



# **Isle of Man**

*Ellan Vannin*

**AT 3 of 1980**

**ENERGY ACT 1980**





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### Index

Section	Page
<hr/>	
	<i><b>Permanent and reserve powers for energy conservation and control</b></i>
1	General control by order.....5
2	Reserve power to control by government directions.....6
3	Implementation of reserve powers .....7
4	Other powers.....7
	<i><b>Maintenance of fuel reserves</b></i>
5	Bulk stocks of petroleum, etc .....8
6	Fuel stocks, etc, at power stations .....9
7	Regulation of supply of gas.....10
8	Fuelling of new and converted power stations .....11
9	Passenger car fuel consumption .....12
10	Orders and directions.....14
11	Administration, enforcement and offences.....14
12	Penalties .....15
13	Financial provision .....16
14	Interpretation.....16
15	Citation, commencement and extent .....16
<hr/>	
<b>SCHEDULE 1</b>	<b>17</b>
<hr/>	
RELAXATION OF ROAD TRAFFIC AND TRANSPORT LAW PERMISSIBLE UNDER SECTION 4(3)	17
<hr/>	
<b>SCHEDULE 2</b>	<b>18</b>
<hr/>	
ADMINISTRATION AND OTHER MATTERS	18
<hr/>	
<b>ENDNOTES</b>	<b>23</b>
<hr/>	
TABLE OF LEGISLATION HISTORY	23
TABLE OF RENUMBERED PROVISIONS	23
TABLE OF ENDNOTE REFERENCES	23





**Isle of Man**

*Ellan Vannin*

## ENERGY ACT 1980

*Received Royal Assent:* 13 February 1980  
*Passed:* 18 March 1980  
*Commenced:* 1 December 1980

**AN ACT** to make further provision with respect to the Island's resources and use of energy.

**GENERAL NOTE:** The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

*Permanent and reserve powers for energy conservation and control*

### **1 General control by order**

[P1976/76/1]

- (1) The Council of Ministers 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) but used as fuel, whether for the propulsion of vehicles or for any other purposes;
  - (b) electricity.<sup>1</sup>
- (2) Orders under subsection (1) 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 Council of Ministers to be desirable for the purpose of conserving energy; but, subject to this, orders under subsection (1) may be made only when an order under section 3 is in force.<sup>2</sup>
- (3) When no order under section 3 is in force, the Council of Ministers shall, before making an order under subsection (1), consult with organisations in the Island appearing to it to represent those who will be affected by the

order, including both consumers and suppliers of energy, and such other organisations as it thinks appropriate.<sup>3</sup>

- (4) Subject to subsection (5), the Council of Ministers may by order provide for regulating the price at which crude liquid petroleum, natural gas or petroleum products may be supplied.<sup>4</sup>
- (5) The power under subsection (4) shall be exercisable at any time in the case of petroleum products, but otherwise shall be exercisable only when an order under section 3 is in force.

## 2 Reserve power to control by government directions

[P1976/76/2]

- (1) When an order under section 3 is in force, the Council of Ministers 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), 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.<sup>5</sup>
- (2) Without prejudice to the generality of subsection (1) —
  - (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 of any such substance to specified persons; and
    - (ii) require the supply 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 directions of the Council of Ministers.<sup>6</sup>

- (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

Where —

- (a) Her Majesty has made an Order in Council under section 3 of the Energy Act 1976 (an Act of Parliament), the Council of Ministers may make an order corresponding thereto, but any such order shall cease to have effect if the Order in Council corresponding thereto has been revoked or has ceased to be in force;<sup>7</sup>
- (b) the Council of Ministers is satisfied that there exists or is imminent in the Isle of Man an actual or threatened emergency affecting fuel or electricity supplies which makes it necessary in the opinion of the Council of Ministers that the government should temporarily have at its disposal exceptional powers for controlling the sources and availability of energy,<sup>8</sup>

it may by order declare that the powers of sections 1 and 2 shall be exercisable to their fullest extent.<sup>9</sup>

### 4 Other powers

[P1976/76/4]

- (1) A person supplying or using a substance mentioned in section 1(1) may, if authorised to do so by the Council of Ministers 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.<sup>10</sup>
- (2) Subsection (1) shall have effect only at a time when there is in force an order under section 3.
- (3) At any time when such an order is in force, the Council of Ministers may grant, or enable any person to grant on its 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 (relaxations of road traffic and transport law).<sup>11</sup>
- (4) The Council of Ministers may by order 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).<sup>12</sup>
- (5) While an order is in force under section 3 —
- (a) subsection (4) shall have effect as if for “affects the use” there were substituted “affects the supply or use”.

