



# Energy Act 1983

## 1983 CHAPTER 25

### PART I

#### ELECTRICITY

##### *Miscellaneous and general*

#### **15 Amendments relating to meters**

The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments specified in that Schedule.

#### **16 Regulations relating to supply and safety**

- (1) The Secretary of State may make such regulations as he thinks fit for the purpose of—
  - (a) securing that supplies of electricity by Electricity Boards or other persons are regular and efficient; and
  - (b) eliminating or reducing the risks of personal injury, or damage to property or interference with its use, arising from the supply of electricity by an Electricity Board or any other person, from the use of electricity so supplied or from the installation, maintenance or use of any electrical plant.
- (2) Without prejudice to the generality of subsection (1) above, regulations under this section may—
  - (a) make provision for relieving an Electricity Board from any obligation to supply or purchase electricity, or to permit the use of the Board's transmission and distribution system, in cases where electrical plant or fittings or their use do not comply with the regulations ;
  - (b) prohibit the supply of electricity except by means of a system approved by the Secretary of State ;
  - (c) make provision requiring compliance with notices given by the Secretary of State specifying action to be taken in relation to any electrical plant or fittings for the purpose of—

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- (i) preventing or ending a breach of regulations under this section, or
  - (ii) eliminating or reducing a risk of personal injury or damage to property or interference with its use;
  - (d) make provision requiring notice to be given to the Secretary of State, in such cases as may be specified in the regulations, of accidents and of failures of supplies of electricity;
  - (e) make provision as to the keeping, by persons who supply electricity, of maps, plans and sections and as to their production (on payment, if so required, of a reasonable fee) for inspection or copying;
  - (f) provide for particular requirements of the regulations to be deemed to be complied with in the case of electrical plant or fittings complying with specified standards or requirements;
  - (g) provide for the granting of exemptions from any requirement of the regulations.
- (3) Regulations under this section may provide that any person who contravenes any specified provision of the regulations, or any person who does so in specified circumstances, shall be guilty of an offence under this section.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## 17 Charges for availability of supply

- (1) In section 37 of the Electricity Act 1947 (tariffs), after subsection (4) there shall be inserted—
- “(4A) Tariffs fixed under this section may include charges in respect of the availability of a supply of electricity, and such a charge may vary according to the extent to which the supply is taken up.
- (4B) Where the Electricity Council is consulted as to a tariff which includes a charge of the kind referred to in subsection (4A) of this section, the Council shall consult the Secretary of State as to the methods by which and the principles on which the charge is to be made.”;
- and section 23 of the Electricity (Supply) Act 1922 (annual payments for standby supplies) shall cease to have effect.
- (2) In section 22 of the Electricity (Scotland) Act 1979 after subsection (3) there shall be inserted—
- “(3A) Tariffs fixed under this section may include charges in respect of the availability of a supply of electricity, and such a charge may vary according to the extent to which the supply is taken up.
- (3B) Before fixing under subsection (1) a tariff which includes a charge of the kind referred to in subsection (3A), a Board shall consult the Secretary of State as to the methods by which and the principles on which the charge is to be made.”.

## 18 Purchases by Electricity Boards from local authorities

- (1) This section applies to any purchase of electricity by an Electricity Board in accordance with arrangements made in pursuance of—

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- (a) section 21(2) of the Control of Pollution Act 1974 (production of heat and electricity from waste etc.), or
  - (b) section 11(2) of the Local Government (Miscellaneous Provisions) Act 1976 (production of heat etc. by local authorities).
- (2) The price at which a purchase to which this section applies is made shall be the same as it would be by virtue of section 7 above if the purchase were made in compliance with a request under section 5 above; and subsections (4) and (5) of section 7 shall apply to a purchase to which this section applies as they apply to a purchase made in compliance with such a request.
- (3) Section 9 above shall apply to a dispute as to—
- (a) the price at which a purchase to which this section applies is to be made, or
  - (b) the reasonableness of any payment demanded by an Electricity Board in accordance with section 7(4) above as applied by this section,
- as it applies to disputes within section 9(1)(a) to (e).

## **19 Combined heat and power**

- (1) For subsections (1) and (2) of section 50 of the Electricity Act 1947 (use of heat from generating stations) there shall be substituted—
- “(1) It shall be the duty of every Electricity Board to adopt and support schemes—
- (a) for the combined production of heat and electricity, and
  - (b) for the use of heat produced in combination with electricity, or incidentally from its generation, for the heating of buildings or for other useful purposes.
- (2) Nothing in subsection (1) of this section—
- (a) shall remove the need for an Area Board to obtain the approval of the Secretary of State under section 6 of the Electricity Act 1957 to proposals for the generation of electricity by the Board, or
  - (b) shall require an Electricity Board to undertake expenditure in connection with a scheme which does not meet the financial criteria applied by the Board in relation to other expenditure of the Board.”.

(2) In subsection (3) of section 50 for the words " the last foregoing subsection" there shall be substituted the words " subsection (1) of this section " .

(3) For section 15 of the Electricity (Scotland) Act 1979 (research into heating from electricity) there shall be substituted—

### **“15 Production and use of heat and electricity.**

- (1) It shall be the duty of each Board to adopt and support schemes—
- (a) for the combined production of heat and electricity, and
  - (b) for the use of heat produced in combination with electricity, or incidentally from its generation, for the heating of buildings or for other useful purposes.
- (2) For the purposes of a scheme under subsection (1), a Board may, in accordance with a scheme submitted by them to the Secretary of State and approved by order made with or without modification by him, exercise the powers

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conferred by section 13(8) for the purposes of that section, and section 13(9) shall apply in relation to the manner in which the powers are exercisable.

