

## SCHEDULES

### SCHEDULE 1

Sections 1(2), 8(1).

#### DEFINITIONS OF UNITS OF MEASUREMENT

#### PART I

##### MEASUREMENT OF LENGTH

###### *Imperial units*

Mile	= 1760 yards.
Yard	= 0.9144 metre.
Foot	= $\frac{1}{3}$ yard.
Inch	= $\frac{1}{36}$ yard.

###### *Metric units*

Kilometre	= 1000 metres.
Metre	is the length of the path travelled by light in vacuum during a time interval of $\frac{1}{299\,792\,458}$ of a second.
Decimetre	= $\frac{1}{10}$ metre.
Centimetre	= $\frac{1}{100}$ metre.
Millimetre	= $\frac{1}{1000}$ metre.

#### PART II

##### MEASUREMENT OF AREA

###### *Imperial units*

Acre	= 4840 square yards.
Square yard	= a superficial area equal to that of a square each side of which measures one yard.
Square foot	= $\frac{1}{9}$ square yard.

###### *Metric units*

Hectare	= 100 ares.
Decare	= 10 ares.

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Are	= 100 square metres.
Square metre	= a superficial area equal to that of a square each side of which measures one metre.
Square decimetre	= 1/100 square metre.
Square centimetre	= 1/100 square decimetre.
Square millimetre	= 1/100 square centimetre.

### PART III

#### MEASUREMENT OF VOLUME

*Metric units*

Cubic metre	= a volume equal to that of a cube each edge of which measures one metre.
Cubic decimetre	= 1/1000 cubic metre.
Cubic centimetre	= 1/1000 cubic decimetre.
Hectolitre	= 100 Hires.
Litre	= a cubic decimetre.
Decilitre	= 1/10 litre.
Centilitre	= 1/100 litre.
Millilitre	= 1/1000 litre.

### PART IV

#### MEASUREMENT OF CAPACITY

*Imperial units*

Gallon	= 4.546 09 cubic decimetres.
Quart	= 1 /4 gallon.
Pint	= 1 /2 quart.
Gill	= 1 /4 pint.
Fluid ounce	= 1/20 pint.

*Metric units*

Hectolitre	= 100 litres.
Litre	= a cubic decimetre.
Decilitre	= 1/10 litre.
Centilitre	= 1/100 litre.
Millilitre	= 1/1000 litre.

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## PART V

### MEASUREMENT OF MASS OR WEIGHT

#### *Imperial units*

Pound	= 0.453 592 37 kilogram.
Ounce	= 1/16 pound.
Ounce troy	= 12/175 pound.

#### *Metric units*

Tonne, metric tonne	= 1000 kilograms.
Kilogram	is the unit of mass; it is equal to the mass of the international prototype of the kilogram.
Hectogram	= 1/10 kilogram.
Gram	= 1/1000 kilogram.
Carat (metric)	= 1/5 gram.
Milligram	= 1 /1000 gram.

## PART VI

### DEFINITIONS OF CERTAIN UNITS WHICH MAY NOT BE USED FOR TRADE

#### **Measurement of length**

Furlong	= 220 yards.
Chain	= 22 yards.

#### **Measurement of area**

Square mile	= 640 acres.
Rood	= 1210 square yards.
Square inch	= 1/144 square foot.

#### **Measurement of volume**

Cubic yard	= a volume equal to that of a cube each edge of which measures one yard.
Cubic foot	= 1/27 cubic yard.
Cubic inch	= 1/1728 cubic foot.

#### **Measurement of capacity**

Bushel	= 8 gallons.
Peck	= 2 gallons.
Fluid drachm	= 1/8 fluid ounce.
Minim	= 1/60 fluid drachm.

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### Measurement of mass or weight

Ton	= 2240 pounds.
Hundredweight	= 112 pounds.
Cental	= 100 pounds.
Quarter	= 28 pounds.
Stone	= 14 pounds.
Dram	= 1/16 ounce.
Grain	= 1/7000 pound.
Pennyweight	= 24 grains.
Ounce apothecaries	= 480 grains.
Drachm	= 1/8 ounce apothecaries.
Scruple	= 1/3 drachm.
Metric ton	= 1000 kilograms.
Quintal	= 100 kilograms.

## PART VII

### MEASUREMENT OF ELECTRICITY

1	(a) ampere	is that constant current which, if maintained in two straight parallel conductors of infinite length, of negligible circular cross-section and placed 1 metre apart in vacuum, would produce between these conductors a force equal to $2 \times 10^{-7}$ newton per metre of length.
	(b) OHM	is the electric resistance between two points of a conductor when a constant potential difference of 1 volt, applied between the two points, produces in the conductor a current of 1 ampere, the conductor not being the seat of any electromotive force.
	(c) VOLT	is the difference of electric potential between two points of a conducting wire carrying a constant current of 1 ampere when the power

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	(d) WATT	dissipated between these points is equal to 1 watt.
2.	Kilowatt	is the power which in one second gives rise to energy of 1 joule.
	Megawatt	= 1000 watts.
		= one million watts.

## SCHEDULE 2

Section 2(3).

### EXISTING UNITED KINGDOM PRIMARY STANDARDS AND AUTHORISED COPIES

#### PART I

##### DESCRIPTION OF UNITED KINGDOM PRIMARY STANDARD OF THE YARD

A solid bronze bar, about 38 inches long and about 1 inch square in transverse section, marked "Copper 16 oz. Tin 2 ½ Zinc 1 Mr. Baily's Metal No. 1 STANDARD YARD at 62° 00 Faht. Cast in 1845 Troughton & Simms, LONDON." and having near to each end a cylindrical hole sunk to the depth of about inch at the bottom of which is inserted in a smaller hole a golden plug about one-tenth of an inch in diameter with, cut upon its surface, three fine lines about one hundredth of an inch apart transverse, and two fine lines about three hundredths of an inch apart parallel, to the axis of the bar, measurement being made of the mean interval between the two plugs on their respective middle transverse lines between their respective longitudinal lines when the bar is at the temperature of 62° Fahrenheit and supported on bronze rollers placed under it in such manner as best to avoid flexure of the bar and to facilitate its free expansion and contraction from variations of temperature.

#### PART II

##### DESCRIPTION OF UNITED KINGDOM PRIMARY STANDARD OF THE POUND

A platinum cylinder about 1.35 inches in height and about 1.15 inches in diameter marked "PS 1844 1 lb ", having its edges rounded off and a groove about 0.34 inch below the top of the cylinder.

#### PART III

##### DESCRIPTION OF UNITED KINGDOM PRIMARY STANDARD OF THE METRE

The British copy of the prototype metre, being a bar about 102 centimetres long with a cross-section of modified X-form and made of platinum-iridium alloy (90 per cent, platinum, 10 per cent, iridium), bearing at one end the markings "0°C & 20°C", "A. 16 SIP GENEVE 1956 " and (on the cross-section) " 1 " and at the other end the markings " B.16 " and (on the cross-section) " 2 ". and having engraved on the exposed neutral plane—

- (a) near each end and also at the centre, two parallel longitudinal lines about 0.12 millimetre apart;

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- (b) near the end marked " 1 " and at the centre, one transverse line; and
  - (c) near the end marked "2", two transverse lines about 0.17 millimetre apart,
- measurement being made of the mean interval between the portions of the most widely separated transverse lines which are between the respective longitudinal lines when the bar is at the temperature of 0° Celsius, is subjected to an atmospheric pressure of 1013.250 millibars, and is supported on two rollers at least one centimetre in diameter placed symmetrically 571 millimetres apart in the same horizontal plane.

#### PART IV

##### DESCRIPTION OF UNITED KINGDOM PRIMARY STANDARD OF THE KILOGRAM

The British copy of the prototype kilogram, being a solid cylinder marked " 18 " of height equal to its diameter made of platinum-iridium alloy (90 per cent, platinum, 10 per cent, iridium).