- (b) [Repealed]<sup>13</sup>
- (6) This section shall apply in relation to electricity as it applies in relation to substances mentioned in section 1(1).

*Maintenance of fuel reserves*

**5 Bulk stocks of petroleum, etc**

[P1976/76/6]

- (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 Council of Ministers may —
- (a) direct any such person to make such arrangements with respect to his Island 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 Council of Ministers;<sup>14</sup>
- (b) in the case of any such person who is a substantial supplier to the Island market, direct him to create such stocks and make such arrangements with respect to them.<sup>15</sup>
- (3) In giving such directions, the Council of Ministers 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 Island 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.<sup>16</sup>
- (4) Before giving a direction under this section, the Council of Ministers shall notify the substance of the proposed direction to the person to whom it proposes to give it and shall afford him a reasonable opportunity to make representations.<sup>17</sup>
- (5) In this section —
- “indigenous” means —
- (a) in relation to crude liquid petroleum, won under the authority of licences granted under any enactment or under any legislation having effect in the United Kingdom;



- (b) in relation to petroleum products, produced in the Island or the United Kingdom from indigenous crude.

“specified” means specified by direction of the Council of Ministers.<sup>18</sup>

- (6) The Council of Ministers 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 Island) are to be treated, in relation to any person, as his Island stocks, and those in which a person is to be treated as a substantial supplier to the Island 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.<sup>19</sup>

## 6 Fuel stocks, etc, at power stations

[P1976/76/7]

- (1) Directions under this section may be given to —
  - (a) the Manx Utilities Authority;<sup>20</sup>
  - (b) and (c) [Repealed]<sup>21</sup>
  - (d) any person who has the means of generating electricity for the purposes of an undertaking carried on by him.
- (2) In respect of any electricity generating station, the Council of Ministers may direct the Manx Utilities Authority and, in respect of a station of a capacity of 2 megawatts or more, it may direct any such person as is referred to in subsection (1)(d) —
  - (a) to make such arrangements with respect to fuel stocks held at or near that generating station for the purposes of its operation 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 the authority of the Council of Ministers;<sup>22</sup>
  - (b) to create such stocks and make such arrangements with respect to them.<sup>23</sup>
- (3) The amount of fuel stocks may be specified by reference to the period for which it would enable the generating station to be maintained in operation.
- (4) In this section —

“fuel stocks” includes stocks of lubricants;

“specified” means specified by direction of the Council of Ministers, and a direction may specify —

- (i) the cases and circumstances in which fuel stocks are to be treated as held at or near any generating station;
- (ii) the extent to which the direction may be treated as complied with where access can be had to stocks held for the use of a number of consumers, under arrangements made or approved by the Council of Ministers;<sup>24</sup>
- (iii) the manner in which the period mentioned in subsection (3) is to be calculated.<sup>25</sup>

## 7 Regulation of supply of gas

- (1) The Council of Ministers may by order regulate —
  - (a) the supply of gas to consumers in the Island;
  - (b) the use of gas by such consumers,and any order under paragraph (a) may restrict any obligation to supply gas, whether such obligation is imposed by or under an enactment or by or under an agreement.<sup>26</sup>
- (2) Without limiting subsection (1), the Council of Ministers may, in exercise of the power in that subsection, temporarily assume control of any asset of a public gas supplier for the purpose of —
  - (a) the Council of Ministers’ using the asset in the course of itself supplying gas to consumers in the Island; or
  - (b) making the asset available to a third party, on such terms as the Council of Ministers agrees with the third party, for the third party’s use in supplying gas to consumers in the Island as so authorised by the Council of Ministers.<sup>27</sup>
- (3) Where the Council of Ministers exercises the power in subsection (1) in the manner described in subsection (2), the Council of Ministers must —
  - (a) include in the order provision that either —
    - (i) specifies the date on which —
      - (A) control of the asset will be returned to the public gas supplier; and
      - (B) the public gas supplier will thereupon resume responsibility for supplying gas to consumers in the Island; or
    - (ii) specifies how the date referred to in subparagraph (i) is to be ascertained; and

