Weights and Measures Act 1985

1985 CHAPTER 72

An Act to consolidate certain enactments relating to weights and measures. [30th October 1985]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spriritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modifications etc. (not altering text)

C1 **A Table showing the derivation of the provisions of this consolidation Act will be found at the end of the Act. The Table has no official status.**

C2 Act amended by S.I. 1988/558, **art. 2**

C3 Act explained (1.1.1993) by S.I. 1992/1579, **reg. 3(3)**

C4 Act modified (1.1.1993) by S.I. 1992/1591, **art.2**.
Act modified (1.1.1993) by S.I. 1992/1592, **art.2**.
Act modified (1.1.1993) by S.I. 1992/1593, **art.2**.

PART I

UNITS AND STANDARDS OF MEASUREMENT

1 Units of measurement.

(1) **[**[F1]Subject to subsection (6) below,**]**The yard or the metre shall be the unit of measurement of length and the pound or the kilogram 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 kilogram 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 measurment 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.

(3) Subject to subsection (4) below, the Secretary of State may by order amend Schedule 1 to this Act by adding to or removing from Parts I to VI of that Schedule any unit of measurement of length, of area, of volume, of capacity, or of mass or weight, as the case may be.

[[F2](4) Without prejudice to section 8(6)(b) below an order under subsection (3) above shall not remove the pint from Part IV of Schedule 1.**]**

(5) An order under subsection (3) above may contain such transitional or other supplemental or incidental provisions as appear to the Secretary of State expedient.

[[F3](6) Subsection (1) above shall not have effect so as to authorise the use in the specified circumstances of—

(a) the yard as a measurement of length, or

(b) the pound as a measurement of mass,

otherwise than in accordance with Regulation 7 of the Units of Measurement Regulations 1986 (supplementary indications) or, in the case of the pound, in accordance with section 8(2)(f) [F4] below **[**[F5]or, as the case may require, paragraph 5 of Part VI of Schedule 1 or paragraph 5 of Part VI of Schedule 2 to the Weights and Measures (Northern Ireland) Order 1981 (which permit the pound to be used for the purposes of the sale of goods loose from bulk).**]**

(7) In subsection (6) above "the specified circumstances"has the same meaning as in the Units of Measurement Regulations 1986, that is to say the circumstances specified in Article 2(a) of Council Directive No.80/181/EEC as limited by the provisions of Article 2(b) of that Directive.**]**

Textual Amendments

F1 Words in s. 1(1) inserted (1.10.1995) by S.I. 1994/2867, **reg. 6(2)(a)**

F2 S. 1(4) substituted (1.10.1995) by S.I. 1994/2867, **reg. 6(2)(b)**

F3 S. 1(6)(7) added (1.10.1995) by S.I. 1994/2867, **reg. 6(2)(c)**

F4 Section 8(2)(f) is inserted in the Act by article 3(2) of the Weights and Measures Act 1985 (Metrication) (Amendment) Order 1994 (S.I. 1994/2866).

F5 Words in s. 1(6) substituted (1.10.1995) by S.R. 1995/226, **art. 5**

2 United Kingdom primary standards and authorised copies of the primary standards.

(1) The Secretary of State shall cause to be maintained standards of the yard, pound, metre and kilogram 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 Secretary of State shall from time to time as may appear to him 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 redetermined by reference to, that standard,

in such manner as he may direct.

(3) The United Kingdom primary standards shall be—

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

(b) in the case of the pound, the cylinder described in Part II of that Schedule;

(c) in the case of the metre, the bar described in Part III of that Schedule;

(d) in the case of the kilogram, the cylinder described in Part IV of that Schedule.

(4) The copies of the United Kingdom primary standards of the yard and pound which are described in Part V of Schedule 2 to this Act and deposited as mentioned in that Part shall for the purposes of this Act be authorised copies of those standards.

3 Department of Trade and Industry secondary, tertiary and coinage standards.

(1) The Secretary of State shall maintain secondary, tertiary and coinage standards in accordance with the provisions of this section, which shall be known collectively as the Department of Trade and Industry standards.

(2) The secondary standards shall consist of standards of all the measures set out in Parts I and IV and all weights set out in Part V of Schedule 3 to this Act other than capacity measures of more than **[**[F6]8 pints**]** 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 of those standards as may appear to the Secretary of State to be appropriate.

(3) The tertiary standards shall consist of such standards of such of the measures or weights set out in Parts I, IV and V of Schedule 3 to this Act as may from time to time appear to the Secretary of State 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 Secretary of State 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 Secretary of State 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 Secretary of State to be appropriate.

(5) Department of Trade and Industry standards shall be provided or replaced by the Secretary of State from time to time as may appear to him necessary or expedient and shall be in such form and of such material, and be kept under his control at such place or places, as he may think fit.

(6) 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

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

(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 Secretary of State thinks fit.

Textual Amendments

F6 Words in s. 3(2) substituted (1.10.1995) by S.I. 1994/2867, **reg. 6(3)**

4 Local standards.

(1) 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 Secretary of State 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—

(a) 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 Secretary of State may require,

(b) shall be of material and form approved by the Secretary of State,

(c) shall be kept in such manner and under such conditions as the Secretary of State may direct at premises provided by the authority, and

(d) shall not be used elsewhere than at those premises or at other premises which appear to the authority to be appropriate.

(3) A local standard of any linear or capacity measure—

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

(b) shall 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 Secretary of State may from time to time direct.

(4) 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 Secretary of State.

(5) The Secretary of State shall cause any article submitted to him for certification under this section to be compared with such one or more of the tertiary standards as may appear to him to be appropriate and, if it falls within the prescribed limits of error and satisfies any other requirements of the Secretary of State, 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 in it.

(6) Subject to paragraph 9 of Schedule 11 to this Act, a certificate issued under subsection (5) above shall cease to be in force at the end of the prescribed period.

(7) The Secretary of State shall keep a record of all certificates issued under subsection (5) above.

(8) Any comparison of an article with the tertiary standards in pursuance of subsection (5) above shall be carried out—
   (a) if the article is not for the time being a local standard at such place as the Secretary of State 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 Secretary of State.

(9) The Secretary of State may charge on any occasion on which an article is submitted to him for certification under this section such fee as he may from time to time with the approval of the Treasury determine.

5 Working standards and testing and stamping equipment.

(1) Subject to subsection (3) below, 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—
   (a) 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,
   (b) such testing equipment, and
   (c) such stamping equipment,

   as are proper and sufficient for the efficient discharge by those inspectors of their functions in the authority's area.

(2) An authority may—
   (a) provide a particular working standard or item of equipment as required by subsection (1) above by making arrangements with another person for the standard or item to be made available by him, and
   (b) make arrangements with another person for standards or equipment provided by the authority under subsection (1) above, except stamping equipment, to be made available to the other person.

(3) If a local weights and measures authority are of opinion—
   (a) that any particular description of testing equipment is proper and sufficient for the efficient discharge of the functions of the inspectors appointed for the authority's area, but
   (b) that, having regard to the expenditure involved and the frequency with which such equipment is likely to be used by those inspectors, it would not be reasonable for the authority to provide and maintain such equipment,

   the authority may request the Secretary of State to provide and maintain such equipment and to make it available for hire to the authority.

(4) The terms of hire of equipment under subsection (3) above shall be such as the Secretary of State may determine.

(5) Working standards and testing and stamping equipment provided under subsection (1) above shall be of material and form approved by the Secretary of State.

(6) Except so far as may be necessary for the purposes of their use elsewhere, such working standards and testing and stamping equipment shall be kept, subject to subsection (7) below, at premises provided by the local weights and measures authority.

(7) Subsection (6) above shall not apply to things which are the subject of arrangements under subsection (2)(a) above.

(8) A working standard of a linear or capacity measure—

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

(b) shall 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 Secretary of State may from time to time direct.

(9) The Secretary of State 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, and

(b) with respect to the testing, adjustment and limits of error of testing equipment provided under subsection (1) above.

(10) No article shall be used by an inspector as a working standard or as testing equipment provided under subsection (1) above unless the relevant requirements of regulations under subsection (9) above are for the time being satisfied with respect to it.

(11) Nothing in subsection (2) above prejudices the operation of—

(a) the [M1]Local Authorities (Goods and Services) Act 1970,

(b) section 101 of the [M2]Local Government Act 1972, or

(c) section 56 of the [M3]Local Government (Scotland) Act 1973,

(which among other things enable a local authority to arrange for the provision of goods or services and the discharge of its functions by another local authority).

Subordinate Legislation Made

P1 S. 5: for previous exercises of this power before 01. 02. 1991 see Index to Government Orders.

P2 S. 5(9): s. 5(9) (with s. 86(1)) power exercised (26.7.1991) by S.I.1991/1775

Marginal Citations

M1 1970 c. 39.

M2 1972 c. 70.

M3 1973 c. 65.

6 Testing of other standards and equipment.

(1) The Secretary of State may, if he thinks fit, on the application of any government or person, accept for testing as to accuracy or compliance with any specfication 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,

(b) any weighing or measuring equipment,

(c) any other metrological equipment, and

(d) any article for use in connection with equipment mentioned in paragraph (b) or (c) above,

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

(2) The Secretary of State may charge, in respect of any article or equipment accepted by him in pursuance of subsection (1) above, a fee of an amount ascertained in such manner as he may determine with the approval of the Treasury.

Modifications etc. (not altering text)

C5 S. 6 modified (1.3.1996) by 1986 c. 44, **s. 36B(1)** (as inserted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 44**; S.I. 1996/218, **art.2**)

PART II

WEIGHING AND MEASURING FOR TRADE

General

7 Meaning of "use for trade".

(1) In this Act "use for trade" means, subject to subsection (3) below, use in Great Britain in connection with, or with a view to, a transaction falling within subsection (2) below where—

(a) 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

(b) the use is for the purpose of the determination or statement of that quantity.

(2) A transaction falls within this subsection if it is a transaction for—

(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.

(3) Use for trade does not include use in a case 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 designatedcountry, and

(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 for them.

(4) The following equipment, 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,

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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.

(5) 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.

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

(1) No person shall—

(a) use for trade any unit of measurement which is not included in Parts I to V of Schedule 1 to this Act, or

(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 for trade—

(a) the ounce troy, 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, or

(b) the carat (metric), except for the purposes of transactions in precious stones or pearls, or

(c) a capacity measure of **[**[F7]35,**]** 125, 150 or 175 millilitres, except for the purposes of transactions in intoxicating liquor **[**[F8]or

(d) the pint except for—

(i) the purposes of the sale of draught beer or cider, or

(ii) the purposes of the sale of milk in returnable containers, or

(iii) the purposes of the sale of beer, cider, water, lemonade or fruit juice in returnable containers, or

(e) the fluid ounce except for the purposes of the sale of beer, cider, water, lemonade or fruit juice in returnable containers, or

(f) the pound or the ounce (avoirdupois) except for the purposes of the sale of goods loose from bulk.**]**

(3) Subsection (1)(a) above shall not apply to the prescribing of, or the dispensing of a prescription for, drugs.

(4) A person who contravenes subsection (1) or (2) above shall be guilty of an offence, and any measure or weight used, or in any person's possession for use, in contravention of that subsection shall be liable to be forfeited.

[[F9](5) The proceding provisions have effect subject to—

(a) subsection (5A) below, and

(b) sections 9 and 89 below.

(5A) Nothing in this section precludes the use for trade of any supplementary indication; and for this purpose any indication of quantity ("the imperial indication") is a supplementary indication if—

(a) it is expressed in a unit of measurement other than a metric unit,

(b) it accompanies an indication of quantity expressed in a metric unit ("the metric indication") and is not itself authorised for use in the circumstances as a primary indication of quantity, and

(c) the metric indication is the more prominent, the imperial indication being, in particular, expressed in characters no larger than those of the metric indication.**]**

(6) The Secretary of State may by order—

(a) amend Schedule 3 to this Act by adding to or removing from it any linear, square, cubic or capacity measure, or any weight;

(b) add to, vary or remove from subsection (2) above any restriction on the cases or circumstances in which, or the conditions subject to which, a unit of measurement, measure or weight may be used for trade or possessed for use for trade.

(7) An order under subsection (6) above may contain such transitional or other supplemental or incidental provisions as appear to the Secretary of State expedient.

(8) In this section "unit of measurement" means a unit of measurement of length, area, volume, capacity, mass or weight.

Textual Amendments

F7 Words in s. 8(2)(c) inserted (14.7.1994) by S.I. 1994/1883, **arts. 1**, 2(a)

F8 S. 8(2)(d)-(f) inserted (1.10.1995) by S.I. 1994/2866, **regs. 1**, 3(2)

F9 S. 8(5)(5A) substituted (7.11.1994) for s. 8(5) by S.I. 1994/2867, **regs. 1**, 5(2)

Modifications etc. (not altering text)

C6 S. 8(1)(*b*) excluded by S.I. 1988/186, **arts. 3**, 6(1)

9 Dual marking and conversion charts.

(1) The Secretary of State may make regulations—

(a) requiring or authorising a person who uses a metric unit for trade to afford, for explanatory purposes, information giving the equivalent in the imperial system of the relevant quantity in the metric system, and

(b) specifying the manner in which the information is to be given, and in particular specifying the cases in which any obligation to give information in metric units is to be extended to include the same information in imperial units.

(2) The Secretary of State may make regulations requiring or authorising the display on premises where metric units are used for trade of conversion tables or other material for converting metric units into imperial units.

(3) Regulations under this section—

(a) may prescribe the form and manner in which any information or other material is to be given or displayed,

(b) may prescribe appropriate conversion factors by reference to which, in prescribed cases or circumstances, an amount expressed in imperial units is to be treated as equivalent to a given amount expressed in metric units,

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(c) may prescribe the persons to whom, and the cases and circumstances in which, the regulations apply and may make different provision for different persons, cases or circumstances,

(d) may contain such consequential, incidental or supplementary provisions as appear to the Secretary of State to be expedient.

(4) A person contravening regulations made under this section shall be guilty of an offence.

(5) In this section "unit" in the expressions "metric unit" and "imperial unit" means any unit of measurement of length, area, volume, capacity, mass or weight.

(6) Regulations under this section imposing obligatoins apply whether or not the relevant imperial unit may lawfully be used for trade, and regulations authorising, but not requiring, anything to be done authorise it to be done notwithstanding that the relevant imperial unit may not be lawfully used for trade, but do not in any other respect authorise what is unlawful.

10 Multiples and fractions of measures and units.

(1) Except as may be prescribed, and subject to any regulations made under section 15 below,—

(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 sub-divisions representing any shorter length or lengths; but

(b) no capacity measure specified in Part IV of that Schedule shall be used for trade by means of any division or sub-division marked on it as a capacity measure of any lesser quantity.

(2) Any person who contravenes paragraph (b) of subsection (1) above shall be guilty of an offence, and any measure used, or in any person's possession for use, in contravention of that paragraph, shall be liable to be forfeited.

(3) The Secretary of State 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.

(4) Nothing in any regulations under subsection (3) above shall apply to any transaction in drugs.

(5) The Secretaries of State respectively concerned with health in England, in Wales and in Scotland acting jointly 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 as the equivalent of, or of any multiple or fraction of, any unit of measurement which—

(i) is included in Schedule 1 to this Act, or

(ii) was included in Schedule 1 to the [M4]Weights and Measures Act 1963 on 31st January 1964 (the date of the commencement of section 10 of that Act),

in terms of any other such unit; and

(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 which is so specified shall carry out that dealing in terms of such equivalent quantity prescribed under paragraph (a) above as is so specified.

Marginal Citations

M4 1963 c. 31.

Weighing or measuring equipment for use for trade

11 Certain equipment to be passed and stamped by inspector.

(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,—

(a) has been passed by an inspector as fit for such use, and

(b) 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.

(3) If any person contravenes subsection (2) above, he shall be guilty of an offence and any article in respect of which the offence was committed shall be liable to be forfeited.

(4) Any person requiring any equipment to which this section applies to be passed as fit for use for trade shall submit the equipment, in such manner as the local weights and measures authority may direct, to an inspector who (subject to the provisions of this Act and of any regulations under section 15 below) 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,

(b) if the equipment submitted falls within the prescribed limits of error and by virtue of subsection (10) below is not required to be stamped as mentioned in paragraph (c) of this subsection, give to the person submitting it a statement in writing to the effect that it is passed as fit for use for trade, and

(c) except as otherwise expressly provided by or under this Act, cause it to be stamped with the prescribed stamp.

