SCHEDULES

SCHEDULE 4

SAND AND OTHER BALLAST

PART I

GENERAL PROVISIONS

1. In this Schedule, "ballast" means any of the following materials, that is to say—

(a) sand, gravel, shingle, ashes and clinker of any description;

(b) broken slag, slag chippings, granite chippings, limestone chippings, slate chippings and other stone chippings (including such materials which have been coated with tar, bitumen or cement);

(c) any other material commonly used in the building and civil engineering industries as a hardcore or an aggregate;

(d) any other material commonly known in the said industries as ballast.

2. Subject to paragraph 3, ballast shall be sold only by volume in a multiple of 0.2 cubic metre or by net weight.

3. There shall be exempted from the requirements of paragraph 2—

(a) ballast in a quantity both less than**[**[F1] 1 tonne**]** and less than one cubic metre;

(b) any sale with a view to its industrial use of ballast of any description mentioned in paragraph 1(*b*), (*c*) or (*d*);

(c) any sale in the case of which the buyer is to take delivery in or from a ship;

(d) any sale as a whole of ballast produced in the demolition or partial demolition of a building where the buyer is responsible for the removal of the ballast from the site of the building;

(e) any sale in the state in which it was produced of clinker or ashes produced as a byeproduct, or of any other ballast produced as a casual product, of the carrying on of an industrial process on any premises or of any mining operations where the buyer is responsible for the removal of the ballast from those premises or, as the case may be, from the place of those operations.

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4. Without prejudice to Article 13, no article shall be used for trade as a cubic measure of ballast other than a receptacle (which may, if so desired, form part of a vehicle) which conforms to such requirements as to form, capacity, calibration and other matters as may be prescribed; and any person who uses for trade, or has in his possession for use for trade, as a cubic measure of ballast any article other than such a receptacle as aforesaid shall be guilty of an offence.

5. In measuring any ballast against a calibration mark on such a receptacle as aforesaid, the ballast shall be filled into all parts of the receptacle as far as, and be levelled off against, that calibration mark as nearly as the nature of the ballast will permit; and where any ballast is measured for purposes of trade in such a receptacle, any person who—

(a) being the person carrying out the measuring, fails so to level off the ballast when it is loaded into the receptacle; or

(b) causes or permits a heaped load to be sent out in the receptacle,

shall be guilty of an offence.

Status:
Point in time view as at 01/01/2006.

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