- (b) pay reasonable compensation to the public gas supplier for the period during which, pursuant to the order, the public gas supplier will have been divested of control of the asset.<sup>28</sup>
- (4) In this section, “public gas supplier” has the meaning given in section 17(1) of the Gas Regulation Act 1995.<sup>29</sup>
- (5) An order made under this section cannot come into operation unless it has been approved by Tynwald.<sup>30 31</sup>

## 8 Fuelling of new and converted power stations

[P1976/76/14]

- (1) A person who proposes to carry out works —
  - (a) for the establishment of an electricity generating station to be fuelled by crude liquid petroleum, any petroleum product or natural gas; or
  - (b) for the conversion of an electricity generating station with a view to its being so fuelled,shall, unless his case is one excepted by order of the Council of Ministers under subsection (4), give written notice of the proposal to it.<sup>32</sup>
- (2) A person who proposes —
  - (a) to enter into contractual or other arrangements for obtaining a supply of natural gas as fuel for an electricity generating station; or
  - (b) to extend the duration of any such arrangements (whether made before or after the passing of this Act),shall, unless the arrangements fall within the scope of a general authority granted by the Council of Ministers by order under subsection (5), give written notice of the proposal to it.<sup>33</sup>
- (3) The Council of Ministers may, if it thinks it expedient having regard to current energy policies, direct that a proposal notified to it under this section be not carried out, or be carried out in accordance with conditions specified in the direction.<sup>34</sup>
- (4) The Council of Ministers may by order prescribe cases in which notice under subsection (1) need not be given; and the cases prescribed may be those where —
  - (a) the plant is of less than specified capacity or is used only for specified purposes; or
  - (b) such other circumstances obtain as make it unnecessary in the opinion of the Council of Ministers for it to be given notice under that subsection.<sup>35</sup>

- (5) The Council of Ministers may by order grant authority for the purposes of subsection (2) for fuel supply arrangements of any description specified in the order.<sup>36</sup>
- (6) This section shall not affect the provisions of any other enactment relating to power station construction.

## 9 Passenger car fuel consumption

[P1976/76/15]

- (1) Subject to the provisions of this section, the Council of Ministers may, in relation to passenger cars, make orders —
  - (a) requiring fuel consumption to be determined by means of officially approved tests;
  - (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; and
  - (c) 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 Island.<sup>37</sup>
- (2) The orders may provide —
  - (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 Department of Infrastructure for that purpose or otherwise);<sup>38</sup>
  - (b) for tests to be repeated from time to time with a view to the issue, where appropriate, of amended or amplified certificates; and
  - (c) for payment of fees in connection with testing.
- (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 Council of Ministers shall maintain consultation with the motor industry, that is to say with organisations representative of manufacturers, importers, distributors and retailers of cars for the Island market.<sup>39</sup>
- (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);
  - (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 Island,
- or to any such combination of those matters, or of those and other similar matters, as appears to the Council of Ministers to be best adapted to keeping the public informed about the fuel consumption of cars on the market.<sup>40</sup>
- (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.

## 10 Orders and directions

[P1976/76/17]

(1) Every order made under this Act (except an order under section 7 and an order under section 15(2)) shall be laid before Tynwald at the first available sitting after it is made, and, unless Tynwald by resolution confirms the same at that sitting or at the next succeeding sitting, it shall cease to have effect as and from —

(a) the day following the date on which the motion for the confirmation of the order was defeated; or

(b) if no motion for the confirmation of the order is introduced at the said first available sitting or next succeeding sitting, from the day following the date of the said next succeeding sitting,

but without prejudice in either case to the validity of anything previously done thereunder or to the making of a new order.<sup>41</sup>

(2) Powers conferred by this Act to make an order include power to make any incidental, supplementary or transitional provision which appears to the Council of Ministers to be appropriate.<sup>42</sup>

(3) 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.