(5) There shall be charged in respect of any test carried out under subsection (4) above such reasonable fees as the local weights and measures authority may determine.

(6) An inspector shall keep a record of every test carried out by him under subsection (4) above.

(7) Except as otherwise expressly provided by or under this Act, no weight or measure shall be stamped as mentioned in subsection (4)(c) above unless it has been marked in the prescribed manner with its purported value.

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(8) Subject to subsection (9) below, where any equipment submitted to an inspector under subsection (4) above is of a pattern in respect of which a certificate of approval granted under section 12 below is for the time being in force, the inspector shall not refuse to pass or stamp the equipment on the ground that it is not suitable for use for trade.

(9) 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 Secretary of State, whose decision shall be final.

(10) The requirements of subsections (2), (4) and (7) above 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.

(11) Where a person submits equipment to an inspector under this section, the inspector may require the person to provide the inspector with such assistance in connection with the testing of the equipment as the inspector reasonably considers it necessary for the person to provide and shall not be obliged to proceed with the test until the person provides it; but a failure to provide the assistance shall not constitute an offence under section 81 below.

(12) If an inspector refuses to pass as fit for use for trade any equipment submitted to him under this section and is requested by the person by whom the equipment was submitted to give reasons for the refusal, the inspector shall give to that person a statement of those reasons in writing.

(13) In the case of any equipment which is required by regulations made under section 15 below 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 reinstalled, whether in the same or some other place, it shall not be used for trade after being so reinstalled until it has again been passed under this section.

(14) If any person—

(a) knowingly uses any equipment in contravention of sub-section (13) above, or

(b) knowingly causes or permits any other person so to use it, or

(c) knowingly that the equipment is required by virtue of subsection (13) above to be again passed under this section, 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.

(15) Subject to subsection (13) above, 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 re-stamped because it is used in any other place.

(16) If at any time the Secretary of State is 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, he 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 with it, to be treated for the purposes of this Act as if it had been duly stamped in Great Britain under this section.

Modifications etc. (not altering text)

C7 S. 11 modified (1.1.1993) by S.I. 1992/1591, **art. 2**.
S. 11 modified (1.1.1993) by S.I. 1992/1592, **art.2**.
S. 11 modified (1.1.1993) by S.I. 1992/1593, **art.2**.

C8 S. 11(2) excluded by S.I. 1988/186, **arts. 3**, 6(2), 23(1), 24(1)

VALID FROM 29/03/1999

[F10 11A Approval of persons to verify equipment manufactured etc by them.

(1) Subsection (2) below applies where, as regards a person who carries on business (whether in Great Britain or elsewhere) as a manufacturer, installer or repairer of equipment to which section 11 above applies, the Secretary of State–

(a) is satisfied that the person would, if approved under this section, satisfy the requirements set out in Part II of Schedule 3A to this Act, and

(b) considers the person a fit and proper person to be so approved.

(2) The Secretary of State may approve the person for the purpose of–

(a) testing any equipment to which section 11 above applies and which is manufactured, installed or repaired by him,

(b) passing any such equipment as fit for use for trade, and

(c) stamping any such equipment with the prescribed stamp.

(3) Before granting an approval under this section, the Secretary of State may carry out such audits and inspections of the person's systems and procedures as he considers necessary to establish that the conditions of the approval would be observed.

(4) Schedule 3A to this Act (which relates to approvals under this section and matters connected with such approvals) shall have effect.

(5) In that Schedule "approval" means an approval under this section and "the verifier", in relation to such an approval, shall be construed accordingly.**]**

Textual Amendments

F10 S. 11A inserted (29.3.1999) by S.I. 1999/503, **art. 2(7)**

VALID FROM 29/03/1999

[F11 11B Testing by official EEA testers.

(1) This section applies where–

(a) any equipment which has been tested by an official EEA tester is at any time submitted to an inspector under section 11(4) above,

(b) the test report of the official EEA tester is submitted to the inspector at that time, and

(c) that report states which tests have been applied to the equipment and sets out the results of those tests.

(2) Section 11 above shall have effect as if–

(a) paragraph (a) of subsection (4) required the inspector not to test the equipment in the manner mentioned in that paragraph,

(b) paragraphs (b) and (c) of that subsection required him to rely, for the purposes of those paragraphs, on the test report of the official EEA tester, and

(c) the reference in subsection (5) to any test carried out under subsection (4) were a reference to anything done under subsection (4).

(3) In this section ’official EEA tester’, in relation to the testing of equipment of any description, means a person who, at the time when the tests were applied–

(a) had responsibility in an EEA State for the metrological control of equipment of that description, or

(b) was accredited in an EEA State as a person operating a laboratory, in conformity with the criteria set out in the applicable European Standard, for the purpose of testing equipment of that description.

(4) In subsection (3) above ’EEA State’ means a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993.**]**

Textual Amendments

F11 S. 11B inserted (29.3.1999) by S.I. 1999/503, **art. 3**

12 Approved patterns of equipment.

(1) Where any pattern of weighing or measuring equipment is submitted by any person to the Secretary of State for the purpose in such manner as may be prescribed, the Secretary of State shall examine in such manner as he thinks 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—

(a) may require the person to provide such assistance as the Secretary of State thinks fit in connection with theexamination (and shall not be obliged to proceed with the examination until the person provides it), and

(b) may require the person to pay in respect of the examination a fee of an amount ascertained in such manner as the Secretary of State may determine with the approval of the Treasury.

(2) Subsection (1) above applies to a pattern consisting of an approved pattern with modifications as it applies to other patterns, and in this subsection “approved pattern” means a pattern in respect of which a certificate of approval under this section is in force.

(3) If the Secretary of State is satisfied that any equipment in respect of which a pattern is submitted to him under sub-section (1) above is suitable for use for trade, then, subject to subsection (4) and section 14(2) below, he shall issue a certificate of approval of that pattern (in this section referred to as “a certificate of approval”) and shall cause particulars of the pattern to be published.

(4) Where the Secretary of State is satisfied as mentioned in subsection (3) above, he may require the person submitting the pattern of equipment to deposit with the Secretary of State parts of equipment of that pattern or a model or drawings of such equipment or parts of it and may withhold a certificate of approval of that pattern or, as the case may be, a declaration in pursuance of section 14(2) below in respect of the pattern, until the person complies with the requirement.

(5) A certificate of approval may be granted subject to such conditions as the Secretary of State thinks fit.

(6) Without prejudice to the generality of subsection (5) above, a certificate of approval may be granted subject to a condition under which it ceases to be in force at the end of a specified period of less than ten years.

(7) Subject to any condition imposed under subsection (6) above, a certificate of approval, unless previously revoked, shall cease to be in force at the end of the period of ten years beginning with the date when it was granted.

(8) A certificate of approval may be renewed by the Secretary of State on an application made in such manner and during such period as may be prescribed and on payment, except in such cases as the Secretary of State may determine, of a fee of an amount ascertained in such manner as the Secretary of State may determine with the approval of the Treasury; and sub-sections (5) to (7) above apply in relation to the renewal of a certificate of approval as they apply in relation to the grant of such a certificate.

(9) Where application has been made to the Secretary of State in accordance with subsection (8) above for the renewal of a certificate of approval, the certificate shall remain in force until the Secretary of State gives to the applicant, in such manner as may be prescribed, notice of the Secretary of State's decision with respect to the application.

(10) The Secretary of State, after consultation with such persons appearing to him to be interested as he thinks fit, may at any time revoke any certificate of approval (including a certificate remaining in force by virtue of subsection (9) above) and shall cause notice of any such revocation to be published.

(11) Where a certificate of approval—

(a) expires (whether at the end of a period or by virtue of a notice under subsection (9) above), or

(b) is revoked in a case where the notice or revocation published under subsection (10) above states that this subsection and section 13(2) below are to apply with respect to the revocation,

the certificate shall remain in force in relation to any equipment of the pattern in question which was used for trade at a time when the certificate was in force otherwise than by virtue of this subsection; and the power of revocation under subsection (10) above includes power to revoke a certificate remaining in force by virtue of this subsection.

(12) Any equipment of a pattern in respect of which a certificate of approval has been granted 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.

Status: *Point in time view as at 01/10/1995. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Weights and Measures Act 1985. (See end of Document for details)*

13 Offences in connection with approved patterns of equipment.

(1) Where one or more conditions are imposed by the Secretary of State on the grant or renewal of a certificate of approval, then if any person—

(a) knowing that a condition, other than such a condition as is mentioned in section 12(6) above, 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

(b) knowing that any condition has been imposed with respect to any equipment, 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.

(2) Where a certificate of approval in respect of any pattern of equipment—

(a) expires (whether at the end of a period or by virtue of a notice under section 12(9) above), or

(b) is revoked in a case falling within section 12(11)(b) above,

then if any person, knowing that the certificate has expired or has been so revoked, supplies to another person any equipment of the pattern in question which is marked with a stamp and which was not used for trade at a time when the certificate was in force otherwise than by virtue of section 12(11) above, he shall be guilty of an offence and the equipment supplied shall be liable to be forfeited.

(3) Where a certificate of approval in respect of any pattern of equipment is revoked in a case not falling within section 12(11)(b) above, then if any person, knowing that the certificate has been so revoked (and except as may be permitted by any fresh certificate granted in respect of that pattern)—

(a) uses for trade, or has in his possession for such use, any equipment of that pattern,

(b) causes or permits any other person to use any such equipment for trade, or

(c) disposes of any such equipment to any such person in a state in which it could be used for trade 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) In this section "certificate of approval" means a certificate of approval of a pattern of weighing or measuring equipment granted under section 12 above; and subsections (1) and (3) above have effect in relation to a certificate of approval remaining in force by virtue of subsection (9) or (11) of section 12 above as they have effect in relation to other certificates of approval.

14 General specifications of equipment.

(1) The Secretary of State may by regulations prescribe general specifications for the construction of equipment to which section 11 above applies and, subject to subsection (4) below, while any such specification is for the time being so prescribed no equipment which does not conform with it shall be passed or stamped by an inspector under that section unless it is of a pattern in respect of which a certificate of approval under section 12 above is in force.

(2) If the Secretary of State is satisfied that any pattern submitted to him under section 12(1) above conforms with any general specification for the time being prescribed under this section he may, instead of issuing a certificate of approval under

that section, cause to be published a declaration to that effect together with particulars of that pattern.

(3) Where a specification prescribed by regulations under this section is varied or revoked by further regulations under this section, then if any person—

(a) uses for trade any equipment which conformed with that specification but which to his knowledge no longer conforms with any specification prescribed by regulations under this section,

(b) has any such equipment in his possession for use for trade,

(c) causes or permits any other person to use any such equipment for trade, or

(d) disposes of any such equipment to any other person in a state in which it could be used for trade without informing that other person that it no longer conforms with any specification prescribed by regulations under this section,

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 Secretary of State is 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 Secretary of State may exempt that equipment from that requirement subject to compliance with such conditions, if any, as he thinks fit.

(5) If any person knowingly contravenes any condition imposed with respect to any equipment by virtue of subsection (4) above, he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(6) 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 Secretary of State, whose decision shall be final.

Miscellaneous

15 Regulations relating to weighing or measuring for trade.

(1) The Secretary of State 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,

(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 destroyed, obliterated or defaced,

(d) where any stamp on weighing or measuring equipment is lawfully destroyed, obliterated or defaced, the circumstances in which, and conditions subject to which, the equipment may be used for trade without contravening section 11(2) above,

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

(e) the purposes for which particular types of weighing or measuring equipment may be used for trade,

(f) the manner of erection or use of weighing or measuring equipment used for trade,

(g) the abbreviations of or symbols for units of measurement which may be used for trade, and

(h) the manner in which the tare weight of road vehicles, or of road vehicles of any particular class or description is to be determined.

(2) Regulations under subsection (1) above with respect to the testing of equipment may provide—

(a) that where a group of items of equipment of the same kind is submitted for testing and prescribed conditions are satisfied with respect to the group, the testing may be confined to a number of items determined by or under the regulations and selected in the prescribed manner, and

(b) that if items so selected satisfy the test other items in the group shall be treated as having satisfied it.

(3) Subject to subsection (5) below, if any person contravenes any regulation made by virtue of subsection (1)(e), (f), (g) or (h) above, 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.

(4) 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 Secretary of State, whose decision shall be final.

(5) 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 Secretary of State may if he thinks fit dispense with the observance of that requirement subject to compliance with such conditions, if any, as he thinks 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.

VALID FROM 29/03/1999

[F12 15A Pre-test stamping by certain manufacturers.

(1) Subject to subsection (2) below, an approved verifier who is the manufacturer of any equipment to which section 11 above applies may apply the prescribed stamp to the equipment, notwithstanding that it has not been passed as fit for use for trade, if he is satisfied on reasonable grounds that it will not be used (whether for trade or otherwise) unless either–

(a) the equipment has been passed as fit for use for trade, or

(b) the stamp has been destroyed, obliterated or defaced.

(2) A prescribed stamp shall not be applied under subsection (1) above unless the stamp includes the approved verifier's number.

(3) If any person contravenes subsection (2) above, he shall be guilty of an offence and any equipment in respect of which the offence was committed shall be liable to be forfeited.

(4) A prescribed stamp which has been duly applied to any equipment under subsection (1) above shall have effect as follows–

(a) at any time before the equipment is passed as fit for use for trade, as an indication that, at the time when the stamp was applied, the approved verifier was satisfied as mentioned in subsection (1) above, and

(b) at any time after the equipment is so passed, as evidence of the passing of the equipment as fit for such use.

(5) Where equipment to which a prescribed stamp has been duly applied under subsection (1) above is passed as fit for use for trade, nothing in section 11(4)(c) or (4A)(c) above shall require another such stamp to be applied to it.

(6) Where the approved verifier fails to pass as fit for use for trade equipment to which a prescribed stamp has been applied under subsection (1) above, he may destroy, obliterate or deface the stamp–

(a) in any case where there is a prescribed manner of doing so, in that manner, and

(b) in any other case, in such reasonable manner as will leave no doubt that the stamp has been intentionally destroyed, obliterated or defaced.

(7) References in subsections (4) to (6) above to prescribed stamps which have been applied do not include references to such stamps which have subsequently been destroyed, obliterated or defaced.**]**

Textual Amendments

F12 S. 15A inserted (29.3.1999) by S.I. 1999/503, **art. 4(1)**

16 Offences in connection with stamping of equipment.

(1) Subject to subsection (2) below, 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,

(b) forges, counterfeits or, except as permitted by or under this Act, in any way alters or defaces any stamp,

(c) removes any stamp and inserts it into any other such equipment,

(d) makes any alteration in the equipment after it has been stamped such as to make it false or unjust, or

(e) severs or otherwise tampers with any wire, cord or other thing by means of which a stamp is attached to the equipment,

shall be guilty of an offence.

(2) Paragraphs (a) and (b) of subsection (1) above shall not apply to the destruction or obliteration of any stamp, plug or seal, and paragraph (e) of that subsection shall

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

not apply to anything done, 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.

(3) 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.

(4) 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.

17 Offences relating to false or unjust equipment or fraud.

(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) above 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 to it shall be guilty of an offence and the equipment shall be liable to be forfeited.

Modifications etc. (not altering text)

C9 S. 17(1) excluded by S.I. 1988/186, **arts. 3**, 6(3)

PART III

PUBLIC WEIGHING OR MEASURING EQUIPMENT

18 Keepers of public equipment to hold certificate.

(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.

(2) Any person refused such a certificate by a chief inspector may appeal against the refusal to the Secretary of State, who may if he thinks 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) above shall be guilty of an offence.

19 Provision of public equipment by local authorities.

(1) Without prejudice to any functions 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 or the [M5]Weights and Measures Act 1963 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.

(2) Without prejudice to the provisions of any other Act, and subject to section 18 above, 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.

Marginal Citations
M5 1963 c. 31.

20 Offences in connection with public equipment.

(1) Subsection (2) below 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.

(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.
   (b) carries out the weighing or measuring unfairly,
   (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 of it and, in the case of the weighing of a vehicle, such particulars of the vehicle and of any load on the vehicle as will identify that vehicle and that load,

   he shall be guilty of an offence.

