



Jersey

FUEL AND ELECTRICITY (CONTROL) ACT 1973 (JERSEY) ORDER 1973

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APPENDIX



Jersey

FUEL AND ELECTRICITY (CONTROL) ACT 1973 (JERSEY) ORDER 1973

Jersey Order in Council 28/1973

FUEL AND ELECTRICITY (CONTROL) ACT 1973 (JERSEY) ORDER 1973.

(Registered on the 28th day of December, 1973).

At the Court at Buckingham Palace.

19th December, 1973.

Present

The Queen's Most Excellent Majesty in Council.

HER MAJESTY, in exercise of the powers conferred upon Her by section 9 of the Fuel and Electricity (Control) Act 1973, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows: -

1. This Order may be cited as the Fuel and Electricity (Control) Act 1973 (Jersey) Order 1973 and shall come into operation forthwith.
2. The Interpretation Act 1889 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
3. The Fuel and Electricity (Control) Act 1973 shall extend to the Bailiwick of Jersey subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.

W.G. AGNEW

SCHEDULE**(Article 3)****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 licensed 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, as continued in force by the Defence (Jersey) Regulations (Continuance) Order, 1964, 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 sub-section.

(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 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.

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.

FUEL AND ELECTRICITY (CONTROL) ACT 1973.**CHAPTER 67.**

ARRANGEMENT OF SECTIONS

Section

1. Application of Act.
2. Powers of control.
3. Documents and information.
4. Power to relax statutory and contractual obligations, etc.
- [5. Application of provisions of Defence (Jersey) Regulations,
1954 as continued in force.]
Production of documents.]
- [5A.
6. Offences and penalties.
* * * * *
- [8. Interpretation.]
* * * * *
10. Duration of Act.
11. Short title and extent.

ELIZABETH II**1973 CHAPTER 67**

AN ACT to make temporary provision for controlling the production, supply, acquisition and use of certain substances and of electricity; and for purposes connected with those matters.

[6th December, 1973.]

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: ⁻¹

APPLICATION OF ACT

1.-(1) This Act applies to the following substances –

- (a) petroleum and any substance derived from petroleum; and
- (b) any substance, whether solid, liquid or gaseous, not falling within paragraph (a) above but used as fuel, whether for the propulsion of vehicles or for industrial, domestic or any other purposes.

(2) The following provisions of this Act apply in relation to electricity as they apply in relation to the substances mentioned in subsection (1) above.

POWERS OF CONTROL

2.-(1) [The Defence Committee] may by order provide –

- (a) for regulating or prohibiting the production, supply, acquisition or use of any substance to which this Act applies;
- (b) for regulating the price at which petroleum or any substance derived from petroleum may be supplied.

(2) [The Defence Committee] may give directions –

- (a) to any person carrying on business as a producer of a substance to which this Act applies, as to the production and use of that substance;
- (b) to any person carrying on business as a supplier of such a substance, as to the supply by him of that substance; and

¹ Deletions and words in brackets indicate adaptations and modifications made by the Fuel and Electricity (Control) Act 1973 (Jersey) Order 1973.

- (c) to any person carrying on a business involving the use of such a substance, as to the use by him of that substance for the purposes of that business.
- (3) Without prejudice to the generality of subsection (2) above –
 - (a) a direction under subsection (2)(a) above may prohibit or restrict the use of any material for the production of a substance to which this Act applies and may extend to the disposal of stocks of such a substance or of any such material;
 - (b) a direction under subsection (2)(b) above may prohibit or restrict the supply of any substance to which this Act applies to persons specified in the direction or to persons other than those so specified and may require the supply of any such substance to such persons as may be so specified in accordance with such requirements as may be so specified and, if the substance is petroleum or a substance derived from petroleum, at such prices as may be so specified; and
 - (c) a direction under subsection (2)(c) above may prohibit or restrict the use of any substance to which this Act applies for such purposes or during such periods as may be specified in the direction or for purposes or during periods other than those so specified.

