(9) MOTOR FUEL

1956 No. 1840

The Motor Fuel (No. 2) Order, 1956

Made - - - - 20*th November*, 1956
Laid before Parliament 21*st November*, 1956
Coming into Operation as prescribed in Article one of the Order

The Minister of Fuel and Power, in pursuance of Regulations fifty-five and fifty-five AA of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(a) (as extended by the Supplies and Services (Extended Purposes) Act, 1947(b) and the Supplies and Services (Defence Purposes) Act, 1951(c), and continued in force by the Supplies and Services (Continuance) Order, 1955(d)), and of all other powers him enabling in that behalf, hereby makes the following Order:—

Commencement and citation

1. This Order shall come into operation—

(*a*) as respects Articles 3, 10, 11, 12, 20 and 23 on such date as may be prescribed by the Minister(e);

(*b*) in all other respects on the twenty-second day of November, nineteen hundred and fifty-six;

and may be cited as the Motor Fuel (No. 2) Order, 1956.

Interpretation

2.—(1) In this Order the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"aviation spirit" means motor spirit which has a final boiling point not exceeding 170° Centigrade;

"basic ration" means an allowance of motor fuel made in respect of a motor vehicle which is not subject to any specific conditions as to user;

"basic ration coupon" means a coupon relating to a basic ration;

"Chief Officer of Police" has the same meaning as in the Police Pensions Act, 1921(f);

"coupon" means a coupon issued by or on behalf of the Minister as authority for the acquisition of motor fuel;

"dealer" means a supplier carrying on the business of supplying motor fuel as a retailer;

(a) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945/1618 (1945 II, p. 48).
(b) 10 & 11 Geo. 6. c. 55. (c) 14 & 15 Geo. 6. c. 25.
(d) S.I. 1955/1810 (1955 II, p. 2491).
(e) For commencement, 17.12.56, *see* No. 3 Order, p. 2326 below.
(f) 11 & 12 Geo. 5. c. 31.

" final boiling point " means in relation to oil the maximum temperature observed on the distillation thermometer when the oil is tested by the method specified in paragraph (*c*) of Article 20 hereof;

" heavy oil " means hydrocarbon oil, other than motor spirit, for supplying motive power to a motor vehicle;

" hydrocarbon oil " means petroleum oil;

" internal combustion engine " means any engine in which the energy necessary to produce motion is developed by the combustion of a fuel in the engine cylinder;

" issued " means—

(*a*) in Great Britain issued by or on behalf of the Minister or the Minister of Transport and Civil Aviation;

(*b*) in Northern Ireland issued by or on behalf of the Ministry;

and the expression " issue " shall be construed accordingly;

" kerosene " means hydrocarbon oil having a closed flash point not less than seventy-three, and not greater than one hundred and fifty, degrees Fahrenheit;

" the Minister " means the Minister of Fuel and Power;

" the Ministry " means the Ministry of Commerce for Northern Ireland;

" motor fuel " means heavy oil and motor spirit, other than aviation spirit;

" motor spirit" means hydrocarbon oils of which not less than fifty per cent by volume distils at a temperature not exceeding 185° Centigrade, or of which not less than ninety-five per cent by volume distils at a temperature not exceeding 240° Centigrade, or which give off an inflammable vapour at a temperature of less than 22·8° Centigrade when tested in a manner prescribed by the Acts relating to petroleum, for use in a spark ignition engine;

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

" prescribed " means prescribed by Order of the Minister;

" private motor car " means a motor vehicle adapted to carry not more than seven passengers exclusive of the driver which is being used under a licence marked " private " or " private and farmers' goods " taken out under Section 6 of the Vehicles (Excise) Act, 1949(**a**), not being a vehicle licensed under the Motor Vehicles (Traffic and Regulation) Act (Northern Ireland), 1926;

" private motor-cycle " means a motor vehicle which is being used under a licence taken out under Section 2 (2) of the Vehicles (Excise) Act, 1949, upon which the class entry is " bicycle ", " sidecar-bicycle ", " tricycle " or " P.C.V." (pedestrian controlled vehicle);

" producer " means a person carrying on any business involving the production of any motor fuel;

" supplier " means a person carrying on the business of supplying motor fuel.