(3) If in connection with any such equipment as is mentioned in subsection (1) above—

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

(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 any such equipment as is mentioned in subsection (1) above, 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 (in this section referred to as "the responsible person") 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 to the weighing or measuring.

(6) An inspector, subject to the production of his credentials if so requested, may require the responsible person to produce any such record as is mentioned in subsection (5) above for inspection at any time while it is retained by him.

(7) If the responsible person fails to retain any such record as is mentioned in subsection (5) above in accordance with that subsection or fails to produce it in accordance with subsection (6) above, he shall be guilty of an offence.

(8) If any person wilfully destroys or defaces any such record as is mentioned in subsection (5) above before the expiration of two years from the date when it was made, he shall be guilty of an offence.

PART IV

REGULATION OF TRANSACTIONS IN GOODS

Transactions in particular goods

21 Transactions in goods mentioned in Schedules 4 to 7.

Schedules 4, 5, 6 and 7 to this Act (which relate to transactions in the goods mentioned in those Schedules) shall have effect.

Modifications etc. (not altering text)

C10 Ss. 21, 22, 23: power to modify or exclude conferred by Weights and Measures &c. Act 1976 (c. 77, SIF 131), s. 12(1)(2)

22 Orders relating to transactions in particular goods.

(1) The Secretary of State 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,

(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,

(c) are pre-packed, or are otherwise made up for sale or for delivery after sale, only in or on a container of a size or capacity so specified,

(d) 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,

(e) are not sold without the quantity sold expressed in such manner as may be so specified being made known to the buyer at or before such time as may be so specified,

(f) 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,

(g) are carried for reward only in pursuance of an agreement made by reference to the quantity of the goods in question expressed in such manner as may be so specified,

(h) in such circumstances as may be so specified, have associated with them 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

(i) 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.

(2) An order under subsection (1) above may be made with respect to any goods, including goods to which any of the provisions of Schedule 4, 5, 6, or 7 to this Act applies, and may—

(a) make provision for any of the purposes mentioned in subsection (1) above 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 of the provisions of this Act (except Part V) or of any previous order under subsection (1) 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 mentioned in paragraph (a) above or otherwise,

as may appear to the Secretary of State 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 84(6) below for an offence under this Act.

(3) Without prejudice to the generality of the powers conferred by paragraph (c) of subsection (1) above, an order made by virtue of that paragraph—

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

(a) may require a container to be marked with such information concerning it or its contents as is specified in the order, and

(b) in order to prevent size or capacity from giving a false impression of the quantity of the goods in a container, may prescribe a minimum quantity for the goods in a container of a given capacity.

(4) The minimum quantity referred to in subsection (3)(b) above may be expressed in the order by weight or volume, by percentage of the capacity of the container or in any other manner.

Modifications etc. (not altering text)

C11 Ss. 21, 22, 23: power to modify or exclude conferred by Weights and Measures &c. Act 1976 (c. 77, SIF 131), s. 12(1)(2)

23 Regulations as to information.

(1) The Secretary of State may make regulations—

(a) as to the manner in which any container required by any of the provisions of Schedules 4, 5, 6 or 7 to this Act or of any order under section 22(1) above to be marked with information (including in particular information as to quantity or capacity) is to be so marked,

(b) as to the manner in which any information required by any such provision 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 in it 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 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 with any information,

(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 relating to quantity required by or under section 21 or 22 above, and

(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 Part of this Act.

(2) Any person who contravenes any regulation made under subsection (1) above otherwise than by virtue of paragraph (f) or (g) of that subsection shall be guilty of an offence.

Modifications etc. (not altering text)

C12 Ss. 21, 22, 23: power to modify or exclude conferred by Weights and Measures &c. Act 1976 (c. 77, SIF 131), s. 12(1)(2)

24 Exemption from requirements imposed under sections 21 to 23.

(1) The Secretary of State may by order grant, 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 imposed by or under sections 21 to 23 above.

(2) Until otherwise provided by an order under subsection (1) above, the following shall be exempted from all requirements imposed by or under sections 21 to 23 above, 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 [M6]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 [M7]Customs and Excise Management Act 1979 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, and

(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.

Marginal Citations

M6 1952 c. 67.

M7 1979 c. 2.

25 Offences relating to transactions in particular goods.

(1) Subject to section 44 below, where any goods are required, when not pre-packed, 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—

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

(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) 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,

(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 goods to which subsection (3) below applies, whether the sale is or is to be, by retail or otherwise.

(3) This subsection applies to any goods—

(a) which are required to be pre-packed only in particular quantities but are not so pre-packed,

(b) which are required to be otherwise made up in or on a container for sale or for delivery after sale only in particular quantities but are not so made up,

(c) which are required to be made for sale only in particular quantities but are not so made,

(d) which are required to be pre-packed only if the container is marked with particular information but are pre-packed otherwise than in or on a container so marked,

(e) which are required to be otherwise made up in or on a container for sale or for delivery after sale only if the container is marked with particular information but are so made up otherwise than in or on a container so marked,

(f) which are required to be pre-packed only in or on a container of a particular description but are not pre-packed in or on a container of that description, or

(g) which are required to be otherwise made up in or on a container for sale or for delivery after sale only in or on a container of a particular description but are not so made up in or on a container of that description.

(4) In the case of any sale where the quantity of the goods sold expressed in a particular manner is required 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.

(5) Where any goods required 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 offered or exposed shall be guilty of an offence.

(6) The preceding provisions of this section have effect subject to sections 33 to 37 below.

(7) For the purposes of this section the quantity of the goods in a regulated package (as defined by section 68(1) below) shall be deemed to be the nominal quantity (as so defined) on the package.

(8) In this section "required" means required by or under this Part of this Act.

Modifications etc. (not altering text)

C13 S. 25(2) restricted by S.I. 1988/2040, **art. 11(2)**

C14 S. 25(2) excluded (*temp.*) by S.I. 1990/1550, **art. 4**

C15 S. 25(2)(3) applied with modifications by S.I. 1988/2040, **art. 18**

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Quantity to be stated in writing

26 Quantity to be stated in writing in certain cases.

(1) Subject to section 27 below, the provisions of this section shall have effect on any sale of goods—

(a) which is required by or under this Part of this Act to be a sale by quantity expressed in a particular manner,

(b) in the case of which the quantity of the goods sold expressed in a particular manner is so required to be made known to the buyer at or before a particular time, or

(c) which, being a sale by retail not falling within paragraph (a) or (b) above, is or purports to be, a sale by quantity expressed in a particular manner other than by number.

(2) Subject to subsections (4) to (6) below, 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.

(3) If subsection (2) above is contravened then, subject to sections 33 to 37 below, the person by whom, and any other person on whose behalf, the goods were sold shall be guilty of an offence.

(4) If at the time when the goods are delivered the consignee is absent, it shall be sufficient compliance with subsection (2) above if the statement is left at some suitable place at the premises at which the goods are delivered.

(5) Subsection (2) above 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.

(6) 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, subsection (2) above 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.

27 Exemption from requirements of section 26.

(1) The Secretary of State may by order grant, 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 section 26 above.

(2) Until otherwise provided by an order under subsection (1) above, nothing in section 26 above shall apply to—

(a) a sale by retail from a vehicle of—

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(i) any of the following in a quantity not exceeding **[**[F13]110 kilograms**]**, that is to say, any solid fuel within the meaning of Schedule 5 to this Act, and wood fuel, or

(ii) any of the following in a quantity not exceeding **[**[F14]25 litres**]**, 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 the [M8]Weights and Measures Act 1963 (Miscellaneous Foods) Order 1984,

(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 Part of this Act,

(e) any such goods or sales as are mentioned in section 24(2)(a) to (d) above,

(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.

Textual Amendments

F13 Words in s. 27(2)(a)(i) substituted (1.10.1995) by S.I. 1994/2867, **reg. 6(4)**

F14 Words in s. 27(2)(a)(ii) substituted (1.10.1995) by S.I. 1994/2867, **reg. 6(4)**

Marginal Citations

M8 S.I. 1984/1316.

General offences

28 Short weight, etc.

(1) Subject to sections 33 to 37 below, 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) a lesser quantity than that purported to be sold, or

(b) a lesser quantity than corresponds with the price charged,

shall be guilty of an offence.

(2) For the purposes of this section—

(a) the quantity of the goods in a regulated package (as defined by section 68(1) below) shall be deemed to be the nominal quantity (as so defined) on the package, and

(b) any statement, whether oral or in writing, as to the weight of any goods shall be taken, unless otherwise expressed, to be a statement as to the net weight of the goods.

(3) Nothing in this section shall apply in relation to any such goods or sales as are mentioned in section 24(2)(a) or (b) above.

29 Misrepresentation.

(1) Subject to sections 33 to 37 below, any person who—

(a) on or in connection with the sale or purchase of any goods,

(b) in exposing or offering any goods for sale,

(c) in purporting to make known to the buyer the quantity of any goods sold, or

(d) in offering to purchase any goods,

makes any misrepresentation whether oral 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 of the goods, shall be guilty of an offence.

(2) Subsection (2) of section 28 above shall have effect fot the purposes of this section as it has effect for the purposes of that section.

(3) Nothing in this section shall apply in relation to any such goods or sales as are mentioned in section 24(2)(a) or (b) above.

30 Quantity less than stated.

(1) 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 sections 33 to 37 below—

(a) any person who has those goods in his possession for sale shall be guilty of an offence, and

(b) 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.

(2) 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 their sale or an agreement for their sale, have associated with them a document containing such a statement,

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 sections 33 to 37 below and paragraph 10 of Schedule 4 to this Act, 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.

(3) Subsections (1) and (2) above 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

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in question, or is expressed with some other qualification of what ever description, except where—

(a) that quantity is so expressed in pursuance of an express requirement of this Part of this Act or any instrument made under this Part, or

(b) the goods, although falling within subsection (1) or subsection (2)(a) above—

(i) are not required by or under this Part of this Act to be pre-packed as mentioned in subsection (1) 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 subsection (2)(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 Part of this Act other than section 26, to be made known to the buyer at or before a particular time, or

(c) the goods, although falling within subsection (2)(b) above, are not required by or under this Part of this Act to have associated with them such a document as is mentioned in that provision.

(4) In any case to which, by virtue of paragraph (a), (b) or (c) of subsection (3) above, the provisions of subsection (1) or (2) above 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 sections 33 to 37 below—

(a) in the case of goods such as are mentioned in subsection (1) above, 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 subsection (2) above, 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 paragraph (a), (b) or (c) of subsection (3) above have been guilty of an offence under subsection (2).

(5) Subsection (2) of section 28 above shall have effect for the purposes of this section as it has effect for the purposes of that section.

(6) Nothing in this section shall apply in relation to any such goods or sales as are mentioned in section 24(2)(a) or (b) above.

31 Incorrect statements.

(1) Without prejudice to section 30(2) to (4) above, if in the case of any goods required by or under this Part of this Act to have associated with them 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 Part of this Act while that statement was contained in the document, shall be guilty of an offence.

(2) Subsection (2) of section 28 above shall have effect for the purposes of this section as it has effect for the purposes of that section.

(3) Nothing in this section shall apply in relation to any such goods or sales as are mentioned in section 24(2)(a) or (b) above.

32 Offences due to default of third person.

Where the commission by any person of an offence under this Part of this Act or an instrument made under this Part is due to the act or default of some other person, the other person shall be guilty of an offence and may be charged with and convicted of the offence whether or not proceedings are taken against the first-mentioned person.

Defences

33 Warranty.

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

(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 Part of this Act or any instrument made under this Part,

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 did in fact believe the statement contained in the warranty to be accurate and had no reason to believe it to be inaccurate, and

(d) 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 the statement contained in the warranty, and

(e) 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 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 not be a defence in any such proceedings as are mentioned in subsection (1) above unless, 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.

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(3) Where the person charged is the employee 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) above shall have effect—

(a) with the substitution, for any reference (however expressed) in paragraphs (a), (b), (d) and (e) to the person charged, of a reference to his employer, and

(b) with the substitution for paragraph (c) of the following—

"(c) that at the time of the commission of the offence his employer did in fact believe the statement contained in the warranty to be accurate and the person charged had no reason to believe it to be inaccurate,".

(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 are mentioned in subsection (1) above 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 in it were, and would continue at all relevant times to be, accurate.

(7) Where in any such proceedings as are mentioned in subsection (1) above ("the original proceedings") the person charged relies successfully on a warranty given to him or to his employer, any proceedings under subsection (6) above 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 original 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 Part of 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 taken to be a written warranty of the accuracy of that statement.

34 Reasonable precautions and due diligence.

(1) In any proceedings for an offence under this Part of this Act or any instrument made under this Part, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) If in any case the defence provided by subsection (1) above involves an allegation that the commission of the offence in question was due to the act or default of another person or due to reliance on information supplied by another person, the person charged shall not, without the leave of the court, be entitled to rely on the defence unless, before the beginning of the period of seven days ending with the date when the hearing of the charge began, he served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his possession.

35 Subsequent deficiency.

(1) This subsection applies to any proceedings for an offence under this Part of this Act, or any instrument made under this Part, 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.

(b) of any goods which, in connection with their sale or an agreement for their sale, have associated with them a document purporting to state the quantity of the goods, or

(c) of any goods required by or under this Part of 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.

(2) In any proceedings to which subsection (1) above applies, it shall be a defence for the person charged to prove that the deficiency arose—

(a) in a case falling within paragraph (a) of subsection (1) above, after the making up of the goods and the marking of the container,

(b) in a case falling within paragraph (b) of that subsection, after the preparation of the goods for delivery in pursuance of the sale or agreement and after the completion of the document,

(c) in a case falling within paragraph (c) of that 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, other than food pre-packed in a container which is, or is required by or under this Part of 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 under this Part, 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) If in any proceedings for an offence under this Part of this Act or any instrument made under this Part, 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.

36 Excess due to precautions.

In any proceedings for an offence under this Part of this Act or any instrument made under this Part, 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

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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.

37 Provisions as to testing.

(1) If proceedings for an offence under this Part of this Act, or any instrument made under this Part, 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, or

(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 Part of 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.

(2) In any proceedings for such an offence as is mentioned in subsection (1) above, the court—

(a) 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,

(b) if the proceedings are with respect to a single article, shall disregard any inconsiderable deficiency or excess, and

(c) shall have regard generally to all the circumstances of the case.

(3) Subsections (1) and (2) above shall apply with the necessary modifications to proceedings for an offence in respect of the size, capacity or contents of a container as they apply to proceedings for an offence in respect of the excess or deficiency in the quantity of certain goods.

(4) Where by virtue of section 32 above a person is charged with an offence with which some other person might have been charged, the reference in subsection (1) above 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.

Powers of inspectors

38 Special powers of inspectors with respect to certain goods.

(1) Subsection (2) below applies where any person—

(a) makes in any manner any representation as to the quantity of any goods offered or exposed for sale by him, or

(b) has in his possession or charge awaiting or in the course of delivery to the buyer any goods which have been sold or agreed to be sold, and the sale is, or purports to be, or is required by or under this Part of 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 Part other than section 26 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—

(i) 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 Part of 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

(ii) any goods pre-packed in or on a container marked with an indication of quantity, or

(iii) any goods required by or under this Part of this Act to be made for sale only in particular quantities, or

(d) has in his possession or charge for sale, or awaiting or in the course of delivery to a buyer after they have been sold or agreed to be sold, any goods subject to a requirement imposed by virtue of section 22(1)(c) above.

(2) Where this subsection applies, the powers of an inspector under secion 79 below shall, subject to subsection (4) below, include power to require the person referred to in subsection (1) above 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—

(a) weigh or otherwise measure or count the goods,

(b) weigh or otherwise measure any container in or on which the goods are made up,

(c) in the case of goods within subsection (1)(d) above, do anything else as respects the goods or container which is reasonably necessary to ascertain whether the requirement there mentioned is complied with, and which does not damage or depreciate the goods or container,

(d) if necessary for any of the purposes of paragraphs (a) to (c) above, break open any container of goods, or open any vending machine in which goods are offered or exposed for sale,

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

(3) Where any container of goods is broken open under subsection (2) above and all requirements of, and of any instrument made under, this Part of this Act which are applicable to those goods are found to have been complied with, then—

(a) if the container can be resealed without injury to the contents, the inspector may reseal it with a label certifying that all such requirements have been complied with, and

(b) if he does not so reseal it or it cannot be so resealed without injury to the contents, the inspector shall at the request of the person referred to in subsection (1) above buy the goods on behalf of the local weights and measures authority.

