



Energy Act 1976

CHAPTER 76

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ELIZABETH II



Energy Act 1976

1976 CHAPTER 76

An Act to make further provision with respect to the nation's resources and use of energy.

[22nd November 1976]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Permanent and reserve powers for energy conservation and control

1.—(1) The Secretary of State may by order provide for regulating or prohibiting the production, supply, acquisition or use of— General control by order.

(a) any of the following substances, namely—

(i) crude liquid petroleum, natural gas and petroleum products ;

(ii) any substance, whether solid, liquid or gaseous, not falling within sub-paragraph (i) above but used as fuel, whether for the propulsion of vehicles or for any other purposes ;

(b) electricity.

(2) Orders under subsection (1) above regulating or prohibiting the use of any of the substances mentioned in the subsection, or of electricity, may be made at any time but only where it appears to the Secretary of State to be desirable for the purpose of conserving energy.

Subject to this, orders under the subsection may be made only when an Order in Council under section 3 of this Act is in force.

(3) When no Order in Council under section 3 is in force the Secretary of State shall before making an order under subsection (1) consult with organisations in the United Kingdom appearing to him to represent those who will be affected by the order, including both consumers and suppliers of energy, and such other organisations as he thinks appropriate.

(4) The Secretary of State may by order provide for regulating the price at which crude liquid petroleum, natural gas or petroleum products may be supplied.

This power is exercisable at any time in the case of petroleum products, but otherwise is exercisable only when an Order in Council under section 3 is in force.

Reserve
power to
control by
government
directions.

2.—(1) When an Order in Council under section 3 of this Act is in force the Secretary of State may give directions—

- (a) to any person carrying on an undertaking in the course of which he produces any substance mentioned in section 1(1) above, as to the production and use of that substance ;
- (b) to any person carrying on an undertaking in the course of which he supplies any such substance, as to the supply by him of that substance ; and
- (c) to any person carrying on an undertaking which involves the use of any such substance, as to the use by him of that substance for the purposes of the undertaking.

(2) Without prejudice to the generality of subsection (1) above—

- (a) a direction under subsection (1)(a) may prohibit or restrict the use of any material for the production of a substance mentioned in section 1(1) and may extend to the disposal of stocks of such a substance or of any such material ;
- (b) a direction under subsection (1)(b) may—
 - (i) prohibit or restrict the supply (anywhere in the world) of any such substance to specified persons, and
 - (ii) require the supply (anywhere in the world) of any such substance to specified persons in accord-

ance with specified requirements, including, in the case of crude liquid petroleum, natural gas or petroleum products, requirements as to price; and

- (c) a direction under subsection (1)(c) may prohibit or restrict the use of any substance mentioned in section 1(1) for specified purposes or during specified periods.

(3) In this section “ specified ” means specified by the Secretary of State’s directions.

(4) This section (except subsection (2)(b)(ii) so far as it relates to requirements as to price) applies in relation to electricity as it applies in relation to the substances mentioned in section 1(1).

3.—(1) Her Majesty may by Order in Council declare the powers of sections 1 and 2 above exercisable to their fullest extent because either— Implementa-
tion of
reserve
powers.

- (a) they are required for the implementation of obligations incumbent on the United Kingdom as a member of the European Communities or the International Energy Agency or a party to the International Energy Agreement to take emergency measures in connection with the reduction, or threatened reduction, of fuel supplies; or

- (b) there exists or is imminent in the United Kingdom an actual or threatened emergency affecting fuel or electricity supplies which makes it necessary in Her Majesty’s opinion that the government should temporarily have at its disposal exceptional powers for controlling the sources and availability of energy;

and any such Order shall be laid before Parliament after it is made.

(2) An Order in Council under subsection (1) above, if made by virtue of paragraph (b) of the subsection, shall cease to be in force on the expiration of the period of 28 days beginning on the date on which it was made, unless before the end of that period it is approved by resolution of each House of Parliament.

In reckoning that period no account is to be taken of any time during which Parliament is dissolved or prorogued, or during which the House of Commons is adjourned for more than 4 days.

(3) An Order in Council under subsection (1) may in any case be revoked by a subsequent Order in Council declaring Her Majesty’s opinion that the circumstances which led to the making of the earlier Order no longer obtain.

(4) Without prejudice to subsections (2) and (3) above, an Order made by virtue of subsection (1)(b) shall cease to be in force at the end of the 12 months beginning with the date on which it was made, unless before then both Houses of Parliament have resolved that it be continued for a further period of 12 months.

