



Energy Act 1976

1976 CHAPTER 76

Permanent and reserve powers for energy conservation and control

1 General control by order.

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

Changes to legislation: There are currently no known outstanding effects for the Energy Act 1976. (See end of Document for details)

2 Reserve power to control by government directions.

- (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 accordance 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 Implementation of reserve powers.

- (1) Her Majesty may by Order in Council declare the powers of sections 1 and 2 above exercisable to their fullest extent because either—
- (a) they are required for the implementation of obligations incumbent on the United Kingdom as a member of ^{F1}... 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

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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.

Textual Amendments

- F1** Words in s. 3(1)(a) omitted (31.12.2020) by virtue of [The Electricity and Gas etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/530\)](#), regs. 1(1), 3; 2020 c. 1, Sch. 5 para. 1(1)

4 Other powers.

- (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

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the ^{M1}Counter-Inflation Act 1973 as appears to Her Majesty to be necessary or expedient for the purpose of price controls under this Act.

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

Marginal Citations

M1 1973 c. 9.

F25

Textual Amendments

F2 S. 5 repealed (1.3.2000) by 1998 c. 41, s. 74(1)(3), Sch. 12 para. 2, **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

[F35 Sections 1 to 4: territorial application

- (1) A power under sections 1 to 4 may be exercised in relation to anything which is wholly or partly situated in, or to activity wholly or partly in—
- (a) the United Kingdom,
 - (b) the territorial sea of the United Kingdom, or
 - (c) an area designated under the Continental Shelf Act 1964 (c. 29).
- (2) Subsection (1) is without prejudice to section 2(2)(b).]

Textual Amendments

F3 S. 5 inserted (19.1.2005) by Civil Contingencies Act 2004 (c. 36), s. 34(1), **Sch. 2 para. 14**; S.I. 2004/3281, art. 2(3)(4)(a)

Maintenance of fuel reserves

6 Bulk stocks of petroleum, etc.

- (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;

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- (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.

7 Fuel stocks at power stations.

..... F4

<p>Textual Amendments</p> <p>F4 S. 7 repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), Sch. 18</p>

8 F5

<p>Textual Amendments</p> <p>F5 S. 8 repealed by Oil and Gas (Enterprise) Act 1982 (c. 23, SIF 86), ss. 12(2), 37(2), Sch. 4</p>
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F69 Liquefaction of offshore natural gas.

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Changes to legislation: There are currently no known outstanding effects for the Energy Act 1976. (See end of Document for details)

Textual Amendments

F6 S. 9 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(r), [Sch. 23 para. 16](#)

Other measures for controlling energy sources and promoting economy [^{F7}: Secretary of State's functions]

Textual Amendments

F7 Words in cross-heading inserted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 2\(3\)](#); [S.I. 2016/920](#), reg. 2(a)

12 Disposal of gas by flaring, etc. **E+W+S**

- (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.
- (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 ^{M2}Continental Shelf Act 1964, [^{F8}except gas conveyed through pipes to premises by a public gas transporter][^{F9}within the meaning of Part I of the Gas Act 1986]
- [^{F10}(2A) Disposal of gas by flaring, or by releasing it unignited into the atmosphere, does not require consent under this section if consent—
 - (a) is required under section 12A (disposal of gas by flaring etc: OGA's functions), or
 - (b) would be required under that section but for subsection (3) of that section.]
- (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

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- (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.

Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only.

Textual Amendments

- F8** Words in s. 12(2) substituted (E.W.S.) (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 11(2)**; S.I. 1996/218, **art. 2**.
- F9** Words substituted by virtue of **Gas Act 1986 (c. 44, SIF 44:2)**, s. 67(1)(3), **Sch. 7 para. 26(2)**, **Sch. 8 para. 33**
- F10** S. 12(2A) inserted (1.10.2016) by **Energy Act 2016 (c. 20)**, s. 84(3), **Sch. 1 para. 2(2)**; S.I. 2016/920, reg. 2(a)

Marginal Citations

- M2** 1964 c. 29.

12 Disposal of gas by flaring, etc. **N.I.**

- (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.
- (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 ^{M5}Continental Shelf Act 1964, except gas supplied by [^{F30}a public gas supplier within the meaning of Part I of the Gas Act 1986].
- [^{F10}(2A) Disposal of gas by flaring, or by releasing it unignited into the atmosphere, does not require consent under this section if consent—
- (a) is required under section 12A (disposal of gas by flaring etc: OGA's functions), or
- (b) would be required under that section but for subsection (3) of that section.]
- (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.

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- (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.

Extent Information

E2 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only.

Textual Amendments

F10 S. 12(2A) inserted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 2\(2\)](#); S.I. 2016/920, [reg. 2\(a\)](#)

F30 Words substituted by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(1)(3), [Sch. 7 para. 26\(2\)](#), [Sch. 8 para. 33](#)

Marginal Citations

M5 [1964 c. 29](#).

