

## **LEGAL METROLOGY EXPERT PANEL**

UK practitioner experts for legal metrology.

Supported by The Office for Product Safety and Standards.

### **Filling of ‘Bulk Bags’ of ballast at Builders Merchants**

#### **Background**

This guidance relates to the weight marking of sand and ballast as outlined in Schedule 4 of the Weights and Measures Act 1985, and supports guidance previously issued by The Builders Merchants Federation.

Ballast, in this context, 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 drippings, 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, and
- d) Any other material commonly known in those industries as ballast.

#### **Legal Metrological Requirements.**

The Legal Metrology Expert Panel has considered this matter and is of the opinion that: -

1. Ballast if made up in advance ready for retail sale or wholesale in a securely closed container shall be sold only by volume or by net weight (and if not so made up, shall be sold only by volume in a multiple of 0.2 cubic metre or by net weight). The sale of ballast in a quantity both less than 2 tonnes and less than 2 cubic metres shall be exempted from this requirement in Scotland.
2. Ballast of 1 tonne or more and 1 cubic metre or more must be sold by specific quantity measures as set out in the Act.
3. Although ballast in a quantity of both less than one tonne and less than one cubic metre is exempt from the requirement to sell by stated quantity, it is often sold in bulk bags.
4. When a Builders Merchant is filling bulk bags the contents of which are being sold by weight, any weighing instrument used to determine the weight of the contents should be fully compliant with the appropriate regulations. It should clearly bear the appropriate approval / re-qualification markings. Weighing instruments used in these circumstances are usually

non-automatic weighing instruments or catch-weigher bucket fore-loaders / loading shovels fitted to tractors.

5. It is essential that where a bulk bag is marked with a weight, the contents are never less than this marked weight and under previous guidance agreed with the Trading Standards Service (LACORS), the Builders Merchants Federation had recommended overfilling in order to prevent any bag ever having contents of less than the marked minimum weight.
6. Where sand and ballast is measured and sold by volume from a Builders Merchant, any measure used for this purpose should be approved and stamped. Calibrated and stamped bucket fore-loaders / loading shovels fitted to tractors may be used for this purpose
7. It should be noted that many retail outlets sell such materials in securely closed bags weighing 25 kg or less. The weight and marking requirements relating to these products are subject to the provisions of the Packaged Goods Regulations.

In offering this advice LMEP wishes to make clear:

- The advice is result of agreement between enforcement duty holders in the UK participating in the LMEP. Where other interested organisations are involved – this is indicated.
- Advice is independent of the UK government or UK government agencies
- Only a court of law can interpret legislation with authority
- The advice given is subject to revision in the light of further information
- The advice is not intended to be a definitive guide to, or substitute for, the relevant law.
- Independent legal advice should always be sought if appropriate.
- This guidance is not intended to cover every situation and you may need to carefully consider how the regulations (and any other relevant legislation) applies in your specific circumstances. However, following this guidance should help you to understand how to comply with your obligations under the regulations and the law.