writing submitted on behalf of the Secretary of State, that—
- (a) admission to premises is reasonably required for any of the purposes mentioned in paragraph 3(1) above ; and
 - (b) the circumstances specified in sub-paragraph (2) or, as the case may be, sub-paragraph (3) below are present,
- the justice or sheriff may issue a warrant naming a person authorised by the Secretary of State and authorising that person to enter the premises, by force if necessary.
- (2) If no Order in Council under section 3 of this Act is for the time being in force the circumstances in which a warrant may be issued are that either—
- (a) admission to the premises has been refused after, if the case is not one of urgency, not less than seven days' notice of the intention to enter had been given to the occupier; or
 - (b) application for admission would defeat the object of the entry or the premises are unoccupied.
- (3) If such an Order in Council is for the time being in force the circumstances in which a warrant may be issued are that either—
- (a) admission to the premises has been refused, or a refusal is apprehended, and notice of intention to apply for a warrant has been given to the occupier ; or
 - (b) application for admission would defeat the object of the entry, or the case is one of urgency, or the premises are unoccupied or the occupier is temporarily absent.
- (4) A warrant under this paragraph—
- (a) is not to be issued authorising entry for the purpose only of securing compliance with orders under section 15 of this Act;

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- (b) except when an Order in Council under section 3 of this Act is in force, is not to be issued authorising entry for the purpose only of securing compliance with orders under section 1(1).
- (5) A person entering premises under the authority of the warrant may search the premises and take possession of any documents which he finds there and which appear to him to be relevant to the purposes for which the warrant was obtained.
- (6) Any documents of which possession is taken under this paragraph may be retained for a period of 3 months or, if within that period there are commenced any proceedings for an offence under this Act to which they are relevant, until the conclusion of those proceedings.
- (7) If the premises are unoccupied or the occupier is temporarily absent, the person entering them under the authority of the warrant shall leave them as effectively secured against trespassers as he found them.
- (8) The warrant continues in force until the end of one month beginning with the date on which it was issued.
- (9) References in this paragraph to premises include vehicles and vessels, but not any premises used only as a dwelling.

Price control enforcement

- 5 (1) The Secretary of State may designate a local weights and measures authority for the purposes of the enforcement within its area of price controls in relation to supplies to the general public.
- (2) The powers of paragraphs 2 and 3 above are also exercisable by a duly authorised officer of a designated local weights and measures authority, for the purpose of securing compliance with price controls in relation to such supplies.
- (3) If a justice of the peace (in Scotland, a justice of the peace or a sheriff) is satisfied, on sworn information in writing submitted on behalf of a designated local weights and measures authority, that—
 - (a) admission to premises is reasonably required for that purpose ; and
 - (b) the circumstances specified in paragraph 4(2) or, as the case may be (3) above are present,
 the justice or sheriff may issue a warrant authorising a duly authorised officer of the authority (naming him) to enter the premises, by force if necessary ; and paragraph 4(5) to (9) above also applies in relation to this warrant.

Proceedings

- 6 (1) Proceedings for an offence of contravening or failing to comply with a direction of the Secretary of State given under section 6 or 7 of this Act shall be instituted only by, or with the consent of, the Secretary of State or the Director of Public Prosecutions.
- (2) Proceedings for an offence of contravening or failing to comply with price controls shall be instituted only—
 - (a) by or on behalf of a local weights and measures authority designated under paragraph 5 above ; or

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(b) by, or with the consent of, the Secretary of State or the Director of Public Prosecutions.

(3) This paragraph does not apply in Scotland.

(4) As this paragraph applies to Northern Ireland—

- (a) omit the reference to a local weights and measures authority ; and
- (b) for the Director of Public Prosecutions substitute the Director of Public Prosecutions for Northern Ireland ;

and the provisions of Article 7(3) to (6) of the Prosecution of Offences (Northern Ireland) Order 1972 apply as if this paragraph were a consent provision within the meaning of that Article.

Non-disclosure of information

7 No information obtained by virtue of this Act shall be disclosed except—

- (a) with the consent of the person by whom or on whose behalf the information was given or supplied and, where applicable, of the owner of any goods, or the occupier of any premises, to which the information relates;
- (b) for the purpose of the exercise of any of its functions, to a government department (including a department of the government of Northern Ireland);
- (c) to any institution of the European Communities, or to the International Energy Agency, in pursuance of obligations incumbent on the United Kingdom to transmit the information or see to its transmission ;
- (d) in the form of statistics or otherwise, so that it cannot readily be recognised as relating to any particular person or undertaking;
- (e) with a view to the institution, or otherwise for the purposes, of any criminal proceedings.

Proof of documents

8 (1) Every document purporting to be an instrument made by any person in pursuance of this Act and to be signed by or on behalf of that person shall be received in evidence and shall until the contrary is proved be deemed to be such an instrument.