## 11 Administration, enforcement and offences

[P1976/76/18]

(1) Schedule 2 shall have 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; or

(b) he wilfully obstructs any person exercising a power conferred, or performing a duty imposed, by or under this Act; or

- (c) in furnishing any information 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
  - (d) 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) 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 shall be guilty of that offence and liable to be proceeded against and punished accordingly.
- (4) Where the affairs of a body corporate are managed by its members, subsection (3) shall apply 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.

## 12 Penalties

[P1976/76/19]

- (1) Subject to subsections (2) and (3), a person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding £5,000.
- (2) In the case of a contravention of —
- (a) price controls; or
  - (b) section 8(1) or (2); or
  - (c) a direction of the Council of Ministers given under section 5, 6 or 8(3),<sup>43</sup>
- the person guilty shall be liable either as provided in subsection (1) or, on conviction on information, to a fine.
- (3) In the case of a contravention of —
- (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 11(2)(c) or (d), the person guilty shall be liable —
- (i) on conviction on information, to imprisonment for a term not exceeding two years or to a fine, or to both;

- (ii) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £5,000, or to both.
- (4) An order under section 1 made at a time when there is in force an order under section 3 may apply the higher penalties of subsection (3) to a contravention of particular provisions of the order committed at a time when such an order is in force; and those penalties shall then apply in place of those provided by subsections (1) and (2).

### 13 Financial provision

[P1976/76/20]

Any administrative expenses incurred by a government department in consequence of this Act shall be paid out of money provided by Tynwald.

### 14 Interpretation

[P1976/76/21]

In this Act —

“**the Governor in Council**” [Repealed]<sup>44</sup>

“**import**” includes removal into the Island from the United Kingdom;

“**natural gas**” means any gas derived from natural strata;

“**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) and directions under section 2 imposing requirements as to price;

“**undertaking**” includes a business, and also any activity carried on by a body of persons, whether corporate or unincorporate.

### 15 Citation, commencement and extent

[P1976/76/23 (1) and (2)]

- (1) This Act may be cited as the Energy Act 1980.
- (2) This Act shall come into operation on a day appointed by order of the Governor in Council, and different days may be so appointed for different provisions and for different purposes.<sup>45</sup>



## Schedule 1

RELAXATION OF ROAD TRAFFIC AND TRANSPORT LAW PERMISSIBLE  
UNDER SECTION 4(3)

## Section 4(3)

1. (1) A person acting under and in accordance with a general or special authority granted by the Council of Ministers under section 4(3) may use a passenger vehicle or goods vehicle commercially for the carriage of passengers or goods, as the case may be, —
  - (a) without being a registered passenger vehicle operator or registered goods vehicle operator or the holder of a passenger vehicle operator's licence, goods vehicle operator's licence or service licence, and
  - (b) even though the vehicle does not comply with such of the regulations made under paragraph 1 of Schedule 2 to the *Road Traffic Act 1985* (construction and use of motor vehicles and their equipment) as apply to a public passenger vehicle and do not apply to a vehicle which is not a public passenger vehicle.
- (2) Expressions in sub-paragraph (1) have the same meanings as in the *Road Transport Act 2001*.<sup>46</sup>
2. A person acting under and in accordance with such an authority may —
  - (a) drive a public passenger vehicle without being licensed to do so under section 40 of the said Act; or
  - (b) employ a person not so licensed to drive any such vehicle.<sup>47</sup>
3. (1) A person charged under paragraph 1 of Schedule 5 to the said Act of 1985 with the offence of using, or causing or permitting the use, of a motor vehicle so as to contravene that section (driving uninsured) may prove as a defence that the vehicle was being used by authority of the Council of Ministers under section 4(3) of this Act and that —
  - (a) it was, at the material time, the subject of insurance or security complying with Schedule 5 to the said Act of 1985; and<sup>48</sup>
  - (b) pursuant to arrangements made by or with the Council of Ministers for the purposes of the said section 4(3), the insurance or security shall be treated as extending to its use on that occasion.<sup>49</sup>
- (2) A person charged under section 20 of the said Act of 1985 with an offence of failing to produce the relevant certificate of insurance or certificate of security within the meaning of Schedule 5 to that Act may prove as a defence that the vehicle was being used by authority of the Council of Ministers under section 4(3) of this Act and that —