#### PART V

##### AUTHORISED COPIES OF UNITED KINGDOM PRIMARY STANDARDS OF THE YARD AND POUND

Copies of the bar and cylinder described in Parts I and II respectively of this Schedule of the same construction and form as that bar and cylinder are respectively marked and deposited as follows—

- (a) a bronze bar marked " Copper 16 oz. Tin 2 ½ Zinc 1 Mr. Baily's Metal No. 2 STANDARD YARD at 61°.94 Faht. Cast in 1845 Troughton & Simms, LONDON.", and a platinum cylinder marked " No. 1 PC 1844 1 lb ", deposited at the Royal Mint;
- (b) a bronze bar marked " Copper 16 oz. Tin 2 ½ Zinc 1 Mr. Baily's Metal No. 3 STANDARD YARD at 62°.10 Faht. Cast in 1845 Troughton & Simms, LONDON.", and a platinum cylinder marked "No 2 PC 1844 1 lb ", deposited at the premises of the Royal Society ;
- (c) a bronze bar marked " Copper 16 oz. Tin 2 ½ Zinc 1 Mr. Baily's Metal No. 5 STANDARD YARD at 62°.16 Faht Cast in 1845 Troughton & Simms, LONDON.", and a platinum cylinder marked " No. 3 PC 1844 1 lb ", deposited at the Royal Greenwich Observatory ;
- (d) a bronze bar marked " Copper 16 oz. Tin 2 ½ Zinc 1 Mr. Baily's Metal No. 4 STANDARD YARD at 61°.98 Faht. Cast in 1845 Troughton & Simms, LONDON.", and a platinum cylinder marked " No 4 PC 1844 1 lb ", immured in the Palace of Westminster ;
- (e) a bronze bar marked " Copper 16 oz. Tin 2 ½ Zinc 1. BAILY'S METAL. PARLIAMENTARY COPY (VI) OF THE IMPERIAL STANDARD YARD. 41 & 42 VICTORIA, CHAPTER 49. STANDARD YARD AT 62° FAHT. CAST IN 1878. Troughton & Simms. London. H.J.C.", and a platinum-iridium cylinder marked " P.C. 5 1879" deposited at the National Weights and Measures Laboratory of the Department of Trade and Industry.

SCHEDULE 3

Section 8(1).

MEASURES AND WEIGHTS LAWFUL FOR USE FOR TRADE

**PART I**

LINEAR MEASURES

*Imperial system*

1 Measures of—

100 feet	5 feet
66 feet	4 feet
50 feet	1 yard
33 feet	2 feet
20 feet	1 foot
10 feet	6 inches
8 feet	1 inch
6 feet	

*Metric system*

2 Measures of—

50 metres	2 metres
30 metres	1.5 metres
20 metres	1 metre
10 metres	0.5 metre
5 metres	1 decimetre
3 metres	1 centimetre

**PART II**

SQUARE MEASURES

*Imperial system*

1 Measures of, or of any multiple of, 1 square foot.

*Metric system*

2 Measures of, or of any multiple of, 1 square decimetre.

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### PART III

#### CUBIC MEASURES

##### *Metric system*

1 Measures of, or of any multiple of, 0-1 cubic metre.

2 Measures of—  
any multiple of 10 litres

10 litres	100 millilitres
5 litres	50 millilitres
2.5 litres	25 millilitres
2 litres	20 millilitres
1 litre	10 millilitres
500 millilitres	5 millilitres
250 millilitres	2 millilitres
200 millilitres	1 millilitre

### PART IV

#### CAPACITY MEASURES

##### *Imperial system*

1 Measures of—  
any multiple of 1 gallon

1 gallon	1 gill
½ gallon	4 fluid ounces
1 quart	½ gill
1 pint	2/5 gill
½ pint	1/3 gill
8 fluid ounces	¼ gill
1/3 pint	1/5 gill
6 fluid ounces	1/6 gill

##### *Metric system*

2 Measures of—  
any multiple of 10 litres



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10 litres	125 millilitres
5 litres	100 millilitres
2-5 litres	50 millilitres
2 litres	25 millilitres
1 litre	20 millilitres
500 millilitres	10 millilitres
250 millilitres	5 millilitres
200 millilitres	2 millilitres
175 millilitres	1 millilitre
150 millilitres	

## PART V

### WEIGHTS

#### *Imperial system*

#### 1 Weights of—

56 pounds	any of the following multiples or fractions of 1/7000 pound that is to say: —
	50 pounds
	28 pounds
20 pounds	100
14 pounds	50
10 pounds	30
7 pounds	20
5 pounds	10
4 pounds	5
2 pounds	3
1 pound	2
8 ounces	1
4 ounces	0.5
2 ounces	0.3
1 ounce	0.2
½ ounce	0.1

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	¼ ounce	0.05
	1/8 ounce	0.03
	1/16 ounce	0.02
	1/32 ounce	0.01
2	Weights of—	
	500 ounces troy	0.4 ounce troy
	400 ounces troy	0.3 ounce troy
	300 ounces troy	0.2 ounce troy
	200 ounces troy	0.1 ounce troy
	100 ounces troy	0.05 ounce troy
	50 ounces troy	0.04 ounce troy
	40 ounces troy	0.03 ounce troy
	30 ounces troy	0.025 ounce troy
	20 ounces troy	0.02 ounce troy
	10 ounces troy	0.01 ounce troy
	5 ounces troy	0.005 ounce troy
	4 ounces troy	0.004 ounce troy
	3 ounces troy	0.003 ounce troy
	2 ounces troy	0.002 ounce troy
	1 ounce troy	0.001 ounce troy
	0.5 ounce troy	

*Metric system*

3	Weights of—	
	25 kilograms	3 grams
	20 kilograms	2 grams
	10 kilograms	1 gram
	5 kilograms	500 milligrams
	2 kilograms	400 milligrams
	1 kilogram	300 milligrams
	500 grams	200 milligrams
	200 grams	150 milligrams
	100 grams	100 milligrams
	50 grams	50 milligrams

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	20 grams	20 milligrams
	15 grams	10 milligrams
	10 grams	5 milligrams
	5 grams	2 milligrams
	4 grams	1 milligram
4	Weights of—	
	500 carats (metric)	1 carat (metric)
	200 carats (metric)	0.5 carat (metric)
	100 carats (metric)	0.25 carat (metric)
	50 carats (metric)	0.2 carat (metric)
	20 carats (metric)	0.1 carat (metric)
	10 carats (metric)	0.05 carat (metric)
	5 carats (metric)	0.02 carat (metric)
	2 carats (metric)	0.01 carat (metric)

## SCHEDULE 4

Section 21.

### SAND AND OTHER BALLAST

#### PART I

##### GENERAL PROVISIONS

- 1 In this Schedule, "ballast" means any of the following materials, that is to say—
  - (a) sand, gravel, shingle, ashes and clinker of any description,
  - (b) broken slag, slag chippings, granite drippings, limestone chippings, slate chippings and other stone chippings (including such materials which have been coated with tar, bitumen or cement),
  - (c) any other material commonly used in the building and civil engineering industries as a hardcore or an aggregate, and
  - (d) any other material commonly known in those industries as ballast.
- 2 Subject to paragraphs 3 and 11 below, ballast shall be sold only by volume in a multiple of 0.2 cubic metre or by net weight.
- 3 There shall be exempted from the requirements of paragraph 2 above—
  - (a) ballast in a quantity both less than 2240 pounds and less than one cubic metre,
  - (b) any sale with a view to its industrial use of ballast of any description mentioned in paragraph 1(b), (c) or (d) above,
  - (c) any sale in the case of which the buyer is to take delivery in or from a ship,

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- (d) any sale as a whole of ballast produced in the demolition or partial demolition of a building where the buyer is responsible for the removal of the ballast from the site of the building, and
  - (e) any sale in the state in which it was produced of clinker or ashes produced as a by-product, or of any other ballast produced as a casual product, of the carrying on of an industrial process on any premises or of the mining of coal where the buyer is responsible for the removal of the ballast from those premises or, as the case may be, from the colliery tip.
- 4 Without prejudice to section 15 of this Act, no article shall be used for trade as a cubic measure of ballast other than a receptacle (which may, if so desired, form part of a vehicle) which conforms with such requirements as to form, capacity, calibration and other matters as may be prescribed ; and any person who uses for trade, or has in his possession for use for trade, as a cubic measure of ballast any article other than such a receptacle shall be guilty of an offence.
- 5 In measuring any ballast against a calibration mark on such a receptacle as mentioned in paragraph 4 above, the ballast shall be filled into all parts of the receptacle as far as, and be levelled off against, that calibration mark as nearly as the nature of the ballast will permit; and where any ballast is measured for the purposes of trade in such a receptacle, any person who—
- (a) being the person carrying out the measuring, fails so to level off the ballast when it is loaded into the receptacle, or
  - (b) causes or permits a heaped load to be sent out in the receptacle,
- shall be guilty of an offence.

## PART II

### CARRIAGE OF BALLAST BY ROAD

- 6 This Part of this Schedule shall have effect with respect to the carriage of ballast by a road vehicle on a journey any part of which is along a highway.
- 7 (1) If any of the ballast is being carried for delivery to a buyer in pursuance of, or of an agreement for, its sale and paragraph 2 above applies to the sale, the following provisions of this paragraph shall have effect with respect to that ballast.
- (2) There shall, before the journey begins, be delivered to the person in charge of the vehicle a document signed by or on behalf of the seller (in this paragraph referred to as "the delivery document ") stating—
- (a) the name and address of the seller,
  - (b) the name of the buyer, and the address of the premises to which the ballast is being delivered,
  - (c) the type of the ballast,
  - (d) subject to sub-paragraph (4) below, the quantity of the ballast either by net weight or by volume,
  - (e) sufficient particulars to identify the vehicle, and
  - (f) the place, date and time of the loading of the ballast in the vehicle.
- (3) Where the quantity of the ballast is stated in the delivery document by volume, the ballast shall be carried on the vehicle only in such a receptacle as is mentioned in paragraph 4 above.