(5) An Order may be continued in force under subsection (4) more than once; and on each occasion after the first that subsection applies with the substitution for the period of 12 months there specified of a period of 12 months beginning with the date on which, but for the resolutions of Parliament, the Order would have ceased to be in force.

Other powers.

4.—(1) A person supplying or using a substance mentioned in section 1(1) above may, if authorised to do so by the Secretary of State by any general or special authority granted for the purpose, and while acting in accordance with that authority, disregard or fall short in discharging any obligation imposed by or under an enactment, or any contractual obligation, relating to or involving the supply or use of that substance.

This subsection has effect only at a time when there is in force an Order in Council under section 3(1).

(2) At any time when such an Order in Council is in force, the Secretary of State may grant, or enable any person to grant on his behalf, a general or special authority for the doing, during the whole or any part of the period for which the Order remains in force, of all or any of the things mentioned in Schedule 1 to this Act (relaxations of road traffic and transport law).

(3) Her Majesty may by Order in Council make provision for modifying or excluding any obligation or restriction imposed, or extending any power conferred, by or under an enactment which directly or indirectly affects the use of a substance mentioned in section 1(1).

(4) While an Order in Council is in force under section 3(1)—

(a) subsection (3) above has effect as if for “ affects the use ” there were substituted “ affects the supply or use ”; and

(b) without prejudice to the generality of the subsection, the powers under it extend to making such provision for modifying an order under section 2 of the Counter-Inflation Act 1973 as appears to Her Majesty to be necessary or expedient for the purpose of price controls under this Act.

1973 c. 9.

(5) This section applies in relation to electricity as it applies in relation to substances mentioned in section 1(1).

5.—(1) The Restrictive Trade Practices Act 1976 does not apply to an agreement satisfying the following conditions, namely—

Temporary relief from restrictive practices law. 1976 c. 34.

- (a) it is in writing and made between two or more persons carrying on business in the production or supply of petroleum and—
 - (i) is made by them with the Secretary of State and each other, and
 - (ii) contains a power for the Secretary of State to terminate it on the ground that its continuance is no longer expedient in the national interest ;
- (b) no such restrictions are accepted under it as would (apart from this subsection) make it subject to registration under the 1976 Act, other than restrictions—
 - (i) in respect of the matters mentioned in section 6(1)(a) to (c) of the Act (regulation of prices and terms and conditions of sale), and
 - (ii) relating only to petroleum ;
- (c) it is so expressed that restrictions under it in respect of those matters are operative when, and only when, there is for the time being in force an Order in Council under section 3 of this Act,

(2) Without prejudice to the foregoing, an agreement made at a time when there is in force such an Order in Council and satisfying the conditions set out below, is exempt from registration under the 1976 Act (subject to this section) while the Order is in force.

(3) The conditions for exemption under subsection (2) above are—

- (a) that the agreement is made exclusively between persons carrying on business in the production or supply of petroleum and that two or more of them carry on the business in the United Kingdom ;
- (b) that under the agreement restrictions are accepted such as are described in paragraph (d), (e) or (f) of section 6(1) of the 1976 Act (restrictions on the quantities of goods to be supplied, to whom and for what purpose, etc.) and that those restrictions relate only to petroleum ;
- (c) that no other restrictions are accepted under the agreement by virtue of which it is subject to registration under the 1976 Act ; and
- (d) that the agreement is not to the like effect as another agreement made while the Order in Council is in

force in respect of which exemption has been withdrawn under subsection (5) below, unless—

- (i) none of the parties to the new agreement were parties to the previous agreement ; or
- (ii) the Secretary of State has given his consent to the making of the agreement.

(4) The Secretary of State may direct any person who he has reasonable cause to believe is or may be party to an agreement exempt by virtue of subsection (2) above to furnish him with such particulars of the agreement as may be specified in the direction.

(5) If it appears to the Secretary of State that any restriction accepted under an agreement exempt by virtue of subsection (2) being a restriction such as is referred to in subsection (3)(b) above, is not, or is no longer, necessary in the national interest having regard to the fuel emergency, he may by notice in writing to any one or more parties to the agreement withdraw that exemption with effect from the date specified in the notice.

