

1991 - No. 317

TRADE MEASUREMENT ACT 1989 - REGULATION

(Trade Measurement (Weighbridges) Regulations 1991)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Trade Measurement Act 1989, has been pleased to make the Regulations set forth hereunder.

PETER COLLINS

Minister for Business and Consumer Affairs.

PART 1 - PRELIMINARY

Citation

1. These regulations may be cited as the Trade Measurement (Weighbridges) Regulations 1991.

Commencement

2. (1) Parts 1 and II commence when section 7 of the Act commences.

(2) Parts III and IV and Schedules 1-3 commence when section 43 of the Act commences.

(3) Unless its commencement is delayed pursuant to the Administration Act, Part V commences when section 7 of the Act commences.

Definitions

3. In these regulations, unless the contrary intention appears:

“**approved**” means approved by the administering authority

“**certificate of suitability**”, in relation to a weighbridge, means a certificate issued by the administering authority for the purposes of section 50 (1) (a) of the Act to the effect that the weighbridge is suitable for use as a public weighbridge;

“**end-and-end measurement**” means the determination of a measurement relating to a vehicle (whether loaded or not) by adding together separate measurements of the mass supported singly or in combination by the different axles of the vehicle, those separate measurements having been determined by separate operations of a weighbridge;

“**licence**” means a public weighbridge licence;

“**operator**” means the person who personally determines a measurement by use of a weighbridge;

“**public weighing**” means the use of a weighbridge by or on behalf of the public or for which a charge is made;

“**the Act**” means the Trade Measurement Act 1989.

Application of other regulations to weighbridges

4. These regulations have effect in addition to, and do not derogate from, any other regulations under the Act relating to measuring instruments generally.

PART II - REQUIREMENTS FOR WEIGHBRIDGES USED FOR TRADE

Application of Part

5. This Part applies to weighbridges used for trade (including public weighbridges).

Situation of weighbridge

6. A weighbridge must be so situated that:

- (a) there is sufficient room for a vehicle using the weighbridge to move on and off without turning on the platforms;
- (b) its headwork is protected from wind and rain by an office or other adequate means; and

- (c) water or debris from the surrounding area does not accumulate on the platforms or in the pit.

Visibility on weighbridge

7. A weighbridge must:

- (a) provide the operator with a clear view of the platforms;
- (b) have the indicator that is used by the operator located not more than 6 metres from the edge of the platforms or in some other approved position; and
- (c) in the case of a road weighbridge, have an indicator in such a position that the mass displayed on it may easily be read by the driver of a vehicle using the weighbridge.

Approaches to weighbridge

8. A weighbridge must have approaches that:

- (a) are in the same plane as the platforms for a minimum distance of:
 - (i) 3 metres if the length of the platforms is less than 18 metres; or
 - (ii) 1 metre if the length of the platforms is 18 metres or more;
- (b) have a hard, true and durable surface of concrete or other approved material; and
- (c) are arranged so that drainage from the surface does not flow into the pit.

Platforms of weighbridge

9. (1) The platforms of a weighbridge must be of concrete or steel, or both, or be of other approved materials.

(2) Unless exempted under clause (3), a weighbridge must be provided with guard rails or other suitable means to prevent vehicles from moving onto or off the platform otherwise than from end to end.

(3) The administering authority may exempt a weighbridge from compliance with clause (2).

Pit of weighbridge

10. If a weighbridge has a pit:

- (a) the entrance to the pit must be covered and be at least 1 metre deep and 900 mm wide;
- (b) the neck of the pit must be at least 900 mm wide;
- (c) there must be a clearance of at least 150 mm on each side of a lever in the neck of the pit;
- (d) there must be free access to every part of the underwork and:
 - (i) if free access is available from above to every part of the underwork, there must be a clearance of at least 150 mm below all parts of the underwork; or
 - (ii) in any other case there must be a clearance of at least 400 mm below the lowest lever; and
- (e) the pit must be free-draining or be provided with automatic mechanical drainage and be kept free from any accumulation of water, mud and debris.

