STATUTORY INSTRUMENTS

1963 No. 1890

WEIGHTS AND MEASURES

ADMINISTRATION

The Weights and Measures (Ballast) Regulations 1963

Made - - - -	*22nd November* 1963
Laid before Parliament	*29th November* 1963
Coming into Operation	*31st January* 1964

The Board of Trade, in pursuance of the powers conferred upon them by sections 11(1) and (3), 14(1), 47 and 58 of the Weights and Measures Act 1963(a) and all other powers enabling them in that behalf, hereby make the following Regulations:—

Application

1. These Regulations shall apply to all cubic measures (whether forming part of a vehicle or not) for use for trade in the making of any measurement of ballast by the cubic yard; and such measures are hereby prescribed for the purposes of section 11(1) of the Weights and Measures Act 1963.

Materials and principles of construction of cubic measures of ballast

2.—(1) Subject to paragraph (5) of this regulation, every measure shall—

(*a*) be made of metal or wood or both metal and wood of sufficient thickness to ensure that the measure shall be rigid when its component parts have been assembled; and, in the case of a brim measure, the base and any side of the measure shall, if it is made of wood, be provided with not less than two external strengthening strips;

(*b*) be so constructed that—

(i) save in the case of a brim measure, it does not contain a false bottom;

(ii) in the case of a brim measure, its internal surfaces are plane and, in the case of any other measure, its internal surface is such as to be incapable of impeding the ready discharge of ballast from the measure.

(2) Subject to paragraph (5) of this regulation, the component parts of every measure shall be assembled in a permanent manner and so that neither the form nor the capacity of the measure shall be capable of becoming changed in the ordinary course of use for trade:

Provided that—

(*a*) the sides of a common measure may be attached by means of hinges (allowing the side or sides to swing outwards) to the base of the measure or to the top of the ends of the sides thereof adjacent to any side so attached;

(a) 1963 c. 31.

(*b*) the sides of a brim measure may be detachable from the base thereof and from each other, subject to compliance with the following conditions:—

(i) every component part of the measure shall bear a common distinguishing mark; and

(ii) the method of attaching the sides of the measure to its base and one to another shall be such as to ensure the correct assembling of the component parts of the measure, and that the base of the measure when its component parts are so assembled projects for not less than 1 inch beyond the external surface of each of the sides, and that the lower edges of the sides make continuous contact with the base;

(*c*) the side of a tip-cart measure forming the tailboard of the vehicle may be detachable from the vehicle, subject to compliance with the following conditions:—

(i) the tailboard and one of the other sides of the measure shall bear a common distinguishing mark; and

(ii) the method of attaching the tailboard to the vehicle shall be such as to ensure the correct assembling of the tailboard with the base of the measure and the sides thereof adjacent to the tailboard.

(3) Subject to paragraph (5) of this regulation, every measure (other than a tip-cart measure) shall be of rectangular form and consist of a base with four sides perpendicular to the base:

Provided that, in the case of a common measure—

(*a*) the two longer sides of the measure may be curved into the base, subject to the condition that the width of the base shall not thereby become less than three-quarters of the maximum width of the measure, and in every such case the lower two corners of the other two sides may be rounded off in conformity;

(*b*) the two shorter sides of the measure may differ one from another in width, subject to the condition that the width of one of these sides shall be not less than 90 per cent. of the width of the other side, and in every such case the form of the base may be correspondingly varied.

(4) Subject to paragraph (5) of this regulation, the internal length, width and depth of a brim measure shall comply with one or other of the following specifications:—

(*a*) length: 1 yard; width: 1 yard; depth: 1 yard; or

(*b*) length: 1 yard; width: 1 yard; depth: 1 foot, six inches; or

(*c*) length: 1 yard; width: 2 feet, 3 inches; depth: 2 feet; or

(*d*) length: 1 yard; width: 1 yard; depth: 9 inches.

(5) Nothing in this regulation shall apply to any measure made in accordance with a pattern in respect of which a certificate of approval granted or deemed to have been granted under section 12 of the Weights and Measures Act 1963 is in force, or with such a pattern modified in accordance with an authorisation granted or deemed to have been granted under the said section 12. A brim measure made in accordance with such a pattern, or in accordance with such a pattern as so modified, is hereinafter referred to as " a certificated brim measure ".