(6) Where an agreement ceases to be exempt under subsection (2) but it continues in force and is then subject to registration under the 1976 Act, the period within which particulars of it must be furnished under that Act is—

- (a) where the exemption ceases on an Order in Council under section 3 ceasing to have effect, one month from that date ;
- (b) where the exemption ceases on the agreement ceasing to satisfy one of the conditions in subsection (3), 14 days from that date ; and
- (c) where the exemption is withdrawn by the Secretary of State under subsection (5), 7 days from the date on which the withdrawal takes effect ;

and section 35 of that Act (failure to register within time required) shall apply accordingly.

(7) In this section—

1976 c. 34.

- (a) “ the 1976 Act ” means the Restrictive Trade Practices Act 1976, and “ agreement ” and “ restriction ” have the same meaning as in that Act ;
- (b) references to “ petroleum ” include crude liquid petroleum and any petroleum product ; and
- (c) references to a period calculated from a day are references to the period inclusive of that day.

Maintenance of fuel reserves

Bulk stocks of petroleum, etc.

6.—(1) Directions under this section may be given to any person who in the course of an undertaking carried on by him produces, supplies or uses crude liquid petroleum, or petroleum products.

(2) The Secretary of State may—

(a) direct any such person to make such arrangements with respect to his United Kingdom stocks of crude liquid petroleum, or of petroleum products, as will—

(i) enable those stocks to be brought within a specified time to, and thereafter maintained at, a specified level, and

(ii) ensure that they do not fall below that level, except as may be permitted by the terms of the direction or by authority of the Secretary of State ;

(b) in the case of any such person who is a substantial supplier to the United Kingdom market, direct him to create such stocks and make such arrangements with respect to them.

(3) In giving such directions, the Secretary of State shall have regard in particular to—

(a) the quantities of crude liquid petroleum, or of petroleum products, which have been supplied by the undertaking to the United Kingdom market in past periods ; and

(b) the extent to which crude liquid petroleum and petroleum products produced or supplied by the undertaking are, or will be, indigenous.

“ Indigenous ”, in relation to crude liquid petroleum, means won under the authority of licences granted under United Kingdom legislation, and in relation to petroleum products means produced in the United Kingdom from indigenous crude.

(4) A direction given to a person under this section may require a specified portion of his stocks to be held in Northern Ireland.

(5) Before giving a direction under this section the Secretary of State shall notify the substance of the proposed direction to the person to whom he proposes to give it and shall afford him a reasonable opportunity to make representations.

(6) In this section “ specified ” means specified by the Secretary of State’s direction ; and the Secretary of State may by order prescribe, as respects the effect of, and compliance with, directions under this section—

(a) the cases and circumstances in which stocks (in the United Kingdom or elsewhere) are to be treated, in relation to any person, as his United Kingdom stocks, and those in which a person is to be treated as a substantial supplier to the United Kingdom market ;

(b) the extent to which stocks of a particular kind are to count towards compliance with a direction specifying stocks of another kind ; and

- (c) the method by which quantities are to be measured for different purposes.

Fuel stocks at power stations.

7.—(1) Directions under this section may be given—

(a) to the Central Electricity Generating Board, an Area Electricity Board, the North of Scotland Hydro-Electric Board or the South of Scotland Electricity Board ;

(b) to any person who has the means of generating electricity for the purposes of an undertaking carried on by him.

(2) In respect of any electricity generating station, the Secretary of State may direct any of those Boards and, in respect of a station of a capacity of 100 megawatts or more, he may direct any such person as is referred to in subsection (1)(b)—

(a) to make such arrangements with respect to fuel stocks held at or near that generating station for the purposes of its operation as will—

(i) enable those stocks to be brought within a specified time to, and thereafter maintained at, a specified level, and

(ii) ensure that they do not fall below that level, except as may be permitted by the terms of the direction or by authority of the Secretary of State ;

(b) to create such stocks and make such arrangements with respect to them.

(3) The amount of fuel stocks may be specified by reference to the period for which it would enable the generating station to be maintained in operation.

(4) In this section “ specified ” means specified by the Secretary of State’s direction and a direction may specify—

(a) the cases and circumstances in which fuel stocks are to be treated as held at or near any generating station ;

(b) the extent to which the direction may be treated as complied with where access can be had to stocks held for the use of a number of consumers, under arrangements made or approved by the Secretary of State ;

(c) the manner in which the period mentioned in subsection (3) above is to be calculated.

Offshore natural gas

Supply of offshore natural gas.

