



# Weights and Measures Act 1963

CHAPTER 31

*LONDON*  
HER MAJESTY'S STATIONERY OFFICE



# Weights and Measures Act 1963

## CHAPTER 31

### ARRANGEMENT OF SECTIONS

#### PART I

##### UNITS AND STANDARDS OF MEASUREMENT

###### Section

1. Units of measurement.
2. United Kingdom primary standards and authorised copies thereof.
3. Board of Trade secondary, tertiary and coinage standards.
4. Local standards.
5. Working standards and testing and stamping equipment.
6. Testing of other standards and equipment.
7. Commission on Units and Standards of Measurement.
8. Functions of Commission.

#### PART II

##### WEIGHING AND MEASURING FOR TRADE

9. Meaning of “ use for trade ”.
10. Units of measurement, weights and measures lawful for use for trade.
11. Weighing or measuring equipment for use for trade.
12. Approved patterns of equipment for use for trade.
13. General specifications of equipment for use for trade.
14. Regulations relating to weighing or measuring for trade.
15. Offences in connection with stamping of equipment.
16. Other offences in connection with equipment.
17. Evidence of possession of equipment for use for trade.

#### PART III

##### PUBLIC WEIGHING OR MEASURING EQUIPMENT

###### Section

18. Keepers of public equipment to hold certificate.
19. Provision of public equipment by local authorities.
20. Offences in connection with public equipment.

## PART IV

## REGULATION OF CERTAIN TRANSACTIONS IN GOODS

21. Transactions in particular goods.
22. Offences in transactions in particular goods.
23. Quantity to be stated in writing in certain cases.
24. Short weight, etc.
25. Pleading of warranty as defence.
26. Additional defences and safeguards for traders.
27. Offences due to default of third person.
28. Offences originating in certain countries outside Great Britain.
29. Special powers of inspector with respect to certain goods.
30. Powers of inspector with respect to certain documents.
31. Check-weighing of certain road vehicles.
32. Power to make test purchases.
33. Selling by quantity, making quantity known, and weighing in presence.

## PART V

## LOCAL ADMINISTRATION

*Local weights and measures authorities*

34. Local weights and measures authorities in England and Wales.
35. Local weights and measures authorities in special areas.
36. Local weights and measures authorities in Scotland.
37. Power for local weights and measures authorities to combine.
38. Annual reports by local weights and measures authorities.
39. Inspection of and inquiries into local weights and measures arrangements.
40. Expenses of authorities and compensation of officers.

*Inspectors of weights and measures*

41. Inspectors of weights and measures.
42. Certificate of qualification to act as inspector.
43. Performance by inspectors of additional functions.
44. Inspectors' fees.
45. Offences in connection with office of inspector.
46. Transitional provisions as to inspectors.

*General administrative regulations*

47. General administrative regulations.



PART VI

MISCELLANEOUS AND GENERAL

Section

48. General powers of inspection and entry.
49. Obstruction of inspectors.
50. Offences by corporations.
51. Prosecution of offences.
52. Penalties.
53. Determination of certain questions by Board.
54. Regulations and orders.
55. Board to report to Parliament.
56. Discharge of functions of Board.
57. Application to Crown.
58. Interpretation.
59. Abolition of reputed quart.
60. Saving for cran measures.
61. Transitional provisions for milk and bread.
62. Other savings.
63. Repeals.
64. Expenses.
65. Application to Northern Ireland.
66. Short title and commencement.

SCHEDULES:

- Schedule 1—Definitions of units of measurement.
- Schedule 2—Existing United Kingdom primary standards and authorised copies thereof.
- Schedule 3—Measures and weights lawful for use for trade.
- Schedule 4—Foods.
  - Part I—Meat and food containing meat.
  - Part II—Fish, poultry and sausage-meat.
  - Part III—Cheese.
  - Part IV—Bread.
  - Part V—Milk.
  - Part VI—Intoxicating liquor.
  - Part VII—Fresh fruits and vegetables.
  - Part VIII—Miscellaneous foods to be sold by or marked with net weight and to be pre-packed only in fixed quantities.
  - Part IX—Miscellaneous foods to be pre-packed only when marked with net weight and in fixed quantities and to be otherwise sold by net weight or gross weight.
  - Part X—Miscellaneous foods to be marked when pre-packed with quantity by number.

- Part XI—Other pre-packed foods.
- Part XII—Tables of permitted weights for containers.
- Schedule 5—Sand and other ballast.
- Schedule 6—Solid fuel.
- Schedule 7—Miscellaneous goods other than foods.
  - Part I—Liquid fuel and lubricants.
  - Part II—Ready-mixed cement mortar and ready-mixed concrete.
  - Part III—Agricultural liming materials, agricultural salt and inorganic fertilisers.
  - Part IV—Wood fuel.
  - Part V—Perfumery and toilet preparations.
  - Part VI—Soap.
  - Part VII—Miscellaneous goods to be sold by or marked with length.
  - Part VIII—Miscellaneous goods to be sold by or marked with net weight.
  - Part IX—Miscellaneous goods to be marked when pre-packed with net weight.
  - Part X—Miscellaneous goods to be sold by or marked with capacity measurement.
  - Part XI—Miscellaneous goods to be marked when pre-packed with capacity measurement.
  - Part XII—Miscellaneous goods to be sold by or marked with net weight or capacity measurement.
  - Part XIII—Miscellaneous goods to be marked when pre-packed with quantity by number.
- Schedule 8—Composite goods and collections of articles.
- Schedule 9—Repeals extending to Great Britain.
- Schedule 10—Provisions relating to Northern Ireland.

ELIZABETH II



1963 CHAPTER 31

An Act to make amended provision with respect to weights and measures, and for connected purposes.  
[31st July 1963]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

UNITS AND STANDARDS OF MEASUREMENT

1.—(1) The yard or the metre shall be the unit of measurement of length and the pound or the kilogramme shall be the unit of measurement of mass by reference to which any measurement involving a measurement of length or mass shall be made in the United Kingdom ; and—

- (a) the yard shall be 0.9144 metre exactly ;
- (b) the pound shall be 0.453 592 37 kilogramme exactly.

(2) Schedule 1 to this Act shall have effect for defining for the purposes of measurements falling to be made in the United Kingdom the units of measurement set out in that Schedule ; and for the purposes of any measurement of weight falling to be so made, the weight of any thing may be expressed, by reference to the units of measurement set out in Part V of that Schedule, in the same terms as its mass.

PART I  
United  
Kingdom  
primary  
standards and  
authorised  
copies thereof.

2.—(1) The Board of Trade (in this Act referred to as “the Board”) shall cause to be maintained standards of the yard, pound, metre and kilogramme which shall be the standards (in this Act referred to as “United Kingdom primary standards”) by reference to which, in the United Kingdom, all other standards of those units and of any other unit of measurement derived wholly or partly from any of those units shall be maintained.

(2) The Board shall from time to time as may appear to them expedient cause—

(a) the value of each of the United Kingdom primary standards to be determined or redetermined, and

(b) any authorised copy of any of those standards to be compared with, and its value determined or re-determined by reference to, that standard,

in such manner as the Board may direct.

(3) Until other provision is made by an order under section 8 of this Act—

(a) the United Kingdom primary standards shall be—

(i) in the case of the yard, the bar described in Part I of Schedule 2 to this Act;

(ii) in the case of the pound, the cylinder described in Part II of the said Schedule 2;

(iii) in the case of the metre, the bar described in Part III of the said Schedule 2;

(iv) in the case of the kilogramme, the cylinder described in Part IV of the said Schedule 2; and

(b) the copies of the aforesaid standards of the yard and pound which are described in Part V of the said Schedule 2 and deposited as mentioned in the said Part V shall for the purposes of this Act be authorised copies of those standards.

Board of  
Trade  
secondary,  
tertiary and  
coinage  
standards.

3.—(1) The Board shall maintain secondary, tertiary and coinage standards in accordance with the provisions of this section, which shall be known collectively as the Board of Trade standards.

(2) The secondary standards shall consist of standards of all the measures set out in Parts I and IV and all the weights set out in Part V of Schedule 3 to this Act other than capacity measures of more than one gallon or ten litres; and any such standard shall be constructed, and, while it remains in use, from time to time at intervals not exceeding five years have its value or values redetermined, by reference to such one or more of

the United Kingdom primary standards or any authorised copies thereof as may appear to the Board to be appropriate.

PART I

(3) The tertiary standards shall consist of such standards of such of the measures or weights set out in the said Parts I, IV and V as may from time to time appear to the Board to be necessary or expedient; and any such standard shall be constructed, and, while it remains in use, from time to time at intervals not exceeding two years have its value or values redetermined, by reference to such one or more of the secondary standards as may appear to the Board to be appropriate.

(4) The coinage standards shall consist of such standards of the weight of each coin of the realm for the time being authorised by or under the enactments relating to the coinage as may from time to time appear to the Board to be necessary or expedient; and any such standard shall be constructed, and, while it remains in use, from time to time at intervals not exceeding two years have its value redetermined, by reference to such one or more of the secondary standards as may appear to the Board to be appropriate.

(5) Board of Trade standards shall be provided or replaced by the Board from time to time as may appear to them necessary or expedient and shall be in such form and of such material, and be kept under the control of the Board at such place or places, as the Board may think fit; and a secondary or tertiary standard of any linear or capacity measure may—

- (a) be provided either as a separate standard or by means of divisions marked on a standard of a larger measure, and
- (b) either be marked in whole or in part with subdivisions representing any smaller unit of measurement or multiples or fractions of such a unit or have no such markings,

as the Board think fit.

(6) Any standard of any such measure, weight or coin as aforesaid provided under section 8 of the Weights and Measures Act 1878 and in use as a Board of Trade standard immediately before the date of commencement of this section shall be deemed for the purposes of this Act to be a secondary or, as the case may be, coinage standard provided under this section; and any other standard of any such measure or weight as aforesaid in use by the Board immediately before the said date constructed, and with its value or values determined, by reference to a Board of Trade standard provided under the said section 8 shall be deemed for the purposes of this Act to be a tertiary standard provided under this section.

PART I  
Local  
standards.

4.—(1) Subject to section 37 of this Act, there shall be maintained by each local weights and measures authority such standards (in this Act referred to as “local standards”) of such of the measures and weights set out in Schedule 3 to this Act as the Board may from time to time approve or require in the case of that authority as being proper and sufficient for the purposes of this Act.

(2) Local standards shall be provided and replaced by the local weights and measures authority from time to time as may appear to the authority to be necessary or expedient or as the Board may require, shall be of material and form approved by the Board, shall be kept at premises provided by the authority and approved for the purpose by the Board, and shall not be used elsewhere than at those premises or at other premises approved in that behalf by the Board; and a local standard of any linear or capacity measure shall—

- (a) be provided either as a separate standard or by means of divisions marked on a standard of a larger measure, and
- (b) either be marked in whole or in part with subdivisions representing any smaller unit of measurement or multiples or fractions of such a unit or have no such markings,

as the Board may from time to time direct.

(3) No article shall be used as a local standard unless there is for the time being in force a certificate of its fitness for the purpose issued by the Board.

(4) The Board shall cause any article submitted to them for certification under this section to be compared with such one or more of the tertiary standards as may appear to the Board to be appropriate and, if it falls within the prescribed limits of error and satisfies any other requirements of the Board, shall issue a certificate of its fitness for use as a local standard which, if the authority so request, shall include a statement of the amount of any error therein.

(5) A certificate issued under the last foregoing subsection shall not be valid unless it is signed by an officer of the Board authorised in that behalf by the Board, and shall cease to be in force at the expiration of the following period from the date of issue, that is to say—

- (a) if the certificate contains a statement of an error in the standard, two years;
- (b) in the case of any other standard of a weight, five years;
- (c) in the case of any other standard of a measure, ten years;

and the Board shall keep a record of all certificates issued under that subsection.

(6) Any comparison of an article with the tertiary standards in pursuance of subsection (4) of this section shall be carried out—

- (a) if the article is not for the time being a local standard, at such place as the Board may direct ; or
- (b) if the article is for the time being a local standard, at the premises where it is kept or at other premises approved in that behalf by the Board.

(7) The Board may demand and take on any occasion on which an article is submitted to them for certification under this section such fee as they may from time to time with the approval of the Treasury determine.

(8) Any standard of a measure or weight included in Schedule 3 to this Act and lawfully in use immediately before the date of commencement of this section as a local standard within the meaning of the Weights and Measures Act 1878 shall be deemed for the purposes of this Act to be a local standard provided under this section ; and an indenture under the said Act of 1878 evidencing the verification or reverification of that standard on a day falling before the date aforesaid shall be deemed for the purposes of this Act to be a certificate under this section issued on that day.

5.—(1) Subject to subsection (2) of this section and to section 37 of this Act, each local weights and measures authority shall provide for use by the inspectors appointed for the authority's area, and maintain or from time to time replace, such standards (in this Act referred to as "working standards") of such of the measures and weights set out in Schedule 3 to this Act, such testing equipment, and such stamping equipment, as the Board may from time to time approve or require as being proper and sufficient for the efficient discharge by those inspectors of their functions in the authority's area.

Working standards and testing and stamping equipment.

(2) If in the case of any particular description of testing equipment and any particular local weights and measures authority the Board are of opinion that, having regard to the expenditure involved and the frequency with which such equipment is likely to be used by inspectors in that authority's area, it would not be reasonable to require such equipment to be provided and maintained by that authority, then, if that authority so request, the Board may instead themselves provide and maintain equipment of that description for hiring by that authority from time to time on such terms as the Board may determine.

(3) Working standards and testing and stamping equipment provided under subsection (1) of this section shall be of material and form approved by the Board and, except so far as may be necessary for the purposes of their use elsewhere, shall be kept

**PART I** at premises provided by the local weights and measures authority and approved for the purpose by the Board; and a working standard of a linear or capacity measure shall—

(a) be provided either as a separate standard or by means of divisions marked on a standard of a larger measure, and

(b) either be marked in whole or in part with subdivisions representing any smaller unit of measurement or multiples or fractions of such a unit or have no such markings,

as the Board may from time to time direct.

(4) The Board shall by regulations make provision—

(a) for working standards to be from time to time tested by comparison with, and if necessary adjusted to within such limits of error as may be specified in the regulations by reference to, the local standards or other working standards more recently tested;

(b) with respect to the testing, adjustment and limits of error of testing equipment provided under subsection (1) of this section;

and no article shall be used by an inspector as a working standard or as such testing equipment unless the relevant requirements of those regulations are for the time being satisfied with respect thereto.

(5) Any working standard or testing or stamping equipment lawfully in use by inspectors of weights and measures immediately before the commencement of this section shall be deemed for the purposes of this Act to have been provided under this section.

Testing of  
other standards  
and equipment.

6.—(1) The Board may, if they think fit, on the application of any government or person, and on payment of such fee as the Board may from time to time with the approval of the Treasury determine, accept for testing as to accuracy and for report—

(a) any article used or proposed to be used as a standard of a unit of measurement of mass, length, capacity, area or volume or as a standard of the weight of any coin, and

(b) any weighing or measuring equipment,

submitted by that government or person for the purpose at such place as the Board may direct.

(2) Any report of the Board under the foregoing subsection shall be authenticated by the signature of an officer of the Board authorised in that behalf by the Board.



(3) Such fees shall be payable to the Board under section 20 of the Petroleum (Consolidation) Act 1928 in respect of tests of apparatus under that section as the Board may from time to time with the approval of the Treasury determine; and accordingly in subsection (1) of that section the words "not exceeding twenty shillings," the words "and to be verified", and the words "verified and" in the last two places where those words occur, shall cease to have effect:

PART I

Provided that no such fee shall exceed fifteen pounds or such higher sum as the Board may by order specify.

7.—(1) There shall be established a Commission on Units and Standards of Measurement with the functions specified in section 8 of this Act.

Commission  
on Units and  
Standards of  
Measurement.

(2) The commission shall consist of nine members appointed by the Board, of whom six shall be appointed as follows, that is to say—

- (a) one on the recommendation of the Lord Chancellor;
- (b) two on the recommendation of the Minister for Science;
- (c) one on the recommendation of the Director of the National Physical Laboratory;
- (d) one on the recommendation of the Astronomer Royal;  
and
- (e) one on the recommendation of the President of the Royal Society;

and the Board shall from time to time appoint a chairman of the commission from amongst the persons appointed to be members thereof.

(3) A person shall cease to be a member of the commission five years after the date from which his appointment takes effect, but shall be eligible for re-appointment:

Provided that—

- (a) the Board may terminate the appointment of a member at any time if he has attained the age of seventy years or has, in the opinion of the Board, become unfit to continue or incapable of acting as a member;
- (b) any member may at any time by notice in writing to the Board resign his office.

(4) The Board may pay to the members of the commission such fees and allowances as the Board, with the approval of the Treasury, may determine in the case of those members respectively.

## PART I

(5) The Board may appoint such number of officers and servants of the commission, and pay to them such remuneration, and may defray such expenses incurred by the commission, as the Board may with the approval of the Treasury think proper.

Functions of  
Commission.

8.—(1) The commission established under section 7 of this Act may from time to time, and to such extent as they may be requested by the Board so to do shall, make recommendations to the Board with respect to any of the following matters, that is to say—

- (a) the definition by law of units of measurement of time and of additional units of measurement derived wholly or partly from those of length, mass or time already so defined, the changing of the definition of any unit of measurement for the time being so defined, and the removal of any unit of measurement from the units recognised by law ;
- (b) the provision, replacement, nature, construction, custody, method of storage or place of keeping of United Kingdom primary standards and authorised copies thereof, the conditions under which such standards should be used and the frequency with which their values should be redetermined, and the manner in which and the frequency with which any authorised copies of such standards should be compared with those standards ;
- (c) the method by which the values of the Board of Trade standards of weights should be derived from the United Kingdom primary standards of the pound and the kilogramme ;
- (d) the provision at any government establishment of standards, or standard devices for the representation, of units of measurement derived wholly or partly from the yard, pound, metre or kilogramme in addition to the standards provided for by this Act, the nature, construction, place of keeping, custody and method of storage of any such standards or standard devices, the conditions under which they should be used and the frequency with which their values or, as the case may be, the values they represent should be redetermined ;

and the quorum necessary for any meeting of the commission held for the final settling of a recommendation to the Board shall be six.

(2) Without prejudice to any power to make orders or regulations conferred on the Board by any other provision of this Act, the Board may, if they think fit in the case of any recommendation of the commission, by order make such provision as appears to the Board to be necessary to give effect to that recommendation, and any such order may amend, extend or repeal any provision of this Act or any instrument made thereunder; but, without prejudice to section 10 (10) of this Act, no order under this subsection shall add or remove any unit of measurement to or from any of Parts I to V of Schedule 1 to this Act.

PART I

(3) The commission shall, not later than five years after their establishment and thereafter from time to time at intervals not exceeding five years, submit to the Board a report on their proceedings, and the Board shall cause a copy of any such report to be laid before each House of Parliament.

(4) The commission may perform any of their functions under this section notwithstanding any vacancy for the time being in the number of the members thereof.

## PART II

## WEIGHING AND MEASURING FOR TRADE

9.—(1) For the purposes of this Act, the expression “ use for trade ” means, subject to subsection (2) of this section, use in Great Britain in connection with, or with a view to, a transaction for—

Meaning of “ use for trade ”.

- (a) the transferring or rendering of money or money's worth in consideration of money or money's worth; or
- (b) the making of a payment in respect of any toll or duty,

where—

- (i) the transaction is by reference to quantity or is a transaction for the purposes of which there is made or implied a statement of the quantity of goods to which the transaction relates; and
- (ii) the use is for the purpose of the determination or statement of that quantity.

(2) The foregoing subsection shall not apply where—

- (a) the determination or statement is a determination or statement of the quantity of goods required for despatch to a destination outside Great Britain and any designated country; and

## PART II

- (b) the transaction is not a sale by retail ; and
- (c) no transfer or rendering of money or money's worth is involved other than the passing of the title to the goods and the consideration therefor.

(3) Any such equipment as follows, that is to say—

- (a) any weighing or measuring equipment which is made available in Great Britain for use by the public, whether on payment or otherwise ; and
- (b) any equipment which is used in Great Britain for the grading by reference to their weight, for the purposes of trading transactions by reference to that grading, of hens' eggs in shell which are intended for human consumption,

shall be treated for the purposes of this Part of this Act as weighing or measuring equipment in use for trade, whether or not it would apart from this subsection be so treated.

Units of measurement, weights and measures lawful for use for trade.

**10.**—(1) Subject to sections 60 and 62 (1) of this Act, no person shall—

- (a) use for trade any unit of measurement of length, area, volume, capacity, mass or weight which is not included in Schedule 1 to this Act ;
- (b) use for trade, or have in his possession for use for trade, any linear, square, cubic or capacity measure which is not included in Schedule 3 to this Act or any weight which is not so included.

(2) No person shall use the carat (metric) for trade except for the purposes of transactions in precious stones or pearls ; and no person shall use the ounce troy for trade except for the purposes of transactions in, or in articles made from, gold, silver or other precious metals, including transactions in gold or silver thread, lace or fringe.

(3) Without prejudice to subsection (9) of this section, no person shall use the ounce apothecaries, drachm, scruple, fluid drachm or minim for trade otherwise than for the purposes of transactions in drugs.

(4) Save as may be prescribed and subject to any regulations made under section 14 of this Act—

- (a) a linear measure specified in Part I of Schedule 3 to this Act may be marked in whole or in part with divisions and subdivisions representing any shorter length or lengths ;

**PART II**

(b) no capacity measure specified in Part IV of the said Schedule 3 shall be used for trade by means of any division or subdivision marked thereon as a capacity measure of any lesser quantity.

(5) Any person who contravenes any of the foregoing provisions of this section shall be guilty of an offence, and any measure or weight used, or in any person's possession for use, in contravention of any of those provisions shall be liable to be forfeited.

(6) The Board may by regulations prescribe what may be treated for the purposes of use for trade as the equivalent of, or of any multiple or fraction of, any unit of measurement included in Schedule 1 to this Act in terms of any other such unit.

(7) Subsection (1) (a) of this section shall not apply to the prescribing of, or the dispensing of a prescription for, drugs, and nothing in any regulations under subsection (6) of this section shall apply to any transaction in drugs; but the Minister of Health and the Secretary of State acting jointly may by regulations made by statutory instrument, which shall have effect notwithstanding anything in, or in any instrument made under, any other enactment—

(a) prescribe what may be treated for the purposes of dealings with drugs as the equivalent of, or of any multiple or fraction of, any unit of measurement which is or at the date of commencement of this section was included in Schedule 1 to this Act in terms of any other such unit;

(b) require that any person carrying out any such dealing with drugs as is specified in the regulations for the purposes of which the quantity of the drugs is expressed in terms of any such unit as aforesaid which is so specified shall carry out that dealing in terms of such equivalent quantity prescribed under paragraph (a) of this subsection as is so specified.

(8) So much of the Schedules to this Act as relates to the bushel, the peck or the pennyweight, that is to say—

(a) in Schedule 1, paragraph 2 of Part IV and paragraph 3 of Part V;

(b) in Schedule 3, paragraph 2 of Part IV and paragraph 4 of Part V,

shall cease to have effect on the expiration of the period of five years beginning with the date of the commencement of this section.

## PART II

(9) The following provisions of the Schedules to this Act, being provisions relating to apothecaries weight or measure, that is to say—

- (a) in Schedule 1, paragraph 3 of Part IV and paragraph 4 of Part V;
- (b) in Schedule 3, paragraph 3 of Part IV and paragraph 3 of Part V,

shall cease to have effect on such date not earlier than the expiration of the period referred to in the last foregoing subsection as the Board may by order appoint; and different days may be appointed with respect to such of those provisions as relate to apothecaries weight and apothecaries measure respectively.

(10) The Board may from time to time by order further amend Schedule 1 or 3 to this Act—

- (a) by adding to or removing from any of Parts I to V of the said Schedule 1 any unit of measurement of length, of area, of volume, of capacity, or of mass or weight, as the case may be;
- (b) by adding to or removing from any of Parts I to IV of the said Schedule 3 any linear, square, cubic or capacity measure, as the case may be, or by adding to or removing from Part V of the said Schedule 3 any weight;

but the Board shall not so exercise their powers under this subsection as to cause the exclusion from use for trade of imperial in favour of metric units of measurement, weights and measures.

Weighing or  
measuring  
equipment  
for use  
for trade.

**11.**—(1) The provisions of this section shall apply to the use for trade of weighing or measuring equipment of such classes or descriptions as may be prescribed.

(2) No person shall use any article for trade as equipment to which this section applies, or have any article in his possession for such use, unless that article, or equipment to which this section applies in which that article is incorporated or to the operation of which the use of that article is incidental, has been passed by an inspector as fit for such use and, except as otherwise expressly provided by or under this Act, bears a stamp indicating that it has been so passed which remains undefaced otherwise than by reason of fair wear and tear; and if any person contravenes this subsection, he shall be guilty of an offence and any article in respect of which the offence was committed shall be liable to be forfeited.

(3) Any person requiring any equipment to which this section applies to be passed as fit for use for trade shall submit the equipment to an inspector in such manner as the local weights and measures authority may direct and, subject to the provisions of this Act and of any regulations made under section 14 thereof and to the payment by that person of the prescribed fee, the inspector shall—

- (a) test the equipment by means of such local or working standards and testing equipment as he considers appropriate or, subject to any conditions which may be prescribed, by means of other equipment which has already been tested and which the inspector considers suitable for the purpose ; and
- (b) if the equipment submitted falls within the prescribed limits of error, give to the person submitting it a statement in writing to the effect that it is passed as aforesaid ; and
- (c) except as otherwise expressly provided by or under this Act, cause it to be stamped with the prescribed stamp ;

and each inspector shall keep a record of every such test carried out by him :

Provided that, except as otherwise expressly provided by or under this Act, no weight or measure shall be stamped as mentioned in paragraph (c) of this subsection unless it has been marked in the prescribed manner with its purported value.

(4) Where any equipment submitted to an inspector under subsection (3) of this section is of a pattern in respect of which a certificate of approval granted under section 12 of this Act is for the time being in force, or of such a pattern modified only in a manner for the time being authorised by the Board under that section, the inspector shall not refuse to pass or stamp the equipment on the ground that it is not suitable for use for trade :

Provided that if the inspector is of opinion that the equipment is intended for use for trade for a particular purpose for which it is not suitable, he may refuse to pass or stamp it until the matter has been referred to the Board, and the Board's decision thereon shall be final.

(5) The requirements of subsections (2) and (3) of this section with respect to stamping and marking shall not apply to any weight or measure which is too small to be stamped or marked in accordance with those requirements.

(6) In the case of any equipment which is required by regulations made under section 14 of this Act to be passed and stamped under this section only after it has been installed at the place where it is to be used for trade, if after the equipment has been so passed and stamped it is dismantled and

**PART II**

reinstalled, whether in the same or some other place, it shall not be used for trade after being so reinstalled until it has been retested by an inspector; and if any person knowingly uses that equipment in contravention of this subsection, or knowingly causes or permits any other person so to use it, or knowing that the equipment is required by virtue of this subsection to be retested disposes of it to some other person without informing him of that requirement, he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(7) Subject to the last foregoing subsection, a stamp applied to any equipment under this section shall have the like validity throughout Great Britain as it has in the place in which it was originally applied, and accordingly that equipment shall not be required to be restamped because it is used in any other place; and any equipment to which this section applies which has been duly stamped before the commencement of this section under any enactment specified in Part I of Schedule 9 to this Act shall be treated for the purposes of this Act as if it had been duly stamped under this section.

(8) Nothing in any local Act passed before this Act shall make unlawful the use for trade as equipment to which this section applies of any article such use of which is not unlawful under this section or require any such article to be stamped otherwise than as required by this section.

(9) If at any time the Board are satisfied that, having regard to the law for the time being in force in Northern Ireland, any of the Channel Islands or the Isle of Man, it is proper so to do, they may by order provide for any equipment to which this section applies duly stamped in accordance with that law, or treated for the purposes of that law as if duly stamped in accordance therewith, to be treated for the purposes of this Act as if it had been duly stamped in Great Britain under this section.

Approved  
patterns of  
equipment  
for use for  
trade.