3.—(1) Every measure, other than a brim measure, shall have its purported value defined by calibration marks on capacity indicators in the manner specified in the Schedule hereto. Two capacity indicators shall be fitted to every such measure and the said indicators shall comply with the requirements of the said Schedule and shall be affixed to the measure in the manner therein specified:

Provided that this paragraph shall not apply to any measure made in accordance with a pattern in respect of which a certificate of approval granted or deemed to have been granted under section 12 of the Weights and Measures Act 1963 is in force, or with such a pattern modified in accordance with an authorisation granted or deemed to have been granted under the said section 12.

(2) Every brim measure shall have its maximum purported value defined by the brim of the measure.

4.—(1) Every measure shall have its maximum purported value conspicuously, legibly and durably marked upon the outside thereof (and not upon the bottom or the edges or any handle) in plain block characters not less than one inch in height and half an inch in width, on a plain background and in distinct contrast thereto, and such maximum purported value shall be marked either in full or by means of one of the following abbreviations:—

half cubic yard	...	...	...	½ cu. yd *or* ½ cub. yd
cubic yard	...	...	...	...	cu. yd *or* cub. yd

(2) Every measure which is a receptacle forming part of a vehicle shall be marked as aforesaid upon the left or near side.

Testing

5. No measure shall be tested unless it is complete and in a clean condition.

6. For the purposes of the performance by an inspector of his tests, the owner or person in charge of any measure shall, if requested by the inspector, provide for his use such small shingle or stone or granite chips and such assistance in handling, loading, unloading and transferring the same as he may reasonably require.

7. Every tip-cart measure and every common measure shall be tested either—

(*a*) by ascertaining the relevant internal linear dimensions and by calculating, on the basis of the figures thus ascertained, the cubic capacity of the measure up to each plane determined by the lower edge of a primary or secondary calibration mark on one capacity indicator with which the measure is fitted, in conjunction with the lower edge of the corresponding mark on the other capacity indicator; or

(*b*) in any case where the inspector is of the opinion that it is impracticable or inconvenient to test the measure in the aforesaid manner, by filling a brim measure, which has been tested and stamped in accordance with the requirements of these Regulations, with small shingle or stone or granite chips and then transferring the contents thereof into the measure under test; and the measure shall be tested to the lower edge of each primary or secondary calibration mark thereon.

8.—(1) Every brim measure (other than a certificated brim measure) shall be tested by ascertaining the internal length and width of the measure

at the top and bottom of each end of each side, and the length or width (as the case may be) of the measure at the top and bottom of the middle of each side, and the internal depth of the measure at each corner and at the middle of each side.

(2) Every certificated brim measure shall be tested either—

(*a*) by filling a brim measure (other than a certificated brim measure), which has been tested and stamped in accordance with the requirements of these Regulations, with small shingle or stone or granite chips and then transferring the contents thereof into the measure under test; or

(*b*) if the inspector thinks fit, by ascertaining the relevant internal dimensions of the measure and by calculating, on the basis of the figures thus ascertained, the cubic capacity of the measure.

9. No measure shall be passed as fit for use for trade if it bears any manufacturer's or maker's mark which, in the opinion of the inspector, might reasonably be mistaken for the prescribed stamp, or if it or any capacity indicator with which it is fitted bears any mark which, in the opinion of the inspector, might reasonably be mistaken for a calibration mark.

10. No measure shall be passed as fit for use for trade unless the inspector is satisfied that—

(*a*) it complies with the appropriate requirements of these Regulations; and

(*b*) the material of which and the principle on which it is constructed is not such as to facilitate the perpetration of fraud; and

(*c*) it is sufficiently strong to withstand the wear and tear of ordinary use in trade.

Prescribed limits of error

11. The prescribed limits of error on the testing of measures shall be in excess only and as follows:—

(*a*) in the case of a brim measure (other than a certificated brim measure), three-eighths of an inch on any single measurement of length, width or depth but not exceeding an average of one-eighth of an inch on all the measurements of length, width or depth, as the case may be;

(*b*) in the case of any other measure, three-quarters of a cubic foot on the first half cubic yard of the measure's capacity and one cubic foot on the first cubic yard of the measure's capacity; and half a cubic foot on each half cubic yard of the measure's capacity exceeding one cubic yard.