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- (4) The statement referred to in sub-paragraph (2)(d) above shall not be required at any time while the vehicle is travelling between the place where it was loaded and the nearest suitable and available weighing equipment if the whole of the vehicle's load is being delivered to the same person at the same premises and the delivery document states that the quantity of the ballast is to be expressed by net weight determined by means of that equipment and specifies the place at which the equipment is situated.
- (5) In any case to which sub-paragraph (4) above applies, the person in charge of the vehicle at the time when the net weight of the ballast is determined shall forthwith add to the delivery document a statement of that net weight, and if he fails so to do he shall be guilty of an offence.
- (6) If any of the provisions of sub-paragraph (2) or (3) above is contravened, the seller shall be guilty of an offence.
- (7) If the vehicle is carrying ballast as mentioned in sub-paragraph (1) above for delivery to each of two or more persons, sub-paragraphs (1) to (3) above shall apply separately in relation to each of those persons ; but this sub-paragraph shall not be construed as prohibiting the use of the same receptacle such as is mentioned in sub-paragraph (3) above for the carriage of ballast for delivery to two or more different persons.
- 8 (1) Subject to sub-paragraph (2) below, if all or any of the ballast on the vehicle is being carried in such circumstances that paragraph 7 above does not apply to it, there shall before the journey begins be delivered to the person in charge of the vehicle a document containing a statement to that effect signed by or on behalf of the person causing that ballast to be carried and giving the name and address of the last-mentioned person, and if this paragraph is contravened the last-mentioned person shall be guilty of an offence.
- (2) Sub-paragraph (1) above shall not apply where all the ballast in the vehicle is being carried in such circumstances that paragraph 7 does not apply to it and is being so carried in a container which does not form part of the vehicle.
- 9 Any document required by paragraph 7 or 8 above shall at all times during the journey be carried by the person for the time being in charge of the vehicle and shall be handed over by him to any other person to whom he hands over the charge of the vehicle in the course of the journey; and in the case of any document such as is mentioned in paragraph 7 above, on the unloading of the ballast to which the document relates at the premises to which that ballast is to be delivered—
- (a) before any of that ballast is so unloaded, the document shall be handed over to the buyer, or
- (b) if the document cannot be so handed over by reason of the absence of the buyer, it shall be left at some suitable place at those premises;
- and if at any time any of the provisions of this paragraph is contravened without reasonable cause, the person in charge of the vehicle at that time shall be guilty of an offence.
- 10 In the case of any document such as is mentioned in paragraph 7 above, if at any time during the journey or on unloading at the place of delivery the quantity of the ballast to which the document relates is found to be less than that stated in the document, the statement shall nevertheless be deemed for the purposes of this Act to be correct if, but only if, it is proved that the deficiency is solely attributable to the draining away of normal moisture from, or the consolidation of, the ballast during the journey.

**PART III**

## APPLICATION TO SCOTLAND

- 11 (1) In Scotland, paragraph 2 above and Part II of this Schedule shall have effect only in such areas as the Secretary of State may by order specify.
- (2) In relation to any area specified by order under sub-paragraph (1) above, a sale of ballast in a quantity both less than 4480 pounds and less than 2 cubic metres shall be exempted from the requirements of paragraph 2 above if the sale is effected, and the ballast is situated, in Scotland.

## SCHEDULE 5

Section 21.

## SOLID FUEL

**PART I**

## GENERAL

*Introductory*

- 1 This Schedule applies to goods of any of the following descriptions (in this Schedule referred to as "solid fuel"), that is to say—
- (a) coal,
  - (b) coke, and
  - (c) any solid fuel derived from coal or of which coal or coke is a constituent.

*Sales by net weight*

- 2 (1) Subject to sub-paragraphs (2) and (3) below, solid fuel shall be sold only by net weight
- (2) There shall be exempted from the requirements of subparagraph (1) above—
- (a) briquettes in a quantity not exceeding 14 pounds, and
  - (b) any solid fuel pre-packed in a securely closed container marked with an indication of quantity by net weight.
- (3) In the case of any area in Scotland which the Secretary of State may by order specify for the purposes of this sub-paragraph, solid fuel for delivery in that area may be sold by volume in a quantity of 0.2 cubic metre or a multiple of 0.2 cubic metre.

*Quantities in containers*

- 3 (1) Solid fuel shall be made up in a container for sale, or for delivery after sale, only if it is made up in one of the quantities by net weight specified in the following Table—

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TABLE

<i>Imperial</i>	<i>Metric</i>
7 pounds	25 kilograms
14 pounds	50 kilograms
28 pounds	Any multiple of 50 kilograms
56 pounds	
112 pounds	
140 pounds	

Any multiple of 112 pounds.

- (2) This paragraph shall not apply to any solid fuel pre-packed in a quantity not exceeding 30 kilograms in a securely closed container.
- (3) References in this Schedule to solid fuel made up in an imperial quantity are references to solid fuel made up in one of the imperial quantities specified in the Table in sub-paragraph (1) above, and references to solid fuel made up in a metric quantity shall be construed in a corresponding way.
- (4) This paragraph and paragraphs 4, 5 and 6 below have effect subject to the exemptions in paragraph 7.

*Indication of quantity*

- 4 (1) This paragraph applies to solid fuel made up in a container for sale, or for delivery after sale, except where it is made up in a metric quantity in a container which is not securely closed.
- (2) The solid fuel shall be made up in a container for sale, or for delivery after sale, only if the container is marked with an indication of quantity by net weight.

*Loads on vehicles*

- 5 (1) Solid fuel made up in containers in the quantity of 140 pounds shall be carried on a road vehicle on a highway for sale, or for delivery after sale, only if all solid fuel carried on the vehicle which is made up in containers is so made up in that quantity.
- (2) Solid fuel made up in metric quantities in containers which are not securely closed shall be carried on a road vehicle on a highway for sale, or for delivery after sale, only if all solid fuel carried on the vehicle in containers which are not securely closed is made up in metric quantities.
- (3) If this paragraph is contravened the seller shall be guilty of an offence.

*Information about containers made up in metric quantities*

- 6 (1) This paragraph applies where solid fuel is carried on a road vehicle on a highway for sale, or for delivery after sale, and is made up in metric quantities in containers

which are not securely closed or is delivered from the vehicle in such containers in any metric quantity.

- (2) There shall be displayed on the vehicle—
- (a) an indication of the quantity, or quantities, by net weight of the fuel comprised in the containers (other than any securely closed containers) on, or delivered from, the vehicle, and
  - (b) a statement of the name and address of the seller.
- (3) Regulations under section 23 of this Act may prescribe the manner in which the information required by sub-paragraph (2) above is to be displayed, and a person who contravenes any such regulation shall be guilty of an offence.
- (4) If this paragraph is contravened, the seller, and any other person who is in charge of the vehicle at the time of the contravention, shall each be guilty of an offence.

#### *Exemptions*

- 7 There shall be exempted from all the requirements of paragraphs 3, 4, 5 and 6 above—
- (a) solid fuel supplied under arrangements made in the coal industry for the supply of solid fuel to persons who are or have been employed in that industry or to the dependants of such persons ;
  - (b) solid fuel made up in a container only for ease of handling as part of the load of a vehicle or ship where the whole of that load so far as it consists of solid fuel is being delivered to a single buyer.

#### *Vending machines*

- 8 Solid fuel shall be sold by means of, or offered or exposed for sale in, a vending machine only if there is displayed on or in the machine—
- (a) an indication of the quantity by net weight of the fuel comprised in each item for sale by means of that machine; and
  - (b) except where the machine is on premises at which the seller carries on business, a statement of the name and address of the seller.

#### *Byelaws*

- 9 A local weights and measures authority may make byelaws, subject to the confirmation of the Secretary of State.—
- (a) for securing that on any premises within their area on or from which solid fuel available for purchase in a quantity of 224 pounds or less is sold or kept or exposed for sale there is displayed a notice specifying the price of the fuel,
  - (b) prohibiting the sale on or from any such premises of any such fuel at a higher price than that so displayed in relation to that fuel, and
  - (c) prescribing penalties not exceeding level 2 on the standard scale for any offence under such byelaws.



*Damping of fuel*

- 10 Any person who with intent to defraud or deceive damps any solid fuel shall be guilty of an offence.