(2) References in this Order to the furnishing or acquisition of motor fuel shall be construed as including references to agreeing, offering or attempting to furnish or acquire motor fuel.

(a) 12, 13 & 14 Geo. 6. c. 89.

Restrictions on the furnishing and acquisition of motor fuel

3.—(1) Subject to the provisions of paragraph (2) hereof, except under the authority of a licence:—

(*a*) no person other than a supplier shall furnish any motor fuel;

(*b*) no person shall acquire any motor fuel otherwise than from a supplier;

(*c*) no person shall furnish or acquire any motor fuel otherwise than against the surrender to the supplier thereof of one or more coupons authorising such supply, each such coupon being a coupon on which any particulars or signature required in pursuance of Article four hereof have been inserted as there provided, and on which (or, in the case of a basic ration coupon, on the cover of the book in which it was issued) there appears, if it authorises supply to a motor vehicle, a number or description applicable to the vehicle, or to the class to which the vehicle belongs:

Provided that nothing in this sub-paragraph shall restrict the furnishing of motor fuel by wholesale to a dealer if the coupons surrendered (being coupons which authorised supply by that dealer on the date on which they were surrendered to him) cover the amount of supply less an allowance of one per centum, and are delivered by the dealer with such information inserted thereon by him as is required to be so furnished;

(2) The provisions of paragraph (1) hereof shall not apply to:—

(*a*) any motor fuel furnished to any person for refining, treating or blending in the course of a business carried on by that person;

(*b*) benzole (other than motor benzole mixtures), special boiling point spirits, white spirit, rubber solvent or kerosene;

(*c*) diesel oil for use in any motor vehicle to which paragraphs (*a*), (*b*), (*c*) and (*d*) of subsection (2) of section four of the Vehicles (Excise) Act, 1949, as amended by section thirteen of the Finance Act, 1950(**a**), apply or in a road roller;

(*d*) the importation of any motor fuel.

(3) Where any person is in connection with his business as a supplier in possession of motor fuel, and any of the said motor fuel is placed in the tank of a motor vehicle bearing a licence taken out under the Vehicles (Excise) Act, 1949, the provisions of this Order shall apply with respect to that motor fuel as if it were furnished by a supplier at the time of the placing; and the surrender of coupons shall be required accordingly.

Insertion of particulars on coupons before surrender

4. Before any coupon is in pursuance of Article three hereof tendered to a supplier, being a coupon upon which there was at the time of issue an empty space expressed to be for the name of the person to whom, or the registered number, class or description of the vehicle for which, or the purpose for which, it was issued, the person to whom that coupon was issued shall enter full particulars as so specified in ink in that space, or cause the same to be so entered; and, where on any such coupon there is a space expressed to be for signature, that person shall before tender as aforesaid sign that coupon in ink in that space, or cause it to be so signed on his behalf.

(a) 14 Geo. 6. c. 15.

Restrictions on use and transfer of coupons

5.—(1) Except under the authority of a licence, no person shall use any coupon, or cause or allow the use of any coupon, or knowingly furnish any motor fuel against the surrender of any coupon:—

(*a*) for a purpose not mentioned in the application on which that coupon was issued, or for a purpose mentioned in such an application but specified at the time of the issue of that coupon as not being a purpose for which it was issued;

(*b*) otherwise than in accordance with any condition or instruction appearing on or attached to that coupon, or at any time communicated in writing to the person to whom it was issued.

(2) Without prejudice to the generality of paragraph (1) of this Article no person shall, except under the authority of a licence, acquire or knowingly furnish any motor fuel for use in a private motor car or private motor-cycle against the surrender of any coupon upon which appears any of the following combinations of letters:—

(i) "GOODS" and "X";

(ii) "PASS" and "Y";

(iii) "AGR" and "F";

(iv) "IND" and "W"; or

(v) "P.T." and "T".

(3) Except under the authority of a licence, no person shall transfer any coupon to any other person, or accept, or be in possession of, any coupon which is being, or has to his knowledge been, so transferred.

(4) In paragraph (3) hereof the expression "transfer" includes any delivery to, or deposit of coupons with, a supplier, or his servant or agent, otherwise than by way of surrender in accordance with the provisions of this Order.

