Changes to legislation: *There are currently no known outstanding effects for the Weights and Measures Act 1985, SCHEDULE 11. (See end of Document for details)*

SCHEDULES

SCHEDULE 11

Section 96(1).

TRANSITIONAL PROVISIONS AND SAVINGS

General

1 In this Schedule—

"the 1963 Act" means the Weights and Measures Act 1963;

"the commencement of this Act" means the commencement of the provisions of this Act other than section 43.

2 Any reference, whether express or implied, in any enactment, instrument or document (including this Act and any enactment amended by Schedule 12 to this Act) to, or to things done or falling to be done under or for the purposes of, any provision of this Act shall, if and so far as the context permits, be construed as including, in relation to times, circumstances and purposes before the commencement of this Act, a reference to, or to things done or falling to be done under or for the purposes of, the corresponding provision repealed by this Act.

3 Any reference, whether express or implied, in any enactment, instrument or document to, or to things done or falling to be done under or for the purposes of, any provision reproduced in this Act shall be construed, so far as is required for retaining for the enactment, instrument or document the same force and effect as it would have had but for the passing of this Act (and subject to any express amendment made by this Act) as being, or as the case may require including, a reference to, or to things done or falling to be done under or for the purposes of, the corresponding provision of this Act.

4 Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if the corresponding provision of this Act had been in force when that period began to run.

Acts passed before 31st July 1963

5 In any Act passed before 31st July 1963—

(a) any reference to local authorities for the purposes of the Weights and Measures Acts 1878 to 1936 shall continue to be construed as a reference to local weights and measures authorities, and

(b) any reference to an inspector of weights and measures shall continue to be construed as a reference to an inspector within the meaning of this Act.

6 Any local Act passed before 31st July 1963 shall continue to be construed—

(a) as not making unlawful the use for trade, as equipment to which section 11 of this Act applies, of any article of which such use is not unlawful under that section, and

(b) as not requiring any such article to be stamped otherwise than as required by that section.

Changes to legislation: *There are currently no known outstanding effects for the Weights and Measures Act 1985, SCHEDULE 11. (See end of Document for details)*

7 Where an enactment contained in any local Act passed before 31st July 1963 appears to the Secretary of State to have been superseded by, or to be inconsistent with, any of the provisions of the 1963 Act re-enacted in this Act, or any instrument made under those provisions, the Secretary of State may by order, a draft of which shall be laid before Parliament, specify that enactment for the purposes of this paragraph and, without prejudice to the operation in the meantime of any rule of law relating to the effect on any such enactment of any such provision, any enactment specified in the order shall be repealed as from the date of the making of the order.

Standards, etc.

8 Any standard which immediately before the commencement of this Act was deemed by virtue of subseciton (6) of section 3 of the 1963 Act to be a secondary, tertiary or coinage standard provided under that section shall be deemed to be a secondary, tertiary or coinage standard, as the case may be, for the purposes of this Act.

9 A certificate of fitness for use as a local standard issued under section 4(4) of the 1963 Act which was in force both on 4th October 1979 and immediately before the commencement of this Act shall cease to be in force at the expiration of the period of ten years from the date of issue of the certificate.

Stamping of equipment

10 Any equipment to which section 11 of this Act applies which immediately before the commencement of this Act was treated as having been duly stamped under section 11 of the 1963 Act by virtue of subsection (7) of that section shall for the purposes of this Act be treated as having been duly stamped under section 11 of this Act.

Approved patterns of equipment

11 (1) Each of the following instruments, namely—

(a) a certificate of approval granted under section 12 of the 1963 Act before 4th April 1979 and in force immediately before the commencement of this Act,

(b) an authorisation of modifications granted under that section before 4th April 1979 and in force immediately before the commencement of this Act,

(c) a certificate which was deemed by virtue of section 12(5) of the 1963 Act to be a certificate of approval granted under section 12 and which was in force immediately before the commencement of this Act,

shall continue to have effect as if it were a certificate of approval granted under section 12 of the 1963 Act on 4th April 1979 and, in the case of a certificate of approval actually granted subject to a condition relating to a specified period, as if that condition had been imposed under section 12A(1)(b) of the 1963 Act and provided for the certificate to cease to be in force at the end of a period equal to that period and beginning with the day when the certificate was actually granted.

