

Guernsey

Statutory Instrument

1956 No. 33

The Motor Fuel (Bailiwick of Guernsey) (No.2) Order, 1956

As Competent Authorities as respects the Bailiwick of Guernsey excluding the Island of Alderney, and as respects the Island of Alderney respectively, in relation to Regulation fifty-five of the Defence (General) (Guernsey) Regulations, 1945, we hereby make the following Order:-

Commencement and citation

1. This Order shall come into operation -

(a) as respects Articles three, ten, eleven, twelve, twenty and twenty-two on the first day of January, nineteen hundred and fifty-seven;

(b) in all other respects on the seventh day of December, nineteen hundred and fifty-six;

and may be cited as the Motor Fuel (Bailiwick of Guernsey) (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:-

"the appropriate Authority" means -

(a) as respects the Bailiwick of Guernsey excluding the Island of Alderney, the Board;

(b) as respects the Island of Alderney, the States of Alderney Finance Committee;

"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;

"the Board" means the States of Guernsey Board of Administration;

"Chief Officer of Police" means -

(a) in relation to the Islands of Guernsey, Herm and Jethou, the

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Chief Officer of the salaried police force of the Island of Guernsey;

(b) in relation to the Island of Alderney, the said Chief Officer or the Clerk of the Court of Alderney;

(c) in relation to the Island of Sark, the Constable;

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

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

"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 twenty of this Order;

"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 issued by or on behalf of the appropriate Authority, 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;

"motor cycle" includes a motor cycle combination and an auticycle, bicycle or tricycle which is being used or is adapted for use as a mechanically propelled vehicle;

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

"motor spirit" means hydrocarbon oils of which not less than fifty per centum by volume distils at a temperature not exceeding 185° Centigrade, or of which not less than ninety-five per centum 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 of the United Kingdom 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 appropriate Authority;

"private motor car" means a motor vehicle adapted to carry not more than seven passengers, exclusive of the driver, not being a public vehicle duly licensed as such by the Passenger Transport Licensing Authority under and by virtue of the Passenger Transport Licensing Authority (Guernsey) Law, 1949, or a motor vehicle operating as a private hire car under the authority of the appropriate Authority;

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

"public vehicle" has the same meaning as in the Passenger Transport Licensing Authority (Guernsey) Law, 1949;

"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.

(3) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Order as it applies to the interpretation of a Guernsey enactment.

(4) Except in so far as the context otherwise requires, any reference in this Order to any enactment shall be construed as a reference to the enactment as amended, extended or applied by or under any other enactment.

Restrictions on the furnishing and acquisition of motor fuel

3. (1) Subject to the provisions of paragraph (2) of this Article, 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 of this Order 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) of this Article 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 agricultural tractor to which the first proviso to Article four of the Law entitled "Loi relative aux Automobiles", registered on the eleventh day of December, nineteen hundred and twenty-six, applies, in any vehicle designed and constructed as a mobile crane to which the Motor Vehicles (Taxation and Licensing) (Amendment) Law, 1956, applies 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 Motor Vehicles (Taxation and Licensing) Laws, 1926 to 1956, 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 of this Order .

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.

. 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 in a 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) of this Article 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 of this Order, 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 four of this Order, 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 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 paragraph (1) of this Article shall for the purpose of Article eleven of this Order 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 of this Order be deemed not 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 and of paragraph (5) of Article eleven of this Order, motor spirit or any other hydrocarbon oil shall be deemed to contain kerosene in admixture if, with a closed flash point less than seventy-three degrees Fahrenheit, the final boiling point thereof exceeds two hundred and fifteen degrees Centigrade, or if, with a closed flash point 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) and (c) of paragraph (2) of Article three of this Order 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 tax under the Motor Vehicles (Taxation and Licensing) Laws, 1926 to 1956, not being an agricultural tractor to which the first proviso to Article four of the Law entitled "Loi relative aux Automobiles", registered on the eleventh day of December, nineteen hundred and twenty-six, applies or a vehicle designed and constructed as a mobile crane to which the Motor Vehicles (Taxation and Licensing) (Amendment) Law, 1956, 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 Motor Vehicles (Taxation and Licensing) Laws, 1926 to 1956.

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

13. Where any motor vehicle registered under the Motor Vehicles (Taxation

and Licensing) Laws, 1926 to 1956, is duly transferred for the purposes of those Laws 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 from time to time be prescribed by the Board.

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 from time to time be prescribed by the Board.

Additional provisions relating to coupons

16. (1) Every coupon issued in pursuance of this Order shall be the property of the appropriate Authority, and any person being in possession of any such coupon shall if requested to do so by or on behalf of the appropriate Authority 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 of this Order, 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 in that behalf by the appropriate Authority or by the Chief Officer of Police 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) (Guernsey) Regulations, 1945.

(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.

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 appropriate Authority:-

- (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 appropriate Authority 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 appropriate Authority, and to any licence or authority which may be granted under this Order by or on behalf of the appropriate Authority.

(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 appropriate Authority 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 appropriate Authority, 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 flash point 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) (Guernsey) Regulations, 1945.

Revocation

22. The Motor Fuel (Bailiwick of Guernsey) Order, 1956, is hereby revoked, but without prejudice to any proceedings in respect of any contravention thereof.

Dated this seventh day of December, nineteen hundred and fifty-six.

(Signed) C. G. KAY-MOUAT

Chairman,
States of Alderney
Finance Committee.

(Signed) R. H. JOHNS

President,
States of Guernsey
Board of Administration.

EXPLANATORY NOTE

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

This Order provides that, as from the 1st January, 1957, 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 States Board of Administration.

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 (Bailiwick of Guernsey) Order, 1956, which imposed certain restrictions on the acquisition of motor fuel from retailers.