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STATUTORY INSTRUMENTS

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**1973 No. 2053**

**CONTROL OF FUEL AND ELECTRICITY**

The Fuel and Electricity (Control)  
Act 1973 (Guernsey) Order 1973

*Made - - - - 7th December 1973*

*Coming into Operation 7th December 1973*

At the Court at Buckingham Palace, the 7th day of December 1973

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 9 of the Fuel and Electricity (Control) Act 1973, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Fuel and Electricity (Control) Act 1973 (Guernsey) Order 1973 and shall come into operation forthwith.

2. The Interpretation Act 1889 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. The Fuel and Electricity (Control) Act 1973 shall extend to the Bailiwick of Guernsey subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.

*N.E. Leigh*

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## SCHEDULE

### EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO THE FUEL AND ELECTRICITY (CONTROL) ACT 1973

1. Any reference to the Fuel and Electricity (Control) Act 1973 shall be construed as a reference to that Act as extended to the Bailiwick of Guernsey by this Order.
2. For the words “Secretary of State”, wherever they occur, there shall be substituted—
  - (a) in relation to any part of the Bailiwick of Guernsey other than the Island of Alderney, the words “States of Guernsey Emergency Council”, and
  - (b) in relation to the Island of Alderney, the words “States of Alderney Finance Committee”.
3. Section 4(2) shall be omitted.
4. In section 4(3) for the words “Her Majesty may by Order in Council” there shall be substituted the words “The States of Guernsey may by Ordinance.”.
5. Section 4(4) and (5) shall be omitted.
6. For section 4(6) there shall be substituted the following provision:—

“(6) Any Ordinance made under this section may be varied or repealed by a subsequent Ordinance of the States of Guernsey.”.
7. For section 5 there shall be substituted the following sections:—

#### **“Application of provisions of Defence (General) (Guernsey) Regulations 1945 as continued in force**

5.—(1) The following Regulations set out in Part V of Schedule 2 to the Defence (General) (Guernsey) Regulations Continuance Order 1960(1), as continued in force by the Defence (General) (Guernsey) Regulations Continuance Order 1964(2), that is to say Regulations 82 (false documents and false statements), 84 (restrictions on disclosing information), 87(3) (permits, licences, etc.), 91 (offences by corporations), 97 (service of notices) and 98 (revocation and variation of orders, etc.), shall have effect for the purposes of this Act as if in those provisions any reference to a Regulation were a reference to this Act: and in the following provisions of this Act any reference to an offence under this Act shall be construed as including an offence under the provisions applied by this subsection.

(2) The supplementary provisions of paragraphs 2 and 4 of Schedule 3 to the said Order of 1960 shall have effect for the purposes of this Act as if in those provisions—

- (a) any reference to such a Regulation as is mentioned in paragraph 1 of the said Schedule 3 were a reference to this Act (including the provisions applied by subsection (1) above), and
- (b) any reference to British ships or aircraft not being excepted ships or aircraft or to persons on board such a ship or aircraft were omitted.

#### **Production of documents**

5A.—(1) For the purposes—

- (a) of securing compliance with any order made or direction given under this Act by or on behalf of a competent authority or

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(1) S.I. 1960/208 (1960 I, p. 1323).

(2) S.I. 1964/2035(1964 III, p. 5118).

(b) of verifying any estimates, returns or information furnished to a competent authority in connection with this Act or any order made or direction given thereunder, an officer of a competent authority duly authorised in that behalf shall have power, on producing (if required to do so) evidence of his authority, to require any person carrying on an undertaking or employed in connection with an undertaking to produce to the officer forthwith any documents relating to the undertaking which the officer may reasonably require for the purposes set out above in this section.

(2) The power conferred by this section to require any person to produce documents shall include power—

(a) if the documents are produced—

(i) to take copies of them or extracts from them, and

(ii) to require that person, or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any of them,

(b) if the documents are not produced, to require the person who was required to produce them to state, to the best of his knowledge and belief, where they are.

(3) If the Bailiff is satisfied, on information on oath given on behalf of a competent authority that there are any reasonable grounds for suspecting that there are on any premises any documents of which production has been required by virtue of the foregoing provisions of this section and which have not been produced in compliance with that requirement, the Bailiff may issue a warrant authorising any officer of police, together with any other persons named in the warrant and any other officers of police, to enter the premises specified in the information (using such force as is reasonably necessary for the purpose) and to search the premises and take possession of any documents appearing to be such documents as aforesaid, or to take in relation to any documents so appearing any other steps which may appear necessary for preserving them and preventing interference with them.

(4) Every warrant issued under the last preceding subsection shall continue in force until the end of the period of one month after the date on which it is issued.

(5) Any documents of which possession is taken under subsection (3) of this section may be retained for a period of three 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.

(6) Any person who obstructs the exercise of any right of entry or search conferred by virtue of a warrant under subsection (3) of this section, or who obstructs the exercise of any rights so conferred to take possession of any documents shall be guilty of an offence under this Act.

(7) In this section—

“Bailiff” means—

(a) in relation to the Islands of Guernsey, Herm and Jethou, the Bailiff, the Deputy Bailiff, a Lieutenant Bailiff or the Juge Délégué;

(b) in relation to the Island of Alderney, the Chairman of the Court of Alderney; and

(c) in relation to the Island of Sark, the Seneschal;

“competent authority” means—

(a) in relation to any part of the Bailiwick of Guernsey other than the Island of Alderney, the States of Guernsey Emergency Council;

(b) in relation to the Island of Alderney, the States of Alderney Finance Committee;

“officer of police” means—

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- (a) in relation to the Islands of Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey;
- (b) in relation to the Island of Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney and, within the limit of his jurisdiction, a special constable appointed by the Court of Alderney under section 65 of the Government of Alderney Law 1948; and
- (c) in relation to the Island of Sark, the Constable, the Vingtenier and a member of the said police force of Guernsey.”.

8. In section 6(1) for the words “subject, however” to the end there shall be substituted the following words:—

“Provided that where a person is charged with an offence by reason of a failure to comply with a requirement to produce documents imposed under subsection (1) of section 5A of this Act, it shall be a defence to prove that the documents were not in his possession or under his control and that it was not reasonably practicable for him to comply with the requirement.”.

9. In section 6(3) for the words “United Kingdom” there shall be substituted the words “Bailiwick of Guernsey”.

10. Section 7 shall be omitted.

11. For section 8 there shall be substituted the following section:—

**“Interpretation**

8.—(1) In this Act “enactment” means any provision contained in a Law or in an Ordinance in force in the Bailiwick of Guernsey or in any part thereof.

(2) In this Act “petroleum” includes any mineral oil or relative hydro-carbon and natural gas existing in its natural condition in strata, but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation.”.

12. Section 9 shall be omitted.

13. Section 10(5) shall be omitted.

14. Section 11(2) shall be omitted.

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**EXPLANATORY NOTE**

This Order extends the Fuel and Electricity (Control) Act 1973 to the Bailiwick of Guernsey subject to specified exceptions, adaptations and modifications.