

1985 No. 320

WEIGHTS AND MEASURES

**Weights and Measures (Liquid Fuel) (Carriage by Road) Order
(Northern Ireland) 1985***Made* 15th November 1985*Coming into operation* 1st September 1986

The Department of Economic Development, in exercise of the powers conferred by Article 19(2), (3) and (7) of the Weights and Measures (Northern Ireland) Order 1981(a) and now vested in it(b) and of every other power enabling it in that behalf, and after consultation, in accordance with Article 48(2) of that Order, with such organisations as appear to it to be representative of interests substantially affected by this Order and consideration of the representations made to it by such organisations with respect to the subject matter thereof, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Weights and Measures (Liquid Fuel) (Carriage by Road) Order (Northern Ireland) 1985 and shall come into operation on 1st September 1986.

(2) In this Order—

“delivery document” has the meaning assigned to it by Article 3(2);

“grade” in relation to any petrol means one of the following grades, that is to say, 2 star, 3 star, 4 star or 5 star as mentioned in the British Standard Specification for petrol (gasoline) for motor vehicles B.S. 4040: 1978 published by the British Standards Institution on 29th September 1978(c);

“liquid fuel” includes any mixture of liquid fuel and lubricants but excludes—

(a) liquefied gas;

(b) any fuel for use by Her Majesty’s forces or by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(d); and

(c) any fuel at other than ambient temperature;

“meter measuring system” means any measuring equipment which incorporates a mechanical flowmeter device to determine the quantity of liquid fuel delivered, and comprises all parts and devices from the source, including any anti-swirl device, from which the liquid is drawn to the point of discharge and all associated mechanical, optical, electrical or pneumatic equipment;

“quantity” means quantity by net weight, capacity measurement or volume; and

“road tanker” means any vehicle or trailer which carries liquid fuel in a tank forming part of the vehicle or trailer other than that containing the fuel which is used to propel the vehicle, and also includes any tank with a capacity exceeding 3m³ carried on a vehicle.

(a) S.I. 1981/231 (N.I. 10)

(b) By S.I. 1982/846 (N.I. 11) Art. 4

(c) ISBN No. 0 580 10408 7

(d) 1952 c. 67

Application

2.—(1) This Order shall apply to the carriage of liquid fuel by a road tanker on a journey any part of which is along a highway.

(2) Where after a journey has begun more liquid fuel is loaded on the road tanker the original journey shall be regarded for the purposes of this Order as having ended.

Circumstances in which documents must be carried on a road tanker, and delivered to the buyer of liquid fuel, and the particulars to be contained therein

3.—(1) If the road tanker is carrying any liquid fuel in contemplation of a sale or for delivery to a buyer in pursuance of, or of an agreement for, a sale, there shall, before the journey begins, be delivered to the person in charge of the road tanker a document or set of documents from which there may be readily ascertainable the quantity of each type of liquid fuel, including the quantity of each grade of petrol, on the road tanker at the beginning of the journey; and for the purpose of calculating the quantity there shall be included liquid fuel in the delivery hose in the case of a road tanker on which there is measuring equipment which incorporates a delivery hose which is permanently full.

(2) If the road tanker is carrying any liquid fuel for delivery to a buyer in pursuance of, or of an agreement for, a sale, there shall, before the journey begins, be delivered to the person in charge of the road tanker a document for delivery to the buyer (hereinafter referred to as “the delivery document”) to whom liquid fuel is to be delivered stating—

- (a) the name and address of the seller or his agent;
- (b) the name of the buyer and the address of the premises to which the liquid fuel is to be delivered;
- (c) the date of the delivery of the liquid fuel to the buyer;
- (d) sufficient particulars to identify readily the quantity of liquid fuel which is to be delivered to the buyer with the load of liquid fuel on the road tanker at the beginning of the journey; and
- (e) if known to the seller or his agent, the quantity of each type of liquid fuel, including the quantity of each grade of petrol, which is to be delivered to the buyer.