(2) The power conferred by section 12(10) of this Act to revoke a certificate of approval of a pattern shall, in the case of a certificate in respect of which an authorisation of modifications has effect by virtue of sub-paragraph (1) above as if it were a further certificate of approval, include power to revoke the original certificate as it has effect apart from the modifications without revoking it as it has effect with the modifications.

Weighing equipment passed etc. before 27th April 1978

12 (1) Weighing equipment (including weights) which weighs wholly or partly in drams may continue to be used for trade if it was first passed as fit for use for trade and stamped in accordance with the 1963 Act before 27th April 1978.

(2) Nothing in sub-paragraph (1) above shall be taken as authorising the continued use for trade of the dram except in so far as the weight of the goods in drams or partly in drams is treated as having been made known to a prospective buyer by virtue of sections 45(1)(a) and 46 of this Act.

(3) Products and equipment necessary to complete or replace components or parts of equipment the continued use of which is authorised by sub-paragraph (1) above may be manufactured, placed on the market and used after the commencement of this Act, but this sub-paragraph shall not permit the replacement of weights, whether or not the weights form part of other weighing equipment.

(4) Without prejudice to sub-paragraphs (1) and (2) above, every pattern of weighing equipment—

(a) the certificate of approval in respect of which was, or is deemed to have been, granted under section 12 of the 1963 Act and was in force immediately before 27th April 1978, and

(b) which provides for weighing to be made wholly or partly in drams,

(including a pattern modified in accordance with an authorisation for the time being in force under that section) shall continue to be deemed modified to the extent necessary to require equipment of that pattern to weigh in fractions of an ounce in substitution for drams and fractions of a dram.

Products and equipment used etc. before 1st December 1980

13 (1) Nothing in section 8 of this Act shall prevent any of the units of measurement mentioned in sub-paragraph (2) below being used for products or equipment which were placed on the market or used before 1st December 1980, other than weighing or measuring equipment (including weights).

(2) The units of measurement referred to in sub-paragraph (1) above are the chain, furlong, rood, square mile, square inch, cubic yard, cubic foot, cubic inch, ton, hundredweight, cental, quarter, stone, dram, grain and quintal.

14 (1) Weighing equipment (including weights) which weighs wholly or partly in grains, stones, quarters, hundredweights or tons may continue to be used for trade if, in the case of equipment prescribed for the purposes of section 11 of this Act, it was first passed as fit for use for trade and where necessary stamped in accordance with the 1963 Act before 1st December 1980 or if, in the case of equipment not so prescribed, it was placed on the market and used before that date.

(2) Measuring equipment measuring in square inches, cubic inches or cubic feet may continue to be used for trade if it was placed on the market and used before 1st December 1980.

(3) Nothing in sub-paragraph (1) above shall be taken as authoris-ing the continued use for trade of the grain, stone, quarter, hundredweight or ton except in so far as the weight of the goods in those units or partly in those units is treated as having been made known to a prospective buyer by virtue of sections 45(1)(a) and 46 of this Act.

15 Paragraphs 12(1) and 14(1) and (2) above have effect notwithstanding regulation 3 of the [M1]Units of Measurement Regulations 1978 (under which certain units are not authorised for use in certain circumstances on or after 27th April 1978) and regulation 8 of the [M2]Units of Measurement Regulations 1980 (under which certain units are not authorised for use in certain circumstances on or after 1st September 1980).

Marginal Citations

M1 S.I. 1978/484.

M2 S.I. 1980/1070.

16 (1) Nothing in section 8 of this Act shall prevent any unit of measurement being used for components and parts of products and of equipment necessary to supplement or replace components or parts of products and equipment referred to in paragraph 13(1) or 14(1) or (2) above.