Stamping

12. Every measure fitted with capacity indicators shall be stamped on the lead filling in the sealing box of each indicator.

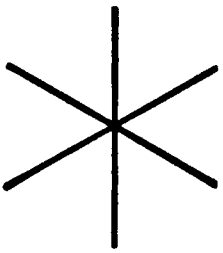
13.—(1) Every brim measure constructed of metal shall be stamped on the outside near the brim in a vertical line with the indication of its maximum purported value. Where necessary, such measures, shall be provided by the maker with a soft metal plug to receive the stamp.

(2) Every brim measure constructed of wood shall be stamped by means of branding on the outside near the brim in a vertical line with the indication of its maximum purported value.

(3) Every brim measure constructed partly of metal and partly of wood shall either be stamped or branded in accordance with paragraphs (1) or (2), as the case may be, of this regulation.

Obliteration of stamps

14. Stamps shall be obliterated by an inspector, in accordance with the requirements of these Regulations, by means of punches or pincers of suitable sizes of a six-pointed star design as shown in the following illustration:—



15. An inspector shall obliterate the stamp on any measure which—

(*a*) fails to comply with the appropriate requirements of these Regulations; or

(*b*) fails upon testing to fall within the prescribed limits of error; or

(*c*) since it was last stamped, has in his opinion had its accuracy affected by reason of any alteration, addition, adjustment or repair:

Provided that where a measure does not fully comply with the requirements of these Regulations, but the nature or degree of the non-compliance is not in the inspector's judgment such as to require the immediate obliteration of the stamp, he shall leave with the trader a notice calling on him to have the measure corrected within a stated period, not exceeding 28 days, and shall obliterate the stamp if the correction has not been made within such period.

Interpretation and extent .

16.—(1) In these Regulations the following expressions shall have the following meanings respectively:—

" ballast " means—

(*a*) sand;

(*b*) gravel, shingle, ashes or clinker;

(*c*) any material commonly known in the building and engineering trades as ballast, stone chippings, granite chippings or hard core of brick, stone, stone ware or concrete;

(*d*) any similar material commonly known and used in the said trades as an aggregate for constructional work;

" brim measure " means any cubic measure the capacity of which does not exceed one cubic yard and which is not a tip-cart measure;

" common measure " means any cubic measure which is not a brim measure or a tip-cart measure;

" tip-cart measure " means any cubic measure consisting of a receptacle which forms part of a horsedrawn two wheel tip-cart.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of these Regulations in like manner as it applies to the interpretation of an Act of Parliament.

17. These Regulations shall not apply to Scotland.

(a) 52 & 53 Vict. c. 63.

Citation and commencement

18. These Regulations may be cited as the Weights and Measures (Ballast) Regulations 1963 and shall come into operation on the 31st January 1964.

22nd November 1963.

David Price,
Parliamentary Secretary to the
Board of Trade.

SCHEDULE

Capacity Indicators

1. Every capacity indicator shall comprise a calibration strip and a sealing box.

2.—(1) The calibration strip shall be a half round metal strip not less than one and a half inches in width and of sufficient length to enable it (when properly secured to the measure to which the capacity indicator is to be fitted) to accommodate all the marks which are required to be made thereon.

(2) The calibration strip shall be firmly secured inside the measure by means of rivets or bolts to one of the sides of the measure and as near to the middle of that side as is practicable. The calibration strip comprised in the other capacity indicator with which the measure is required to be fitted shall be similarly secured to the opposite side of the measure.

3.—(1) The indications of purported value shall be marked on every such calibration strip only by means of—

(*a*) primary calibration marks, which shall be horizontal milled recesses one-eighth of an inch in width and not less than half an inch in length; and

(*b*) secondary calibration marks, which shall be horizontal milled recesses one-eighth of an inch in width, not less than one inch in length, and not less than three-thirty-seconds of an inch in depth at the middle of the strips; and

(*c*) numerals, three-quarters of an inch in height and not less than one-sixteenth of an inch in depth, which shall be recessed into the strip and shall indicate the number of cubic yards to which the primary calibration marks relate.