- (a) he produced a certificate of insurance or certificate of security complying with Schedule 5 to that Act; and<sup>50</sup>
- (b) pursuant to arrangements made by or with the Council of Ministers for the purposes of the said section 4(3), the insurance or security to which the certificate relates is treated as extending to the use in question.<sup>51</sup>

## Schedule 2

### ADMINISTRATION AND OTHER MATTERS

#### Section 11(1)

##### *Power to obtain information*

1. (1) Subject to the provisions of this paragraph, the Council of Ministers may direct any person carrying on an undertaking —

- (a) to keep such books, accounts and records relating to a substance mentioned in section 1(1), or to electricity, as may be specified;
- (b) to furnish, as and when specified, estimates, forecasts, returns and information relating to such a substance, or to electricity;
- (c) to furnish, as and when specified, information and forecasts relating to the undertaking itself or its activities, including the way in which the undertaking is organised and administered and the character and extent of its operations.<sup>52</sup>

(2) All the powers of this paragraph shall be exercisable by the Council of Ministers where it appears to it expedient for the purpose of implementing any international obligations relating to energy incumbent on the Island, and the powers conferred by sub-paragraph (1)(a) and (b) shall also be exercisable where it appears to the Council of Ministers expedient for any purpose connected with the operation of this Act or the effective performance by it of its functions under it.<sup>53</sup>

(3) In this paragraph, “specified” means specified by direction of the Council of Ministers.<sup>54</sup>

##### *Power to call for documents*

2. (1) The powers of this paragraph shall be exercisable —

- (a) by a person authorised by or on behalf of the Council of Ministers, on production (if so required) of his authorisation;<sup>55</sup>
- (b) for the purpose of securing compliance with any provision made by or under this Act, and of checking estimates and forecasts or verifying returns and information provided in response to directions under paragraph 1.

(2) The powers are —

- (a) to require any person to produce for inspection, or to deliver up, any document in his possession or control which has been issued by or on the authority of the Council of Ministers in connection with the administration and enforcement of this Act, or any provision made under it;<sup>56</sup>
- (b) to require any person with executive functions in an undertaking, or the persons carrying it on, to produce documents relating to the undertaking or its operations, and allow copies or extracts to be made from them;
- (c) to require any such person, or one who has in the preceding 5 years exercised such functions, to provide further particulars as to the whereabouts, contents or subject matter of such documents.

*Access to premises, etc., for enforcement purposes*

3. (1) Subject to sub-paragraph (2), a person authorised by or on behalf of the Council of Ministers may, for the purpose —

- (a) of securing compliance with orders made and directions given by the Council of Ministers under this Act;<sup>57</sup>
- (b) of checking estimates and forecasts or verifying returns and information provided in response to directions under paragraph 1,

at all reasonable hours and on production (if so required) of his authorisation, go on any premises and there make such enquiries and inspections, and purchase or take such samples of any substance, as are allowed by the terms of his authorisation or he thinks necessary for those purposes.<sup>58</sup>

(2) The powers of this paragraph shall not be exercisable —

- (a) for the purpose only of securing compliance with orders under section 9;
- (b) except when an order under section 3 is in force, for the purpose only of securing compliance with orders under section 1(1).

(3) The reference in this paragraph to premises includes vehicles and vessels, but not any premises used only as a dwelling.

*Entry with warrant*

4. (1) Subject to sub-paragraph (4), if a justice of the peace is satisfied, on a sworn complaint in writing submitted on behalf of the Council of Ministers, that —

- (a) admission to premises is reasonably required for any of the purposes mentioned in paragraph 3(1); and
- (b) the circumstances specified in sub-paragraph (2) or, as the case may be, sub-paragraph (3) are present,

the justice may issue a warrant naming a person authorised by the Council of Ministers and authorising that person to enter the premises, by force if necessary.<sup>59</sup>

(2) If no order under section 3 is for the time being in force, the circumstances in which a warrant may be issued are that either —

- (a) admission to the premises has been refused, if the case is not one of urgency, after not less than 7 days' notice of the intention to enter had been given to the occupier; or
- (b) application for admission would defeat the object of the entry or the premises are unoccupied.

(3) If such an order is for the time being in force, the circumstances in which a warrant may be issued are that either —

- (a) admission to the premises has been refused, or a refusal is apprehended, and notice of intention to apply for a warrant has been given to the occupier; or
- (b) application for admission would defeat the object of the entry, or the case is one of urgency, or the premises are unoccupied or the occupier is temporarily absent.