*Sale of fuel from vehicles*

- 11 (1) This paragraph applies to any vehicle which is used on highways for carrying solid fuel for sale, or for delivery after sale ; and in this paragraph "container" means any container in which solid fuel is carried on such a vehicle, or is delivered from such a vehicle.
- (2) The Secretary of State may by order make provision—
- (a) for securing the display on any such vehicle of an indication of the quantities in which solid fuel is made up in containers;
  - (b) for requiring all containers carried on or delivered from any one vehicle to be made up in the same quantity, or for regulating in any other way the quantities in which they are made up;
  - (c) for imposing any requirement as to the loading of the vehicle, or the delivery of solid fuel from the vehicle, which appears to the Secretary of State appropriate for securing that purchasers are not misled as to the quantity of fuel they purchase.
- (3) An order under sub-paragraph (2) above may—
- (a) make provision for any of the purposes mentioned in that sub-paragraph by means of amending, or of applying with or without modifications, or of excluding the application in whole or in part of, any of the preceding paragraphs of this Schedule;
  - (b) contain such consequential, incidental or supplementary provision, whether of such kinds as aforesaid or otherwise, as appear to the Secretary of State to be expedient;
  - (c) may in particular make provision, in respect of contraventions of the order for which no penalty is provided by this Act, for the imposition of penalties not exceeding those provided by section 84(6) of this Act for an offence under this Act.
- 12 An order under section 22 of this Act may amend or repeal any of the preceding paragraphs of this Schedule.

**PART II**

**WEIGHING OF SOLID FUEL AT BUYER'S REQUEST**

- 13 If in the case of any solid fuel sold otherwise than by means of a vending machine the buyer so requests—
- (a) with respect to any of that fuel the delivery of which has not at the time of the request been completed, or
  - (b) if the request is made before the departure from the premises at which the fuel is delivered of the person delivering it, with respect to any of that fuel the delivery of which has been completed but which is still capable of identification,

the seller shall cause the fuel to be weighed by means of suitable weighing equipment in the presence of the buyer and, in the case of any fuel such as is mentioned in sub-paragraph (a) of this paragraph, before the delivery of that fuel is completed ; and if this paragraph is contravened, the seller shall be guilty of an offence.

- 14 Where a request under paragraph 13 above is made in respect of the whole load of a vehicle, the requirements of that paragraph shall be deemed to be satisfied, notwithstanding that the weighing is not done in the presence of the buyer, if the seller causes the vehicle to be check-weighed and the statements of the weights found by the person or persons attending to the check-weighing to be delivered to the buyer.
- 15 Where after any weighing in pursuance of a request under paragraph 13 above the weight of the solid fuel is found to be not less than that marked on any container in which the fuel was made up or than that stated by the seller in any document delivered to the buyer at or before the delivery of the fuel to him, the buyer shall be liable to repay to the seller all costs reasonably incurred by the seller in connection with the weighing.

### PART III

#### CARRIAGE OF SOLID FUEL BY ROAD

- 16 This Part of this Schedule shall have effect with respect to the carriage by a road vehicle on a journey any part of which is along a highway of any solid fuel required by paragraph 2 above to be sold only by net weight (in this Part of this Schedule referred to as " relevant goods ").
- 17 (1) If the vehicle is carrying any relevant goods for delivery to a buyer in pursuance of, or of an agreement for, a sale of a quantity exceeding 224 pounds, then, subject to sub-paragraph (6) below, there shall before the journey begins be delivered to the person in charge of the vehicle a document signed by or on behalf of the seller (in this paragraph referred to as " the delivery document ") stating—
- (a) the name and address of the seller,
  - (b) the name of the buyer and the address of the premises to which the goods to which the document relates are being delivered,
  - (c) the type of those goods,
  - (d) subject to sub-paragraph (2) below, the aggregate net weight of those goods, and
  - (e) where any of those goods are made up in containers—
    - (i) the number of those containers, and
    - (ii) except where the whole of the relevant goods carried on the vehicle are for delivery to a single buyer, and except where the whole of the vehicle's load consists of such solid fuel as is mentioned in paragraph 7(a) above, the net weight of the goods in each of those containers ;
- and if this sub-paragraph is contravened the seller shall be guilty of an offence.
- (2) Where the whole of the vehicle's load consists of relevant goods not made up in containers and is being delivered to the same person at the same premises, the statement referred to in sub-paragraph (1)(d) above shall not be required at any time while the vehicle is travelling between the place where it was loaded and the nearest

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suitable and available weighing equipment if the delivery document states that the quantity of the relevant goods is to be expressed by net weight determined by means of that equipment and specifies the place at which the equipment is situated.

- (3) In any case to which sub-paragraph (2) above applies, the person in charge of the vehicle at the time when the net weight of the relevant goods is determined shall forthwith add to the delivery document a statement of that net weight, and if he fails so to do he shall be guilty of an offence.
- (4) Subject to sub-paragraph (5) below, if the vehicle is carrying relevant goods to which sub-paragraph (1) above applies for delivery to each of two or more buyers—
- (a) that sub-paragraph shall apply separately in relation to each of those buyers, and
  - (b) the relevant goods for delivery to each respectively of those buyers shall be carried on the vehicle made up separately in containers or in separate compartments;
- and if paragraph (b) of this sub-paragraph is contravened the seller shall be guilty of an offence.
- (5) Sub-paragraph (4)(b) above shall not apply where the vehicle is constructed or adapted for the mechanical making up in containers of the fuel carried thereon and incorporates weighing equipment approved by the Secretary of State for that purpose.
- (6) Sub-paragraph (1) above shall not apply to any goods which to the knowledge of the seller are to be loaded into a ship before their delivery to the buyer.
- 18 (1) Subject to sub-paragraph (2) below, if all or any of the relevant goods on the vehicle are being carried in such circumstances that paragraph 17(1) above does not apply, there shall, before the journey begins, be delivered to the person in charge of the vehicle a document signed by or on behalf of the person causing the goods to be carried giving the name and address of the last-mentioned person and containing a statement to the effect that all or part of the relevant goods on the vehicle are goods to which paragraph 17(1) above does not apply, and if this paragraph is contravened the last-mentioned person shall be guilty of an offence.
- (2) Sub-paragraph (1) above shall not apply where the total quantity of the relevant goods carried on the vehicle does not exceed 224 pounds.
- 19 Any document required by paragraph 17 or 18 above shall at all times during the journey be carried by the person for the time being in charge of the vehicle and shall be handed over by him to any other person to whom he hands over the charge of the vehicle in the course of the journey; and in the case of any document such as is mentioned in paragraph 17 above, on the unloading of the goods to which the document relates at the premises to which those goods are to be delivered—
- (a) before any of those goods are so unloaded, the document shall be handed over to the buyer, or
  - (b) if the document cannot be so handed over by reason of the absence of the buyer, it shall be left at some suitable place at those premises;
- and if at any time any of the requirements of this paragraph is contravened without reasonable cause, the person in charge of the vehicle at that time shall be guilty of an offence.

## 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 Subject to 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—
- (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.
- 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

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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 subparagraph (2) below or, in the case of any such train as is mentioned in paragraph 22(1)(d) above, sub-paragraph (3) below.

- (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.
- 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.
- (2) The authority responsible for railway traffic at the destination of the train or vehicle, as the case may be, shall—

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- (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,
- that authority or person shall be guilty of an offence.

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- 28 (1) Paragraph 21 above shall not apply to any rail vehicle loaded at a mine of coal with respect to which it is certified by or on behalf of the National Coal Board—
- (a) that in no year is the aggregate amount of solid fuel loaded as mentioned in paragraph 20 above likely to exceed 224 million pounds; 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, other than a mine to which sub-paragraph (1) above applies, 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 direction, paragraph 21 above shall not apply to any vehicle loaded at that place.
- (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 sub-paragraph (1)(&) above, and if without reasonable cause they fail so to do they shall be guilty of an offence.

## SCHEDULE 6

Section 21.

### MISCELLANEOUS GOODS OTHER THAN FOODS

#### PART I

##### 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

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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

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

- 4 This Part of this Schedule applies to ready-mixed cement mortar and ready-mixed concrete.
- 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.
- 7 Paragraphs 5 and 6 above shall not have effect in any area in Scotland specified by the Secretary of State by order.

## PART III

### 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 ;



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- (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.
  - (4) There shall be exempted from all requirements of this paragraph any sale of goods with a view to their industrial use.
- 10 Paragraphs 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**

##### **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**

##### **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,

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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.

- 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

### SOAP

- 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.

## PART VII

### 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

### 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.

## PART IX

### 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.

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## PART X

### 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

### 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.

## PART XII

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

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- (b) any other goods in a quantity of less than one ounce or of less than one fluid ounce.

### PART XIII

#### 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 prepacked 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 prepacked 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.

### SCHEDULE 7

Section 21.

#### COMPOSITE GOODS AND COLLECTIONS OF ARTICLES

- 1 (1) This paragraph applies to any goods which, not being prepacked, and not themselves being goods—
- (a) required by or under Part IV of this Act, except this paragraph, to be sold (whether on any sale or on a sale of any particular description) only by quantity expressed in a particular manner, or
  - (b) on a sale of which (whether any sale or a sale of any particular description) the quantity of the goods sold expressed in a particular manner is required by or under Part IV of this Act, except this paragraph, to be made known to the buyer at or before a particular time, or
  - (c) expressly exempted by or under Part IV of this Act, except this paragraph, from all such requirements as mentioned in paragraph (a) or (b) above which would otherwise apply to them,
- consist of a mixture constituted wholly or mainly of goods of one or more descriptions to which there applies any such requirement made by reference to any of the following (whether exclusively or otherwise), that is to say, weight, capacity measurement or volume.

