



# Consumer Safety Act 1978

## 1978 CHAPTER 38

### 5 Enforcement

- (1) Subject to the following subsection, it shall be the duty of each weights and measures authority to enforce within its area the provisions of safety regulations and section 2 of this Act and the provisions of prohibition orders and prohibition notices and subsections (3) and (5) of section 3 of this Act so far as those subsections relate to such orders and notices.
- (2) The Secretary of State may by regulations transfer the whole or part of the duty imposed on a weights and measures authority by the preceding subsection to another person who has agreed to the transfer; and the regulations may, without prejudice to the generality of the preceding provisions of this subsection—
  - (a) make different provision for different circumstances; and
  - (b) contain such incidental and supplemental provisions (including provision for the Secretary of State to defray expenses of a person on whom a duty is imposed by the regulations) as the Secretary of State considers appropriate.
- (3) The provisions of Schedule 2 to this Act shall have effect for the purpose of facilitating—
  - (a) the enforcement by the Secretary of State of provisions mentioned in subsection (1) of this section ; and
  - (b) the performance of a duty imposed on a person by virtue of this section ;but nothing in the preceding provisions of this subsection prejudices any powers which are exercisable by the Secretary of State apart from this subsection.
- (4) If the Secretary of State directs a person on whom a duty is imposed by virtue of subsection (1) or (2) of this section to make a report to the Secretary of State, in such form and containing such particulars as are specified in the direction, on the exercise of the person's functions under this Act or, while the Consumer Protection Act 1961 remains in force, under this Act and that Act, it shall be the duty of the person to comply with the direction.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (5) Nothing in the preceding provisions of this section or in regulations made by virtue of subsection (2) of this section authorises a weights and measures authority or a person specified in the regulations to institute proceedings in Scotland for an offence.