

1987 No. 216

WEIGHTS AND MEASURES

The Weights and Measures (Carriage of Solid Fuel by Rail) Order 1987

Laid before Parliament in draft

Made - - - - - *16th February 1987*

Coming into force *1st March 1987*

Whereas the Secretary of State pursuant to section 86(2) of the Weights and Measures Act 1985(a) has consulted with organisations appearing to him to be representative of interests substantially affected by this Order and considered the representations made to him by such organisations with respect to the subject matter of this Order:

And whereas a draft of this Order has been laid before Parliament and approved by resolution of each House of Parliament pursuant to section 86(5) of that Act:

Now, therefore, the Secretary of State, in exercise of his powers under sections 22(1) and (2), 24 and 86(1) of that Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Weights and Measures (Carriage of Solid Fuel by Rail) Order 1987 and shall come into operation on 1st March 1987.

(2) In this Order, “the Act” means the Weights and Measures Act 1985.

2. Paragraph 23 of Schedule 5 to the Act is hereby amended as follows:—

(a) for the words “Subject to paragraph 24 below” there shall be substituted the words “(1) Subject to subparagraph (2) and paragraph 24 below”; and

(b) there shall be added as subparagraph (2) the following subparagraph:—

“(2) Subparagraph (1) above shall not apply if, at the time of departure of the vehicle from the place of loading, the seller causes to be transmitted to the buyer, for receipt not later than the time of arrival of the vehicle at the buyer’s premises, the information required by subparagraphs (a) to (f) of subparagraph (1) above:

Provided that where such information is transmitted otherwise than in a legible form—

(a) the seller and the buyer have agreed in writing that the information may be so transmitted;

(b) the places of loading and destination of the vehicle are suitably equipped for the transmission and receipt of information in such form; and

- (c) the information is capable of being reproduced in a permanent legible form by the system effecting the transmission, and is so reproduced if required by an inspector, subject to the production, if so requested, of his credentials."

3. Paragraph 24 of the said Schedule 5 is hereby amended in subparagraph (1) as follows:

- (a) after the words "the seller shall" there shall be inserted the words "either (a)"; and
- (b) after the words "subparagraph (3) below" there shall be added the words "or (b) at the time of departure of the train which includes that vehicle transmit to the buyer, for receipt not later than the time of arrival of the train at the buyer's premises, the information required by subparagraph (2) or, as the case may be, subparagraph (3) below:

Provided that where such information is transmitted otherwise than in a legible form—

- (a) the seller and buyer have agreed in writing that the information may be so transmitted;
- (b) the places of loading and destination of the train are suitably equipped for the transmission and receipt of information in such form; and
- (c) the information is capable of being reproduced in a permanent legible form by the system effecting the transmission, and is so reproduced if required by an inspector, subject to the production, if so requested, of his credentials."

Lucas of Chilworth,
Parliamentary Under-Secretary of State,
Department of Trade and Industry

16th February 1987

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the provisions of Part IV of Schedule 5 to the Weights and Measures Act 1985 relating to the carriage of solid fuel by rail. It enables a system of electronic data transfer to be used as an alternative to the present requirements for coal trains to be accompanied by either individual wagon documents or a train bill (paragraphs 23 and 24 of the said Schedule). As a condition of using such a system, the information so transmitted must be capable of being reproduced in a permanent legible form.

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