- (3) Nothing in subsection (1) shall require a Board to undertake expenditure in connection with a scheme which does not meet the financial criteria applied by the Board in relation to other expenditure of the Board.”.

## **20 Abolition of rights of entry**

In the Schedule to the Electric Lighting (Clauses) Act 1899 (as incorporated with the Electricity Act 1947 or any other enactment), the following provisions (which give rights to enter premises for purposes connected with the supply and maintenance of meters) shall cease to have effect—

- (a) in section 52 the words from " and for those purposes " to " acts ", and
- (b) section 54(2).

## **21 The Electricity Consumers' Council**

- (1) There shall be a consumers' council for England and Wales (in this section referred to as " the Council") to be known as the Electricity Consumers' Council.
- (2) The Council shall consist of a chairman appointed by the Secretary of State, and not more than thirty other members made up of—
  - (a) the chairmen for the time being of the Consultative Councils established under section 7 of the Electricity Act 1947 for the areas of Area Boards, and
  - (b) such other persons as the Secretary of State may appoint.
- (3) It shall be the duty of the Council to consider any matter affecting the interests of consumers generally of electricity supplied by Electricity Boards in England and Wales, or of any class of such consumers, being a matter which—
  - (a) is referred to the Council by the Secretary of State or the Electricity Council, or
  - (b) is the subject of a report or representations made to the Council by one of the Consultative Councils mentioned in subsection (2) above, or
  - (c) appears to the Council to be a matter to which consideration ought to be given apart from any such reference, report or representations.
- (4) The Council shall report to the Secretary of State or, as the case may be, the Electricity Council on any matter considered by them by virtue of subsection (3)(a) above, and where it appears to them that action ought to be taken concerning any other matter considered by them under subsection (3) they shall make representations to the Electricity Council on that matter.
- (5) The Council may, after consulting the Electricity Council, make representations to the Secretary of State on any matter considered by them under this section otherwise than on a reference by the Secretary of State.
- (6) The Council shall consider any plans, arrangements or proposals of which they are informed under section 22 below and may make representations on them to the Electricity Council.
- (7) The Council may refer to any of the Consultative Councils mentioned in subsection (2) above any matter which affects the interests of consumers of electricity in the area for which the Consultative Council is established or the interests of any class of those consumers.

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- (8) The Secretary of State may, after consultation with the Board concerned and with the Electricity Council, give such directions as he thinks fit to an Electricity Board in England or Wales with respect to matters arising out of representations made to him by the Council under this section, and shall send to the Council a copy of any such directions; and section 40(2) of the Electricity Act 1957 shall apply in relation to such directions as it applies in relation to directions under that Act.
- (9) The Council shall make to the Secretary of State, as soon as possible after the end of each financial year of the Electricity Council, a report on the performance by the Council of their functions during that year; and the Secretary of State shall lay a copy of the report before each House of Parliament.
- (10) In this section references to consumers of electricity include references to prospective consumers.
- (11) Schedule 2 to this Act shall have effect with respect to the Council.

## **22 Functions of other bodies in relation to Electricity Consumers' Council**

- (1) It shall be the duty of the Electricity Council to inform the Electricity Consumers' Council of the general plans and arrangements of the Electricity Council and of the Central Electricity Generating Board for performing their functions in relation to the supply of electricity, and in particular of any proposal of the Central Electricity Generating Board to vary a tariff.
- (2) The Electricity Council may refer any matter to the Electricity Consumers' Council and shall consider any representations or report made to them by the Electricity Consumers' Council.
- (3) In section 7 of the Electricity Act 1947 (which establishes Consultative Councils for the area of every Area Board) after subsection (4) there shall be inserted—
  - “(4A) Each of the said Councils—
    - (a) may make representations to the Electricity Consumers' Council on any matter which has been considered by them under subsection (4) of this section and affects the interests of consumers or prospective consumers of electricity in the area or of any class of those consumers, and
    - (b) shall consider and report to the Electricity Consumers' Council on any matter which may be referred to them by that Council.”.

## **23 Offences**

- (1) Proceedings for an offence under this Part of this Act shall not, in England and Wales, be instituted except by or with the consent of the Secretary of State or the Director of Public Prosecutions.
- (2) Where an offence committed by a body corporate under this Part of this Act 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 the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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- (3) Where the affairs of a body corporate are managed by its members, subsection (2) above shall apply in relation to acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

## 24 Regulations: general

Any power to make regulations conferred on the Secretary of State by this Part of this Act—

- (a) shall include power to make different provision for different areas or in relation to different cases or circumstances ; and
- (b) shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## 25 Amendments

The enactments mentioned in Schedule 3 to this Act shall have effect subject to the amendments specified in that Schedule (being minor amendments and amendments consequential on the preceding provisions of this Part of this Act).

## 26 Interpretation of Part I

In this Part of this Act—

- " Area Board " has the same meaning as in the Electricity Act 1947;
- " electrical fittings " and " electrical plant " have the same meanings as in the Electricity Act 1947 ;
- " electric line " has the same meaning as in the Electric Lighting Act 1882;
- " Electricity Board " means an Area Board, a Scottish Board or the Central Electricity Generating Board;
- " local authority " means any of the following—
  - (a) a county or district council in England or Wales, the Greater London Council, a London borough council, the Common Council of the City of London, and the Council of the Isles of Scilly ;
  - (b) a regional, islands or district council in Scotland ;
- " Scottish Board " means the North of Scotland Hydro-Electric Board or the South of Scotland Electricity Board;
- " standard scale " has the meaning given by section 75 of the Criminal Justice Act 1982 ;
- " statutory maximum " has the meaning given by section 74 of the Criminal Justice Act 1982.