Surrender of coupons before date of supply

6. Notwithstanding anything contained in Article five hereof any person to whom there has been issued any coupon upon which appears any of the following combinations of letters:—

(i) "GOODS" and "X";

(ii) "PASS" and "Y";

(iii) "AGR" and "F"; or

(iv) "IND" and "W";

may, at any time during the period of validity of the coupon, after entering particulars on it in accordance with Article 4 hereof, surrender it to any dealer.

Supply of motor fuel after surrender of coupons

7.—(1) Where any coupon is surrendered by any person to any dealer as aforesaid, that dealer may, subject to the provisions hereinafter contained, furnish a supply of motor fuel to that person at any time during the period of validity of that coupon, and that person may acquire the same.

(2) No supply furnished by virtue of sub-paragraph (1) of this Article shall exceed in quantity an amount equal to the difference between the total amount authorised by the coupon, and the total quantity previously so supplied in respect thereof.

(3) Any supply furnished by virtue of sub-paragraph (1) of this Article shall for the purpose of Article eleven hereof be deemed to have been furnished against the surrender of the coupon.

Keeping of records by dealers, and entry of particulars

8. Where any coupon is surrendered by any person to any dealer as aforesaid, that dealer shall—

(*a*) keep a record showing—

(i) the name and address of that person;

(ii) the date of the surrender;

(iii) the combination of letters appearing on the coupon;

(iv) the total amount authorised by the coupon;

(v) the period of validity of the coupon;

(vi) the date of each supply furnished to that person in respect of the coupon, and the quantity then supplied;

(*b*) on or before the date on which he surrenders the coupon to a supplier, insert on it all such information as is required to be so furnished.

Surrender of unused coupons

9.—(1) Where any coupon is surrendered by any person to any dealer as aforesaid, and the period of validity of that coupon expires before any supply of motor fuel in respect thereof has been furnished to that person, the dealer shall forthwith return it to that person.

(2) Any coupon so returned shall for the purpose of Article sixteen hereof be deemed never to have been surrendered.

Restrictions on possession of kerosene

10.—(1) Except under the authority of a licence, no person shall be in possession of any kerosene in admixture with motor spirit.

(2) For the purpose of paragraph (1) of this Article, or of paragraph (5) of Article eleven hereof, motor spirit or any other hydrocarbon oil shall be deemed to contain kerosene in admixture if, with a closed flashpoint less than seventy-three degrees Fahrenheit, the final boiling point thereof exceeds two hundred and fifteen degrees Centigrade, or if, with a closed flashpoint greater than one hundred and fifty degrees Fahrenheit, not less than twenty per centum thereof by volume distils at a temperature not greater than two hundred and ten degrees Centigrade.

Restrictions on use of motor fuel

11.—(1) Except under the authority of a licence, no person shall use any motor fuel, or cause or allow the use of any motor fuel, acquired against the surrender of any coupon:—

(*a*) for a purpose not mentioned in the application on which that coupon was issued, or for a purpose mentioned in that application but specified at the time of the issue of the coupon as not being a purpose for which the coupon was issued;

(*b*) otherwise than in accordance with any condition or instruction appearing on or attached to that coupon, or at any time communicated in writing to the person to whom the coupon was issued; or

(*c*) where a coupon was acquired in respect of a particular motor vehicle, or class or description of motor vehicles, in any other motor vehicle, or in any motor vehicle of another class or description, as the case may be.

(2) The provisions of paragraph (1) of this Article shall, with the substitution for references to the issue of the coupon of references to the

granting of the licence, apply in relation to motor fuel acquired under the authority of a licence as they apply in relation to motor fuel acquired against the surrender of a coupon.

(3) No person shall use any motor fuel, or cause or allow the use of any motor fuel, furnished for any of the purposes mentioned in sub-paragraph (*a*) or (*c*) of paragraph (2) of Article three hereof otherwise than for such purpose.

(4) Except under the authority of a licence, no person shall use any kerosene, or cause or allow the use of any kerosene, whether or not in admixture, for supplying motive power to any motor vehicle chargeable with duty under the Vehicles (Excise) Act, 1949, not being a vehicle to which section four of that Act, as amended by section thirteen of the Finance Act, 1950, applies.

(5) Except under the authority of a licence, no person shall use any special boiling point spirits, white spirit or rubber solvent for supplying motive power to an internal combustion engine, or cause or allow any such use.

