

SCHEDULES

SCHEDULE 5

SOLID FUEL

PART I

GENERAL

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

2.—(1) Subject to sub-paragraph (2), solid fuel shall be sold only by net weight.

(2) There shall be exempted from the requirements of sub-paragraph (1) any solid fuel pre-packed in a securely closed container marked with an indication of quantity by net weight.

3.—^{F1}(1) Subject to sub-paragraph (3), solid fuel—

(a) if made up in advance ready for retail sale or wholesale in a securely closed container, shall be sold only by net weight;

(b) if not so made up—

(i) shall be sold only in one of the following quantities by net weight, that is to say, 10, 15, 25, 50 or 62·5 kilograms; and

(ii) except in a case where the provisions of paragraph 5 or of an order under paragraph 7(2)(a) or the provisions of Part III of this Schedule apply, the quantity by net weight of solid fuel shall be made known to the buyer before or at the time when he takes possession of the solid fuel.]

(2) Subject to sub-paragraph (3), where solid fuel of any description made up in containers in any of the following quantities, that is to say,^{F2} . . . 25, 50 or 62.5 kilogrammes, is carried on a road vehicle on a highway for sale or for delivery after sale, solid fuel of that description so made up in any other of those quantities shall not at the same time be carried on that vehicle; and if this sub-paragraph is contravened the seller shall be guilty of an offence.

(3) There shall be exempted from all the requirements of sub-paragraphs (1) and (2) 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) a single buyer; or

(b) not more than three separate buyers in pursuance of, or of any agreement for, the sale thereof otherwise than by retail.

F1 Sch. 5 para. 3(1) substituted (19.7.2010) by [Weights and Measures \(Specified Quantities\) \(Pre-packed Products\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/203\)](#), **reg. 3(3)**

F2 SR 1995/227

4. 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.

5.—(1) This paragraph applies to any vehicle on or from which any solid fuel available for purchase in a quantity of^{F3} . . . 200 kilogrammes or less is sold or kept or exposed for sale.

(2) On every vehicle to which this paragraph applies there shall, in respect of solid fuel of every description which is available as described in sub-paragraph (1), be displayed a notice specifying the quantity in which solid fuel of that description is kept or exposed for sale in containers or is made available for delivery in containers after sale and the name and address of the seller.

(3) Every such notice—

- (a) shall be constructed of wood or other durable material;
- (b) shall be clearly and permanently inscribed in characters—
 - (i) of a height of not less than^{F3} 62.5 millimetres]; and
 - (ii) composed of strokes of a breadth of not less than^{F3} 12.5 millimetres];
- (c) shall be securely and conspicuously affixed to the vehicle in such a position as to be easily read from either side of the vehicle.

(4) If in the case of any vehicle there is a contravention of any of the requirements of this paragraph, the person by or on behalf of whom the solid fuel is made available for purchase as described in sub-paragraph (1), and any other person who is in charge of the vehicle at the time of the contravention, shall each be guilty of an offence.

F3 SR 1995/227

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

7.—(1) This paragraph applies to any vehicle which is used on highways for carrying solid fuel for sale, or for delivery after sale, or on or from which any solid fuel is sold or kept or exposed for 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 Department 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 Department appropriate for securing that purchasers are not misled as to the quantity of fuel they purchase.

(3) An order under sub-paragraph (2) 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 provisions of this Part;

- (b) contain such consequential, incidental or supplementary provisions, whether of such kinds as aforesaid or otherwise, as appear to the Department to be expedient;
 - (c) make provision, in respect of contraventions of the order for which no penalty is provided by this Order, for the imposition of penalties not exceeding those provided by Article 47 for an offence under this Order.
8. An order under Article 19 may amend or repeal this Part.

Changes to legislation:

There are currently no known outstanding effects for the Weights and Measures (Northern Ireland) Order 1981, PART I.