(3) If the road tanker is carrying liquid fuel for delivery to each of two or more buyers, paragraph (2) shall apply separately in relation to each of those buyers.

(4) If any provision of this Article is contravened without reasonable cause, any person who sells, agrees to sell or has in his possession for sale the liquid fuel shall be guilty of an offence.

Requirement to deliver a document and the particulars to be contained therein where Article 3 does not apply

4.—(1) If all or any of the liquid fuel on the road tanker is being carried in such circumstances that Article 3 does not apply, there shall, before the journey begins, be delivered to the person in charge of the road tanker a document stating—

- (a) the name and address of the person causing the liquid fuel to be carried;
- (b) the address of the premises to which the liquid fuel is to be delivered;
- (c) the date of the delivery of the liquid fuel; and
- (d) either a statement to the effect that all of the liquid fuel on the road tanker is liquid fuel to which Article 3 does not apply or a statement of the quantity of each type of liquid fuel on the road tanker, including the quantity of each grade of petrol, to which Article 3 does not apply; and for the purpose of calculating the quantity there shall be included liquid fuel in the delivery hose

in the case of a road tanker on which there is measuring equipment which incorporates a delivery hose which is permanently full.

(2) If the road tanker is carrying liquid fuel for delivery to each of two or more premises, paragraph (1) shall apply separately in relation to each of those premises.

(3) If any provision of this Article is contravened without reasonable cause, the person causing the liquid fuel to be carried shall be guilty of an offence.

Road tankers with meter measuring systems

5. Where there is a meter measuring system on the road tanker, the person for the time being in charge of the road tanker shall record on a document or set of documents any quantity of liquid fuel registered as passing through the meter in the course of the journey other than liquid fuel actually delivered; and if at any time there is a contravention of this Article without reasonable cause, the person in charge of the road tanker at that time shall be guilty of an offence.

Requirement to amend, add to or replace a delivery document and to deliver a document where the identity of the buyer was not known at the commencement of a journey

6.—(1) After any liquid fuel carried by the road tanker has been delivered to a buyer in pursuance of, or of an agreement for, a sale, the person for the time being in charge of the road tanker shall before leaving the premises at which the liquid fuel has been delivered if necessary amend, add to or replace the delivery document so as to show the quantity of each type of liquid fuel, including the quantity of each grade of petrol, actually delivered to the buyer and any other change in the information on the delivery document and shall deliver the delivery document to the buyer.

(2) Where the measuring equipment on the road tanker incorporates a ticket printing mechanism to enable a ticket to be issued indicating the quantity of liquid fuel actually delivered in each transaction, any ticket so issued which does not comprise the delivery document shall be attached to the delivery document before it is delivered to the buyer.

(3) Subject to paragraph (4), after any liquid fuel carried by the road tanker in contemplation of a sale has been delivered to a buyer, the person for the time being in charge of the road tanker shall, before leaving the premises at which the liquid fuel has been delivered, deliver a document to the buyer stating—

- (a) the name and address of the seller or his agent;
- (b) the name of the buyer and the address of the premises to which the liquid fuel has been delivered;
- (c) the date of the delivery of the liquid fuel to the buyer;
- (d) sufficient particulars to identify readily the quantity of liquid fuel delivered to the buyer with the load of liquid fuel on the road tanker at the beginning of the journey; and
- (e) the quantity of each type of liquid fuel, including the quantity of each grade of petrol, delivered to the buyer.

(4) Where the measuring equipment on the road tanker incorporates a ticket printing mechanism to enable a ticket to be issued indicating the quantity of liquid fuel actually delivered in each transaction, any ticket so issued—

- (a) if it states all the information specified in sub-paragraphs (a) to (e) of paragraph (3), shall be delivered to the buyer; or
- (b) in any other case, shall be attached to the document referred to in paragraph (3) before it is delivered to the buyer.