(2) Primary calibration marks shall be marked on each side of every numeral as near to the middle thereof as possible. They shall be so placed and spaced that the lower edge of each primary calibration mark on the calibration strip shall, in conjunction with the lower edge of the corresponding primary calibration mark on the other calibration strip, define the purported values of the measure up to the plane determined by the lower edge of the corresponding primary calibration marks, in terms of cubic yards from one cubic yard to the maximum purported value of the measure:

Provided that, if the maximum purported value of any measure to which capacity indicators are fitted is six cubic yards or exceeds six cubic yards, the said strips shall not be required to be marked with any calibration mark below the primary calibration marks defining the purported value of two cubic yards.

(3) Secondary calibration marks shall be marked in the middle of the calibration strips in the spaces between the primary calibration marks, and they shall be so placed as to subdivide the said spaces and to define (subject to sub-paragraph (4) of this paragraph) in like manner as the primary calibration marks the purported values of the measure in terms of half cubic yards from one and a half cubic yards to the maximum purported value of the measure:

Provided that—

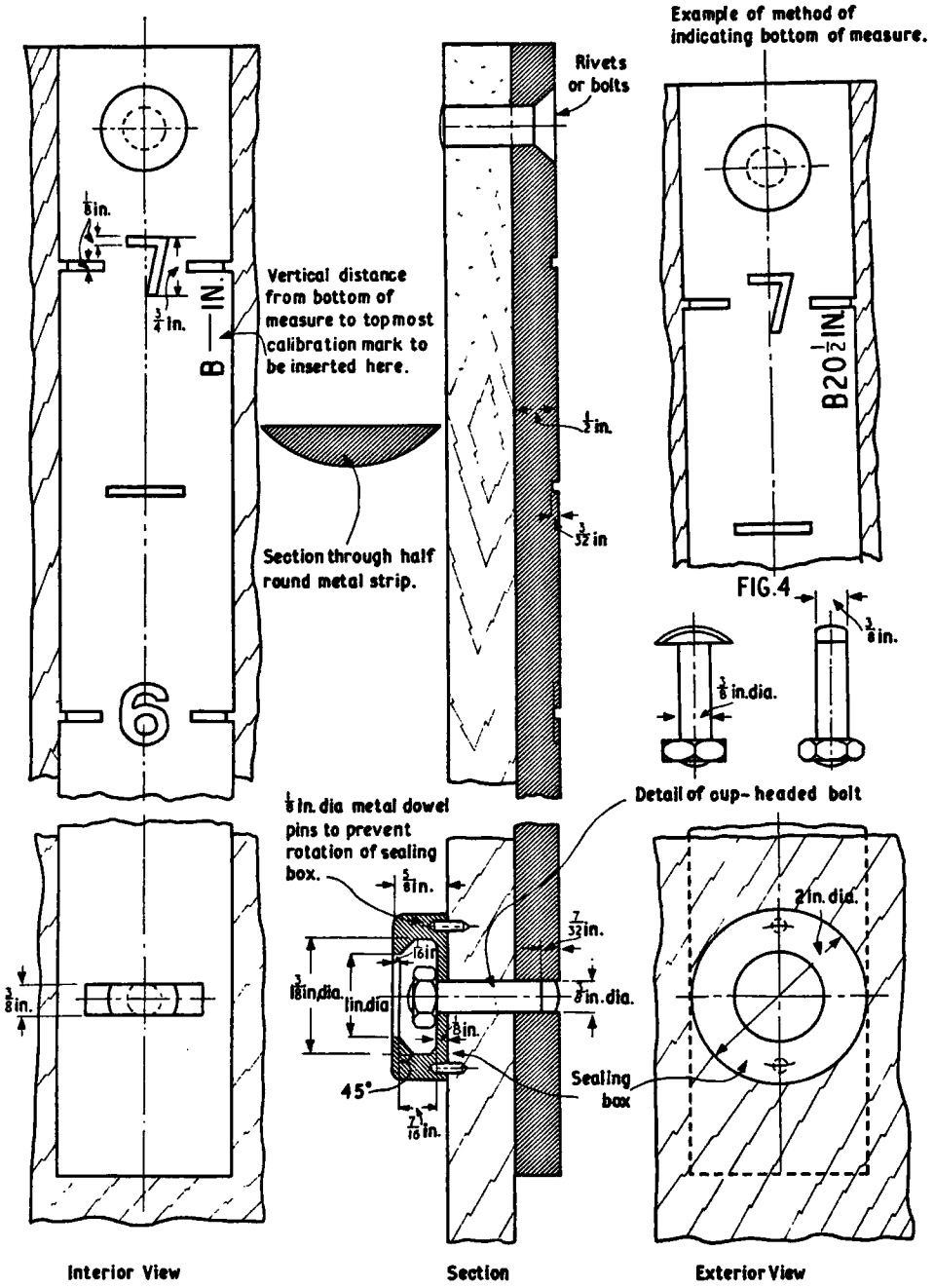
(i) if the maximum purported value of any measure to which capacity indicators are fitted is less than six cubic yards and the said maximum purported value is a multiple of a half cubic yard but not a whole number of cubic yards, secondary calibration marks shall also be marked on the strips above the topmost primary calibration marks so as to define the purported value of the measure up to the said maximum purported value;

