STATUTORY INSTRUMENTS

1985 No. 778

WEIGHTS AND MEASURES

The Weights and Measures (Liquid Fuel carried by Road Tanker) Order 1985

Laid before Parliament in draft

Made - - - -	20*th May* 1985
Coming into Operation	1*st June* 1986

Whereas the Secretary of State pursuant to section 54(2) of the Weights and Measures Act 1963 (**a**) (hereinafter referred to as "the Act") has consulted with organisations appearing to him to be representative of interests substantially affected by this Order and considered the representations made to him by such organisations with respect to the subject matter of this Order:

And whereas a draft of this Order has been laid before Parliament and approved by resolution of each House of Parliament pursuant to section 54(3) of the Act:

Now, therefore, the Secretary of State, in exercise of the powers conferred by sections 21(2), (3) and (5) and 54(1) of the Act and now vested in him (**b**) and of all other powers enabling him in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Weights and Measures (Liquid Fuel carried by Road Tanker) Order 1985 and shall come into operation on 1st June 1986.

(2) In this Order—

"delivery document" has the meaning assigned to it by Article 3(2) below;

"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;

(a) 1963 c.31. (b) S.I. 1970/1537. (c) ISBN No. 0 580 10408 7. (d) 1952 c.67.

"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 3 m^3 carried on a vehicle.

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.

3.—(1) If the road tanker is carrying any liquid fuel for delivery to a buyer in pursuance of, or of an agreement for, a sale, or in contemplation of 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 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 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) above 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.

4.—(1) If all or any of the liquid fuel on the road tanker is being carried in such circumstances that Article 3 above 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 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 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) above 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.

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 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.

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—

(a) 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:

Provided that, 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; and

(b) deliver the delivery document to the buyer.

(2) 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:

Provided that, 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—

(i) if it states all the information specified in sub-paragraphs *(a)* to *(e)* above, shall be delivered to the buyer; or

(ii) in any other case, shall be attached to the document in question.

(3) 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.

(4) 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.

7. Any document required by Article 3(2) above 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 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.

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

Alexander Fletcher,
Parliamentary Under-Secretary of State,
Department of Trade and Industry.

20th May 1985.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

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

The Order requires a document, or set of documents, to be associated with the liquid fuel being carried showing the quantity of liquid fuel loaded on the road tanker at the beginning of a journey in pursuance of a sale or an agreement for a sale or in contemplation of a sale and where known to the seller or his agent the quantity to be delivered to a buyer together with other particulars. The Order also requires a document to be delivered to a buyer showing the quantity actually delivered.

The requirement for a document to be associated with the liquid fuel applies also where it is not for sale, eg where it is carried between two depots.

Copies of the British Standard Specification referred to in Article 1(2) of the Order can be obtained from any of the sales outlets operated by the British Standards Institution (BSI) or by post from the BSI at Milton Keynes.

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