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- (2) Subject to paragraph 5 below, goods to which this paragraph applies shall be sold only by net weight or by capacity measurement or by volume.
- 2 (1) This paragraph applies to any goods which, not being aerosol products and not themselves being goods—
- (a) required by or under Part IV of this Act, except this paragraph, to be pre-packed only if the container is marked with an indication of quantity, or
  - (b) in the case of which when sold pre-packed (whether on any sale or on a sale of any particular description) the quantity of the goods sold expressed in a particular manner is required by or under Part IV of this Act, except this paragraph, to be made known to the buyer at or before a particular time, or
  - (c) expressly exempted by or under Part IV of this Act, except this paragraph, from all such requirements as mentioned in paragraph (a) or (b) above which would otherwise apply to them,
- consist of a mixture constituted wholly or mainly of goods of one or more descriptions to which there applies any such requirement made by reference to any of the following (whether exclusively or otherwise), that is to say, weight, capacity measurement or volume.
- (2) Subject to paragraph 5 below, goods to which this paragraph applies shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by capacity measurement or by volume.
- 3 (1) This paragraph applies to aerosol products containing any goods required by or under Part IV of this Act, except this paragraph, to be pre-packed only if the container is marked with an indication of quantity expressed in a particular manner.
- (2) Subject to paragraph 5 below, any aerosol product to which this paragraph applies shall be pre-packed only if the container is marked with an indication of the quantity by net weight of the entire contents of the container.
- 4 (1) This paragraph applies to any collection of two or more items which, not itself being—
- (a) required by or under Part IV of this Act, except this paragraph, to be pre-packed only if the container is marked with particular information, or
  - (b) expressly exempted by or under Part IV of this Act, except this paragraph, from any such requirement which would otherwise apply to it,
- contains one or more articles to which any such requirement applies.
- (2) Any collection to which this paragraph applies shall be prepacked only if—
- (a) the container in which the collection is pre-packed is marked with an indication of the quantity of each of any such articles as mentioned in subparagraph (1) above contained in it, or
  - (b) each of any such articles contained in the container is made up in an individual container marked with an indication of quantity,
- being in either case the like indication of the quantity of each respectively of those articles as would have been required if that article had itself been pre-packed.
- 5 There shall be exempted from any requirement of paragraph 1, 2 or 3 above food of any description in a quantity of less than five grams or of less than five millilitres and goods of any other description in a quantity of less than one ounce or of less than one fluid ounce.

## SCHEDULE 8

Section 53.

## POWERS OF INSPECTORS AND LOCAL WEIGHTS AND MEASURES AUTHORITY UNDER PART V

*Powers of entry and inspection*

- 1 An inspector may, within the area for which he is appointed an inspector and on production if so requested of his credentials, at all reasonable times—
- (a) enter any premises (except premises used only as a private dwelling-house) as to which he has reasonable cause to believe that packages are made up on the premises or that imported packages belonging to the importer of them are on the premises or that regulated packages intended for sale are on the premises ;
  - (b) inspect and test any equipment which he has reasonable cause to believe is used in making up packages in the United Kingdom or in carrying out a check mentioned in subsections (1) and (2) of section 49 of this Act;
  - (c) inspect, and measure in such manner as he thinks fit, any thing which he has reasonable cause to believe is or contains or is contained in a package and, if he considers it necessary to do so for the purpose of inspecting the thing or anything in it, break it open ;
  - (d) inspect and take copies of, or of any thing purporting to be, a record, document or certificate mentioned in section 48(2) and subsections (1) to (3) of section 49 of this Act;
  - (e) require any person on premises which the inspector is authorised to enter by virtue of paragraph (a) of this paragraph to provide such assistance as the inspector reasonably considers necessary to enable the inspector to exercise effectively any power conferred on him by paragraphs (a) to (d) above ;
  - (f) require any person to give to the inspector such information as the person possesses about the name and address of the packer and of any importer of a package which the inspector finds on premises he has entered by virtue of this paragraph or paragraph 2 below.
- 2 If a justice of the peace, on sworn information in writing—
- (a) is satisfied that there is reasonable ground to believe that—
    - (i) a package or a thing containing a package, or
    - (ii) any such equipment, record, document or certificate as is mentioned in paragraph 1 above,
 is on any premises or that an offence under section 50 or 63 of this Act is being or is about to be committed on any premises, and
  - (b) is also satisfied either—
    - (i) that admission to the premises has been refused or that a refusal is apprehended and that notice of the intention to apply for a warrant has been given to the occupier, or
    - (ii) that an application for admission or the giving of such a notice would defeat the object of the entry or that the premises are unoccupied or that the occupier is temporarily absent and it might defeat the object of the entry to await his return,
 the justice may by warrant under his hand, which shall continue in force for a period of one month, authorise an inspector to enter the premises if need be by force.

In the application of this paragraph to Scotland " justice of the peace " includes a sheriff.

- 3 (1) An inspector entering any premises by virtue of paragraph 1 or 2 above may take with him such other persons and such equipment as he considers necessary.
- (2) It shall be the duty of an inspector who leaves premises which he has entered by virtue of paragraph 2 above and which are unoccupied or from which the occupier is temporarily absent to leave the premises as effectively secured against trespassers as he found them.

*Power of seizure*

- 4 Where an inspector has reasonable cause to believe that an offence under section 50, 54 or 63 of this Act or this Schedule has been committed and that any equipment, record, document, package or thing containing or contained in a package may be required as evidence in proceedings for the offence he may seize it and detain it for as long as it is so required.

*Power to require information*

- 5 (1) An inspector may serve, on any person carrying on business as the packer or importer of packages in the area for which the inspector is appointed an inspector, a notice requiring that person—
- (a) to furnish the inspector from time to time with particulars of the kind specified in the notice of any marks which, otherwise than in pursuance of section 48(1)(c) of this Act, are applied from time to time to packages made up in that area by that person or (as the case may be) to packages imported by him, for the purpose of enabling the place where the packages were made up to be ascertained, and
- (b) if the person has furnished particulars of a mark in pursuance of the notice and the mark ceases to be applied to such packages for that purpose, to give notice of the cesser to the inspector.
- (2) A notice given by an inspector under this paragraph shall not require a person to furnish information which he does not possess.

*Purchase of goods*

- 6 (1) A local weights and measures authority shall have power to purchase goods, and to authorise any of its officers to purchase goods on behalf of the authority, for the purpose of ascertaining whether an offence under section 50, 54(2) or 63 of this Act has been committed.
- (2) If an inspector breaks open a package in pursuance of paragraph 1(c) above otherwise than on premises occupied by the packer or importer of the package and the package is not inadequate, it shall be the duty of the inspector, if the owner of the package requests him to do so, to buy the package on behalf of the local weights and measures authority for the area in which he broke it open.



*Failure to provide assistance or information*

- 7 Any person who without reasonable cause fails to comply with a requirement made of him in pursuance of paragraph 1(e) or (f) or 5 above shall be guilty of an offence.

## SCHEDULE 9

Section 55(4).

PROVISIONS RELATING TO CONSTITUTION OF  
NATIONAL METROLOGICAL CO-ORDINATING UNIT*Tenure of members*

- 1 (1) Subject to paragraph 2 below, a member shall hold office as a member until the Secretary of State gives him notice that his appointment as a member is terminated.
- (2) Without prejudice to the generality of the Secretary of State's power to give notices in pursuance of sub-paragraph (1) above, it shall be his duty to give a member such a notice if the Secretary of State is satisfied that the member is no longer a member of any local authority.
- 2 A person may at any time resign his office as a member by giving to the Secretary of State a notice signed by that person and stating that he resigns that office.

*Proceedings*

- 3 The quorum of the Unit and the arrangements relating to meetings of the Unit shall be such as the Unit may determine.
- 4 The validity of any proceedings of the Unit shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

*Chairman*

- 5 The Unit may appoint a member to be the chairman of the Unit and may terminate an appointment made in pursuance of this paragraph.
- 6 A person shall cease to hold office as the chairman of the Unit if he ceases to be a member.

*Staff*

- 7 The Unit may employ, on such terms as are applicable to comparable employment in the service of a local authority, such persons as are needed to assist the Unit in the performance of its functions.

*Instruments*

- 8 The fixing of the common seal of the Unit shall be authenticated by the signature of the chairman or of any other member authorised by the Unit to authenticate it.
- 9 A document purporting to be duly executed under the seal of the Unit shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

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### *Interpretation*

- 10 In this Schedule—
- " member", except in relation to a local authority, means member of the Unit; and
  - " local authority" has the meaning given by section 55(3) of this Act.

## SCHEDULE 10

Section 95.