Weighbridge without pit

11. If a weighbridge does not have a pit:

- (a) there must be a clearance of at least 150 mm under the lowest live part of the platforms;
- (b) the floor between load cell supports must be of concrete at least 75 mm thick and must be effectively drained and kept free from any accumulation of water, mud and debris;
- (c) there must be in the same plane as, or lower than, the floor a clear space of at least 1 metre from the external edges of the frame; and
- (d) the load cell footings must be individually and mutually stable.

Weighbridge with electronic devices

12. If a weighbridge is equipped with electronic devices:

- (a) they must be protected from electrical interference and the rays of the sun; and
- (b) the data plate of the load cells must have such access as is necessary to enable it to be read with ease.

Multi-platform weighbridge

13. In a multi-platform weighbridge:

- (a) any dead space between platforms must not exceed 2 metres;
- (b) the platforms must not interfere with each other so as to affect their operation; and
- (c) a visual summing indicator must be provided.

Portable weighbridge

14. If a weighbridge is portable:

- (a) there must be a clearance of at least 150 mm under the lowest live part of the platforms;
- (b) it must have a base that is stable when the weighbridge is in use;
- (c) the headwork and exposed levers must have adequate protection; and
- (d) the ground under the platform must be treated to prevent the growth of foliage and must be kept free from any accumulation of water, mud and debris.

PART III - CERTIFICATES OF SUITABILITY (PUBLIC WEIGHBRIDGES)

Issue of certificate of suitability

15. (1) A licensee may apply for a certificate of suitability for a weighbridge by lodging at the office of the administering authority the fee prescribed under the Administration Act and an approved form of application.

(2) On receipt of an application for a certificate of suitability, the administering authority shall arrange for an inspector to examine the weighbridge.

(3) The administering authority shall issue a certificate of suitability for the weighbridge if an inspector examines it and finds that:

- (a) it is suitable for use as a public weighbridge because of its type, capacity and strength and the size of its platforms;
- (b) it is so positioned that a vehicle using it may enter and leave the platforms without reversing; and
- (c) it otherwise complies with the requirements of these regulations.

Duration of certificate of suitability

16. (1) Except during any period of suspension, or unless it is sooner surrendered or cancelled, a certificate of suitability remains in force:

- (a) until the end of the period of 12 months that next succeeds its date of issue; or
- (b) as provided by clause (2).

(2) If application is made for a new certificate of suitability before, but not more than 1 month before, the date that is 12 months after the date of issue of its predecessor but is not finally dealt with before that later date, the previous certificate continues in force until the new certificate is issued or the application is refused.

(3) The date of issue of a new certificate of suitability shall be considered to be the date that is 12 months after the date of issue of its predecessor (even if it is issued before or after that later date) and the new certificate shall be dated accordingly.

(4) If a weighbridge is re-located, its certificate of suitability ceases to have effect.

Duplicate certificate of suitability

17. (1) If the administering authority is satisfied that a certificate of suitability has been lost, destroyed or made useless by damage, the administering authority may, on payment of the fee prescribed under the Administration Act for a duplicate certificate, issue a duplicate of the certificate.

(2) A duplicate certificate issued under clause (1) has the same effect as the original certificate.

Suspension or cancellation of certificate of suitability

18. (1) The administering authority may, by notice in writing served on the licensee personally or by post, suspend the certificate of suitability for a weighbridge if the administering authority, after examination of the weighbridge by an inspector, is of the opinion that any application for a new certificate for the weighbridge made at the time of the examination would have been refused.

(2) The administering authority may terminate a suspension after a further examination of the weighbridge by an inspector and payment of the fee prescribed under the Administration Act for the further examination.

(3) Termination of a suspension may be effected unconditionally or after compliance with specified conditions, whether or not including conditions as to time for compliance.

(4) If conditions imposed under clause (3), or added or amended under paragraph (a), are not complied with, the administering authority may, by notice in writing served on the licensee personally or by post:

- (a) amend or add to the conditions; or
- (b) cancel the certificate.

(5) The administering authority may, instead of suspending a certificate, impose conditions subject to which the certificate will continue in force including a condition requiring a further examination of the weighbridge and payment of the fee prescribed under the Administration Act for the further examination.

Return of cancelled certificates

19. If a certificate of suitability issued to a licensee is cancelled, the licensee (whether or not still holding a licence) is guilty of an offence unless the certificate is delivered to the licensing authority not later than 7 days after its cancellation.