**12.**—(1) Where any pattern of weighing or measuring equipment is submitted to the Board for the purpose by any person in such manner as may be prescribed, the Board shall, on payment of such fee as the Board may from time to time with the approval of the Treasury determine, examine in such manner as they think fit the suitability for use for trade of equipment of that pattern, having regard in particular to the principle, materials and methods used or proposed to be used in its construction, and if the Board are satisfied that such equipment is suitable for use for trade, then, subject to section 13 (2) of this Act, they shall issue a certificate of approval of that pattern and cause particulars thereof to be published and may from time to time thereafter authorise such minor modifications thereof as they think fit and cause particulars of those modifications to be published:

Provided that the requirements of this subsection as to the publication of the particulars of any pattern or modification



shall not apply where the certificate of approval is issued subject to such a condition as is mentioned in the next following subsection.

PART II

(2) A certificate of approval under the foregoing subsection may be granted subject to a condition that, except with the consent of the Board, equipment of the pattern in question shall be used for trade only for a specified period or only for a specified purpose ; and if any person, knowing that such a condition has been imposed with respect to any equipment, uses, or causes or permits any other person to use, that equipment in contravention of that condition, or disposes of that equipment to any other person in a state in which it could be used for trade without informing that other person of that condition, he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(3) The Board, after consultation with such persons appearing to them to be interested as they think fit, may at any time revoke any certificate or authorisation granted under this section, and shall cause notice of any such revocation to be published ; and where the Board so revoke any certificate or authorisation, then if any person, knowing that the certificate or authorisation has been revoked, and save as may be permitted by any fresh certificate or authorisation granted in respect thereof, uses for trade, or has in his possession for such use, or causes or permits any other person so to use, any equipment of the pattern or incorporating the modification in question, or disposes of any such equipment to any other person in a state in which it could be so used without informing that other person of the revocation, he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(4) Any equipment of a pattern in respect of which a certificate of approval has been granted under this section may, and in such cases as may be prescribed shall, be marked in the prescribed manner so as to identify it with the pattern in question.

(5) A certificate granted under section 6 of the Weights and Measures Act 1904 in respect of any pattern of weighing or measuring equipment shall be deemed for the purposes of this Act to be a certificate of approval of that pattern granted under this section.

13.—(1) The Board may by regulations prescribe general specifications for the construction of equipment to which section 11 of this Act applies and, subject to subsection (4) of this section, while any such specification is for the time being so prescribed no equipment which does not conform therewith shall be passed or stamped by an inspector under the said section 11 unless it is of a pattern in respect of which a certificate

General specifications of equipment for use for trade.

**PART II** of approval under section 12 of this Act is in force or of such a pattern modified only in a manner for the time being authorised by the Board under the said section 12.

(2) If the Board are satisfied that any pattern submitted to them under section 12 (1) of this Act conforms with any general specification for the time being prescribed under this section, they may, instead of issuing a certificate of approval under the said section 12 (1), cause to be published a declaration to that effect together with particulars of that pattern.

(3) Where any specification prescribed by regulations under this section is varied or revoked by further regulations thereunder, then if any person uses for trade, or has in his possession for such use, or causes or permits any other person so to use, any equipment which conformed with that specification but which to his knowledge no longer conforms with any specification so prescribed, or disposes of any such equipment to any other person in a state in which it could be so used without informing that other person that it no longer so conforms, he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(4) Where, in the case of any particular equipment, the Board are of opinion that there are special circumstances which make it impracticable or unnecessary for that equipment to comply with any particular requirement of any specification prescribed under this section, the Board may exempt that equipment from that requirement subject to compliance with such conditions, if any, as they think fit; and if any person knowingly contravenes any condition imposed with respect to any equipment by virtue of this subsection, he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(5) If any difference arises between an inspector and any other person as to the interpretation of any specification prescribed under this section, or as to whether or not any equipment conforms with such a specification, that difference may with the consent of that other person, and shall at the request of that other person, be referred to the Board, whose decision shall be final.

Regulations relating to weighing or measuring for trade.

**14.—(1)** The Board may make regulations with respect to—

- (a) the materials and principles of construction of weighing or measuring equipment for use for trade;
- (b) the inspection, testing, passing as fit for use for trade and stamping of such equipment, including—
  - (i) the prohibition of the stamping of such equipment in such circumstances as may be specified in the regulations;

## PART II

- (ii) the circumstances in which an inspector may remove or detain any such equipment for inspection or testing ;
- (iii) the marking of any such equipment found unfit for use for trade ;
- (c) the circumstances in which, conditions under which and manner in which stamps may be obliterated or defaced ;
- (d) the purposes for which particular types of weighing or measuring equipment may be used for trade ;
- (e) the manner of erection or use of weighing or measuring equipment used for trade ;
- (f) the abbreviations of or symbols for units of measurement which may be used for trade ;
- (g) the manner in which the tare weight of road vehicles, or of road vehicles of any particular class or description, is to be determined ;

and, subject to subsection (3) of this section, if any person contravenes any regulation made by virtue of paragraph (d), (e), (f) or (g) of this subsection, he shall be guilty of an offence, and any weighing or measuring equipment in respect of which the contravention was committed shall be liable to be forfeited.

(2) If any difference arises between an inspector and any other person as to the interpretation of any regulations made under this section or as to the method of testing any weighing or measuring equipment, that difference may with the consent of that other person, and shall at the request of that other person, be referred to the Board, whose decision shall be final.

(3) Where in the special circumstances of any particular case it appears to be impracticable or unnecessary that any requirement of any regulations made under this section should be complied with, the Board may if they think fit dispense with the observance of that requirement subject to compliance with such conditions, if any, as they think fit to impose ; and if any person knowingly contravenes any condition imposed with respect to any equipment by virtue of this subsection he shall be guilty of an offence and the equipment shall be liable to be forfeited.

- 15.**—(1) Any person who in the case of any weighing or measuring equipment used or intended to be used for trade—
- (a) not being an inspector or a person acting under the instructions of an inspector, marks in any manner any plug or seal used or designed for use for the reception of a stamp ; or
  - (b) forges, counterfeits or, except as permitted by or under this Act, in any way alters or defaces any stamp ; or
  - (c) removes any stamp and inserts it into any other such equipment ; or
- Offences in connection with stamping of equipment.

## PART II

(d) makes any alteration in the equipment after it has been stamped such as to make it false or unjust, shall be guilty of an offence :

Provided that paragraphs (a) and (b) of this subsection shall not apply to the destruction or obliteration of any stamp, plug or seal in the course of the adjustment or repair of weighing or measuring equipment by, or by the duly authorised agent of, a person who is a manufacturer of, or regularly engaged in the business of repairing, such equipment.

(2) Any person who uses for trade, sells, or exposes or offers for sale any weighing or measuring equipment which to his knowledge—

(a) bears a stamp which is a forgery or counterfeit, or which has been transferred from other equipment, or which has been altered or defaced otherwise than as permitted by or under this Act ; or

(b) is false or unjust as the result of an alteration made in the equipment after it has been stamped,

shall be guilty of an offence.

(3) Any weighing or measuring equipment in respect of which an offence under this section is committed, and any stamp or stamping implement used in the commission of the offence, shall be liable to be forfeited.

Other offences in connection with equipment.

**16.**—(1) If any person uses for trade, or has in his possession for use for trade, any weighing or measuring equipment which is false or unjust, he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(2) Without prejudice to the liability of any equipment to be forfeited, it shall be a defence for any person charged with an offence under subsection (1) of this section in respect of the use for trade of any equipment to show—

(a) that he used the equipment only in the course of his employment by some other person ; and

(b) that he neither knew, nor might reasonably have been expected to know, nor had any reason to suspect, the equipment to be false or unjust.

(3) If any fraud is committed in the using of any weighing or measuring equipment for trade, the person committing the fraud and any other person party thereto shall be guilty of an offence and the equipment shall be liable to be forfeited.

Evidence of possession of equipment for use for trade.

**17.** Where any weighing or measuring equipment is found in the possession of any person carrying on trade or on any premises which are used for trade, that person or, as the case may be, the occupier of those premises shall be deemed for the purposes of this Act, unless the contrary is proved, to have that equipment in his possession for use for trade.

PART III

PUBLIC WEIGHING OR MEASURING EQUIPMENT

**18.**—(1) No person shall attend to any weighing or measuring by means of weighing or measuring equipment available for use by the public, being a weighing or measuring demanded by a member of the public and for which a charge is made, other than a weighing or measuring of a person, unless he holds a certificate from a chief inspector that he has sufficient knowledge for the proper performance of his duties. Keepers of public equipment to hold certificate.

(2) Any person refused such a certificate as aforesaid by a chief inspector may appeal against the refusal to the Board, who may if they think fit direct the chief inspector to grant the certificate.

(3) Any person who contravenes, or who causes or permits any other person to contravene, subsection (1) of this section shall be guilty of an offence.

**19.**—(1) Without prejudice to any powers or duties conferred or imposed by any other enactment, any local authority who are for the time being, or have at any time been, a local weights and measures authority under this Act may provide and maintain within their area for use by the public such weighing or measuring equipment as may appear to the authority to be expedient. Provision of public equipment by local authorities.

(2) Without prejudice to the provisions of any other Act, and subject to section 18 of this Act, a local authority may employ persons to attend to any weighing or measuring by means of equipment provided by that authority for use by the public.

(3) Except in the case of a weighing or measuring for which, under any other Act, the charge falls to be regulated from time to time by some other person, a local authority by whom any weighing or measuring equipment is provided for use by the public may make such charges for any weighing or measuring by means of that equipment as they may from time to time think fit.

**20.**—(1) Subsection (2) of this section shall apply where any article, vehicle (whether loaded or unloaded) or animal has been brought for weighing or measuring by means of weighing or measuring equipment which is available for use by the public and is provided for the purpose of weighing or measuring articles, vehicles or animals of the description in question. Offences in connection with public equipment.

(2) If any person appointed to attend to weighing or measuring by means of the equipment in question—

- (a) without reasonable cause fails to carry out the weighing or measuring on demand ; or

## PART III

- (b) carries out the weighing or measuring unfairly ; or
- (c) fails to deliver to the person demanding the weighing or measuring or to his agent a statement in writing of the weight or other measurement found ; or
- (d) fails to make a record of the weighing or measuring, including the time and date thereof and, in the case of the weighing of a vehicle, such particulars of the vehicle and of any load thereon as will identify that vehicle and that load,

he shall be guilty of an offence.

(3) If in connection with any such equipment as aforesaid—

- (a) any person appointed to attend to weighing or measuring by means of the equipment delivers a false statement of any weight or other measurement found or makes a false record of any weighing or measuring ; or
- (b) any person commits any fraud in connection with any, or any purported, weighing or measuring by means of that equipment,

he shall be guilty of an offence.

(4) If in the case of a weighing or measuring of any article, vehicle or animal carried out by means of such equipment as aforesaid the person bringing the article, vehicle or animal for weighing or measuring, on being required by the person attending to the weighing or measuring to give his name and address, fails to do so or gives a name or address which is incorrect, he shall be guilty of an offence.

(5) The person making any weighing or measuring equipment available for use by the public shall retain for a period of not less than two years any record of any weighing or measuring by means of that equipment made by any person appointed to attend thereto, and any inspector, subject to the production if so requested of his credentials, may require the first-mentioned person to produce any such record for inspection at any time while it is retained by him ; and if the first-mentioned person fails so to retain or produce any such record, or if any person wilfully destroys or defaces any such record before the expiration of two years from the date when it was made, the person in question shall be guilty of an offence.

## PART IV

## REGULATION OF CERTAIN TRANSACTIONS IN GOODS

21.—(1) Schedules 4, 5, 6, 7 and 8 to this Act shall have effect for the purposes of transactions in the goods therein mentioned. Transactions in particular goods.

(2) The Board may by order make provision with respect to any goods specified in the order for all or any of the following purposes, that is to say, to ensure that, except in such cases or in such circumstances as may be so specified, the goods in question—

- (a) are sold only by quantity expressed in such manner as may be so specified ; or
- (b) are pre-packed, or are otherwise made up in or on a container for sale or for delivery after sale, only if the container is marked with such information as to the quantity of the goods as may be so specified ; or
- (c) are sold, or are pre-packed, or are otherwise made up in or on a container for sale or for delivery after sale, or are made for sale, only in such quantities as may be so specified ; or
- (d) are not sold without the quantity sold expressed as aforesaid being made known to the buyer at or before such time as may be so specified ; or
- (e) are sold by means of, or are offered or exposed for sale in, a vending machine only if there is displayed on or in the machine—
  - (i) such information as to the quantity of the goods in question comprised in each item for sale by means of that machine as may be so specified ; and
  - (ii) a statement of the name and address of the seller ; or
- (f) are carried for reward only in pursuance of an agreement made by reference to the quantity of the goods in question expressed as aforesaid ; or
- (g) in such circumstances as may be so specified, have associated therewith in such manner as may be so specified a document containing a statement of the quantity of the goods in question expressed in such manner, and a statement of such other particulars, if any, as may be so specified ; or
- (h) when carried on a road vehicle along a highway are accompanied by a document containing such particulars determined in such manner as may be so specified as to the weight of the vehicle and its load apart from the goods in question.

## PART IV

(3) An order under subsection (2) of this section may be made with respect to any goods, including goods to which any of the provisions of any of the Schedules aforesaid applies, and may—

- (a) make provision for any of the purposes mentioned in the said subsection (2) in such manner, whether by means of amending, or of applying with or without modifications, or of excluding the application in whole or in part of, any provision of this Act or of any previous order under the said subsection (2) or otherwise,
- (b) make such, if any, different provision for retail and other sales respectively, and
- (c) contain such consequential, incidental or supplementary provision, whether by such means as aforesaid or otherwise,

as may appear to the Board to be expedient, and may in particular make provision in respect of contraventions of the order for which no penalty is provided by this Act for the imposition of penalties not exceeding those provided by section 52 of this Act for an offence under this Act.

(4) The Board may make regulations—

- (a) as to the manner in which any container required by any of the provisions of any of the Schedules aforesaid or of any order under subsection (2) of this section to be marked with information as to the quantity of the goods made up therein is to be so marked ;
- (b) as to the manner in which any information required by any such provision as aforesaid to be displayed on or in a vending machine is to be so displayed ;
- (c) as to the conditions which must be satisfied in marking with information as to the quantity of goods made up therein the container in or on which any goods are made up for sale (whether by way of pre-packing or otherwise) where those goods are goods on a sale of which (whether any sale or a sale of any particular description) the quantity of the goods sold is required by any such provision as aforesaid to be made known to the buyer at or before a particular time ;
- (d) as to the units of measurement to be used in marking any such container or machine as aforesaid with any information as to quantity ;
- (e) for securing, in the case of pre-packed goods, that the container is so marked as to enable the packer to be identified ;
- (f) as to the method by which and conditions under which quantity is to be determined in connection with any information with respect thereto required by or under this section ;



- (g) permitting in the case of such goods and in such circumstances as may be specified in the regulations the weight of such articles used in making up the goods for sale as may be so specified to be included in the net weight of the goods for the purposes of this Act ;

PART IV

and any person who contravenes any regulation made under this subsection otherwise than by virtue of paragraph (f) or (g) thereof shall be guilty of an offence.

(5) The Board may by order grant and from time to time vary or revoke, with respect to goods or sales of such descriptions as may be specified in the order, exemption, either generally or in such circumstances as may be so specified, from all or any requirements imposed by or under this section ; and, until otherwise provided by such an order, the following shall be exempted from all such requirements, that is to say—

- (a) goods made up in or on a container for sale only for use by Her Majesty's forces or by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952 and not sold or offered, exposed or in any person's possession for sale for any other use ;
- (b) any sale of goods in the case of which the buyer gives notice in writing to the seller before the sale is completed that the goods are being bought—
- (i) for despatch to a destination outside Great Britain and any designated country ; or
- (ii) for use as stores within the meaning of the Customs and Excise Act 1952 in a ship or aircraft on a voyage or flight to an eventual destination outside the United Kingdom and the Isle of Man ;
- (c) any goods sold for, or offered, exposed or in any person's possession for sale only for, use or consumption at the premises of the seller, not being intoxicating liquor ;
- (d) any assortment of articles of food pre-packed together for consumption together as a meal and ready for such consumption without being cooked, heated or otherwise prepared.

**22.**—(1) Subject to the provisions of this Part of this Act, in the case of any goods which, when not pre-packed, are required by or under this Act to be sold only by quantity expressed in a particular manner or only in a particular quantity, any person shall be guilty of an offence who—

Offences in transactions in particular goods.

- (a) whether on his own behalf or on behalf of another person, offers or exposes for sale, sells or agrees to sell, or

**PART IV**

- (b) causes or suffers any other person to offer or expose for sale, sell or agree to sell on his behalf,

those goods otherwise than by quantity expressed in that manner or, as the case may be, otherwise than in that quantity.

(2) Subject to the provisions of this Part of this Act, in the case of any goods required by or under this Act to be pre-packed, or to be otherwise made up in or on a container for sale or for delivery after sale, or to be made for sale, only in particular quantities, or to be pre-packed, or to be otherwise made up as aforesaid, only if the container is marked with particular information, any person shall be guilty of an offence who—

- (a) whether on his own behalf or on behalf of another person, has in his possession for sale, sells or agrees to sell, or
- (b) except in the course of carriage of the goods for reward, has in his possession for delivery after sale, or
- (c) causes or suffers any other person to have in his possession for sale or for delivery after sale, sell or agree to sell on behalf of the first-mentioned person,

any such goods pre-packed, otherwise made up as aforesaid or made otherwise than in that quantity or otherwise than in or on a container so marked, as the case may be, whether the sale is, or is to be, by retail or otherwise.

(3) Subject to the provisions of this Part of this Act, in the case of any sale where the quantity of the goods sold expressed in a particular manner is required by or under this Act to be made known to the buyer at or before a particular time and that quantity is not so made known, the person by whom, and any other person on whose behalf, the goods were sold shall be guilty of an offence.

(4) Subject to the provisions of this Part of this Act, where any goods required by or under this Act to be sold by means of, or to be offered or exposed for sale in, a vending machine only if certain requirements are complied with are so sold, offered or exposed without those requirements being complied with, the seller or person causing the goods to be so offered or exposed shall be guilty of an offence.

Quantity to be stated in writing in certain cases.

**23.**—(1) Subject to subsection (4) of this section, the provisions of this section shall have effect on any sale of goods—

- (a) which is required by or under this Act to be a sale by quantity expressed in a particular manner ; or
- (b) in the case of which the quantity of the goods sold expressed in a particular manner is required by or under this Act to be made known to the buyer at or before a particular time ; or

- (c) which, being a sale by retail not falling within either of the foregoing paragraphs, is, or purports to be, a sale by quantity expressed in a particular manner other than by number.

PART IV

(2) Subject to subsection (3) of this section, unless the quantity of the goods sold expressed in the manner in question is made known to the buyer at the premises of the seller and the goods are delivered to the buyer at those premises on the same occasion as, and at or after the time when, that quantity is so made known to him, a statement in writing of that quantity shall be delivered to the consignee at or before delivery of the goods to him; and if this subsection is contravened, then, subject to the provisions of this Part of this Act, the person by whom, and any other person on whose behalf, the goods were sold shall be guilty of an offence:

Provided that—

- (a) if at the time when the goods are delivered the consignee is absent, it shall be sufficient compliance with this subsection if the said document is left at some suitable place at the premises at which the goods are delivered;
- (b) this subsection shall not apply to any sale otherwise than by retail where, by agreement with the buyer, the quantity of the goods sold is to be determined after their delivery to the consignee.

(3) Where any liquid goods are sold by capacity measurement and the quantity sold is measured at the time of delivery and elsewhere than at the premises of the seller, the last foregoing subsection shall not apply but, unless the quantity by capacity measurement of the goods sold is measured in the presence of the buyer, the person by whom the goods are delivered shall immediately after the delivery hand to the buyer, or if the buyer is not present leave at some suitable place at the premises at which the goods are delivered, a statement in writing of the quantity by capacity measurement delivered, and if without reasonable cause he fails so to do he shall be guilty of an offence.

(4) The Board may by order grant and from time to time vary or revoke, with respect to goods or sales of such descriptions as may be specified in the order, exemption, either generally or in such circumstances as may be so specified, from all or any of the requirements of this section; and, until otherwise provided by such an order, nothing in subsections (1) to (3) of this section shall apply to—

- (a) a sale by retail from a vehicle of—
- (i) any of the following in a quantity not exceeding two hundredweight, that is to say, any solid fuel within the meaning of Schedule 6 to this Act, and wood fuel;

## PART IV

- (ii) any of the following in a quantity not exceeding five gallons, that is to say, liquid fuel, lubricating oil, and any mixture of such fuel and oil ;
- (b) a sale by retail of bread within the meaning of Part IV of Schedule 4 to this Act ;
- (c) goods made up for sale (whether by way of pre-packing or otherwise) in or on a container marked with a statement in writing with respect to the quantity of the goods expressed in the manner in question, being a container which is delivered with the goods ;
- (d) a sale of goods in the case of which a document stating the quantity of the goods expressed in the manner in question is required to be delivered to the buyer or consignee of the goods by or under any other provision of this Act ;
- (e) any such goods or sales as are mentioned in section 21 (5) (a) to (d) of this Act ;
- (f) a sale of intoxicating liquor for consumption at the premises of the seller ;
- (g) a sale by means of a vending machine ; or
- (h) goods delivered at premises of the buyer by means of an installation providing a connection of a permanent nature between those premises and premises of the seller.

Short weight,  
etc.

24.—(1) Subject to the provisions of this Part of this Act, any person who, in selling or purporting to sell any goods by weight or other measurement or by number, delivers or causes to be delivered to the buyer a lesser quantity than that purported to be sold or than corresponds with the price charged shall be guilty of an offence.

(2) Subject to the provisions of this Part of this Act, any person who, on or in connection with the sale or purchase of any goods, or in exposing or offering any goods for sale, or in purporting to make known to the buyer thereof the quantity of any goods sold, or in offering to purchase any goods, makes any misrepresentation either by word of mouth or otherwise as to the quantity of the goods, or does any other act calculated to mislead a person buying or selling the goods as to the quantity thereof, shall be guilty of an offence.

(3) If, in the case of any goods pre-packed in or on a container marked with a statement in writing with respect to the quantity of the goods, the quantity of the goods is at any time found to be less than that stated, then, subject to the provisions of this Part of this Act and in particular to section 26 (2), any person who has those goods in his possession for sale, and (if it is shown that the deficiency cannot be accounted for by anything occurring after the goods had been sold by retail and delivered to, or

to a person nominated in that behalf by, the buyer) any person by whom or on whose behalf those goods have been sold or agreed to be sold at any time while they were pre-packed in or on the container in question, shall be guilty of an offence.

PART IV

(4) If—

- (a) in the case of a sale of or agreement to sell any goods which, not being pre-packed, are made up for sale or for delivery after sale in or on a container marked with a statement in writing with respect to the quantity of the goods ; or
- (b) in the case of any goods which, in connection with a sale or agreement for the sale thereof, have associated therewith a document containing such a statement as aforesaid,

the quantity of the goods is at any time found to be less than that stated, then, if it is shown that the deficiency cannot be accounted for by anything occurring after the goods had been delivered to, or to a person nominated in that behalf by, the buyer, and subject to the provisions of this Part of this Act and in particular to section 26 (2) and (3) and paragraph 10 of Schedule 5, the person by whom, and any other person on whose behalf, the goods were sold or agreed to be sold shall be guilty of an offence.

(5) Subsections (3) and (4) of this section shall have effect notwithstanding that the quantity stated is expressed to be the quantity of the goods at a specified time falling before the time in question, or is expressed with some other qualification of whatever description, except where—

- (a) that quantity is so expressed in pursuance of an express requirement of this Act or any instrument made thereunder ; or
- (b) the goods, although falling within subsection (3) or subsection (4) (a) of this section—
  - (i) are not required by or under this Act to be pre-packed as mentioned in the said subsection (3) or, as the case may be, to be made up for sale or for delivery after sale in or on a container only if the container is marked as mentioned in the said subsection (4) (a) ; and
  - (ii) are not goods on a sale of which (whether any sale or a sale of any particular description) the quantity sold is required by or under any provision of this Act other than section 23 to be made known to the buyer at or before a particular time ; or
- (c) the goods, although falling within subsection (4) (b) of this section, are not required by or under this Act to have associated therewith such a document as is mentioned in that provision.

## PART IV

(6) In any case to which, by virtue of paragraph (a), (b) or (c) of subsection (5) of this section, the provisions of subsection (3) or (4) of this section do not apply, if it is found at any time that the quantity of the goods in question is less than that stated and it is shown that the deficiency is greater than can be reasonably justified on the ground justifying the qualification in question, then, subject to the provisions of this Part of this Act—

(a) in the case of goods such as are mentioned in the said subsection (3), if it is further shown as mentioned in that subsection, then—

(i) where the container in question was marked in Great Britain, the person by whom, and any other person on whose behalf, the container was marked ;  
or

(ii) where the container in question was marked outside Great Britain, the person by whom, and any other person on whose behalf, the goods were first sold in Great Britain,

shall be guilty of an offence ;

(b) in the case of goods such as are mentioned in the said subsection (4), the person by whom, and any other person on whose behalf, the goods were sold or agreed to be sold shall be guilty of an offence if, but only if, he would, but for the said paragraph (a), (b) or (c), have been guilty of an offence under the said subsection (4).

(7) Without prejudice to subsections (4) to (6) of this section, if in the case of any goods required by or under this Act to have associated therewith a document containing particular statements, that document is found to contain any such statement which is materially incorrect, any person who, knowing or having reasonable cause to suspect that statement to be materially incorrect, inserted it or caused it to be inserted in the document, or used the document for the purposes of this Act or any instrument made thereunder while that statement was contained therein, shall be guilty of an offence.

(8) For the purposes of this section, any statement, whether oral or in writing, as to the weight of any goods shall be deemed, unless otherwise expressed, to be a statement as to the net weight of the goods.

(9) Nothing in this section shall apply—

(a) in relation to any such goods or sales as are mentioned in section 21 (5) (a) or (b) of this Act ;

(b) in relation to the sale of goods with a view to their industrial or constructional use, except—

(i) where the sale in question is or would be one which is required by or under this Act to be made

only by quantity expressed in a particular manner or in the case of which the quantity of the goods sold is required by or under any provision of this Act other than section 23 to be made known to the buyer at or before a particular time ; or

PART IV

(ii) where the goods are pre-packed or otherwise made up in or on a container for sale or for delivery after sale and are goods such as are required by or under this Act to be pre-packed, or to be otherwise so made up, as the case may be, only if the container is marked with an indication of quantity or only in particular quantities ; or

(iii) where the goods are goods such as are required by or under this Act to be made for sale only in particular quantities.

25.—(1) Subject to the provisions of this section, in any proceedings for an offence under this Part of this Act or any instrument made thereunder, being an offence relating to the quantity or pre-packing of any goods, it shall be a defence for the person charged to prove—

Pleading of  
warranty as  
defence.

(a) that he bought the goods from some other person—

(i) as being of the quantity which the person charged purported to sell or represented, or which was marked on any container or stated in any document to which the proceedings relate ; or

(ii) as conforming with the statement marked on any container to which the proceedings relate, or with the requirements with respect to the pre-packing of goods of this Act and any instrument made thereunder,

as the case may require ; and

(b) that he so bought the goods with a written warranty from that other person that they were of that quantity or, as the case may be, did so conform ; and

(c) that at the time of the commission of the offence he had no reason to believe the statement contained in the warranty to be inaccurate, that he did in fact believe in its accuracy and, if the warranty was given by a person who at the time he gave it was resident outside Great Britain and any designated country, that the person charged had taken reasonable steps to check the accuracy of that statement ; and

(d) in the case of proceedings relating to the quantity of any goods, that he took all reasonable steps to ensure that, while in his possession, the quantity of the goods remained unchanged and, in the case of such or any

## PART IV

other proceedings, that apart from any change in their quantity the goods were at the time of the commission of the offence in the same state as when he bought them.

(2) A warranty shall be a defence in such proceedings as aforesaid only if, not later than three days before the date of the hearing, the person charged has sent to the prosecutor a copy of the warranty with a notice stating that he intends to rely on it and specifying the name and address of the person from whom the warranty was received, and has also sent a like notice to that person.