(2) Prima facie evidence of any such instrument may in any legal proceedings (including arbitrations) be given by the production of a document purporting to be certified to be a true copy of the instrument by or on behalf of the person having power to make or issue the instrument.

(3) Prima facie evidence of—

- (a) any general authority granted under section 4(1) or (2) of this Act;
- (b) any exemption under section 17(4)(b) relating to a class of persons, premises or undertakings ; or
- (c) the variation or revocation of such an authority or exemption,

may be given in any legal proceedings (including arbitrations) by the production of a copy of the London, Edinburgh or Belfast Gazette purporting to contain such an authority or exemption or (as the case may be) the variation or revocation.

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SCHEDULE 3

Section 18(2)(c).

COMMUNITY OBLIGATIONS OF WHICH BREACH IS PUNISHABLE UNDER THIS ACT

The directly applicable Community obligations referred to in section 18(2)(c) of this Act are those arising under the following EEC Council Regulations (as amended from time to time), that is to say—

- (a) Council Regulation (EEC) No. 1055/72 on notification of imports of crude oil and natural gas ;
- (b) Council Regulation (EEC) No. 1056/72 on notification of certain investment projects ;
- (c) Council Regulation (EEC) No. 293/74 on information for the purposes of Community energy policy ;
- (d) Council Regulation (EEC) No. 3254/74 on notification of imports of certain petroleum products ;
- (e) Council Regulation (EEC) No. 388/75 on notification of exports of crude oil and natural gas ;

and any other EEC Council Regulation made for the same or similar purposes which has been added to this Schedule by Order in Council or regulations under section 2(2) of the European Communities Act 1972.

SCHEDULE 4

Section 22.

REPEALS AND SAVINGS

PART I

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
1964 c. 29.	The Continental Shelf Act 1964.	Section 9.
1972 c. 60.	The Gas Act 1972.	Schedule 6, paragraph 12.
1973 c. 67.	The Fuel and Electricity (Control) Act 1973.	The whole Act.

PART II

SAVINGS FOR NORTHERN IRELAND, CHANNEL ISLANDS AND ISLE OF MAN

1 Section 4 of the Fuel and Electricity (Control) Act 1973, together with so much of that Act as is required for its interpretation, remains in force in Northern Ireland, but with the following amendments—

- (a) in subsection (2), for the words " an order under section 2(1) of this Act" substitute " an Order in Council under section 3(1) of the Energy Act 1976 "; and

(b) in subsection (4), for the words from " such orders " to the end substitute " price controls under the Energy Act 1976 ",
and this Act shall apply for all purposes of administration and enforcement of the provisions continued in force under this paragraph as if those provisions were contained in this Act.

2 The 1973 Act remains in force—

- (a) in its application to the Channel Islands and the Isle of Man, so far as it extends there for the time being by virtue of Orders in Council under section 9 of that Act; and
(b) so as to enable any such Order to be varied or revoked.

PART III

ORDERS UNDER 1973 ACT WHICH CONTINUE IN FORCE

The orders set out in this Part (which were made under powers conferred by the 1973 Act) continue in force notwithstanding the repeal of that Act.

ORDERS UNDER SECTION 2

S.I. 1974/2160	The Fuel and Electricity (Heating) (Control) Order 1974.
S.I. 1975/63	The Fuel and Electricity (Heating) (Control) (Northern Ireland) Order 1975.
S.I. 1976/1204	The Paraffin (Maximum Retail Prices) Order 1976.
S.I. 1976/1840	The Paraffin (Maximum Retail Prices) (Amendment) Order 1976.

The above orders are to be treated for the purposes of this Act as if they had been made under section 1(1) or (as the case may be) section 1(4) of this Act, and references in this Act to powers and orders under it and similar references, are to be construed accordingly where the context permits.

ORDER IN COUNCIL UNDER SECTION 4(3)

S.I. 1973/2051	The Fuel Control (Modification of Enactments) (Speed Limits) Order 1973.
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The Order in Council above is to be treated for the purposes of this Act as if it had been made under section 4(3) of this Act, and references in this Act to powers and orders under it, and similar references, are to be construed accordingly where the context permits.

ORDERS IN COUNCIL UNDER SECTION 9

S.I. 1973/2053	The Fuel and Electricity (Control) Act 1973 (Guernsey) Order 1973.
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S.I. 1973/2054

The Fuel and Electricity (Control) Act 1973
(Isle of Man) Order 1973.

S.I. 1973/2160

The Fuel and Electricity (Control) Act 1973
(Jersey) Order 1973.

The Interpretation Act 1889 continues to apply to the interpretation of the orders set out in this Part (other than those to which there is applied the Interpretation Act (Northern Ireland) 1954) as it applies to the interpretation of an Act of Parliament and for the purposes of section 38 of that Act the orders are deemed to be Acts of Parliament.