STATUTORY INSTRUMENTS

1973 No. 2132

CONTROL OF FUEL AND ELECTRICITY

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

Made - - - -	*17th December* 1973
Laid before Parliament	*18th December* 1973
Coming into Operation	*19th December* 1973

The Secretary of State, in exercise of his powers under section 2(1) of the Fuel and Electricity (Control) Act 1973(**a**) and section 7 of the Emergency Laws (Re-enactments and Repeals) Act 1964(**b**) as having effect by virtue of section 5(1) of the Fuel and Electricity (Control) Act 1973, and of all other powers in that behalf enabling him, hereby makes the following Order:—

1. This Order may be cited as the Fuel and Electricity (Heating) (Control) (Northern Ireland) Order 1973 and shall come into operation on 19th December 1973.

2. This Order shall extend to Northern Ireland only.

3.—(1) In this Order—

" electricity " means electricity whether or not supplied by the Northern Ireland Electricity Service established by the Electricity Supply (Northern Ireland) Order 1972(**c**) ;

" fuel " means any substance, whether solid, liquid or gaseous, used as a fuel ; and

" school " means any institution providing primary or secondary education or both within the meaning of the Education and Libraries (Northern Ireland) Order 1972(**d**).

(2) In this Order " premises to which this Order applies " means—

(*a*) any premises used wholly or mainly—

(i) as an office or showroom ;

(ii) as a retail shop, bank or petrol station ;

(iii) as a restaurant or catering establishment (whether or not licensed for the sale of intoxicating liquor) or for the sale or consumption of intoxicating liquor ;

(iv) as a warehouse or store ;

(v) as a film, television or photographic studio ;

(vi) as a library, museum, art gallery, exhibition hall or other public hall ;

(vii) as a place of education ;

(viii) as a church or other place of public worship, or

(ix) for recreation, entertainment or sport ; or

(a) 1973 c. 67. (b) 1964 c. 60. (c) S.I. 1972/1072. (d) S.I 1972/1263.

(*b*) any part so used of any premises, not otherwise so used, if the heating for that part is effected separately from the heating for the other part of the premises.

(3) Any reference in this Order to any enactment shall be construed as a reference thereto as amended or extended and as a reference to any regulation or Order made under any enactment.

4.—(1) Subject to the Electricity (Heating) (Restriction) Order (Northern Ireland) 1973(**a**) and to paragraph (2) of this Article, no person shall use or permit the use of electricity or fuel for the purpose of heating any premises to which this Order applies so as to cause the temperature of those premises to exceed 63 degrees Fahrenheit (which is equivalent to 17·25 degrees Centigrade):

Provided that if any enactment requires the heating of any premises to which this Order applies or any part thereof to be maintained in certain circumstances at a specific temperature or at not less than a specific temperature, nothing in this Article shall require the heating of such premises or part thereof (as the case may be) in those circumstances to fall below the minimum temperature so specified even if in consequence thereof the temperature of any other part of such premises is thereby caused to exceed that specified in the last foregoing paragraph.

(2) Nothing in paragraph (1) of this Article shall apply to the use of electricity or fuel for the purpose of heating any part of any premises to which this Order applies—

(*a*) which is used for living accommodation ;

(*b*) to the extent that such use is necessary for the maintenance of the health of any person on those premises who is ill, disabled, infirm, pregnant, under the age of 5 years or over the age of 60 years ;

(*c*) which is used as a school, during such times as it is so used ;

(*d*) to the extent necessary to prevent damage or deterioration to food, goods or material or to prevent damage to or impairment of the functioning of any apparatus or equipment on the premises which is sensitive to changes of temperature or humidity ;

(*e*) for preserving the health of any livestock on any such premises ; or

(*f*) in respect of which a licence has been granted by the Secretary of State under this Order.

5. Any licence granted under this Order may be subject to conditions and may be revoked without prior notice.

6. It shall be a defence for a person who contravenes or fails to comply with a provision of this Order to prove that he used all due diligence to secure compliance with that provision.

Francis Pym,
One of Her Majesty's Principal Secretaries of State.

Northern Ireland Office.

17th December 1973.

(**a**) S.R. & O. (N.I.) 1973 No. 459.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which extends only to Northern Ireland, prohibits the heating above a temperature of 63°F (17·25° C) by electricity or any fuel of premises specified in Article 3(2) of the Order. These premises include offices, showrooms, shops, banks, petrol stations, restaurants, bars, studios, public halls, places of education (except schools), churches and places of recreation, entertainment or sport. This temperature may however be exceeded for certain purposes including the maintenance of health, the prevention of damage to food, goods and material or so as to conform with certain minimum temperature requirements imposed by other legislation.

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