

1973 No. 2090

CONTROL OF FUEL AND ELECTRICITY

The Fuel and Electricity (Control) (Northern Ireland) Order 1973

Made - - - 12th December 1973

Laid before Parliament 12th December 1973

Coming into Operation 13th December 1973

At the Court at Buckingham Palace, the 12th day of December 1973

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 4(3) and (5) of the Fuel and Electricity (Control) Act 1973(a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows: —

1.—(1) This Order may be cited as the Fuel and Electricity (Control) (Northern Ireland) Order 1973 and shall come into operation on 13th December 1973.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(3) This Order extends to Northern Ireland only.

2. Section 4 of the Fuel and Electricity (Control) Act 1973 shall, in its application to Northern Ireland, apply with the following modifications—

(a) subsection (1) shall, in relation to a transferred enactment (as defined in subsection (3A) as inserted by sub-paragraph (d) below) or any contractual obligation, have effect with the substitution for the reference to the Secretary of State of a reference to a Ministry of Northern Ireland.

(a) 1973 c. 67.

(b) 1889 c. 63.

(b) in subsection (2)—

- (i) for the reference to the Secretary of State substitute a reference to the Minister or Ministry of Northern Ireland exercising functions under the enactments specified in paragraphs (a) to (c) of that subsection, as modified by this Article;
- (ii) for any reference to a stage carriage, an express carriage or a contract carriage substitute a reference to a public service vehicle;
- (iii) for a reference to section 144 or 160 of the Road Traffic Act 1960(a) substitute a reference to section 65 or 61 of the Road Traffic Act (Northern Ireland) 1970(b), respectively;
- (iv) for the reference to section 40 of the Road Traffic Act 1972(c) substitute a reference to section 26 of the Road Traffic Act (Northern Ireland) 1970;
- (v) for the reference to subsections (1) to (6) of section 96 of the Transport Act 1968(d) substitute a reference to subsections (1) to (5) of section 49 of the Road Traffic Act (Northern Ireland) 1970, as applied by section 57 of that Act and as amended by Article 5 of the Road Traffic (Amendment) (Northern Ireland) Order 1973(e).

(c) in subsection (3), after “enactment” insert “(other than a transferred enactment within the meaning of subsection (3A) below)”;

(d) after subsection (3), insert—

“(3A) A Ministry of Northern Ireland may by order make provision for modifying or excluding any obligation imposed, or extending any power conferred, by or under any transferred enactment which directly or indirectly affects the supply or use of a substance to which this Act applies.

In this subsection “transferred enactment” means an enactment which, if it is, or had been, in force before the expiration of section 1 of the Northern Ireland (Temporary Provisions) Act 1972(f) may be, or might have been, amended by an Order in Council under subsection (3) of that section.

(3B) Any order made under subsection (3A) above may be varied or revoked by a subsequent order and shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(g) as if it were a statutory instrument within the meaning of that Act.”.

3. The Fuel Control (Modification of Enactments) (Speed Limits) (Northern Ireland) Order 1973(h) is, with effect from 8th April 1974, hereby revoked.

W. G. Agnew.

(a) 1960 c. 16.

(b) 1970 c. 2 (N.I.).

(c) 1972 c. 20.

(d) 1968 c. 73.

(e) S.I. 1973/1229.

(f) 1972 c. 22.

(g) 1954 c. 33 (N.I.).

(h) S.I. 1973/2052 (1973 III, p. 7075)

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order modifies section 4 of the Fuel and Electricity (Control) Act 1973 (relaxation of statutory and contractual obligations) in its application to Northern Ireland and prospectively revokes the Fuel Control (Modification of Enactments) (Speed Limits) (Northern Ireland) Order 1973.

SI 1973/2090
ISBN 0-11-032090-5