(ii) if the maximum purported value of any measure to which capacity indicators are fitted does not exceed four cubic yards, secondary calibration marks shall also be marked on the strips below the lowest primary calibration marks so as to define the purported value of a half cubic yard.

(4) Notwithstanding anything contained in sub-paragraph (3) of this paragraph, in the case of any measure of a maximum purported value of four and a half or five and a half cubic yards, the maximum purported value of the measure may be defined by the plane determined by the upper ends of both calibration strips.

4. The letter "B", followed by a statement of the vertical distance in inches from the lower edge of the topmost calibration mark (whether a primary or secondary calibration mark) to the base of the measure, shall be indented on the calibration strips.

5. Every sealing box comprised in a capacity indicator shall be made of brass or other suitable metal of the shape and dimensions shown in the diagrams hereinafter appearing. The sealing box shall be secured to the outside of the measure and to the calibration strip by means of a cup-headed tee-bolt of not less than three-eighths of an inch in diameter passing through the side of the measure and into a slot milled in the calibration strip for its reception. The bolt shall be made of iron or steel. At the back of the sealing box where it touches the side of the measure two dowel pins shall be inserted, partly into the metal of the sealing box and partly into the wood or metal of which the side of the measure is constructed, in order to prevent rotation of the sealing box. The sealing box, after having been properly secured to the measure, shall be filled with lead so as entirely to cover the end of the bolt.


Example of method of indicating bottom of measure.
Rivets or bolts
Vertical distance from bottom of measure to topmost calibration mark to be inserted here.
Section through half round metal strip.
B 20½ IN
FIG. 4
⅜ in.
⅜ in.dia.
⅛ in. dia metal dowel pins to prevent rotation of sealing box.
Detail of cup-headed bolt
Sealing box
45°
Interior View
Section
Exterior View

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The Weights and Measures (Sand and Ballast) Regulations 1938 are being revoked on the 31st January 1964 by the Weights and Measures (Sand and Ballast) (Miscellaneous Provisions) Regulations 1963 (S.I. 1963/1889). The present Regulations replace such of the provisions of the 1938 Regulations as related to—

(i) the materials and principles of construction of cubic measures for use for trade in the making of any measurement of sand and ballast by the cubic yard ; and

(ii) the testing, passing as fit for use for trade and stamping of such measures.

They repeat those provisions of the 1938 Regulations which related to the matters mentioned above, subject to some drafting alterations and to such adaptations as are necessary to enable the present Regulations, operating within the framework of the Weights and Measures Act 1963, to produce the same effect as was produced by the relevant provisions of the earlier Regulations operating within the framework of the Weights and Measures Acts 1904 and 1936. The only change of substance is that regulation 8(2) permits an inspector, if he thinks fit, to test a certificated brim measure by ascertaining its internal dimensions instead of by transferring shingle or stone or granite chips from a measure which has already been tested into the measure under test.

The other provisions of the 1938 Regulations are substantially re-enacted in the Weights and Measures (Sand and Ballast) (Miscellaneous Provisions) Regulations 1963.