(3) Where the person charged is a servant of a person who, if he had been charged, would have been entitled to plead a warranty as a defence under this section, subsection (1) of this section shall have effect as if any reference (however expressed) in paragraphs (a) to (d) thereof to the person charged, other than the first such reference in paragraph (c) thereof, were a reference to his employer.

(4) The person by whom the warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence.

(5) If the person charged in any such proceedings as aforesaid wilfully attributes to any goods a warranty given in relation to any other goods, he shall be guilty of an offence.

(6) A person who, in respect of any goods sold by him in respect of which a warranty might be pleaded under this section, gives to the buyer a false warranty in writing shall be guilty of an offence unless he proves that when he gave the warranty he took all reasonable steps to ensure that the statements contained therein were, and would continue at all relevant times to be, accurate.

(7) Where in any such proceedings as aforesaid the person charged relies successfully on a warranty given to him or to his employer, any proceedings under the last foregoing subsection in respect of the warranty may, at the option of the prosecutor, be taken either before a court having jurisdiction in the place where the first-mentioned proceedings were taken or before a court having jurisdiction in the place where the warranty was given.

(8) For the purposes of this section, any statement with respect to any goods which is contained in any document required by or under this Act to be associated with the goods or in any invoice, and, in the case of goods made up in or on a container for sale or for delivery after sale, any statement with respect to those goods with which that container is marked, shall be deemed to be a written warranty of the accuracy of that statement.



26.—(1) In any proceedings for an offence in respect of any goods under this Part of this Act or any instrument made thereunder, it shall be a defence for the person charged to prove—

PART IV  
Additional  
defences and  
safeguards  
for traders.

- (a) that the commission of the offence was due to a mistake, or to an accident or some other cause beyond his control; and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence in respect of those goods by himself or any person under his control.

(2) In any proceedings for an offence under this Part of this Act or any instrument made thereunder by reason of the quantity—

- (a) of any goods made up for sale or for delivery after sale (whether by way of pre-packing or otherwise) in or on a container marked with an indication of quantity; or
- (b) of any goods which, in connection with a sale or agreement for the sale thereof, have associated therewith a document purporting to state the quantity of the goods; or
- (c) of any goods required by or under this Act to be pre-packed, or to be otherwise made up in or on a container for sale or for delivery after sale, or to be made for sale, only in particular quantities,

being less than that marked on the container or stated in the document in question or than the relevant particular quantity, as the case may be, it shall be a defence for the person charged to prove that the deficiency arose—

- (i) in a case falling within paragraph (a) of this subsection, after the making up of the goods and the marking of the container;
- (ii) in a case falling within paragraph (b) of this subsection, after the preparation of the goods for delivery in pursuance of the sale or agreement and after the completion of the document;
- (iii) in a case falling within paragraph (c) of this subsection after the making up or making, as the case may be, of the goods for sale,

and was attributable wholly to factors for which reasonable allowance was made in stating the quantity of the goods in the marking or document or in making up or making the goods for sale, as the case may be.

(3) In the case of a sale by retail of food, not being food pre-packed in a container which is, or is required by or under

PART IV this Act to be, marked with an indication of quantity, in any proceedings for an offence under this Part of this Act or any instrument made thereunder by reason of the quantity delivered to the buyer being less than that purported to be sold, it shall be a defence for the person charged to prove that the deficiency was due wholly to unavoidable evaporation or drainage since the sale and that due care and precaution were taken to minimise any such evaporation or drainage.

(4) Without prejudice to any defence under subsection (2) or (3) of this section, in any proceedings for such an offence in respect of any goods as is mentioned in the said subsection (2) it shall not be a defence under subsection (1)(a) of this section for the person charged to prove that the commission of the offence was due to some cause beyond his control if that cause was one which should reasonably have been foreseen and for which allowance could reasonably have been made in stating the quantity of the goods or in making up or making the goods, as the case may be.

(5) If in any proceedings for an offence under this Part of this Act or any instrument made thereunder, being an offence in respect of any deficiency in the quantity of any goods sold, it is shown that between the sale and the discovery of the deficiency the goods were with the consent of the buyer subjected to treatment which could result in a reduction in the quantity of those goods for delivery to, or to any person nominated in that behalf by, the buyer, the person charged shall not be found guilty of that offence unless it is shown that the deficiency cannot be accounted for by the subjecting of the goods to that treatment.

(6) In any proceedings for an offence under this Part of this Act or any instrument made thereunder, being an offence in respect of any excess in the quantity of any goods, it shall be a defence for the person charged to prove that the excess was attributable to the taking of measures reasonably necessary in order to avoid the commission of an offence in respect of a deficiency in those or other goods.

(7) If proceedings for an offence under this Part of this Act or any instrument made thereunder in respect of any deficiency or excess in the quantity—

- (a) of any goods made up for sale (whether by way of pre-packing or otherwise) in or on a container marked with an indication of quantity ;
- (b) of any goods which have been pre-packed or otherwise made up in or on a container for sale or for delivery after sale, or which have been made for sale, and

which are required by or under this Act to be pre-packed, or to be otherwise so made up, or to be so made, as the case may be, only in particular quantities,

are brought with respect to any article, and it is proved that, at the time and place at which that article was tested, other articles of the same kind, being articles which, or articles containing goods which, had been sold by the person charged or were in that person's possession for sale or for delivery after sale, were available for testing, the person charged shall not be convicted of such an offence with respect to that article unless a reasonable number of those other articles was also tested; and in any proceedings for such an offence the court—

- (i) if the proceedings are with respect to one or more of a number of articles tested on the same occasion, shall have regard to the average quantity in all the articles tested;
- (ii) if the proceedings are with respect to a single article, shall disregard any inconsiderable deficiency or excess; and
- (iii) shall have regard generally to all the circumstances of the case.

27.—(1) A person against whom proceedings are brought for an offence under this Part of this Act or any instrument made thereunder shall, upon information duly laid by him and on giving to the prosecutor not less than three clear days' notice of his intention to avail himself of the provisions of this subsection, be entitled to have brought before the court in those proceedings any other person to whose act or default he alleges that the commission of the offence was due; and if, after the offence has been proved, the original defendant proves that the commission thereof was due to an act or default of that other person—

Offences due to default of third person.

- (a) that other person may be convicted of the offence; and
- (b) if the original defendant further proves that he exercised all due diligence to avoid the commission of the offence by him or any person under his control, the original defendant shall be acquitted of the offence.

(2) Where a defendant seeks to avail himself of the provisions of the foregoing subsection—

- (a) the prosecutor, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine the defendant, if he gives evidence, and any witness called by the defendant in support of his pleas, and to call rebutting evidence;

## PART IV

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(3) The foregoing provisions of this section shall not apply to Scotland, but if any person who is charged with such an offence as aforesaid in Scotland proves to the satisfaction of the court that he exercised all due diligence to secure that the offence in question was not committed, and that the offence was due to an act or default of some other person who committed it without his consent or connivance or wilful default, he shall be acquitted of the offence.

(4) Where it appears to any authority by or on behalf of whom proceedings for such an offence as aforesaid may be instituted that such an offence has been committed by some person, and that authority is reasonably satisfied that the offence was due to an act or default of some other person and that the first-mentioned person could establish a defence under subsection (1) or (3) of this section, that authority may take or authorise the taking of proceedings against that other person without first taking or authorising the taking of proceedings against the first-mentioned person; and in any such proceedings that other person may be charged with, and, on proof that the commission of the offence was due to his act or default, be convicted of, the offence with which the first-mentioned person might have been charged.

(5) Where by virtue of subsection (4) of this section a person is charged with an offence with which some other person might have been charged, the reference in section 26 (7) of this Act to articles or goods sold by or in the possession of the person charged shall be construed as a reference to articles or goods sold by or in the possession of that other person.

Offences  
originating  
in certain  
countries  
outside Great  
Britain.

**28.**—(1) Where proceedings are brought against any person for an offence under this Part of this Act or any instrument made thereunder and it is proved—

(a) that the commission of the offence was due to an act or default of some other person which took place in a designated country; and

(b) that the person charged took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by him or any person under his control,

then, subject to subsection (2) of this section, the person charged shall be acquitted of the offence; and if it is proved as mentioned in paragraph (a) of this subsection, then, whether or not the person charged is acquitted, the court shall cause notice of the proceedings to be sent to the Board.

(2) The person charged shall not be entitled to be acquitted under this section unless within seven days from the date of the service of the summons on him he has given notice in writing to the prosecutor of his intention to rely on the provisions of this section, specifying the name and address of the person to whose act or default he alleges that the commission of the offence was due, and has sent a like notice to that person; and that person shall be entitled to appear at the hearing and to give evidence.

PART IV

29.—(1) Subject to subsection (3) of this section, where any person—

- Special  
powers of  
inspector  
with respect  
to certain  
goods.
- (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 Act 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 Act other than section 23 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 Act 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 Act to be made for sale only in particular quantities,

the powers of an inspector under section 48 of this Act 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 any container in or on which the goods are made up;
- (iii) if necessary for the purposes of either of the two last foregoing paragraphs, break open any such container

## PART IV

or open any vending machine in which the 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 the container of any pre-packed goods is broken open under subsection (1) of this section and all requirements of, and of any instrument made under, this Act 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 aforesaid buy the goods on behalf of the local weights and measures authority.

(3) The powers conferred by subsection (1) of this section shall not be exercisable in relation to milk within the meaning of Part V of Schedule 4 to this Act except while the milk is on premises for the time being registered in pursuance of Milk and Dairies Regulations made under the Food and Drugs Act 1955 or in pursuance of section 7 of the Milk and Dairies (Scotland) Act, 1914 ; and nothing in subsection (1) (a), (b) or (c) of this section shall apply in relation to the sale of goods with a view to their industrial or constructional use except in such a case as is specified in section 24 (9) (b) (i), (ii) or (iii) of this Act.

Powers of inspector with respect to certain documents.

**30.**—(1) An inspector, subject to the production if so requested of his credentials, may require the person in charge of any document required by or under this Act to be associated with any goods to produce that document for inspection.

(2) If the inspector has reasonable cause to believe that any document produced to him under the foregoing subsection contains any inaccurate statement, he may either—

- (a) seize and detain the document, giving in exchange therefor a copy thereof with an endorsement signed by him certifying that the original has been seized and giving particulars of any inaccuracy alleged ; or
- (b) without prejudice to any proceedings which may be taken by reason of any inaccuracy alleged, make thereon an endorsement signed by him giving particulars of any such inaccuracy :

and, save where the context otherwise requires, any reference in this Act to any such document shall be deemed to include a reference to a copy thereof given in pursuance of paragraph (a) of this subsection.

## PART IV

(3) Where, in the case of any goods being carried on a road vehicle, the whole of the vehicle's load is being carried for, or for delivery after, sale to the same person, and any document produced in pursuance of subsection (1) of this section by the person in charge of the vehicle purports, or is required by or under this Act, to state the quantity of the goods, then, for the purpose of the exercise of his powers under section 29 (1) of this Act, the inspector may do all or any of the following things, that is to say—

- (a) require the goods to which the document relates to be unloaded from the vehicle ;
- (b) require the vehicle to be taken to the nearest suitable and available weighing or measuring equipment ;
- (c) require the person in charge of the vehicle to have it check-weighed :

Provided that the powers conferred by this subsection shall be exercised only to such extent as may appear to the inspector reasonably necessary in order to secure that the provisions of this Act and any instrument made thereunder are duly observed.

**31.** Where any road vehicle is loaded with goods for sale by weight to a single buyer of the whole of the vehicle's load, or for delivery to the buyer after they have been so sold, the buyer or seller of the goods, or any inspector who shows that he is authorised so to do by the buyer or seller of the goods, may require the person in charge of the vehicle to have it check-weighed, and if that person fails without reasonable cause to comply with any such requirement he shall be guilty of an offence. Check-weighing of certain road vehicles.

**32.** A local weights and measures authority shall have power to make, or to authorise an inspector to make on their behalf, such purchases of goods as may appear expedient for the purpose of determining whether or not the provisions of this Act and any instrument made thereunder are being complied with. Power to make test purchases.

**33.—(1)** Where any goods are required by or under this Act to be sold only by quantity expressed in a particular manner— Selling by quantity, making quantity known, and weighing in presence.

- (a) it shall be a sufficient compliance with that requirement in the case of any sale of, or agreement to sell, any such goods if the quantity of the goods expressed in the manner in question is made known to the buyer before the purchase price is agreed ;

## PART IV

(b) no person shall be guilty of an offence under section 22 (1) of this Act by reason of the exposing or offering for sale of such goods at any time if both the quantity of the goods expressed in the manner in question and the price at which they are exposed or offered for sale are made known at that time to any prospective buyer.

(2) For the purposes of this Act and any instrument made thereunder, without prejudice to any other method of making known to a person the quantity of any goods expressed in a particular manner, that quantity shall be deemed to be made known to that person—

- (a) if the goods are weighed or otherwise measured or counted, as the case may require, in the presence of that person ; or
- (b) if the goods are made up in or on a container marked with a statement in writing of the quantity of the goods expressed in the manner in question and the container is readily available for inspection by that person ; or
- (c) upon such a statement in writing being delivered to that person.

(3) Where the Board by order provide that this subsection is to apply, in the case of such goods in such circumstances as are specified in the order, to any requirement so specified of, or of any instrument made under, this Act with respect to the making known to the buyer of the quantity by weight of such goods sold by retail, then, in any case to which the order applies, that requirement shall be deemed to be satisfied if the goods are bought at premises at which weighing equipment of such description as may be prescribed—

- (a) is kept available by the occupier of those premises for use without charge by any prospective buyer of such goods for the purpose of weighing for himself any such goods offered or exposed for sale by retail on those premises ; and
- (b) is so kept available in a position on those premises which is suitable and convenient for such use of the equipment ; and
- (c) is reserved for use for that purpose at all times while those premises are open for retail transactions,

and a notice of the availability of the equipment for such use is displayed in a position on the premises where it may be readily seen by any such prospective buyer.



(4) For the purposes of this Act and any instrument made thereunder, a person shall not be deemed to weigh or otherwise measure or count any goods in the presence of any other person unless he causes any equipment used for the purpose to be so placed, and so conducts the operation of weighing or otherwise measuring or counting the goods, as to permit that other person a clear and unobstructed view of the equipment, if any, and of the operation, and of any indication of quantity given by any such equipment as the result of that operation.

PART IV

## PART V

## LOCAL ADMINISTRATION

*Local weights and measures authorities*

34.—(1) Subject to section 35 of this Act, the provisions of this section shall have effect with respect to local weights and measures authorities in England and Wales.

Local weights  
and measures  
authorities  
in England  
and Wales.

(2) The council of each county or county borough shall be the local weights and measures authority for that county or borough except, in the case of a county, for any part thereof for which, by virtue of subsection (3), (4) or (5) of this section or by virtue of the said section 35, some other authority are for the time being the local weights and measures authority.

(3) If immediately before the commencement of this section the local authority within the meaning of the Weights and Measures Act 1878 for any area were the council of a non-county borough, then, without prejudice to subsections (4), (5) and (6) of this section, that council shall be the local weights and measures authority for that area until the end of—

(a) 31st March 1965 ; or

(b) if the council make representations under and in accordance with subsection (5) of this section, 31st March 1967 :

Provided that, if the Board require further time to consider any such representations made by a particular borough council, the Board may from time to time, by notice in writing to that council and to the council of the county in which the borough is situated, direct that in relation to that borough council this subsection shall have effect as if for the reference to the year 1967 there were substituted a reference to such later year as may be specified in the notice ; but no such notice shall have effect unless it is given before—

(i) 1st April 1966 ; or

(ii) if a notice under this proviso is already in force with respect to that borough council, 1st April in the year immediately preceding that specified in that notice.

## PART V

(4) If on any qualifying day the estimated population of any non-county borough or urban district is sixty thousand or more and before the expiration of the designated period the council of that borough or district resolve that they be the local weights and measures authority therefor and send a copy of that resolution to the Board and to the council of the county in which the borough or district is situated, then, without prejudice to subsection (6) of this section, the council of that borough or district shall be the local weights and measures authority therefor on and after 1st April in the second year after the year in which that qualifying day falls, whether or not at any time after that qualifying day the population of that borough or district falls below sixty thousand.

(5) If—

- (a) on the first qualifying day the estimated population of any non-county borough or urban district is less than sixty thousand, but before the expiration of the designated period the council of that borough or district make representations in writing to the Board and to the council of the county in which the borough or district is situated that the council of the borough or district should become the local weights and measures authority therefor or, as the case may be, that the council of the borough should continue to be the local weights and measures authority either for the whole of the area for which, by virtue of subsection (3) of this section, they are for the time being that authority or for so much of that area as lies within the borough; or
- (b) not later than 30th June 1964 the council of any rural district make representations in writing to the Board and to the council of the county in which the district is situated that the council of the district should become the local weights and measures authority therefor,

and the Board are satisfied, after consultation with the council of the said county, that there are special circumstances which make it proper to agree with those representations, the Board may—

- (i) in the case of a council who are not for the time being a local weights and measures authority, by order made not later than 31st March 1966, direct that the council shall be the local weights and measures authority for the borough or district in question as from 1st April 1967;
- (ii) in the case of a council who are for the time being the local weights and measures authority for any area, by

PART V

order made not later than 31st March 1966, direct that the council shall continue on and after 1st April 1967 to be the local weights and measures authority either for the whole of that area, or, if the Board think fit, only for so much thereof as lies within the borough in question ;

and, without prejudice to the next following subsection, any such order shall have effect accordingly:

Provided that, in the application of paragraph (ii) of this subsection to a borough council with respect to whom a notice under the proviso to subsection (3) of this section is for the time being in force, references in this subsection to the years 1967 and 1966 shall be construed as references respectively to the year specified in that notice and the year immediately preceding that so specified.

(6) Without prejudice to their rights under subsection (4) of this section, the council of any non-county borough or urban or rural district who are for the time being, or are by virtue of subsection (4) or (5) of this section to become, the local weights and measures authority for any area may at any time by agreement with the council of the county in which that area is situated cease to be, or be relieved of the obligation to become, the local weights and measures authority for that area on such date and on such terms as may be specified in the agreement ; and a copy of any such agreement shall be sent forthwith by the council of the borough or district to the Board.

(7) In this section—

“ qualifying day ” means 30th June in 1963 or any fifth year thereafter, or, in relation to a non-county borough or urban district which is newly constituted by, or of which the population is increased by virtue of, an order under section 23, 24 or 29 of the Local Government Act 1958, in the year (not being earlier than 1963) next after the year in which that order came into operation ;

“ estimated population ”, in relation to any area and any qualifying day, means the population of that area on that day according to the first estimate thereof made and published by the Registrar General for England and Wales after that day ;

“ designated period ”, in relation to any qualifying day and any area, means the period of six months beginning with the date of first publication of the estimate containing the estimated population of that area on that day.

(8) The foregoing provisions of this section shall have effect notwithstanding anything to the contrary in any charter of

## PART V

incorporation granted before the commencement of this section in the case of a borough, or any scheme confirmed in connection with the grant of such a charter, under Part VI of the Local Government Act 1933 or Part XI of the Municipal Corporations Act 1882.

Local weights and measures authorities in special areas.

**35.**—(1) As respects any part of the metropolitan region (that is to say, the area for the time being excluded by section 17 (1) of the Local Government Act 1958 from review by the Local Government Commission for England)—

- (a) section 34 of this Act shall not apply; and
- (b) until such date as may be appointed as respects that part under paragraph (c) of this subsection, the authority who, immediately before the commencement of the said section 34, were acting as respects that part as a local authority for the purposes of the Weights and Measures Act 1878 or were party to an agreement as respects that part under section 52 of that Act for all or any of those purposes shall be the local weights and measures authority for that part; and
- (c) the Board may by order, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, direct that, as from such date as may be appointed by the order, the local weights and measures authority for such area consisting of or including that part shall be such authority as may be specified in the order.

(2) The council of the Isles of Scilly shall be the local weights and measures authority for those islands unless some other authority is for the time being designated for the purpose by an order under section 292 of the Local Government Act 1933.

(3) The Board, after consultation with any local weights and measures authority appearing to them to be concerned, may by order provide that the area of any local weights and measures authority specified in the order shall, for the purposes of their functions as such an authority, be deemed to include such area consisting of inland waters or of territorial waters of the United Kingdom adjacent to any part of Great Britain as may be so specified, being an area which would otherwise not fall within the area of any local weights and measures authority.

Local weights and measures authorities in Scotland

**36.** In Scotland, the council of a county or large burgh within the meaning of the Local Government (Scotland) Act 1947 shall be the local weights and measures authority for that county or burgh, and any small burgh within the meaning of that Act shall for the purposes of this section be included in the county in which it is situated.

**37.**—(1) Any two or more local weights and measures authorities may at any time by agreement in writing, and whether in the manner provided by section 91 of the Local Government Act 1933 or section 119 of the Local Government (Scotland) Act 1947 or otherwise, combine or make other arrangements in common for the purposes of all or any of their functions under this Act or any enactment falling to be repealed thereby or under the Cran Measures Act 1908, and with respect to all or any part or parts of their respective areas, upon such terms as may be specified in the agreement.

PART V  
Power for local weights and measures authorities to combine.

(2) Where any agreement is entered into under this section, the parties thereto shall cause a copy of the agreement to be sent forthwith to the Board and shall also cause notice in writing to be given to the Board of any variation from time to time made in the agreement and, if the agreement ceases to have effect, of its cessation.

(3) Save where the agreement in question otherwise provides, and without prejudice to any power to enter into a new agreement under this section, any agreement made under this section shall cease to have effect if any of the parties thereto ceases to be a local weights and measures authority.

(4) Any agreement made under section 52 of the Weights and Measures Act 1878 and in force immediately before the date of commencement of this section shall be deemed for the purposes of this Act to have been made under this section and, for the purposes of subsection (2) of this section, to have been made on the said date.

**38.**—(1) Each local weights and measures authority shall, in respect of each financial year of the authority, make to the Board by such date as the Board may direct a report on the operation during that year of the arrangements made to give effect in that authority's area to the purposes of this Act or any enactment falling to be repealed thereby; and any report under this subsection shall be in such form and contain such particulars of such matters as the Board may direct:

Annual reports by local weights and measures authorities.

Provided that where two or more local weights and measures authorities have entered into an agreement made or deemed to have been made under section 37 of this Act with respect to all their functions under this Act and any enactment falling to be repealed thereby, then, in respect of any financial year during the whole of which that agreement was in operation, those authorities may make a joint report to the Board for the purposes of this subsection.

(2) Any report made to the Board under the foregoing subsection may be published by the local weights and measures authority or authorities by whom it is made; and the Board may

**PART V**

include the whole or any part of, or any information contained in, any such report, whether published as aforesaid or not, in any statement which may be made or published by the Board with respect to such arrangements as aforesaid either generally or in any particular area.

Inspection of  
and inquiries  
into local  
weights and  
measures  
arrangements.

**39.**—(1) The Board may from time to time cause an inspection to be made of, or of any part of, any such arrangements as are mentioned in section 38 of this Act, and any such inspection shall be carried out by an officer of the Board authorised in that behalf by the Board who may—

- (a) examine any equipment or records kept in connection with those arrangements ;
- (b) require any inspector having duties under those arrangements to give such assistance and information as the officer may reasonably specify ; and
- (c) make reasonable inquiries of any person who appears to the officer likely to be able to give him information concerning the operation of those arrangements.

(2) The officer by whom any inspection under the foregoing subsection is made shall report the results thereof in writing to the Board, and the Board shall send a copy of that report to any local weights and measures authority concerned and to any chief inspector responsible for the operation of all or any of the arrangements inspected ; and the Board may, if they think fit, publish any such report in whole or in part.

(3) Where in the case of any area—

- (a) a complaint is made to the Board that all or any of the functions conferred by this Act or any enactment falling to be repealed thereby on local weights and measures authorities are not being properly discharged in that area ; or
- (b) the Board are of opinion that an investigation should be made as to whether all or any of the said functions are being properly discharged in that area,

the Board may cause a local inquiry to be held into the matter, and the person appointed to hold the inquiry shall report the results thereof in writing to the Board, who shall publish the report together with such observations, if any, as they think fit to make thereon.

(4) In relation to any inquiry under subsection (3) of this section which is held in England or Wales, subsections (2), (3) and (5) of section 290 of the Local Government Act 1933 (which relate to the giving of evidence at, and the defraying of the costs of, certain local inquiries in England or Wales) and, if but only if the Board in any particular case so direct,

subsection (4) of that section (which relates to the defraying of any costs incurred by a department causing such an inquiry to be held) shall apply as if the inquiry were held under subsection (1) of that section and as if the expression "department" therein included the Board.

PART V

(5) In relation to any inquiry under subsection (3) of this section which is held in Scotland, subsections (2) to (9) of section 355 of the Local Government (Scotland) Act 1947 (which relate to the holding of certain local inquiries in Scotland) shall apply as if the inquiry were held under subsection (1) of that section and as if the expression "Minister" therein included the Board.

40.—(1) In England and Wales, in respect of any period during which the council of any non-county borough or urban or rural district are acting as a local weights and measures authority or are a party to any agreement made or deemed to have been made under section 37 of this Act, any expenditure incurred for the purposes of this Act or any enactment falling to be repealed thereby or of the Cran Measures Act 1908 by the council of the county in which that borough or district is situated shall be treated as incurred for special county purposes and that borough or district shall not be chargeable therewith.

Expenses of authorities and compensation of officers.

(2) The Board shall by regulations provide for the payment by such authority as may be prescribed by or determined under the regulations, but subject to such exceptions or conditions as may be so prescribed, of compensation to any officer of a local authority (hereafter in this subsection referred to as "the employing authority") who suffers, or who has since the commencement of this Part of this Act suffered, loss of employment or loss or diminution of emoluments which is attributable—

- (a) to the employing authority's ceasing by virtue of any provision of this Part of this Act to be the local weights and measures authority for the whole or part of the authority's area ; or
- (b) to any agreement entered into by the employing authority under section 37 of this Act ;

and any such regulations may include provision as to the manner in which and the persons to whom any claim for compensation by virtue of this subsection is to be made, and for the determination of all questions arising under the regulations.

(3) Where an authority ceases to be the local weights and measures authority for any part of the metropolitan region within the meaning of section 35 (1) of this Act by reason of—

## PART V

- (a) that authority's ceasing to exist by virtue of an Act providing for the reorganisation of local government in that region, being an Act passed after, or during the same session as, this Act ; or
- (b) an order by the Board under section 35 (1) (c) of this Act directing that an authority established by such an Act as aforesaid shall be the local weights and measures authority for that part,

compensation shall not be payable by virtue of regulations under subsection (2) of this section to any person in respect of any loss of employment or loss or diminution of emoluments in respect of which compensation is payable to that person under that Act.

*Inspectors of weights and measures*

Inspectors of weights and measures.

41.—(1) Subject to section 37 of this Act, each local weights and measures authority shall from time to time appoint from among persons holding certificates of qualification under section 42 of this Act, and reasonably remunerate, a chief inspector of weights and measures and such number of other inspectors of weights and measures, if any (who may, if the authority so desire, include a deputy chief inspector) as may be necessary for the efficient discharge in the authority's area of the functions conferred or imposed on inspectors by or under this Act or any enactment falling to be repealed thereby.

(2) Subject to section 37 of this Act, any person appointed as aforesaid shall hold office during the pleasure of the authority by whom he was appointed, and notice of any such person's appointment to or ceasing to hold an office under this section shall, within one month of its occurrence, be given by that authority to the Board.

(3) A chief inspector shall be responsible to the local weights and measures authority for the custody and maintenance of the local standards, working standards and testing and stamping equipment provided for the area for which he was appointed and generally for the operation of the arrangements made to give effect in that area to the purposes of this Act or any enactment falling to be repealed thereby.

(4) A deputy chief inspector may perform any functions of the chief inspector for the area for which he was appointed in any case where it appears to the local weights and measures authority to be desirable or necessary in the interests of the efficient operation of the arrangements aforesaid to authorise him so to do, and when so authorised shall have all the powers of a chief inspector.



**42.**—(1) The Board shall provide for the holding of examinations for the purpose of ascertaining whether persons possess sufficient skill and knowledge for the proper performance of the functions of an inspector, and for the grant of certificates of qualification to persons who pass such examinations. PART V  
Certificate of  
qualification  
to act as  
inspector.

