
STATUTORY INSTRUMENTS

2006 No. 659

The Weights and Measures (Packaged Goods) Regulations 2006

Instructions by inspectors

12.—(1) If an inspector has reasonable cause to believe that a person has failed to perform the duty imposed on him by regulation 4 in relation to a batch of packages, the inspector may give to the person in possession of the packages instructions in writing—

- (a) specifying the packages, and
- (b) requiring that person to keep the packages at a place specified in the instructions and at the disposal of the inspector until the end of the next working day after the instructions have been issued, or for such shorter period as the inspector may specify.

(2) If an inspector has reasonable cause to believe that a person has failed to perform the duty imposed on him by regulation 9(1) or 9(3), the inspector may give to that person such instructions in writing as the inspector considers appropriate with a view to ensuring that that person does not subsequently fail to perform that duty.

(3) Instructions given to a person by an inspector under paragraph (2) shall not come into force until the expiration of 21 days beginning with the day when the instructions are given to him and, if during that period that person gives notice to the inspector that he objects to the instructions, they shall not come into force except as agreed in writing by that person or as directed by the Secretary of State.

(4) Where under paragraph (3) a person gives to an inspector notice of objection to instructions, it shall be the duty of the inspector to refer the instructions to the Secretary of State.

(5) Where instructions are referred to the Secretary of State in pursuance of paragraph (4), it shall be his duty—

- (a) to invite representations in writing about the instructions from the inspector who gave them and from the person to whom they were given;
- (b) to consider any representations made in response to the invitations within a period specified in the invitations;
- (c) either to direct that the instructions shall come into force, without modifications or with modifications specified in the direction, on a day so specified or to direct that they shall not come into force, and
- (d) to give notice of the direction to the inspector and to the person in question.

(6) Where—

- (a) instructions have been given to a person under paragraph (1); or
- (b) instructions given to a person under paragraph (2) have come into force (or have come into force with modifications) in accordance with paragraphs (3) to (5),

he shall be guilty of an offence if without reasonable cause he fails to comply with those instructions (or those instructions with modifications).