

1973 No. 53The Fuel and Electricity (Control) (Bailiwick of Guernsey) Order, 1973

Made 21st December, 1973
Coming into operation ... 21st December, 1973

The States of Guernsey Emergency Council, as respects the Bailiwick of Guernsey excluding the Island of Alderney, and the States of Alderney Finance Committee, as respects the Island of Alderney, in exercise of the powers conferred upon them respectively by subsection (1) of section two of the Fuel and Electricity (Control) Act 1973, as extended to the Bailiwick of Guernsey by the Fuel and Electricity (Control) Act 1973 (Guernsey) Order 1973, and of all other powers enabling them respectively in that behalf, hereby order:-

1. This Order may be cited as the Fuel and Electricity (Control) (Bailiwick of Guernsey) Order, 1973, and shall come into operation on the twenty-first day of December, nineteen hundred and seventy-three.

2.(1) In this Order:-

"competent authority" means -

(a) in relation to the Bailiwick of Guernsey other than the Island of Alderney, the States of Guernsey Emergency Council;

(b) in relation to the Island of Alderney, the States of Alderney Finance Committee;

"electricity" means electricity whether or not supplied by the States of Guernsey Electricity Board or by Alderney Electricity Limited;

"fuel" means a substance to which the Fuel and Electricity (Control) Act 1973, as extended to the Bailiwick of Guernsey, applies; and

"school" means any institution providing primary or secondary education or both.

(2) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Order as it applies to the interpretation of a Guernsey enactment.

3.(1) Subject to the provisions of sub-paragraph (3) of this paragraph, a person shall not use or permit the use of electricity or fuel for the purpose of heating any premises to which this paragraph applies so as to cause the temperature of those premises to exceed 63 degrees Fahrenheit (which is equivalent to 17.25 degrees Centigrade).

(2) In this paragraph "premises to which this paragraph 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, store, factory or packing station;
- (v) as a 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, chapel or other place of public worship; or
- (ix) for recreation, entertainment or sport; or

(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) The provisions of sub-paragraph (1) of this paragraph shall not 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 or on behalf of the competent authority.

4.(1) Except under a licence granted by or on behalf of the competent authority under this Order, a person shall not use or permit the use of electricity for the purpose of lighting any room comprised in any such premises as are mentioned in sub-paragraph (2) of paragraph 3 of this Order at any time while that room is unoccupied, except to such extent as may be necessary for the safety of persons on those premises or the security of those premises.

(2) Subject to the provisions of sub-paragraph (3) of this paragraph, and except under a licence granted by or on behalf of the competent authority under this Order, a person shall not use or permit the use of electricity for the purpose of lighting any room or part of any such premises as are mentioned in sub-paragraph (2) of paragraph 3 of this Order in such a manner that the electrical load imposed by such lighting in relation to that part exceeds -

- (a) two watts per square foot of floor area where that room or part is lighted by tungsten lamps;
- (b) one watt per square foot of floor area where that room or part is lighted by fluorescent lamps or by both tungsten and fluorescent lamps.

(3) The provisions of sub-paragraph (2) of this paragraph -

- (a) shall not apply in relation to any room or part of any premises lighted solely by a single tungsten lamp not exceeding 40 watts, by a single fluorescent lamp or by any high intensity discharge lamp;
- (b) shall not have effect so as to require a reduction in the standard of lighting at any place in any premises below that necessary for the safety of persons on those premises or the security of those premises; and
- (c) shall not apply in relation to any part of any premises used as a school during such times as the premises are so used.

(4) The provisions of paragraph (1) and paragraph (2) of this paragraph shall apply to any part of any hotel to which the public is admitted and which is provided for the communal use of persons resident therein.

5.(1) Subject to the provisions of sub-paragraph (2) of this paragraph, and except under a licence granted by or on behalf of the competent authority, a person shall not use or permit the use of electricity for the purpose of:-

- (a) advertising any article, product or service;
- (b) the display of any article, building or structure or any part thereof; or
- (c) lighting (whether by means of floodlights or any other form of illumination) any area in the open air for the purpose of recreation, entertainment or sport.

(2) The provisions of sub-paragraph (1) of this paragraph shall not apply to the use of electricity for the purpose of:-

- (a) the display of any article in a retail shop between 4 p.m. and 6 p.m. on any weekday;
- (b) projecting any advertisement by means of any film or slide on to a screen during the presentation of a cinematograph show in any premises to which the

public has access and which are normally used for the presentation therein of such a show;

- (c) displaying any object or device (whether fixed or portable) for conveying to traffic on roads, or any specified class of traffic, warnings, information, requirements, restrictions or prohibitions of any description where such object or device has been authorised to be placed by or on behalf of any Committee of the States of Guernsey or the States of Alderney;
- (d) displaying any sign indicating the nature of the premises at an ambulance station, police station or hospital; or
- (e) illuminating any telephone which is intended for public use.

6. A person shall not use or permit the use of any fuel for the purpose of heating a swimming pool.

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

8. 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.

Dated this twenty-first day of December, nineteen hundred and seventy-three.

..J..H..LOVERIDGE

Bailiff,
President for the States of Guernsey Emergency Council,
for and on behalf of the Council.

..R..J..WALKER
Chairman
President of the States of Alderney Finance Committee
for and on behalf of the Committee.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport)

1. This Order prohibits the heating above a temperature of 63°F (17.25°C) by electricity or any other fuel of premises specified in paragraph 3(2) of the Order. These premises include offices, showrooms, factories, shop, 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.

2. This Order also prohibits the lighting by electricity of any room in such premises (including the public parts of hotels) while it is unoccupied, and restricts (with certain exceptions) the electric lighting of any part of such premises to two watts per square foot for tungsten lamps and one watt per square foot for fluorescent tubes. This restriction does not apply to schools. Lighting necessary for the safety of persons on the premises or the security of the premises is permitted.

3. The use of fuel for heating swimming pools is totally prohibited by this Order.

4. This Order also prohibits the use of electricity, whether or not supplied by the States of Guernsey Electricity Board or Alderney Electricity Limited, for the purposes of advertising or display, or lighting any area in the open air for the purpose of recreation, entertainment or sport, except under a licence granted by or on behalf of the States of Guernsey Emergency Council, as respects the Bailiwick of Guernsey excluding Alderney, or the States of Alderney Finance Committee, as respects Alderney. The use of electricity for the display of any article in any retail shop is, however, permitted on any weekday between 4 p.m. and 6 p.m. Other exceptions are provided for by the Order, including advertising in cinemas or theatres, and the illumination of traffic signs, public telephones and signs indicating ambulance and police stations.