Penalty: \$200.

Register of certified weighbridges

20. The administering authority shall maintain a register of weighbridges for which a certificate of suitability is current and shall enter in the register:

- (a) the location of the weighbridge and particulars of its certification;
- (b) a number allotted by the administering authority as the registered number for the weighbridge; and
- (c) such other particulars as the administering authority considers appropriate.

PART IV - PUBLIC WEIGHBRIDGES - LICENSEES AND OPERATORS

Condition of licence

21. It is a condition of a licence that the licensee:

- (a) must do everything that the Act and these regulations require to be done by the licensee; and
- (b) must not do anything that the Act and these regulations require the licensee to refrain from doing.

Sign and certificate to be exhibited

22. A licensee must exhibit in view of the public at each weighbridge made available under the authority of the licence:

- (a) words and figures not less than 100 mm high and of proportionate breadth, and in clear contrast with their background, that read "Registered Public Weighbridge No. " showing the registered number; and
- (b) properly protected, the certificate of suitability for the weighbridge.

Tare books and measurement tickets

23. (1) A licensee must provide at each weighbridge made available under the authority of the licence:

- (a) tare mass books in accordance with Forms 1 and 2 in Schedule 2; and
- (b) measurement tickets in accordance with Forms 1-4 in Schedule 3.

(2) The measurement tickets provided by a licensee:

- (a) must be printed and bound in books, or provided in approved pads, containing original tickets and provision for at least one copy of each original;
- (b) must be numbered consecutively with each copy ticket bearing the same number as its original; and
- (c) must have the word "original" printed on each original ticket and the word "duplicate" on each copy ticket.

(3) The licensee must ensure that a copy of the relevant measurement ticket is issued to a customer of the licensee and the

licensee must retain for at least 12 months all original tickets (whether or not a copy has been issued) and all unissued copy tickets.

(4) A licensee must, immediately after a pad of measurement tickets has been completely used, permanently make up in book form (by stapling or other suitable means) all originals and copies retained under clause (3) from the used pad.

(5) A licensee must, on being required by an inspector to do so, produce original and copy tickets retained under clause (3).

General duties of licensee

24. A licensee who makes a weighbridge available as a public weighbridge must ensure that:

- (a) the weighbridge is kept truly balanced, that the platforms are kept clean and that the space between the frame and the platforms is kept free from obstructions;
- (b) measurement of a vehicle or livestock brought to the weighbridge is not refused during normal trading hours in the area unless the capacity of the weighbridge is insufficient or advance payment of the charge is required but not made;
- (c) due care is exercised in determining a measurement by use of the weighbridge;
- (d) entries are made in the tare mass book, and measurement tickets are completed and copies issued, with due care and in accordance with these regulations;
- (e) on demand made at the weighbridge at any reasonable time by an inspector or other interested person, there is produced the original of any measurement ticket relating to a measurement made by use of the weighbridge during the preceding 12 months; and
- (f) the administering authority is informed, and the weighbridge is withdrawn from use, if the licensee knows, or has reason to believe, that a measurement made by use of the weighbridge would be incorrect.

Duties of operator

25. An operator of a public weighbridge is guilty of an offence if he or she:

- (a) fails to comply with a requirement of Schedule 1 when the weighbridge is in use for public weighing;
- (b) alters the original of a measurement ticket after a copy of it has been issued;
- (c) issues a measurement ticket that is not a correct copy of the original;
- (d) removes from a book, or issues, an original measurement ticket;
- (e) removes, or permits to be removed, from a book an unused measurement ticket; or
- (f) uses the weighbridge for public weighing when he or she knows, or has reason to believe, that the weighbridge is incorrect.

Penalty: \$2,000.

Notification by licensee of change of particulars

26. A licensee must notify the licensing authority in writing of:

- (a) any change in the address for the service of notices on the licensee; and
- (b) the full name and residential address of each person who commences or ceases to be employed by the licensee to operate any weighbridge made available under the authority of the licence,

and must do so not later than 14 days after the event.

Vehicle registration weighing - exemption from licensing etc.