(2) The Board shall not grant a certificate of qualification to any person while he is under twenty-one years of age.

(3) There shall be charged in respect of any such examination as aforesaid such fees as the Board may from time to time with the approval of the Treasury determine.

**43.**—(1) The arrangements made by a local weights and measures authority to give effect in their area to the purposes of this Act may include the provision under the supervision of the chief inspector for their area of a service for the adjustment of weights and measures, but not of other weighing or measuring equipment; and where such a service is so provided the authority shall charge such fees in connection therewith as may be prescribed; but except by way of the adjustment of weights and measures—

(a) during the period of two years beginning with the date of commencement of this section; and

(b) with the express authority in writing of the Board,

no person holding office as an inspector who is employed in the inspection of weighing or measuring equipment for the purposes of its use for trade shall also undertake, whether as part of such a service as aforesaid or otherwise, the adjustment for those purposes of weighing or measuring equipment of any description.

(2) Without prejudice to the powers and duties of local weights and measures authorities or inspectors under any other provision of this Act, a local weights and measures authority may make arrangements whereby an inspector may, at the request of any person and subject to payment by that person of such fee, if any, as the authority may think fit, carry out and submit to that person a report on—

(a) a weighing or other measurement of any goods submitted for the purpose by that person at such place as the authority may direct or approve;

(b) a test of the accuracy of any weighing or measuring equipment so submitted.

**44.**—(1) No discount, commission or rebate of any kind in respect of any fees chargeable by an inspector shall be given, nor any allowance made, by any inspector or local weights Inspectors'  
fees.

## PART V

and measures authority for assistance rendered by any person, whether by way of permitting the use of premises, tools, machinery or instruments or otherwise howsoever, in the inspection, testing or stamping of weighing or measuring equipment except where that assistance is rendered by a manufacturer of such equipment, in which case such adequate and reasonable allowance may be made as the local weights and measures authority may with the consent of the Board agree.

(2) Every inspector shall, at such times as the local weights and measures authority may direct, account for and pay over to that authority or as they may direct all fees taken by him for the performance of any of his duties.

Offences in connection with office of inspector.

**45.**—(1) Any inspector who—

- (a) stamps any weighing or measuring equipment in contravention of any provision of this Act or of any instrument made thereunder or without duly testing it; or
- (b) save as permitted by or under section 43 (1) of this Act derives any profit from, or is employed in, the making, adjusting or selling of weighing or measuring equipment; or
- (c) knowingly commits any breach of any duty imposed on him by or under this Act or any enactment falling to be repealed thereby or otherwise misconducts himself in the execution of his office,

shall be guilty of an offence.

(2) Subject to section 46 of this Act, if any person who is not an inspector acts or purports to act as an inspector he shall be guilty of an offence.

Transitional provisions as to inspectors.

**46.**—(1) Any person who, immediately before the date of commencement of section 41 of this Act, was an inspector of weights and measures appointed under section 43 of the Weights and Measures Act 1878 shall be deemed for the purposes of this Act to have been appointed under the said section 41, and any certificate of qualification granted to any person under section 8 of the Weights and Measures Act 1904 shall be deemed to be a certificate granted under section 42 of this Act; and, subject to subsection (2) of this section, any reference in any enactment passed before the date aforesaid to an inspector of weights and measures shall be construed as a reference to an inspector within the meaning of this Act.

(2) Where immediately before the date aforesaid any person, not being an inspector of weights and measures, was a person—

- (a) appointed under any of the provisions of Part II of the Weights and Measures Act 1889 to act for any of the purposes of that provision for which such an inspector could act ; or
- (b) appointed under section 13 (3) of the Sale of Food (Weights and Measures) Act 1926 to act on behalf of such an inspector for any of the purposes of that Act ; or
- (c) appointed under any local Act regulating the sale of coal in a burgh or county in Scotland to act for any of the purposes of that Act for which such an inspector could act,

PART V

nothing in this Act shall prevent that person from acting, with the sanction of the local weights and measures authority, for those purposes or the corresponding purposes of this Act ; and so far as may be necessary for the purposes of his so acting—

- (i) references in this Act other than in section 48 (3) to an inspector or in the said Act of 1889 or 1926 to an inspector of weights and measures shall be construed as including references to any such person when so acting ; and
- (ii) in relation to any such person when so acting, any reference in this Act to his credentials shall be construed as a reference to written authority for him so to act granted by the local weights and measures authority ;

but no person shall be appointed as mentioned in paragraph (c) of this subsection after the commencement of section 41 of this Act.

#### *General administrative regulations*

47. The Board may make regulations with respect to the manner of the performance by local weights and measures authorities and inspectors of their functions under this Act or any enactment falling to be repealed thereby.

### PART VI

#### MISCELLANEOUS AND GENERAL

48.—(1) Subject to the production if so requested of his credentials, an inspector may, within the area for which he was appointed inspector, at all reasonable times—

General powers of inspection and entry.

- (a) inspect and test any weighing or measuring equipment which is, or which he has reasonable cause to believe to be, used for trade or in the possession of any person or upon any premises for such use ;

## PART VI

- (b) inspect any goods to which any of the provisions of this Act or any instrument made thereunder for the time being applies or which he has reasonable cause to believe to be such goods ;
- (c) enter any premises at which he has reasonable cause to believe there to be any such equipment or goods as aforesaid, not being premises used only as a private dwelling-house.

(2) Subject to the production if so requested of his credentials, an inspector may at any time within the area aforesaid seize and detain—

- (a) any article which he has reasonable cause to believe is liable to be forfeited under this Act, and
- (b) any document displayed with any goods offered or exposed for sale which relates to the price or quantity of the goods and which the inspector has reason to believe may be required as evidence in proceedings under this Act.

(3) If a justice of the peace, on sworn information in writing—

- (a) is satisfied that there is reasonable ground to believe that any such equipment, goods, articles or documents as are mentioned in subsection (1) or (2) of this section are on any premises, or that any offence under this Act or any instrument made thereunder has been, is being or is about to be committed on any premises ; and

(b) is also satisfied either—

(i) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier ; or

(ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice may by warrant under his hand, which shall continue in force for a period of one month, authorise an inspector to enter the premises, if need be by force.

In the application of this subsection to Scotland, the expression “a justice of the peace” shall be construed as including the sheriff.

(4) An inspector entering any premises by virtue of this section may take with him such other persons and such equipment as may appear to him necessary ; and on leaving any

premises which he has entered by virtue of a warrant under the last foregoing subsection, being premises which are unoccupied or the occupier of which is temporarily absent, he shall leave them as effectively secured against trespassers as he found them.

PART VI

(5) If any inspector or other person who enters any work-place by virtue of this section discloses to any person any information obtained by him in the work-place with regard to any manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.

(6) In exercising his functions under this Act or any instrument made thereunder at any mine of coal, mine of stratified ironstone, mine of shale or mine of fire-clay, an inspector shall so exercise those functions as not to impede or obstruct the working of the mine.

(7) Nothing in this Act shall authorise any inspector to stop any vehicle on a highway.

49.—(1) Any person who—

Obstruction  
of inspectors.

- (a) wilfully obstructs an inspector acting in the execution of this Act or any instrument made thereunder ; or
- (b) wilfully fails to comply with any requirement properly made of him by an inspector under section 29 or 30 of this Act ; or
- (c) without reasonable cause fails to give to any inspector acting as aforesaid any other assistance or information which the inspector may reasonably require of him for the purposes of the performance by the inspector of his functions under this Act or any instrument made thereunder,

shall be guilty of an offence.

(2) If any person, in giving to an inspector any such information as is mentioned in the foregoing subsection, gives any information which he knows to be false, he shall be guilty of an offence.

(3) Nothing in this section shall be construed as requiring a person to answer any question or give any information if to do so might incriminate him.

50.—(1) Where an offence under, or under any instrument made under, this Act or any enactment falling to be repealed thereby which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of

Offences by  
corporations.

PART VI that offence and shall be liable to be proceeded against and punished accordingly.

(2) In the foregoing subsection, the expression "director", in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

Prosecution  
of offences.

**51.**—(1) In England and Wales, proceedings for any offence under this Act or any instrument made thereunder shall not be instituted except by or on behalf of a local weights and measures authority or the chief officer of police for a police area.

(2) Proceedings for an offence under any provision contained in, or having effect by virtue of, Part IV of this Act, other than proceedings for an offence under section 25 (6) or proceedings by virtue of section 27 (4), shall not be instituted—

- (a) unless there has been served on the person charged notice in writing of the date and nature of the offence alleged and, where the proceedings are in respect of one or more of a number of articles of the same kind tested on the same occasion, of the results of the tests of all those articles ; or
- (b) except where the person charged is a street trader, unless the said notice was served before the expiration of the period of fifteen days beginning with the date aforesaid ; or
- (c) after the expiration of the period of three months beginning with the date aforesaid.

(3) Such a notice as is mentioned in subsection (2) (a) of this section may be served on any person either by serving it on him personally or by sending it to him by post at his usual or last known residence or place of business in the United Kingdom or, in the case of a company, at the company's registered office.

Penalties.

**52.**—(1) Any person guilty of an offence under any of the following provisions of this Act, that is to say, sections 10 (5), 11 (2), 11 (6), 12 (2), 12 (3), 13 (3), 13 (4), 14 (1), 14 (3), 18 (3), 20 (2), 20 (4), 20 (5), 31 and 49 (1), paragraphs 4 and 5 of Schedule 5 and paragraph 20 (2) of Schedule 6, shall be liable on summary conviction to a fine not exceeding twenty pounds.

(2) Any person guilty of an offence under any provision of this Act other than those mentioned in the foregoing subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds (or, in the case of a second or any subsequent offence under the same provision, two hundred and fifty pounds), or to imprisonment for a term not exceeding three months, or to both.

**53.**—(1) Where in any proceedings for an offence under this Act or any instrument made thereunder any question arises as to the accuracy of any weighing or measuring equipment, the court shall at the request of any party to the proceedings, and may if it thinks fit without any such request, refer the question to the Board, whose decision shall be final. **PART VI**  
Determination  
of certain  
questions  
by Board.

(2) Except where in any particular proceedings the Board waive their rights under this subsection, any expenses incurred by the Board in making any test for the purpose of determining any question referred to them under the foregoing subsection shall be paid by such of the parties to the proceedings as the court may by order direct.

**54.**—(1) Any power to make orders or regulations conferred on the Board by this Act shall be exercisable by statutory instrument, and any such order or regulations may make different provision for different circumstances. Regulations  
and orders.

(2) Before making any order under any of the following provisions of this Act, that is to say, sections 10 (9), 10 (10), 21 (2), 21 (5), 23 (4), 33 (3) and 62 (1), paragraph 11 of Schedule 5, paragraph 2 (3) of Schedule 6 and paragraph 4 of Part II of Schedule 7, the Board shall consult with, and consider any representations with respect to the subject-matter of the order made to the Board by, such organisations as appear to the Board to be representative of interests substantially affected by the order.

(3) No order shall be made under any of the following provisions of this Act, that is to say—

- (a) any of the provisions mentioned in subsection (2) of this section ;
- (b) the proviso to section 6 (3) ;
- (c) section 8 (2),

unless a draft thereof has been laid before, and approved by a resolution of, each House of Parliament.

(4) An order made by the Board under any of the following provisions of this Act, that is to say—

- (a) any of the provisions mentioned in subsection (2) of this section other than section 10 (9) ;
- (b) the proviso to section 6 (3) ;
- (c) sections 8 (2), 11 (9), 35 (3) and 60 (3) ;
- (d) in Schedule 1, paragraphs 2 of Part I, 4 of Part IV, 5 of Part V and 1 of Part VI,

may be varied or revoked by a subsequent order made under the same provision.

## PART VI

(5) Any statutory instrument containing regulations made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Board to report to Parliament.

**55.** The Board shall from time to time, and in any event not less than once in every five years, lay before each House of Parliament a report of their proceedings under this Act or any enactment falling to be repealed thereby.

Discharge of functions of Board.

**56.** Anything required or authorised by or under this Act or any enactment falling to be repealed thereby to be done by, to or before the Board may be done by, to or before the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President of the Board.

Application to Crown.

**57.**—(1) Her Majesty may by Order in Council provide for the application to the Crown of such of the provisions of this Act or of any instrument made thereunder as may be specified in the Order, with such exceptions, adaptations and modifications as may be so specified.

(2) Without prejudice to the generality of the foregoing subsection, an Order under this section may make special provision for the enforcement of any provisions applied by the Order, and, in particular, as to the person liable to be proceeded against for any offence under any such provision.

(3) An Order made under this section may be varied or revoked by a subsequent Order so made, and any statutory instrument containing an Order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation.

**58.**—(1) Save where the context otherwise requires, in this Act the following expressions have the following meanings respectively, that is to say—

“ the Board ” means the Board of Trade ;

“ Board of Trade standards ” means the secondary, tertiary and coinage standards maintained by the Board under section 3 of this Act ;

“ 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 ;



## PART VI

- “constructional use”, in relation to any goods, means the use of those goods in constructional work (or, if the goods are explosives within the meaning of the Explosives Acts 1875 and 1923, in mining, quarrying or demolition work) in the course of the carrying on of a business ;
- “container” 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 ;
- “county”, in relation to England and Wales, means an administrative county ;
- “credentials” in relation to an inspector means, subject to section 46 (2) of this Act, authority in writing from a person who is for the time being a justice of the peace (or, in Scotland, either the sheriff or a justice of the peace) for the exercise by that inspector of powers conferred on inspectors by this Act ;
- “designated country” in any provision of this Act means such, if any, of the following countries, that is to say, Northern Ireland, any of the Channel Islands and the Isle of Man, as the Board, having regard to the law for the time being in force in that country, thinks it proper to designate for the purposes of that provision by order ; and any such order may be varied or revoked by the Board by a subsequent order ;
- “drugs” and “food” have the same meanings respectively as for the purposes of the Food and Drugs Act 1955 or, in Scotland, the Food and Drugs (Scotland) Act 1956 ;
- “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 ;

**PART VI**

- “inspector” and “chief inspector” mean, subject to section 46 of this Act, an inspector of weights and measures appointed under section 41 of this Act or, as the case may be, a chief inspector of weights and measures so appointed ;
- “international definition”, in relation to any unit of measurement, means the definition of that unit recognised by the General Conferences of Weights and Measures from time to time convened by the International Bureau of Weights and Measures ;
- “intoxicating liquor” has the same meaning as for the purposes of the Customs and Excise Act 1952 ;
- “local standard” means a standard maintained under section 4 of this Act ;
- “local weights and measures authority”, in relation to any functions under this Act of any such authority which are for the time being the subject of an agreement made or deemed to have been made under section 37 of this Act, includes the authority by whom those functions fall to be exercised under the agreement ;
- “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 ;
- “premises”, except in section 33 (3) of this Act, 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 ; and on any premises where articles of any description are so made up, or are 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 thereunder with respect to the pre-packing of such articles ;
- “prescribed” means prescribed by the Board by regulations ;
- “secondary standard” means a standard maintained by virtue of section 3 (2) of this Act ;
- “ship” includes any boat and any other description of vessel used in navigation ;

- “stamp” means 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 howsoever, and cognate expressions shall be construed accordingly ;
- “tertiary standard” means a standard maintained by virtue of section 3 (3) of this Act ;
- “testing equipment” means testing equipment maintained under section 5 of this Act ;
- “United Kingdom primary standard” means a standard maintained under section 2 of this Act ;
- “weighing or measuring equipment” means equipment for measuring in terms of length, area, volume, capacity, weight or number, whether or not the 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 of this Act.

(2) Save where the context otherwise requires—

- (a) 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 ;
- (b) references in this Act to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment, including any enactment contained in this Act.

59. In the Customs and Excise Act 1952—

- (a) in sections 146 (6) and 148 (4) (which relate to the sale by wholesale and retail respectively of intoxicating liquor) for the words “if bottled, one dozen reputed quart bottles” there shall be substituted the words “one case”, and for the words “if bottled, two dozen reputed quart bottles” there shall be substituted the words “two cases” ; and
- (b) in section 307 (1) (which relates to interpretation), after the paragraph beginning “British spirits” there shall be inserted the following paragraph—
- “‘case’, in relation to intoxicating liquor, means one dozen units each consisting of a container holding not less than twenty-three nor more than twenty-eight fluid ounces, or the equivalent of that number of such units made up wholly or partly of containers of a larger or smaller size”.

Abolition  
of reputed  
quart.

PART VI  
Saving for  
cran measures.

**60.**—(1) Save as expressly provided by or under this Act, nothing in this Act shall affect the operation of the following enactments (which relate to cran and quarter cran measures), that is to say—

- (a) section 13 of the Herring Fishery (Scotland) Act 1815 ;
- (b) section 4 of the Herring Fishery (Scotland) Act 1889 ;
- (c) the Branding of Herrings (Northumberland) Act 1891 ;  
and
- (d) the Cran Measures Act 1908.

(2) Without prejudice to section 37 of this Act, any reference in the said Act of 1908 to the local authority shall be construed as a reference to the local weights and measures authority and, for the purposes of that Act, the jurisdiction of that authority shall extend to the sea adjoining their area and within the exclusive fishery limits of the British islands.

(3) If at any time the Board are satisfied that, having regard to the law for the time being in force in Northern Ireland, any of the Channel Islands or the Isle of Man with respect to cran and quarter cran measures, it is proper so to do, they may by order direct that such measures made and marked in accordance with that law shall be legal measures for use—

- (a) in buying, selling, delivering or receiving fresh herrings in any place in which the said Act of 1908 is in force ;  
and
- (b) in the Scottish herring fishery and in any area to which the powers of the Secretary of State concerned with fisheries in Scotland extend under the said Act of 1891.

Transitional  
provisions  
for milk and  
bread.

**61.**—(1) The Sale of Food (Weights and Measures) Act 1926 shall until the repeal of that Act by virtue of section 63(1)(b) of this Act have effect subject to the amendments hereafter specified in this section ; and the Bread Order 1953, the Bread (Amendment No. 2) Order 1956 and Article 4 of the Milk (Great Britain) Order 1962 are hereby revoked.

(2) For subsections (2) and (3) of section 6 of the said Act of 1926 there shall be substituted—

“ (2) Except under and in accordance with any conditions imposed by a licence or authorisation granted by the Minister of Agriculture, Fisheries and Food, no person shall sell or have in his possession for sale any loaf or roll of bread (including any bap) unless its weight is fourteen ounces or a multiple of fourteen ounces or is ten ounces or less ; and in this Act, the expression ‘ bread ’ includes rolls, but does not include fruit loaves or bun loaves, and the expression ‘ loaf ’ includes wrapped sliced bread.”

(3) Section 7(1) of the said Act of 1926 shall not apply— PART VI

- (a) to milk pre-packed in a quantity of one-third of a pint if the container is so marked as to indicate clearly that it contains that quantity of milk ; or
- (b) as respects any sale of any milk made up in a container in that quantity, being a sale to, or for the purpose of resale to, any person having the management of any school, or any person acting under his authority, for consumption as a beverage by the pupils of that school.

(4) The said section 7(1) shall not apply to a sale of pre-packed milk at a price of sixpence by means of a vending machine if—

- (a) the milk is pre-packed in a container marked with an indication of quantity by capacity measurement and a statement that it is not for sale otherwise than by that means ; and
- (b) there is displayed to any prospective buyer, on or in the machine, an indication of the quantity by capacity measurement of the milk in each container offered or exposed for sale in the machine ;

and it shall not be a contravention of the said section 7(1) for any person to sell otherwise than by retail, or to have in his possession—

- (i) for sale at the price aforesaid by means of such a vending machine, or
- (ii) for sale otherwise than by retail, or
- (iii) for delivery on sale otherwise than by retail,

any milk pre-packed as aforesaid notwithstanding that it is pre-packed in a quantity not otherwise permitted by the said section 7(1).

(5) In section 11 of the said Act of 1926, after subsection (2) there shall be inserted—

“(2A) Any person who acts in contravention of section 6 (2) of this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both.”

**62.**—(1) Save as the Board may by order otherwise provide, Other savings. and except in the case of a retail transaction or a transaction with respect to which provision to the contrary effect is for the time being made by or under Part IV of this Act or any enactment included in the third column of Part II or III of Schedule 9 to this Act, nothing in this Act shall make unlawful the use in any transaction, by agreement between the parties thereto, of any unit of measurement which—

- (a) was customarily used for trade in the like transactions immediately before the passing of this Act, and
- (b) is not inconsistent with anything for the time being contained in Schedule 1 to this Act,

**PART VI** notwithstanding that the unit in question is not for the time being included in the said Schedule 1.

(2) No contract for the sale or carriage for reward of any goods shall be void by reason only of a contravention of any provision of, or of any instrument made under, this Act with respect to any document which is, or is required by that provision to be, associated with the goods.

(3) Subject to subsection (6) of this section, nothing in this Act shall affect any rights of the mayor and commonalty and citizens of the City of London or of the Lord Mayor of the City of London for the time being with respect to the stamping or sealing of weights and measures, or with respect to the gauging of wine or oil or other gaugeable liquors.

(4) Subject to subsection (6) of this section, nothing in this Act shall affect the rights granted by charter to the master, wardens and commonalty of the mystery of Founders of the city of London.

(5) Nothing in this Act shall affect any powers of any corporation sole or body corporate or any person appointed at any court leet for any hundred or manor or any jury or ward inquest with respect to the examining, regulating, seizing, breaking or destroying of any weights, balances or measures within their respective jurisdictions.

(6) Notwithstanding anything in subsection (3) or (4) of this section, a person using weighing or measuring equipment within the City of London shall not be required to have that equipment passed or stamped by more than one authority.

Repeals.

**63.**—(1) The following enactments, that is to say—

- (a) the enactments specified in the first and second columns of Part I of Schedule 9 to this Act, and
- (b) as from the expiration of the period of two years beginning with the date of the passing of this Act, the enactments specified in the first and second columns of Part II of that Schedule,

are hereby repealed to the extent respectively specified in the third column of the said Part I or II; and, without prejudice to anything in section 38 (1) of the Interpretation Act 1889 (which relates to the effect of repeals), any reference in any Act passed before this Act to local authorities for the purposes of the Weights and Measures Acts 1878 to 1936 shall be construed as a reference to local weights and measures authorities under this Act.

(2) As from the expiration of the period aforesaid, the following local enactments, so far as they remain in force, are hereby repealed, that is to say—

- (a) the local Acts specified in the first and second columns of Part III of the said Schedule 9 to the extent specified in the third column of the said Part III;

(b) in the Leicester (Amendment of Local Enactments) Order 1959, articles 12, 13 and 18 (3);

PART VI

and if at any time any other enactment contained in any local Act passed before this Act appears to the Board to have been superseded by, or to be inconsistent with, any provision of this Act or of any instrument made thereunder, the Board may by order, a draft of which shall be laid before Parliament, specify that enactment for the purposes of this subsection 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 any such order is hereby repealed as from the date of the making of the order or the date of the expiration of the period aforesaid, whichever is the later.

(3) Section 303 of the Public Health Act 1875 (which empowers the Minister of Housing and Local Government by provisional order to repeal or amend local Acts relating to the same subject matters as that Act) shall cease to have effect so far as it applies to any matter to which this Act relates.

(4) No power conferred by any other Act on any person other than the Board to make provision by statutory instrument with respect to the marking of any food shall extend to the marking of such food with a statement of its quantity by weight or other measurement or by number.

**64.**—(1) There shall be defrayed out of moneys provided by Parliament—

- (a) any expenses incurred by any government department under this Act other than expenses incurred by the Postmaster General; and
- (b) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.

(2) Any sums received by the Board under this Act shall be paid into the Exchequer.

**65.** The provisions of Schedule 10 to this Act shall have effect in relation to Northern Ireland, but, save as provided in that Schedule, the provisions of this Act other than this and the next following section shall not extend to Northern Ireland.

Application to Northern Ireland.

**66.**—(1) This Act may be cited as the Weights and Measures Act 1963.

Short title and commencement.

(2) The provisions of this Act, other than Parts III and IV, section 61(4) and Schedules 4 to 8, shall come into force on the expiration of the period of six months beginning with the date of the passing of this Act, section 61(4) shall come into force on the said date, and the said Parts and Schedules shall come into force on the expiration of the period of two years beginning with the said date.

## SCHEDULES

Sections 1, 10.

## SCHEDULE 1

## DEFINITIONS OF UNITS OF MEASUREMENT

## PART I

*Measurement of length**Imperial units*

1. Mile	= 1760 yards.
Furlong	= 220 yards.
Chain	= 22 yards.
YARD	= 0·9144 metre.
Foot	= 1/3 yard.
Inch	= 1/36 yard.

*Metric units*

2. Kilometre	= 1000 metres.
METRE	shall have the meaning from time to time assigned by order by the Board, being the meaning appearing to the Board to reproduce in English the international definition of the metre in force at the date of the making of the order.
Decimetre	= 1/10 metre.
Centimetre	= 1/100 metre.
Millimetre	= 1/1000 metre.

## PART II

*Measurement of area**Imperial units*

1. Square mile	= 640 acres.
Acre	= 4840 square yards.
Rood	= 1210 square yards.
SQUARE YARD	= a superficial area equal to that of a square each side of which measures one yard.
Square foot	= 1/9 square yard.
Square inch	= 1/144 square foot.

*Metric units*

2. Hectare	= 100 ares.
Dekare	= 10 ares.
Are	= 100 square metres.
SQUARE METRE	= a superficial area equal to that of a square each side of which measures one metre.
Square decimetre	= 1/100 square metre.
Square centimetre	= 1/100 square decimetre.
Square millimetre	= 1/100 square centimetre.



## PART III

SCH. 1

*Measurement of volume**Imperial units*

1. CUBIC YARD = a volume equal to that of a cube each edge of which measures one yard.  
     Cubic foot =  $\frac{1}{27}$  cubic yard.  
     Cubic inch =  $\frac{1}{1728}$  cubic foot.

*Metric units*

2. CUBIC METRE = a volume equal to that of a cube each edge of which measures one metre.  
     Cubic decimetre =  $\frac{1}{1000}$  cubic metre.  
     Cubic centimetre =  $\frac{1}{1000}$  cubic decimetre.

## PART IV

*Measurement of capacity**Imperial units*

1. GALLON = the space occupied by 10 pounds weight of distilled water of density 0.998 859 gramme per millilitre weighed in air of density 0.001 217 gramme per millilitre against weights of density 8.136 grammes per millilitre.  
     Quart =  $\frac{1}{4}$  gallon.  
     Pint =  $\frac{1}{2}$  quart.  
     Gill =  $\frac{1}{4}$  pint.  
     Fluid ounce =  $\frac{1}{20}$  pint.  
 2. Bushel = 8 gallons.  
     Peck = 2 gallons.  
 3. Fluid drachm =  $\frac{1}{8}$  fluid ounce.  
     Minim =  $\frac{1}{60}$  fluid drachm.

*Metric units*

4. Hectolitre = 100 litres.  
     LITRE shall have the meaning from time to time assigned by order by the Board, being the meaning appearing to the Board to reproduce in English the international definition of the litre in force at the date of the making of the order.  
     Decilitre =  $\frac{1}{10}$  litre.  
     Centilitre =  $\frac{1}{100}$  litre.  
     Millilitre =  $\frac{1}{1000}$  litre.

## PART V

*Measurement of mass or weight**Imperial units*

1. Ton = 2240 pounds.  
     Hundredweight = 112 pounds.  
     Cental = 100 pounds.

<b>SCH. 1</b>		<i>Imperial units</i>	
	Quarter	=	28 pounds.
	Stone	=	14 pounds.
	POUND	=	0.453 592 37 kilogramme.
	Ounce	=	1/16 pound.
	Dram	=	1/16 ounce.
	Grain	=	1/7000 pound.
	2. Ounce troy	=	480 grains.
	3. Pennyweight	=	24 grains.
	4. Ounce apothecaries	=	480 grains.
	Drachm	=	1/8 ounce apothecaries.
	Scruple	=	1/3 drachm.

*Metric units*

	5. Metric ton	=	1000 kilogrammes.
	Quintal	=	100 kilogrammes.
	KILOGRAMME		shall have the meaning from time to time assigned by order by the Board, being the meaning appearing to the Board to reproduce in English the international definition of the kilogramme in force at the date of the making of the order.
	Hectogramme	=	1/10 kilogramme.
	Gramme	=	1/1000 kilogramme.
	Carat (metric)	=	1/5 gramme.
	Milligramme	=	1/1000 gramme.

