



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART I

GENERAL

Heating etc

11 Production and supply of heat etc. by local authorities.

- (1) Subject to subsections (2) and (3) of this section, a local authority may—
- (a) produce heat or electricity or both;
 - (b) establish and operate such generating stations and other installations as the authority thinks fit for the purpose of producing heat or electricity or both;
 - (c) buy or otherwise acquire heat;
 - (d) use, sell or otherwise dispose of heat produced or acquired [^{F1}or electricity produced] by the authority by virtue of this section;
 - (e) without prejudice to the generality of the preceding paragraph, enter into and carry out agreements for the supply by the authority, to premises within or outside the authority's area, of such heat as is mentioned in the preceding paragraph and steam produced from and air and water heated by such heat.
- [^{F2}(2) Nothing in subsection (1) of this section shall be construed as exempting a local authority from the requirements of Part I of the Electricity Act 1989.
- (3) Except in such cases as may be prescribed, a local authority shall not be entitled to sell electricity which is produced otherwise than in association with heat.]
- (4) A local authority may—
- (a) construct, lay and maintain pipes and associated works for the purpose of conveying heat produced or acquired by the authority by virtue of this section and steam produced from and air and water heated by such heat;

Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 11. (See end of Document for details)

- (b) contribute towards the cost incurred by another person in providing or maintaining pipes or associated works which are connected with pipes provided by the authority in pursuance of the preceding paragraph.
- (5) Parts V and VI of Schedule 3 to the ^{M1}Water Act 1945 (which relate to the laying of mains and the breaking open of streets) shall apply in relation to pipes and associated works provided or to be provided in pursuance of paragraph (a) of the preceding subsection as those Parts apply in relation to water mains and pipes but as if—
- (a) sections 19(4) and 21 of that Schedule (which relate to the erection of street notices and the laying of service pipes) were omitted, and in section 22 of that Schedule the words “which they are authorised to lay” were omitted; and
- (b) for any reference to undertakers or limits of supply there were substituted respectively a reference to the authority in question and the area of the authority; and
- (c) for the reference to the special Act in section 25(4) of that Schedule there were substituted a reference to this subsection.
- (6) It shall be the duty of a local authority by which an installation for producing heat is operated in pursuance of this section in any year to furnish to the Secretary of State, as soon as practicable after the end of that year, such particulars relating to the installation and heat produced at it as are prescribed.
- (7) In this section—
- “associated works”, in relation to pipes, means any of the following connected with the pipes, namely, any valve, filter, stopcock, pump, meter, inspection chamber and manhole and such other works as are prescribed;
- ^{F3} . . . and
- “prescribed” means prescribed by regulations made by statutory instrument by the Secretary of State [^{F4}which, in the case of regulations under subsection (3) of this section, shall be subject to annulment in pursuance of a resolution of either House of Parliament];
- and nothing in this section (except the restrictions imposed by subsection (3)) shall be construed as prejudicing any power exercisable by a local authority [^{F5}(in its capacity as such)] apart from this section.

Textual Amendments

- F1** Words inserted by Electricity Act 1989 (c. 29, SIF 41:1), s. 112(1)(3), Sch. 16 para. 20(2), Sch. 17 paras. 33, **35(1)**
- F2** Subsections (2) and (3) substituted by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 20(2), Sch. 17 paras. 33, **35(1)**
- F3** Definition repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3)(4), Sch. 16 para. 20(4)(a), Sch. 17 paras. 33, 35(1), **Sch. 18**
- F4** Words added by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 20(4)(b), Sch. 17 paras. 33, **35(1)**
- F5** Words inserted by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 20(4)(c), Sch. 17 paras. 33, **35(1)**
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Marginal Citations

- M1** 1945 c. 42.

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