8.—(1) No person other than the British Gas Corporation shall, except with the consent of the British Gas Corporation, supply offshore natural gas through pipes to premises in Great Britain for non-industrial purposes.

(2) The Secretary of State's consent is required for offshore natural gas to be supplied through pipes to premises in Great Britain for industrial purposes, except—

- (a) supply by or to the British Gas Corporation ; or
- (b) supply provided by one company to another, where they are associated companies in the same group.

(3) Consent is not to be given under subsection (2) to any supply of gas for industrial fuel purposes unless the Secretary of State is satisfied that the British Gas Corporation have been given an opportunity of purchasing the gas at a reasonable price or have made known, in writing, that they do not require such an opportunity.

(4) In section 29 of the Gas Act 1972 (restrictions on supply of gas otherwise than by the British Gas Corporation, etc.), at the end of subsection (11) there shall be added the following words—

“ except gas derived from offshore crude otherwise than as a by-product of crude stabilisation.

In this subsection—

- (a) “ offshore crude ” means crude liquid petroleum got in pursuance of a licence under the Petroleum (Production) Act 1934 as applied by section 1(3) of the Continental Shelf Act 1964 ; and
- (b) “ crude stabilisation ” means the treating of offshore crude to enable it to be safely stored or transported.”.

9.—(1) The Secretary of State's consent is required for offshore natural gas to be used in Great Britain, except—

- (a) use by, or of a supply provided by, the British Gas Corporation ; or
- (b) use of a supply provided by any other person, so long as there is consent to the supply under section 8 above ; or
- (c) use of a supply provided otherwise than through pipes ; or
- (d) use to provide heat or energy in connection with the purification, fractionation or movement (by pipe-line or otherwise) of offshore natural gas.

(2) The Secretary of State shall give his consent under subsection (1) to use by the licensees or a company associated with them in the same group for industrial purposes which are not industrial fuel purposes and which do not include the use of the gas for a process of crude stabilisation or in connection with the movement of offshore crude by pipe-line or otherwise.

(3) Consent under subsection (1) is not to be given to any use of gas for industrial fuel purposes, except use by the licensees or a company associated with them in the same group, unless the Secretary of State is satisfied that the British Gas Corporation have been given an opportunity of purchasing the gas at a reasonable price or have made known, in writing, that they do not require such an opportunity.

(4) The provisions of subsections (2) and (3) as to the use of gas by the licensees or a company associated with them in the same group do not apply—

(a) to gas acquired by the licensees in pursuance of an agreement for the sale of the gas under which the price is payable after the gas is won and saved ; or

(b) to gas acquired by an associated company otherwise than from the licensees either directly or in circumstances such that all the intermediaries were other companies associated in the same group.

(5) The Secretary of State's consent is required for offshore natural gas to be subjected in Great Britain to any process of liquefaction which results in the production of liquid methane or ethane except such small quantities of liquid methane or ethane as may be produced in the course of providing supply to the British Gas Corporation or, with consent under section 8 above, to any other person.

Supple-
mentary
provisions as
to consents.

10.—(1) The Secretary of State's consent under section 8 or 9 may be given either with reference to particular cases or by means of orders of general application.

(2) A specific consent given to any person under either of those sections (that is to say, a consent given to him otherwise than by an order of general application) is irrevocable and may be given for a specified period or indefinitely.

(3) Where consent under those sections has been given by an order of general application, any person who proposes to undertake a supply, use or process of liquefaction which is covered by that general consent may notify the Secretary of State of his proposal (in the manner specified by the order), whereupon subsection (2) above applies as if specific consent either unlimited in duration or, if the order so provides, for the period there specified, had been given to him for that supply, use or process of liquefaction.

(4) The Secretary of State's consent when given under section 9(2) may in any case be made subject to the following conditions only, that is to say—

(a) such conditions as appear to him necessary for securing the continued availability for industrial or agricultural

purposes of supplies of any products which the gas is used to produce ;

(b) conditions requiring the provision of information as to the origin and use of the gas.

(5) Otherwise, the consent of the Secretary of State or of the British Gas Corporation under section 8 or 9 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 supplied, used or disposed of, or the manner of supply or use.

(6) References in section 9(1) and (5) to consent under section 8 include compliance with any conditions subject to which that consent was given.

11.—(1) In sections 8 to 10 and this section—

Interpretation
of ss. 8 to 10.

