STATUTORY INSTRUMENTS

1963 No. 1889

WEIGHTS AND MEASURES

ADMINISTRATION

The Weights and Measures (Sand and Ballast) (Miscellaneous Provisions) Regulations 1963

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

The Board of Trade, in pursuance of the powers conferred upon them by sections 1(2), 2, 3(1), 4(1) and (4) and 5(1) and (2) of the Weights and Measures Act 1936(a) and all other powers enabling them in that behalf, hereby make the following Regulations:—

Prescribed fraction of a cubic yard

1. One half of a cubic yard shall be a prescribed fraction of a cubic yard for the purposes of sections 1(2) and 4(4) of the Weights and Measures Act 1936.

Calibration marks

2.—(1) The primary and secondary calibration marks on the calibration strips shall constitute the calibration marks on a tip-cart measure and on a common measure.

(2) The brim of the measure shall be regarded as the calibration mark on a brim measure.

Tare weight

3.—(1) The tare weight of a vehicle shall be the weight of that vehicle ascertained to the nearest half-hundredweight in the manner following, that is to say, the vehicle shall be weighed inclusive of the body, a full supply of water and fuel, and all parts, tools and equipment which are necessary to or ordinarily carried in or on the vehicle when working on a road, but exclusive of any other things whatsoever in or on the vehicle.

(2) The said tare weight shall be indicated by a tare weight mark on the vehicle in the form of the words "Tare Weight" accompanied in close proximity thereto by a statement of the said tare weight either in full or by means only of one or other of the following abbreviations:—

half-hundredweight	½ cwt
hundredweight	cwt

The tare weight mark shall be in plain block characters not less than one inch in length and half an inch in width, and on a plain background and in distinct contrast thereto.

(3) The tare weight mark shall be conspicuously, legibly and durably affixed upon the outside of the body of the vehicle and on the left or near side thereof.

Conveyance notes

4.—(1) Every conveyance note relating to the conveyance of sand or ballast in pursuance of a sale or agreement for the sale or carriage thereof shall, as the circumstances require, be either in the form A or in the form B shown in Schedule 1 hereto.

(a) 26 Geo. 5 & 1 Edw. 8. c. 38.

(2) Every conveyance note relating to the conveyance of sand or ballast not in pursuance of a sale or agreement for the sale or carriage thereof shall be in the form C shown in the said Schedule 1. If any vehicle is being used during a stated period for the conveyance of sand or ballast only when the conveyance thereof is not in pursuance of a sale or agreement for the sale or carriage thereof, a conveyance note in the form D shown in the said Schedule 1 may be used in lieu of a conveyance note in the form C.

(3) Conveyance notes may be of any suitable size providing for the legible inscription thereon of all the matter which the forms require to be inscribed thereon and adequate space for the insertion of all the required particulars and may consist of a single or double sheet of paper.

5. Where an inspector finds that a conveyance note produced to him in relation to any sand or ballast in a vehicle contains a materially incorrect statement, he shall cause the conveyance note to be corrected by the insertion, in the space on the conveyance note reserved for his use, of brief particulars of the matters in regard to which the conveyance note is found by him to be incorrect and shall complete and sign the statement.

Prescribed document of inspector's authority

6. Any written authority which constitutes for the time being the credentials of an inspector for the purposes of the Weights and Measures Act 1963 is hereby prescribed for the purposes of sections 4(1) and 5(1) of the Weights and Measures Act 1936 as a document showing that he is an inspector.

Interpretation

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

"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;

"measure" means any receptacle (whether forming part of a vehicle or not) which for the purpose of trade is used or intended to be used in measuring sand or ballast by the cubic yard;

"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 these Regulations in like manner as it applies to the interpretation of an Act of Parliament and as if these Regulations and the Regulations hereby revoked were Acts of Parliament.

Revocation

8. The Regulations specified in Schedule 2 hereto are hereby revoked.

Citation and commencement

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

22nd November 1963.

David Price,
Parliamentary Secretary to the Board of Trade.

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

SCHEDULE 1

Forms of Conveyance Notes for use where sand or ballast is conveyed in a vehicle in pursuance of a sale or agreement for the sale or carriage thereof.

FORM A
Cubic Measurement

CONVEYANCE NOTE

Prescribed by the Board of Trade under section 4 of the Weights and Measures Act 1936

Name and Address of Seller or Consignor.

.....

.....

Place of Loading	Date and time of leaving place of loading	Brief description of vehicle (registered number will suffice in case of motor vehicles)	Name of person in charge of vehicle

Name of Consignee.

.....

.....

Address of Place of Delivery.

.....

.....

Volume (in words) and Description of Materials being conveyed, e.g. gravel, shingle, etc.

..... cubic yards of .....

Certified that the above particulars are true and relate to the sand or ballast being conveyed in the vehicle described, which sand or ballast is being so conveyed in pursuance of:—

(*a*) a *sale* or an agreement for the sale thereof made by the cubic yard.