(4) A warrant under this paragraph —

- (a) shall not be issued authorising entry for the purpose only of securing compliance with orders under section 9;
- (b) except when an order under section 3 is in force, shall not be issued authorising entry for the purpose only of securing compliance with orders under section 1(1).

(5) A person entering premises under the authority of the warrant may search the premises and take possession of any documents which he finds there and which appear to him to be relevant to the purposes for which the warrant was obtained.

(6) Any documents of which possession is taken under this paragraph may be retained for a period of 3 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.

(7) If the premises are unoccupied or the occupier is temporarily absent, the person entering them under the authority of the warrant shall leave them as effectively secured against trespassers as he found them.

(8) The warrant shall continue in force until the end of one month beginning with the date on which it was issued.

(9) Referenced in this paragraph to premises include vehicles and vessels, but not any premises used only as a dwelling.

*Price control enforcement*

5. (1) The Council of Ministers may designate a fit and proper person for the purposes of the enforcement of price controls in relation to supplies to the general public.<sup>60</sup>

(2) The powers of paragraphs 2 and 3 may be exercisable by a duly authorised officer of the Isle of Man Office of Fair Trading (“an officer”) for the purpose of securing compliance with price controls in relation to such supplies.<sup>61</sup>

(3) If a justice of the peace is satisfied, on sworn complaint in writing made by an officer, that —

- (a) admission to premises is reasonably required for that purpose; and
- (b) the circumstances specified in paragraph 4(2) or, as the case may be, (3) are present,

the justice may issue a warrant authorising the officer (naming him) to enter the premises, by force if necessary; and paragraph 4(5) to (9) shall also apply in relation to such a warrant.<sup>62</sup>

*Proceedings*

6. Proceedings for an offence of contravening or failing to comply with a direction of the Council of Ministers given under section 5 or 6, and proceedings for an offence of contravening or failing to comply with price controls, shall be instituted only by, or with the consent of, the Attorney General.<sup>63</sup>

*Non-disclosure of information*

7. (1) No information obtained by virtue of this Act shall be disclosed except —

- (a) with the consent of the person by whom or on whose behalf the information was given or supplied and, where applicable, of the owner of any goods, or the occupier of any premises, to which the information relates;
- (b) for the purpose of the exercise of any of its functions, to a government department;
- (c) to the International Energy Agency in pursuance of obligations incumbent on the Island to transmit the information or see to its transmission;
- (d) in the form of statistics or otherwise, so that it cannot readily be recognised as relating to any particular person or undertaking;
- (e) with a view to the institution, or otherwise for the purposes of any criminal proceedings.

(2) In this paragraph, “Government Department” includes a Board of Tynwald and a Statutory Board.

*Proof of documents*

8. (1) Every document purporting to be an instrument made by any person in pursuance of this Act and to be signed by or on behalf of that person shall be received in evidence and shall, until the contrary is proved, be deemed to be such an instrument.

(2) *Prima facie* evidence of any such instrument 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 having power to make or issue the instrument.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

- 
- <sup>1</sup> Subs (1) amended by GC155/91.
- <sup>2</sup> Subs (2) amended by GC155/91.
- <sup>3</sup> Subs (3) amended by GC155/91 and by Interpretation Act 1976 s 16A.
- <sup>4</sup> Subs (4) amended by GC155/91.
- <sup>5</sup> Subs (1) amended by GC155/91.
- <sup>6</sup> Subs (3) amended by GC155/91.
- <sup>7</sup> Paragraph (a) amended by SD861/11.
- <sup>8</sup> Paragraph (b) amended by SD861/11.
- <sup>9</sup> Closing words of s 3 amended by SD 861/11.
- <sup>10</sup> Subs (1) amended by GC155/91.
- <sup>11</sup> Subs (3) amended by GC155/91 and by Interpretation Act 1976 s 16A.
- <sup>12</sup> Subs (4) amended by GC155/91.
- <sup>13</sup> Para (b) repealed by Statute Law Revision Act 1997 Sch 2.
- <sup>14</sup> Subpara (ii) amended by GC155/91.
- <sup>15</sup> Subs (2) amended by GC155/91.
- <sup>16</sup> Subs (3) amended by GC155/91.
- <sup>17</sup> Subs (4) amended by GC155/91 and by Interpretation Act 1976 s 16A.
- <sup>18</sup> Definition of “specified” amended by GC155/91.
- <sup>19</sup> Subs (6) amended by GC155/91.
- <sup>20</sup> Para (a) substituted by Electricity Act 1984 Sch 3 and amended by SD2014/06.
- <sup>21</sup> Paras (b) and (c) repealed by Electricity Act 1984 Sch 4.
- <sup>22</sup> Subpara (ii) amended by GC155/91.

