

1973 No. 2054

CONTROL OF FUEL AND ELECTRICITY

**The Fuel and Electricity (Control) Act 1973 (Isle of Man)
Order 1973**

Made - - - - 7th December 1973
Coming into Operation 7th December 1973

At the Court at Buckingham Palace, the 7th day of 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(a), 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 (Isle of Man) Order 1973 and shall come into operation forthwith.
2. The Interpretation Act 1889 (b) 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 Isle of Man subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.

N. E. Leigh.

(a) 1973 c. 67.

(b) 1889 c. 63.

SCHEDULE

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 Guernsey by this Order.
2. For the words "Secretary of State", wherever they occur, there shall be substituted—
 - (a) in relation to any part of the Bailiwick of Guernsey other than the Island of Alderney, the words "States of Guernsey Emergency Council", and
 - (b) in relation to the Island of Alderney, the words "States of Alderney Finance Committee".
3. Section 4(2) shall be omitted.
4. In section 4(3) for the words "Her Majesty may by Order in Council" there shall be substituted the words "The States of Guernsey may by Ordinance."
5. Section 4(4) and (5) shall be omitted.
6. For section 4(6) there shall be substituted the following provision:—

"(6) Any Ordinance made under this section may be varied or repealed by a subsequent Ordinance of the States of Guernsey."
7. For section 5 there shall be substituted the following sections:—

"*Application of provisions of Defence (General) (Guernsey) Regulations 1945 as continued in force*

5.—(1) The following Regulations set out in Part V of Schedule 2 to the Defence (General) (Guernsey) Regulations Continuance Order 1960(a), as continued in force by the Defence (General) (Guernsey) Regulations Continuance Order 1964(b), 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 1960 shall have effect for the purposes of this Act as if in those provisions—

- (a) any reference to such a 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 a competent authority or
- (b) of verifying any estimates, returns or information furnished to a competent authority in connection with this Act or any order made or direction given thereunder,

an officer of a competent authority 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.

(a) S.I. 1960/208 (1960 I, p. 1323).

(b) S.I. 1964/2035 (1964 III, p. 5118).

(5) An order under this Act shall take effect on such day or days as may be specified in the order, not being earlier than that on which the order is made, and different days may be specified for different purposes and different provisions of the order.

(6) An order under this Act shall be laid before Tynwald as soon as may be after it is made and unless it is approved by Tynwald at the sitting of Tynwald before which it is laid, or at the next sitting of Tynwald after the sitting before which it is laid, the order shall become void without prejudice, however, to the validity of anything previously done thereunder or to the making of a new order.

(7) In this section any reference to an order or directions is a reference to an order made, or directions given, by the Governor.

Notices, authorisations and proof of documents

5A.—(1) A notice to be served on any person for the purposes of this Act, or of any order or direction made or given under this Act, shall be deemed to have been duly served on the person to whom it is directed if—

- (a) it is delivered to him personally, or
- (b) it is sent by registered post or the recorded delivery service addressed to him at his last or usual place of abode or place of business.

(2) Any permit, licence, permission or authorisation granted for the purposes of this Act may be revoked at any time by the authority or person empowered to grant it.

(3) Every document purporting to be an instrument made or issued by any person or body in pursuance of this Act, or of any provision having effect under this Act, and to be signed by or on behalf of that person or body shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by that person or body; and prima facie evidence of any such instrument as aforesaid may, in any legal proceedings (including arbitrations), be given by the production of a document purporting to be certified to be a true copy of the instrument by or on behalf of the person or body having power to make or issue the instrument.

Territorial extent

5B. Unless the contrary intention appears therefrom, any provisions contained in, or having effect under, this Act shall, in so far as they impose prohibitions, restrictions or obligations on persons, apply to all persons in the Isle of Man, and to all other persons, wherever they may be, who are ordinarily resident in the Isle of Man and who are citizens of the United Kingdom and Colonies or British protected persons (within the meaning of the British Nationality Act 1948 (a)).

False documents and false statements

5C.—(1) If, with intent to deceive, any person—

- (a) uses any document issued for the purposes of this Act or of any order made under this Act; or
- (b) has in his possession any document so closely resembling such a document as aforesaid as to be calculated to deceive; or
- (c) produces, furnishes, sends or otherwise makes use of, for purposes connected with this Act or any order or direction made or given under this Act, any book, account, estimate, return, declaration or other document which is false in a material particular,

he shall be guilty of an offence under this Act.

(2) If, in furnishing any information for the purposes of this Act or of any order made under this Act, any person makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence under this Act.

Restrictions on disclosing information

5D. No person who obtains any information by virtue of this Act shall, otherwise than in connection with the execution of this Act or of an order made under this

Act, disclose that information except for the purposes of any criminal proceedings, or of a report of any criminal proceedings, or with permission granted by or on behalf of the Governor.

Offences by corporations

5E.—(1) 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 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.

(2) In this section, the expression “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

Production of documents

5F.—(1) For the purposes—

(a) of securing compliance with any order made or direction given under this Act by or on behalf of the Governor, or

(b) of verifying any estimates, returns or information furnished to the Governor in connection with this Act or any order made or direction given thereunder, an officer appointed by the Governor and 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 a justice of the peace is satisfied, on information on oath given on behalf of the Governor 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 justice of the peace may issue a warrant authorising any officer of police, together with any other persons named in the warrant and any other officers of police, 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 this section the expression “ officer of police ” means a member of the Isle of Man constabulary.”.

9. 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 5F 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.”.

10. In section 6(3) for the words “ United Kingdom ” there shall be substituted the words “ Isle of Man ”.

11. Section 7 shall be omitted.

12. For section 8 there shall be substituted the following section:—

“ Interpretation

8.—(1) In this Act “ enactment ” means an Act of Tynwald.

(2) In this Act “ 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.

(3) In this Act “ Governor ” means the Lieutenant Governor of the Isle of Man and includes a Deputy or Acting Lieutenant Governor.”.

13. Section 9 shall be omitted.

14. Section 10(5) shall be omitted.

15. Section 11(2) shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends the Fuel and Electricity (Control) Act 1973 to the Isle of Man subject to specified exceptions, adaptations and modifications.

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