- (a) “ offshore natural gas ” means natural gas won under the authority of licences under the Petroleum (Production) Act 1934, as applied by section 1(3) of the Continental Shelf Act 1964, but does not include gas derived from offshore crude otherwise than as a by-product of crude stabilisation ;
- (b) in relation to offshore natural gas, “ the licensees ” are those who won it under such authority ;
- (c) “ offshore crude ” means crude liquid petroleum won under such authority ; and
- (d) “ crude stabilisation ” means the treating of offshore crude to enable it to be safely stored or transported.

(2) In sections 8 to 10 and this section references to supply or use for industrial purposes are to supply or use for the purposes of any of the activities described in any of the minimum list headings in Orders II to XIX (inclusive) and XXI of the Standard Industrial Classification.

(3) Industrial fuel purposes are industrial purposes which consist of or include the use of gas as a fuel ; and for the purpose of determining whether any industrial purposes are industrial fuel purposes the use of any gas or liquid derived otherwise than as a by-product from the gas in question shall be treated as the use of that gas.

(4) The use of gas to provide heat or energy is not use for industrial fuel purposes if it is—

- (a) for a process in which the gas is used otherwise than as a fuel ;

- (b) where such a process is one of a series, for any further process in the same series other than a process in which a bulk product is converted into manufactured articles ;
- (c) for a process of crude stabilisation ;
- (d) for a process of purification or fractionation of offshore natural gas ;
- (e) in connection with the movement of offshore crude or offshore natural gas by pipe-line or otherwise,

and supply for any such use shall not be treated as supply for industrial fuel purposes.

(5) Any question whether the purposes for which gas is to be supplied or used are industrial purposes or industrial fuel purposes, shall be determined by the Secretary of State.

(6) For the purposes of sections 8 to 10 companies are associated together in the same group if one is a subsidiary of the other or both are subsidiaries of a third (" subsidiary " having the same meaning as in the Companies Act 1948).

1948 c. 38.

*Other measures for controlling energy sources
and promoting economy*

Disposal
of gas by
flaring, etc.

12.—(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.

1964 c. 29.

(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 supplied by the British Gas Corporation.

(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
- (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.

13.—(1) Notwithstanding the general obligation of the British Gas Corporation under paragraph 2 of Schedule 4 to the Gas Act 1972 to supply gas on demand, the Corporation is not obliged to supply gas to any premises in any period of 12 months beginning after this section comes into force, in excess of 25,000 therms or (if greater) the largest number of therms supplied to those premises in any period of 12 months ending before that date. Restriction on obligation to supply gas. 1972 c. 60.

(2) This section does not affect any obligations of the Corporation (including contractual obligations) in relation to the supply of gas, other than the general obligation referred to above.

14.—(1) A person who proposes to carry out works—

- (a) for the establishment of an electricity generating station to be fuelled by crude liquid petroleum, any petroleum product or natural gas ; or Fuelling of new and converted power stations.
- (b) for the conversion of an electricity generating station with a view to its being so fuelled,

shall, unless his case is one excepted by order of the Secretary of State under subsection (4), give written notice of the proposal to him.

(2) A person who proposes—

- (a) to enter into contractual or other arrangements for obtaining a supply of natural gas as fuel for an electricity generating station ; or
- (b) to extend the duration of any such arrangements (whether made before or after the passing of this Act),

shall, unless the arrangements fall within the scope of a general authority granted by the Secretary of State by order under subsection (5), give written notice of the proposal to him.

(3) The Secretary of State may, if he thinks it expedient having regard to current energy policies, direct that a proposal notified

to him under this section be not carried out, or be carried out in accordance with conditions specified in the direction.

(4) The Secretary of State may by order prescribe cases in which notice under subsection (1) above need not be given; and the cases prescribed may be those where—

- (a) the plant is of less than specified capacity or is used only for specified purposes; or
- (b) such other circumstances obtain as make it unnecessary in the Secretary of State's opinion for him to be given notice under the subsection.

(5) The Secretary of State may by order grant authority for the purposes of subsection (2) above for fuel supply arrangements of any description specified in the order.

(6) This section does not affect—

- 1909 c. 34. (a) section 2 of the Electric Lighting Act 1909;
- 1919 c. 100. (b) section 11 of the Electricity Supply Act 1919;
- 1974 c. 40. (c) section 21 of the Control of Pollution Act 1974;
- 1976 c. 57. (d) section 11 of the Local Government (Miscellaneous Provisions) Act 1976,

(all of which operate so as, in certain circumstances, to require the Secretary of State's consent for power station construction etc.).

