

Status: Point in time view as at 11/04/2009.

Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, Part IV. (See end of Document for details)

SCHEDULES

SCHEDULE 5

SOLID FUEL

PART IV

CARRIAGE OF SOLID FUEL BY RAIL

- 20 Where any seller of solid fuel causes that fuel to be loaded into a rail vehicle by way of, or for the purpose of, the delivery of that fuel to, or to a person nominated in that behalf by, the buyer, and the fuel is not carried on the vehicle made up in containers, then, except where at the time of loading it is known to the seller that before the fuel is delivered to the consignee it is to be loaded into a ship, paragraphs 21 to 25 below shall apply in relation to that vehicle.
- 21 Subject to paragraphs 22 and 28 below, the vehicle shall not be loaded until its tare weight has been determined or redetermined by means of suitable weighing equipment at the place of loading.
- 22 (1) Paragraph 21 above shall not apply to any rail vehicle which forms part of or is intended to form part of a train conveying only fuel destined for a particular generating station, gas works or other industrial undertaking if—
- (a) the vehicle is loaded by equipment which weighs the fuel and discharges it directly into the vehicle, or
 - (b) the buyer has agreed with the seller that the weight of the load shall be ascertained at the vehicle's destination, or
 - (c) the buyer has agreed to accept as the tare weight of the vehicle a tare weight ascertained not more than three months before the time of loading and the vehicle has marked upon it in durable lettering a statement of the weight so ascertained and of the date and place at which it was ascertained, or
 - (d) all the vehicles comprised in the train are coupled together in such a manner that they may be weighed while in motion by equipment designed to determine the total weight of the train, and the buyer has agreed with the seller that the total net weight of fuel carried in the train shall be ascertained by deducting the total weight of the train so determined before loading from the total weight thereof so determined when loaded.
- (2) Nothing in sub-paragraph (1)(c) above shall afford any exemption from the requirements of paragraph 21 above in the case of a vehicle which has undergone repairs or modification or has suffered substantial damage since its tare weight was last ascertained and marked as mentioned in that sub-paragraph.
- 23 ^{F1}(1) Subject to subparagraph (2) and paragraph 24 below], as soon as the loading has been completed and the seller has ascertained the weight of the vehicle with its load and the identity of the consignee, the seller shall cause to be attached to the vehicle a document stating—

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- (a) the name of the seller and the place and date of weighing,
- (b) the name of the consignee and the destination of the vehicle,
- (c) sufficient particulars to identify the vehicle,
- (d) the tare weight of the vehicle as determined or redetermined in pursuance of paragraph 21 above or, if by virtue of paragraph 28 below paragraph 21 does not apply to the vehicle, the tare weight of the vehicle expressed to be as estimated by the seller,
- (e) the weight attributed to the solid fuel in the vehicle by the seller for the purpose of calculating its purchase price, and
- (f) the type of that fuel.

[^{F2}(2) Subparagraph (1) above shall not apply if, at the time of departure of the vehicle from the place of loading, the seller causes to be transmitted to the buyer, for receipt not later than the time of arrival of the vehicle at the buyer's premises, the information required by subparagraphs (a) to (f) of subparagraph (1) above:

Provided that where such information is transmitted otherwise than in a legible form—

- (a) the seller and the buyer have agreed in writing that the information may be so transmitted;
- (b) the places of loading and destination of the vehicle are suitably equipped for the transmission and receipt of information in such form; and
- (c) the information is capable of being reproduced in a permanent legible form by the system effecting the transmission, and is so reproduced if required by an inspector, subject to the production, if so requested, of his credentials.]