(4) F15

Textual Amendments

F15 S. 38(4) repealed by Food Safety Act 1990 (c. 16, SIF 53:1, 2), s. 59(1)(4), Sch. 3 para. 32, **Sch. 5**

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39 Powers of inspectors with respect to certain documents.

(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 Part of 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 subsection (1) above contains any inaccurate statement, he may either—

(a) seize and detain the document, giving in exchange a copy 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 on the document an endorsement signed by him giving particulars of any such inaccuracy;

and, except where the context otherwise requires, any reference in this Part of this Act to any such document includes a reference to a copy given in pursuance of paragraph (a) above.

40 Powers of inspectors with respect to goods carried on road vehicles.

(1) Subsection (2) below applies where, in the case of any goods being carried on a road vehicle,—

(a) the whole of the vehicle's load is being carried for sale to, or for delivery after sale to, the same person, and

(b) any document produced in pursuance of section 39(1) above by the person in charge of the vehicle purports, or is required by or under this Part of this Act, to state the quantity of the goods.

(2) Where this subsection applies, the inspector may, for the purpose of the exercise of his powers under section 38(2) above 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.

(3) The powers conferred by subsection (2) above 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 (apart from Part V) and of any instrument made under those provisions are duly observed.

Miscellaneous and supplementary

41 Check-weighing of certain road vehicles.

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.

42 Power to make test purchases.

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 Part of this Act and any instrument made under this Part, and the provisions of Parts II and III of this Act and any instrument made under either of those Parts, are being complied with.

43 Beer and cider.

(1) In ascertaining the quantity of any beer or cider for any of the purposes of section 25 or sections 28 to 31 above, or of the [M9]Weights and Measures Act 1963 (Intoxicating Liquor) Order 1984, the gas comprised in any foam on the beer or cider shall be disregarded and, for the purposes of this subsection, "beer" and "cider" have the meanings given by section 1 of the [M10]Alcoholic Liquor Duties Act 1979.

(2) This section shall come into force on such date as the Secretary of State may by order appoint, and different dates may be appointed for different purposes.

Subordinate Legislation Made

P3 S. 43(2) power not yet effectively exercised (power exercised prospectively by S.I. 1992/770 which was revoked 28.10.1993 by S.I.1993/2698, **art. 2**)

Marginal Citations

M9 S.I. 1984/1314.

M10 1979 c. 4.

44 Selling by quantity.

Where any goods are required by or under this Part of this Act to be sold only by quantity expressed in a particular manner—

(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; and

(b) no person shall be guilty of an offence under section 25(1) above 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.

45 Making quantity known to a person.

(1) For the purposes of this Part of this Act, 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 taken 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,

(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.

(2) The Secretary of State may by order provide that subsection (3) below shall 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 Part of this Act with respect to the making known to the buyer of the quantity by weight of such goods sold by retail.

(3) In any case to which this subsection applies, the requirement specified in the order shall be taken 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.

46 Weighing in presence of a person.

For the purposes of this Part of this Act, a person shall not be taken 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 V

PACKAGED GOODS

Modifications etc. (not altering text)

C16 Part V (ss. 47–68)restricted (E.W.S.) by S.I. 1986/2049, **reg. 5(1)**

C17 Part V (ss. 47–68) modified (E.W.S.) by S.I. 1986/2049, **regs. 5(2)**(*a*)(*b*), 25(3)(4)(5)(6)(7), 26(3), Sch. 3

C18 Part V (ss. 47–68) applied (E.W.S.) with modifications by S.I. 1986/2049, **reg. 27**

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Quantity control

47 Duty of packers and importers as to quantity.

(1) It shall be the duty of a person who is the packer or importer of regulated packages to ensure that when a group of the packages marked with the same nominal quantity is selected in the prescribed manner and the packages in the group or such a portion of the group as is so selected are tested in the prescribed manner by an inspector—

(a) the total quantity of the goods shown by the test to be included in the packages tested divided by the number of those packages in not less than the nominal quantity on those packages, and

(b) the number of non-standard packages among those tested is not greater than the number prescribed as acceptable in relation to the number tested.

(2) It is hereby declared that a person discharges the duty imposed on him by subsection (1) above in respect of a group of packages if the quantity of goods in each package is or exceeds the nominal quantity on the package.

(3) Regulations in pursuance of subsection (1) above with respect to the manner of selecting or testing packages may, without prejudice to the generality of the powers to make regulations conferred by that subsection or to the generality of section 66(b) below make provision by reference to a document other than the regulations (which may be or include a code of practical guidance issued by the Secretary of State).

(4) Where, as a result of a test in respect of a group of packages which is carried out when the packages are in the possession of the packer or importer of the packages or another person, it is shown that the packer or importer of the packages has failed to perform the duty imposed on him by subsection (1) above in respect of the packages, then, without prejudice to the liability of the packer or importer under section 50(1) below in respect of the failure, it shall be the duty of the person in possession of the packages to keep them in his possession—

(a) except so far as he is authorised by or under regulations to dispose of them, or

(b) if he is the packer or importer of them, until he has performed his duty under subsection (1) above in respect of the group.

48 Duty of packers and importers as to marking of containers.

(1) It shall be the duty of a person who is the packer or importer of a regulated package to ensure that the container included in the package is marked before the prescribed time and in the prescribed manner with—

(a) a statement of quantity in prescribed units either of weight or of volume, as regulations require, and

(b) his name and address or a mark which enables his name and address to be readily ascertained by an inspector, or—

(i) if he is the packer of the package, the name and address of a person who arranged for him to make up the package or a mark which anables that name and address to be readily ascertained by an inspector.

(ii) if he is the importer of the package, the name and address of the packer of the package or of the person who arranged for the packer to make up the package or a mark which enables the name and address of the packer or that person to be readily ascertained by an inspector, and

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(c) if regulations so provide, a mark allocated to him by a scheme in pursuance of section 58 below for the purpose of enabling the place where the package was made up to be ascertained.

(2) If at the time when a regulated package is made up or imported the container included in the package is not marked with such a statement as is mentioned in paragraph (a) of subsection (1) above, it shall be the duty of the packer or, as the case may be, the importer of the package—

(a) to decide what statement he proposes to mark on the container in pursuance of that paragraph, and

(b) to make at that time, and to maintain for the prescribed period, a record of the statement.

(3) Until the time mentioned in subsection (1) above, or any earlier time at which the container is actually marked in the prescribed manner in pursuance of paragraph (a) of that subsection, it shall be treated for the purposes of this Part of this Act as marked with the statement in the record.

(4) A statement applied to a package in pursuance of subsection (1)(a) above shall be deemed not to be a trade description within the meaning of the [M11]trade Descriptions Act 1968.

Marginal Citations

M11 1968 c. 29.

49 Duties as to equipment, checks and documentation.

(1) It shall be the duty of a person who makes up packages either—

(a) to use suitable equipment of the prescribed kind in an appropriate manner in making up the packages, or

(b) to carry out at the prescribed time a check which is adequate to show whether he has performed the duty imposed on him by section 47(1) above in respect of the packages and—

(i) to used suitable equipment of the prescribed kind in an appropriate manner in carrying out the check, and

(ii) to make, and keep for the prescribed period, an adequate record of the check.

(2) It shall be the duty of a person who is the importer of regulated packages—

(a) to carry out at the prescribed time such a check as is mentioned in paragraph (b) of subsection (1) above and to comply with sub-paragraphs (i) and (ii) of that paragraph in connection with the check, or

(b) to obtain before the prescribed time, and to keep for the prescribed period, documents containing such information about the packages as is adequate to show that the person is likely to have complied with his duty under section 47(1) above in relation to the packages.

(3) Without prejudice to the generality of the powers to make regulations conferred by subsection (1) or (2) above or to the generality of section 66 below, regulations way provide—

(a) for equipment not to be suitable equipment for the purposes of the subsection in question unless it is made from materials and on principles specified in the regulations and is inspected, tested and certified as provided by the regulations,

(b) for questions as to the suitability of equipment, the appropriate manner of using equipment and the adequacy of checks, records and information to be determined for those purposes by reference to documents other than the regulations (which may be or include codes or parts of codes of practical guidance issued or approved by the Secretary of State), and

(c) that the use and the possession for use, for the purposes of subsection (1) or (2) above, of a thing which is suitable equipment for the purpose of the subsection in question shall not constitute a contravention of section 8(1)(b) above.

(4) Where regulations made by virtue of subsection (3)(a) above provide for inspection, testing and certification of equipment, a local weights and measures authority may charge such reasonable fees as they may determine for the inspection, testing and certification of the equipment.

Enforcement of control

50 Offences, etc.

(1) A person who fails to perform a duty imposed on him by section 47, 48 or 49 above shall be guilty of an offence.

(2) If a person purports to comply with his duty under—

(a) sub-paragraph (ii) of subsection (1)(b) of section 49 above, or

(b) that sub-paragraph as applied by subsection (2)(a) of that section,

by making a record which he knows is false in a material particular, he shall be guilty of an offence.

(3) If a person purports to comply with his duty under section 49(2)(b) above by reference to a document containing information which he knows is false in a material particular, he shall be guilty of an offence.

(4) If a person, with intent to deceive, alters—

(a) any record kept for the purposes of section 48(2) or 49(1)(b)(ii) above or section 49(1)(b)(ii) above as applied by section 49(2)(a) above, or

(b) any document kept for the purposes of section 49(2)(b) above,

he shall be guilty of an offence.

(5) If a person has in his possession for sale, agrees to sell or sells a regulated package which is inadequate and either—

(a) he is the packer or importer of the package, or

(b) he knows that the package is inadequate,

he shall be guilty of an offence.

(6) If the packer of a regulated package which is inadequate and which was made up by him in the course of carrying out arrangements with another person for the packer to make up packages delivers the package to or to the order of a person to whom it falls to be delivered in pursuance of the arrangements, the packer shall be guilty of an offence.

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(7) No action shall lie in respect of a failure to perform a duty imposed by section 47, 48 or 49 above.

51 Defences to certain charges under section 50.

(1) Where a person is charged with an offence under section 50(1) above of failing to perform the duty imposed on him by section 47(1) above in respect of any packages, it shall be a defence to prove that the test in question took place when the packages were not in his possession and by reference to a nominal quantity which was not on the packages when they were in his possession.

(2) Where the importer of packages is charged with an offence under section 50(1) above of failing to perform the duty imposed on him by section 47(1) above in respect of the packages, it shall be a defence to prove—

(a) that in respect of the packages the accused performed the duty imposed on him by paragraph (b) of section 49(2) above, and

(b) that within the prescribed period after obtaining the documents mentioned in that paragraph relating to the packages he took all reasonable steps to verify the information contained in the documents and that when the relevant test in pursuance of section 47(1) above began he believed and had no reason to disbelieve that the information was true, and

(c) that before the beginning of the period of seven days ending with the date when the hearing of the charge began he served on the prosecutor a copy of the said documents and a notice which stated that the accused intended to rely on them in proving a defence under this subsection, and

(d) that he took all reasonable steps to ensure that the quantity of goods in each of the packages did not alter while the packages were in his possession.

(3) Where a person is charged with an offence under section 50(1)

above of failing to perform the duty imposed on him by paragraph (b) of section 48(1) above in respect of a package, it shall be a defence to prove—

(a) that the container included in the package was marked at the time and in the manner mentioned in that subsection with a mark as to which he had, before that time, given notice to an inspector stating that the mark indicated a name and address specified in the notice, and

(b) that at that time the name and address were such as are mentioned in relation to him in that paragraph.

(4) Where a person is charged with—

(a) an offence under subsection (1) of section 50 above, or

(b) an offence alleged to have been committed by him, as the packer or importer of a package, under subsection (5) or (6) of that section.

it shall be a defence to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

52 Enforcement of Part V by local weights and measures authority.

(1) It shall be the duty of a local weights and measures authority to enforce the provisions of this Part of this Act within the area of the authority.

(2) Nothing in subsection (1) above authorises a local weights and measures authority to institute proceedings in Scotland for an offence

53 Powers of inspectors and local weights and measures authority under Part V.

Schedule 8 to this Act shall have effect.

Special provision for certain packages

54 Special provision for certain packages.

(1) Subsections (2) to (7) below apply only to packages containing goods of a prescribed quantity, and references to packages in those subsections shall be construed accordingly.

(2) If in the course of carrying on a business—

(a) a person marks a package with the EEC mark and is neither the packer not the importer of the package nor a person acting on behalf of the packer or importer of the package, or

(b) a person marks a package with a mark so closely resembling the EEC mark as to be likely to deceive,

he shall be guilty of an offence.

(3) For the purposes of this Part of this Act a person who brings a package marked with the EEC mark into the United Kingdom does not import the package if he shows that the package is from a member State of the Economic Community in which it was liable to be tested under a law corresponding to section 47(1) above and, except in such cases as are determined by or under regulations, has not since leaving that State been in a country which is not such a member State.

(4) Subject to subsection (6) below, it shall be the duty of—

(a) the packer of packages which are marked with the EEC mark and which he intends to export from the United Kingdom,

(b) a person who intends to import packages which are so marked and to export them from the United Kingdom to a place in another member State of the Economic Community, and

(c) a person who intends to import packages, to mark them with the EEC mark and to export them as mentioned in paragraph (b) above,

to give before the prescribed time and in the prescribed manner, to the local weights and measures authority for the area in which the packages were packed or, as the case may be, in which the place of intended import is situated, a notice containing such information about the packages as is prescribed and, in the case of a person who has given such a notice in pursuance of paragraph (b) or (c) above, such further information about the packages in question as an inspector may specify in a notice served on the person by the inspector.

(5) A person who fails without reasonable cause to perform a duty imposed on him by subsection (4) above shall be guilty of an offence.

(6) Regulations may enable an inspector to give notice to any person providing that, until an inspector informs the person in writing that the notice is cancelled, any paragraph of subsection (4) above which is specified in the notice shall not apply to the person

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or shall not apply to him as respects packages of a kind specified in the notice or a place so specified.

(7) In this section "the EEC mark" means such mark as may be prescribed; and, without prejudice to the generality of section 66 below, regulations prescribing a mark in pursuance of this subsection—

(a) may contain such provisions as the Secretary of State considers appropriate with respect to the dimensions of the mark and the manner and position in which it is to be applied to the container included in a package, and

(b) may provide for a mark which is not in accordance with those provisions to be disregarded for the purposes of prescribed provisions of this section

Co-ordination of control

55 The national Metrological Co-ordinating Unit

(1) . . . . . [F16]

(5) The Secretary of State may, out of money provided by Parliament, make payments to the Unit from time to time for the purpose of enabling the Unit to defray the whole or part of its expenses.

(6) . . . . . [F16]

Textual Amendments

F16 S. 55(1)–(4), (6) repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 1**

56 General duties of [[F17]Secretary of State].

(1) It shall be the duty of the **[**[F17]Secretary of State**]**—

(a) to keep under review the operation of this Part of this Act and to carry out such research in connection with the review as the **[**[F17]Secretary of State**]**considers appropriate;

(b) to make available, to local weights and measures authorities and to packers and importers of packages, such information as the **[**[F17]Secretary of State**]** considers appropriate in connection with the operation of this Part of this Act;

(c) to give advice to local weights and measures authorities—

(i) about arrangements to be made by them for the purpose of enforcing this Part of this Act within their area; and

(ii) about such other matters as the **[**[F17]Secretary of State**]**considers appropriate in connection with the operation of this Part of this Act;

(d) to seek to collaborate, with any authority in a place outside Great Britain appearing to the **[**[F17]Secretary of State**]**to have functions which correspond to those of the **[**[F17]Secretary of State**]**or to those conferred on a local weights and measures authority by this Part of this Act, about matters which are connected with packages and are of interest to the **[**[F17]Secretary of State**]**and the authority;

(e) . . . . . [F18]

(f) to make and maintain a record of the names and addresses of packers and importers of packages and of—

(i) the kinds of packages which they make up or import, and

(ii) the marks of which particulars have been furnished by them in pursuance of section 57 below;

(g) to make and maintain a record of the names and addresses of persons who make measuring container bottles in any member State of the Economic Community and of the marks put on the bottles for the purpose of enabling the makers of them to be identified;

(h) . . . . . [F18]

(2) In this section—

"measuring container bottle" has the same meaning as in the 1977 Regulations or, if regulations so provide, such other meaning as is prescribed, and

"the 1977 Regulations" means the [M12]Measuring Container Bottles (EEC Requirements) Regulations 1977.

