

1974 No. 2160

CONTROL OF FUEL AND ELECTRICITY

The Fuel and Electricity (Heating) (Control) Order 1974

<i>Made</i>	- - -	19th December 1974
<i>Laid before Parliament</i>		20th December 1974
<i>Coming into Operation</i>		13th January 1975

The Secretary of State, in exercise of his powers under section 2(1) of the Fuel and Electricity (Control) Act 1973(a) (as continued in force by the Fuel and Electricity (Control) Act 1973 (Continuation) Order 1974(b)) and section 7 of the Emergency Laws (Re-enactments and Repeals) Act 1964(c) as having effect by virtue of section 5(1) of the Fuel and Electricity (Control) Act 1973, hereby makes the following Order:—

1. This Order may be cited as the Fuel and Electricity (Heating) (Control) Order 1974 and shall come into operation on 13th January 1975.

2.—(1) In this Order—

“electricity” means electricity whether or not supplied by an Electricity Board within the meaning of section 1 of the Electricity Act 1947(d); and

“fuel” means any substance, whether solid, liquid or gaseous, used as a fuel.

(2) Any reference in this Order to any enactment shall be construed as a reference thereto as amended or extended and as a reference to any regulation or Order made under any enactment.

3.—(1) Subject to paragraph (2) of this Article, no person shall use, cause or permit the use of electricity or fuel for the purpose of heating premises so as to cause the temperature of those premises to exceed 68 degrees Fahrenheit (which is equivalent to 20 degrees Centigrade):

Provided that if any enactment requires the heating of any premises or any part thereof to be maintained in certain circumstances at a specific temperature or at not less than a specific temperature, nothing in this Article shall require the heating of such premises or part thereof (as the case may be) in those circumstances to fall below the minimum temperature so specified even if in consequence thereof the temperature of any other part of such premises is thereby caused to exceed that specified in the last foregoing paragraph.

(2) Nothing in paragraph (1) of this Article shall apply to the use of electricity or fuel for the purpose of heating that part of any premises which is used for living accommodation, unless the heating of that part cannot be controlled separately from the heating of the parts of those premises which are not so used, or which is used as a sauna bath, turkish bath or swimming bath; or heating any part of any premises to the extent that such heating is necessary—

(a) 1973 c. 67. (b) S.I. 1974/1893(1974 III, p. 6503). (c) 1964 c. 60. (d) 1947 c. 54.

- (a) for the maintenance of the health or well being of any person on those premises who is ill, disabled, infirm, pregnant, under the age of 5 years or over the age of 60 years;
- (b) in the course of any industrial process, in the preparation of food, for purposes of research, or for agricultural purposes within the meaning of the Agriculture Act 1947(a);
- (c) to prevent damage or deterioration to food, goods, material or growing crops or to prevent damage to or impairment of the functioning of any apparatus or equipment on the premises which is sensitive to changes of temperature or humidity; or
- (d) for preserving the health of any animal or bird on the premises;

or heating any part of any premises in respect of which a licence has been granted by the Secretary of State under this Order.

4. Any licence granted under this Order may be subject to conditions and may be revoked without prior notice.

5. It shall be a defence for a person who contravenes or fails to comply with a provision of this Order to prove that he used all due diligence to secure compliance with that provision.

6. This Order shall not extend to Northern Ireland.

Eric Varley,
Secretary of State for Energy

19th December 1974.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prohibits the use of fuel or electricity to heat premises above a temperature of 68°F (20°C). This prohibition does not apply to premises used as living accommodation, unless their heating cannot be separately controlled, or to sauna, turkish or swimming baths, or to premises in respect of which a licence has been granted by the Secretary of State. The temperature of 68° may also be exceeded to the extent necessary for certain specified purposes set out in Article 3(2) of the Order, including the maintenance of the health of certain persons specified in Article 3(2)(a) (eg persons who are ill or under 5 or over 60 years old) and of animals and birds, industrial, research and agricultural purposes, the preparation of food, and the prevention of damage to food, goods, material and growing crops.

(a) 1947 c. 48.

SI 1974/2160
ISBN 0-11-042160-4



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