

## 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 Jersey by this Order.

2. For the words “Secretary of State”, wherever they occur, there shall be substituted the words “the Defence Committee”.

3. For section 4(2) there shall be substituted the following provision:—

“(2) At any time while an order under section 2(1) of this Act is in force the Defence Committee may grant a general or special authority for the doing, during the whole or any part of the period for which the order is in force, of all or any of the things mentioned in the following paragraphs and a person acting under and in accordance with such an authority may then—

- (a) use, or cause to permit the use of, any motor vehicle on any route as an omnibus without any licence, permit, agreement or consent otherwise required and notwithstanding in particular that a licence has not been granted to the operators of the motor vehicle to operate an omnibus on the route in question in accordance with the provisions of the Motor Traffic (Jersey) Law 1935 (as amended);
- (b) drive a public service vehicle without being licenced so to do under the said Law.”.

4. In section 4(3) for the words “Her Majesty may by Order in Council” there shall be substituted the words “The States of Jersey may by Act”.

5. Section 4(4), (5) and (6) shall be omitted.

6. For section 5 there shall be substituted the following sections:—

#### **“Application of provisions of Defence (Jersey) Regulations 1954 as continued in force**

5.—(1) The following Regulations set out in Part V of Schedule 2 to the Defence (Jersey) Regulations (Continuance) Order 1960<sup>(1)</sup>, as continued in force by the Defence (Jersey) Regulations (Continuance) Order 1964<sup>(2)</sup>, 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.

(1) S.I. 1960/210 (1960 I, p. 1339).

(2) S.I. 1964/2037 (1964 III, p. 5122).

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## **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 the Defence Committee, or
- (b) of verifying any estimates, returns or information furnished to the Defence Committee in connection with this Act or any order made or direction given thereunder,

an officer for the time being of the Defence Committee 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 the Defence Committee 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 police officer, together with any other persons named in the warrant and any other police officers, 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 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.”

8. Section 6(3) shall be omitted.

9. In section 6(4) the words “on summary conviction” shall be omitted.

10. Section 7 shall be omitted.

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

**“Interpretation**

8. In this Act “the Defence Committee” means the Defence Committee of the States of Jersey, “enactment” means any provision contained in a Law, Regulation or Order in force in the Bailiwick of Jersey and “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.