

1989 No. 270

**MERCHANT SHIPPING  
SAFETY**

**The Merchant Shipping (Weighing of Goods Vehicles and  
other Cargo) (Amendment) Regulations 1989**

<i>Made</i> - - - -	<i>1st March 1989</i>
<i>Laid before Parliament</i>	<i>2nd March 1989</i>
<i>Coming into force</i>	<i>31st March 1989</i>

The Secretary of State for Transport, after consulting with the persons referred to in section 22(2) of the Merchant Shipping Act 1979<sup>(a)</sup> in exercise of the powers conferred on him by section 21(1)(a), (3) and (6) and section 22(1) of that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Merchant Shipping (Weighing of Goods Vehicles and other Cargo) (Amendment) Regulations 1989 and shall come into force on 31st March 1989.

2. The Merchant Shipping (Weighing of Goods Vehicles and other Cargo) Regulations 1988<sup>(b)</sup> shall be amended as follows:

(a) the following paragraph shall be added to regulation 2:—

“(3) A certificate for the purpose of paragraph (1)(iii) shall be a statement in writing of the weight of the qualifying cargo item given by a person who both—

(a) attended to the weighing, and

(b) held then either such a certificate as is mentioned in section 18(1) of the Weights and Measures Act 1985<sup>(c)</sup> which was issued for the purposes thereof or such a certificate as is mentioned in regulation 3(3).”

(b) regulation 4(6) shall be replaced by the following three paragraphs:—

“(6) The weight of a qualifying cargo item which is a motor vehicle drawing a trailer, whether or not carrying a load, may be taken, if the trailer (with load, if any) has been weighed within the port premises together with some other motor vehicle drawing it, to be the sum of:—

(i) the combined weight so measured of the trailer and that other motor vehicle with which it was weighed less the mean operating weight of that other motor vehicle, and

(ii) the mean operating weight of the motor vehicle drawing it onto the vessel and intended to remain with it during the voyage;

where the mean operating weight of each motor vehicle has been determined previously and recorded on a certificate which is kept with the vehicle or is retained, in original or photocopy, by the weighing manager.

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<sup>(a)</sup> 1979 c.39. Section 21(6) was amended by section 49(3) of the Criminal Justice Act 1982 (c.48).

<sup>(b)</sup> S.I. 1988/1275.

<sup>(c)</sup> 1985 c.72.

(7) The mean operating weight—

- (i) of a motor vehicle referred to in paragraphs (4)(b), (5)(b) and (6) above shall be the overall weight of the motor vehicle, without any load but with any loose tools and equipment, one-half of the maximum capacity of fuel, and a reasonable allowance for the driver and
- (ii) of a motor vehicle and trailer for the purposes of paragraph (5)(b) above shall be the overall weight of the vehicle, in the same condition, together with the unladen weight of the trailer,

and it shall be the responsibility of the person presenting a vehicle or, as the case may be, a vehicle and trailer for weighing for the purpose of establishing the mean operating weight to ensure that the vehicle or, as the case may be, a vehicle and trailer, is weighed in a condition which provides such a weight.

(8) A certificate for the purposes of paragraph (4), (5) or (6) above shall be a statement in writing of the weight of the vehicle, the trailer or motor vehicle and trailer, as the case may be, issued

(a) if obtained as a result of weighing within the port premises, by a weighing machine operator certified in accordance with regulation 3(3), or in the case of a self-operated machine within the meaning of regulation 3(4), as a result of operation of the machine; or

(b) if obtained as a result of weighing outside the port, by a person authorised in accordance with section 18(1) of the Weights and Measures Act 1985 to attend the weighing;

“ and, except in relation to a determination of weight before 1st April 1990, any such certificate of mean operating weight shall be endorsed by the person who presented the vehicle (or vehicle and trailer) for weighing with a statement, signed by him, that it was weighed in a condition which provided such a weight.”.

(c) the following paragraph shall be added to regulation 5:—

“ (5) Where the weight of a qualifying cargo item which is a motor vehicle, a motor vehicle and trailer, or a trailer is determined in accordance with regulation 4(5)(b), (c) or (d), the weighing of the motor vehicle, motor vehicle and trailer or trailer as the case may be for the purpose of those paragraphs may be carried out outside the port premises if the weighing is carried out by a person authorised in accordance with section 18(1) of the Weight and Measures Act 1985 to attend the weighing.”.

(d) there shall be inserted as a new regulation 6A the following:—

“ **Enforcement in connection with weighing machines**

6A.—(1) Subject to the production if so requested of his credentials, an inspector of weights and measures may, within the area for which he was appointed inspector, at all reasonable times inspect and test any weighing machine which is, or which he has reasonable cause to believe to be, used for the purposes of regulation 3

(2) Subject to the production if so requested of his credentials, an inspector of weights and measures may, within the area for which he was appointed inspector seize and detain documents which the inspector has reason to believe may be required as evidence in proceedings for an offence under regulation 7(3), (5), (7) or (8).

(3) No person shall wilfully obstruct an inspector of weights and measures acting in pursuance of these Regulations.

(4) No person without reasonable cause shall fail to give to any inspector of weights and measures acting in pursuance of these Regulations any assistance or information which the inspector may reasonably require of him for the purposes of the performance by the inspector of his functions under these Regulations.”.

(e) regulation 7(8) shall be replaced by the following two paragraphs:—

“ (8) It shall be an offence for any person to contravene regulation 6A(3) or (4).

(9) Proceedings for any offence under paragraph (3), (5) or (8) of this regulation, shall not be instituted except by or on behalf of a local weights and measures authority.”;

(f) in regulation 10 the following shall be added as paragraph (8):—

“(8) Any person committing an offence under regulation 7(8) shall be liable on summary conviction to a fine not exceeding level five on the standard scale.”;

(g) in regulation 12(1)(b)(iii) “Weights and Measures Regulations (Northern Ireland) 1967(a)” shall be deleted and replaced by “Weights and Measures (Northern Ireland) Order 1981(b)”;

(h) the following shall be added as regulation 12(1)(c):—

“(c) the references in regulations 4(8)(b) and 5(5) to section 18(1) of the Weights and Measures Act 1985 shall be references to article 16(1) of the Weights and Measures(Northern Ireland) Order 1981”;

(i) in regulation 12(2), for “7(8)” there shall be substituted “7(9)”.

(j) the following entries shall be added to the Schedule:

<i>Port</i>	<i>Destination</i>
“Burwick Gills Bay	Gills Bay Burwick”.

1st March 1989

*Paul Channon*  
Secretary of State for Transport

(a) S.R. and O.(N.I.) 1967 No. 637, to which there are amendments not relevant to these Regulations.

(b) S.I. 1981/231(N.I.10).

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Merchant Shipping (Weighing of Goods Vehicles and other Cargo) Regulations 1988. They principally:

- (a) clarify what certain certificates of weight required by those Regulations are, and who may issue them (*regulation 2(a)*, new paragraph (3) to regulation 2 of those Regulations, and *2(b)*, new paragraphs (7) and (8) to regulation 4 of those Regulations);
- (b) provide for the calculation of the weight of a trailer weighed with one vehicle, but loaded when drawn by another (*regulation 2(c)*, new paragraph (6) in regulation 4);
- (c) provide powers of enforcement by inspectors of weights and measures of the provisions dealing with weighing machines, and penalties in connection therewith (*regulation 2(d)*, *(e)* and *(f)*);
- (d) correct a reference to Northern Ireland legislation (*regulation 2(g)*);
- (e) add Burwick and Gills Bay as ports at which those 1988 Regulations apply (*regulation 2(i)*).

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