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## SCHEDULES

### SCHEDULE 6 **E+W+S**

Section 21.

#### MISCELLANEOUS GOODS OTHER THAN FOODS

##### **PART I E+W+S**

###### LIQUID FUEL AND LUBRICANTS

- 1 This Part of this Schedule applies to—
  - (a) liquid fuel, lubricating oil and any mixture of such fuel and oil, and
  - (b) lubricating grease.
  
- 2 Subject to paragraph 3 below, goods to which this Part of this Schedule applies—
  - (a) unless pre-packed, shall be sold only by net weight or by capacity measurement,
  - (b) shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by capacity measurement, and
  - (c) in the case of lubricating oil in a quantity of one quart or less, shall be made up in a container for sale otherwise than by way of pre-packing only if the container is marked with an indication of quantity by capacity measurement.
  
- 3 Notwithstanding anything in paragraph 2 above, liquid fuel—
  - (a) when not pre-packed may be sold by volume, and
  - (b) may be pre-packed in a container marked with an indication of quantity by volume,being in either case the volume of the gas which would be produced from the fuel in question at such temperature and such atmospheric pressure as are specified in regulations made by the Secretary of State with respect to fuel of the type in question or, if no such regulations are in force, as may be made known by the seller to the buyer before he pays for or takes possession of the fuel; and there shall be exempted from all requirements of paragraph 2 above goods of any description in a quantity of less than half a pound or of less than half a pint.

##### **PART II E+W+S**

###### READY-MIXED CEMENT MORTAR AND READY-MIXED CONCRETE

- 4 This Part of the Schedule applies to ready-mixed cement mortar and ready-mixed concrete.

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- 5 (1) Subject to the following provisions of this Part of this Schedule, any goods to which this Part of this Schedule applies shall be sold only by volume in a multiple of 0\1 cubic metre.
- (2) There shall be exempted from the requirements of this paragraph any goods in a quantity of less than one cubic metre.
- 6 Part II of Schedule 4 to this Act, except sub-paragraph (3) of paragraph 7, shall apply for the purposes of this Part of this Schedule as if—
- (a) any reference in the said Part II to ballast included a reference to goods to which this Part of this Schedule applies; and
  - (b) the reference in sub-paragraph (1) of paragraph 7 to paragraph 2 of Schedule 4 were a reference to paragraph 5 of this Schedule.

**Modifications etc. (not altering text)**

- C1** S. 6 modified (1.3.1996) by [1986 c. 44, s. 36B](#) (which was inserted (1.3.1996) by [1994 c. 45, s. 10, Sch. 3 para. 44](#); [S.I. 1996/218, art. 2](#))

- 7 Paragraph 5 and 6 above shall not have effect in any area in Scotland specified by the Secretary of State by order.

### PART III E+W+S

#### AGRICULTURAL LIMING MATERIALS, AGRICULTURAL SALT AND INORGANIC FERTILISERS

- 8 This Part of this Schedule applies—
- (a) to agricultural liming materials, other than calcareous sand,
  - (b) to agricultural salt,
  - (c) to, and to any mixture consisting mainly of, inorganic fertilisers, other than such fertilisers or such a mixture made up into pellets or other articles for use as individual items, and
  - (d) to any mixture of any of the foregoing.
- 9 (1) Goods to which this Part of this Schedule applies which are not pre-packed, other than liquid fertilisers, shall be sold only by quantity, being—
- (a) quantity by net weight; or
  - (b) if the goods are sold in a container which does not exceed the permitted weight and the gross weight of the goods is not less than fifty-six pounds, quantity either by net weight or by gross weight; or
  - (c) quantity by volume.
- (2) Goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity, being—
- (a) in the case of liquid fertilisers, quantity by capacity measurement;
  - (b) in any other case, quantity by net weight or, if the container does not exceed the permitted weight and the gross weight of the goods is not less than fifty-six pounds, quantity either by net weight or by gross weight.
- (3) In this paragraph, “the permitted weight” means a weight at the rate of twenty-four ounces per 112 pounds of the gross weight.

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- (4) There shall be exempted from all requirements of this paragraph any sale of goods with a view to their industrial use.
- 10 Paragraph 4 and 5 of Schedule 4 to this Act shall have effect as if any reference in those paragraphs to ballast included a reference to any goods to which this Part of this Schedule applies.