Restrictions on use of motor fuel by producers

12. Except under the authority of a licence, no producer shall use any motor fuel, or permit the use of any motor fuel, produced by him for supplying motive power to a motor vehicle registered in his name under the Vehicles (Excise) Act, 1949.

Relaxation of restrictions in case of transfer of ownership of a motor vehicle

13. Where any motor vehicle registered under the Vehicles (Excise) Act, 1949, is duly transferred for the purposes of that Act by the person in whose name it is registered to another person, nothing in this Order shall restrict:—

(*a*) the transfer by that person to that other person of any basic ration coupon issued in relation to that vehicle;

(*b*) the transfer as aforesaid, or the use by that other person, of any motor fuel in the tank of that vehicle at the time of the said transfer.

Value of unit

14. The quantities of motor fuel respectively equivalent to one unit and half a unit with respect to any coupon shall be such as may be prescribed by the Minister.

Period of validity of coupons

15. Any coupon shall be authority for the supply of motor fuel against the surrender thereof during such period as may be prescribed by the Minister.

Additional provisions relating to coupons

16.—(1) Every coupon issued in pursuance of this Order shall be the property of the Minister, and any person being in possession of any such coupon shall if requested to do so by or on behalf of the Minister or in Northern Ireland by or on behalf of the Ministry deliver it to such person or to a person of such class and description and within such time as may be specified in the request.

(2) Any person to whom any coupon has been issued or lawfully transferred shall, if it has not been surrendered to a supplier in pursuance of Article one hereof, or delivered up in pursuance of a request made under paragraph (1) of this Article, deliver it by hand or by post to the office at which it was issued within the fourteen days next following:—

(*a*) the end of the period during which the supply of motor fuel against surrender of that coupon, or if it is included in a book, against surrender

of the last coupon in that book, is authorised under the provisions of this Order; or

(*b*) the day on which the purposes for which that coupon was issued cease to apply; or

(*c*) in the case of a coupon authorising supply for a motor vehicle licensed for use on roads, the day on which that motor vehicle ceases to be so licensed;

whichever first occurs.

(3) Any person authorised in writing by the Minister, or by a Chief Officer of Police, in that behalf may, on production of his authority, require any person in possession of any coupon to produce it to him, and may take possession of any such coupon which he has reasonable ground for believing to have been, or to be, evidence of an offence against this Order or the Defence (General) Regulations, 1939.

(4) The provisions of paragraph (3) of this Article shall apply in relation to any forged coupon, or to any document so closely resembling a coupon as to be calculated to deceive, as they apply in relation to a coupon.

(5) The Minister hereby delegates the function of issuing coupons—

(*a*) in Great Britain to the Minister of Transport and Civil Aviation;

(*b*) in Northern Ireland to the Ministry.

Certain persons to keep records

17.—(1) Any person to whom in connection with any public utility undertaking, or undertaking by way of trade or business, carried on by him, there has been issued any coupon upon which appears a combination of letters:—

(*a*) "AGR" and "F";

(*b*) "IND" and "W"; or

(*c*) "MISC" and "Z";

shall keep records of the motor fuel acquired against the surrender thereof; and shall also keep a record of the quantity thereof respectively used for every purpose for which any such coupon was issued.

(2) The said records shall show every date on which motor fuel was acquired as aforesaid, the quantity then acquired, and the name and address of every supplier from whom any was acquired.

Provisions concerning records

18.—(1) Every person required to keep any such record as aforesaid shall, if requested to do so by or on behalf of the Minister or in Northern Ireland by or on behalf of the Ministry:—

(*a*) produce that record; or

(*b*) deliver that record, or such part thereof, or a copy of so much thereof, as may be specified in the request to such person or to a person of such class and description, and within such time, as may be specified in the request.

(2) Every person required to keep any such record as aforesaid shall, unless it has been delivered up under paragraph (1) of this Article and not returned to him, or unless the Minister shall otherwise direct, preserve that record for a period of one year from the date of the transaction to which it refers.

