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STATUTORY INSTRUMENTS

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**1981 No. 231**

**Weights and Measures (Northern Ireland) Order 1981**

**PART V**

**REGULATION OF CERTAIN TRANSACTIONS IN GOODS**

**Special powers of inspector with respect to certain goods**

**26.**—(1) Subject to paragraph (3), where any person—

- (a) makes in any manner any representation as to the quantity of any goods offered or exposed for sale by him; or
- (b) has in his possession or charge awaiting or in the course of delivery to the buyer any goods which have been sold or agreed to be sold, and the sale is, or purports to be, or is required by or under this Order [<sup>F1</sup>or the FIC Regulation] to be, by quantity expressed in a particular manner, or is such that the quantity of the goods sold is required by or under any provision of this Order other than Article 21 to be made known to the buyer at or before a particular time; or
- (c) has in his possession or charge for sale, or awaiting or in the course of delivery to a buyer after they have been sold or agreed to be sold, any goods pre-packed or otherwise made up in or on a container for sale or for delivery after sale which are required by or under this Order [<sup>F1</sup>or the FIC Regulation] to be pre-packed, or to be otherwise so made up, as the case may be, only in particular quantities or only if the container is marked with particular information, or any goods pre-packed in or on a container marked with an indication of quantity, or any goods required by or under this Order [<sup>F1</sup>or the FIC Regulation] to be made for sale only in particular quantities; or
- (d) has in his possession or charge for sale or awaiting or in the course of delivery to a buyer after they have been sold or agreed to be sold, any goods subject to a requirement imposed by virtue of Article 19(2)( c);

the powers of an inspector under [<sup>F2</sup>Schedule 5 to the Consumer Rights Act 2015] shall include power to require that person either to do in the presence of the inspector, or to permit the inspector to do, all or any of the following things, that is to say—

- (i) weigh or otherwise measure or count the goods;
- (ii) weigh or otherwise measure any container in or on which the goods are made up;
- (iii) in the case of goods within sub-paragraph (d), do anything else as respects the goods or container which is reasonably necessary to ascertain whether the requirement there mentioned is complied with, and which does not damage or depreciate the goods or container;
- (iv) if necessary for any of the purposes of heads (i) to (iii), break open any container of goods or open any vending machine in which goods are offered or exposed for sale,

and, in the case of any of the goods which are not already sold, power to require that person to sell any of them to the inspector.

(2) Where any container of goods is broken open under paragraph (1) and all requirements of, and of any instrument made under, this Order [<sup>F3</sup>or the FIC Regulation] which are applicable to those goods are found to have been complied with, then, if the container can be resealed without injury to the contents, the inspector may reseat it with a label certifying that all such requirements have been complied with or, if he does not so reseat it or it cannot be so resealed without injury to the contents, shall at the request of the person mentioned in paragraph (1) buy the goods on behalf of the Department.

(3) The powers conferred by paragraph (1) shall not be exercisable in relation to milk within the meaning of the Weights and Measures (Milk) Order (Northern Ireland) 1980 except while the milk is on the premises which are used by a licence holder under the [<sup>F4</sup>Milk (Northern Ireland) Order 1983] for making up milk in bottles or other containers, and paragraph (2) shall not apply in relation to such milk.

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| <b>F1</b> | Words in art. 26(1)(b)(c) inserted (18.4.2016) by <a href="#">The Weights and Measures (Food) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/187)</a> , regs. 1, <b>11</b>     |
| <b>F2</b> | Words in art. 26(1) substituted (11.1.2017) by <a href="#">The Consumer Rights (Enforcement and Amendments) Order 2016 (S.I. 2016/1259)</a> , art. 1, <b>Sch. para. 1(2)</b>               |
| <b>F3</b> | Words in art. 26(2) inserted (18.4.2016) by virtue of <a href="#">The Weights and Measures (Food) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/187)</a> , regs. 1, <b>11</b> |
| <b>F4</b> | 1983 NI 2  |

**Changes to legislation:**

There are currently no known outstanding effects for the Weights and Measures (Northern Ireland) Order 1981, Section 26.