#### **PART IV** **E+W+S**

##### WOOD FUEL

- 11 Subject to paragraphs 12 and 13 below—
- (a) wood fuel which is not made up in a container for sale shall be sold by retail only by net weight;
  - (b) in the case of a sale by retail of wood fuel made up in a container for sale, the quantity by net weight of the fuel sold shall be made known to the buyer before he pays for or takes possession of it.
- 12 (1) Paragraph 11 above shall not have effect in any area unless the local weights and measures authority for that area so direct by byelaw.
- (2) Not less than one month before making any byelaw by virtue of this paragraph, the local weights and measures authority shall give public notice of their intention to make it by advertisement in one or more newspapers circulating in the area to which the byelaw is to apply.
- (3) The local weights and measures authority by whom any byelaw is made by virtue of this paragraph shall give notice of the making of the byelaw to the Secretary of State.
- 13 There shall be exempted from the requirements of paragraph 11 above any sale of wood fuel in a quantity which does not exceed fourteen pounds or which exceeds 1120 pounds.
- 14 Paragraphs 9 and 10 of Schedule 5 to this Act shall have effect as if any reference in those paragraphs to solid fuel included a reference to wood fuel.

#### **PART V** **E+W+S**

##### PERFUMERY AND TOILET PREPARATIONS

- 15 This Part of this Schedule applies to goods of any of the following descriptions, that is to say—
- (a) perfumes and toilet waters,
  - (b) other toilet preparations for use on the hair or scalp of human beings,
  - (c) other toilet preparations for external use on any other part of the human body, and
  - (d) dentifrices other than dentifrices pre-packed in tubes,
- whether in liquid, solid or any other form, including any such goods which are medicated but are not pharmaceutical preparations, but excluding soap in any form.

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- 16 (1) Subject to sub-paragraph (2) below, goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by volume.
- (2) There shall be exempted from the requirements of sub-paragraph (1) above—
- (a) any goods such as are mentioned in sub-paragraph (a) of paragraph 15 above in a quantity not exceeding twelve grams or not exceeding twenty cubic centimetres,
  - (b) any goods such as are mentioned in sub-paragraph (b) of paragraph 15 above in a quantity not exceeding twenty grams or not exceeding twenty cubic centimetres, and
  - (c) any goods such as are mentioned in sub-paragraph (c) or (d) of paragraph 15 above in a quantity not exceeding twelve grams or not exceeding twelve cubic centimetres.

## PART VI E+W+S

### SOAP

VALID FROM 31/07/1994

<sup>F1</sup>16A In this Part of this Schedule “soap” does not include any soap which is a cosmetic product as defined in paragraph 15 above.]

#### Textual Amendments

**F1** Sch. 6 para. 16A inserted (31.7.1994) by [S.I. 1994/1884](#), [art. 3](#)

- 17 Subject to paragraph 18 below—
- (a) soap in the form of a cake, tablet or bar shall be pre-packed only if the container is marked with an indication of quantity by net weight,
  - (b) liquid soap shall be pre-packed only if the container is marked with an indication of quantity by capacity measurement, and
  - (c) soap in any other form—
    - (i) unless pre-packed, shall be sold by retail only by net weight, and
    - (ii) shall be pre-packed only if the container is marked with an indication of quantity by net weight.
- 18 There shall be exempted from the requirements of this Part of this Schedule—
- (a) liquid soap in a quantity of less than five fluid ounces, and
  - (b) soap in any other form in a quantity of less than one ounce.

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## PART VII **E+W+S**

### MISCELLANEOUS GOODS TO BE SOLD BY OR MARKED WITH LENGTH

- 19 This Part of this Schedule applies to goods of any of the following descriptions, that is to say, bias binding, elastic, ribbon, tape and sewing thread.
- 20 Subject to paragraph 21 below, goods to which this Part of this Schedule applies—
- (a) unless pre-packed, shall be sold by retail only by length, and
  - (b) shall be pre-packed only if the container is marked with an indication of quantity by length.
- 21 There shall be exempted from all requirements of paragraph 20 above goods of any description in a quantity of less than one yard.