### PROVISIONS RELATING TO NORTHERN IRELAND

#### PART I

##### PROVISIONS OF THIS ACT EXTENDING TO NORTHERN IRELAND

- 1 The following provisions of this Act shall extend to Northern Ireland—
- (a) sections 1 and 2,
  - (b) section 3 so far as it relates to the coinage standards,
  - (c) section 92,
  - (d) section 93 so far as it relates to regulations under section 7 of the Food Act 1984 which, by virtue of sections 7(3) and 135 of that Act, apply to Northern Ireland,
  - (e) Schedules 1 and 2,
  - (f) so much of any other provision of this Act as relates to the interpretation of the provisions mentioned in paragraphs (a) to (e) above or to the making, variation or revocation of any order under this Act which by virtue of this paragraph extends to Northern Ireland,
  - (g) section 95 and this Schedule,
  - (h) paragraph 22 of Schedule 11 and section 96 so far as it relates to that paragraph,
  - (i) paragraph 10 of Schedule 12 and section 97 so far as it relates to that paragraph,
  - (j) section 98(1) and Part I of Schedule 13 so far as they relate to enactments which extend to Northern Ireland,
  - (k) section 98(2) and Part II of Schedule 13 so far as they relate to—
    - (i) regulation 13 of, and Schedule 4 to, the Units of Measurement Regulations 1980, or
    - (ii) regulation 4 of the Units of Measurement Regulations 1985, and
  - (l) section 99.

#### PART II

##### STANDARDS IN NORTHERN IRELAND

- 2 (1) The Department of Economic Development for Northern Ireland may by order direct that there shall be standards for Northern Ireland of the yard, pound, metre and kilogram which shall be, and shall be known as, the Northern Ireland primary standards.

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- (2) No order shall be made under this paragraph unless a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- 3 For the purposes of providing the Northern Ireland primary standards in pursuance of such an order, the Department of Economic Development for Northern Ireland shall cause to be made, in such manner as the Department may direct, copies in such form and of such material as the Department may think fit of the United Kingdom primary standards, and those copies shall be the Northern Ireland primary standards.
- 4 The Secretary of State shall from time to time as the Department of Economic Development for Northern Ireland may think it expedient to require, and at the expense of the Department, cause any Northern Ireland primary standard to be compared with, and its value redetermined by reference to, the corresponding United Kingdom primary standard in such manner as the Secretary of State may direct.
- 5 Any Northern Ireland primary standard maintained under this Part of this Schedule shall be in the custody of the Department of Economic Development for Northern Ireland.

## SCHEDULE 11

Section 96(1).

### TRANSITIONAL PROVISIONS AND SAVINGS

#### *General*

- 1 In this Schedule—  
    " the 1963 Act" means the Weights and Measures Act 1963 ;  
    " the commencement of this Act" means the commencement of the provisions of this Act other than section 43.
- 2 Any reference, whether express or implied, in any enactment, instrument or document (including this Act and any enactment amended by Schedule 12 to this Act) to, or to things done or falling to be done under or for the purposes of, any provision of this Act shall, if and so far as the context permits, be construed as including, in relation to times, circumstances and purposes before the commencement of this Act, a reference to, or to things done or falling to be done under or for the purposes of, the corresponding provision repealed by this Act.
- 3 Any reference, whether express or implied, in any enactment, instrument or document to, or to things done or falling to be done under or for the purposes of, any provision reproduced in this Act shall be construed, so far as is required for retaining for the enactment, instrument or document the same force and effect as it would have had but for the passing of this Act (and subject to any express amendment made by this Act ) as being, or as the case may require including, a reference to, or to things done or falling to be done under or for the purposes of, the corresponding provision of this Act.
- 4 Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if the corresponding provision of this Act had been in force when that period began to run.

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*Acts passed before 31st July 1963*

- 5 In any Act passed before 31st July 1963—
- (a) any reference to local authorities for the purposes of the Weights and Measures Acts 1878 to 1936 shall continue to be construed as a reference to local weights and measures authorities, and
  - (b) any reference to an inspector of weights and measures shall continue to be construed as a reference to an inspector within the meaning of this Act.
- 6 Any local Act passed before 31st July 1963 shall continue to be construed—
- (a) as not making unlawful the use for trade, as equipment to which section 11 of this Act applies, of any article of which such use is not unlawful under that section, and
  - (b) as not requiring any such article to be stamped otherwise than as required by that section.
- 7 Where an enactment contained in any local Act passed before 31st July 1963 appears to the Secretary of State to have been superseded by, or to be inconsistent with, any of the provisions of the 1963 Act re-enacted in this Act, or any instrument made under those provisions, the Secretary of State may by order, a draft of which shall be laid before Parliament, specify that enactment for the purposes of this paragraph and, without prejudice to the operation in the meantime of any rule of law relating to the effect on any such enactment of any such provision, any enactment specified in the order shall be repealed as from the date of the making of the order.

*Standards, etc.*

- 8 Any standard which immediately before the commencement of this Act was deemed by virtue of subsection (6) of section 3 of the 1963 Act to be a secondary, tertiary or coinage standard provided under that section shall be deemed to be a secondary, tertiary or coinage standard, as the case may be, for the purposes of this Act.
- 9 A certificate of fitness for use as a local standard issued under section 4(4) of the 1963 Act which was in force both on 4th October 1979 and immediately before the commencement of this Act shall cease to be in force at the expiration of the period of ten years from the date of issue of the certificate.

*Stamping of equipment*

- 10 Any equipment to which section 11 of this Act applies which immediately before the commencement of this Act was treated as having been duly stamped under section 11 of the 1963 Act by virtue of subsection (7) of that section shall for the purposes of this Act be treated as having been duly stamped under section 11 of this Act.

*Approved patterns of equipment*

- 11 (1) Each of the following instruments, namely—
- (a) a certificate of approval granted under section 12 of the 1963 Act before 4th April 1979 and in force immediately before the commencement of this Act,
  - (b) an authorisation of modifications granted under that section before 4th April 1979 and in force immediately before the commencement of this Act,

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- (c) a certificate which was deemed by virtue of section 12(5) of the 1963 Act to be a certificate of approval granted under section 12 and which was in force immediately before the commencement of this Act,

shall continue to have effect as if it were a certificate of approval granted under section 12 of the 1963 Act on 4th April 1979 and, in the case of a certificate of approval actually granted subject to a condition relating to a specified period, as if that condition had been imposed under section 12A(1)(b) of the 1963 Act and provided for the certificate to cease to be in force at the end of a period equal to that period and beginning with the day when the certificate was actually granted.

- (2) The power conferred by section 12(10) of this Act to revoke a certificate of approval of a pattern shall, in the case of a certificate in respect of which an authorisation of modifications has effect by virtue of sub-paragraph (1) above as if it were a further certificate of approval, include power to revoke the original certificate as it has effect apart from the modifications without revoking it as it has effect with the modifications.

*Weighing equipment passed etc. before 27th April 1978*

- 12 (1) Weighing equipment (including weights) which weighs wholly or partly in drams may continue to be used for trade if it was first passed as fit for use for trade and stamped in accordance with the 1963 Act before 27th April 1978.
- (2) Nothing in sub-paragraph (1) above shall be taken as authorising the continued use for trade of the dram except in so far as the weight of the goods in drams or partly in drams is treated as having been made known to a prospective buyer by virtue of sections 45(1)(a) and 46 of this Act.
- (3) Products and equipment necessary to complete or replace components or parts of equipment the continued use of which is authorised by sub-paragraph (1) above may be manufactured, placed on the market and used after the commencement of this Act, but this sub-paragraph shall not permit the replacement of weights, whether or not the weights form part of other weighing equipment.
- (4) Without prejudice to sub-paragraphs (1) and (2) above, every pattern of weighing equipment—
- (a) the certificate of approval in respect of which was, or is deemed to have been, granted under section 12 of the 1963 Act and was in force immediately before 27th April 1978, and
- (b) which provides for weighing to be made wholly or partly in drams, (including a pattern modified in accordance with an authorisation for the time being in force under that section) shall continue to be deemed modified to the extent necessary to require equipment of that pattern to weigh in fractions of an ounce in substitution for drams and fractions of a dram.

*Products and equipment used etc. before 1st December 1980*

- 13 (1) Nothing in section 8 of this Act shall prevent any of the units of measurement mentioned in sub-paragraph (2) below being used for products or equipment which were placed on the market or used before 1st December 1980, other than weighing or measuring equipment (including weights).

