



# Energy Act 1976

## 1976 CHAPTER 76

### *Miscellaneous and general*

16 ..... <sup>F1</sup>

#### **Textual Amendments**

**F1** S. 16 repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), Sch. 17 para. 35(1), [Sch. 18](#)

#### **17 Orders and directions.**

- (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 [<sup>F29</sup> 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.

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- (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 <sup>M1</sup>Interpretation Act 1889 (effect of 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applies as if the provisions of this Act which then cease to have effect or become limited in their effect had been repealed, or repealed pro tanto, by another Act; and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.

#### Textual Amendments

**F2** Words substituted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\), s. 12\(2\)](#)

#### Marginal Citations

**M1** [1889 c. 63.](#)

## 18 Administration, enforcement and offences.

- (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.
- (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 . . . <sup>F3</sup>[<sup>F4</sup>9, 12 and 12A]); 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 [<sup>F5</sup>EU] obligation specified in Schedule 3 to this Act; or
  - (d) in furnishing any information—
    - (i) in purported compliance with such [<sup>F5</sup>an][<sup>F5</sup>EU] 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 . . . <sup>F3</sup>[<sup>F6</sup>9, 12 or 12A] of this Act; or
  - (b) any condition of a consent given by the Secretary of State [<sup>F7</sup>or the OGA][<sup>F8</sup>or the British Gas Corporation] thereunder,

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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.

#### Textual Amendments

- F3** Word repealed by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), s. 37(2), [Sch. 4](#)
- F4** Words in s. 18(2)(a) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 4\(2\)](#); [S.I. 2016/920, reg. 2\(a\)](#)
- F5** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with art. 3(2)(3)4(2)6(4)(5))
- F6** Words in s. 18(3)(a) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 4\(3\)\(a\)](#); [S.I. 2016/920, reg. 2\(a\)](#)
- F7** Words in s. 18(3)(b) inserted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 4\(3\)\(b\)](#); [S.I. 2016/920, reg. 2\(a\)](#)
- F8** Words repealed (E.W.S.) by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(3)(4), [Sch. 8 para. 17](#), [Sch. 9 Pt. I](#)

## 19 Penalties.

- (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 [<sup>F9</sup>level 5 on the standard scale]
- (2) In the case of a contravention of, or failure to comply with—
  - (a) price controls; or
  - <sup>F10</sup>(b) .....
  - (c) a direction of the Secretary of State given under section 6<sup>F11</sup>....,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

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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).

#### Textual Amendments

- F9** Words substituted by virtue of (E. W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G** and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **art. 5**
- F10** [S. 19\(2\)\(b\)](#) omitted (25.6.2013) by virtue of [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 18(1)(b)(i)**, 35(3)
- F11** Words in [s. 19\(2\)\(c\)](#) omitted (25.6.2013) by virtue of [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 18(1)(b)(ii)**, 35(3)

## 20 Financial provision.

- (1) Any administrative expenses incurred by a government department in consequence of this Act shall be paid out of money provided by Parliament.
- (2) Fees received by the Secretary of State under section 15 shall be paid into the Consolidated Fund.

## 21 Interpretation.

In this Act—

“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;

[<sup>F12</sup>“the OGA” means the Oil and Gas Authority;]

“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;

[<sup>X1</sup>“Standard Industrial Classification” has the meaning assigned to it by section 6(2) of the [<sup>F13</sup>the Industry Act 1972]<sup>M2</sup>[<sup>F13</sup>the Industrial Development Act 1982]]

[<sup>F14</sup>“Standard Industrial Classification” means the revised edition published by Her Majesty’s Stationery Office in 1968 of the publication of that name prepared by the Central Statistical Office [<sup>F15</sup>of the Chancellor of the Exchequer];]

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

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

#### Editorial Information

**X1** Words substituted (E.W.S.) by Co-operative [Development Agency and Industrial Development Act 1984 \(c. 57, SIF 64\)](#), s. 5(2), [Sch. 1 Pt. II para. 2](#)

#### Textual Amendments

**F12** Words in s. 21 inserted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 5](#); S.I. 2016/920, reg. 2(a)

**F13** Words substituted (N.I.) by [Industrial Development Act 1982 \(c. 52, SIF 64\)](#), [Sch. 2 para. 14](#)

**F14** Words substituted (E.W.S.) by Co-operative [Development Agency and Industrial Development Act 1984 \(c. 57, SIF 64\)](#), s. 5(2), [Sch. 1 Pt. II para. 2](#)

**F15** Words inserted by S.I. 1989/992, art. 6(4), [Sch. 2 para. 2\(b\)](#)

#### Marginal Citations

**M2** [1982 c. 52](#).

## 22 Repeals and savings.

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).

## 23 Citation, commencement and extent.

- (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.

#### Modifications etc. (not altering text)

**C1** Power of appointment conferred by s. 23(2) fully exercised

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