[^{F11}12A Disposal of gas by flaring, etc: OGA's functions

- (1) The OGA's consent is required for natural gas to be disposed of (whether at source or elsewhere)—
 - (a) by flaring, or by releasing it unignited into the atmosphere, from anything that for the purposes of section 82(1) of the Energy Act 2011 is a relevant oil processing facility or a relevant gas processing facility, or
 - (b) by releasing it unignited into the atmosphere in connection with activities carried out under a licence granted under—
 - (i) section 3 of the Petroleum Act 1998, or
 - (ii) section 2 of the Petroleum (Production) Act 1934.
- (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 conveyed through pipes to premises by a gas transporter within the meaning of Part 1 of the Gas Act 1986.
- (3) Disposal of gas does not require consent under this section if—
 - (a) it is necessary in order to reduce or avoid the risk of injury to any person,
 - (b) the risk could not reasonably have been foreseen in time to reduce or avoid it otherwise than by means of the disposal, and
 - (c) it was not reasonably practicable to obtain consent under this section in the time available.
- (4) A person who disposes of gas in cases where the consent of the OGA would have been required but for subsection (3) must inform the OGA of that disposal as soon as practicable after the disposal takes place.
- (5) The OGA's consent under this section—
 - (a) may be given only by reference to particular cases, and

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- (b) may 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.

Textual Amendments

F11 Ss. 12A, 12B inserted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 3](#); S.I. 2016/920, reg. 2(a)

12B Sanctions for failure to comply with section 12A

- (1) The requirements imposed by subsections (1) and (4) of section 12A are to be treated for the purposes of Chapter 5 of Part 2 of the Energy Act 2016 (power of the OGA to impose sanctions) as petroleum-related requirements.
- (2) But the OGA may not give an enforcement notice, a revocation notice or an operator removal notice under that Chapter by virtue of this section.]

Textual Amendments

F11 Ss. 12A, 12B inserted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 3](#); S.I. 2016/920, reg. 2(a)

13 ^{F12}

Textual Amendments

F12 S.13 repealed by [Gas Act 1980 \(c. 37, SIF 44:2\)](#), s. 1(4)

^{F13}**14 Fuelling of new and converted power stations.**

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Textual Amendments

F13 S. 14 omitted (25.6.2013) by virtue of [Growth and Infrastructure Act 2013 \(c. 27\)](#), [ss. 18\(1\)\(a\)](#), 35(3)

15 Passenger car fuel consumption.

- (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—

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- (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);

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- (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.

Modifications etc. (not altering text)

C1 S. 15 functions of Secretary of State now exercisable by Minister of Transport: [S.I. 1980/1719](#), [arts. 2, 3](#)

Miscellaneous and general

16 ^{F14}

Textual Amendments

F14 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 [^{F159} 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;

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- (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 ^{M3}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
F15 Words substituted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\), s. 12\(2\)](#)

Marginal Citations
M3 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 . . . ^{F16}[^{F17}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
 - ^{F18}(c)
 - (d) in furnishing any information—
 - ^{F19}(i)
 - (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—

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- (a) any provision made by section . . . ^{F16}[^{F20}9, 12 or 12A] of this Act; or
 - (b) any condition of a consent given by the Secretary of State [^{F21}or the OGA]^{F22}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.

Textual Amendments

- F16** Word repealed by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), s. 37(2), [Sch. 4](#)
- F17** 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)
- F18** S. 18(2)(c) omitted (31.12.2020) by virtue of [The Electricity and Gas etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/530\)](#), regs. 1(1), [4\(a\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F19** S. 18(2)(d)(i) omitted (31.12.2020) by virtue of [The Electricity and Gas etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/530\)](#), regs. 1(1), [4\(b\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F20** 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)
- F21** 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)
- F22** 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 [^{F23}level 5 on the standard scale]
- (2) In the case of a contravention of, or failure to comply with—
 - (a) price controls; or
 - ^{F24}(b)
 - (c) a direction of the Secretary of State given under section 6^{F25}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

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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).

Textual Amendments

- F23** 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
- F24** 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)
- F25** 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;

[^{F26}“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;

[^{X1}“Standard Industrial Classification” has the meaning assigned to it by section 6(2) of the [^{F27}the Industry Act 1972]^{M4}[^{F27}the Industrial Development Act 1982]]

[^{F28}“Standard Industrial Classification” means the revised edition published by Her Majesty’s Stationery Office in 1968 of the publication of that

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name prepared by the Central Statistical Office [^{F29}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

“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

- F26** 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)
- F27** Words substituted (N.I.) by [Industrial Development Act 1982 \(c. 52, SIF 64\)](#), [Sch. 2 para. 14](#)
- F28** 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](#)
- F29** Words inserted by S.I. 1989/992, art. 6(4), [Sch. 2 para. 2\(b\)](#)

Marginal Citations

- M4** [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)

- C2** Power of appointment conferred by s. 23(2) fully exercised

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 1976.