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 $3m^3$ 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