



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART I

GENERAL

Heating etc

11 Production and supply of heat etc. by local authorities.

- (1) Subject to subsections (2) and (3) of this section, a local authority may—
- (a) produce heat or electricity or both;
 - (b) establish and operate such generating stations and other installations as the authority thinks fit for the purpose of producing heat or electricity or both;
 - (c) buy or otherwise acquire heat;
 - (d) use, sell or otherwise dispose of heat produced or acquired [^{F1}or electricity produced] by the authority by virtue of this section;
 - (e) without prejudice to the generality of the preceding paragraph, enter into and carry out agreements for the supply by the authority, to premises within or outside the authority's area, of such heat as is mentioned in the preceding paragraph and steam produced from and air and water heated by such heat.
- [^{F2}(2) Nothing in subsection (1) of this section shall be construed as exempting a local authority from the requirements of Part I of the Electricity Act 1989.
- (3) Except in such cases as may be prescribed, a local authority shall not be entitled to sell electricity which is produced otherwise than in association with heat.]
- (4) A local authority may—
- (a) construct, lay and maintain pipes and associated works for the purpose of conveying heat produced or acquired by the authority by virtue of this section and steam produced from and air and water heated by such heat;

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- (b) contribute towards the cost incurred by another person in providing or maintaining pipes or associated works which are connected with pipes provided by the authority in pursuance of the preceding paragraph.
- (5) Parts V and VI of Schedule 3 to the ^{M1}Water Act 1945 (which relate to the laying of mains and the breaking open of streets) shall apply in relation to pipes and associated works provided or to be provided in pursuance of paragraph (a) of the preceding subsection as those Parts apply in relation to water mains and pipes but as if—
- (a) sections 19(4) and 21 of that Schedule (which relate to the erection of street notices and the laying of service pipes) were omitted, and in section 22 of that Schedule the words “which they are authorised to lay” were omitted; and
- (b) for any reference to undertakers or limits of supply there were substituted respectively a reference to the authority in question and the area of the authority; and
- (c) for the reference to the special Act in section 25(4) of that Schedule there were substituted a reference to this subsection.
- (6) It shall be the duty of a local authority by which an installation for producing heat is operated in pursuance of this section in any year to furnish to the Secretary of State, as soon as practicable after the end of that year, such particulars relating to the installation and heat produced at it as are prescribed.
- (7) In this section—
- “associated works”, in relation to pipes, means any of the following connected with the pipes, namely, any valve, filter, stopcock, pump, meter, inspection chamber and manhole and such other works as are prescribed;
- ^{F3} . . . and
- “prescribed” means prescribed by regulations made by statutory instrument by the Secretary of State [^{F4}which, in the case of regulations under subsection (3) of this section, shall be subject to annulment in pursuance of a resolution of either House of Parliament];
- and nothing in this section (except the restrictions imposed by subsection (3)) shall be construed as prejudicing any power exercisable by a local authority [^{F5}(in its capacity as such)] apart from this section.

Textual Amendments

- F1** Words inserted by Electricity Act 1989 (c. 29, SIF 41:1), s. 112(1)(3), Sch. 16 para. 20(2), Sch. 17 paras. 33, **35(1)**
- F2** Subsections (2) and (3) substituted by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 20(2), Sch. 17 paras. 33, **35(1)**
- F3** Definition repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3)(4), Sch. 16 para. 20(4)(a), Sch. 17 paras. 33, 35(1), **Sch. 18**
- F4** Words added by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 20(4)(b), Sch. 17 paras. 33, **35(1)**
- F5** Words inserted by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 20(4)(c), Sch. 17 paras. 33, **35(1)**

Marginal Citations

- M1** 1945 c. 42.

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12 Provisions supplementary to s. 11.

- (1) A local authority which supplies or proposes to supply heat, hot air, hot water or steam in pursuance of the preceding section may make byelaws—
- (a) with respect to the works and apparatus to be provided or used by persons other than the authority in connection with the supply;
 - (b) for preventing waste and unauthorised use of the supply and unauthorised interference with works and apparatus used by the authority or any other person in connection with the supply;
 - (c) providing for any specified contravention of the byelaws to be an offence punishable on summary conviction with a fine of such an amount, not exceeding [^{F6}level 3 on the standard scale], as is specified in the byelaws.
- (2) Subsections (1) to (5) of section 82 of Schedule 3 to the ^{M2}Water Act 1945 (which relates to the entry of premises by authorised officers of water undertakers) shall have effect for the purpose of authorising the entry of premises by authorised officers of an authority which provides or proposes to provide such a supply as is mentioned in the preceding subsection as if for any reference to undertakers there were substituted a reference to the authority and as if in subsection (1) of that section—
- (a) for paragraph (a) there were substituted the following paragraph—
 - (a) for the purpose of installing, examining, adjusting, removing or reading any meter used or to be used by the authority for measuring the heat, hot air, hot water or steam supplied or to be supplied by the authority;”
 - (b) for the words from “the special Act” onwards in paragraph (b) there were substituted the words “ byelaws in force by virtue of section 12 of the Local Government (Miscellaneous Provisions) Act 1976 ”; and
 - (c) for the words “the special Act” in paragraphs (c) and (d) there were substituted the words “ section 11 of that Act ”.
- (3) [^{F7}Subsections (1) and (2) above have effect subject to paragraph 11(2) of Schedule 1 to the Building Act 1984; and]section 80 of the ^{M3}Health and Safety at Work etc. Act 1974 (which among other things provides that regulations under subsection (1) of that section may repeal or modify any provision to which that subsection applies if it appears to the authority making the regulations that it is expedient to do so in consequence of any provision made by or under Part I of that Act) shall have effect as if the provisions to which subsection (1) of that section applies included subsection (1) of this section and byelaws in force by virtue of subsection (1) of this section.
- (4) The accounts of a local authority by which expenditure is incurred under any of the provisions of the preceding section and this section shall include a separate account of that expenditure and of any income connected with functions conferred on the authority by those provisions.

Textual Amendments

F6 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 40, 46**

F7 Words substituted by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(1), **Sch. 6 para. 17**

Modifications etc. (not altering text)

C1 Power to repeal or alter s. 12(1) conferred by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 1(3), **Sch. 1 para. 11(2)(a)**

C2 Power to modify s. 12(2) conferred by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 1(3), **Sch. 1 para. 11(2)(b)**

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Marginal Citations

M2 1945 c. 42.

M3 1974 c. 37.

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