(2) Nothing in regulation 3 of the [M3]Units of Measurement Regulations 1978 or in regulation 8 of the Units of Measurement Regulations 1980 shall prevent any unit of measurement being used for components and parts of products and of equipment necessary to supplement or replace components or parts of products and equipment referred to in paragraph 14(1) or (2) above.

Marginal Citations

M3 S.I. 1978/474.

17 (1) This paragraph applies to any pattern of weighing equipment—

(a) the certificate of approval in respect of which was, or is deemed to have been, granted under section 12 of the 1963 Act and was in force immediately before 1st December 1980, and

(b) which provides for weighing to be made wholly or partly in grains, [F1]. . .

including a pattern modified in accordance with an authorisation of the Secretary of State granted or deemed to have been granted under that section before 4th April 1979 and for the time being in force.

(2) Without prejudice to paragraph 14 above, every pattern of weighing equipment to which this paragraph applies shall continue to be deemed modified to the extent necessary to require equipment of that pattern—

[F2](a) . . . . . .

(b) to weigh in multiples or fractions of an ounce troy in substitution for grains or fractions thereof and to have its capacity expressed in ounces troy.

Textual Amendments

F1 Words in Sch. 11 para. 17(1)(b) omitted (1.1.2000) by virtue of S.I. 1994/2867, **reg. 7(4)(a)**

F2 Sch. 11 para. 17(2)(a) omitted (1.1.2000) by virtue of S.I. 1994/2867, **reg. 7(4)(b)**

Joint local weights and measures authorities in Greater London

18 (1) This paragraph applies to any agreement which—

(a) was made under section 37 of the 1963 Act before 1st April 1974 by two or more local weights and measures authorities for areas within Greater London, and

(b) was in force immediately before the commencement of this Act.

(2) The repeal by this Act of section 37 of the 1963 Act, and of the provisions enabling an agreement under that section to relate to functions of a local weights and measures authority under the [M4]Trade Descriptions Act 1968, section 25 of the [M5]Agriculture Act 1970 and Part II of the [M6]Fair Trading Act 1973, shall not affect any agreement to which this paragraph applies.

(3) The parties to an agreement to which this paragraph applies shall cause notice in writing to be given to the Secretary of State of any variation from time to time made in the agreement and, if the agreement ceases to have effect, of its cessation.

(4) Where an agreement to which this paragraph applies has effect in relation to functions of a local weights and measures authority under sections 4, 5 or 72 of this Act, any reference in that section to a local weights and measures authority shall be construed subject to the terms of the agreement.

(5) Where—

(a) two or more local weights and measures authorities are parties to an agreement to which this paragraph applies, and

(b) the agreement relates to all their functions under this Act and to any functions specified in a notice given to them under section 70(1)(b) of this Act and not withdrawn,

those authorities may make a joint report to the Secretary of State under section 70(1) of this Act in respect of any financial year during the whole of which the agreement was in operation.

Marginal Citations

M4 1968 c. 29.
M5 1970 c. 40.
M6 1973 c. 41.

Relaxation of Ministerial controls

19 Subsection (3) of section 35 of the [M7]Local Government Act 1974 (power of Secretary of State to remove or relax control conferred on any Minister etc on functions of local authorities) shall continue to apply to any such control as is mentioned in that subsection which was conferred on the Board of Trade (subsequently becoming exercisable by the Secretary of State) by any enactment contained in the 1963 Act and re-enacted in this Act.

Marginal Citations

M7 1974 c. 7.

20 . . . . . [F3]

Textual Amendments

F3 Sch. 11 para. 20 repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 10**

Inspectors

21 (1) Any person who immediately before the commencement of section 46 of the 1963 Act, was an inspector of weights and measures appointed under section 43 of the [M8]Weights and Measures Act 1878 shall, if immediately before the commencement of this Act he was acting as an inspector for the purposes of the 1963 Act, be deemed to have been appointed an inspector under section 72 of this Act, and any certificate of qualification granted to him under section 8 of the [M9]Weights and Measures Act 1904 shall be deemed to be a certificate granted to him under section 73 of this Act.

