

1966 No. 238

## WEIGHTS AND MEASURES

## The Weights and Measures (Solid Fuel) (Carriage by Rail)

Order 1966

*Laid before Parliament in draft**Made . . . . . 3rd March 1966**Coming into Operation . . . . . 1st April 1966*

Whereas the Board of Trade, pursuant to section 54(2) of the Weights and Measures Act 1963(a) (hereinafter referred to as "the Act"), have consulted with organisations appearing to them to be representative of interests substantially affected by this Order and considered the representations with respect to the subject matter thereof made to them by such organisations:

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

Now, therefore, the Board of Trade in pursuance of the powers conferred upon them by sections 21(2), (3) and (5) of the Act hereby order as follows:—

1. Paragraph 15 of Schedule 6 to the Act shall not apply to a steel rail vehicle of a capacity of not less than 24 tons in the following circumstances, namely,—

- (i) where the vehicle 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; and
- (ii) (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:

Provided that nothing in head (ii)(c) of this Article shall afford any exemption 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 aforesaid.

2. Paragraph 16 of Schedule 6 to the Act shall not apply to any vehicle forming part or intended to form part of any such train as is mentioned in Article 1(i) of this Order, but the seller shall 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 (hereinafter called a "train bill") giving the information specified in Article 3 of this Order.

3. The information included in a train bill shall be the following:—

- (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 the 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 15 of Schedule 6 to the Act, 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 the said paragraph 15 by reason of Article 1(ii)(c) of this Order, a statement of the tare weight and related particulars marked upon that vehicle;
- (j) where any vehicle is so exempt by reason of any certificate or direction under paragraph 20 of Schedule 6, a weight stated to be the seller's estimate of the tare weight of that vehicle.

4. Where by virtue of Article 2 a train bill is carried—

- (i) paragraphs 17(1) and (2) of Schedule 6 to the Act shall apply as if they related to trains and train bills and not to vehicles and documents attached to vehicles; and
- (ii) where a buyer has agreed that the weight of the fuel in any vehicle is to be ascertained at the train's destination, paragraph 17(3) shall not apply in relation to that vehicle.

5. In the case of a contravention of the requirements of Article 2 of this Order the seller shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds (or in the case of a second or any subsequent offence) two hundred and fifty pounds or to imprisonment for a term not exceeding three months, or to both.

6. This Order may be cited as the Weights and Measures (Solid Fuel) (Carriage by Rail) Order 1966 and shall come into operation on 1st April 1966.

*George Darling,*  
Minister of State,  
Board of Trade.

**EXPLANATORY NOTE**

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

This Order modifies the provisions of Part IV of Schedule 6 to the Weights and Measures Act 1963 which require a rail vehicle in which coal or other solid fuel is to be despatched to a buyer to be tare-weighed before loading, and a document containing particulars of the vehicle and its load to be attached to the vehicle after loading.

Where it is intended to consign a whole train-load of fuel to a single generating station, gas-works or other industrial undertaking—

- (1) the obligation to attach a document to each vehicle is dispensed with. Instead, specified information about each vehicle and its load must be included in a single document for carriage on the train.
- (2) there will be no obligation to tare-weigh a steel waggon of a capacity of 24 tons or more if any of the circumstances described in Article 1(ii) prevail.

A failure to hand over the document described in head (1) above to the railway authority before the train departs will be an offence. It will carry the same penalties as the Act provides in the case of a failure to attach a document to a particular vehicle.