Textual Amendments

F17 Words substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 2(b)**

F18 S. 56(1) paras. (e) and (h) repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 2(a)**

Marginal Citations

M12 S.I. 1977/932.

57 Power of [[F19]Secretary of State]to require packers and importers to furnish particulars of marks.

(1) The **[**[F19]Secretary of State**]**may serve, on any person carrying on business as a packer or importer of packages, a notice requiring him—

(a) to furnish the **[**[F19]Secretary of State**]**from time to time with particulars of the kind specified in the notice of any marks which, otherwise than in pursuance of section 48(1)(c) above, are applied from time to time to packages made up or as the case may be imported by him, for the purpose of enabling the place where the packages were made up to be ascertained, and

(b) if he has furnished particulars of a mark in pursuance of the notice and the mark ceases to be applied for that purpose to packages made up or imported by him, to give notice of the cesser to the **[**[F19]Secretary of State**]**;

but a notice given by the **[**[F19]Secretary of State**]**in pursuance of this subsection shall not require a person to furnish information which he does not possess.

(2) A person who without reasonable cause fails to comply with a notice served on him in pursuance of subsection (1) above shall be guilty of an offence.

Textual Amendments

F19 Words substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 3**

58 Duty of [[F20]Secretary of State]to prepare scheme allocating marks.

It shall be the duty of the **[**[F20]Secretary of State**]** —

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(a) **[**[F21]if he thinks fit**]**, to prepare a scheme which—

(i) allocates, to persons carrying on business as packers or importers of packages, marks from which there can be ascertained the places where packages made up or imported by them were made up, and

(ii) specifies the kinds of packages to which each mark is to be applied;

(b) to make from time to time such alterations of the scheme as the **[**[F20]Secretary of State**]**considers appropriate . . . [F22];

(c) to give, to each person to whom a mark is for the time being allocated by the scheme, a notice which specifies the mark, states that it has been allocated to him in pursuance of the scheme and specifies the kinds of packages to which it is to be applied.

Textual Amendments

F20 Words substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 4(a)**

F21 Words substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 4(b)**

F22 Words repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 4(c)**

59 Supervision by **[**[F23]Secretary of State**]**of certain functions of inspectors.

(1) The **[**[F23]Secretary of State**]**may serve on any local weights and measures authority a notice requiring the authority—

(a) to furnish the **[**[F23]Secretary of State**]**with information of such a kind as is specified in the notice (and, if the notice so provides, relating only to persons so specified or packages or measuring container bottles of a kind so specified) with respect to relevant functions which inspectors appointed by the authority have performed or propose to perform during a period so specified, or

(b) to arrange for the performance by an inspector, in relation to persons, premises or equipment specified in the notice or packages or measuring container bottles of a kind so specified and during a period so specified, of such relevant functions as are so specified and to make to the **[**[F23]Secretary of State**]**a report containing information of a kind so specified about the results of complying with the notice;

and, subject to subsection (4)(b)(ii) below, it shall be the duty of the authority to comply with the requirements of the notice.

(2) in subsection (1) above "relevant functions" means—

(a) the function of carrying out a test in pursuance of section 47(1) above,

(b) functions conferred on an inspector—

(i) by paragraphs 1 and 5 of Schedule 8 to this Act, and

(ii) by regulation 8(1)

of the 1977 regulations (inspection for the purposes of those regulations), and

(c) such other functions conferred on an inspector by this Part of this Act as are prescribed.

(3) In relation to a notice served in pursuance of subsection (1)(b) above the inspector in question shall be treated as having such reasonable cause as is mentioned in paragraph 1(a) and (b) of Schedule 8 to this Act and regulation 8(1)(b) of the 1977 Regulations.

(4) If the **[**[F24]Secretary of State**]**is of the opinion that a local weights and measures authority has not complied with a requirement contained in a notice served on the authority in pursuance of subsection (1) above, **[**[F25]he**]**may—

(a) serve a notice on the authority requiring it to comply with the requirement within a period specified in the notice; or

(b) in the case of a requirement in pursuance of subsection (1) (b) above—

(i) make such arrangements as the Secretary of State considers appropriate for securing that the requirement is complied with by persons acting on his behalf

(ii) serve on the authority a notice stating that he proposes to make the arrangements and prohibiting the authority from complying with the requirement,

(iii) by an instrument in writing appoint a person specified in the instrument to be an inspector for the purpose of carrying out the arrangements and to exercise accordingly for that purpose any power which by virtue of this Part of this Act or the 1977 Regulations is conferred on an inspector, and

(iv) recover from the authority the reasonable cost of making and carrying out the arrangements.

(5) In this section "measuring container bottle" and "the 1977 Regulations" have the meanings given by section 56(2) above.

Textual Amendments

F23 Words substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 5(a)**

F24 Words substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 5(b)(i)**

F25 Word substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 5(b)(ii)**

60 . . . . . [F26]

Textual Amendments

F26 Ss. 60, 61 repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 6**

61 . . . . . [F27]

Textual Amendments

F27 Ss. 60, 61 repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 6**

62 Power to extend or transfer Unit's functions and to abolish Unit.

(1) The Secretary of State may by order confer on the Unit such functions as he thinks fit in addition to the functions conferred on the Unit by this Act.

(2) The Secretary of State may by order—

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(a) transfer any function of the Unit to himself;

(b) establish a body and transfer to it any function of the Unit and any function transferred by virtue of paragraph (a) above;

(c) where all the functions of the Unit are transferred by virtue of paragraphs (a) and (b) above, abolish the Unit.

(3) An order made by virtue of this section may—

(a) make such modifications—

(i) of section 55(1)

to (4) and (6) above and Schedule 9 to this Act, and

(ii) of references to the Unit in any provision of this Act except section 55,

as the Secretary of State considers appropriate in connection with the conferring or transfer of any function, the establishment of a body or the abolition of the Unit in pursuance of this section;

(b) contain such supplemental and transitional provisions as the Secretary of State considers appropriate in that connection.

(4) The Secretary of State may make payments out of money provided by Parliament to any body established by virtue of this section for the purpose of enabling the body to defray its expenses.

Instructions by inspectors

63 Instructions by inspectors.

(1) If an inspector has reasonable cause to believe that a person has failed to perform the duty imposed on him by section 47(1) above in relation to a group of packages, the inspector may give to the person in possession of the packages instructions in writing—

(a) specifying the packages, and

(b) requiring that person to keep the packages at a place specified in the instructions and at the disposal of the inspector for the period of twenty-four hours beginning with the time when the inspector gives him the instructions or for such shorter period as the inspector may specify.

(2) If an inspector has reasonable cause to believe that a person has failed to perform the duty imposed on him by section 49(1) or (2) above, the inspector may give to that person such instructions in writing as the inspector considers appropriate with a view to ensuring that that person does not subsequently fail to perform that duty.

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

(4) Where under subsection (3) above a person gives to an inspector notice of objection to instructions, it shall be the duty of the inspector to refer the instructions to **[**[F28]the Secretary of State**]**

(5) . . . . . [F29]

(6) Where instructions are referred to the Secretary of State in pursuance of **[**[F30]subsection (4) above**]**, it shall be his duty—

(a) to invite representations in writing about the instructions . . . [F31], from the inspector who gave them and from the person to whom they were given,

(b) to consider any representations made in response to the invitations within the periods specified in the invitations,

(c) to direct that the instructions shall come into force, without modifications or with modifications specified in the direction, on a day so specified or that they shall not come into force, and

(d) to give notice of the direction . . . [F32], to the inspector and to the person in question.

(7) Where—

(a) instructions have been given to a person under subsection (1) above, or

(b) instructions given to a person under subsection (2) above have come into force (or have come into force with modifications) in accordance with subsections (3) to (6) above,

he shall be guilty of an offence if without reasonable cause he fails to comply with those instructions (or, as the case may require, those instructions with modifications).

Textual Amendments

F28 Words substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 7(a)**

F29 S. 63(5) repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 7(b)**

F30 Words substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 7(c)(i)**

F31 Word repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 7(c)(ii)**

F32 Words repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 7(c)(iii)**

Miscellaneous

64 Disclosure of information.

(1) If a person discloses information which—

(a) relates to a trade secret or secret manufacturing process, and

(b) was obtained by him by virtue of this Part of this Act when he was—

(i) . . . . . [F33]

(ii) . . . . . [F33]

(iii) an inspector,

(iv) a person who accompanied an inspector by virtue of paragraph 3(1) of Schedule 8 to this Act, or

(v) a person appointed by the Secretary of State in pursuance of section 59(4)(b)(iii) above,

he shall be guilty of an offence unless the disclosure was made in the performance of his duty as a member, inspector or other person mentioned in paragraph (b) above, or, in the case of an inspector, was made **[**[F34]to the Secretary of State in consequence of a request by him.**]**

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(2) For the purposes of subsection (1) above information disclosing the identity of the packer of a package or the identity of the person who arranged with the packer of a package for the package to be made up shall be treated as a trade secret unless the information has previously been disclosed in a manner which made it available to the public.

Textual Amendments

F33 S. 64(1)(b)(i), (ii) repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 8(a)**

F34 Words substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 8(b)**

65 Power to modify Part V.

Regulations may provide—

(a) that in relation to packages of a prescribed kind the provisions of this Part of this Act, except this section, shall have effect with prescribed modifications;

(b) for the said provisions to apply, with prescribed modifications, to goods of a prescribed kind which are not comprised in packages.

66 Regulations under Part V.

Without prejudice to section 86(1) below, any power to make regulations conferred by this Part of this Act includes power—

(a) to make provision relating only to specified circumstances,

(b) to make provision by reference to documents which do not form part of the regulations, and

(c) to include in the regulations such supplemental and incidental provisions as the Secretary of State considers appropriate.

67 Service of documents.

(1) Any document required or authorised by virtue of this Part of this Act to be served on a person may be so served—

(a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address, or

(b) if the person is a body corporate, by serving it in accordance with paragraph (a) above on the secretary or clerk of that body, or

(c) if the person is a partnership, by serving it in accordance with paragrah (a) above on a partner or on a person having the control or management of the partnership business.

(2) for the purposes of subsection (1) above and of section 7 of the [M13]Interpretation Act 1978 (which relates to the service of documents by post) in its application to that subsection, the proper address of any person on whom a document is to be served by virtue of this Part of this Act shall be his last known address except that—

(a) in the case of service on a body corporate or its secretary or clerk, it shall be the address of the registered or principal office of the body, and

(b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the principal office of the partnership;

and for the purposes of this subsection, the principal office of a company registered outside the United Kingdom or a partnership carrying on business outside the Kingdom is its principal office within the United Kingdom.

Marginal Citations

M13 1978 c. 30.

68 Interpretation of Part V.

(1) In this Part of this Act—

"container" includes any wrapping;

"goods", in relation to a package, excludes the container included in the package;

"importer", in relation to a package, means, subject to section 54(3), above, the person by whom or on whose behalf the package is entered for customs purposes on importation;

"modifications" includes additions, omissions and alterations;

"nominal quantity", in relation to a package, means the units of weight or volume prescribed for the package and the number of them in the statement of quantity marked on the container included in the package (any other matter in the statement being disregarded);

"notice" means notice in writing;

"package" means, subject to section 54(1) above, a container containing prescribed goods together with the goods in the container in a case where—

(a) the goods are placed for sale in the container otherwise than in the presence of a person purchasing the goods, and

(b) none of the goods can be removed from the container without opening it;

"packer" means, in relation to a package, the person who placed in the container included in the package the goods included in it;

"regulated package" means any package which—

(a) was made up in the United Kingdom on or after the date on which the goods in the package became prescribed goods, or

(b) was imported on or after that date;

"regulations" means regulations made by the Secretary of State by virtue of this Part of this Act;

"the Unit" means the National Metrological Co-ordinating Unit.

(2) For the purposes of this Part of this Act a package—

(a) is non-standard if the quantity of the goods it contains is less by more than a prescribed amount than the nominal quantity on the package, and

(b) is inadequate if the quantity of the goods it contains is less by more than twice that amount than the nominal quantity on the package.

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(3) Regulations may make provision, in relation to a package which contains more than one container or goods of more than one kind, as to which of the containers or goods shall be disregarded for the purposes of prescribed provisions of this Part of this Act.

(4) If two or more different nominal quantities are marked on a package, each of those quantities except the one which indicates the larger or largest quantity shall be disregarded for the purposes of this Part of this Act.

PART VI

ADMINISTRATION

Local administration

69 Local weights and measures authorities.

(1) In England, the local weights and measures authority shall be—

(a) for each non-metropolitan county, metropolitan district and London borough, the council of that county, district or borough,

(b) for the City of London and the Inner and Middle Temples, the Common Council of the City of London, and

(c) for the Isles of Scilly, the Council of the Isles of Scilly.

(2) In Wales, the local weights and measures authority for each county shall be the county council.

(3) In Scotland, the local weights and measures authority for each region or islands area shall be the regional or islands council.

(4) The Secretary of State, after consultation with any local weights and measures authority appearing to him 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.

(5) A local weights and measures authority may make, or assist in the making of, arrangements to provide advice to or for the benefit of consumers of goods and services within the area of the authority.

(6) F35

Textual Amendments

F35 S. 69(6) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. IV**

70 Annual reports by local weights and measures authorities.

(1) Each local weights and measures, authority shall, in respect of each financial year of the authority, make to the Secretary of State by such date as he may direct a report

on the operation during that year of the arrangements made to give effect in that authority's area—

(a) to the purposes of this Act, and

(b) to functions relating to weights and measures which are conferred on the authority otherwise than by or under this Act and which are specified, in a notice in writing given to the authority by the Secretary of State and not withdrawn, as functions to which this paragraph applies.

(2) Any report under subsection (1) above shall be in such form and contain such particulars of such matters as the Secretary of State may direct.

(3) Any report made to the Secretary of State under this section may be published by the local weights and measures authority by whom it is made.

(4) The Secretary of State may include the whole or any part of, or any information contained in, any such report, whether published or not, in any statement which may be made or published by the Secretary of State with respect to such arrangements as are mentioned in subsection (1) above either generally or in any particular area.

71 Inspection of local weights and measures arrangements.

(1) The Secretary of State 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 70 above.

(2) Any such inspection shall be carried out by an officer of the Secretary of State authorised in that behalf by the Secretary of State.

(3) The officer—

(a) may examine any equipment or records kept in connection with those arrangements,

(b) may require any inspector having duties under those arrangements to give such assistance and information as the officer may reasonably specify, and

(c) may make reasonable enquiries of any person who appears to the officer likely to be able to give him information concerning the operation of those arrangements.

(4) The officer by whom any inspection under this section is made shall report its results in writing to the Secretary of State.

(5) The Secretary of State shall send a copy of the 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.

(6) The Secretary of State may, if he thinks fit, publish any such report in whole or in part.

Inspectors of weights and measures

72 Appointment of inspectors.

(1) Each local weights and measures authority shall from time to time appoint from among persons holding certificates of qualification under section 73 below, and reasonably remunerate—

(a) a chief inspector of weights and measures, and

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(b) 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.

(2) Any person appointed under subsection (1) above shall hold office during the pleasure of the authority by whom he was appointed.

(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.

(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 said arrangements to authorise him so to do, and when so authorised shall have all the powers of a chief inspector.

73 Certificate of qualification to act as inspector.

(1) The Secretary of State 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.

(2) The Secretary of State may if he thinks fit arrange with some other person for that person to hold examinations for the purpose mentioned in subsection (1) above.

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

(4) There shall be charged in respect of any examination which is held by the Secretary of State under this section such fees as the Secretary of State may from time to time with the approval of the Treasury determine.

74 Performance by inspectors of additional functions.

(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.

(2) Where a service is provided under subsection (1) above, the local weights and measures authority shall charge such reasonable fees as they may determine in connection with it.

