

SCHEDULES

SCHEDULE 5

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—

TABLE

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

Status: This is the original version (as it was originally enacted).

| | <i>Imperial</i> | <i>Metric</i> |
|--|-----------------|---------------|
| | 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.

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- (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.

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- (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.