27. (1) If a public weighbridge is used only to measure the tare mass of a vehicle for registration purposes, that use shall not be considered to be use as a public weighbridge for the purposes of section 43 (requirement for public weighbridge licence) of the Act so long as:

- (a) the operator of the weighbridge issues a written statement of the mass measured; and
- (b) that statement is marked with the words “FOR REGISTRATION PURPOSES ONLY” in prominent capital letters at least 5 mm high.

(2) Regulation 25 does not apply to the operator of a weighbridge to which clause (1) applies.

Register of licenses

28. For the purposes of section 47 of the Act, the prescribed particulars to be kept in a register by the licensing authority in respect of each licence are as follows:

- (a) the number of the licence and the date of its issue;
- (b) the name of the licensee and the address at which notices may be served personally on the licensee;
- (c) particulars of any conditions to which the licence is subject imposed under section 48 of the Act;
- (d) such other particulars as the licensing authority thinks desirable.

PART V - END-AND-END WEIGHING

Prohibited for public weighbridges

29. If a public weighbridge is used for public weighing to determine an end-and-end measurement, the licensee and operator of the public weighbridge are each guilty of an offence.

Penalty: \$2,000.

Restrictions in other cases

30. (1) A person who uses for trade a weighbridge in order to determine an end-and-end measurement is guilty of an offence unless clause (2) is complied with.

Penalty: \$2,000.

(2) This clause is complied with if:

- (a) use of the weighbridge is not use for public weighing;
- (b) the wheelbase of the vehicle concerned is:
 - (i) longer than the length of the platform of the weighbridge or, if the weighbridge has 2 or more platforms, the total of the lengths of the platforms; and
 - (ii) shorter than the sum of the length, or total length, found under subparagraph (i) and the length of the shorter, or, if their lengths are the same, of either, of the approaches to the platform or platforms;

- (c) the approaches have a smooth and level surface which is paved with concrete or other approved material and is in the same horizontal plane as the top of the platform or platforms;
- (d) the perimeter of the approaches is clearly indicated by painted marks or by other approved means; and
- (e) at all times during the measuring:
 - (i) the wheels on one or more of the axles are located on the platform or platforms and the wheels on the other axles are located within the indicated perimeter of the approaches; and
 - (ii) the brakes, gears and any other means capable of restricting the free movement of the vehicle are disengaged.

PART VI - MISCELLANEOUS

Fraudulent activities of licensee of operator

31. A licensee or operator of a weighbridge is guilty of an offence if he or she:

- (a) knowingly permits, assists in, or connives at, a fraud in connection with the measurement of anything by using the weighbridge or the issue of a measurement ticket;
- (b) makes, or connives at the making of, a representation known by the licensee or operator to be false with respect to the measurement of anything by means of the weighbridge; or
- (c) knowing of any fraudulent proceeding in connection with the measurement of anything by means of the weighbridge, fails to impart that knowledge to an inspector as soon as practicable.

Penalty: \$2,000.

**SCHEDULE 1 - DUTIES OF OPERATOR OF PUBLIC
WEIGHBRIDGE**

(Reg. 25)

Due care to be exercised

1. An operator shall exercise due care in the performance of his or her functions under the Act and these regulations.

Entry in tare mass book

2. An operator who measures the tare mass of a vehicle without issuing a measurement ticket shall immediately enter in the tare mass book consecutively in the order in which each tare mass is measured the particulars required by the form of the book

Measurement tickets - completion and issue

3. (1) An operator:
- (a) shall complete and issue a measurement ticket only in the form appropriate for the measurement made and in accordance with the particulars required by the form and these regulations;
 - (b) shall, except in the case of a tare mass entered in the tare mass book, complete a measurement ticket in its numerical order in the book or pad immediately after finding a measurement by use of the weighbridge;
 - (c) shall issue a measurement ticket immediately after its completion unless it is required to be retained after cancellation or for issue under clause 5 (2) (a) of this Schedule;
 - (d) shall not complete or issue a measurement ticket except for the purpose of complying with paragraph (b) or (c) or clause 5 (2) (a) of this Schedule;
 - (e) in completing a measurement ticket for 2 linked but separately registered vehicles, shall enter the registration figures and letters for both vehicles; and
 - (f) shall include in each measurement shown on a measurement ticket for a vehicle the measurement of the load supported by all axles.
- (2) An operator who makes an error in completing a measurement shall forthwith cancel, and retain in the book or pad, the

measurement ticket and the duplicate or duplicates forming part of the book or pad.