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- <sup>23</sup> Subs (2) amended by Electricity Act 1984 Sch 3, by GC155/91, by Interpretation Act 1976 s 16A and by SD2014/06.
- <sup>24</sup> Para (ii) amended by GC155/91.
- <sup>25</sup> Definition of “specified” amended by GC155/91.
- <sup>26</sup> Text renumbered as subs (1) by Energy Act 2023 s 3.
- <sup>27</sup> Subs (2) inserted by Energy Act 2023 s 3.
- <sup>28</sup> Subs (3) inserted by Energy Act 2023 s 3.
- <sup>29</sup> Subs (4) inserted by Energy Act 2023 s 3.
- <sup>30</sup> Subs (5) inserted by Energy Act 2023 s 3.
- <sup>31</sup> S 7 amended by GC155/91.
- <sup>32</sup> Subs (1) amended by GC155/91 and by Interpretation Act 1976 s 16A.
- <sup>33</sup> Subs (2) amended by GC155/91 and by Interpretation Act 1976 s 16A.
- <sup>34</sup> Subs (3) amended by GC155/91 and by Interpretation Act 1976 s 16A.
- <sup>35</sup> Subs (4) amended by GC155/91. Para (b) amended by GC155/91 and by Interpretation Act 1976 s 16A.
- <sup>36</sup> Subs (5) amended by GC155/91.
- <sup>37</sup> Subs (1) amended by GC155/91.
- <sup>38</sup> Para (a) amended by SD155/10 Sch 5.
- <sup>39</sup> Subs (5) amended by GC155/91.
- <sup>40</sup> Subs (6) amended by GC155/91.
- <sup>41</sup> Subs (1) amended by Energy Act 2023 s 3.
- <sup>42</sup> Subs (2) amended by GC155/91.
- <sup>43</sup> Para (c) amended by GC155/91.
- <sup>44</sup> Definition of “the Governor in Council” repealed by GC155/91.
- <sup>45</sup> ADO (whole Act) 1/12/1980 (GC277/80).
- <sup>46</sup> Para 1 substituted by Road Transport Act 2001 Sch 3.
- <sup>47</sup> Para 1 substituted by Road Transport Act 2001 Sch 3.
- <sup>48</sup> Item (a) amended by Road Traffic Act 1985 Sch 8.
- <sup>49</sup> Subpara (1) amended by Road Traffic Act 1985 Sch 8 and by GC155/91. Item (b) amended by GC155/91.
- <sup>50</sup> Item (a) amended by Road Traffic Act 1985 Sch 8.
- <sup>51</sup> Subpara (2) amended by Road Traffic Act 1985 Sch 8 and by GC155/91. Item (b) amended by GC155/91.
- <sup>52</sup> Subpara (1) amended by GC155/91.
- <sup>53</sup> Subpara (2) amended by GC155/91 and by Interpretation Act 1976 s 16A.
- <sup>54</sup> Subpara (3) amended by GC155/91.
- <sup>55</sup> Item (a) amended by GC155/91.
- <sup>56</sup> Item (a) amended by GC155/91.
- <sup>57</sup> Item (a) amended by GC155/91.
- <sup>58</sup> Subpara (1) amended by GC155/91.
- <sup>59</sup> Subpara (1) amended by GC155/91.
- <sup>60</sup> Subpara (1) amended by GC155/91.
- <sup>61</sup> Subpara (2) amended by Fair Trading (Amendment) Act 2001 Sch 2.





<sup>62</sup> Subpara (3) amended by Fair Trading (Amendment) Act 2001 Sch 2.

<sup>63</sup> Para (6) amended by GC155/91.