

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, SCHEDULE 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5 **E+W+S**

SOLID FUEL

PART I **E+W+S**

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 sub-paragraph (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

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, SCHEDULE 5. (See end of Document for details)

28 pounds	Any multiple of 50 kilograms.
56 pounds	
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—

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, SCHEDULE 5. (See end of Document for details)

- (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.
- (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.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, SCHEDULE 5. (See end of Document for details)

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.
- (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.

PART II E+W+S

WEIGHING OF SOLID FUEL AT BUYER’S REQUEST

- 13 If in the case of any solid fuel sold otherwise than by means of a vending machine the buyer so requests—
- (a) with respect to any of that fuel the delivery of which has not at the time of the request been completed, or
 - (b) if the request is made before the departure from the premises at which the fuel is delivered of the person delivering it, with respect to any of that fuel the delivery of which has been completed but which is still capable of identification,
- the seller shall cause the fuel to be weighed by means of suitable weighing equipment in the presence of the buyer and, in the case of any fuel such as is mentioned in sub-paragraph (a) of this paragraph, before the delivery of that fuel is completed; and if this paragraph is contravened, the seller shall be guilty of an offence.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, SCHEDULE 5. (See end of Document for details)

- 14 Where a request under paragraph 13 above is made in respect of the whole load of a vehicle, the requirements of that paragraph shall be deemed to be satisfied, notwithstanding that the weighing is not done in the presence of the buyer, if the seller causes the vehicle to be check-weighed and the statements of the weights found by the person or persons attending to the check-weighing to be delivered to the buyer.
- 15 Where after any weighing in pursuance of a request under paragraph 13 above the weight of the solid fuel is found to be not less than that marked on any container in which the fuel was made up or than that stated by the seller in any document delivered to the buyer at or before the delivery of the fuel to him, the buyer shall be liable to repay to the seller all costs reasonably incurred by the seller in connection with the weighing.

PART III **E+W+S**

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 exceeding 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.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, SCHEDULE 5. (See end of Document for details)

- (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.
- (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.

Modifications etc. (not altering text)

C1 S. 17(1) excluded by S.I. 1988/186, arts. 3, 6(3)

- 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.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, SCHEDULE 5. (See end of Document for details)

PART IV **E+W+S**

CARRIAGE OF SOLID FUEL BY RAIL

- 20 Where any seller of solid fuel causes that fuel to be loaded into a rail vehicle by way of, or for the purpose of, the delivery of that fuel to, or to a person nominated in that behalf by, the buyer, and the fuel is not carried on the vehicle made up in containers, then, except where at the time of loading it is known to the seller that before the fuel is delivered to the consignee it is to be loaded into a ship, paragraphs 21 to 25 below shall apply in relation to that vehicle.
- 21 Subject to paragraphs 22 and 28 below, the vehicle shall not be loaded until its tare weight has been determined or redetermined by means of suitable weighing equipment at the place of loading.
- 22 (1) Paragraph 21 above shall not apply to any rail vehicle which forms part of or is intended to form part of a train conveying only fuel destined for a particular generating station, gas works or other industrial undertaking if—
- (a) the vehicle is loaded by equipment which weighs the fuel and discharges it directly into the vehicle, or
 - (b) the buyer has agreed with the seller that the weight of the load shall be ascertained at the vehicle's destination, or
 - (c) the buyer has agreed to accept as the tare weight of the vehicle a tare weight ascertained not more than three months before the time of loading and the vehicle has marked upon it in durable lettering a statement of the weight so ascertained and of the date and place at which it was ascertained, or
 - (d) all the vehicles comprised in the train are coupled together in such a manner that they may be weighed while in motion by equipment designed to determine the total weight of the train, and the buyer has agreed with the seller that the total net weight of fuel carried in the train shall be ascertained by deducting the total weight of the train so determined before loading from the total weight thereof so determined when loaded.
- (2) Nothing in sub-paragraph (1)(c) above shall afford any exemption from the requirements of paragraph 21 above in the case of a vehicle which has undergone repairs or modification or has suffered substantial damage since its tare weight was last ascertained and marked as mentioned in that sub-paragraph.
- 23 ^{F1}(1) Subject to subparagraph (2) and paragraph 24 below], as soon as the loading has been completed and the seller has ascertained the weight of the vehicle with its load and the identity of the consignee, the seller shall cause to be attached to the vehicle a document stating—
- (a) the name of the seller and the place and date of weighing,
 - (b) the name of the consignee and the destination of the vehicle,
 - (c) sufficient particulars to identify the vehicle,
 - (d) the tare weight of the vehicle as determined or redetermined in pursuance of paragraph 21 above or, if by virtue of paragraph 28 below paragraph 21 does not apply to the vehicle, the tare weight of the vehicle expressed to be as estimated by the seller,
 - (e) the weight attributed to the solid fuel in the vehicle by the seller for the purpose of calculating its purchase price, and
 - (f) the type of that fuel.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, SCHEDULE 5. (See end of Document for details)

