STATUTORY INSTRUMENTS

1974 No. 948

CONTROL OF FUEL AND ELECTRICITY

The Motor Fuel (Filling Stations) (Scotland) Order 1974

Made - - - -	*3rd June* 1974
Laid before Parliament	*4th June* 1974
Coming into Operation	*4th June* 1974

The Secretary of State, in exercise of his powers under section 2(1)(*a*) 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, hereby orders as follows:—

1. This Order may be cited as the Motor Fuel (Filling Stations) (Scotland) Order 1974 and shall come into operation on 4th June 1974.

2. In this Order—

" dealer " means a person carrying on business as a supplier of motor fuel by retail;

" disabled person's vehicle " means a mechanically propelled vehicle used for the carriage of a person suffering from some physical defect or disability and thereby exempted from vehicle excise duty;

" filling station " means any premises at which motor fuel is supplied by retail for use in motor vehicles;

" motor fuel " means—

(*a*) light oil (within the meaning of the Hydrocarbon Oil (Customs & Excise) Act 1971(**c**)) of a kind intended for use as fuel for propelling a motor vehicle; or

(*b*) heavy oil (within the meaning of that Act) of a kind intended for use as fuel for propelling a motor vehicle other than heavy oil in respect of which rebate of duty has been allowed under section 9 of that Act;

" motor vehicle " means a mechanically propelled vehicle intended or adapted for use on roads;

" specified purpose " means one of the purposes specified in the Schedule to this Order.

3.—(1) Except under the authority of a licence granted by the Secretary of State under this Order a person shall not acquire motor fuel from a dealer at or from a filling station on any day between 7 a.m. and 10 a.m. unless the fuel is acquired—

(*a*) subject to compliance with paragraph (2) below, as fuel which is necessary for the carrying out of a specified purpose;

(*b*) as fuel for propelling a disabled person's vehicle; or

(*c*) as fuel for dealing with any accident or emergency involving immediate danger to life, health or property.

(**a**) 1973 c. 67. (**b**) 1964 c. 60. (**c**) 1971 c. 12.

(2) A person shall not acquire motor fuel in accordance with paragraph (1)(*a*) above unless—

(*a*) he produces to the dealer or his agent sufficient written evidence that the fuel so acquired is necessary for the carrying out of a specified purpose; or

(*b*) the fuel is supplied directly into the ordinary fuel tank of a vehicle where the nature of the vehicle or of the load it is carrying provides sufficient evidence that that vehicle is being, or is about to be, used for a specified purpose.

4. A dealer shall not supply motor fuel to any person at or from a filling station at any time between 7 a.m. and 10 a.m. on any day unless, in any case of supply in accordance with Article 3(1)(*a*) above, the person acquiring the fuel in question complies with Article 3(2)(*a*) above or, in any case of supply in accordance with Article 3(1)(*a*), (*b*) or (*c*) above or in accordance with a licence granted under this Order, the dealer has sufficient evidence for a reasonable belief that the fuel is being acquired in accordance with Article 3(1) of this Order.

5. Nothing in this Order shall prevent the supply to, or acquisition by, a person of such motor fuel as is required to be supplied to that person by a direction given by the Secretary of State under section 2(2)(*b*) of the Fuel and Electricity (Control) Act 1973.

6. This Order shall apply only in Scotland.

Eric Varley,
Secretary of State for Energy.

3rd June 1974.

SCHEDULE

Authorised Purposes

1.—(1) Operation of the following transport services:—

(*a*) stage services licensed as such;

(*b*) express services (excluding tours);

(*c*) services provided by employers of labour for taking their employees to or from their work by means of vehicles adapted to carry eight or more passengers;

(*d*) airport bus services;

(*e*) vehicles needed by the British Railways Board for operational or maintenance purposes;

(*f*) school transport services (including transport for the School Meals Service) provided or approved by local education authorities.

(2) Operation of air traffic control, safety and navigational services.

2. Performance of police functions.

3. Operation of Fire Services.

4. Provision of medical and veterinary services, including—

(*a*) performance of their professional duties by registered medical practitioners and registered dentists;

(*b*) provision of midwifery and home nursing services;

(*c*) transport of sick and injured persons to or from a hospital or place where health services are provided;

(*d*) transport for essential health service purposes;

(*e*) performance of their professional duties by registered veterinary surgeons and registered veterinary practitioners;

(*f*) operation of emergency generating sets used in connection with home dialysis and iron lung equipment;

(*g*) performance of their professional duties by registered pharmacists;

(*h*) provision of medical and pharmaceutical supplies and appliances (excluding cosmetics and toilet articles) for hospitals or other places where health services are provided or for pharmacies.

5.—(1) Distribution of milk.

(2) Manufacture or distribution of food or animal feeding stuffs (excluding intoxicating liquor, soft drinks, fruit juices, chocolate, chocolate confectionery and sugar confectionery).

(3) Manufacture or distribution of salt.

(4) Slaughtering or movement of animals (including poultry) in the course of business.

(5) Operation of agricultural or horticultural tractors, machinery and equipment for the production of food or animal feeding stuffs.

(6) Distribution of fertilisers (including lime) or other agricultural chemicals for use by farmers or horticulturists for the production of food or animal feeding stuffs.

6.—(1) Printing or distribution of daily or evening newspapers or newspapers normally published on a Sunday or weekly newspapers containing a broad range of news of general interest.

(2) Collection or dissemination of news by reporters and similar persons in the course of business.

7. Manufacture or distribution of ice or dry ice for use in the food trades or health services.

8. Maintenance of gas, electricity and water supplies.

9. Operation of sewerage, refuse, drainage and public health services.

10. Operation of postal and telecommunication services (including broadcasting).

11. Production, manufacture or distribution of solid and liquid fuel in the course of business.

12.—(1) Provision of essential local authority services or essential social services provided by voluntary bodies.

(2) Scavenging, gritting and snow-clearing.

13. Collection or distribution of laundry work.

14. Funerals, burial and cremation.

15. Operation of fishing vessels.

16. Distribution of lubricating oil for ships.

17. Maintenance or repair of vehicles, machinery or equipment used wholly or mainly for a purpose specified elsewhere in this Schedule.

18. Operation of animal health services.

19. Administration of justice.

20. Household removal in the course of business.

21. Performance of the functions of the mission or consular posts of any State.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which applies only in Scotland, prohibits the acquisition of motor fuel at or from filling stations between 7 a.m. and 10 a.m. unless it is acquired for certain specified purposes.

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