



# Weights and Measures Act 1985

## 1985 CHAPTER 72

### PART VII

#### GENERAL

##### *Miscellaneous and supplementary*

#### 94 General interpretation.

(1) Except where the context otherwise requires, in this Act—

[<sup>F1</sup>“approved verifier” has the meaning given by section 11(6A) above;]

“capacity measurement” means measurement in terms of a unit of measurement included in Part IV of Schedule 1 to this Act;

“check-weighed”, in relation to any vehicle, means weighed with its load by means of the nearest suitable and available weighing equipment, and weighed again after it has been unloaded by means of the same or other suitable weighing equipment;

“chief inspector” means a chief inspector of weights and measures appointed under section 72(1) above;

“container”<sup>F2</sup> ... includes any form of packaging of goods for sale as a single item, whether by way of wholly or partly enclosing the goods or by way of attaching the goods to, or winding the goods round, some other article, and in particular includes a wrapper or confining band;

“contravention”, in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

“credentials”, in relation to an inspector, means authority in writing from the local weights and measures authority who appointed him for the exercise by that inspector of powers conferred on inspectors by this Act:

[<sup>F3</sup>“[<sup>F4</sup>[<sup>F5</sup>Department for Business and Trade] standards]” means the secondary, tertiary and coinage standards maintained by the Secretary of State under section 3 above;]

*Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, Section 94. (See end of Document for details)*

“drugs” and “food” have the same meanings respectively as for the purposes of the <sup>F6</sup>Food Safety Act 1990];

<sup>F7</sup>“the FIC Regulation” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers;]

“gross weight”, in relation to any goods, means the aggregate weight of the goods and any container in or on which they are made up;

“indication of quantity”, in relation to any container in or on which goods are made up, means a statement in writing to the effect that those goods are of, or of not less than, a specified quantity by net weight, gross weight or other measurement or by number, as the case may require;

“industrial use”, in relation to any goods, means the use of those goods in the manufacture of, or for incorporation in, goods of a different description in the course of the carrying on of a business;

“inspector” means an inspector of weights and measures appointed under section 72(1) above;

“intoxicating liquor” means spirits, beer, wine, made-wine or cider as defined in section 1 of the <sup>M1</sup>Alcoholic Liquor Duties Act 1979;

“local standard” means a standard maintained under section 4 above;

“mark” includes label;

“occupier”, in relation to any stall, vehicle, ship or aircraft or in relation to the use of any place for any purpose, means the person for the time being in charge of the stall, vehicle, ship or aircraft or, as the case may be, the person for the time being using that place for that purpose;

<sup>F8</sup>“packaged goods regulations” means the Weights and Measures (Packaged Goods) Regulations 2006;]

“premises”, except in section 45 above, includes any place and any stall, vehicle, ship or aircraft;

“pre-packed” means made up in advance ready for retail sale in or on a container;

“prescribed” means prescribed by the Secretary of State by regulations’

“secondary standard” means a standard maintained under section 3(2) above;

“ship” includes any boat and any other description of vessel used in navigation;

“stamp” means<sup>F9</sup>, subject to section 15A(4) above,] a mark for use as evidence of the passing of weighing or measuring equipment as fit for use for trade, whether applied by impressing, casting, engraving, etching, branding, or otherwise, and cognate expressions shall be construed accordingly;

<sup>F10</sup> .....

<sup>F10</sup> .....

“tertiary standard” means a standard maintained under section 3(3) above;

“testing equipment” means testing equipment maintained under section 5 above;

“United Kingdom primary standard” means a standard maintained under section 2 above;

“use for trade” shall be construed in accordance with section 7 above;

“weighing or measuring equipment” means equipment for measuring in terms of length, area, volume, capacity, weight or number, whether or not the

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equipment is constructed to give an indication of the measurement made or other information determined by reference to that measurement;

“working standard” means a standard maintained under section 5 above.

- (2) In any provision of this Act “designated country” means such, if any, of the following, that is to say, Northern Ireland, any of the Channel Islands and the Isle of Man, as the Secretary of State, having regard to the law for the time being in force there, thinks it proper to designate for the purposes of that provision by order.
- (3) On any premises where articles of any description are—
- (a) made up in advance ready for retail sale in or on a container, or
  - (b) kept or stored for sale after being so made up,
- any article of that description found made up in or on a container shall be deemed to be pre-packed unless the contrary is proved; and it shall not be sufficient proof of the contrary to show that the container has not been marked in accordance with the requirements of this Act or any instrument made under it with respect to the pre-packing of such articles.
- (4) Except where the context otherwise requires, any reference in this Act to any person, other than a reference to an inspector, shall be construed as a reference to that person or some other person acting on his behalf in the matter in question.

#### Textual Amendments

- F1** S. 94(1): definition of “approved verifier” inserted (29.3.1999) by S.I. 1999/503, **art. 2(14)**
- F2** Words in s. 94(1) 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(16)(a)** (with reg. 21)
- F3** Words in s. 94(1) substituted (12.12.2007) by *The Secretaries of State for Children, Schools and Families, for Innovation, Universities and Skills and for Business, Enterprise and Regulatory Reform Order 2007* (S.I. 2007/3224), art. 1(2), **Sch. para. 4(2)**
- F4** Words in s. 94(1) substituted (9.11.2016) by *The Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions (Education and Skills) Order 2016* (S.I. 2016/992), art. 1(2), **Sch. para. 5(3)** (with art. 13)
- F5** Words in s. 94(1) substituted (3.5.2023) by *The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023* (S.I. 2023/424), art. 1(2), **Sch. para. 6(3)** (with art. 17)
- F6** Words substituted by *Food Safety Act 1990* (c.16, SIF 53:1, 2), s. 59(1), **Sch. 3 para. 34**
- F7** Words in s. 94(1) substituted (1.2.2019) by *The Weights and Measures etc. (Miscellaneous) (Amendment) Regulations 2019* (S.I. 2019/5), regs. 1, **2(2)**
- F8** Words in s. 94(1) inserted (6.4.2006) by *The Weights and Measures (Packaged Goods) Regulations 2006* (S.I. 2006/659), reg. 1(1), **Sch. 1 Pt. 2(16)(b)** (with reg. 21)
- F9** S. 94(1): words in the definition of “stamp” inserted (29.3.1999) by S.I. 1999/503, **art. 4(3)**
- F10** Definitions of “standard scale” and “statutory maximum” in s. 94(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV**

#### Marginal Citations

- M1** 1979 c. 4.

**Changes to legislation:**

There are currently no known outstanding effects for the Weights and Measures Act 1985, Section 94.