[^{F2}(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.]

Textual Amendments

F1 Words substituted by [S.I. 1987/216, art. 2\(a\)](#)

F2 Sch. 5 para.23(2) added by [S.I. 1987/216, art. 2\(b\)](#)

24 (1) Paragraph 23 above shall not apply to any vehicle forming part or intended to form part of any such train as is mentioned in paragraph 22 above, but the seller shall [^{F3}either (a)]before the departure of the train which includes that vehicle deliver to the authority responsible for railway traffic at the place of loading for carriage on that train a document (in this paragraph and paragraph 25 below referred to as “a train bill”) giving the information specified in sub-paragraph (2) below or, in the case of any such train as is mentioned in paragraph 22(1)(d) above, sub-paragraph (3) below. [^{F4}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:]

[^{F4}Provided that where such information is transmitted otherwise than in a legible form—]

- [^{F4}(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.]

(2) Except in a case to which sub-paragraph (3) below applies, the train bill shall contain the following information—

- (a) the names of the seller and of the consignee and the destination of the train,
- (b) sufficient particulars to identify each vehicle in the train,
- (c) the date and place of loading of each vehicle,
- (d) a statement of the type of fuel in each vehicle,
- (e) except in the case of fuel which a buyer has agreed shall be weighed at the train's destination, the weight attributed by the seller to the fuel in each vehicle for the purpose of calculating its purchase price,

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, SCHEDULE 5. (See end of Document for details)

- (f) where any vehicle is not exempted from paragraph 21 above, the tare weight of that vehicle,
 - (g) where any vehicle has been loaded by equipment which weighs fuel and discharges it directly into vehicles, a statement as to the vehicle which has been so loaded,
 - (h) where any vehicle is loaded with fuel the weight of which is to be ascertained at the train's destination, a statement as to the vehicle so loaded,
 - (i) where any vehicle is exempted from paragraph 21 above by reason of paragraph 22(1)(c) above, a statement of the tare weight and related particulars marked upon that vehicle, and
 - (j) where any vehicle is so exempt by reason of any certificate or direction under paragraph 28 below, a weight stated to be the seller's estimate of the tare weight of that vehicle.
- (3) In the case of any such train as is mentioned in paragraph 22(1)(d) above, the train bill shall contain the following information—
- (a) the names of the seller and the consignee and the destination of the train,
 - (b) the date and place of loading of the train,
 - (c) the number of vehicles in the train,
 - (d) the total net weight of fuel carried in the train,
 - (e) a statement of the type of fuel carried in the train, and
 - (f) a statement that the buyer has agreed that the total net weight of fuel carried in the train shall be ascertained in the manner mentioned in paragraph 22(1)(d) above.
- (4) If the requirements of sub-paragraph (1) above are contravened, the seller shall be guilty of an offence.