(2) Nothing in this Act shall prevent any person who immediately before the commencement of this Act was, with the sanction of a local weights and measures authority, acting for any of the purposes of the 1963 Act by virtue of section 46(2) of that Act from continuing to act, with that sanction, for the corresponding purposes of this Act; and so far as may be necessary for the purposes of his so acting any reference in this Act [F4]...—

(a) to credentials shall, in relation to such a person, be construed as a reference to written authority for him so to act from that authority; and

(b) to an inspector shall, in relation to such a person [F5]..., be construed as a reference to that person while so acting.

Textual Amendments

F4 Words in Sch. 11 para. 21(2) omitted (6.4.2006) by virtue of The Weights and Measures (Packaged Goods) Regulations 2006 (S.I. 2006/659), reg. 1(1), **Sch. 1 Pt. 2(17)** (with reg. 21)

F5 Words in Sch. 11 para. 21(2)(b) omitted (1.10.2015) by virtue of Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 6 para. 36**; S.I. 2015/1630, art. 3(i) (with art. 8)

Marginal Citations

M8 1878 c. 49.

M9 1904 c. 28.

"Gallon" and "litre"

22 Nothing in the definition of "gallon" or "litre" in Schedule 1 to this Act affects any contract or agreement entered into before 1st November 1976, notwithstanding that it relates to the delivery of goods after that date.

Byelaws

23 Any byelaws made by a local authority for any of the purposes mentioned in paragraph 9 of Schedule 5 to this Act which immediately before the commencement of this Act were in force by virtue of sub-paragraph (2) of paragraph 5 of Schedule 6 to the 1963 Act shall notwithstanding the repeal by this Act of that sub-paragraph

continue in force by virtue of this paragraph; and any authority which immediately before the commencement of this Act had power to revoke any such byelaws to any extent shall continue to have that power.

24 Any provision contained in a byelaw made under paragraph 5 of Schedule 6 to the 1963 Act (including that paragraph as extended to wood fuel by paragraph 4 of Part IV of Schedule 7 to that Act) which—

(a) immediately before 17th July 1978 (the date of the commencement of section 31(3) of the [M10]Criminal Law Act 1977 and section 289C(3) of the [M11]Criminal Procedure (Scotland) Act 1975) specified £20 as the maximum fine which might be imposed on summary conviction in respect of a contravention of, or an offence under, any byelaw mentioned in that provision, and

(b) immediately before the commencement of this Act had effect by virtue of either of those sections as if it specified £50 instead,

shall continue to have effect as if it specified £50.

Marginal Citations

M10 1977 c. 45.

M11 1975 c. 21.

[[F6]25 In any of the following, namely—

(a) any byelaw made under paragraph 5 of Schedule 6 to the 1963 Act (including that paragraph as extended to wood fuel by paragraph 4 of Part IV of Schedule 7 to that Act),

(b) any byelaw made under paragraph 2 of Part IV of Schedule 7 to that Act, and

(c) any byelaw made under any enactment repealed by that Act, where the byelaw is continued in force by virtue of paragraph 5(2) of Schedule 6 to that Act, references to a ton, half a ton, two hundredweights, a hundredweight, a quarter or a stone (or to the equivalent number of pounds in the case of each of those quantities) shall be construed as references to 1000, 500, 100, 50, 15 or 7.5 kilograms respectively**]**

Textual Amendments

F6 Sch. 11 para. 25 substituted (1.10.1995) by S.I. 1994/2867, **reg. 6(7)(a)**

[[F7]26 Where any byelaw to which paragraph 25 above applies contains a requirement not only to mark a price clearly and legibly but to mark it in figures of at least three inches in height, the reference to three inches shall be construed as a reference to 7.5 centimetres.**]**

Textual Amendments

F7 Sch. 11 para. 26 added (1.10.1995) by S.I. 1994/2867, **reg. 6(7)(b)**

Changes to legislation:
There are currently no known outstanding effects for the Weights and Measures Act 1985, SCHEDULE 11.