(3) 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 a service provided under subsection (1) above or otherwise, the adjustment for those purposes of weighing or measuring equipment of any description.

(4) Without prejudice to the functions 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.

75 Offences in connection with office of inspector.

(1) Any inspector who—

(a) stamps any weighing or measuring equipment in contravention of any provisoin of this Act or of any instrument made under this Act or without duly testing it, or

(b) 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 otherwise misconducts himself in the execution of his office,

shall be guilty of an offence.

(2) If any person who is not an inspector acts or purports to act as an inspector, he shall be guilty of an offence.

Fees

76 Fees for performance of Community obligations.

A local weights and measures authority may charge such reasonable fees as they may determine—

(a) for services or facilities provided by them, or by the inspectors appointed for their area, in pursuance of a Community obligation, and

(b) for authorisations, certificates or other documents issued by the authority or any such inspector in pursuance of a Community obligation.

77 Reduction of fees.

Where a person gives assistance in connection with the inspection, testing or stamping of weighing or measuring equipment by an inspector, the local weights and measures authority may reduce, by sum which the authority considers is reasonable by reference to the assistance, the amount of any payment falling to be made by that person to the inspector in respect of the inspection, testing or stamping.

78 Fees received by inspectors.

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 his duties.

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PART VII

GENERAL

Enforcement and legal proceedings

79 General powers of inspection and entry.

(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—

(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 an premises for such use,

(b) inspect any goods to which any of the provisions of Part IV of this Act or any instrument made under that Part for the time being applies or which he has reasonable cause to believe to be such goods, and

(c) enter any premises at which he has reasonable cause to believe there to be any such equipment or goods, 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 for which he was appointed inspector seize and detain—

(a) any article which he has reasonable cause to believe is liable to be forfeited under Part II or IV of this Act, and

(b) any document or goods which the inspector has reason to believe may be required as evidence in proceedings for an offence under this Act (except an offence under Part V).

(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) above are on any premises, or that any offence under this Act or any instrument made under it (except offence under Part V or any instrument made under that Part) 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.

(4) In the application of subsection (3) above to Scotland, "justice of the peace" includes a sheriff.

(5) An inspector entering any premises by virtue of this section may take with him such persons and such equipment as may appear to him necessary.

(6) An inspector who leaves premises which he has entered by virtue of a warrant under subsection (3) above and which are unoccupied or from which the occupier is

temporarily absent shall leave the premises as effectively secured against trespassers as he found them.

(7) 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 secret manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.

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

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

80 Obstruction of inspectors.

Any person who wilfully obstructs an inspector acting in pursuance of this Act shall be guilty of an offence.

81 Failure to provide assistance or information.

(1) Any person who—

(a) wilfully fails to comply with any requirement properly made of him by an inspector under section 38, 39 or 40 above, or

(b) without reasonable cause fails to give to any inspector acting in pursuance of this Act 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 Part II, III, IV or VI of this Act or under this Part of this Act,

shall be guilty of an offence.

(2) If any person, in giving to an inspector any such information as is mentioned in subsection (1) above, 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.

(4) Subsection (1) of section 14 of the [M14]Civil Evidence Act 1968 (which relates to the privilege against self-incrimination shall apply to the right conferred by subsection (3) above as it applies to the right described in subsection (1) of that section; but this subsection does not extend to Scotland.

Marginal Citations

M14 1968 c. 64.

82 Offences by corporations.

(1) Where an offence under, or under any instrument made under, this Act 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

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was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) In subsection (1) above "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 its members, means a member of that body corporate.

83 Prosecution of offences.

(1) Subject to subsection (2) below, in England and Wales, proceedings for any offence under this Act or any instrument made under this Act, other than proceedings for an offence under section 64, 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 section 57(2)

above shall not be instituted in England or Wales except by or on behalf of the Director of Public Prosecutions or the National Metrological Co-ordinating Unit.

(3) Proceedings for an offence under any provision contained in, or having effect by virtue of, Part IV or V of this Act, other than proceedings for an offence under section 33(6), 57(2) or 64 or proceedings by virtue of section 32, shall not be instituted—

(a) unless there has been served on the person charged a notice in writing of the date and nature of the offence alleged and, except in the case of an offence under section 50, 54 or 63 or Schedule 8, 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 were the person charged is a street trader, unless the said notice was served before the expiration of the period of thirty days beginning with the date when evidence which the person proposing to institute the proceedings considers is sufficient to justify a prosecution for the offence came to his knowledge; or

(c) after the expiration of the period—

(i) of twelve months beginning with the date mentioned in paragraph (a) above, or

(ii) of three months beginning with the date mentioned in paragraph (b) above,

whichever first occurs.

(4) Such a notice as is mentioned in subsection (3)(a) above 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.

(5) For the purposes of subsection (3) above—

(a) a certificate of a person who institutes proceedings for an offence mentioned in that subsection which states that evidence came to his knowledge on a particular date shall be conclusive evidence of that fact; and

(b) a document purporting to be a certificate of such a person and to be signed by him or on his behalf shall be presumed to be such a certificate unless the contrary is proved.

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84 Penalties.

(1) A person guilty of an offence under any of the provisions of this Act specified in subsection (2) below shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) The provisions of this Act to which subsection (1) above refers are—

section 8(4);
section 9(4);
section 10(2);
section 11(3);
section 11(14);
section 13(1);
section 13(2);
section 13(3);
section 14(3);
section 14(5);
section 15(3);
section 15(5);
section 18(3);
section 20(2);
section 20(4);
section 20(7);
section 20(8);
paragraphs 4 and 5 of Schedule 4;
paragraph 28(3) of Schedule 5.

(3) A person guilty of an offence under paragraph 24(4)

of Schedule 5 to this Act shall be liable on summary conviction to a fine not exceeding £2,000.

(4) A person guilty of an offence—

(a) under section 17(3), 20(3)(b) or 50(2), (3) or (4) above, or
(b) under paragraph 10 of Schedule 5 to this Act,

shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.

(5) A person guilty of an offence under section 64 or 79(7) above shall be liable, on summary conviction, to a fine not exceeding the statutory maximum and, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(6) A person guilty of an offence under any provision of this Act other than those mentioned in subsections (1) to (5) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(7) The Secretary of State may by order alter the penalty imposed by subsection (3) above but such an order shall not impose any penalty exceeding that provided by subsection (6) above.

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85 Determination of certain questions by Secretary of State.

(1) Where in any proceedings for an offence under this Act or any instrument made under it, except proceedings for an offence under Part V or any instrument made under that Part, 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 Secretary of State, whose decision shall be final.

(2) Except where in any particular proceedings the Secretary of State waives his rights under this subsection, any expenses incurred by the Secretary of State in making any test for the purpose of determining any question referred to him under subsection (1) above shall be paid by such of the parties to the proceedings as the court may by order direct.

Miscellaneous and supplementary

86 Regulations and orders.

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

(2) Before making—

(a) an order under any provision of this Act except section 11(16), 43(2), 62, 69(4) or 94(2) or paragraph 7 of Schedule 11, or

(b) regulations under section 9 or Part V of this Act,

the Secretary of State shall consult such organisations as appear to him to be representative of interests substantially affected by the order or regulations.

(3) In the case of an order made under section 1(3) or 8(6) above which relates to imperial units, measures or weights, the Secretary of State in acting under subsection (2) above shall have particular regard to the need to consult organisations representative of the interests of consumers.

(4) Before making an order under section 62 above, the Secretary of State shall consult an organisation which in his opinion represents such local authorities (within the meaning of section 55(3) above) as he considers appropriate in connection with the proposal.

(5) An order under any provision of this Act except section 11(16), 43(2), 69(4) or 94(2) or paragraph 7 of Schedule 11 shall not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

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

87 Secretary of State to report to Parliament.

The Secretary of State 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 on the exercise of his functions under this Act, except Part V.

88 Application to Crown.

(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 under it 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 subsection (1) above, an Order in Council 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) A statutory instrument containing an Order in Council made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

89 Saving for use of certain units in wholesale transactions.

(1) Except as the Secretary of State may by order otherwise provide, and subject to subsection (2) below, nothing in this Act shall make unlawful the use in any transaction, by agreement between the parties to that transaction, of any unit of measurement which—

(a) was customarily used for trade in the like transactions immediately before 31st July 1963, 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 included in Parts I to V of that schedule.

(2) Subsection (1) above shall not apply in relation to—

(a) any retail transaction, or

(b) any transaction with respect to which provision to the contrary effect is made by or under Part IV of this Act.

90 Saving for certain rights in City of London.

(1) Subject to subsection (2) below, 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.

(2) 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.

91 Validity of contracts.

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

92 Spelling of “gram”, etc.

No provision contained in or made under this or any other Act prevents the use of “gram” or “gramme” as alternative ways of spelling that unit, and the same applies for other units in the metric system which are compounds of “gram”.

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93 Powers under other Acts with respect to marking of food.

Any power to make provision by statutory instrument with respect to the marking of any food which is conferred on any person other than the Secretary of State by any Act passed before 31st July 1963 or by the **[**[F36]Food Safety Act 1990**]**shall not extend to the marking of such food with a statement of its quantity by weight or other measurement or by number.

Textual Amendments

F36 Words substituted by Food Safety Act 1990 (c.16, SIF 53:1, 2), s. 59(1), **Sch. 3 para. 34**

94 General interpretation.

(1) Except where the context otherwise requires, in 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;

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

"container" except in Part V, includes any form of packaging of goods for sale as a single item, whether by way of wholly or partly enclosing the goods or by way of attaching the goods to, or winding the goods round, some other article, and in particular includes a wrapper or confining band;

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

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

"Department of Trade and Industry standards" means the secondary, tertiary and coinage standards maintained by the Secretary of State under section 3 above;

"drugs" and "food" have the same meanings respectively as for the purposes of the **[**[F37]Food Safety Act 1990**]**;

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

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

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

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

"intoxicating liquor" means spirits, beer, wine, made-wine or cider as defined in section 1 of the [M15]Alcoholic Liquor Duties Act 1979;

"local standard" means a standard maintained under section 4 above;

"mark" includes label;

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

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

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

"prescribed" means prescribed by the Secretary of State by regulations'

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

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

"stamp" means a mark for use as evidence of the passing of weighing or measuring equipment as fit for use for trade, whether applied by impressing, casting, engraving, etching, branding, or otherwise, and cognate expressions shall be construed accordingly;

F38 . . .

F38 . . .

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

"testing equipment" means testing equipment maintained under section 5 above;

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

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

"weighing or measuring equipment" means equipment for measuring in terms of length, area, volume, capacity, weight or number, whether or not the equipment is constructed to give an indication of the measurement made or other information determined by reference to that measurement;

"working standard" means a standard maintained under section 5 above.

(2) In any provision of this Act "designated country" means such, if any, of the following, that is to say, Northern Ireland, any of the Channel Islands and the Isle of Man, as the Secretary of State, having regard to the law for the time being in force there, thinks it proper to designate for the purposes of that provision by order.

(3) On any premises where articles of any description are—

(a) made up in advance ready for retail sale in or on a container, or

(b) kept or stored for sale after being so made up,

any article of that description found made up in or on a container shall be deemed to be pre-packed unless the contrary is proved; and it shall not be sufficient proof of the contrary to show that the container has not been marked in accordance with the requirements of this Act or any instrument made under it with respect to the pre-packing of such articles.

(4) Except where the context otherwise requires, any reference in this Act to any person, other than a reference to an inspector, shall be construed as a reference to that person or some other person acting on his behalf in the matter in question.

Textual Amendments

F37 Words substituted by Food Safety Act 1990 (c.16, SIF 53:1, 2), s. 59(1), **Sch. 3 para. 34**

F38 Definitions of "standard scale" and "statutory maximum" in s. 94(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV**

Marginal Citations

M15 1979 c. 4.

95 Application to Northern Ireland.

Schedule 10 to this Act shall have effect in relation to Northern Ireland but, except as provided in that Schedule, this Act shall not extend to Northern Ireland.

96 Transitional provisions and savings.

(1) Schedule 11 to this Act (which contains transitional provisions and savings) shall have effect.

(2) The re-enactment—

(a) in section 84(3) of, and Part IV of Schedule 5 to, this Act, of provisions contained in the [M16]Weights and Measures (Solid Fuel) (Carriage by Rail) Order 1966, and

(b) in paragraphs 12 to 17, 22 and 25 of Schedule 11 to this Act, of provisions contained in the [M17]Units of Measurement Regulations 1978 and the [M18]Units of Measurement Regulations 1980,

shall be without prejudice to the validity of those provisions; and any question as to the validity of any of those provisions shall be determined as if the re-enacting provision of this Act were contained in a statutory instrument made under the powers under which the original provision was made.

(3) The provisions of Schedule 11 to this Act are without prejudice to the operation of sections 16 and 17 of the [M19]Interpretation Act 1978 (which relate to the effect of repeals).

Marginal Citations

M16 S.I. 1966/238.

M17 S.I. 1978/484.

M18 S.I. 1980/1070.

M19 1978 c. 30.

97 Consequential amendments.

Schedule 12 to this Act shall have effect.

Status: *Point in time view as at 01/10/1995. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Weights and Measures Act 1985. (See end of Document for details)*

98 Repeals and revocations.

(1) The enactments specified in Part I of Schedule 13 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) The instruments specified in Part II of Schedule 13 to this Act are hereby revoked to the extent specified in the third column of that Schedule.

99 Short title and commencement.

(1) This Act may be cited as the Weights and Measures Act 1985.

(2) Except as provided by section 43(2) above, this Act shall come into force at the end of the period of three months beginning with the day on which it is passed.

Status: *Point in time view as at 01/10/1995. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Weights and Measures Act 1985. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Sections 1(2), 8(1).

DEFINITIONS OF UNITS OF MEASUREMENT

PART I

MEASUREMENT OF LENGTH

Imperial units

F39	**F39**
. . .	. . .
F39	**F39**
. . .	. . .
F39	**F39**
. . .	. . .
F39	**F39**
. . .	. . .

Textual Amendments

F39 Sch. 1 Pts. I, II: entries omitted (1.10.1995) by virtue of S.I. 1994/2867, **reg. 6(5)(a)**

Metric units

Kilometre =	1000 metres.
METRE	is the length of the path travelled by light in vacuum during a time interval of 1/299 792 458 of a second.
Decimetre =	1/10 metre.
Centimetre =	1/100 metre.
Millimetre =	1/1000 metre.

Status: *Point in time view as at 01/10/1995. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Weights and Measures Act 1985. (See end of Document for details)*

PART II

MEASUREMENT OF AREA

Imperial units

F40	**F40**
. . .	. . .
F40	**F40**
. . .	. . .
F40	**F40**
. . .	. . .

Textual Amendments
F40 Sch. 1 Pts. I, II: entries omitted (1.10.1995) by virtue of S.I. 1994/2867, **reg. 6(5)(a)**

Metric units

Hectare =	100 ares.
Decare =	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

MEASUREMENT OF VOLUME

Metric units

CUBIC METRE =	a volume equal to that of a cube each edge of which measures one metre.
Cubic decimetre =	1/1000 cubic metre.
Cubic centimetre =	1/1000 cubic decimetre.
Hectolitre =	100 litres.
LITRE =	a cubic decimetre.
Decilitre =	1/10 litre.

Status: *Point in time view as at 01/10/1995. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Weights and Measures Act 1985. (See end of Document for details)*

Centilitre =	1/100 litre.
Millilitre =	1/1000 litre.

PART IV

MEASUREMENT OF CAPACITY

Imperial units

F41	F41
. . .	. . .
F41	F41
. . .	. . .
[F42PINT=]	[F42 0.568 261 25 cubic decimetre.]
F41	F41
. . .	. . .
Fluid ounce =	1/20 pint.

Textual Amendments

F41 Sch. 1 Pt. IV: definitions of "gallon", "quart" and "gill" omitted (1.10.1995) by virtue of S.I. 1994/2867, **reg. 6(5)(b)(i)**

F42 Sch. 1 Pt. IV: definition substituted (1.10.1995) by S.I. 1994/2867, **reg. 6(5)(b)(ii)**

Metric units

Hectolitre =	100 litres.
LITRE =	a cubic decimetre.
Decilitre =	1/10 litre.
Centilitre =	1/100 litre.
Millilitre =	1/1000 litre.