Textual Amendments

- F3** Words inserted by [S.I. 1986/216, art. 3\(a\)\(b\)](#)
F4 Words added by [S.I. 1986/216, art. 3\(a\)\(b\)](#)

- 25 (1) The following provisions of this paragraph apply—
- (a) in a case where by virtue of paragraph 24 above a train bill is carried, when the train reaches its destination, and
 - (b) in any other case, when the vehicle in question reaches its destination.
- (2) The authority responsible for railway traffic at the destination of the train or vehicle, as the case may be, shall—
- (a) permit the consignee and, subject to the production if so requested of his credentials, any inspector to inspect the document required by paragraph 23 or, as the case may be, 24 above,
 - (b) permit the consignee either to take possession of that document after the train or vehicle is unloaded or to make a copy of the particulars stated therein, and
 - (c) if so requested by the consignee with respect to any such copy which the authority is satisfied is accurate, certify the accuracy thereof,
- and if any of the provisions of this sub-paragraph is contravened the authority shall be guilty of an offence.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, SCHEDULE 5. (See end of Document for details)

- (3) Subject to sub-paragraphs (5) and (6) below, any of the following persons, that is to say—
- (a) any inspector, subject to the production if so requested of his credentials, or
 - (b) the consignee, subject to his undertaking to pay any cost reasonably incurred,
- may require the vehicle to be weighed either before or after or both before and after it is unloaded, and the vehicle shall be weighed accordingly unless it is certified by or on behalf of the authority mentioned in sub-paragraph (2) above that in the circumstances of the particular case the carrying out of the weighing would cause undue dislocation of railway traffic at the vehicle's destination; and any inspector who is present at any such weighing shall if so requested certify the weight found.
- (4) If when the fuel is unloaded from the vehicle it is weighed accurately with accurate weighing equipment in the presence of an inspector, the inspector shall if so requested certify that it was so weighed and state in his certificate the weight found.
- (5) Where by virtue of paragraph 24 above a train bill is carried and the buyer has agreed that the weight of the fuel in any vehicle is to be ascertained at the train's destination, sub-paragraph (3) above shall not apply in relation to that vehicle.
- (6) In a case falling within paragraph 22(1)(d) above, sub-paragraph (3) above shall have effect—
- (a) with the omission of paragraph (b), and
 - (b) as if any reference to a vehicle were a reference to a train.
- 26 Where, in the case of any rail vehicle used on a journey to carry solid fuel which is not made up in containers, paragraphs 21 to 25 above do not apply, the consignor shall cause to be attached to the vehicle before it starts on the journey a document stating the name of the consignor and the place of loading of the vehicle.
- 27 (1) If paragraph 21 or 23 above is contravened, the seller shall be guilty of an offence.
- (2) If paragraph 26 above is contravened, the consignor shall be guilty of an offence.
- (3) If, in the case of any rail vehicle used on a journey to carry solid fuel—
- (a) the authority responsible for railway traffic at the place of loading or any person employed by that authority wilfully prevents or impedes the attachment to the vehicle of the document required by paragraph 23 or 26 above, or
 - (b) any person, being a person concerned in the sale, carriage or delivery of that fuel, wilfully removes, defaces or alters any such document attached to the vehicle,
- that authority or person shall be guilty of an offence.
- 28 (1) Paragraph 21 above shall not apply to any rail vehicle loaded at a mine of coal respect to which it is certified by or on behalf of the [F⁵British Coal Corporation—
- (a) that in no year is the aggregate amount of solid fuel loaded as mentioned in paragraph 20 above likely to exceed 224 million pounds; or
 - (b) that owing to a shortage of rail vehicles compliance with paragraph 21 above would for the time being cause undue dislocation of the working of the mine.]
- (2) If any seller of solid fuel who uses any place, other than a mine to which sub-paragraph (1) above applies, for causing solid fuel to be loaded as mentioned in

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Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, SCHEDULE 5. (See end of Document for details)

paragraph 20 above makes representations to the Secretary of State that the provision at that place of weighing equipment suitable for determining the tare weight of rail vehicles is not reasonably practicable or would be unjustified on economic grounds and the Secretary of State is satisfied that there are grounds for those representations, the Secretary of State may direct, that subject to such conditions and for such period as may be specified in the directions, paragraph 21 above shall not apply to any vehicle loaded at that place.

- (3) The National Coal Board shall cause notice in writing to be given forthwith to the local weights and measures authority within whose area the mine in question is situated of the issue or withdrawal of any certificate such as is mentioned in subparagraph (1)(b) above, and if without reasonable cause they fail so to do they shall be guilty of an offence.

Textual Amendments

F5 Words substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#) s. 1(2), Sch. 1

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Point in time view as at 01/02/1991.

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There are currently no known outstanding effects for the Weights and Measures Act 1985, SCHEDULE 5.