(3) An operator shall, by the use of carbon paper or other effective means, make each duplicate that forms part of a book or pad of measurement tickets an exact copy of the original ticket completed by the operator.

(4) An operator shall not issue a measurement ticket that includes any matter additional to that required by these regulations unless the additional matter:

- (a) appears in a margin, at the foot, or on the reverse side, of the ticket; and
- (b) is not inconsistent with, and does not qualify, the meaning or accuracy of the information on the ticket.

Issue of measurement ticket - tare mass only

4. An operator who issues a measurement ticket recording only the tare mass of a vehicle shall alter the measurement ticket:

- (a) by striking out the words “gross mass” and “net mass” on the ticket and writing in their place the words “tare mass only”; and
- (b) by stamping across the face of the ticket the words “TARE MASS ONLY” in prominent capital letters not less than 5 mm high.

Issue of measurement ticket - loaded vehicle

5. (1) An operator who measures the mass of a loaded vehicle of which the tare mass has been determined shall immediately complete and issue an appropriate measurement ticket.

(2) An operator who measures the mass of a loaded vehicle of which the tare mass has not been determined shall:

- (a) immediately record the gross mass on the next consecutive measurement ticket and issue the ticket only after the tare mass of the vehicle has been determined; or
- (b) issue a measurement ticket on which the gross mass has been recorded after:
 - (i) striking out the words “tare mass” and “net mass” on the ticket and writing in their place the words “gross mass only”; and

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- (ii) stamping across the face of the ticket the words “GROSS MASS ONLY” in prominent capital letters not less than 5 mm high.

(3) An operator shall not enter tare mass on the measurement ticket for a loaded vehicle unless the operator copies the tare mass from:

- (a) an entry made in the tare mass book; or
- (b) a tare mass measurement ticket issued,

not more than 24 hours earlier by the same operator or another operator using the same weighbridge or another weighbridge on the same premises.

Axle load management

6. (1) If the measurement to be made is not an end-and-end measurement but is only for the purpose of issuing a measurement ticket showing each load supported by separate axles, or groups of axles, of a vehicle, the operator of the weighbridge shall ensure that subclause (2) is complied with.

- (2) This subclause is complied with if:
 - (a) the approaches to the weighbridge have a smooth and level surface which is paved with concrete OR other approved material and is in the same horizontal plane as the top of the platform or platforms;
 - (b) the perimeter of the approaches is clearly indicated by painted marks or by other approved means; and
 - (c) at all times during the measuring:
 - (i) the wheels on one or more of the axles are located on the platform or platforms and the wheels on the other axles are located within the indicated perimeter of the approaches; and
 - (ii) the brakes, gears and other means capable of restricting the free movement of the vehicle are disengaged.

Copies of measurement tickets

7. (1) If required to do so by
- (a) a buyer or seller of goods of which the measurement has been found by use of a weighbridge; or

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(b) any other person who has an interest in the goods, the operator of the weighbridge shall, on payment of the licensee's fee, supply a copy of the measurement ticket.

(2) An operator shall not supply a copy of a ticket under subclause (1) unless the copy complies with subclause (3) or (4).

(3) A copy of a measurement ticket complies with this subclause if it is issued from a book or pad of measurement tickets after being amended:

(a) by striking out its number and writing nearby the words "Copy of ticket No. " (quoting the number of the ticket of which it is a copy); and

(b) by stamping across the face of the ticket the words "COPY ONLY" in prominent capital letters not less than 5 mm high.

(4) A copy of a measurement ticket complies with this subclause if it is issued from a book or pad printed in a form approved for the purpose of making those copies that includes on its face the words "COPY ONLY" in prominent capital letters not less than 5 mm high.

(5) Except for any requirement as to time, and except for any inconsistency with this clause, these regulations apply in relation to a copy measurement ticket in the same way as they apply to the ticket of which it is a copy.

Inspector may require measurement to be made

8. An operator shall, if required to do so by an inspector exercising the functions of an inspector, make without charge a measurement relating to a loaded or unloaded vehicle.