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- (2) The units of measurement referred to in sub-paragraph (1) above are the chain, furlong, rood, square mile, square inch, cubic yard, cubic foot, cubic inch, ton, hundredweight, cental, quarter, stone, dram, grain and quintal.
- 14 (1) Weighing equipment (including weights) which weighs wholly or partly in grains, stones, quarters, hundredweights or tons may continue to be used for trade if, in the case of equipment prescribed for the purposes of section 11 of this Act, it was first passed as fit for use for trade and where necessary stamped in accordance with the 1963 Act before 1st December 1980 or if, in the case of equipment not so prescribed, it was placed on the market and used before that date.
- (2) Measuring equipment measuring in square inches, cubic inches or cubic feet may continue to be used for trade if it was placed on the market and used before 1st December 1980.
- (3) Nothing in sub-paragraph (1) above shall be taken as authorising the continued use for trade of the grain, stone, quarter, hundredweight or ton except in so far as the weight of the goods in those units or partly in those units is treated as having been made known to a prospective buyer by virtue of sections 45(1)(a) and 46 of this Act.
- 15 Paragraphs 12(1) and 14(1) and (2) above have effect notwithstanding regulation 3 of the Units of Measurement Regulations 1978 (under which certain units are not authorised for use in certain circumstances on or after 27th April 1978) and regulation 8 of the Units of Measurement Regulations 1980 (under which certain units are not authorised for use in certain circumstances on or after 1st September 1980).
- 16 (1) Nothing in section 8 of this Act shall prevent any unit of measurement being used for components and parts of products and of equipment necessary to supplement or replace components or parts of products and equipment referred to in paragraph 13(1) or 14(1) or (2) above.
- (2) Nothing in regulation 3 of the Units of Measurement Regulations 1978 or in regulation 8 of the Units of Measurement Regulations 1980 shall prevent any unit of measurement being used for components and parts of products and of equipment necessary to supplement or replace components or parts of products and equipment referred to in paragraph 14(1) or (2) above.
- 17 (1) This paragraph applies to any pattern of weighing equipment—
- (a) the certificate of approval in respect of which was, or is deemed to have been, granted under section 12 of the 1963 Act and was in force immediately before 1st December 1980, and
  - (b) which provides for weighing to be made wholly or partly in grains, stones, quarters, hundredweights or tons,
- including a pattern modified in accordance with an authorisation of the Secretary of State granted or deemed to have been granted under that section before 4th April 1979 and for the time being in force.
- (2) Without prejudice to paragraph 14 above, every pattern of weighing equipment to which this paragraph applies shall continue to be deemed modified to the extent necessary to require equipment of that pattern—
- (a) to weigh in pounds with scale intervals in the form  $1 \times 10^n$ ,  $2 \times 10^n$  or  $5 \times 10^n$  pounds, the index  $n$  being a positive or negative whole number or zero, in

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- substitution for stones, quarters, hundredweights or tons or fractions thereof and to have its capacity expressed in pounds, or
- (b) to weigh in multiples or fractions of an ounce troy in substitution for grains or fractions thereof and to have its capacity expressed in ounces troy.

*Joint local weights and measures authorities in Greater London*

- 18 (1) This paragraph applies to any agreement which—
- (a) was made under section 37 of the 1963 Act before 1st April 1974 by two or more local weights and measures authorities for areas within Greater London, and
- (b) was in force immediately before the commencement of this Act.
- (2) The repeal by this Act of section 37 of the 1963 Act, and of the provisions enabling an agreement under that section to relate to functions of a local weights and measures authority under the Trade Descriptions Act 1968, section 25 of the Agriculture Act 1970 and Part II of the Fair Trading Act 1973, shall not affect any agreement to which this paragraph applies.
- (3) The parties to an agreement to which this paragraph applies shall cause notice in writing to be given to the Secretary of State of any variation from time to time made in the agreement and, if the agreement ceases to have effect, of its cessation.
- (4) Where an agreement to which this paragraph applies has effect in relation to functions of a local weights and measures authority under sections 4, 5 or 72 of this Act, any reference in that section to a local weights and measures authority shall be construed subject to the terms of the agreement.
- (5) Where—
- (a) two or more local weights and measures authorities are parties to an agreement to which this paragraph applies, and
- (b) the agreement relates to all their functions under this Act and to any functions specified in a notice given to them under section 70(1)(b) of this Act and not withdrawn,
- those authorities may make a joint report to the Secretary of State under section 70(1) of this Act in respect of any financial year during the whole of which the agreement was in operation.

*Relaxation of Ministerial controls*

- 19 Subsection (3) of section 35 of the Local Government Act 1974 (power of Secretary of State to remove or relax control conferred on any Minister etc on functions of local authorities) shall continue to apply to any such control as is mentioned in that subsection which was conferred on the Board of Trade (subsequently becoming exercisable by the Secretary of State) by any enactment contained in the 1963 Act and re-enacted in this Act.

*National Metrological Co-ordinating Unit*

- 20 Any reference to the Secretary of State in the Measuring Container Bottles (EEC Requirements) Regulations 1977 which by virtue of section 7(5) of the Weights and Measures Act 1979 was immediately before the commencement of this Act to

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be construed as a reference to the National Metrological Co-ordinating Unit shall continue to be construed as a reference to the Unit.

*Inspectors*

- 21 (1) Any person who, immediately before the commencement of section 46 of the 1963 Act, was an inspector of weights and measures appointed under section 43 of the Weights and Measures Act 1878 shall, if immediately before the commencement of this Act he was acting as an inspector for the purposes of the 1963 Act, be deemed to have been appointed an inspector under section 72 of this Act, and any certificate of qualification granted to him under section 8 of the Weights and Measures Act 1904 shall be deemed to be a certificate granted to him under section 73 of this Act.
- (2) Nothing in this Act shall prevent any person who immediately before the commencement of this Act was, with the sanction of a local weights and measures authority, acting for any of the purposes of the 1963 Act by virtue of section 46(2) of that Act from continuing to act, with that sanction, for the corresponding purposes of this Act; and so far as may be necessary for the purposes of his so acting any reference in this Act (except Part V)—
- (a) to credentials shall, in relation to such a person, be construed as a reference to written authority for him. so to act from that authority ; and
  - (b) to an inspector shall, in relation to such a person and except in section 79(3), be construed as a reference to that person while so acting.

*" Gallon " and " litre "*

- 22 Nothing in the definition of " gallon " or " litre " in Schedule 1 to this Act affects any contract or agreement entered into before 1st November 1976, notwithstanding that it relates to the delivery of goods after that date.

*Byelaws*

- 23 Any byelaws made by a local authority for any of the purposes mentioned in paragraph 9 of Schedule 5 to this Act which immediately before the commencement of this Act were in force by virtue of sub-paragraph (2) of paragraph 5 of Schedule 6 to the 1963 Act shall notwithstanding the repeal by this Act of that subparagraph continue in force by virtue of this paragraph; and any authority which immediately before the commencement of this Act had power to revoke any such byelaws to any extent shall continue to have that power.
- 24 Any provision contained in a byelaw made under paragraph 5 of Schedule 6 to the 1963 Act (including that paragraph as extended to wood fuel by paragraph 4 of Part IV of Schedule 7 to that Act) which—
- (a) immediately before 17th July 1978 (the date of the commencement of section 31(3) of the Criminal Law Act 1977 and section 289C(3) of the Criminal Procedure (Scotland) Act 1975) specified £20 as the maximum fine which might be imposed on summary conviction in respect of a contravention of, or an offence under, any byelaw mentioned in that provision, and
  - (b) immediately before the commencement of this Act had effect by virtue of either of those sections as if it specified £50 instead,
- shall continue to have effect as if it specified £50.



- 25 Where any byelaw having effect under paragraph 5 of Schedule 6 to, or paragraph 2 or 4 of Part IV of Schedule 7 to, the 1963 Act immediately before the commencement of this Act refers to any of the following units of measurement namely ton, hundredweight, quarter or stone, that reference shall continue to be treated as a reference to the equivalent number of pounds in relation to that unit referred to in Part VI of Schedule 1 to this Act.

## SCHEDULE 12

Section 97.

### CONSEQUENTIAL AMENDMENTS

#### *The Petroleum, (Consolidation) Act 1928*

- 1 In section 20(1) of the Petroleum (Consolidation) Act 1928, for the words " may from time to time prescribe" there shall be substituted the words " may from time to time with the approval of the Treasury determine ".

#### *The Agriculture Act 1967*

- 2 In section 8(3) of the Agriculture Act 1967, for paragraph (b) there shall be, substituted the following—  
“(b) conferring powers of entry on inspectors appointed under section 72 of the Weights and Measures Act 1985.”.

#### *The Trade Descriptions Act 1968*

- 3 In section 22(1) of the Trade Descriptions Act 1968—  
(a) for the words " Weights and Measures Act 1963 " there shall be substituted the words " Weights and Measures Act 1985 ";
- (b) in sub-paragraph (a) for the words " subsection (2) of section 51 of the said Act of 1963 " there shall be substituted the words " subsection (3) of section 83 of the said Act of 1985 ";
- (c) in sub-paragraph (b) for the words " subsections (2), (3) and (5) to (7) of section 26 of the said Act of 1963 " there shall be substituted the words " sections 35, 36 and 37(1) and (2) of the said Act of 1985 ".
- 4 (1) In section 32 of the Trade Descriptions Act 1968—  
(a) in paragraph (a) for the words "section 21(5)(6) of the Weights and Measures Act 1963" there shall be substituted the words " section 24(2)(6) of the Weights and Measures Act 1985 ";
- (b) for paragraph (d) there shall be substituted the following—  
“(d) for industrial use within the meaning of the Weights and Measures Act 1985 or for constructional use ;”
- (2) At the end of that section there shall be inserted the following—  
“(2) In this section " constructional use ", in relation to any goods, means the use of those goods in constructional work (or, if the goods are explosives within the meaning of the Explosives Acts 1875 and 1923, in mining, quarrying or demolition work) in the course of the carrying on of a business ;”.