Passenger
car fuel
consumption.

15.—(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.

(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.

Miscellaneous and general

Finance for
power
projects.
1972 c. 17.

16. The limit on the aggregate of the sums payable out of money provided by Parliament under section 2(1) of the Electricity Act 1972 (projects advanced in the programme with a view to promoting employment) is increased from £25 million to £45 million.

Orders and
directions.

17.—(1) Orders under this Act shall be made by statutory instrument and (except in the case of Orders in Council under section 3 and orders under section 10 or 23(2)) be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) Powers conferred by this Act to make an order (including an Order in Council under section 4(3) or 23(4)) or give a direction include power to revoke or vary the order or direction.

(3) Powers conferred by this Act to make an order (including an Order in Council under section 4(3) or 23(4)) include power to make any incidental, supplementary or transitional provision which appears to the Secretary of State (or, as the case may be, to Her Majesty in Council) to be appropriate.

(4) An order under this Act (including an Order in Council under section 4(3)) may—

- (a) apply to persons, premises or undertakings generally, or to classes of persons, premises or undertakings, or to particular persons, premises or undertakings, and may so apply either in all areas or in specified areas ;
- (b) provide for exempting persons, premises or undertakings (or any class of persons, premises or undertakings) from the requirements of the order either unconditionally or subject to conditions and with or without a limit in time, and for any such exemption to be varied or revoked.

(5) Where this Act confers power to give directions for any purpose, there is also power to make provision for that purpose by order applicable to all, or to any class of, persons to whom directions could be given.

(6) When an Order in Council under section 3 of this Act ceases to be in force by virtue of any provision of that section—

- (a) section 38(2) of the Interpretation Act 1889 (effect of 1889 c. 63. repeals) applies as if the provisions of this Act which then cease to have effect or become limited in their effect had been repealed, or repealed pro tanto, by another Act ; and
- (b) the cesser does not prejudice the making of a new Order in Council under the section.

18.—(1) Schedule 2 to this Act has effect with respect to the administration and enforcement of this Act and provision made under it, including powers of obtaining information, powers of entry, consents for taking proceedings and other matters. Adminis-
tration,
enforcement
and offences.

(2) A person commits an offence if—

- (a) without reasonable excuse he contravenes or fails to comply with any provision made by this Act, or made under it by order, direction or otherwise (but subject to subsection (3) below in the case of sections 8, 9 and 12) ; or
- (b) he wilfully obstructs any person exercising a power conferred, or performing a duty imposed, by or under this Act ; or

- (c) he contravenes or fails to comply with any directly applicable Community obligation specified in Schedule 3 to this Act ; or
- (d) in furnishing any information—
 - (i) in purported compliance with such a Community obligation ; or
 - (ii) for the purposes of this Act, or of an order made or direction given under it,
 - or in a notice given for any of those purposes, he makes or causes to be made on his behalf a statement which he knows to be false or does not believe to be true ; or
- (e) he has in his possession without lawful excuse a document purporting to be one issued for the purposes of this Act, or of an order made or direction given under it, which is not such a document but so closely resembles it as to be calculated to deceive.

(3) In respect of contraventions of, or failure to comply with—

- (a) any provision made by section 8, 9 or 12 of this Act ; or
- (b) any condition of a consent given by the Secretary of State or the British Gas Corporation thereunder,

criminal proceedings do not lie ; but this is without prejudice to other methods of obtaining compliance with statutory obligations.

(4) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of a body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate is guilty of that offence and liable to be proceeded against and punished accordingly.

(5) Where the affairs of a body corporate are managed by its members, subsection (4) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Penalties.

19.—(1) Subject to subsections (2) and (3) below, a person guilty of an offence under this Act is liable on summary conviction to a fine of not more than £400.

(2) In the case of a contravention of, or failure to comply with—

- (a) price controls ; or
- (b) section 14(1) or (2) ; or

(c) a direction of the Secretary of State given under section 6, 7 or 14(3),

the person guilty is liable either as provided in subsection (1) or on conviction on indictment to a fine.