SCHEDULE 2 - FORMS OF TARE MASS BOOK

(Reg. 23)

Form 1

Date of measurements	Description of vehicle measured	Registered no. or nos. of vehicle	Name of driver of vehicle	Tare mass (including decimal submultiples of tonnes)
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Form 2

Date of measurements	Description of vehicle measured	Registered no. or nos. of vehicle	Name of driver of vehicle	Tare mass (kilograms)
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SCHEDULE 3 - FORMS OF MEASUREMENT TICKETS

(Reg. 23)

Form 1

Ticket No.

Date

REGISTERED PUBLIC WEIGHBRIDGE NO.

(Here state the name of the holder of the public weighbridge licence)

.....

.....

(Here state the location of the weighbridge)

DIRECT MEASUREMENT

Goods measured

Marks and brands on goods measured

Place of despatch of goods measured

Destination of goods measured

Registered no. or nos. of vehicle measured

Name of driver of vehicle

Tonnes (including
decimal submultiples
of tonnes)

Gross mass

Tare mass

Net mass

.....

(Signature of operator)

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Form 2

Ticket No.
Date

REGISTERED PUBLIC WEIGHBRIDGE NO.

(Here state the name of the holder of the public weighbridge licence)

.....
.....

(Here state the location of the weighbridge)

DIRECT MEASUREMENT

Goods measured
Marks and brands on goods measured
Place of despatch of goods measured
Destination of goods measured
Registered no. or nos. of vehicle measured
Name of driver of vehicle

Kilograms

Gross mass _____
Tare mass _____
Net mass _____

.....
(Signature of operator)

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Form 3

Ticket No.
Date

REGISTERED PUBLIC WEIGHBRIDGE NO.

(Here state the name of the holder of the public weighbridge licence)

.....
.....

(Here state the location of the weighbridge)

AXLE MASSES ONLY

Registered no. or nos. of vehicle(s) measured

Name of driver of vehicle

	Axle No. (front to rear)	Tonnes (including decimal submultiples of tonnes)
If 2 or more axles are measured together. this is to be shown by bracketing the relevant axle numbers.	___1___	_____
	___2___	_____
	___3___	_____
	___4___	_____
	___5___	_____
	___6___	_____

.....
(Signature of operator)

MASSES SHOW ON THIS
TICKET ARE NOT TO BE
USED FOR TRADE.

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Form 4

Ticket No.
Date

REGISTERED PUBLIC WEIGHBRIDGE No.

(Here state the name of the holder of the public weighbridge licence)

.....

(Here state the location of the weighbridge)

AXLE MASSES ONLY

Registered no. or nos. of vehicle measured

Name of driver of vehicle

	AXLE No. (front to rear)	Kilograms
If 2 or more axles are measured together, this is to be shown by bracketing the relevant axle numbers.	1	_____
	2	_____
	3	_____
	4	_____
	5	_____
	6	_____

.....
(Signature of operator)

MASSES SHOWN ON THIS
TICKET ARE NOT TO BE
USED FOR TRADE.

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EXPLANATORY NOTE

The object of these regulations is to make provision under the Trade Measurement Act 1989 concerning weighbridges as part of the scheme for uniform trade measurement legislation throughout Australia.

The regulations:

- . impose special requirements concerning the situation, construction and lay-out of public weighbridges;
- . provide the administrative detail for the issue of certificates of suitability (which certify whether a weighbridge is suitable for use as a public weighbridge) including provision concerning the making and granting of applications for certificates, their duration, issue of duplicate certificates and suspension and cancellation of certificates;
- . the conditions attaching to a public weighbridge licence and the duties of licensees to exhibit signs, provide ticket books and ensure that their weigh bridges are weighing correctly,
- . impose specific duties on the operators of public weighbridges including duties concerning the issue of tickets, for ensuring the accuracy of weighbridges and regulating the day to day operation of weighbridges;
- . prohibiting the use of a public weighbridge for end-and-end weighing and imposing restrictions on the use of other weighbridges for that purpose;
- . create offences concerning the fraudulent operation of a weighbridge;
- . prescribe the form of weighbridge tickets.