Textual Amendments

F1 Words substituted by [S.I. 1987/216, art. 2\(a\)](#)

F2 Sch. 5 para.23(2) added by [S.I. 1987/216, art. 2\(b\)](#)

24 (1) Paragraph 23 above shall not apply to any vehicle forming part or intended to form part of any such train as is mentioned in paragraph 22 above, but the seller shall [^{F3}either (a)]before the departure of the train which includes that vehicle deliver to the authority responsible for railway traffic at the place of loading for carriage on that train a document (in this paragraph and paragraph 25 below referred to as “a train bill”) giving the information specified in sub-paragraph (2) below or, in the case of any such train as is mentioned in paragraph 22(1)(d) above, sub-paragraph (3) below. [^{F4}or (b) at the time of departure of the train which includes that vehicle transmit to the buyer, for receipt not later than the time of arrival of the train at the buyer's premises, the information required by subparagraph (2) or, as the case may be, subparagraph (3) below:]

[^{F4}Provided that where such information is transmitted otherwise than in a legible form—]

- [^{F4}(a) the seller and buyer have agreed in writing that the information may be so transmitted;
- (b) the places of loading and destination of the train are suitably equipped for the transmission and receipt of information in such form; and

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- (c) the information is capable of being reproduced in a permanent legible form by the system effecting the transmission, and is so reproduced if required by an inspector, subject to the production, if so requested, of his credentials.]
- (2) Except in a case to which sub-paragraph (3) below applies, the train bill shall contain the following information—
- (a) the names of the seller and of the consignee and the destination of the train,
 - (b) sufficient particulars to identify each vehicle in the train,
 - (c) the date and place of loading of each vehicle,
 - (d) a statement of the type of fuel in each vehicle,
 - (e) except in the case of fuel which a buyer has agreed shall be weighed at the train's destination, the weight attributed by the seller to the fuel in each vehicle for the purpose of calculating its purchase price,
 - (f) where any vehicle is not exempted from paragraph 21 above, the tare weight of that vehicle,
 - (g) where any vehicle has been loaded by equipment which weighs fuel and discharges it directly into vehicles, a statement as to the vehicle which has been so loaded,
 - (h) where any vehicle is loaded with fuel the weight of which is to be ascertained at the train's destination, a statement as to the vehicle so loaded,
 - (i) where any vehicle is exempted from paragraph 21 above by reason of paragraph 22(1)(c) above, a statement of the tare weight and related particulars marked upon that vehicle, and
 - (j) where any vehicle is so exempt by reason of any certificate or direction under paragraph 28 below, a weight stated to be the seller's estimate of the tare weight of that vehicle.
- (3) In the case of any such train as is mentioned in paragraph 22(1)(d) above, the train bill shall contain the following information—
- (a) the names of the seller and the consignee and the destination of the train,
 - (b) the date and place of loading of the train,
 - (c) the number of vehicles in the train,
 - (d) the total net weight of fuel carried in the train,
 - (e) a statement of the type of fuel carried in the train, and
 - (f) a statement that the buyer has agreed that the total net weight of fuel carried in the train shall be ascertained in the manner mentioned in paragraph 22(1)(d) above.
- (4) If the requirements of sub-paragraph (1) above are contravened, the seller shall be guilty of an offence.

Textual Amendments

- F3** Words inserted by [S.I. 1986/216, art. 3\(a\)\(b\)](#)
F4 Words added by [S.I. 1986/216, art. 3\(a\)\(b\)](#)

- 25 (1) The following provisions of this paragraph apply—
- (a) in a case where by virtue of paragraph 24 above a train bill is carried, when the train reaches its destination, and
 - (b) in any other case, when the vehicle in question reaches its destination.