(3) In the case of a contravention of, or failure to comply with—

(a) a direction under section 2 ; or

(b) a provision of an order under this Act to which this subsection has been applied in accordance with subsection (4) below,

and in the case of an offence under section 18(2)(d) or (e), the person guilty is liable on summary conviction to imprisonment for a term of not more than three months, or to a fine of not more than £400 or both, or on conviction on indictment to imprisonment for a term of not more than two years or to a fine, or both.

(4) An order under section 1 of this Act made at a time when there is in force an Order in Council under section 3 may apply the higher penalties of subsection (3) above to a contravention of, or failure to comply with, particular provisions of the order committed at a time when such an Order in Council is in force ; and those penalties then apply in place of those provided by subsections (1) and (2).

20.—(1) Any administrative expenses incurred by a government department in consequence of this Act shall be paid out of money provided by Parliament. Financial provision.

(2) Fees received by the Secretary of State under section 15 shall be paid into the Consolidated Fund.

21. In this Act—

Interpretation.

“ enactment ” includes an enactment of the Parliament of Northern Ireland and a Measure of the Northern Ireland Assembly ;

“ International Energy Agency ” and “ International Energy Agreement ” mean, respectively, the body established by the Decision of the Council of the Organisation for Economic Co-operation and Development on 15th November 1974, and the Agreement on an International Energy Program signed at Paris on 18th November 1974 ;

“ natural gas ” means any gas derived from natural strata ;

“ petroleum products ” means the following substances produced directly or indirectly from crude, that is to say, fuels, lubricants, bitumen, wax, industrial spirits

and any wide-range substance (meaning a substance whose final boiling point at normal atmospheric pressure is more than 50°C higher than its initial boiling point);

“price controls” means orders under section 1(4) of this Act and directions under section 2 imposing requirements as to price;

1972 c. 63.

“Standard Industrial Classification” has the meaning assigned to it by section 6(2) of the Industry Act 1972;

“undertaking” includes a business, and also any activity carried on by a body of persons, whether corporate or unincorporate; and

“United Kingdom legislation” includes any enactment for the time being in force in any part of the United Kingdom.

Repeals and savings.

22. The enactments specified in Part I of Schedule 4 to this Act are repealed to the extent there specified, subject to the provisions of Part II of the Schedule (savings for Northern Ireland, Channel Islands and Isle of Man) and Part III of the Schedule (continuance in force of certain orders).

Citation, commencement and extent.

23.—(1) This Act may be cited as the Energy Act 1976.

(2) This Act shall come into operation on a day appointed by order of the Secretary of State, and different days may be so appointed for different provisions and for different purposes.

(3) This Act, except sections 7 to 11, 13 and 14 and paragraph 5 of Schedule 2, extends to Northern Ireland.

(4) For the purpose of applying the International Energy Agreement to a territory outside the United Kingdom for whose international relations Her Majesty's Government in the United Kingdom are responsible (other than the Channel Islands and the Isle of Man), Her Majesty may by Order in Council direct that such of the provisions of this Act as are specified in the Order shall, with such exceptions, adaptations and modifications as are so specified, extend to that territory.

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 1960 c. 16. public service vehicles), or such of the regulations made under section 40 of the Road Traffic Act 1972 (construction and use of motor 1972 c. 20. 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 1968 c. 73. 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

SCH. 1 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
- (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.

Section 18(1).

SCHEDULE 2

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 ;

SCH. 2

- (b) to require any person with executive functions in an undertaking, 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.

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.

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(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 ;
- (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
- (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. S.I. 1972/538.

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) ;

- SCH. 2
- (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.

Section 18(2)(c).

SCHEDULE 3

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—

- O.J. L120/3 (a) Council Regulation (EEC) No. 1055/72 on notification of imports of crude oil and natural gas ;
- O.J. L120/7 (b) Council Regulation (EEC) No. 1056/72 on notification of certain investment projects ;
- O.J. L32/1 (c) Council Regulation (EEC) No. 293/74 on information for the purposes of Community energy policy ;
- O.J. L349/1 (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 ; SCH. 3
O.J. L45/1
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. 1972 c. 68.

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. 1973 c. 67. | The Gas Act 1972. The Fuel and Electricity (Control) Act 1973. | Schedule 6, paragraph 12. 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.

SCH. 4

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. |
|----------------|--|

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. |
| 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. |

1889 c. 63. The Interpretation Act 1889 continues to apply to the interpretation of the orders set out in this Part (other than those to which
1954 c. 33 (N.I.) 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.

c. 76

Energy Act 1976

LONDON: The Stationery Office