DOCUMENTS AND INFORMATION

3. [The Defence Committee] may, by directions given with respect to any undertaking, or order made with respect to any class of undertaking, require the person carrying on the undertaking or persons carrying on undertakings of that class –

- (a) to keep such books, accounts and records relating to a substance to which this Act applies as may be prescribed by the directions or order or by a notice served under the order;
- (b) to furnish, at such times, in such manner and in such form as may be so prescribed, such estimates, returns or information relating to a substance to which this Act applies as may be so prescribed.

POWER TO RELAX STATUTORY AND CONTRACTUAL OBLIGATIONS, ETC

4.-(1) Any person supplying or using a substance to which this Act applies may, if authorised to do so by [the Defence Committee] 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 any enactment, or any contractual obligation, relating to or involving the supply or use of that substance.

[(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, 1935,² as amended;³

(b) drive a public service vehicle without being licensed so to do under the said Law.]

(3) [The States of Jersey may by Act] make provision for modifying or excluding any obligation or restriction imposed, or extending any power conferred, by or under any enactment which directly or indirectly affects the supply or use of a substance to which this Act applies.

* * * * *

[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, 1960,⁴ as continued in force by the Defence (Jersey) Regulations (Continuance) Order, 1964,⁵ 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 1960⁶ shall have effect for the purposes of this Act as if in those provisions –

- (a) any reference to such 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.

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 estimate, 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

² Tome VII, page 455.

³ Tome 1937–1938, page 103, Tome 1949–1950, pages 252 and 253, Tome 1954–1956, page 205, Tome 1957–1960, page 89, Tome 1961–1962, page 584, Tome 1963–1965, pages 283 and 401 and Tome 1970–1972, page 215.

⁴ Nos. 1745 and 4126.

⁵ No. 4613.

⁶ No. 4126.

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.]

OFFENCES AND PENALTIES

6.-(1) Any person who –

(a) contravenes, or fails to comply with, this Act or any order made, direction given or requirement imposed under it; or

(b) wilfully obstructs any person exercising a power, or performing a duty, conferred or imposed on him under this Act;

shall be guilty of an offence under this Act:

[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.]

(2) Without prejudice to the operation of any other enactment, any person who attempts to commit, conspires with any other person to commit, or does any act or makes any statement preparatory to the commission of, an offence under this Act shall be guilty of an offence under this Act.

* * * * *

(4) Any person guilty of an offence under this Act shall be liable * * * * to imprisonment for a term not exceeding three months, or to a fine not exceeding £400, or to both.

* * * * *

[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 hydrocarbon 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.]

* * * * *

DURATION OF ACT

10.-(1) Sections 1 to 8 of this Act shall continue in force until 30th November 1974 and shall then expire unless continued in force under the following provisions of this section.

(2) Her Majesty may, at any time while those sections are no longer in force, by Order in Council provide that they shall come into force again on such date as may be specified in the Order and for such period not exceeding one year as may be so specified.

(3) Her Majesty may, at any time while those sections are in force, by Order in Council provide that they shall continue in force, for such period not exceeding one year as may be specified in the Order, beyond the date on which they would otherwise expire.¹

(4) An Order in Council under this section may be varied or revoked by a subsequent Order in Council.

* * * * *

¹ This Act was continued in force by L.27/1974, L.17/1975, L.24/1976, L.12/1977, L.13/1978, L. 29/1979, L.24/1980, L.10/1981, L.1/1983, L.17/1983, L.26/1984, L.18/1985, L.26/1986, L.14/1988, L.15/1989

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1973*

(6) Upon the expiry of sections 1 to 8 of this Act section 38(2) of the Interpretation Act 1889 (effect of repeals) shall apply as if those sections had been repealed by another Act.

SHORT TITLE AND EXTENT

11.-(1) This Act may be cited as the Fuel and Electricity (Control) Act 1973.

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