PART V

MEASUREMENT OF MASS OR WEIGHT

Imperial units

POUND =	0·453 592 37 kilogram.
Ounce =	1/16 pound.

Ounce troy =	12/175 pound.

Metric units

Tonne, metric tonne =	1000 kilograms.
KILOGRAM=	is the unit of mass; it is equal to the mass of the international prototype of the kilogram.
Hectogram =	1/10 kilogram.
Gram =	1/1000 kilogram.
Carat (metric) =	1/5 gram.
Milligram =	1/1000 gram.

[[F43]PART VI

DEFINITIONS OF CERTAIN UNITS WHICH MAY NOT BE USED FOR TRADE EXCEPT AS SUPPLEMENTARY INDICATIONS]

Textual Amendments

F43 Sch. 1 Pt. VI substituted (1.10.1995) by S.I. 1994/2867, **reg. 6(5)(c)**

			Measurement of length
Mile	=	1760 yards.	
Furlong	=	220 yards.	
Chain	=	22 yards.	
YARD	=	0.9144 metre.	
Foot	=	1/3 yard.	
Inch	=	1/36 yard.	
			Measurement of area
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.	

Status: *Point in time view as at 01/10/1995. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Weights and Measures Act 1985. (See end of Document for details)*

		Measurement of volume
Cubic yard	=	a volume equal to that of a cube each edge of which measures one yard.
Cubic foot	=	1/27 cubic yard.
Cubic inch	=	1/1728 cubic foot.
		Measurement of capacity
Bushel	=	8 gallons.
Peck	=	2 gallons
GALLON	=	4.54609 cubic decimetres.
Quart	=	¼ gallon.
Gill	=	¼ pint.
Fluid drachm	=	1/8 fluid ounce.
Minim	=	1/60 fluid drachm.
		Measurement of mass or weight
Ton	=	2240 pounds.
Hundredweight	=	112 pounds.
Cental	=	100 pounds.
Quarter	=	28 pounds.
Stone	=	14 pounds.
Dram	=	1/16 ounce.
Grain	=	1/7000 pound.
Pennyweight	=	24 grains.
Ounce apothecaries	=	480 grains.
Drachm	=	1/8 ounce apothecaries.
Scruple	=	1/3 drachm.
Metric ton	=	1000 kilograms.
Quintal	=	100 kilograms.

PART VII

MEASUREMENT OF ELECTRICITY

1.	(a) AMPERE	is that constant current which, if maintained in two straight

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		parallel conductors of infinite length, of negligible circular cross-section and placed 1 metre apart in vacuum, would produce between these conductors a force equal to 2×10^{-7} newton per metre of length.
	(b) OHM	is the electric resistance between two points of a conductor when a constant potential difference of 1 volt, applied between the two points, produces in the conductor a current of 1 ampere, the conductor not being the seat of any electromotive force.
	(c) VOLT	is the difference of electric potential between two points of a conducting wire carrying a constant current of 1 ampere when the power dissipated between these points is equal to 1 watt.
	(d) WATT	is the power which in one second gives rise to energy of 1 joule.
2.	Kilowatt	= 1000 watts.
	Megawatt	= one million watts.

SCHEDULE 2

EXISTING UNITED KINGDOM PRIMARY STANDARDS ANDAUTHORISED COPIES

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 2½ 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 about½ 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

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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 "0°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.

PART IV

DESCRIPTION OF UNITED KINGDOM PRIMARY STANDARD OF THE KILOGRAM

The British copy of the prototype kilogram, 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 as that bar and cylinder are respectively marked and deposited as follows—

(a) a bronze bar marked "Copper 16 oz. Tin 2½ Zinc 1 Mr. Baily's Metal No. 2 STANDARD YARD at 61°·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 2½ Zinc 1 Mr. Baily's Metal No. 3 STANDARD YARD at 62°·10 Faht. Cast in 1845 Troughton & Simms, LONDON.",

and a platinum cylinder marked "No. 2 PC 18441 lb", deposited at the premises of the Royal Society;

(c) a bronze bar marked "Copper 16 oz. Tin 2½ Zinc 1 Mr. Baily's Metal No. 5 STANDARD YARD at 62°·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 2½ Zinc 1 Mr. Baily's Metal No, 4 STANDARD YARD at 61°·98 Faht. Cast in 1845 Troughton & Simms, LONDON.", and a platinum cylinder marked "No. 4 PC 18441 lb", immured in the Palace of Westminster;

(e) a bronze bar marked "Copper 16 oz. Tin 2½ inc 1. BAILY'S METAL. PARLIAMENTARY COPY (VI) OF THE IMPERIAL STANDARD YARD. 41 & 42 VICTORIA, CHAPTER 49. STANDARD YARD AT 62° FAHT. CAST IN 1878. Troughton & Simms. London. H.J.C.", and a platinum-iridium cylinder marked "P.C. 5 1879" deposited at the National Weights and Measures Laboratory of the Department of Trade and Industry.

SCHEDULE 3

Section 8(1).

MEASURES AND WEIGHTS LAWFUL FOR USE FOR TRADE

PART I

LINEAR MEASURES

[F44]1.. . .

Textual Amendments

F44 Sch. 3 Pt. I para. 1 omitted (1.10.1995) by virtue of S.I. 1994/2866, **art. 3(3)(a)**

Metric system

2. Measures of—

50 metres	2 metres
30 metres	1·5 metres
20 metres	1 metre
10 metres	0·5 metre
5 metres	1 decimetre
3 metres	1 centimetre

Status: *Point in time view as at 01/10/1995. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Weights and Measures Act 1985. (See end of Document for details)*

PART II

SQUARE MEASURES

[F45]1. . . .

Textual Amendments

F45 Sch. 3 Pt. II para. 1 omitted (1.10.1995) by virtue of S.I. 1994/2866, **art. 3(3)(a)**

Metric system

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

PART III

CUBIC MEASURES

Metric system

1. Measures of, or of any multiple of, 0\1 cubic metre.

2. Measures of—

any multiple of 10 litres

10 litres	100 millilitres
5 litres	50 millilitres
2·5 litres	25 millilitres
2 litres	20 millilitres
1 litre	10 millilitres
500 millilitres	5 millilitres
250 millilitres	2 millilitres
200 millilitres	1 millilitre

PART IV

CAPACITY MEASURES

Imperial system

1. Measures of—

any multiple of 1 gallon

F46	**F46**
. . . [F47 16 pints]	. . .
F46	**F46**
. . . [F47 8 pints]	. . .
F46	**F46**
. . . [F47 4 pints]	. . .
[F47 2 pints]	
1 pint	**F46**
	. . .
½ pint	**F46**
	. . .
F46	**F46**
. . .	. . .
1/3pint	**F46**
	. . .
F46	**F46**
. . .	. . .

Textual Amendments

F46 Sch. 3 Pt. IV para. 1 entries omitted (1.10.1995) by virtue of S.I. 1994/2866, **art. 3(3)(b)**

F47 Words in Sch. 3 Pt. IV para. 1 inserted (1.10.1995) by S.I. 1994/2866, **art. 3(3)(b)**

Metric system

2.Measures of—

any multiple of 10 litres

10 litres	125 millilitres
5 litres	100 millilitres
2·5 litres	50 millilitres
2 litres	[F48 35 millilitres]
1 litre	25 millilitres
500 millilitres	20 millilitres
250 millilitres	10 millilitres
200 millilitres	5 millilitres
175 millilitres	2 millilitres
150 millilitres	1 millilitre

Status: *Point in time view as at 01/10/1995. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Weights and Measures Act 1985. (See end of Document for details)*

Textual Amendments

F48 Entry in Sch. 3 Pt. IV para. 2 inserted (14.7.1994) by S.I. 1994/1883, **arts. 1**, 2(b)

PART V

WEIGHTS

Imperial system

1 Weights of—

56 pounds	any of the following multiples
50 pounds	or fractions of 1/7000 pound
28 pounds	that is to say:—
20 pounds	100
14 pounds	50
10 pounds	30
7 pounds	20
5 pounds	10
4 pounds	5
2 pounds	3
1 pound	2
8 ounces	1
4 ounces	0·5
2 ounces	0·3
1 ounce	0·2
½ ounce	0·1
¼ ounce	0·05
⅛ ounce	0·03
1/16 ounce	0·02
1/32 ounce	0·01

2 Weights of—

500 ounces troy	0·4 ounce troy
400 ounces troy	0·3 ounce troy
300 ounces troy	0·2 ounce troy

200 ounces troy	0·1 ounce troy
100 ounces troy	0·05 ounce troy
50 ounces troy	0·04 ounce troy
40 ounces troy	0·03 ounce troy
30 ounces troy	0·025 ounce troy
20 ounces troy	0·02 ounce troy
10 ounces troy	0·01 ounce troy
5 ounces troy	0·005 ounce troy
4 ounces troy	0·004 ounce troy
3 ounces troy	0·003 ounce troy
2 ounces troy	0·002 ounce troy
1 ounce troy	0·001 ounce troy
0·5 ounce troy	

Metric system

3 Weights of—

25 kilograms	3 grams
20 kilograms	2 grams
10 kilograms	1 gram
5 kilograms	500 milligrams
2 kilograms	400 milligrams
1 kilogram	300 milligrams
500 grams	200 milligrams
200 grams	150 milligrams
100 grams	100 milligrams
50 grams	50 milligrams
20 grams	20 milligrams
15 grams	10 milligrams
10 grams	5 milligrams
5 grams	2 milligrams
4 grams	1 milligram

4 Weights of—

500 carats (metric)	1 carat (metric)
200 carats (metric)	0·5 carat (metric)

Status: *Point in time view as at 01/10/1995. This version of this Act contains provisions that are not valid for this point in time.*
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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)

SCHEDULE 4

Section 21.

SAND AND OTHER BALLAST

PART I

GENERAL PROVISIONS

1 In this Schedule, "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, and

(d) any other material commonly known in those industries as ballast.

2 Subject to paragraphs 3 and 11 below, ballast shall be sold only by volume in a multiple of 0\2 cubic metre or by net weight.

3 There shall be exempted from the requirements of paragraph 2 above—

(a) ballast in a quantity both less than **[**[F49]1 tonne**]** and less than one cubic metre,

(b) any sale with a view to its industrial use of ballast of any description mentioned in paragraph 1 (b), (c) or (d) above,

(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, and

(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.

Textual Amendments

F49 Words in Sch. 4 para. 3(a) substituted (1.10.1995) by S.I. 1994/2866, **art. 3(4)(a)**

Status: *Point in time view as at 01/10/1995. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Weights and Measures Act 1985. (See end of Document for details)*

4 Without prejudice to section 15 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 shall be guilty of an offence.

5 In measuring any ballast against a calibration mark on such a receptacle as mentioned in paragraph 4 above, 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 the purposes of trade in such a receptacle, any person who—

(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 This Part of this Scehdule 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, its sale and paragraph 2 above 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 (in this paragraph referred to as "the delivery document") 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) below, 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 delivery document by volume, the ballast shall be carried on the vehicle only in such a receptacle as is mentioned in paragraph 4 above.

(4) The statement referred to in sub-paragraph (2) (d) above 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 delivery document 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 sub-paragraph (4) above applies, the person in charge of the vehicle at the time when the net weight of the ballast is determined shall forthwith

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add to the delivery document 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) above is contravened, the seller shall be guilty of an offence.

(7) If the vehicle is carrying ballast as mentioned in sub-paragraph (1) above for delivery to each of two or more persons, sub-paragraphs (1) to (3) above shall apply separately in relation to each of those persons; but this sub-paragraph shall not be construed as prohibiting the use of the same receptacle such as is mentioned in sub-paragraph (3) above for the carriage of ballast for delivery to two or more different persons.

8 (1) Subject to sub-paragraph (2) below, if all or any of the ballast on the vehicle is being carried in such circumstances that paragraph 7 above does not apply to it, 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.

(2) Sub-paragraph (1) above shall not apply where all the ballast in the vehicle is being carried in such circumstances that paragraph 7 does not apply to it 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 above 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 paragraph 7 above, 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 above, 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 (1) In Scotland, paragraph 2 above and Part II of this Schedule shall have effect only in such areas as the Secretary of State may by order specify.

(2) In relation to any area specified by order under sub-paragraph (1) above, a sale of ballast in a quantity both less than **[**[F50]2 tonnes**]** and less than 2 cubic metres shall be exempted from the requirements of paragraph 2 above if the sale is effected, and the ballast is situated, in Scotland.

Textual Amendments

F50 Words in Sch. 4 para. 11(2) substituted (1.10.1995) by S.I. 1994/2866, **art. 3(5)(c)**

SCHEDULE 5

SOLID FUEL

PART I

GENERAL

Introductory

1 This Schedule applies to goods of any of the following descriptions (in this Schedule referred to as "solid fuel"), that is to say—

(a) coal,

(b) coke, and

(c) any solid fuel derived from coal or of which coal or coke is a constituent.

Sales by net weight

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

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

(a) briquettes in a quantity not exceeding **[**[F51]7.5 kilograms**]**, and

(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 Secretary of State may by order specify for the purposes of this sub-paragraph, solid fuel for delivery in that araea may be sold by volume in a quantity of 0\2 cubic metre or a multiple of 0\2 cubic metre.

Textual Amendments

F51 Words in Sch. 5 para. 2(2)(a) substituted (1.10.1995) by S.I. 1994/2866, **art. 3(5)(a)**

Quantities in containers

3 **[**[F52](1) Solid fuel shall be made up in a container for sale, or for delivery after sale, only if it is made up in one of the following quantities by net weight, namely—

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(a) 25 kilograms;
(b) 50 kilograms;
(c) any multiple of 50 kilograms.**]**

(2) This paragraph shall not apply to any solid fuel pre-packed in a quantity not exceeding 30 kilograms in a securely closed container.

[F53](3) . . . . . .

(4) This paragraph and paragraphs 4, 5 and 6 below have effect subject to the exemptions in paragraph 7.

Textual Amendments

F52 Sch. 5 para. 3(1) substituted (1.10.1995) by S.I. 1994/2866, **art. 3(5)(b)(i)**

F53 Sch. 5 para. 3(3) omitted (1.10.1995) by virtue of S.I. 1994/2866, **art. 3(5)(b)(ii)**

Indication of quantity

4 (1) This paragraph applies to solid fuel made up in a container for sale, or for delivery after sale, except where it is made up [F54]. . . in a container which is not securely closed.

(2) The solid fuel shall be made up in a container for sale, or for delivery after sale, only if the container is marked with an indication of quantity by net weight.

Textual Amendments

F54 Words in Sch. 5 para. 4(1) omitted (1.10.1995) by virtue of S.I. 1994/2866, **art. 3(5)(c)**

Loads on vehicles

[F55]5 . . . . . .

Textual Amendments

F55 Sch. 5 para. 5 omitted (1.10.1995) by virtue of S.I. 1994/2866, **art. 3(5)(d)**

Information about containers [F56]. . .

Textual Amendments

F56 Words in Sch. 5 para. 6 heading omitted (1.10.1995) by virtue of S.I. 1994/2866, **art. 3(5)(e)(i)**

6 (1) This paragraph applies where solid fuel is carried on a road vehicle on a highway for sale, or for delivery after sale, and is made up [F57]. . . in containers which are not securely closed or is delivered from the vehicle in such containers [F58]. . ..

(2) There shall be displayed on the vehicle—

(a) an indication of the quantity, or quantities, by net weight of the fuel comprised in the containers (other than any securely closed containers) on, or delivered from, the vehicle, and

(b) a statement of the name and address of the seller.

(3) Regulations under section 23 of this Act may prescribe the manner in which the information required by sub-paragraph (2) above is to be displayed, and a person who contravenes any such regulation shall be guilty of an offence.

(4) If this paragraph is contravened, the seller, and any other person who is in charge of the vehicle at the time of the contravention, shall each be guilty of an offence.

Textual Amendments

F57 Words in Sch. 5 para. 6(1) omitted (1.10.1995) by virtue of S.I. 1994/2866, **art. 3(5)(e)(ii)**

F58 Words in Sch. 5 para. 6(1) omitted (1.10.1995) by virtue of S.I. 1994/2866, **art. 3(5)(e)(ii)**

Exemptions

7 There shall be exempted from all the requirements of paragraphs 3, 4, 5 and 6 above—

(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.