Directions, licences and authorities

19.—(1) The provisions of this Order are subject to any directions which may at any time be given by or on behalf of the Minister or the Minister of Transport and Civil Aviation, or in respect of Northern Ireland by or on behalf of the Minister or the Ministry, and to any licence or authority which may be granted under this Order by or on behalf of the Minister or the Minister of Transport and Civil Aviation, or in respect of Northern Ireland by or on behalf of the Minister or the Ministry; and the Minister hereby delegates the function of giving or granting any such directions, licence or authority in respect of—

(*a*) Great Britain to the Minister of Transport and Civil Aviation;

(*b*) Northern Ireland to the Ministry.

(2) Every person holding a licence or authority granted under this Order shall comply with every condition imposed by such licence or authority.

(3) Every licence or authority granted under this Order shall be the property of the Minister and shall be revocable without prior notice; and any person being in possession of any such licence or authority shall, if requested to do so by or on behalf of the Minister, or in Northern Ireland by or on behalf of the Ministry, produce or deliver it to such person or to a person of such class and description, and within such time, as may be specified in the request.

Methods of test

20. The method of test for the flashpoint of any hydrocarbon oil, or for the final boiling point, or the percentage by volume distilling at any specified temperature, of any such oil, shall be the method of test relating thereto set out in "Standard Methods for Testing Petroleum and its Products" (Edition 1956), published by the Institute of Petroleum, being:—

(*a*) for the flash point of hydrocarbon oil having a closed flash point not greater than one hundred and twenty degrees Fahrenheit, method I.P.—33/55;

(*b*) for the flash point of hydrocarbon oil having a closed flash point greater than one hundred and twenty degrees Fahrenheit, method I.P.—34/55;

(*c*) for the determination of the final boiling point, or of the percentage by volume distilling at a specified temperature, of hydrocarbon oil having a closed flash point less than seventy-three degrees Fahrenheit, method I.P.—123/55;

(*d*) for the determination of the percentage by volume distilling at the specified temperature of hydrocarbon oil having a closed flash point greater than one hundred and fifty degrees Fahrenheit, method I.P.—123/55.

Infringements

21. Infringements of this Order are offences against the Defence (General) Regulations, 1939.

Application to Northern Ireland

22.—(1) The provisions of this Article shall have effect in the application of this Order to Northern Ireland.

(2) A reference to any enactment shall be construed as a reference to that enactment as it has effect in Northern Ireland.

(3) There shall be substituted for any reference to:—

(*a*) the Vehicles (Excise) Act, 1949, a reference to the corresponding provisions of the Vehicles (Excise) Act (Northern Ireland), 1954;

(*b*) a Chief Officer of Police, a reference to a County Inspector of the Royal Ulster Constabulary.

Revocation

23. The Motor Fuel Order, 1956(**a**), is hereby revoked, but without prejudice to any proceedings in respect of any contravention thereof.

Dated this twentieth day of November, nineteen hundred and fifty-six.

Aubrey Jones,
Minister of Fuel and Power.

EXPLANATORY NOTE

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

This Order provides that, as from a date to be prescribed by the Minister of Fuel and Power, heavy oil for use in motor vehicles and motor spirit, other than aviation spirit, may be supplied or acquired only against the surrender of coupons or under a licence. This applies to wholesale supplies as well as to retail; but the surrender of coupons by retailers for wholesale supplies is subject to an allowance of 1 per cent. of the amount supplied.

The surrender of coupons is not required in the case of—

(i) motor fuel supplied for refining, treating or blending;

(ii) benzole (other than motor benzole mixtures), special boiling point spirits, white spirit, rubber solvent or kerosene;

(iii) diesel oil for use in certain specified vehicles mainly used for agricultural purposes;

(iv) the importation of motor fuel.

Certain particulars are required to be entered on coupons before they are surrendered, and, while certain specified coupons may be deposited with dealers, restrictions are placed on the use and transfer of coupons. The value and period of validity of coupons shall be as prescribed by the Minister.

The Order restricts the use of motor fuel when it has been acquired, and also the use of kerosene, special boiling point spirits, white spirit and rubber solvent.

Persons to whom certain specified coupons have been issued are required to keep records of motor fuel acquired and used.

Methods of test for hydrocarbon oils are prescribed.

The Order revokes the Motor Fuel Order, 1956 (S.I. 1956/1742) which imposed certain restrictions on the acquisition of motor fuel from retailers.

(**a**) S.I. 1956/1742.