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*The Greater London Council (General Powers) Act 1972*

- 5 In section 17(5)(b) of the Greater London Council (General Powers) Act 1972, for the words "Weights and Measures Act 1963" there shall be substituted the words "Weights and Measures Act 1985".

*The Fair Trading Act 1973*

- 6 In section 3(5)(b) of the Fair Trading Act 1973, for the words "Weights and Measures Act 1963" there shall be substituted the words "Weights and Measures Act 1985".

*The Weights and Measures &c. Act 1976*

- 7 (1) Section 12 of the Weights and Measures &c. Act 1976 shall be amended as follows.
- (2) In subsection (1), for paragraph (d) there shall be substituted the following—  
“(d) section 21, 22 or 23 of the 1985 Act;”.
- (3) In subsection (9)(c), for the words "the 1963 Act" there shall be substituted the words "the 1985 Act".
- 8 In section 14 of the Weights and Measures &c. Act 1976, for the definition of "the 1963 Act" there shall be substituted the following—  
“"the 1985 Act" means the Weights and Measures Act 1985;”.
- 9 In Schedule 6 to the Weights and Measures &c. Act 1976, for paragraph 5 there shall be substituted the following—

*“Weights and Measures Act 1985*

- 5 (1) This paragraph applies where the relevant requirement took effect under or by virtue of the 1985 Act.
- (2) The following provisions of that Act—  
(a) sections 25 to 31 (offences),  
(b) sections 32 to 37 (liability of third parties and defences),  
(c) sections 38 to 42 and 44 to 46 (powers of inspectors, etc.), and  
(d) sections 79 to 83 (further powers of inspectors and prosecution of offences),  
shall apply as if the substituted requirement were imposed under Part IV of the Act.”

*The Weights and Measures (Northern Ireland) Order 1981*

- 10 (1) The Weights and Measures (Northern Ireland) Order 1981 shall be amended as follows.
- (2) In Article 1(3), for the words from "and Article 54(2)" to the end there shall be substituted the words "shall come into operation on such date or dates as may be appointed by the Secretary of State under subsection (2) of section 43 of the Act of 1985 for the coming into force of that section".
- (3) In Article 2(2)—

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- (a) for the definition of " the Act of 1963 " there shall be substituted the following—
    - “" the Act of 1985 " means the Weights and Measures Act 1985 ;”, and
  - (b) in the definition of " capacity measurement", for the words " Act of 1963 " there shall be substituted the words " Act of 1985 " .
- (4) In Articles 3(3), 4(6), 10(8) and 53(1), for the words " Act of 1963 ", wherever they occur, there shall be substituted the words " Act of 1985 " .
- (5) In Article 8—
- (a) in paragraph (3), for the words "Schedule 1 to the Act of 1963" there shall be substituted the words " Schedule 1 to the Act of 1985 " and for the words " section 10(6) of the Act of 1963 " there shall be substituted the words " section 10(3) of the Act of 1985 " , and
  - (b) in paragraph (5)(a), for the words " which is or on 25th October 1967 was included in Schedule 1 to the Act of 1963 " , there shall be substituted the words " which is included in Schedule 1 to the Act of 1985 or was on 25th October 1967 included in Schedule 1 to the Weights and Measures Act 1963 " .
- (6) In Article 12(5), for the words " section 13 of the Act of 1963 " there shall be substituted the words " section 14 of the Act of 1985 " .

*The Local Government Act 1985*

- 11 In paragraph 15 of Schedule 8 to the Local Government Act 1985—
- (a) in sub-paragraph (4), after the words " this paragraph " there shall be inserted the words " and section 69(1)(a) of the Weights and Measures Act 1985 " ,
  - (b) in sub-paragraph (5), for the words " (1) to (3) above " there shall be substituted the words " (2) and (3) above and the said section 69(1)(a) " , and
  - (c) at the end of sub-paragraph (6), there shall be inserted the words " and the said section 69(1)(a) " .

SCHEDULE 13

Section 98.

REPEALS AND REVOCATIONS

**PART I**

REPEALS

Chapter	Short Title	Extent of Repeal
<a href="#">1963 c. 31.</a>	The Weights and Measures Act 1963.	The whole Act.

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Chapter	Short Title	Extent of Repeal
1968 c. 29.	The Trade Descriptions Act 1968.	In section 26(1), the words from " and section 37 " to the end.
1970 c. 40.	The Agriculture Act 1970.	In section 25, in subsection (3), the words from " and section 37 " to " that Act " and, in subsection (5), the words from " shall have effect " to " 1963 but".
1972 c. 70.	The Local Government Act 1972.	Section 112(4)(d). Section 201.
1973 c. 41.	The Fair Trading Act 1973.	In section 27(1), the words from " and section 37 " to the end.
1973 c. 65.	The Local Government (Scotland) Act 1973.	Section 64(5)(d). Section 149. In Schedule 25, paragraphs 29, 30 and 31.
1974 c. 7.	The Local Government Act 1974.	In Schedule 6, paragraph 15.
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	Section 289C(2)(b).
1976 c. 77.	The Weights and Measures &c. Act 1976.	The whole Act, except sections 12 to 14 and 15(1) to (3) and Schedule 6.
1977 c. 45.	The Criminal Law Act 1977.	Section 31(2)(b)
1979 c. 2.	The Customs and Excise Management Act 1979.	In Schedule 4, in paragraph 12, in the Table, the entry relating to the Weights and Measures Act 1963.
1979 c. 4.	The Alcoholic Liquor Duties Act 1979.	In Schedule 3, paragraphs 3 and 4.
1979 c. 45.	The Weights and Measures Act 1979.	The whole Act.
1980 c. 43.	The Magistrates' Courts Act 1980.	In Schedule 7, paragraphs 188 and 189.
1980 c. 65.	The Local Government, Planning and Land Act 1980.	In section 1(4), the words " weights and measures and to ". In Schedule 4, paragraphs 2 to 9 and 11 and 12.

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Chapter	Short Title	Extent of Repeal
1984 c. 30.	The Food Act 1984.	In Schedule 10, paragraphs 4 and 5.
1985 c. 9.	The Companies Consolidation (Consequential Provisions) Act 1985.	In Schedule 2, the entry relating to the Weights and Measures Act 1979.
1985 c. 51.	The Local Government Act 1985.	In Schedule 8, paragraph 15(1).

## PART II

### REVOCATIONS

Number	Title	Extent of Revocation
S.I. 1966/238.	The Weights and Measures (Solid Fuel) (Carriage by Rail) Order 1966.	The whole order.
S.I. 1970/1708.	The Weights and Measures Act (Amendment of Schedules 5 and 7) Order 1970.	The whole order.
S.I. 1974/874.	The Weights and Measures Act 1963 (Dentifrices) Order 1974.	Article 2.
S.I. 1978/484.	The Units of Measurement Regulations 1978.	Regulation 4(2) and (3). Regulation 5. Regulation 8.
S.I. 1979/955.	The Weights and Measures (Solid Fuel) (Carriage by Rail) (Amendment) Order 1979.	The whole order.
S.I.1979/1753.	The Weights and Measures Act 1963 (Solid Fuel) Order 1979.	The whole order.
S.I. 1980/1070.	The Units of Measurement Regulations 1980.	In regulation 9(1), 10(1) and 11, the words " or in Part IV of these Regulations " Regulation 10(2) to (4). In regulation 11, the words " to (3) " Regulation 12. Regulation 13.

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Number	Title	Extent of Revocation
S.I. 1980/1742.	The Units of Measurement (No. 2) Regulations 1980.	Regulation 16. Schedule 4. In Schedule 5, the amendments of the Weights and Measures Act 1963. Regulations 2 and 3.
S.I. 1983/1077.	The Weights and Measures Act 1963 (Amendment of Schedule 3) Order 1983.	The whole order.
S.I. 1984/1314.	The Weights and Measures Act 1963 (Intoxicating Liquor) Order 1984.	Article 2.
S.I. 1984/1315.	The Weights and Measures Act 1963 (Cheese, Fish, Fresh Fruits and Vegetables, Meat and Poultry) Order 1984.	Article 3.
S.I. 1984/1316.	The Weights and Measures Act 1963 (Miscellaneous Foods) Order 1984.	Articles 3 and 17.
S.I. 1985/435.	The Weights and Measures (Solid Fuel) (Carriage by Rail) (Amendment) Order 1985.	The whole order.
S.I. 1985/777.	The Units of Measurement Regulations 1985.	Regulation 4.