## PART VI

*Measurement of electricity*

- The following units of measurement, that is to say—
  - the AMPERE (as the unit of measurement of electrical current);
  - the OHM (as the unit of measurement of electrical resistance);
  - the VOLT (as the unit of measurement of difference of electrical potential); and
  - the WATT (as the unit of measurement of electrical power),

shall have the meanings from time to time respectively assigned by order by the Board, being the meanings appearing to the Board to reproduce in English the international definition of the ampere, ohm, volt or watt, as the case may be, in force at the date of the making of the order.

- |          |   |                    |
|----------|---|--------------------|
| Kilowatt | = | 1000 watts.        |
| Megawatt | = | one million watts. |

## SCHEDULE 2

## Section 2.

EXISTING UNITED KINGDOM PRIMARY STANDARDS AND  
AUTHORISED COPIES THEREOF

## PART I

*Description of United Kingdom primary standard of the yard*

A solid bronze bar, about 38 inches long and about 1 inch square in transverse section, marked "Copper 16 oz. Tin  $2\frac{1}{2}$  Zinc 1 Mr. Baily's Metal No. 1 STANDARD YARD at 62°·00 Faht. Cast in 1845 Troughton & Simms, LONDON." and having near to each end a cylindrical hole sunk to the depth of about  $\frac{1}{2}$  inch at the bottom of which is inserted in a smaller hole a golden plug about one-tenth of an inch in diameter with, cut upon its surface, three fine lines about one hundredth of an inch apart transverse, and two fine lines about three hundredths of an inch apart parallel, to the axis of the bar, measurement being made of the mean interval between the two plugs on their respective middle transverse lines between their respective longitudinal lines when the bar is at the temperature of 62° Fahrenheit and supported on bronze rollers placed under it in such manner as best to avoid flexure of the bar and to facilitate its free expansion and contraction from variations of temperature.

## PART II

*Description of United Kingdom primary standard of the pound*

A platinum cylinder about 1.35 inches in height and about 1.15 inches in diameter marked "PS 1844 1 lb", having its edges rounded off and a groove about 0.34 inch below the top of the cylinder.

## PART III

*Description of United Kingdom primary standard of the metre*

The British copy of the prototype metre, being a bar about 102 centimetres long with a cross-section of modified X-form and made of platinum iridium alloy (90 per cent. platinum, 10 per cent. iridium), bearing at one end the markings "O°C & 20°C", "A.16 SIP GENEVE 1956" and (on the cross-section) "1" and at the other end the markings "B.16" and (on the cross-section) "2", and having engraved on the exposed neutral plane—

- (a) near each end and also at the centre, two parallel longitudinal lines about 0.12 millimetre apart;
- (b) near the end marked "1" and at the centre, one transverse line; and
- (c) near the end marked "2", two transverse lines about 0.17 millimetre apart,

measurement being made of the mean interval between the portions of the most widely separated transverse lines which are between the respective longitudinal lines when the bar is at the temperature of 0° Celsius, is subjected to an atmospheric pressure of 1013.250 millibars, and is supported on two rollers at least one centimetre in diameter placed symmetrically 571 millimetres apart in the same horizontal plane.

## SCH. 2

## PART IV

*Description of United Kingdom primary standard of the kilogramme*

The British copy of the prototype kilogramme, being a solid cylinder marked "18" of height equal to its diameter made of platinum-iridium alloy (90 per cent. platinum, 10 per cent. iridium).

## PART V

*Authorised copies of United Kingdom primary standards of the yard and pound*

Copies of the bar and cylinder described in Parts I and II respectively of this Schedule of the same construction and form as that bar and cylinder are respectively marked and deposited as follows—

- (a) a bronze bar marked "Copper 16 oz. Tin  $2\frac{1}{2}$  Zinc 1 Mr. Baily's Metal No. 2 STANDARD YARD at  $61^{\circ}.94$  Faht. Cast in 1845 Troughton & Simms, LONDON.", and a platinum cylinder marked "No 1 PC 1844 1 lb", deposited at the Royal Mint;
- (b) a bronze bar marked "Copper 16 oz. Tin  $2\frac{1}{2}$  Zinc 1 Mr. Baily's Metal No. 3 STANDARD YARD at  $62^{\circ}.10$  Faht. Cast in 1845 Troughton & Simms, LONDON.", and a platinum cylinder marked "No 2 PC 1844 1 lb", deposited at the premises of the Royal Society;
- (c) a bronze bar marked "Copper 16 oz. Tin  $2\frac{1}{2}$  Zinc 1 Mr. Baily's Metal No. 5 STANDARD YARD at  $62^{\circ}.16$  Faht. Cast in 1845 Troughton & Simms, LONDON.", and a platinum cylinder marked "No 3 PC 1844 1 lb", deposited at the Royal Greenwich Observatory;
- (d) a bronze bar marked "Copper 16 oz. Tin  $2\frac{1}{2}$  Zinc 1 Mr. Baily's Metal No. 4 STANDARD YARD at  $61^{\circ}.98$  Faht. Cast in 1845 Troughton & Simms, LONDON.", and a platinum cylinder marked "No 4 PC 1844 1 lb", immured in the Palace of Westminster;
- (e) a bronze bar marked "Copper 16 oz. Tin  $2\frac{1}{2}$  Zinc 1. BAILY'S METAL. PARLIAMENTARY COPY (VI) OF THE IMPERIAL STANDARD YARD. 41 & 42 VICTORIA, CHAPTER 49. STANDARD YARD AT  $62^{\circ}$  FAHT. CAST IN 1878. Troughton & Simms. London. H.J.C.", and a platinum-iridium cylinder marked "P.C. 5 1879" deposited at the Standard Weights and Measures Department of the Board.

## SCHEDULE 3

## MEASURES AND WEIGHTS LAWFUL FOR USE FOR TRADE

Sections 3, 4,  
5, 10.

## PART I

*Linear measure**Imperial system*

## 1. Measures of—

100 feet	5 feet
66 feet	4 feet
50 feet	1 yard
33 feet	2 feet
20 feet	1 foot
10 feet	6 inches
8 feet	1 inch
6 feet	

*Metric system*

## 2. Measures of—

20 metres	1 metre
10 metres	1 decimetre
3 metres	1 centimetre
2 metres	

## PART II

*Square measures**Imperial system*

## 1. Measures of, or of any multiple of, 1 square foot.

*Metric system*

## 2. Measures of, or of any multiple of, 1 square decimetre.

## PART III

*Cubic measures*Measures of, or of any multiple of,  $\frac{1}{4}$  cubic yard.

## PART IV

*Capacity measures**Imperial system*

## 1. Measures of—

any multiple of 1 gallon	1 gill
1 gallon	4 fluid ounces
$\frac{1}{2}$ gallon	$\frac{1}{2}$ gill
1 quart	$\frac{2}{5}$ gill
1 pint	$\frac{1}{3}$ gill
$\frac{1}{2}$ pint	$\frac{1}{4}$ gill
8 fluid ounces	$\frac{1}{2}$ gill
$\frac{1}{3}$ pint	$\frac{1}{8}$ gill
6 fluid ounces	

SCH. 3	2. Measures of—	
	1 bushel	
	$\frac{1}{2}$ bushel	
	1 peck	
	3. Measures of—	
	4 fluid drachms	30 minims
	2 fluid drachms	10 minims
	1 fluid drachm	

*Metric system*

4. Measures of—	
any multiple of 10 litres	100 millilitres
10 litres	50 millilitres
5 litres	25 millilitres
$2\frac{1}{2}$ litres	20 millilitres
2 litres	10 millilitres
1 litre	5 millilitres
500 millilitres	2 millilitres
250 millilitres	1 millilitre
200 millilitres	

## PART V

*Weights**Imperial system*

1. Weights of—	
56 pounds	$\frac{1}{2}$ dram
50 pounds	100 grains
28 pounds	50 grains
20 pounds	30 grains
14 pounds	20 grains
10 pounds	10 grains
7 pounds	5 grains
5 pounds	3 grains
4 pounds	2 grains
2 pounds	1 grain
1 pound	0.5 grain
8 ounces	0.3 grain
4 ounces	0.2 grain
2 ounces	0.1 grain
1 ounce	0.05 grain
8 drams	0.03 grain
4 drams	0.02 grain
2 drams	0.01 grain
1 dram	
2. Weights of—	
500 ounces troy	40 ounces troy
400 ounces troy	30 ounces troy
300 ounces troy	20 ounces troy
200 ounces troy	10 ounces troy
100 ounces troy	5 ounces troy
50 ounces troy	4 ounces troy

## SCH. 3

3 ounces troy	0.03 ounce troy
2 ounces troy	0.025 ounce troy
1 ounce troy	0.02 ounce troy
0.5 ounce troy	0.01 ounce troy
0.4 ounce troy	0.005 ounce troy
0.3 ounce troy	0.004 ounce troy
0.2 ounce troy	0.003 ounce troy
0.1 ounce troy	0.002 ounce troy
0.05 ounce troy	0.001 ounce troy
0.04 ounce troy	

## 3. Weights of—

10 ounces apothecaries	1 drachm
8 ounces apothecaries	2 scruples
6 ounces apothecaries	1½ scruples
4 ounces apothecaries	1 scruple
2 ounces apothecaries	½ scruple
1 ounce apothecaries	6 grains
4 drachms	4 grains
2 drachms	

## 4. Weights of—

10 pennyweights	2 pennyweights
5 pennyweights	1 pennyweight
3 pennyweights	

*Metric system*

## 5. Weights of—

20 kilogrammes	2 grammes
10 kilogrammes	1 gramme
5 kilogrammes	500 milligrammes
2 kilogrammes	200 milligrammes
1 kilogramme	100 milligrammes
500 grammes	50 milligrammes
200 grammes	20 milligrammes
100 grammes	10 milligrammes
50 grammes	5 milligrammes
20 grammes	2 milligrammes
10 grammes	1 milligramme
5 grammes	

## 6. Weights of—

500 carats (metric)	1 carat (metric)
200 carats (metric)	0.5 carat (metric)
100 carats (metric)	0.25 carat (metric)
50 carats (metric)	0.2 carat (metric)
20 carats (metric)	0.1 carat (metric)
10 carats (metric)	0.05 carat (metric)
5 carats (metric)	0.02 carat (metric)
2 carats (metric)	0.01 carat (metric)

Section 21.

## SCHEDULE 4

## FOODS

## PART I

*Meat and food containing meat*

1.—(1) This Part of this Schedule applies to food of any of the following descriptions, that is to say—

(a) meat of any description, whether fresh, chilled, frozen, salted, cooked or processed ; and

(b) any article which, though it also contains other food, consists substantially of meat,

other than dripping, lard, meat paste and shredded suet.

(2) In the foregoing sub-paragraph, the expression “meat” means any part of an animal of any of the following descriptions, that is to say, cattle, sheep and swine, but does not include sausage-meat in any form.

2. Subject to paragraph 5 of this Part of this Schedule, any goods to which this Part of this Schedule applies which are not pre-packed shall be sold only—

(a) by net weight ; or

(b) if sold in a container which does not exceed the appropriate permitted weight specified in Table A of Part XII of this Schedule, either by net weight or by gross weight.

3. Subject to paragraph 5 of this Part of this Schedule, any goods to which this Part of this Schedule applies shall be pre-packed in a container which exceeds the appropriate permitted weight aforesaid only if the container is marked with an indication of quantity by net weight.

4.—(1) Subject to paragraph 5 of this Part of this Schedule, this paragraph shall apply to any goods to which this Part of this Schedule applies pre-packed in a container which—

(a) does not exceed the appropriate permitted weight aforesaid ; and

(b) is not marked with an indication of quantity by net weight.

(2) When sold otherwise than by retail, such goods shall be sold only by net weight or by gross weight.

(3) When sold by retail, the quantity either by net weight or by gross weight of the goods sold shall be made known to the buyer before he pays for or takes possession of the goods.

5. The following shall be exempted from all requirements of this Part of this Schedule, that is to say—

(a) bath chaps, meat pies and meat puddings ; and

(b) any other goods in a quantity of less than one ounce ;

and there shall be exempted from the requirements of paragraph 2 of this Part of this Schedule any sale at a purchase price of sixpence or less.



## PART II

SCH. 4

*Fish, poultry and sausage-meat*

1. This Part of this Schedule applies to food of any of the following descriptions, that is to say—

- (a) fish or poultry of any description, whether fresh, chilled, frozen, salted, cooked or processed;
- (b) sausage-meat in any form, whether cooked or uncooked;
- (c) any article which, though it also contains other food, consists substantially of fish, poultry or sausage-meat, being an article other than fish paste or poultry paste;

and any reference in this Schedule to poultry includes a reference to any part of any poultry.

2.—(1) Subject to paragraph 4 of this Part of this Schedule, this paragraph shall apply to any goods to which this Part of this Schedule applies which are not pre-packed in a container marked with an indication of quantity by net weight.

(2) When sold otherwise than by retail such goods other than fish shall be sold only—

- (a) by net weight; or
- (b) if sold in a container which does not exceed the appropriate permitted weight specified in Table B of Part XII of this Schedule, either by net weight or by gross weight.

(3) When sold by retail, the quantity of the goods sold, being—

- (a) quantity by net weight; or
- (b) if the goods are sold in a container which does not exceed the appropriate permitted weight aforesaid, quantity either by net weight or by gross weight,

shall be made known to the buyer before he pays for or takes possession of the goods.

3. Subject to paragraph 4 of this Part of this Schedule, goods to which this Part of this Schedule applies shall be pre-packed in a container which exceeds the appropriate permitted weight aforesaid only if the container is marked with an indication of quantity by net weight.

4.—(1) The following shall be exempted from all requirements of this Part of this Schedule, that is to say—

- (a) whole birds which—
  - (i) being bled and plucked but uneviscerated, weigh less than two and a quarter pounds; or
  - (ii) being eviscerated and ready for cooking, but including any giblets sold therewith, weigh less than one and a half pounds;
- (b) poultry pies;
- (c) sausage rolls;
- (d) any other goods in a quantity of less than one ounce.

(2) The following shall be exempted from the requirements of paragraph 2 of this Part of this Schedule, that is to say—

- (a) cooked poultry;

- SCH. 4
- (b) shellfish in shell, jellied fish, pickled fish and fried fish ;
  - (c) any sale of fish made otherwise than from a market, shop, stall or vehicle ;
  - (d) any sale of fish or poultry at a purchase price of sixpence or less ;
  - (e) single cooked sausages not exceeding one pound in weight ;
  - (f) sausage-meat products, whether cooked or uncooked, in any form other than that of sausages, when offered or exposed for sale as a single item in a quantity not exceeding one pound.

### PART III

#### *Cheese*

1. In this Part of this Schedule the expression "cheese" includes processed cheese.

2. Subject to paragraph 4 of this Part of this Schedule, on a sale by retail of any cheese other than cheese pre-packed in a container marked with an indication of quantity by net weight, the quantity of the cheese sold, being—

- (a) quantity by net weight ; or
- (b) if the cheese is sold in a container which does not exceed the appropriate permitted weight specified in Table B of Part XII of this Schedule, quantity either by net weight or by gross weight,

shall be made known to the buyer before he pays for or takes possession of the cheese.

3. Subject to paragraph 4 of this Part of this Schedule, cheese shall be pre-packed in a container which exceeds the appropriate permitted weight aforesaid only if the container is marked with an indication of quantity by net weight.

4. The following shall be exempted from all requirements of this Part of this Schedule, that is to say—

- (a) pre-packed natural cheese which is not of Cheddar or Cheshire type ;
- (b) any cheese in a quantity of less than one ounce.

### PART IV

#### *Bread*

1. In this Part of this Schedule—

- (a) the expression "bread" means bread in any form other than breadcrumbs and includes the following, and any part of any of the following, that is to say, fancy loaves and milk loaves ;
- (b) the expression "loaf" includes a roll and a bap ;

and for the purposes of this Act any pre-packed sliced bread shall be deemed to be a whole loaf of bread and the pre-packing of sliced bread in any quantity by net weight shall be deemed to be the making for sale of a whole loaf of bread of that net weight.

2. Bread of any description other than a whole loaf shall be sold only by net weight:

SCH. 4

Provided that there shall be exempted from the requirements of this paragraph any bread in a quantity of ten ounces or less.

3. A whole loaf of bread of a net weight exceeding ten ounces shall be made for sale only if it is of a net weight of fourteen ounces or a multiple of fourteen ounces:

Provided that there shall be exempted from the requirements of this paragraph any sale in pursuance of a contract for the supply of bread for consumption on the premises of the buyer if the contract provides for each delivery of bread thereunder to be of a specified aggregate quantity of not less than fifty-six pounds and for the weighing of the bread on delivery.

## PART V

### Milk

1. In this Part of this Schedule, the expression "milk" means cows' milk in any liquid form other than that of condensed milk (including evaporated milk) or of cream.

2. Milk which is not pre-packed shall be sold only by capacity measurement or by net weight.

3. Milk shall be pre-packed only if—

- (a) it is made up in a quantity of one-third of a pint, half a pint or a multiple of half a pint; and
- (b) the container is marked with an indication of quantity by capacity measurement.

4. If in the case of any pre-packed milk its container is clearly and conspicuously marked with a statement in writing that it is not for sale otherwise than by means of a vending machine, then, notwithstanding that the milk is made up in a quantity other than one of those specified in paragraph 3(a) of this Part of this Schedule, a person shall not by reason only of that fact be guilty of an offence under section 22(2) of this Act—

(a) in respect of a sale of that milk by that or any other person if the sale—

(i) is at the price of sixpence by means of a vending machine; or

(ii) is otherwise than by retail; or

(b) in respect of the possession of that milk by that or any other person if the milk is shown to be in that possession—

(i) for sale at the price aforesaid by means of a vending machine which complies with paragraph 5 of this Part of this Schedule; or

(ii) for sale otherwise than by retail; or

(iii) for delivery after sale otherwise than by retail.

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SCH. 4 5. Milk shall be sold by means of, or offered or exposed for sale in, a vending machine only if there is displayed on or in the machine—

- (a) an indication of the quantity by capacity measurement of the milk comprised in each item for sale by means of that machine ; and
- (b) except where the machine is on premises at which the seller carries on business, a statement of the name and address of the seller.

#### PART VI

##### *Intoxicating liquor*

1. In this Part of this Schedule, the expressions “ beer ”, “ cider ”, “ wine ” and “ British wine ” have the same meanings respectively as for the purposes of the Customs and Excise Act 1952.

2. Unless pre-packed in a securely closed container and except when sold as a constituent of a mixture of two or more liquids, beer or cider shall be sold by retail—

- (a) only in a quantity of one-third of a pint, half a pint or a multiple of half a pint ; and
- (b) where sold for consumption on the premises of the seller, only in a capacity measure of the quantity in question.

3. Unless pre-packed as aforesaid, intoxicating liquor of any of the following descriptions, that is to say, gin, rum, vodka and whisky, shall be sold by retail for consumption on the premises at which it is sold only—

- (a) in, or in a multiple of, one of the following quantities, which shall be the same for all those liquors, that is to say, one-quarter, one-fifth and one-sixth of a gill ; and
- (b) if there is displayed on those premises, in such a position and manner as to be readily available without special request for inspection by the buyer before the sale is made, a statement in writing showing in which of those quantities those liquors are offered for sale on those premises :

Provided that—

- (i) this paragraph shall not come into force until the expiration of the period of three years beginning with the date of the passing of this Act ; and
- (ii) any such liquor as aforesaid shall be exempted from the requirements of this paragraph when it forms a constituent of a mixture of three or more liquids ;

and nothing in this paragraph shall make unlawful the sale at the express request of the buyer of any mixture of liquids containing any of the liquors aforesaid in a quantity not otherwise permitted by this paragraph.

4. Intoxicating liquor of any description shall be pre-packed in a closed container only if the container is marked with an indication of quantity by capacity measurement :

Provided that there shall be exempted from the requirements of this paragraph—

- (a) wine and British wine ;
- (b) any other liquor in a quantity of less than three fluid ounces or more than one gallon.

5. Without prejudice to the provisions of section 22 of this Act, if paragraph 2 (b) or 3 (b) of this Part of this Schedule is contravened, the occupier of the premises in question shall be guilty of an offence.

SCH. 4

## PART VII

*Fresh fruits and vegetables*

1. References in this Part of this Schedule to fruits or vegetables of any description are references to food consisting of such fruits or vegetables either—

- (a) in the state in which they were harvested ; or
- (b) in the said state apart from cleaning or trimming ; or
- (c) in the case of beetroots, in the said state apart from having been cooked ; or
- (d) in the case of peas, in the said state apart from having been shelled.

2. Subject to paragraph 6 of this Part of this Schedule, potatoes—

- (a) unless pre-packed, shall be sold by retail only by net weight ;
- (b) shall be pre-packed only if—
  - (i) they are made up in one of the following quantities by net weight, that is to say, eight ounces, twelve ounces, one pound, one and a half pounds or a multiple of one pound ; and
  - (ii) the container is marked with an indication of quantity by net weight.

3.—(1) Subject to paragraph 6 of this part of this Schedule, this paragraph applies to—

- (a) beans, brussels sprouts, brussels tops, curly kale, peas, spinach, spring greens, sprouting broccoli and turnip tops ;
- (b) produce of any one or more of the following descriptions (hereinafter in this paragraph referred to as “soft fruits”), that is to say, bilberries, blackberries, blackcurrants, brambles, cherries, cranberries, gooseberries, loganberries, mulberries, raspberries, redcurrants, strawberries and whitecurrants ;
- (c) mushrooms ;
- (d) produce of any one or more of the following descriptions (hereafter in this paragraph referred to as “countable produce”), that is to say, apples, apricots, bananas, beetroots, carrots, corn on the cob, greengages, leeks, mandarines, nectarines, onions (other than spring onions), oranges, parsnips, peaches, pears, plums, shallots, swedes, tangerines, tomatoes and turnips.

(2) On a sale by retail of any goods to which this paragraph applies which are not pre-packed in a container marked with an indication of quantity by net weight or, in the case of countable produce, either by net weight or by number, the quantity of the goods sold, being—

- (a) quantity by net weight or, in the case of countable produce, quantity either by net weight or by number ; or

## SCH. 4

(b) if the goods are sold in a container which does not exceed the appropriate permitted weight specified, in the case of soft fruits or mushrooms, in Table C or, in any other case, in Table B of Part XII of this Schedule, quantity either by net weight or by gross weight,

shall be made known to the buyer before he pays for or takes possession of the goods.

(3) Goods to which this paragraph applies shall be pre-packed in a container which exceeds the appropriate permitted weight aforesaid only if the container is marked with an indication of quantity, being—

(a) quantity by net weight ; or

(b) in the case of countable produce, quantity either by net weight or by number.

4.—(1) Where fruits or vegetables of any description specified in paragraph 2 or 3 of this Part of this Schedule have been divided into pieces or have had part thereof removed or both, then, subject to paragraph 6 of this Part of this Schedule, this paragraph shall apply to any food consisting of, or including, any part of any of those fruits or vegetables which has not been subjected to any further process.

(2) On a sale by retail of any goods to which this paragraph applies which are not pre-packed in a container marked with an indication of quantity by net weight, the quantity of the goods sold, being—

(a) quantity by net weight ; or

(b) if the goods are sold in a container which does not exceed the appropriate permitted weight specified in Table B of Part XII of this Schedule, quantity either by net weight or by gross weight,

shall be made known to the buyer before he pays for or takes possession of the goods.

(3) Goods to which this paragraph applies shall be pre-packed in a container which exceeds the appropriate permitted weight aforesaid only if the container is marked with an indication of quantity by net weight.

5. Subsection (3) of section 33 of this Act shall apply to any requirement of paragraph 3 or 4 of this Part of this Schedule with respect to the making known to the buyer of the quantity by gross weight of pre-packed goods to which that paragraph applies in like manner as if provision to that effect had been made by an order under that subsection, but the power of the Board to vary or revoke any order under that subsection shall extend to the amendment or repeal of this paragraph.

6. The following shall be exempted from any requirement of paragraph 2 or 3 of this Part of this Schedule which would otherwise apply thereto, that is to say—

(a) goods pre-packed in the same container with other goods to which none of those requirements applies ;

(b) goods pre-packed in the same container with goods of two or more other descriptions to which some requirement of this Part of this Schedule would otherwise apply ;

(c) a pre-packed collection of not more than eight articles of countable produce within the meaning of paragraph 3 of this Part of this Schedule, if the container is such that all the articles can be clearly seen by a prospective purchaser;

SCH. 4

(d) bunched carrots, bunched beetroots and bunched turnips; and there shall be exempted from all requirements of this Part of this Schedule any goods in a quantity of less than one ounce.

7.—(1) Where at any premises other than a vehicle or ship any goods to which paragraph 2 or 3 of this Part of this Schedule applies have been sold by weight when made up in a container, and the sale is otherwise than by retail, the buyer may require all or any of the following weighings to be carried out at those premises, that is to say—

(a) a weighing of that container while the goods are therein;

(b) a weighing of that container after the removal of the goods therefrom;

(c) a weighing of a similar container which is empty,

and thereupon the seller shall either carry out or permit the buyer to carry out the weighing or weighings so required; and if the seller fails without reasonable cause so to do he shall be guilty of an offence.

(2) The occupier of any premises at which any goods to which the said paragraph 2 or 3 applies are made up in a container for sale by weight otherwise than by retail, or of any premises (other than a vehicle or ship) at which such goods so made up are so sold, shall provide suitable weighing equipment and make that equipment available for any weighing or weighings required under the foregoing sub-paragraph to be carried out at those premises; and if he fails without reasonable cause to comply with any of the requirements of this sub-paragraph he shall be guilty of an offence.

#### PART VIII

##### *Miscellaneous foods to be sold by or marked with net weight and to be pre-packed only in fixed quantities*

1. This Part of this Schedule applies to the following foods, that is to say—

(a) cereal breakfast foods in flake form, other than cereal biscuit breakfast foods;

(b) tea, cocoa (including cocoa powder and chocolate powder) and coffee (including coffee beans, coffee powders of all kinds, ground coffee and mixtures of coffee and chicory other than such mixtures in the form of liquid essences);

(c) honey, other than chunk honey;

(d) jam and marmalade, other than diabetic jam or marmalade;

(e) jelly preserves;

(f) molasses, syrup and treacle;

(g) salt, other than cut lump salt;

(h) sugar of the following descriptions, that is to say, caster, granulated, cube and icing;

(i) dried vegetables of any of the following descriptions, that is to say, beans, lentils and peas (including split peas);

## SCH. 4

- (j) barley kernels, pearl barley, rice (including ground rice and rice flakes), sago, semolina and tapioca ;
- (k) flour of bean, maize, oats, pea, rice, rye, soya bean or wheat ;
- (l) flour products of any of the following descriptions, that is to say—
  - (i) cake flour, other than cake mixtures and sponge mixtures ;
  - (ii) cornflour, other than blancmange powders and custard powders ;
  - (iii) macaroni and similar products ;
  - (iv) self-raising flour.

2. Subject to paragraph 4 of this Part of this Schedule, goods to which this Part of this Schedule applies which are not pre-packed shall be sold by retail only by net weight.

3. Subject to paragraph 4 of this Part of this Schedule, goods to which this Part of this Schedule applies shall be pre-packed only if—

- (a) they are made up in one of the following quantities by net weight, that is to say, one, two, four, eight or twelve ounces, one pound, one and a half pounds, or a multiple of one pound ; and
- (b) the container is marked with an indication of quantity by net weight.

4. There shall be exempted from all requirements of paragraphs 2 and 3 of this Part of this Schedule—

- (a) honey in comb ;
- (b) any other goods in a quantity of less than half an ounce ;

and there shall be exempted from the requirements of sub-paragraph (a) of the said paragraph 3 cereal breakfast foods pre-packed in a quantity not exceeding one and a quarter ounces, and dried vegetables pre-packed in a quantity not exceeding three ounces.

