

## SCHEDULES

### SCHEDULE 5

#### SOLID FUEL

#### PART III

##### CARRIAGE OF SOLID FUEL BY ROAD

- 16 This Part of this Schedule shall have effect with respect to the carriage by a road vehicle on a journey any part of which is along a highway of any solid fuel required by paragraph 2 above to be sold only by net weight (in this Part of this Schedule referred to as "relevant goods").
- 17 (1) If the vehicle is carrying any relevant goods for delivery to a buyer in pursuance of, or of an agreement for, a sale of a quantity exuding 224 pounds, then, subject to sub-paragraph (6) below, there shall before the journey begins be delivered to the person in charge of the vehicle a document signed by or on behalf of the seller (in this paragraph referred to as "the delivery document") stating—
- (a) the name and address of the seller,
  - (b) the name of the buyer and the address of the premises to which the goods to which the document relates are being delivered,
  - (c) the type of those goods,
  - (d) subject to sub-paragraph (2) below, the aggregate net weight of those goods, and
  - (e) where any of those goods are made up in containers—
    - (i) the number of those containers, and
    - (ii) except where the whole of the relevant goods carried on the vehicle are for delivery to a single buyer, and except where the whole of the vehicle's load consists of such solid fuel as is mentioned in paragraph 7(a) above, the net weight of the goods in each of those containers ;
- and if this sub-paragraph is contravened the seller shall be guilty of an offence.
- (2) Where the whole of the vehicle's load consists of relevant goods not made up in containers and is being delivered to the same person at the same premises, the statement referred to in sub-paragraph (1)(d) above shall not be required at any time while the vehicle is travelling between the place where it was loaded and the nearest suitable and available weighing equipment if the delivery document states that the quantity of the relevant goods is to be expressed by net weight determined by means of that equipment and specifies the place at which the equipment is situated.
- (3) In any case to which sub-paragraph (2) above applies, the person in charge of the vehicle at the time when the net weight of the relevant goods is determined shall forthwith add to the delivery document a statement of that net weight, and if he fails so to do he shall be guilty of an offence.

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

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- (4) Subject to sub-paragraph (5) below, if the vehicle is carrying relevant goods to which sub-paragraph (1) above applies for delivery to each of two or more buyers—
- (a) that sub-paragraph shall apply separately in relation to each of those buyers, and
  - (b) the relevant goods for delivery to each respectively of those buyers shall be carried on the vehicle made up separately in containers or in separate compartments;
- and if paragraph (b) of this sub-paragraph is contravened the seller shall be guilty of an offence.
- (5) Sub-paragraph (4)(b) above shall not apply where the vehicle is constructed or adapted for the mechanical making up in containers of the fuel carried thereon and incorporates weighing equipment approved by the Secretary of State for that purpose.
- (6) Sub-paragraph (1) above shall not apply to any goods which to the knowledge of the seller are to be loaded into a ship before their delivery to the buyer.
- 18 (1) Subject to sub-paragraph (2) below, if all or any of the relevant goods on the vehicle are being carried in such circumstances that paragraph 17(1) above does not apply, there shall, before the journey begins, be delivered to the person in charge of the vehicle a document signed by or on behalf of the person causing the goods to be carried giving the name and address of the last-mentioned person and containing a statement to the effect that all or part of the relevant goods on the vehicle are goods to which paragraph 17(1) above does not apply, and if this paragraph is contravened the last-mentioned person shall be guilty of an offence.
- (2) Sub-paragraph (1) above shall not apply where the total quantity of the relevant goods carried on the vehicle does not exceed 224 pounds.
- 19 Any document required by paragraph 17 or 18 above shall at all times during the journey be carried by the person for the time being in charge of the vehicle and shall be handed over by him to any other person to whom he hands over the charge of the vehicle in the course of the journey; and in the case of any document such as is mentioned in paragraph 17 above, on the unloading of the goods to which the document relates at the premises to which those goods are to be delivered—
- (a) before any of those goods are so unloaded, the document shall be handed over to the buyer, or
  - (b) if the document cannot be so handed over by reason of the absence of the buyer, it shall be left at some suitable place at those premises;
- and if at any time any of the requirements of this paragraph is contravened without reasonable cause, the person in charge of the vehicle at that time shall be guilty of an offence.