(*b*) an agreement for the *carriage* thereof made by the cubic yard.

Dated this ..... day of ..... 19 .....

Signed .....

(*a*) or (*b*) Delete words inapplicable.

For the use of Inspectors only

This Conveyance Note having been produced to me at (place) ..... at (time) ..... on the ..... day of ..... 19..... I found the same to contain materially incorrect statements, particulars of which are as follows:—

.....

.....

.....

Dated this ..... day of ..... 19 .....

Signed .....

Inspector for the ..... District.

Notes

(*a*) This form of Conveyance Note *is only to be used* in relation to sand or ballast which is conveyed on a journey any part of which is along a highway, in pursuance of a sale, or agreement for the sale or carriage thereof made by the cubic yard. A special form is prescribed for use in relation to sand or ballast conveyed in pursuance of a sale or agreement for the sale or carriage thereof made by weight and different forms are prescribed for use in relation to sand or ballast conveyed *not* in pursuance of a sale or agreement for the sale or carriage thereof.

(*b*) The Conveyance Note must be *completed and signed* by or on behalf of the seller or consignor as the case may be before the vehicle commences its journey.

(*c*) The person in charge of the vehicle must carry the Conveyance Note with him during the whole of the journey. He must produce it on demand to any Inspector and must deliver it to the consignee or his agent before any of the sand or ballast is unloaded at the place of delivery.

(*d*) The person in charge of the vehicle when it commences its journey must satisfy himself so far as he reasonably can that the volume of the sand or ballast in the vehicle is correctly stated in the Conveyance Note.

FORM B

Weight

CONVEYANCE NOTE

Prescribed by the Board of Trade under section 4 of the Weights and Measures Act 1936

Name and Address of Seller or Consignor.

.....

.....

Place of Loading	Date and time of leaving place of loading	Brief description of vehicle (registered number will suffice in case of motor vehicles)	Name of person in charge of vehicle

Name of Consignee.

.....

.....

Address of Place of Delivery.

.....

.....

Weight (in words) and Description of Materials being carried e.g. gravel, shingle, etc.

..... tons of .....

Gross weight of vehicle as taken at weighbridge .....

Tare weight of vehicle .....

Situation of nearest available weighing instrument to place where vehicle was loaded .....

Certified that the above particulars are true and relate to the sand or ballast being conveyed in the vehicle described, which sand or ballast is being so conveyed in pursuance of :—

(*a*) a *sale* or an agreement for the sale thereof made by weight.

(*b*) an agreement for the *carriage* thereof made by weight.

Dated this ..... day of ..... 19 .....

Signed .....

(*a*) or (*b*) Delete words inapplicable.

For the use of Inspectors only

This Conveyance Note having been produced to me at (place) ..... at (time) ..... on the ..... day of ..... 19 ..... I found the same to contain materially incorrect statements, particulars of which are as follows :—

.....

.....

.....

Dated this ..... day of ..... 19 .....

Signed .....

Inspector for the ..... District.

Notes

(*a*) This form of Conveyance Note is only to be used in relation to sand or ballast which is conveyed on a journey any part of which is along a highway, in pursuance of a sale, or agreement for the sale or carriage thereof, made by weight. A special form is prescribed for use in relation to sand or ballast conveyed in pursuance of a sale or agreement for the sale or carriage thereof made by the cubic yard and different forms are prescribed for use in relation to sand or ballast conveyed *not* in pursuance of a sale or agreement for the sale or carriage thereof.

(*b*) The situation of the nearest available weighing instrument to the place where the vehicle is loaded, is only to be inserted in the Conveyance Note, if the sand or ballast being conveyed is *not weighed at the place of loading*

(*c*) The Conveyance Note must be *completed and signed* by or on behalf of the seller or consignor as the case may be before the vehicle commences its journey. The only exception to this rule is in a case where it is intended that the sand or ballast to be conveyed shall be weighed at the nearest available weighing instrument to the place where the vehicle is loaded. In such a case particulars of the weight of the sand or ballast need not be inserted in the Conveyance Note when it is signed but must be inserted and initialled by the person in charge of the weighing instrument.

(*d*) The person in charge of the vehicle must carry the Conveyance Note with him during the whole of the journey. He must produce it on demand to any Inspector and must deliver it to the consignee or his agent before any of the sand or ballast is unloaded at the place of delivery.

(*e*) The person in charge of the vehicle when it commences its journey, or, if the case is one where the sand or ballast is to be weighed at the nearest available weighing instrument, when it leaves that weighing instrument, must satisfy himself so far as he reasonably can that the weight of the sand or ballast in the vehicle is correctly stated in the Conveyance Note.

Forms of conveyance notes for use where sand or ballast is conveyed in a vehicle not in pursuance of a sale or agreement for the sale or carriage thereof.

FORM C

For use in the case of a single journey

CONVEYANCE NOTE

Prescribed by the Board of Trade under section 4 of the Weights and Measures Act 1936

Place of Loading	Date and time of leaving place of loading	Brief description of vehicle (registered number will suffice in case of motor vehicles)	Name of person in charge of vehicle

Name and Address of Person causing sand or ballast to be conveyed.