## PART IX

*Miscellaneous foods to be pre-packed only when marked with net weight and in fixed quantities and to be otherwise sold by net weight or gross weight.*

1. This Part of this Schedule applies to the following foods, that is to say—

- (a) butter, compound cooking fat, dripping, lard, margarine, shredded suet and any mixture of butter and margarine ;
- (b) dried fruits of any one or more of the following descriptions, that is to say, apples (including dried apple rings), apricots, currants, dates, figs, muscatels, nectarines, peaches, pears (including dried pear rings), prunes, raisins and sultanas ;
- (c) dried fruit salad ;
- (d) oatflakes, oatmeal and rolled oats ;
- (e) sugar, other than caster, granulated, cube or icing sugar.



2. Subject to paragraph 4 of this Part of this Schedule, goods to which this Part of this Schedule applies which are not pre-packed shall be sold by retail only—

SCH. 4

(a) by net weight ; or

(b) if sold in a container which does not exceed the appropriate permitted weight specified, in the case of any of the foods mentioned in sub-paragraph (a) of the foregoing paragraph, in Table A or, in any other case, in Table B of Part XII of this Schedule, either by net weight or by gross weight.

3. Subject to paragraph 4 of this Part of this Schedule, goods to which this Part of this Schedule applies shall be pre-packed only if—

(a) they are made up in one of the following quantities, that is to say, two, four, eight or twelve ounces, one pound, one and a half pounds, or a multiple of one pound ; and

(b) the container is marked with an indication of quantity, being in each case quantity by net weight.

4. There shall be exempted from all requirements of this Part of this Schedule any goods in a quantity of less than one ounce.

#### PART X

##### *Miscellaneous foods to be marked when pre-packed with quantity by number*

1. This Part of this Schedule applies to foods of any of the following descriptions, that is to say—

(a) cereal biscuit breakfast foods, other than foods in the case of which none of the biscuits weighs more than one-third of an ounce ;

(b) fruit preservative tablets, rennet tablets, saccharin tablets, soft drink tablets and sweetening tablets ;

(c) shell eggs ;

(d) vanilla pods.

2. Goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity by number :

Provided that there shall be exempted from the requirements of this paragraph—

(a) shell eggs pre-packed in a quantity of not more than six, if the container is such that all the eggs can be clearly seen by a prospective purchaser ;

(b) any goods in a quantity by number of one.

#### PART XI

##### *Other pre-packed foods*

1. This Part of this Schedule applies to foods of any description which are not goods—

(a) required by or under any other provision of this Act to be pre-packed only if the container is marked with an indication of quantity ; or

SCH. 4

- (b) in the case of which when sold pre-packed (whether on any sale or on a sale of any particular description) the quantity of the goods sold expressed in a particular manner is required by or under any other provision of this Act to be made known to the buyer at or before a particular time ;  
or
- (c) expressly exempted by any such provision from all such requirements which would otherwise apply thereto.

2. Subject to paragraph 3 of this Part of this Schedule, goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by capacity measurement.

3. The following shall be exempted from the requirements of this Part of this Schedule, that is to say—

- (1) biscuits in a quantity of less than four ounces ;
- (2) bread within the meaning of Part IV of this Schedule ;
- (3) condensed milk (including evaporated milk) and dried milk ;
- (4) flour confectionery (except when consisting of or including uncooked pastry), including bun loaves, fruit loaves, malt loaves and fruited malt loaves ;
- (5) any of the following other than dates, that is to say, fruits or vegetables of any description, being fruits or vegetables—
  - (a) in the state in which they were harvested ; or
  - (b) in the said state apart from cleaning or trimming, and, in the case of fruits or vegetables in such a state which have been divided into pieces or have had part thereof removed or both, any part of any of those fruits or vegetables which has not been subjected to any further process ;
- (6) hops ;
- (7) iced lollies and water ices ;
- (8) micro-biological preparations for addition to food ;
- (9) shortbread in a quantity of less than four ounces or in pieces each of which weighs eight ounces or more ;
- (10) single toffee apples ;
- (11) soft drinks of any description in a syphon or in a quantity of less than five fluid ounces ;
- (12) sugar and chocolate confectionery of any of the following descriptions, that is to say—
  - (a) Easter eggs ;
  - (b) figurines of chocolate or of sugar ;
  - (c) rock or barley sugar in sticks or novelty shapes ;
  - (d) single articles weighing less than three ounces ;

(e) a collection of articles each of which is either an article such as is mentioned in paragraph (a), (b), (c) or (d) of this sub-paragraph or an article in a container marked with an indication of quantity by net weight ;

SCH. 4

(13) goods of any other description in a quantity of less than one ounce or of less than one fluid ounce.

## PART XII

## Tables of permitted weights for containers

TABLE A

Gross weight	Permitted weight of container
Not exceeding 1 lb ... ..	2½ drams
Exceeding 1 lb ... ..	a weight at the rate of 2½ drams per lb of the gross weight.

TABLE B

Gross weight	Permitted weight of container
Not exceeding 1 lb ... ..	4½ drams <i>a weight at the rate of the following weight per lb of the gross weight—</i>
Exceeding 1 lb but not exceeding 2 lb ...	4 drams
Exceeding 2 lb but not exceeding 4 lb ...	3 drams
Exceeding 4 lb ... ..	2½ drams

TABLE C

Gross weight	Permitted weight of container
	<i>a weight at the rate of the following weight per lb of the gross weight—</i>
Not exceeding 8 oz ... ..	2 oz
Exceeding 8 oz but not exceeding 2 lb ...	1¾ oz
Exceeding 2 lb but not exceeding 6 lb ...	1½ oz
Exceeding 6 lb ... ..	1 oz

## Section 21.

## SCHEDULE 5

## SAND AND OTHER BALLAST

## PART I

*General provisions*

1. In this Schedule, the expression "ballast" means any of the following materials, that is to say—

- (a) sand, gravel, shingle, ashes and clinker of any description ;
- (b) broken slag, slag chippings, granite chippings, limestone chippings, slate chippings and other stone chippings (including such materials which have been coated with tar, bitumen or cement) ;
- (c) any other material commonly used in the building and civil engineering industries as a hardcore or an aggregate ;
- (d) any other material commonly known in the said industries as ballast.

2. Subject to paragraphs 3 and 11 of this Schedule, ballast shall be sold only by volume in a multiple of half a cubic yard or by net weight.

3. There shall be exempted from the requirements of paragraph 2 of this Schedule—

- (a) ballast in a quantity both less than one ton and less than one cubic yard ;
- (b) any sale with a view to its industrial use of ballast of any description mentioned in paragraph 1 (b), (c) or (d) of this Schedule ;
- (c) any sale in the case of which the buyer is to take delivery in or from a ship ;
- (d) any sale as a whole of ballast produced in the demolition or partial demolition of a building where the buyer is responsible for the removal of the ballast from the site of the building ;
- (e) any sale in the state in which it was produced of clinker or ashes produced as a by-product, or of any other ballast produced as a casual product, of the carrying on of an industrial process on any premises or of the mining of coal where the buyer is responsible for the removal of the ballast from those premises or, as the case may be, from the colliery tip.

4. Without prejudice to section 14 of this Act, no article shall be used for trade as a cubic measure of ballast other than a receptacle (which may, if so desired, form part of a vehicle) which conforms with such requirements as to form, capacity, calibration and other matters as may be prescribed ; and any person who uses for trade, or has in his possession for use for trade, as a cubic measure of ballast any article other than such a receptacle as aforesaid shall be guilty of an offence.

5. In measuring any ballast against a calibration mark on such a receptacle as aforesaid, the ballast shall be filled into all parts of the receptacle as far as, and be levelled off against, that calibration mark as nearly as the nature of the ballast will permit ; and

where any ballast is measured for purposes of trade in such a receptacle, any person who—

SCH. 5

(a) being the person carrying out the measuring, fails so to level off the ballast when it is loaded into the receptacle ;  
or

(b) causes or permits a heaped load to be sent out in the receptacle,

shall be guilty of an offence.

## PART II

### *Carriage of ballast by road*

6. The provisions of this Part of this Schedule shall have effect with respect to the carriage of ballast by a road vehicle on a journey any part of which is along a highway.

7.—(1) If any of the ballast is being carried for delivery to a buyer in pursuance of, or of an agreement for, a sale thereof and paragraph 2 of this Schedule applies to the sale, the following provisions of this paragraph shall have effect with respect to that ballast.

(2) There shall, before the journey begins, be delivered to the person in charge of the vehicle a document signed by or on behalf of the seller stating—

(a) the name and address of the seller ;

(b) the name of the buyer, and the address of the premises to which the ballast is being delivered ;

(c) the type of the ballast ;

(d) subject to sub-paragraph (4) of this paragraph, the quantity of the ballast either by net weight or by volume ;

(e) sufficient particulars to identify the vehicle ; and

(f) the place, date and time of the loading of the ballast in the vehicle.

(3) Where the quantity of the ballast is stated in the document aforesaid by volume, the ballast shall be carried on the vehicle only in such a receptacle as is mentioned in paragraph 4 of this Schedule.

(4) The statement referred to in sub-paragraph (2) (d) of this paragraph shall not be required at any time while the vehicle is travelling between the place where it was loaded and the nearest suitable and available weighing equipment if the whole of the vehicle's load is being delivered to the same person at the same premises and the document aforesaid states that the quantity of the ballast is to be expressed by net weight determined by means of that equipment and specifies the place at which the equipment is situated.

(5) In any case to which the last foregoing sub-paragraph applies, the person in charge of the vehicle at the time when the net weight of the ballast is determined shall forthwith add to the document aforesaid a statement of that net weight, and if he fails so to do he shall be guilty of an offence.

(6) If any of the provisions of sub-paragraph (2) or (3) of this paragraph is contravened, the seller shall be guilty of an offence.

SCH. 5

(7) If the vehicle is carrying ballast as mentioned in sub-paragraph (1) of this paragraph for delivery to each of two or more persons, sub-paragraphs (1) to (3) of this paragraph shall apply separately in relation to each of those persons:

Provided that this sub-paragraph shall not be construed as prohibiting the use of the same receptacle such as is mentioned in the said sub-paragraph (3) for the carriage of ballast for delivery to two or more different persons.

8. If all or any of the ballast on the vehicle is being carried in such circumstances that paragraph 7 of this Schedule does not apply thereto, there shall before the journey begins be delivered to the person in charge of the vehicle a document containing a statement to that effect signed by or on behalf of the person causing that ballast to be carried and giving the name and address of the last-mentioned person, and if this paragraph is contravened the last-mentioned person shall be guilty of an offence;

Provided that this paragraph shall not apply where all the ballast in the vehicle is being carried in such circumstances as aforesaid and is being so carried in a container which does not form part of the vehicle.

9. Any document required by paragraph 7 or 8 of this Schedule shall at all times during the journey be carried by the person for the time being in charge of the vehicle and shall be handed over by him to any other person to whom he hands over the charge of the vehicle in the course of the journey; and in the case of any document such as is mentioned in the said paragraph 7, on the unloading of the ballast to which the document relates at the premises to which that ballast is to be delivered—

- (a) before any of that ballast is so unloaded, the document shall be handed over to the buyer; or
- (b) if the document cannot be so handed over by reason of the absence of the buyer, it shall be left at some suitable place at those premises;

and if at any time any of the provisions of this paragraph is contravened without reasonable cause, the person in charge of the vehicle at that time shall be guilty of an offence.

10. In the case of any document such as is mentioned in paragraph 7 of this Schedule, if at any time during the journey or on unloading at the place of delivery the quantity of the ballast to which the document relates is found to be less than that stated in the document, the statement shall nevertheless be deemed for the purposes of this Act to be correct if, but only if, it is proved that the deficiency is solely attributable to the draining away of normal moisture from, or the consolidation of, the ballast during the journey.

### PART III

#### *Application to Scotland*

11. In the application of this Act to Scotland, paragraph 2 and Part II of this Schedule shall apply only to such areas as the Board may by order specify; and, in relation to any area so specified, a

sale of ballast in a quantity both less than two tons and less than two cubic yards shall be exempted from the requirements of the said paragraph 2 if the sale is effected, and the ballast is situated, in Scotland. SCH. 5

## SCHEDULE 6

Section 21.

## SOLID FUEL

## PART I

*General*

1. This Schedule applies to goods of any of the following descriptions (in this Schedule referred to as "solid fuel"), that is to say, coal, coke and any solid fuel derived from coal or of which coal or coke is a constituent.

2.—(1) Subject to sub-paragraphs (2) and (3) of this paragraph, solid fuel shall be sold only by net weight.

(2) There shall be exempted from the requirements of sub-paragraph (1) of this paragraph—

- (a) briquettes in a quantity not exceeding fourteen pounds ;
- (b) any solid fuel pre-packed in a securely closed container marked with an indication of quantity by net weight.

(3) In the case of any area in Scotland which the Board may by order specify for the purposes of this sub-paragraph, solid fuel for delivery in that area may be sold by volume in a quantity of half a cubic yard or a multiple of half a cubic yard.

3.—(1) Subject to sub-paragraph (3) of this paragraph, solid fuel shall be made up in a container for sale or for delivery after sale only if—

- (a) it is made up in one of the following quantities by net weight, that is to say, seven, fourteen, twenty-eight or fifty-six pounds, one hundredweight, one and a quarter hundredweight or a multiple of one hundredweight ; and
- (b) the container is marked with an indication of quantity by net weight.

(2) Subject to sub-paragraph (3) of this paragraph, solid fuel made up in containers in the quantity of one and a quarter hundredweight shall be carried on a road vehicle on a highway for sale or for delivery after sale only if all solid fuel carried on the vehicle which is made up in containers is so made up in that quantity ; and if this sub-paragraph is contravened the seller shall be guilty of an offence.

(3) There shall be exempted from all the requirements of sub-paragraphs (1) and (2) of this paragraph—

- (a) solid fuel supplied under arrangements made in the coal industry for the supply of solid fuel to persons who are or have been employed in that industry or to the dependants of such persons ;
- (b) solid fuel made up in a container only for ease of handling as part of the load of a vehicle or ship where the whole of that load so far as it consists of solid fuel is being delivered to a single buyer ;

SCH. 6 and there shall be exempted from the requirements of sub-paragraph (1)(a) of this paragraph any solid fuel pre-packed in a quantity not exceeding sixty pounds in a securely closed container.

4. Solid fuel shall be sold by means of, or offered or exposed for sale in, a vending machine only if there is displayed on or in the machine—

- (a) an indication of the quantity by net weight of the fuel comprised in each item for sale by means of that machine ; and
- (b) except where the machine is on premises at which the seller carries on business, a statement of the name and address of the seller.

5.—(1) A local weights and measures authority may make byelaws, subject to the confirmation of the Minister of Power, for any of the following purposes, that is to say—

- (a) for securing that on any premises within their area on or from which solid fuel available for purchase in a quantity of two hundredweight or less is sold or kept or exposed for sale there is displayed a notice specifying the price of the fuel ; and
- (b) for prohibiting the sale on or from any such premises of any such fuel at a higher price than that so displayed in relation to that fuel ; and
- (c) for prescribing penalties not exceeding twenty pounds for any offence under such byelaws.

(2) Any byelaws made by a local authority for any of the purposes aforesaid under any enactment repealed by this Act, being byelaws which, immediately before the commencement of this Schedule, had effect for any of those purposes in relation to solid fuel or any description thereof, shall, so far as they make provision for any of those purposes, continue in force with the like effect until revoked by the authority by whom they were made, whether or not that authority are for the time being a local weights and measures authority and notwithstanding the repeal by this Act of the enactment under which the byelaws were made or of any other enactment by virtue of which the byelaws had effect with respect to solid fuel of any particular description.

6. Any person who with intent to defraud or deceive damps any solid fuel shall be guilty of an offence.

## PART II

### *Weighing of solid fuel at buyer's request*

7. If in the case of any solid fuel sold otherwise than by means of a vending machine the buyer so requests—

- (a) with respect to any of that fuel the delivery of which has not at the time of the request been completed ; or
- (b) if the request is made before the departure from the premises at which the fuel is delivered of the person delivering it, with respect to any of that fuel the delivery of which has been completed but which is still capable of identification,

the seller shall cause the fuel to be weighed by means of suitable weighing equipment in the presence of the buyer and, in the case



of any fuel such as is mentioned in sub-paragraph (a) of this paragraph, before the delivery of that fuel is completed; and if this paragraph is contravened, the seller shall be guilty of an offence.

SCH. 6

8. Where a request under paragraph 7 of this Schedule is made in respect of the whole load of a vehicle, the requirements of that paragraph shall be deemed to be satisfied, notwithstanding that the weighing is not done in the presence of the buyer, if the seller causes the vehicle to be check-weighed and the statements of the weights found by the person or persons attending to the check-weighing to be delivered to the buyer.

9. Where after any weighing in pursuance of a request under paragraph 7 of this Schedule the weight of the solid fuel is found to be not less than that marked on any container in which the fuel was made up or than that stated by the seller in any document delivered to the buyer at or before the delivery of the fuel to him, the buyer shall be liable to repay to the seller all costs reasonably incurred by the seller in connection with the weighing.

### PART III

#### *Carriage of solid fuel by road*

10. This Part of this Schedule shall have effect with respect to the carriage by a road vehicle on a journey any part of which is along a highway of any solid fuel required by paragraph 2 of this Schedule to be sold only by net weight (in this Part of this Schedule referred to as "relevant goods").

11.—(1) If the vehicle is carrying any relevant goods for delivery to a buyer in pursuance of, or of an agreement for, a sale of a quantity exceeding two hundredweight, then, subject to sub-paragraph (5) of this paragraph, there shall before the journey begins be delivered to the person in charge of the vehicle a document signed by or on behalf of the seller stating—

- (a) the name and address of the seller;
- (b) the name of the buyer and the address of the premises to which the goods to which the document relates are being delivered;
- (c) the type of the said goods;
- (d) subject to sub-paragraph (2) of this paragraph, the aggregate net weight of the said goods; and
- (e) where any of the said goods are made up in containers—
  - (i) the number of those containers; and
  - (ii) except where the whole of the relevant goods carried on the vehicle are for delivery to a single buyer, and except where the whole of the vehicle's load consists of such solid fuel as is mentioned in paragraph 3 (3) (a) of this Schedule, the net weight of the goods in each of those containers;

and if this sub-paragraph is contravened the seller shall be guilty of an offence.

(2) Where the whole of the vehicle's load consists of relevant goods not made up in containers and is being delivered to the same person at the same premises, the statement referred to in

SCH. 6

sub-paragraph (1) (d) of this paragraph shall not be required at any time while the vehicle is travelling between the place where it was loaded and the nearest suitable and available weighing equipment if the document aforesaid states that the quantity of the relevant goods is to be expressed by net weight determined by means of that equipment and specifies the place at which the equipment is situated.

(3) In any case to which the last foregoing sub-paragraph applies, the person in charge of the vehicle at the time when the net weight of the relevant goods is determined shall forthwith add to the document aforesaid a statement of that net weight, and if he fails so to do he shall be guilty of an offence.

(4) If the vehicle is carrying relevant goods to which sub-paragraph (1) of this paragraph applies for delivery to each of two or more buyers—

(a) that sub-paragraph shall apply separately in relation to each of those buyers ; and

(b) the relevant goods for delivery to each respectively of those buyers shall be carried on the vehicle made up separately in containers or in separate compartments ;

and if paragraph (b) of this sub-paragraph is contravened the seller shall be guilty of an offence :

Provided that the said paragraph (b) shall not apply where the vehicle is constructed or adapted for the mechanical making up in containers of the fuel carried thereon and incorporates weighing equipment approved by the Board for that purpose.

(5) Sub-paragraph (1) of this paragraph shall not apply to any goods which to the knowledge of the seller are to be loaded into a ship before their delivery to the buyer.

12. If all or any of the relevant goods on the vehicle are being carried in such circumstances that paragraph 11 (1) of this Schedule does not apply, there shall, before the journey begins, be delivered to the person in charge of the vehicle a document signed by or on behalf of the person causing the goods to be carried giving the name and address of the last-mentioned person and containing a statement to the effect that all or part of the relevant goods on the vehicle are goods to which the said paragraph 11 (1) does not apply, and if this paragraph is contravened the last-mentioned person shall be guilty of an offence :

Provided that this paragraph shall not apply where the total quantity of the relevant goods carried on the vehicle does not exceed two hundredweight.

13. Any document required by paragraph 11 or 12 of this Schedule shall at all times during the journey be carried by the person for the time being in charge of the vehicle and shall be handed over by him to any other person to whom he hands over the charge of the vehicle in the course of the journey ; and in the case of any document such as is mentioned in the said paragraph 11, on the unloading of the goods to which the document relates at the premises to which those goods are to be delivered—

(a) before any of those goods are so unloaded, the document shall be handed over to the buyer ; or

- (b) if the document cannot be so handed over by reason of the absence of the buyer, it shall be left at some suitable place at those premises ;

and if at any time any of the requirements of this paragraph is contravened without reasonable cause, the person in charge of the vehicle at that time shall be guilty of an offence.

#### PART IV

##### *Carriage of solid fuel by rail*

14. Where any seller of solid fuel causes that fuel to be loaded into a rail vehicle by way of, or for the purpose of, the delivery of that fuel to, or to a person nominated in that behalf by, the buyer, and the fuel is not carried on the vehicle made up in containers, then, except where at the time of loading it is known to the seller that before the fuel is delivered to the consignee it is to be loaded into a ship, paragraphs 15 to 17 of this Schedule shall apply in relation to that vehicle.

15. Subject to paragraph 20 of this Schedule, the vehicle shall not be loaded until its tare weight has been determined or redetermined by means of suitable weighing equipment at the place of loading.

16. As soon as the loading has been completed and the seller has ascertained the weight of the vehicle with its load and the identity of the consignee, the seller shall cause to be attached to the vehicle a document stating—

- (a) the name of the seller and the place and date of weighing ;
- (b) the name of the consignee and the destination of the vehicle ;
- (c) sufficient particulars to identify the vehicle ;
- (d) the tare weight of the vehicle as determined or redetermined in pursuance of paragraph 15 of this Schedule or, if by virtue of paragraph 20 of this Schedule the said paragraph 15 does not apply to the vehicle, the tare weight of the vehicle expressed to be as estimated by the seller ;
- (e) the weight attributed to the solid fuel in the vehicle by the seller for the purpose of calculating its purchase price ;
- (f) the type of that fuel.

17.—(1) The following provisions of this paragraph shall have effect when the vehicle reaches its destination.

(2) The authority responsible for railway traffic at that destination shall—

- (a) permit the consignee and, subject to the production if so requested of his credentials, any inspector to inspect the document aforesaid ; and
- (b) permit the consignee either to take possession of that document after the vehicle is unloaded or to make a copy of the particulars stated therein ; and
- (c) if so requested by the consignee with respect to any such copy which the authority is satisfied is accurate, certify the accuracy thereof ;

and if any of the provisions of this sub-paragraph is contravened the said authority shall be guilty of an offence.

## SCH. 6

(3) Any of the following persons, that is to say—

- (a) any inspector, subject to the production if so requested of his credentials ; or
- (b) the consignee, subject to his undertaking to pay any cost reasonably incurred,

may require the vehicle to be weighed either before or after or both before and after it is unloaded, and the vehicle shall be weighed accordingly unless it is certified by or on behalf of the authority aforesaid that in the circumstances of the particular case the carrying out of the weighing would cause undue dislocation of railway traffic at the vehicle's destination ; and any inspector who is present at any such weighing shall if so requested certify the weight found.

(4) If when the fuel is unloaded from the vehicle it is weighed accurately with accurate weighing equipment in the presence of an inspector, the inspector shall if so requested certify that it was so weighed and state in his certificate the weight found.

18. Where, in the case of any rail vehicle used on a journey to carry solid fuel which is not made up in containers, paragraphs 15 to 17 of this Schedule do not apply, the consignor shall cause to be attached to the vehicle before it starts on the journey a document stating the name of the consignor and the place of loading of the vehicle.

19. In the case of a contravention of paragraph 15 or 16 of this Schedule, the seller, or, in the case of a contravention of paragraph 18 of this Schedule, the consignor, shall be guilty of an offence ; and if in the case of any rail vehicle used on a journey to carry solid fuel—

- (a) the authority responsible for railway traffic at the place of loading or any person employed by that authority wilfully prevents or impedes the attachment to the vehicle of the document required by the said paragraph 16 or 18 ; or
- (b) any person, being a person concerned in the sale, carriage or delivery of that fuel, wilfully removes, defaces or alters any such document attached to the vehicle,

that authority or person shall be guilty of an offence.

20.—(1) Paragraph 15 of this Schedule shall not apply to any rail vehicle loaded at a mine of coal with respect to which it is certified by or on behalf of the National Coal Board—

- (a) that production of solid fuel is unlikely to continue after the expiration of the period of five years beginning with the date of the passing of this Act ; or
- (b) that in no year is the aggregate amount of solid fuel loaded as mentioned in paragraph 14 of this Schedule likely to exceed one hundred thousand tons ; or
- (c) that owing to a shortage of rail vehicles compliance with the said paragraph 15 would for the time being cause undue dislocation of the working of the mine ;

and if in the case of any other place any seller of solid fuel who uses that place for causing that fuel to be loaded as mentioned in paragraph 14 of this Schedule makes representations to the

Board of Trade that the provision at that place of weighing equipment suitable for determining the tare weight of rail vehicles is not reasonably practicable or would be unjustified on economic grounds and the Board of Trade are satisfied that there are grounds for those representations, the Board of Trade may direct that, subject to such conditions and for such period as may be specified in the direction, the said paragraph 15 shall not apply to any vehicle loaded at that place.

SCH. 6

(2) The National Coal Board shall cause notice in writing to be given forthwith to the local weights and measures authority within whose area the mine in question is situated of the issue or withdrawal of any certificate such as is mentioned in sub-paragraph (1) (c) of this paragraph, and if without reasonable cause they fail so to do they shall be guilty of an offence.

## SCHEDULE 7

Section 21.

## MISCELLANEOUS GOODS OTHER THAN FOODS

## PART I

*Liquid fuel and lubricants*

1. This Part of this Schedule applies to—
  - (a) liquid fuel, lubricating oil and any mixture of such fuel and oil ; and
  - (b) lubricating grease.
2. Subject to paragraph 3 of this Part of this Schedule, goods to which this Part of this Schedule applies—
  - (a) unless pre-packed, shall be sold only by net weight or by capacity measurement ;
  - (b) shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by capacity measurement ;
  - (c) in the case of lubricating oil in a quantity of one quart or less, shall be made up in a container for sale otherwise than by way of pre-packing only if the container is marked with an indication of quantity by capacity measurement.
3. Notwithstanding anything in paragraph 2 of this Part of this Schedule, liquid fuel—
  - (a) when not pre-packed may be sold by volume, and
  - (b) may be pre-packed in a container marked with an indication of quantity by volume,

being in either case the volume of the gas which would be produced from the fuel in question at such temperature and such atmospheric pressure as are specified in regulations made by the Board with respect to fuel of the type in question or, if no such regulations are in force, as may be made known by the seller to the buyer before he pays for or takes possession of the fuel ; and there shall be exempted from all requirements of the said paragraph 2 goods of any description in a quantity of less than half a pound or of less than half a pint.

## SCH. 7

## PART II

*Ready-mixed cement mortar and ready-mixed concrete*

1. This Part of this Schedule applies to ready-mixed cement mortar and ready-mixed concrete.

2. Subject to paragraph 4 of this Part of this Schedule, any goods to which this Part of this Schedule applies shall be sold only by volume in a multiple of a quarter of a cubic yard:

Provided that there shall be exempted from the requirements of this paragraph any goods in a quantity of less than one cubic yard.

3. Part II of Schedule 5 to this Act, except sub-paragraph (3) of paragraph 7 thereof, shall apply for the purposes of this Part of this Schedule as if—

(a) any reference in the said Part II to ballast included a reference to goods to which this Part of this Schedule applies; and

(b) the reference in sub-paragraph (1) of the said paragraph 7 to paragraph 2 of the said Schedule 5 were a reference to paragraph 2 of this Part of this Schedule.

4. In the application of this Act to Scotland, paragraphs 2 and 3 of this Part of this Schedule shall apply only to such areas as the Board may by order specify; and, in relation to any area so specified, a sale of any goods to which this Part of this Schedule applies in a quantity of less than two cubic yards shall be exempted from the requirements of the said paragraph 2 if the sale is effected, and the goods are situated, in Scotland.

