

WEIGHTS & MEASURES ACT 1985

ATTENDANTS AT PUBLIC WEIGHING EQUIPMENT

Public weighing equipment can only be operated by a certificated attendant. This is contained in Section 18 of the Weights and Measures Act 1985. This Section states:-

“No person shall attend to any weighing or measuring by means of weighing or measuring equipment available for use by the public, being a weighing or measuring demanded by a member of the public and for which a charge is made, other than a weighing or measuring of a person, unless he holds a certificate from a Chief Inspector that he has sufficient knowledge for the proper performance of his duties”.

Any person who contravenes, or who causes or permits another person to contravene the above requirement is guilty of an offence. The maximum penalty for this offence is £400.

Additional responsibilities on keepers and operators of public weighing equipment are imposed by Section 20 of the Weights and Measures Act 1985. Any person appointed to attend weighing equipment available for use by the public;

- (a) without reasonable cause fails to carry out the weighing on demand; or
- (b) carries it out unfairly; or
- (c) fails to deliver to the person demanding the weighing or to his agent a statement in writing of the weight found; or
- (d) fails to make a record of the weighing including the time and date and, in the case of the weighing of a vehicle, such particulars to identify the vehicle and load,

shall be guilty of an offence.

The maximum penalty for these offences is again £400, with the exception of that for fraudulent use which is £2,000.

Finally, it is a requirement of the Act that records of any public weighing must be kept for a minimum period of two years during which time they are liable to inspection by a Trading Standards Officer.

RESPONSIBILITIES AND DUTIES

In order to ascertain the competence of persons wishing to become certified weighbridge operators the Trading Standards Department requires such persons to have a proper knowledge of their responsibilities and duties. The candidate must demonstrate that he/she understands:-

1. The proper operation of the equipment including the method of achieving and maintaining balance, reading the visual display or other indicator, and the use of all mechanisms associated with the weighing operation including any computer attached to the system.
2. The terms gross, tare and net as applied to weighing and the units of weight in use on the equipment
3. The need to correctly carry out each public weighing, and correctly record the result(s)

The duty to issue a correct ticket to the person, who requests the weighing.

In particular, the need to always record:

- (i) The date and time of each weighing.
 - (ii) The type of weighing (gross, tare, net) and the correct result of any arithmetical operation performed on the figures.
 - (iii) Sufficient details to identify the vehicle and load.
4. The need to complete weighttickets in their entirety before they are handed to drivers etc. This to include, where necessary, blank spaces being struck out or written across in a suitably indelible fashion.
 5. That no weights are to be entered on any ticket issued, which are not ascertained by the attendant personally. (eg stated tare).
 6. The limitation on entering more than one weighing relating to any transaction, on a single ticket or in any record.

In particular, the requirement that any gross/tare weight ascertained more than 24 hours after the corresponding tare/gross weighing had taken place, should be issued only on a separate ticket.

7. The proper day to day maintenance of the machine and situation that may lead to error, eg fouling of the plate, dirt or snow on the plate, water in the pit, incorrectly positioned vehicles etc
8. The need to ensure that vehicles are always weighed without the driver or other persons therein.
9. The prohibition upon double weighing.

10. The fact that the keeper of public equipment has a duty to perform any weighing properly requested, and give the necessary ticket. This includes any overloaded vehicle although the weighman is entitled in these circumstances to endorse any ticket handed to a driver with a suitable legend, to the effect that the driver has been advised of the condition of the vehicle.

If you require further information or advice, please contact the Trading Standards Service, 9 St Leonard's Place, York YO1 1ET, Telephone (01904) 551569 – Fax (01904) 551590