.....

.....

.....

Description of Materials being conveyed (e.g. gravel, shingle, etc.).

.....

Place of Delivery.

.....

Certified that the above particulars are true and relate to the sand or ballast being conveyed in the vehicle described, which sand or ballast is being so conveyed *not* in pursuance of a sale or agreement for the sale or carriage thereof.

Dated this ..... day of ..... 19 .....

Signed .....

For the use of Inspectors only

This Conveyance Note having been produced to me at (place) ..... at (time) ..... on the ..... day of ..... 19 ..... I found the same to contain materially incorrect statements, particulars of which are as follows :—

.....

.....

.....

Dated this ..... day of ..... 19 .....

Signed .....

Inspector for the ..... District.

Notes

(*a*) This form of Conveyance Note is *only to be used* in relation to sand or ballast which is conveyed on a journey any part of which is along a highway *not* in pursuance of a sale or agreement for the sale or carriage thereof. It should be noted however that there is an alternative form of Conveyance Note available for use where a vehicle is engaged only in the conveyance of sand or ballast during a stated period, when the conveyance is not in pursuance of a sale or agreement for the sale or carriage thereof. Different forms are prescribed for use in relation to sand or ballast conveyed in pursuance of a sale or agreement for the sale or carriage thereof.

(*b*) The Conveyance Note must be *completed and signed* by or on behalf of the person causing the sand or ballast to be conveyed before the vehicle commences its journey.

(*c*) The person in charge of the vehicle must carry the Conveyance Note with him during the whole of the journey and must produce it on demand to any Inspector.

FORM D

For use in the case of a number of journeys during a stated period

CONVEYANCE NOTE

Prescribed by the Board of Trade under section 4 of the Weights and Measures Act 1936

I hereby certify that any sand or ballast being conveyed in the vehicle described during the period commencing .....
and ending ..... is being so conveyed *not* in pursuance of a sale or agreement for the sale or carriage thereof.

Dated this ..... day of ..... 19.....

Signed .....

Brief description of vehicle (Registration number will suffice in the case of motor vehicles) .....
.....

For the use of Inspectors only

This Conveyance Note having been produced to me at (place) .....
at (time) ..... on the ..... day of ..... 19 .....
I found the same to contain materially incorrect statements, particulars of which are as follows:—

.....
.....
.....

Dated this ..... day of ..... 19 .....

Signed .....

Inspector for the ..... District.

Notes

(*a*) This form of Conveyance Note is *only to be used* in relation to sand or ballast which is conveyed on a journey any part of which is along a highway *not* in pursuance of a sale or agreement for the sale or carriage thereof and where, further, the vehicle concerned is engaged only in the conveyance of sand or ballast during a stated period when the conveyance is not in pursuance of a sale or agreement for the sale or carriage thereof. Different forms are prescribed for normal use in relation to sand or ballast conveyed not in pursuance of a sale or agreement for the sale or carriage thereof and for cases where sand or ballast is conveyed in pursuance of a sale or agreement for the sale or carriage thereof.

(*b*) The Conveyance Note must be *completed and signed* by or on behalf of the person causing the sand or ballast to be conveyed before the vehicle commences its first journey.

(*c*) The person in charge of the vehicle must carry the Conveyance Note with him on any journey during the stated period and must produce it on demand to any Inspector.

SCHEDULE 2

REGULATIONS REVOKED

Title of Instrument	Reference
The Weights and Measures (Sand and Ballast) Regulations 1938	S.R. & O. 1938/236 (Rev. XXIV, p. 191: 1938 II, p. 3418).
The Weights and Measures (Sand and Ballast) (Amendment) Regulations 1941	S.R. & O. 1941/162 (Rev. XXIV, p. 208: 1941 I, p. 1222).
The Weights and Measures (Sand and Ballast) (Amendment) Regulations 1943	S.R. & O. 1943/1609 (Rev. XXIV, p. 191: 1943 I, p. 1008).
The Weights and Measures (Sand and Ballast) (Amendment) Regulations 1949	S.I. 1949/910 (1949 I, p. 4736).

EXPLANATORY NOTE

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

These Regulations come into operation on the 31st January 1964. They revoke the Weights and Measures (Sand and Ballast) Regulations 1938, as amended, but substantially re-enact those provisions which—

(*a*) prescribe the ½ cubic yard as a fraction of the cubic yard for purposes of sections 1(2) and 4(4) of the Weights and Measures Act 1936;

(*b*) make provision as to the calibration mark on common, tip-cart and brim measures;

(*c*) make provision as to the ascertaining and marking of the tare weight on a vehicle;

(*d*) prescribe the form of conveyance notes; and

(*e*) specify the documentary proof of an inspector's authority.

The other provisions of the 1938 Regulations are substantially re-enacted in the Weights and Measures (Ballast) Regulations 1963 (S.I. 1963/1890).