## PART VIII **E+W+S**

### MISCELLANEOUS GOODS TO BE SOLD BY OR MARKED WITH NET WEIGHT

- 22 This Part of this Schedule applies to—
- (a) distemper,
  - (b) articles offered as feed for household pets, being manufactured feed or bird feed, other than animal feed in biscuit or cake form pre-packed in a quantity by number not exceeding sixteen,
  - (c) nails,
  - (d) paste paint,
  - (e) seeds, other than pea or bean seeds, and
  - (f) rolled oats.
- 23 Subject to paragraphs 24 and 25 below, goods to which this Part of this Schedule applies—
- (a) unless pre-packed, shall be sold by retail only by net weight, and
  - (b) shall be pre-packed only if the container is marked with an indication of quantity by net weight.
- 24 There shall be exempted from all requirements of this Part of this Schedule—
- (a) any of the following in a quantity of less than half a pound, that is to say, distemper and paste paint,
  - (b) bird seed in a quantity of less than four ounces, and other seeds in a quantity of less than half an ounce,
  - (c) nails in a quantity of less than half an ounce, and
  - (d) any other goods in a quantity of less than one ounce.
- 25 Notwithstanding anything in paragraph 24 above, nails—
- (a) when not pre-packed may be sold by retail by number, and
  - (b) may be pre-packed in or on a container marked with an indication of quantity by number.

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### PART IX **E+W+S**

#### MISCELLANEOUS GOODS TO BE MARKED WHEN PRE-PACKED WITH NET WEIGHT

- 26 This Part of this Schedule applies to—
- (a) Portland cement,
  - (b) cleansing powders and scouring powders,
  - (c) detergents, other than liquid detergents, and
  - (d) paint remover, other than liquid paint remover.
- 27 Subject to paragraph 28 below, goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity by net weight.
- 28 There shall be exempted from the requirements of this Part of this Schedule goods of any description in a quantity of less than one ounce.

### PART X **E+W+S**

#### MISCELLANEOUS GOODS TO BE SOLD BY OR MARKED WITH CAPACITY MEASUREMENT

- 29 This Part of this Schedule applies to antifreeze fluid for internal combustion engines, linseed oil, paint (other than paste paint), paint thinner, turpentine, turpentine substitute, varnish, and wood preservative fluid (including fungicides and insecticides).
- 30 Subject to paragraph 31 below, goods to which this Part of this Schedule applies—
- (a) unless pre-packed, shall be sold by retail only by capacity measurement, and
  - (b) shall be pre-packed only if the container is marked with an indication of quantity by capacity measurement.
- 31 There shall be exempted from all requirements of this Part of this Schedule goods of any description in a quantity of less than five fluid ounces.

### PART XI **E+W+S**

#### MISCELLANEOUS GOODS TO BE MARKED WHEN PRE-PACKED WITH CAPACITY MEASUREMENT

- 32 This Part of this Schedule applies to enamel, lacquer, liquid detergents, liquid paint remover, petrifying fluid and rust remover.
- 33 Subject to paragraph 34 below, goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity by capacity measurement.
- 34 There shall be exempted from the requirements of this Part of this Schedule goods of any description in a quantity of less than five fluid ounces.

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## PART XII **E+W+S**

### MISCELLANEOUS GOODS TO BE SOLD BY OR MARKED WITH NET WEIGHT OF CAPACITY MEASUREMENT

- 35 This Part of this Schedule applies to—
- (a) polishes,
  - (b) dressings, analogous to polishes, and
  - (c) pea seeds and bean seeds.
- 36 Subject to paragraph 37 below, goods to which this Part of this Schedule applies—
- (a) unless pre-packed, shall be sold by retail only by net weight or by capacity measurement, and
  - (b) shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by capacity measurement.
- 37 The following shall be exempted from all the requirements of this Part of this Schedule, that is to say—
- (a) pea or bean seeds in a quantity of less than half a pound or of less than half a pint, and
  - (b) any other goods in a quantity of less than one ounce or of less than one fluid ounce.

## PART XIII **E+W+S**

### MISCELLANEOUS GOODS TO BE MARKED WHEN PRE-PACKED WITH QUANTITY BY NUMBER

- 38 This Part of this Schedule applies—
- (a) to cheroots, cigarettes and cigars,
  - (b) to postal stationery, that is to say, paper or cards for use in correspondence, and envelopes,
  - (c) to, and to any mixture consisting mainly of, inorganic fertilisers, being such fertilisers or such a mixture made up into pellets or other articles for use as individual items, and
  - (d) to manufactured animal feed in biscuit or cake form pre-packed in a quantity by number of sixteen or less.
- 39 Subject to paragraphs 40 and 41 below, goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity by number.
- 40 In relation to postal stationery, the reference to number in paragraph 39 above shall be construed as a reference to the number of sheets of paper, cards or envelopes, as the case may be, in the pad, confining band or other form of container; and postal stationery shall be exempted from the requirements of that paragraph if pre-packed as part of a collection of articles made up for sale together and including any article other than postal stationery and blotting or other paper.
- 41 There shall be exempted from the requirements of this Part of this Schedule any goods in a quantity by number of one.

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