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- (2) The authority responsible for railway traffic at the destination of the train or vehicle, as the case may be, shall—
- (a) permit the consignee and, subject to the production if so requested of his credentials, any inspector to inspect the document required by paragraph 23 or, as the case may be, 24 above,
 - (b) permit the consignee either to take possession of that document after the train or vehicle is unloaded or to make a copy of the particulars stated therein, and
 - (c) if so requested by the consignee with respect to any such copy which the authority is satisfied is accurate, certify the accuracy thereof,
- and if any of the provisions of this sub-paragraph is contravened the authority shall be guilty of an offence.
- (3) Subject to sub-paragraphs (5) and (6) below, any of the following persons, that is to say—
- (a) any inspector, subject to the production if so requested of his credentials, or
 - (b) the consignee, subject to his undertaking to pay any cost reasonably incurred,
- may require the vehicle to be weighed either before or after or both before and after it is unloaded, and the vehicle shall be weighed accordingly unless it is certified by or on behalf of the authority mentioned in sub-paragraph (2) above that in the circumstances of the particular case the carrying out of the weighing would cause undue dislocation of railway traffic at the vehicle's destination; and any inspector who is present at any such weighing shall if so requested certify the weight found.
- (4) If when the fuel is unloaded from the vehicle it is weighed accurately with accurate weighing equipment in the presence of an inspector, the inspector shall if so requested certify that it was so weighed and state in his certificate the weight found.
- (5) Where by virtue of paragraph 24 above a train bill is carried and the buyer has agreed that the weight of the fuel in any vehicle is to be ascertained at the train's destination, sub-paragraph (3) above shall not apply in relation to that vehicle.
- (6) In a case falling within paragraph 22(1)(d) above, sub-paragraph (3) above shall have effect—
- (a) with the omission of paragraph (b), and
 - (b) as if any reference to a vehicle were a reference to a train.
- 26 Where, in the case of any rail vehicle used on a journey to carry solid fuel which is not made up in containers, paragraphs 21 to 25 above do not apply, the consignor shall cause to be attached to the vehicle before it starts on the journey a document stating the name of the consignor and the place of loading of the vehicle.
- 27 (1) If paragraph 21 or 23 above is contravened, the seller shall be guilty of an offence.
- (2) If paragraph 26 above is contravened, the consignor shall be guilty of an offence.
- (3) If, in the case of any rail vehicle used on a journey to carry solid fuel—
- (a) the authority responsible for railway traffic at the place of loading or any person employed by that authority wilfully prevents or impedes the attachment to the vehicle of the document required by paragraph 23 or 26 above, or
 - (b) any person, being a person concerned in the sale, carriage or delivery of that fuel, wilfully removes, defaces or alters any such document attached to the vehicle,

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that authority or person shall be guilty of an offence.

- 28 [F5(1) Paragraph 21 above shall not apply to any rail vehicle loaded at a mine of coal respect to which it is certified by or on behalf of the [F6British Coal Corporation—]
- (a) that in no year is the aggregate amount of solid fuel loaded as mentioned in paragraph 20 above likely to exceed [F7101,600 tonnes]; or
 - (b) that owing to a shortage of rail vehicles compliance with paragraph 21 above would for the time being cause undue dislocation of the working of the mine.]
- (2) If any seller of solid fuel who uses any place F8 . . . for causing solid fuel to be loaded as mentioned in paragraph 20 above makes representations to the Secretary of State that the provision at that place of weighing equipment suitable for determining the tare weight of rail vehicles is not reasonably practicable or would be unjustified on economic grounds and the Secretary of State is satisfied that there are grounds for those representations, the Secretary of State may direct, that subject to such conditions and for such period as may be specified in the directions, paragraph 21 above shall not apply to any vehicle loaded at that place.
- [F5(3) The National Coal Board shall cause notice in writing to be given forthwith to the local weights and measures authority within whose area the mine in question is situated of the issue or withdrawal of any certificate such as is mentioned in subparagraph (1)(b) above, and if without reasonable cause they fail so to do they shall be guilty of an offence.]

Textual Amendments

- F5** Sch. 5 para. 28(1)(3) repealed (31.10.1994) by 1994 c. 21, s. 67, Sch. 9 para. 34(a), **Sch. 11 Pt. II**; S.I. 1994/2553, **art. 2**
- F6** Words substituted by **Coal Industry Act 1987 (c. 3, SIF 86)** s. 1(2), Sch. 1
- F7** Words in Sch. 5 para. 28(1)(a) substituted (1.10.1995) by S.I. 1994/2867, **reg. 6(6)(b)**
- F8** Words in Sch. 5 para. 28(2) repealed (31.10.1994) by 1994 c. 21, s. 67, **Sch. 9** para. 34(b), Sch. 11 Pt. II; S.I. 1994/2553, **art. 2**

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