## PART III

*Agricultural liming materials, agricultural salt and inorganic fertilisers*

1. This Part of this Schedule applies—

(a) to agricultural liming materials, other than calcareous sand;

(b) to agricultural salt;

(c) to, and to any mixture consisting mainly of, inorganic fertilisers, other than such fertilisers or such a mixture made up into pellets or other articles for use as individual items; and

(d) to any mixture of any of the foregoing.

2.—(1) Goods to which this Part of this Schedule applies which are not pre-packed, other than liquid fertilisers, shall be sold only by quantity, being—

(a) quantity by net weight; or

(b) if the goods are sold in a container which does not exceed the permitted weight and the gross weight of the goods is not less than fifty-six pounds, quantity either by net weight or by gross weight; or

(c) quantity by volume.

(2) Goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity, being—

(a) in the case of liquid fertilisers, quantity by capacity measurement;

(b) in any other case, quantity by net weight or, if the container does not exceed the permitted weight and the gross weight of the goods is not less than fifty-six pounds, quantity either by net weight or by gross weight.

SCH. 7

(3) In this paragraph, the expression "permitted weight" means a weight at the rate of twenty-four ounces per hundredweight of the gross weight.

(4) There shall be exempted from all requirements of this paragraph any sale of goods with a view to their industrial use.

3. Paragraphs 4 and 5 of Schedule 5 to this Act shall have effect as if any reference therein to ballast included a reference to any goods to which this Part of this Schedule applies.

## PART IV

*Wood fuel*

1. Subject to paragraphs 2 and 3 of this Part of this Schedule—

(a) wood fuel which is not made up in a container for sale shall be sold by retail only by net weight ;

(b) in the case of a sale by retail of wood fuel made up in a container for sale, the quantity by net weight of the fuel sold shall be made known to the buyer before he pays for or takes possession of it.

2.—(1) The foregoing paragraph shall not have effect in any area unless the local weights and measures authority having jurisdiction in that area so direct by byelaw.

(2) Not less than one month before making any byelaw by virtue of this paragraph, the local weights and measures authority shall give public notice of their intention to make it by advertisement in one or more newspapers circulating in the area to which the byelaw is to apply.

(3) The local weights and measures authority by whom any byelaw is made by virtue of this paragraph shall give notice of the making thereof to the Board.

3. There shall be exempted from the requirements of paragraph 1 of this Part of this Schedule any sale of wood fuel in a quantity which does not exceed fourteen pounds or which exceeds half a ton.

4. Paragraphs 5 and 6 of Schedule 6 to this Act shall have effect as if any reference therein to solid fuel included a reference to wood fuel.

## PART V

*Perfumery and toilet preparations*

1. This Part of this Schedule applies to goods of any of the following descriptions, that is to say—

(a) perfumes and toilet waters ;

(b) other toilet preparations for use on the hair or scalp of human beings ;

(c) other toilet preparations for external use on any other part of the human body ; and

(d) dentifrices.

SCH. 7 whether in liquid, solid or any other form, including any such goods which are medicated but are not pharmaceutical preparations, but excluding soap in any form.

2. Goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by volume :

Provided that there shall be exempted from the requirements of this paragraph—

- (a) any goods such as are mentioned in sub-paragraph (a) of the foregoing paragraph in a quantity not exceeding twelve grammes or not exceeding twenty cubic centimetres ;
- (b) any goods such as are mentioned in sub-paragraph (b) of the foregoing paragraph in a quantity not exceeding twenty grammes or not exceeding twenty cubic centimetres ;
- (c) any goods such as are mentioned in sub-paragraph (c) or (d) of the foregoing paragraph in a quantity not exceeding twelve grammes or not exceeding twelve cubic centimetres.

#### PART VI

##### *Soap*

1. Subject to paragraph 2 of this Part of this Schedule—

- (a) soap in the form of a cake, tablet or bar shall be pre-packed only if the container is marked with an indication of quantity by net weight ;
- (b) liquid soap shall be pre-packed only if the container is marked with an indication of quantity by capacity measurement ;
- (c) soap in any other form—
  - (i) unless pre-packed, shall be sold by retail only by net weight ;
  - (ii) shall be pre-packed only if the container is marked with an indication of quantity by net weight.

2. There shall be exempted from the requirements of this Part of this Schedule—

- (a) liquid soap in a quantity of less than five fluid ounces ;
- (b) soap in any other form in a quantity of less than one ounce.

#### PART VII

##### *Miscellaneous goods to be sold by or marked with length*

1. This Part of this Schedule applies to goods of any of the following descriptions, that is to say, bias binding, elastic, ribbon, tape and sewing thread.

2. Goods to which this Part of this Schedule applies—

- (a) unless pre-packed, shall be sold by retail only by length ;
- (b) shall be pre-packed only if the container is marked with an indication of quantity by length :

Provided that there shall be exempted from all requirements of this paragraph goods of any description in a quantity of less than one yard.



## PART VIII

SCH. 7

*Miscellaneous goods to be sold by or marked with net weight*

1. This Part of this Schedule applies to—
  - (a) distemper ;
  - (b) articles offered as feed for household pets, being manufactured feed or bird feed, other than animal feed in biscuit or cake form pre-packed in a quantity by number not exceeding sixteen ;
  - (c) nails ;
  - (d) paste paint ;
  - (e) seeds, other than pea or bean seeds.
2. Subject to paragraph 3 of this Part of this Schedule, goods to which this Part of this Schedule applies—
  - (a) unless pre-packed, shall be sold by retail only by net weight ;
  - (b) shall be pre-packed only if the container is marked with an indication of quantity by net weight.
3. There shall be exempted from all requirements of this Part of this Schedule—
  - (a) any of the following in a quantity of less than half a pound, that is to say, distemper and paste paint ;
  - (b) bird seed in a quantity of less than four ounces, and other seeds in a quantity of less than half an ounce ;
  - (c) nails in a quantity of less than half an ounce ;
  - (d) any other goods in a quantity of less than one ounce ;
 and, notwithstanding anything in paragraph 2 of this Part of the Schedule, nails—
  - (i) when not pre-packed may be sold by retail by number ;
  - (ii) may be pre-packed in or on a container marked with an indication of quantity by number.

## PART IX

*Miscellaneous goods to be marked when pre-packed with net weight*

1. This Part of this Schedule applies to—
  - (a) Portland cement ;
  - (b) cleansing powders and scouring powders ;
  - (c) detergents, other than liquid detergents ;
  - (d) paint remover, other than liquid paint remover.
2. Subject to paragraph 3 of this Part of this Schedule, goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity by net weight.
3. There shall be exempted from the requirements of this Part of this Schedule goods of any description in a quantity of less than one ounce.

## PART X

*Miscellaneous goods to be sold by or marked with capacity measurement*

- 1 This Part of this Schedule applies to antifreeze fluid for internal combustion engines, linseed oil, paint (other than paste paint), paint

SCH. 7 thinner, turpentine, turpentine substitute, varnish, and wood preservative fluid (including fungicides and insecticides).

2. Subject to paragraph 3 of this Part of this Schedule, goods to which this Part of this Schedule applies—

(a) unless pre-packed, shall be sold by retail only by capacity measurement ;

(b) shall be pre-packed only if the container is marked with an indication of quantity by capacity measurement.

3. There shall be exempted from all requirements of this Part of this Schedule goods of any description in a quantity of less than five fluid ounces.

#### PART XI

##### *Miscellaneous goods to be marked when pre-packed with capacity measurement*

1. This Part of this Schedule applies to enamel, lacquer, liquid detergents, liquid paint remover, petrifying fluid and rust remover.

2. Subject to paragraph 3 of this Part of this Schedule, goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity by capacity measurement.

3. There shall be exempted from the requirements of this Part of this Schedule goods of any description in a quantity of less than five fluid ounces.

#### PART XII

##### *Miscellaneous goods to be sold by or marked with net weight or capacity measurement*

1. This Part of this Schedule applies to—

(a) polishes ;

(b) dressings analogous to polishes ;

(c) pea seeds and bean seeds.

2. Subject to paragraph 3 of this Part of this Schedule, goods to which this Part of this Schedule applies—

(a) unless pre-packed, shall be sold by retail only by net weight or by capacity measurement ;

(b) shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by capacity measurement.

3. The following shall be exempted from all the requirements of this Part of this Schedule, that is to say—

(a) pea or bean seeds in a quantity of less than half a pound or of less than half a pint ;

(b) any other goods in a quantity of less than one ounce or of less than one fluid ounce.

#### PART XIII

##### *Miscellaneous goods to be marked when pre-packed with quantity by number*

1. This Part of this Schedule applies—

(a) to cheroots, cigarettes and cigars ;

- (b) to postal stationery, that is to say, paper or cards for use in correspondence, and envelopes ; SCH. 7
- (c) to, and to any mixture consisting mainly of, inorganic fertilisers, being such fertilisers or such a mixture made up into pellets or other articles for use as individual items ; and
- (d) to manufactured animal feed in biscuit or cake form pre-packed in a quantity by number of sixteen or less.

2. Subject to paragraphs 3 and 4 of this Part of this Schedule, goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity by number.

3. In relation to postal stationery, the reference to number in the last foregoing paragraph shall be construed as a reference to the number of sheets of paper, cards or envelopes, as the case may be, in the pad, confining band or other form of container ; and postal stationery shall be exempted from the requirements of that paragraph if pre-packed as part of a collection of articles made up for sale together and including any article other than postal stationery and blotting or other paper.

4. There shall be exempted from the requirements of this Part of this Schedule any goods in a quantity by number of one.

#### SCHEDULE 8

Section 21

##### COMPOSITE GOODS AND COLLECTIONS OF ARTICLES

1.—(1) This paragraph applies to any goods which, not being pre-packed, and not themselves being goods—

- (a) required by or under any other provision of this Act to be sold (whether on any sale or on a sale of any particular description) only by quantity expressed in a particular manner ; or
- (b) on a sale of which (whether any sale or a sale of any particular description) the quantity of the goods sold expressed in a particular manner is required by or under any other provision of this Act to be made known to the buyer at or before a particular time ; or
- (c) expressly exempted by or under any other provision of this Act from all such requirements as aforesaid which would otherwise apply thereto,

consist of a mixture constituted wholly or mainly of goods of one or more descriptions to which there applies any such requirement as aforesaid made by reference to any of the following (whether exclusively or otherwise), that is to say, weight, capacity measurement or volume.

(2) Subject to paragraph 5 of this Schedule, goods to which this paragraph applies shall be sold only by net weight or by capacity measurement or by volume.

2.—(1) This paragraph applies to any goods which, not being aerosol products and not themselves being goods—

- (a) required by or under any other provision of this Act to be pre-packed only if the container is marked with an indication of quantity ; or

## SCH. 8

- (b) in the case of which when sold pre-packed (whether on any sale or on a sale of any particular description) the quantity of the goods sold expressed in a particular manner is required by or under any other provision of this Act to be made known to the buyer at or before a particular time ;  
or
- (c) expressly exempted by or under any other provision of this Act from all such requirements as aforesaid which would otherwise apply thereto,

consist of a mixture constituted wholly or mainly of goods of one or more descriptions to which there applies any such requirement as aforesaid made by reference to any of the following (whether exclusively or otherwise), that is to say, weight, capacity measurement or volume.

(2) Subject to paragraph 5 of this Schedule, goods to which this paragraph applies shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by capacity measurement or by volume.

3.—(1) This paragraph applies to aerosol products containing any goods required by or under any other provision of this Act to be pre-packed only if the container is marked with an indication of quantity expressed in a particular manner.

(2) Subject to paragraph 5 of this Schedule, any aerosol product to which this paragraph applies shall be pre-packed only if the container is marked with an indication of the quantity by net weight of the entire contents thereof.

4.—(1) This paragraph applies to any collection of two or more items which, not itself being—

- (a) required by or under any other provision of this Act to be pre-packed only if the container is marked with particular information ; or
- (b) expressly exempted by or under any other provision of this Act from any such requirement which would otherwise apply thereto,

contains one or more articles to which any such requirement applies.

(2) Any collection to which this paragraph applies shall be pre-packed only if—

- (a) the container in which the collection is pre-packed is marked with an indication of the quantity of each of any such articles as aforesaid contained therein ; or
- (b) each of any such articles contained therein is made up in an individual container marked with an indication of quantity,

being in either case the like indication of the quantity of each respectively of those articles as would have been required if that article had itself been pre-packed.

5. There shall be exempted from any requirement of paragraph 1, 2 or 3 of this Schedule goods of any description in a quantity of less than one ounce or of less than one fluid ounce.

## SCHEDULE 9

Section 63.

## REPEALS EXTENDING TO GREAT BRITAIN

## PART I

*Enactments repealed as from six months after passing of this Act*

Chapter	Short Title	Extent of Repeal
41 & 42 Vict. c. 49.	The Weights and Measures Act 1878.	The whole Act except sections 62 and 86 and so much of Schedule 6 as relates to section 6 of the Weights and Measures Act 1859. In section 86, the words from "provided that" onwards. In the said section 6 as set out in Schedule 6, the words from "and shall have" to "situate".
45 & 46 Vict. c. 50.	The Municipal Corporations Act 1882.	In section 152 (2), the words from "or, in the" to "for the county".
50 & 51 Vict. c. 27.	The Markets and Fairs (Weighing of Cattle) Act 1887.	In section 4, the words from "The market authority shall have" to "such market authority".
50 & 51 Vict. c. 58.	The Coal Mines Regulation Act 1887.	Section 15.
51 & 52 Vict. c. 41.	The Local Government Act 1888.	In section 3 (xiii), the words "to weights and measures".
52 & 53 Vict. c. 21.	The Weights and Measures Act 1889.	Sections 1 to 3. In section 4, the words "the principal Act or". Sections 6 to 19. In section 21 (3), the words "or other officer appointed for the purpose by the local authority". Section 25. In section 27 (1), the words "or other officer appointed for the purpose by the local authority". In section 29 (1), the words "or officer appointed for the purpose by the local authority". Section 34. Section 35 from "Provided that" onwards. Section 39 from "and the" onwards.

## SCH. 9

Chapter	Short Title	Extent of Repeal
52 & 53 Vict. c. 50.	The Local Government (Scotland) Act 1889.	In section 11 (5) (i), the words "to weights and measures".
55 & 56 Vict. c. 18.	The Weights and Measures (Purchase) Act 1892.	The whole Act
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act 1892.	In section 431, the words "1878 and".
56 & 57 Vict. c. 19.	The Weights and Measures Act 1893.	The whole Act.
60 & 61 Vict. c. 46.	The Weights and Measures (Metric System) Act 1897.	The whole Act.
4 Edw. 7. c. 28.	The Weights and Measures Act 1904.	The whole Act.
8 Edw. 7. c. 17.	The Cran Measures Act 1908.	Section 10.
10 & 11 Geo. 5. c. 67.	The Government of Ireland Act 1920.	In section 4 (1), in paragraph (12), the words "any change in the standard of weights and measures; or".
13 & 14 Geo. 5. c. 4.	The Fees (Increase) Act 1923.	Section 6.
16 & 17 Geo. 5. c. 8.	The Weights and Measures (Amendment) Act 1926.	The whole Act.
16 & 17 Geo. 5. c. 63.	The Sale of Food (Weights and Measures) Act 1926.	Section 10 (4). Section 13 (3).
18 & 19 Geo. 5. c. 32.	The Petroleum (Consolidation) Act 1928.	In section 20 (1), the words "not exceeding twenty shillings", the words "and to be verified", and the words "verified and" in the last two places where those words occur.
23 & 24 Geo. 5. c. 31.	The Agricultural Marketing Act 1933.	Section 20.
4 & 5 Eliz. 2. c. 16.	The Food and Drugs Act 1955.	Section 56 (3). In section 123 (6), the words from "or the" to "may be".
4 & 5 Eliz. 2. c. 30.	The Food and Drugs (Scotland) Act 1956.	Section 56 (7).
9 & 10 Eliz. 2. c. 34.	The Factories Act 1961.	In section 125 (2) (j), the words from "and with respect" onwards. Section 144. In section 176 (1), in the definition of "inspector" the words "except where otherwise expressed".

## PART II

SCH. 9

*Enactments repealed as from two years after passing of this Act*

Chapter	Short Title	Extent of Repeal
36 Geo. 3. c. 88.	The Hay and Straw Act 1796.	Sections 2, 3, 6, 7 and 13. In section 14, the words "less weight or", the words from "weighed either" to "agent, or" and the words from "unless" onwards.
10 & 11 Vict. c. 14.	The Markets and Fairs Clauses Act 1847.	Sections 21 and 22. The following provisions, including those provisions as incorporated in any other Act, that is to say, sections 23 and 25 to 30, and in section 42 the words from "For regulating the use of the weighing machines" to "measures".
19 & 20 Vict. c. 114.	The Hay and Straw Act 1856.	Section 2. In section 3, the words "is deficient in weight or quantity or", the words "weigh and", the words "weighing or", and the words "deficient in weight or quantity" in the second place where those words occur.
50 & 51 Vict. c. 27.	The Markets and Fairs (Weighing of Cattle) Act 1887.	Sections 6 and 7.
52 & 53 Vict. c. 21.	The Weights and Measures Act 1889.	The whole Act.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act 1892.	Section 417 from the beginning to the words "time of weighing". Sections 419 to 426. Section 430. In section 431, the words from "under the Weights" to "1889 and" and the words from "and the magistrates" onwards.
8 Edw. 7. c. 62	The Local Government (Scotland) Act 1908.	In section 10, the words "four hundred and nineteen to four hundred and twenty-five inclusive and four hundred and thirty".
16 & 17 Geo. 5. c. 63.	The Sale of Food (Weights and Measures) Act 1926.	The whole Act.

## SCH. 9

Chapter	Short Title	Extent of Repeal
26 Geo. 5 & 1 Edw. 8. c. 38.	The Weights and Measures Act 1936.	The whole Act.
26 Geo. 5. & 1 Edw. 8. c. 54.	The Weights and Measures, Sale of Coal (Scotland) Act 1936.	The whole Act.
1 & 2 Eliz. 2. c. 46.	The Licensing Act 1953	Section 130.
4 & 5 Eliz. 2. c. 16.	The Food and Drugs Act 1955.	In section 7 (1), the words " but subject to the next following subsection ", and section 7 (2). Section 57 (2) and (3). Section 59. Section 60 (a). Section 87 (3) (a) from " or local " onwards. Section 102. Section 109 (2) (b). Section 114 (4) (b). Section 133. So much of Schedule 8 as relates to the Board of Trade. In Schedule 9, in the second column of the entry relating to section 320 of the Public Health Act 1936 and in the second column of the entry relating to sections 321 to 325 of that Act, in paragraph (c), the words from " other " to " Trade " and paragraph (d). In Schedule 10, in paragraph 1 (b), the words from " other " to " Trade ", and paragraph 2 (b).
4 & 5 Eliz. 2. c. 30.	The Food and Drugs (Scotland) Act 1956.	Section 7 (2). Section 36 (7). In section 56 (8) (g), the words " or, as the case may be, the Board of Trade ". Section 58 (4). Section 60 (5) (b).
7 & 8 Eliz. 2. c. 51.	The Licensing (Scotland) Act 1959.	Section 148.



## PART III

SCH. 9

*Local enactments repealed as from two years after passing of this Act*

Chapter	Short Title	Extent of Repeal
5 Geo. 4. c. cix.	The Maidstone Markets Act 1824.	In section 37, the words from "and for the appointing" to "deceitful weights or measures".
9 Geo. 4. c. xxvi.	The Stalybridge Police Act 1828.	In section 107, the words from "and for the appointing" to "deceitful weights or measures". In section 110, the words from "and all false" onwards.
1 & 2 Will. 4. c. lxxvi.	An Act for regulating the Vend and Delivery of Coals in the Cities of London and Westminster, etc.	Sections 120 to 122. Section 43. Sections 47 to 58.
8 & 9 Vict. c. xv.	The Chester Improvement Act 1845.	Sections 204 to 209. In section 217, the words "and the weighing machines in or near the same" and the words from "For regulating the use" to "defective weights and measures".
17 & 18 Vict. c. viii.	The Warrington Improvement and Market Act 1854.	Section 38.
17 & 18 Vict. c. xxxi.	The Hereford Improvement Act 1854.	Section 34.
17 & 18 Vict. c. ci.	The Kingston-upon-Hull Improvement Act 1854.	In section 115, in the paragraph beginning "Fourthly", the words "and measure" and the words from "and the weighing" onwards; and in the paragraph beginning "Fifthly" the words "coals and". In section 151, the paragraphs beginning "Third" and "Fourth"; and in the paragraph beginning "Fifth" the words "weight or quantity". Sections 165, 166 and 172.
18 & 19 Vict. c. clxxviii.	The Shrewsbury Improvement Act 1855.	Section 119.
19 Vict. c. xvii.	The Cambridge Award Act 1856.	Sections 13 and 14.
25 & 26 Vict. c. ccv.	The Salford Improvement Act 1862.	Sections 123 to 128. In section 138, the words "and weighing machines".

## SCH. 9

Chapter	Short Title	Extent of Repeal
26 & 27 Vict. c. 32.	The Local Government Supplemental Act 1863.	In the sixth of the orders set out in the Schedule, being the second of those orders relating to Kingston-upon-Hull, article 11, and in article 17, in the paragraph beginning "Seventhly", the words "quantity or".
28 & 29 Vict. c. ccl.	The Newcastle-upon-Tyne Improvement Act 1865.	Sections 95 and 96.
28 & 29 Vict. c. cccxi.	The Oldham Borough Improvement Act 1865.	Sections 180 to 186.
31 & 32 Vict. c. civ.	The Barrow-in-Furness Corporation Act 1868.	Sections 139 to 145.
32 & 33 Vict. c. cxx.	The St. Helens Improvement Act 1869.	Section 209. Sections 211 to 216. In section 217, the words "For regulating the use of weighing machines provided by the corporation".
32 & 33 Vict. c. cxxxii.	The Wolverhampton Improvement Act 1869.	Section 218. Sections 211 to 219.
34 & 35 Vict. c. cliv.	The Burnley Borough Improvement Act 1871.	Sections 275 to 282.
37 & 38 Vict. c. cxxiv.	The Wigan Improvement Act 1874.	Section 62.
37 & 38 Vict. c. cxciv.	The Nottingham Improvement Act 1874.	Section 84. In section 86, the words from "and to any weighing machine" onwards.
38 & 39 Vict. c. cciv.	The Barrow-in-Furness Corporation Act 1875.	Section 87. In section 106, the words from "Every person selling" to "purchaser" and the word "quantity" where it last occurs.
41 & 42 Vict. c. lxxxiv.	The Clitheroe Corporation Act 1878.	In section 58, the words from "and every person vending, selling" to "forty shillings".
42 & 43 Vict. c. ccxv.	The Derby Improvement Act 1879.	In section 123, the words from "Every person selling" to "purchaser thereof" and the words "weight and".
43 & 44 Vict. c. cxlvii.	The Oldham Improvement Act 1880.	Part VII. Section 180 (2) and (3).
44 & 45 Vict. c. lxxii.	The Leicester Improvement Act 1881.	Section 45.
45 & 46 Vict. c. clxxii.	The Newcastle-upon-Tyne Improvement Act 1882.	Section 75.
46 & 47 Vict. c. lxx.	The Birmingham Corporation (Consolidation) Act 1883.	Part IX.
46 & 47 Vict. c. cxliv.	The Hartlepool Borough Extension Act 1883.	Section 61.

SCH. 9

Chapter	Short Title	Extent of Repeal
47 & 48 Vict. c. ccxxxii.	The York Extension and Improvement Act 1884.	In Schedule 2, sections 109, 111 and 113 of the Act of 1825.
48 & 49 Vict. c. cxvii.	The Hastings Improvement Act 1885.	Section 101.
49 & 50 Vict. c. lxxviii.	The Ashton-under-Lyne Improvement Act 1886.	Section 143.
7 Edw. 7. c. cxlvi.	The Glasgow Corporation Act 1907.	Part VIII, except sections 59 (1) and 64. Schedules 4 and 5. Section 78.
3 & 4 Geo. 5. c. xcii.	The Derby Corporation Act 1913.	Section 127.
3 & 4 Geo. 5. c. cxii.	The Morley Corporation Act 1913.	Sections 122 and 123.
5 & 6 Geo. 5. c. xv.	The Doncaster Corporation Act 1915.	Section 162.
5 & 6 Geo. 5. c. lxxvii.	The Lincoln Corporation Act 1915.	Part XXII.
8 & 9 Geo. 5. c. lxi.	The Sheffield Corporation (Consolidation) Act 1918.	Section 93.
10 & 11 Geo. 5. c. xc.	The Lowestoft Corporation Act 1920.	Part V.
12 & 13 Geo. 5. c. lxiv.	The Swansea Corporation Act 1922.	Part VII.
12 & 13 Geo. 5. c. lxxvi.	The Birmingham Corporation Act 1922.	Part X.
14 & 15 Geo. 5. c. xcix.	The Tynemouth Corporation Act 1924.	Part XI.
15 & 16 Geo. 5. c. xcii.	The Burnley Corporation Act 1925.	Part IX.
16 & 17 Geo. 5. c. lxxii.	The Chorley Corporation Act 1926.	Part V. Section 32.
16 & 17 Geo. 5. c. cii.	The Newcastle-upon-Tyne Corporation Act 1926.	In the scheduled order, section 71.
17 & 18 Geo. 5. c. lix.	The Glasgow Corporation Order Confirmation Act 1927.	Sections 55 and 56.
18 & 19 Geo. 5. c. lxxvii.	The London County Council (General Powers) Act 1928.	Part XVII.
18 & 19 Geo. 5. c. lxxxvii.	The Sheffield Corporation Act 1928.	Part IX. Section 94.
18 & 19 Geo. 5. c. c.	The Stoke-on-Trent Corporation Act 1928.	Part VIII.
18 & 19 Geo. 5. c. cxi.	The Rotherham Corporation Act 1928.	Sections 84 to 88. Part XIV.
19 & 20 Geo. 5. c. xcvi.	The Chester Corporation Act 1929.	In section 250, the words from "and in such application" onwards.
20 & 21 Geo. 5. c. xiv.	The Greenock Burgh Order Confirmation Act 1929.	In the scheduled order— Part V, except section 28 (1). The Schedules.

## SCH. 9

Chapter	Short Title	Extent of Repeal
20 & 21 Geo. 5. c. xxxviii.	The Birmingham Corporation (General Powers) Act 1929.	Part IX.
20 & 21 Geo. 5. c. lxxxii.	The Birkenhead Corporation Act 1930.	Section 100.
20 & 21 Geo. 5. c. cxix.	The Leeds Corporation Act 1930.	Section 67.
20 & 21 Geo. 5. c. clxxvi.	The Rotherham Corporation Act 1930.	Sections 79 and 80.
20 & 21 Geo. 5. c. clxxx.	The Bristol Corporation (No. 2) Act 1930.	Part VI.
20 & 21 Geo. 5. c. clxxxi.	The Bournemouth Corporation Act 1930.	Part IX. Section 235. In section 284, the words from "Provided that" onwards.
20 & 21 Geo. 5. c. clxxxviii.	The Southport Corporation Act 1930.	Part XII.
21 & 22 Geo. 5. c. xvii.	The Gillingham Corporation Act 1931.	Part VII.
21 & 22 Geo. 5. c. xliii.	The Portsmouth Corporation Act 1931.	Part IX. Section 122. In section 145, the words from "and (ii)" onwards.
21 & 22 Geo. 5. c. ci.	The Surrey County Council Act 1931.	Part VI.
21 & 22 Geo. 5. c. cix.	The Brighton Corporation Act 1931.	Section 223.
22 & 23 Geo. 5. c. xxxv.	The Cambridge Corporation Act 1932.	Part IV.
23 & 24 Geo. 5. c. xlv.	The Essex County Council Act 1933.	Part VIII.
23 & 24 Geo. 5. c. lxxiv.	The Dewsbury Corporation Act 1933.	Part VI.
23 & 24 Geo. 5. c. lxxx.	The Wigan Corporation Act 1933.	Part VIII.
24 & 25 Geo. 5. c. v.	The Edinburgh Corporation Order Confirmation Act 1933.	In the scheduled order— Part XVI, except sections 254, 256 and 263. Section 256 (3). Schedule 10.
25 & 26 Geo. 5. c. lvi.	The Kilmarnock Burgh Extension etc. Order Confirmation Act 1935.	In the scheduled order— Part VII, except sections 98, 99, 106 and 120. Section 99 (3). Schedule 3.
25 & 26 Geo. 5. c. lxxxvii.	The Gloucester Corporation Act 1935.	Part X.
25 & 26 Geo. 5. c. xcvi.	The South Shields Corporation Act 1935.	Part VIII.
25 & 26 Geo. 5. c. cii.	The Exeter Corporation Act 1935.	Part IX.
25 & 26 Geo. 5. c. cxiii.	The Hertfordshire County Council Act 1935.	Part VIII.
25 & 26 Geo. 5. c. cxix.	The Nottingham Corporation Act 1935.	Part V.