(5) If any document cannot be delivered to the buyer in pursuance of this Article, the person for the time being in charge of the road tanker shall leave it at some suitable

place at the premises at which the delivery of liquid fuel has been made, before leaving the premises.

(6) If at any time any provision of this Article is contravened without reasonable cause, the person in charge of the road tanker at that time shall be guilty of an offence.

Requirement to carry documents

7. Any document required by Article 3(2), until delivered to a buyer or left at premises at which delivery of liquid fuel has been made, and a copy of any document delivered or left under Article 6, and any document required by Article 3(1), 4 or 5; shall at all times during the journey be carried by the person for the time being in charge of the road tanker and shall be handed over by him to any other person to whom he hands over the charge of the road tanker in the course of the journey; and if at any time any provision of this Article is contravened without reasonable cause, the person in charge of the road tanker at that time shall be guilty of an offence.

Penalty for an offence

8. Any person guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding £2,000.

Sealed with the Official Seal of the Department of Economic Development on
15th November 1985.

(L.S.)

Margaret L. Johnston

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order prescribes documentation requirements for the carriage of liquid fuel by a road tanker along a highway.

Where liquid fuel is being carried on a road tanker on a highway in contemplation of a sale or for delivery to a buyer in pursuance of, or of an agreement for, a sale, there shall be delivered to the person in charge of the road tanker, before the journey begins, a document or set of documents showing the quantity of each type of fuel, including the quantity of each grade of petrol, on the road tanker at the start of the journey. Where the fuel is being carried on the road tanker in pursuance of, or of an agreement for, a sale, the documentation must also show the name and address of the seller or his agent, the destination of the fuel, the date of delivery and the quantities to be delivered to the buyer or buyers, if known, and other related particulars (Article 3).

Where all, or any, of the liquid fuel on a road tanker is being carried on a highway on occasions when it is not for sale, there shall be delivered to the person in charge of the road tanker, before the journey begins, a document showing the name and address of the person causing the fuel to be delivered, the destination of the fuel, the date of delivery of the fuel and a statement as to the quantity of the fuel to which Article 3 does not apply (Article 4).

Certain road tankers are fitted with a meter measuring system and the meter will sometimes have to be advanced without delivering any fuel to a customer. The person in charge of the road tanker is required to document the quantity of any such fuel passing through the meter (Article 5).

After any liquid fuel carried on a road tanker in pursuance of a sale, or of an agreement for, a sale has been delivered to a buyer, the person in charge of the road tanker shall, before leaving the premises at which the fuel has been delivered, if necessary, amend, add to or replace the delivery document so as to show the quantity of each type of fuel actually delivered and any other change in the information on the document and shall deliver the document to the buyer. If the measuring equipment on the road tanker incorporates a ticket printing mechanism which produces a ticket indicating the quantity of liquid fuel actually delivered in each transaction, and the ticket is not itself the delivery document, then the ticket must be attached to the delivery document before it is delivered to the buyer. Also, where any liquid fuel carried on a road tanker in contemplation of a sale has been delivered to a buyer, the person in charge of the road tanker shall, before leaving the premises at which the fuel has been delivered, deliver a document to the buyer stating the name and address of the seller or his agent, the destination of the fuel, the date of delivery, the quantity of fuel delivered to the buyer and other related particulars. Where it is not possible to deliver any document required to be delivered to the buyer by the Order, the person in charge of the road tanker shall leave it at some suitable place at the premises at which the delivery of liquid fuel has been made, before leaving the premises (Article 6).

Documents required by the Order, or, in certain circumstances, copies of the documents, must be carried on the road tanker at all times during the journey (Article 7).

The Order provides that contravention of Articles 3, 4, 5, 6 and 7 is an offence and the penalty on summary conviction for such an offence is £2,000.

Copies of the British Standard Specification referred to in Article 1(2) can be obtained from the British Standards Institution, Linford Wood, Milton Keynes, MK14 6LE [telephone number Milton Keynes (STD 0908) 320066].