SCH. 9

Chapter	Short Title	Extent of Repeal
25 & 26 Geo. 5. c. cxxi.	The Weymouth and Melcombe Regis Corporation Act 1935.	Section 139. Section 145 ( <i>b</i> )
25 & 26 Geo. 5. c. cxxv.	The Sunderland Corporation Act 1935.	Part X, except section 224. Part XI. Section 286 (1) ( <i>d</i> ). Part VIII.
26 Geo. 5 & 1 Edw. 8. c. cix.	The Coventry Corporation Act 1936.	Part VIII.
1 Edw. 8. and 1 Geo. 6. c. iii.	The Greenock Burgh Extension etc. Order Confirmation Act 1937.	In the scheduled order— Section 67 (3). Sections 68 to 73. Sections 75 to 77.
1 Edw. 8. and 1 Geo. 6. c. xxxv.	The West Ham Corporation Act 1937.	Part VIII. In section 111, the words “or Part VIII (Sale of coke etc.)”.
1 Edw. 8. and 1 Geo. 6. c. lix.	The Warrington Corporation Act 1937.	Section 31. Sections 33 to 35. Part V.
1 Edw. 8. and 1 Geo. 6. c. lxxvii.	The Rochdale Corporation Act 1937.	Part VIII. Section 65. In section 73, paragraph ( <i>a</i> ) and the words “( <i>b</i> ) in all other cases”.
1 Edw. 8. and 1 Geo. 6. c. lxxviii.	The Hastings Corporation (General Powers) Act 1937.	Parts XI and XII. Section 142 ( <i>a</i> ).
1 Edw. 8. and 1 Geo. 6. c. lxxx.	The Rotherham Corporation Act 1937.	Section 77. Section 87 (1) ( <i>b</i> ). In section 89, the words “Section 77 (As to personal weighing machines)”.
1 Edw. 8. and 1 Geo. 6. c. cxvii.	The Bath Corporation Act 1937.	Part V. Section 52. In section 59, paragraph ( <i>a</i> ) and the words “( <i>b</i> ) in all other cases”.
1 Edw. 8. and 1 Geo. 6. c. cxxii.	The Southampton Corporation Act 1937.	Part VII.
1 & 2 Geo. 6. c. xl.	The Wakefield Corporation Act 1938.	Part XII. Section 156. Section 167 ( <i>b</i> ). In section 169, the words “and Section 156 (As to personal weighing machines)”.
1 & 2 Geo. 6. c. xlii.	The Gateshead Corporation Act 1938.	Part V. Section 88 from “except” onwards.

## SCH. 9

Chapter	Short Title	Extent of Repeal
1 & 2 Geo. 6. c. lxxxvi.	The Guildford Corporation Act 1938.	Part VIII. Section 83. In section 87, the words "and VIII" and the words from "or by" onwards. Section 90 (c).
2 & 3 Geo. 6. c. iii.	The Aberdeen Corporation (General Powers) Order Confirmation Act 1938.	In the scheduled order— Section 116 (3) and (4). Sections 117 to 129. Schedule 4. In Schedule 5 the entries relating to sections 117 and 127.
2 & 3 Geo. 6. c. lxx.	The Stirling Burgh Order Confirmation Act 1939.	In the scheduled order, sections 98 and 100 to 102.
2 & 3 Geo. 6. c. lxxxii.	The Walsall Corporation Act 1939.	Part VI. Section 142. Section 154 (1) (b). In section 155, the words "and to Part VI (Sale of coke coal etc.)". In section 156, the words "Part VI (Sale of coke coal etc.)".
2 & 3 Geo. 6. c. lxxxv.	The Bootle Corporation Act 1939.	Part VII.
2 & 3 Geo. 6. c. xcii.	The Lanarkshire County Council Order Confirmation Act 1939.	In the scheduled order— Section 240 (3). Sections 241 to 254. Schedule 9.
3 & 4 Geo. 6. c. xliii.	The Fife County Council Order Confirmation Act 1940.	In the scheduled order— Section 210 (3). Sections 211 to 226.
7 & 8 Geo. 6. c. xxi.	The Middlesex County Council Act 1944.	Section 441.
8 & 9 Geo. 6. c. xiv.	The South Shields Corporation Act 1945.	Part VII. In section 69, the words "and Part VII (Sale of coke coal etc.)".
9 & 10 Geo. 6. c. x.	The Reigate Corporation Act 1945.	Part X.
9 & 10 Geo. 6. c. xxxviii.	The Manchester Corporation Act 1946.	Section 55. In section 60, paragraph (1) and the words "and in all other cases".
9 & 10 Geo. 6. c. xliii.	The West Sussex County Council Act 1946.	Part II.
10 & 11 Geo. 6. c. xxvii.	The Dudley Corporation Act 1947.	Part VIII. Section 125. In section 126 the words "and 'As to personal weighing machines'". Section 128 (b).

SCH. 9

Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. xxxiii.	The Southend - on - Sea Corporation Act 1947.	Part XII. Section 183. Section 205 (1) (c).
10 & 11 Geo. 6. c. xxxvii.	The Paisley Corporation Order Confirmation Act 1947.	In the scheduled order, sections 87 to 90, 92 and 93.
10 & 11 Geo. 6. c. xlv.	The Preston Corporation Act 1947.	Sections 113, 115 and 116. Part VIII. Section 144. In section 169 (a), the word "respective" and the words "and 'As to personal weighing machines'". In section 171, the words "Part VIII (Sale of coke, etc.)".
11 & 12 Geo. 6. c. xxxv.	The Salford Corporation Act 1948.	Part V. Section 51. Section 55 (b).
11 & 12 Geo. 6. c. xxxvii.	The Coventry Corporation Act 1948.	Section 61, except subsection (1). Sections 62 to 65. Section 75 (b).
11 & 12 Geo. 6. c. xxxviii.	The Brighton Corporation Act 1948.	Part IX. Section 69. Section 77 (a).
11 & 12 Geo. 6. c. xli.	The Ipswich Corporation Act 1948.	Part X. Section 190. Section 197 (1) (e).
11 & 12 Geo. 6. c. xliii.	The Cumberland County Council Act 1948.	Part IV.
11 & 12 Geo. 6. c. xlvii.	The Rochdale Corporation Act 1948.	Part X.
11 & 12 Geo. 6. c. xlix.	The Smethwick Corporation Act 1948.	Part X. Section 91. In section 97, paragraphs (a) and (b) and the words "in all other cases".
11 & 12 Geo. 6. c. lii.	The West Riding County Council (General Powers) Act 1948.	Sections 54 to 56.
12, 13 & 14 Geo. 6. c. xxxvii.	The Huddersfield Corporation Act 1949.	Sections 53 to 57. Part VII. Section 130 (b).
12, 13 & 14 Geo. 6. c. xliii.	The Bolton Corporation Act 1949.	Part VII. Section 112. Section 124 (1) (b).
12, 13 & 14 Geo. 6. c. xliv.	The Bradford Corporation Act 1949.	Part VIII. Section 88. Section 96 (b).

## SCH. 9

Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. xlix.	The Halifax Corporation Act 1949.	Sections 29 and 30.
12, 13 & 14 Geo. 6. c. li.	The Barnsley Corporation Act 1949.	Part VII. Section 61 (2). Sections 63 to 68.
12, 13 & 14 Geo. 6. c. lii.	The West Bromwich Corporation Act 1949.	Part IX. Section 138. Section 152 (c).
12, 13 & 14 Geo. 6. c. lvii.	The Fife County Council Order Confirmation Act 1949.	In the scheduled order, Part X.
14 Geo. 6. c. xxxvii.	The Dover Corporation Act 1950.	Part III.
14 Geo. 6. c. lviii.	The Wolverhampton Corporation Act 1950.	Part IX. Section 97. Section 105 (c).
14 & 15 Geo. 6. c. xiii.	The Airdrie Corporation Order Confirmation Act 1951.	In the scheduled order— Section 80 (4). Sections 81 to 84.
14 & 15 Geo. 6. c. xxxvi.	The Sunderland Corporation Act 1951.	Sections 87 to 89.
14 & 15 Geo. 6. c. xl.	The Swindon Corporation Act 1951.	Part VII, except section 65 (1). Section 85. In section 90, in the table, the entries relating to sections 66 and 85.
14 & 15 Geo. 6. c. xliii.	The West Riding County Council (General Powers) Act 1951.	Section 123.
14 & 15 Geo. 6. c. xliv.	The Worcester Corporation Act 1951.	Parts XI and XII. In section 218, in the table, the entries relating to sections 161 and 173. In section 220, the words from "except Part XI" to "thereof".
14 & 15 Geo. 6. c. xlv.	The Nottinghamshire County Council Act 1951.	Part VIII, except sections 182, 185 and 188. In section 280, in the table, the entries relating to sections 177 and 181.
15 & 16 Geo. 6. and 1 Eliz. 2. c. x.	The Blackpool Corporation Act 1952.	Part IV. Section 33.
15 & 16 Geo. 6. and 1 Eliz. 2. c. xxxiii.	The Nottingham Corporation Act 1952.	Section 130. In section 138, the words from "except" to "thereof".
15 & 16 Geo. 6. and 1 Eliz. 2. c. xliii.	The Kingston-upon-Hull Corporation Act 1952.	Part X. Section 89. In section 101, in the table, the entries relating to sections 69 and 89. In section 103, the words from "except" to "thereof".



SCH. 9

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. and 1 Eliz. 2. c. xlvii.	The Preston Corporation Act 1952.	Part VII. In section 107, in the table, the entry relating to section 44. In section 109, the words from "except" to "thereof".
15 & 16 Geo. 6. and 1 Eliz. 2. c. 1.	The Essex County Council Act 1952.	Part IX. In section 223, the words from "except" to "thereof". In section 227, in the table, the entries relating to sections 123 and 127.
1 & 2 Eliz. 2. c. xxxii.	The Huddersfield Corporation Act 1953.	Section 58. In section 62, the words from "except" to "thereof".
1 & 2 Eliz. 2. c. xxxix.	The Oxford Corporation Act 1953.	Part VI. In section 69, the words from "except" to "thereof".
1 & 2 Eliz. 2. c. xl.	The Cheshire County Council Act 1953.	Part VIII, except sections 168 and 169. Section 241 (6). In section 254, the words "Part VIII (Weights and Measures)". In section 255, in the table, the entries relating to sections 157 and 170.
1 & 2 Eliz. 2. c. xli.	The Berkshire County Council Act 1953.	Part VII, except sections 137 and 140. In section 199, in the table, the entry relating to section 132.
2 & 3 Eliz. 2. c. xliii.	The Walsall Corporation Act 1954.	Part VIII. Section 82. In section 84, in the table, the entry relating to section 61. In section 87, the words from "except" to "thereof".
2 & 3 Eliz. 2. c. xlvii.	The Birkenhead Corporation Act 1954.	Part XII, except section 141. In section 187, in the table, the entries relating to sections 129 and 139.
2 & 3 Eliz. 2. c. xlviii.	The Manchester Corporation Act 1954.	Sections 37 to 45, 50, 52 to 56, and 58. Section 59 (2) so far as it relates to byelaws. In section 85, in the table, the entries relating to sections 38 and 50.
2 & 3 Eliz. 2. c. xlix.	The Derbyshire County Council Act 1954.	Part VII, except sections 161 and 162. In section 217, the words from "except" to "thereof". In section 219, in the table, the entries relating to sections 150 and 163.

## SCH. 9

Chapter	Short Title	Extent of Repeal
2 & 3 Eliz. 2. c. liv.	The Coventry Corporation Act 1954.	Part V. In section 55, the words "or Part V (Weights and Measures) thereof".
4 & 5 Eliz. 2. c. xvi.	The Liverpool Corporation Act 1955.	In section 58 (2) and (3), the words "65 and sections" and the words "to 72". Sections 59 to 66, 69 to 72, and 74 to 76. In section 86, in the table, the entries relating to sections 60 and 74.
4 & 5 Eliz. 2. c. xix.	The Salford Corporation Act 1955.	Part VI, except sections 32, 34 and 36. In section 45, the words from first "in" to "Act" and the words "the Board of Trade and". In Schedule 1, the entries relating to sections 123 to 127.
4 & 5 Eliz. 2. c. xxxi.	The Monmouthshire County Council Act 1956.	Part VII, except sections 149 and 150. In section 216, in the table, the entry relating to section 143. In section 219, the words "and Part VII (Weights and Measures)".
4 & 5 Eliz. 2. c. xl.	The Gloucestershire County Council Act 1956.	Part VIII, except sections 180 and 181. In section 248, the words "and Part VIII (Weights and Measures)". In section 252, in the table, the entries relating to sections 170 and 182.
4 & 5 Eliz. 2. c. xlix.	The Leicester Corporation Act 1956.	Part IX, except section 138. In section 254, in the table, the entries relating to sections 125 and 137.
4 & 5 Eliz. 2. c. lix.	The Dover Corporation Act 1956.	Sections 7 and 8. Section 10 (2). In Schedule 2, Part II.
4 & 5 Eliz. 2. c. lxxv.	The Leeds Corporation Act 1956.	Part XI, except sections 183 (3) and 199. In section 270, in the table, the entries relating to sections 185 and 198. In section 274, the words from "and section 197" to "number". Section 276 (1), from "Provided that" onwards, and in section 276 (3) the words "section 198 (Personal weighing machines)".

SCH. 9

Chapter	Short Title	Extent of Repeal
4 & 5 Eliz. 2. c. lxxxv.	The Barnsley Corporation Act 1956.	Part IX. In section 73, the words from "other" to "Act".
5 & 6 Eliz. 2. c. xi.	The Sunderland Corporation Act 1957.	Section 34. In section 40, the words from "and" to "number".
5 & 6 Eliz. 2. c. xviii.	The Buckinghamshire County Council Act 1957.	Part V, except sections 65 and 66. In section 102, the words from "except" to "thereof".
5 & 6 Eliz. 2. c. xxxvii.	The East Ham Corporation Act 1957.	Part VIII, except sections 99 (3) and 114. In section 157, in the table, the entries relating to sections 101 and 113.
6 & 7 Eliz. 2. c. iv.	The Dundee Corporation (Consolidated Powers) Order Confirmation Act 1957.	In the scheduled order— Part XXXVIII, except sections 573, 576 and 577. Section 577 (4) to (7). Schedule 8. In Schedule 9, the entry relating to section 591.
6 & 7 Eliz. 2. c. xxiv.	The Essex County Council Act 1958.	Part III.
6 & 7 Eliz. 2. c. xxxvi.	The Coventry Corporation Act 1958.	Sections 47, 48 and 50. In section 80, the words from "except" to "thereof".
6 & 7 Eliz. 2. c. xxxviii.	The Rochdale Corporation Act 1958.	Part V. In section 74, the words from "except" to "thereof".
6 & 7 Eliz. 2. c. xlix.	The Birmingham Corporation Act 1958.	Part III. Section 41 from "except" onwards. In section 44, the words from "except" to "thereof".
6 & 7 Eliz. 2. c. i.	The Wallasey Corporation Act 1958.	Part XII, except section 150. In section 212, in the table, the entries relating to sections 136 and 149. In section 219 (4), the words "149 (Personal weighing-machines)".

Section 65.

## SCHEDULE 10

## PROVISIONS RELATING TO NORTHERN IRELAND

## PART I

*Provisions of this Act extending to Northern Ireland*

1. The following provisions of this Act shall extend to Northern Ireland, that is to say—

- (a) sections 1 and 2 ;
- (b) section 3 so far as it relates to the coinage standards ;
- (c) subsections (8), (9) and (10) of section 10 so far as they relate to Schedule 1 ;
- (d) section 59 ;
- (e) section 63 (4) so far as it relates to regulations under section 7 of the Food and Drugs Act 1955 which, by virtue of section 134 of, and Schedule 10 to, that Act, apply to Northern Ireland ;
- (f) Schedules 1 and 2 ;
- (g) so much of any other provision of this Act as relates to the interpretation of the provisions aforesaid or to the making, variation or revocation of any order under this Act which by virtue of this or the next following paragraph extends to Northern Ireland.

2. Any order made under section 8 (2) of this Act, so far as it relates to the United Kingdom primary standards or authorised copies thereof, the definition of any unit of measurement, or the matters mentioned in section 8 (1) (c) of this Act, shall extend to Northern Ireland and, so far as it relates to the matters mentioned in the said section 8 (1) (c), shall so extend—

- (a) as if any standards provided for use in Northern Ireland for purposes corresponding to those of any of the Board of Trade standards were included among the Board of Trade standards ; and
- (b) as if any reference in the order to the United Kingdom primary standard of the pound or the kilogramme were a reference to that standard or any corresponding Northern Ireland primary standard provided under Part III of this Schedule.

## PART II

*Powers of Parliament of Northern Ireland*

3. In subsection (1) of section 4 of the Government of Ireland Act 1920 (which specifies certain matters in respect of which the Parliament of Northern Ireland is not to have power to make laws), in paragraph (12) the words “ any change in the standard of weights

and measures ; or ” are hereby repealed ; but the said Parliament shall not have power—

- (a) to make laws inconsistent with any provision which extends to Northern Ireland by virtue of paragraph 1 or 2 of this Schedule ;
- (b) in enacting legislation for purposes similar to those of Part II of this Act, to authorise the use for trade within the meaning of that legislation of any unit of measurement of length, area, volume, capacity, mass or weight which is not for the time being included in Schedule 1 to this Act.

4. Notwithstanding anything in the said section 4, it shall be within the powers of the Parliament of Northern Ireland—

- (a) in enacting legislation for purposes similar to those of Part II of this Act, to make provision relating to trade with Great Britain, any of the Channel Islands or the Isle of Man ;
- (b) in enacting legislation for purposes similar to those of section 28 of this Act, to make provision in relation to offences originating in Great Britain, any of the Channel Islands or the Isle of Man ;
- (c) in enacting legislation for purposes similar to those of section 57 of this Act, to make provision in relation to the application of that legislation to the Crown in right of Her Majesty’s Government in the United Kingdom.

5. Nothing in paragraph 3 (b) of this Schedule or in the said section 4 shall prevent the enactment by the Parliament of Northern Ireland of legislation to make lawful for the purposes of Northern Ireland the use of cran and quarter cran measures in connection with trading in fresh herrings or of legislation for purposes similar to those of section 62 (1) of this Act.

6. For the purposes of section 6 of the said Act of 1920, and notwithstanding anything in section 70 (2) of that Act, the following provisions, that is to say—

- (a) Part III of the Government of Ireland (Adaptation of Enactments) (No. 3) Order 1922 ;
- (b) article 4 of the Government of Ireland (Miscellaneous Adaptations) (Northern Ireland) Order 1923 ; and
- (c) Parts III and IV of this Schedule,

shall be deemed to be provisions of Acts of the Parliament of the United Kingdom passed before the day appointed for the purposes of the said section 6.

### PART III

#### *Standards in Northern Ireland*

7. The Ministry of Commerce for Northern Ireland may by order direct that there shall be standards for Northern Ireland of the yard, pound, metre and kilogramme which shall be, and shall be known as, the Northern Ireland primary standards:

Provided that no order shall be made under this paragraph unless a draft thereof has been laid before, and approved by a resolution of, each House of the Parliament of Northern Ireland.

## SCH. 10

8. For the purposes of providing the Northern Ireland primary standards in pursuance of such an order the said Ministry shall cause to be made, in such manner as the Ministry may direct, copies in such form and of such material as the Ministry may think fit of the United Kingdom primary standards, and those copies shall be the Northern Ireland primary standards.

9. The Board shall from time to time as the said Ministry may think it expedient to require, and at the expense of that Ministry, cause any Northern Ireland primary standard to be compared with, and its value redetermined by reference to, the corresponding United Kingdom primary standard in such manner as the Board may direct.

10. Any Northern Ireland primary standard maintained under this Part of this Schedule shall be in the custody of the said Ministry.

11. Any enactment of the Parliament of Northern Ireland making provision with respect to secondary standards for use in Northern Ireland may include provision with respect to any period during which there are no Northern Ireland primary standards requiring the Board, subject to payment by the said Ministry of any expenses incurred by the Board for the purpose, to cause the value or values of any such secondary standard to be determined and from time to time redetermined by reference to such one or more of the United Kingdom primary standards or any authorised copies thereof as may appear to the Board to be appropriate.

12. The following provisions are hereby revoked, that is to say—

(a) in the said Order of 1922, articles 8, 9 (2) and 10, and in article 13 the words from “as affecting or authorising” to “measures, or” and the word “other”;

(b) in the said Order of 1923, article 4 (1) (a).

## PART IV

*Adaptation of enactments in force in Northern Ireland*

13. In section 19 of the Weights and Measures Act 1878, for the words “the imperial weights or measures ascertained by this Act” in both places where those words occur there shall be substituted the words “the units of measurement for the time being included in Schedule 1 to the Weights and Measures Act 1963”, and for the words “the imperial weights or measures” in the last place where those words occur there shall be substituted the words “the units of measurement aforesaid”.

14.—(1) Save as the Ministry of Commerce for Northern Ireland may by order otherwise provide, and except in the case of a retail transaction or a transaction with respect to which provision to the contrary effect is for the time being made by or under any other enactment having effect in Northern Ireland, nothing in section 19 of the Weights and Measures Act 1878 as amended by paragraph 13 of this Schedule shall make unlawful the use in any transaction

in Northern Ireland, by agreement between the parties thereto, of any unit of measurement which—

SCH. 10

- (a) was customarily used in the like transactions in Northern Ireland immediately before the passing of this Act, and
- (b) is not inconsistent with anything for the time being contained in Schedule 1 to this Act,

notwithstanding that the unit in question is not for the time being included in the said Schedule 1.

(2) Before making any order under sub-paragraph (1) of this paragraph, the said Ministry shall consult with, and consider any representations with respect to the subject-matter of the order made to that Ministry by, such organisations as appear to that Ministry to be representative of interests substantially affected by the order; and no such order shall be made unless a draft thereof has been laid before, and approved by a resolution of, each House of the Parliament of Northern Ireland.

(3) Any order under the said sub-paragraph (1)—

- (a) may make different provision for different circumstances;
- (b) may be varied or revoked by a subsequent order thereunder.

15. The reference in section 63 of the Weights and Measures Act 1878 to the London, Edinburgh and Dublin Gazettes shall be construed as a reference to the Belfast Gazette; and article 6 (c) of the said Order of 1922 is hereby revoked.

16.—(1) Section 2 (2) of the Weights and Measures (Metric System) Act 1897 shall cease to have effect, but the following provisions of this paragraph shall apply in Northern Ireland.

(2) The Ministry of Commerce for Northern Ireland may by regulations prescribe what may be treated for the purposes of trade in Northern Ireland as the equivalent of, or of any multiple or fraction of, any unit of measurement included in Schedule 1 to this Act in terms of any other such unit:

Provided that the said Ministry shall not by any such regulations prescribe an equivalent of, or of any multiple or fraction of, any unit of measurement which is inconsistent with any equivalent of that unit, multiple or fraction for the time being prescribed by regulations under section 10 (6) of this Act.

(3) Nothing in any regulations made under sub-paragraph (2) of this paragraph shall apply to transactions in drugs, and section 19 of the Weights and Measures Act 1878 shall not apply to the prescribing of, or to the dispensing of a prescription for, drugs; but the Ministry of Health and Local Government for Northern Ireland may by regulations, which shall have effect notwithstanding anything in, or in any instrument made under, any other enactment—

- (a) prescribe what may be treated for the purposes of dealings with drugs in Northern Ireland as the equivalent of, or of any multiple or fraction of, any unit of measurement which is or at the date of commencement of this Schedule was included in Schedule 1 to this Act in terms of any other such unit;

SCH. 10 (b) require that any person carrying out in Northern Ireland any such dealing with drugs as is specified in the regulations for the purposes of which the quantity of the drugs is expressed in terms of any such unit as aforesaid which is so specified shall carry out that dealing in terms of such equivalent quantity prescribed under paragraph (a) of this sub-paragraph as is so specified.

(4) Any regulations made under sub-paragraph (2) or (3) of this paragraph shall be subject to negative resolution within the meaning of section 41 (6) of the Interpretation Act (Northern Ireland) 1954.

#### PART V

##### *Repeal of enactments in their application to Northern Ireland*

17. In addition to the repeal effected by paragraph 3 of this Schedule, the following enactments of the Parliament of the United Kingdom are hereby repealed in their application to Northern Ireland, that is to say—

- (a) in the Weights and Measures Act 1878, sections 3 to 8 and 10 to 15, in section 23 the words “under this Act”, sections 31, 33 to 36 and 39, in section 70 the paragraph beginning “The expression ‘coin weight’”, and Schedules 1, 2 and 3;
- (b) in the Weights and Measures Act 1889, section 6, and in section 8 the words “not being coin weights”;
- (c) in the Weights and Measures (Metric System) Act 1897, section 2;
- (d) as from the date appointed with respect to apothecaries weight under section 10 (9) of this Act, section 20 (2) of the said Act of 1878, and in section 76 of that Act the words “or by apothecaries weight”;
- (e) as from the expiration of the period of two years beginning with the date of the passing of this Act, the following provisions of the Food and Drugs Act 1955, that is to say—
  - (i) in section 7 (1), the words “but subject to the next following subsection”, and section 7 (2);
  - (ii) in section 123 (6), the words from “or the” to “may be”;
  - (iii) in Schedule 10, in paragraph 1 (b), the words from “other” to “Trade”, and paragraph 2 (b).



Table of Statutes referred to in this Act

Short Title	Chapter
Herring Fishery (Scotland) Act 1815 ... ..	55 Geo. 3. c. 94.
Public Health Act 1875 ... ..	38 & 39 Vict. c. 55.
Weights and Measures Act 1878 ... ..	41 & 42 Vict. c. 49.
Municipal Corporations Act 1882 ... ..	45 & 46 Vict. c. 50.
Weights and Measures Act 1889 ... ..	52 & 53 Vict. c. 21.
Herring Fishery (Scotland) Act 1889 ... ..	52 & 53 Vict. c. 23.
Interpretation Act 1889 ... ..	52 & 53 Vict. c. 63.
Branding of Herrings (Northumberland) Act 1891 ... ..	54 & 55 Vict. c. 28.
Weights and Measures (Metric System) Act 1897 ... ..	60 & 61 Vict. c. 46.
Weights and Measures Act 1904 ... ..	4 Edw. 7. c. 28.
Cran Measures Act 1908 ... ..	8 Edw. 7. c. 17.
Milk and Dairies (Scotland) Act 1914... ..	4 & 5 Geo. 5. c. 46.
Government of Ireland Act 1920 ... ..	10 & 11 Geo. 5. c. 67.
Sale of Food (Weights and Measures) Act 1926	16 & 17 Geo. 5. c. 63.
Petroleum (Consolidation) Act 1928 ... ..	18 & 19 Geo. 5. c. 32.
Local Government Act 1933 ... ..	23 & 24 Geo. 5. c. 51.
Local Government (Scotland) Act 1947 ... ..	10 & 11 Geo. 6. c. 43.
Customs and Excise Act 1952 ... ..	15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.
Visiting Forces Act 1952 ... ..	15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.
Food and Drugs Act 1955 ... ..	4 & 5 Eliz. 2. c. 16.
Food and Drugs (Scotland) Act 1956 ... ..	4 & 5 Eliz. 2. c. 30.
Local Government Act 1958 ... ..	6 & 7 Eliz. 2. c. 55.

PRINTED BY PERCY FAULKNER, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament





Printed and published by  
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*Printed in England*

ISBN 0 10 850117 5