Vending machines

8 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.

Byelaws

9 A local weights and measures authority may make byelaws, subject to the confirmation of the Secretary of State,—

(a) for securing that on any premises within their area on or from which solid fuel available for purchase in a quantity of **[**[F59]100 kilograms**]** or less is sold or kept or exposed for sale there is displayed a notice specifying the price of the fuel,

(b) 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) prescribing penalties not exceeding level 2 on the standard scale for any offence under such byelaws.

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Textual Amendments

F59 Words in Sch. 5 para. 9(a) substituted (1.10.1995) by S.I. 1994/2867, **reg. 6(6)(a)**

Damping of fuel

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

Sale of fuel from vehicles

11 (1) This paragraph applies to any vehicle which is used on highways for carying solid fuel for sale, or for delivery after sale; and in this paragraph "container" means any container in which solid fuel is carried on such a vehicle, or is delivered from such a vehicle.

(2) The Secretary of State may by order make provision—

(a) for securing the display on any such vehicle of an indication of the quantities in which solid fuel is made up in containers;

(b) for requiring all containers carried on or delivered from any one vehicle to be made up in the same quantity, or for regulating in any other way the quantities in which they are made up;

(c) for imposing any requirement as to the loading of the vehicle, or the delivery of solid fuel from the vehicle, which appears to the Secretary of State appropriate for securing that purchasers are not misled as to the quantity of fuel they purchase.

(3) An order under sub-paragraph (2)

above may—

(a) make provision for any of the purposes mentioned in that sub-paragraph by means of amending, or of applying with or without modifications, or of excluding the application in whole or in part of, any of the preceding paragraphs of this Schedule;

(b) contain such consequential, incidental or supplementary provision, whether of such kinds as aforesaid or otherwise, as appear to the Secretary of State to be expedient;

(c) 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 84(6) of this Act for an offence under this Act.

12 An order under section 22 of this act may amend or repeal any of the preceding paragraphs of this Schedule.

PART II

WEIGHING OF SOLID FUEL AT BUYER'S REQUEST

13 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.

14 Where a request under paragraph 13 above 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.

15 Where after any weighing in pursuance of a request under paragraph 13 above 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

16 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 above to be sold only by net weight (in this Part of this Schedule referred to as "relevant goods").

17 (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 **[**[F60]110 kilograms**]**, then, subject to sub-paragraph (6) below, 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 (in this paragraph referred to as "the delivery document") 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 those goods,

(d) subject to sub-paragraph (2) below, the aggregate net weight of those goods, and

(e) where any of those 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

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paragraph 7(a) above, 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 sub-paragraph (1)(d) above 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 delivery document 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 sub-paragraph (2) above 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 delivery document a statement of that net weight, and if he fails so to do he shall be guilty of an offence.

(4) Subject to sub-paragraph (5) below, if the vehicle is carrying relevant goods to which sub-paragraph (1) above 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.

(5) Sub-paragraph (4)(b) above shall not apply where the vehicle is contructed or adapted for the mechanical making up in containers of the fuel carried thereon and incorporates weighing equipment approved by the Secretary of State for that purpose.

(6) Sub-paragraph (1) above 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.

Textual Amendments

F60 Words in Sch. 4 para. 17(1) substituted (1.10.1995) by S.I. 1994/2866, **art. 3(5)(f)**

Modifications etc. (not altering text)

C19 S. 17(1) excluded by S.I. 1988/186, **arts. 3**, 6(3)

18 (1) Subject to sub-paragraph (2) below, if all or any of the relevant goods on the vehicle are being carried in such circumstances that paragraph 17(1) above 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 paragraph 17(1) above does not apply, and if this paragraph is contravened the last-mentioned person shall be guilty of an offence.

(2) Sub-paragraph (1) above shall not apply where the total quantity of the relevant goods carried on the vehicle does not exceed **[**[F61]110 kilograms**]**.

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Textual Amendments

F61 Words in Sch. 4 para. 18(2) substituted (1.10.1995) by S.I. 1994/2866, **art.3(5)(f)**

19 Any document required by paragraph 17 or 18 above 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 paragraph 17 above, 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

20 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 21 to 25 below shall apply in relation to that vehicle.

21 Subject to paragraphs 22 and 28 below, 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.

22 (1) Paragraph 21 above shall not apply to any rail vehicle which forms part of or is intended to form part of a train conveying only fuel destined for a particular generating station, gas works or other industrial undertaking if—

(a) the vehicle is loaded by equipment which weighs the fuel and discharges it directly into the vehicle, or

(b) the buyer has agreed with the seller that the weight of the load shall be ascertained at the vehicle's destination, or

(c) the buyer has agreed to accept as the tare weight of the vehicle a tare weight ascertained not more than three months before the time of loading and the vehicle has marked upon it in durable lettering a statement of the weight so ascertained and of the date and place at which it was ascertained, or

(d) all the vehicles comprised in the train are coupled together in such a manner that they may be weighed while in motion by equipment designed to determine the total weight of the train, and the buyer has agreed with the seller that the total net weight of fuel carried in the train shall be ascertained by deducting the total weight of the train so determined before loading from the total weight thereof so determined when loaded.

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(2) Nothing in sub-paragraph (1)(c) above shall afford any exemption from the requirements of paragraph 21 above in the case of a vehicle which has undergone repairs or modification or has suffered substantial damage since its tare weight was last ascertained and marked as mentioned in that sub-paragraph.

23 **[**[F62](1) Subject to subparagraph (2) and paragraph 24 below **]**, 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 21 above or, if by virtue of paragraph 28 below paragraph 21 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, and

(f) the type of that fuel.

[[F63](2) Subparagraph (1) above shall not apply if, at the time of departure of the vehicle from the place of loading, the seller causes to be transmitted to the buyer, for receipt not later than the time of arrival of the vehicle at the buyer's premises, the information required by subparagraphs (*a*) to (*f*) of subparagraph (1) above:

Provided that where such information is transmitted otherwise than in a legible form—

(a) the seller and the buyer have agreed in writing that the information may be so transmitted;

(b) the places of loading and destination of the vehicle are suitably equipped for the transmission and receipt of information in such form; and

(c) the information is capable of being reproduced in a permanent legible form by the system effecting the transmission, and is so reproduced if required by an inspector, subject to the production, if so requested, of his credentials.**]**

Textual Amendments

F62 Words substituted by S.I. 1987/216, **art. 2**(*a*)

F63 Sch. 5 para.23(2) added by S.I. 1987/216, **art. 2(b)**

24 (1) Paragraph 23 above shall not apply to any vehicle forming part or intended to form part of any such train as is mentioned in paragraph 22 above, but the seller shall **[**[F64]either (a)**]**before the departure of the train which includes that vehicle deliver to the authority responsible for railway traffic at the place of loading for carriage on that train a document (in this paragraph and paragraph 25 below referred to as "a train bill") giving the information specified in sub-paragraph (2) below or, in the case of any such train as is mentioned in paragraph 22(1)(d) above, sub-paragraph (3) below. **[**[F65]or (b) at the time of departure of the train which includes that vehicle transmit to the buyer, for receipt not later than the time of arrival of the train at the buyer's premises, the information required by subparagraph (2) or, as the case may be, subparagraph (3) below:**]**

[[F65]Provided that where such information is transmitted otherwise than in a legible form—**]**

[[F65](a) the seller and buyer have agreed in writing that the information may be so transmitted;

(b) the places of loading and destination of the train are suitably equipped for the transmission and receipt of information in such form; and

(c) the information is capable of being reproduced in a permanent legible form by the system effecting the transmission, and is so reproduced if required by an inspector, subject to the production, if so requested, of his credentials.**]**

(2) Except in a case to which sub-paragraph (3) below applies, the train bill shall contain the following information—

(a) the names of the seller and of the consignee and the destination of the train,

(b) sufficient particulars to identify each vehicle in the train,

(c) the date and place of loading of each vehicle,

(d) a statement of the type of fuel in each vehicle,

(e) except in the case of fuel which a buyer has agreed shall be weighed at the train's destination, the weight attributed by the seller to the fuel in each vehicle for the purpose of calculating its purchase price,

(f) where any vehicle is not exempted from paragraph 21 above, the tare weight of that vehicle,

(g) where any vehicle has been loaded by equipment which weighs fuel and discharges it directly into vehicles, a statement as to the vehicle which has been so loaded,

(h) where any vehicle is loaded with fuel the weight of which is to be ascertained at the train's destination, a statement as to the vehicle so loaded,

(i) where any vehicle is exempted from paragraph 21 above by reason of paragraph 22(1)(c) above, a statement of the tare weight and related particulars marked upon that vehicle, and

(j) where any vehicle is so exempt by reason of any certificate or direction under paragraph 28 below, a weight stated to be the seller's estimate of the tare weight of that vehicle.

(3) In the case of any such train as is mentioned in paragraph 22(1)(d) above, the train bill shall contain the following information—

(a) the names of the seller and the consignee and the destination of the train,

(b) the date and place of loading of the train,

(c) the number of vehicles in the train,

(d) the total net weight of fuel carried in the train,

(e) a statement of the type of fuel carried in the train, and

(f) a statement that the buyer has agreed that the total net weight of fuel carried in the train shall be ascertained in the manner mentioned in paragraph 22(1)(d) above.

(4) If the requirements of sub-paragraph (1) above are contravened, the seller shall be guilty of an offence.

Textual Amendments

F64 Words inserted by S.I. 1986/216, **art. 3**(*a*)(*b*)

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F65 Words added by S.I. 1986/216, **art. 3**(*a*)(*b*)

25 (1) The following provisions of this paragraph apply—

(a) in a case where by virtue of paragraph 24 above a train bill is carried, when the train reaches its destination, and

(b) in any other case, when the vehicle in question reaches its destination.

(2) The authority responsible for railway traffic at the destination of the train or vehicle, as the case may be, shall—

(a) permit the consignee and, subject to the production if so requested of his credentials, any inspector to inspect the document required by paragraph 23 or, as the case may be, 24 above,

(b) permit the consignee either to take possession of that document after the train or 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 authority shall be guilty of an offence.

(3) Subject to sub-paragraphs (5) and (6) below, 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 mentioned in sub-paragraph (2) above 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.

(5) Where by virtue of paragraph 24 above a train bill is carried and the buyer has agreed that the weight of the fuel in any vehicle is to be ascertained at the train's destination, sub-paragraph (3) above shall not apply in relation to that vehicle.

(6) In a case falling within paragraph 22(1)(d) above, sub-paragraph (3) above shall have effect—

(a) with the omission of paragraph (b), and

(b) as if any reference to a vehicle were a reference to a train.

26 Where, in the case of any rail vehicle used on a journey to carry solid fuel which is not made up in containers, paragraphs 21 to 25 above 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.

27 (1) If paragraph 21 or 23 above is contravened, the seller shall be guilty of an offence.

(2) If paragraph 26 above is contravened, the consignor shall be guilty of an offence.

(3) 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 paragraph 23 or 26 above, 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.

28 **[**[F66](1) Paragraph 21 above shall not apply to any rail vehicle loaded at a mine of coal respect to which it is certified by or on behalf of the **[**[F67]British Coal Corporation—**]**

(a) that in no year is the aggregate amount of solid fuel loaded as mentioned in paragraph 20 above likely to exceed **[**[F68]101,600 tonnes**]**; or

(b) that owing to a shortage of rail vehicles compliance with paragraph 21 above would for the time being cause undue dislocation of the working of the mine.**]**

(2) If any seller of solid fuel who uses any place [F69]. . . for causing solid fuel to be loaded as mentioned in paragraph 20 above makes representations to the Secretary of State 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 Secretary of State is satisfied that there are grounds for those representations, the Secretary of State may direct, that subject to such conditions and for such period as may be specified in the directions, paragraph 21 above shall not apply to any vehicle loaded at that place.

[[F66](3) 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)(b) above, and if without reasonable cause they fail so to do they shall be guilty of an offence.**]**

Textual Amendments

F66 Sch. 5 para. 28(1)(3) repealed (31.10.1994) by 1994 c. 21, s. 67, Sch. 9 para. 34(a), **Sch. 11 Pt. II**; S.I. 1994/2553, **art. 2**

F67 Words substituted by Coal Industry Act 1987 (c. 3, SIF 86) s. 1(2), Sch. 1

F68 Words in Sch. 5 para. 28(1)(a) substituted (1.10.1995) by S.I. 1994/2867, **reg. 6(6)(b)**

F69 Words in Sch. 5 para. 28(2) repealed (31.10.1994) by 1994 c. 21, s. 67, **Sch. 9**. para. 34(b), Sch. 11 Pt. II; S.I. 1994/2553, **art. 2**

SCHEDULE 6

Section 21.

MISCELLANEOUS GOODS OTHER THAN FOODS

PART I

LIQUID FUEL AND LUBRICANTS

1 This Part of this Schedule applies to—

Status: *Point in time view as at 01/10/1995. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Weights and Measures Act 1985. (See end of Document for details)*

(a) liquid fuel, lubricating oil and any mixture of such fuel and oil, and
(b) lubricating grease.

2 Subject to paragraph 3 below, 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, and
(c) in the case of lubricating oil in a quantity of **[**[F70]one litre**]** 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.

Textual Amendments
F70 Words in Sch. 6 para. 2(c) substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(6)(a)**

3 Notwithstanding anything in paragraph 2 above, 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 Secretary of State 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 paragraph 2 above goods of any description in a quantity of less than **[**[F71]250 grams**]** or of less than **[**[F72]250 millilitres**]**.

Textual Amendments
F71 Words in Sch. 6 para. 3 substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(6)(b)**
F72 Words in Sch. 6 para. 3 substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(6)(b)**

PART II

READY-MIXED CEMENT MORTAR AND READY-MIXED CONCRETE

4 This Part of the Schedule applies to ready-mixed cement mortar and ready-mixed concrete.

5 (1)) Subject to the following provisions 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 0\1 cubic metre.

(2) There shall be exempted from the requirements of this paragraph any goods in a quantity of less than one cubic metre.

6 Part II of Schedule 4 to this Act, except sub-paragraph (3) of paragraph 7, 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 paragraph 7 to paragraph 2 of Schedule 4 were a reference to paragraph 5 of this Schedule.

Modifications etc. (not altering text)

C20 S. 6 modified (1.3.1996) by 1986 c. 44, **s. 36B** (which was inserted (1.3.1996) by 1994 c. 45, s. 10, **Sch. 3 para. 44**; S.I. 1996/218, **art. 2**

7 Paragraph 5 and 6 above shall not have effect in any area in Scotland specified by the Secretary of State by order.

PART III

AGRICULTURAL LIMING MATERIALS, AGRICULTURAL SALT AND INORGANIC FERTILISERS

8 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.

9 (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 **[**[F73]25 kilograms**]**, 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 **[**[F73]25 kilograms**]**, quantity either by net weight or by gross weight.

(3) In this paragraph, "the permitted weight" means a weight at the rate of **[**[F74]650 grams per 50 kilograms**]** 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.

Textual Amendments

F73 Words in Sch. 6 para. 9(1)(b)(2)(b) substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(6)(c)(i)**

F74 Words in Sch. 6 para. 9(3) substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(6)(c)(ii)**

Status: *Point in time view as at 01/10/1995. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Weights and Measures Act 1985. (See end of Document for details)*

10 Paragraph 4 and 5 of Schedule 4 to this Act shall have effect as if any reference in those paragraphs to ballast included a reference to any goods to which this Part of this Schedule applies.

PART IV

WOOD FUEL

11 Subject to paragraphs 12 and 13 below—

(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.

12 (1)) Paragraph 11 above shall not have effect in any area unless the local weights and measures authority for 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 of the byelaw to the Secretary of State.

13 There shall be exempted from the requirements of paragraph 11 above any sale of wood fuel in a quantity which does not exceed **[**[F75]7.5 kilograms**]** or which exceeds **[**[F76]500 kilograms**]**.

Textual Amendments

F75 Words in Sch. 6 para. 13 substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(6)(d)**

F76 Words in Sch. 6 para. 13 substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(6)(d)**

14 Paragraphs 9 and 10 of Schedule 5 to this Act shall have effect as if any reference in those paragraphs to solid fuel included a reference to wood fuel.

[[F77]PART V

COSMETIC PRODUCTS

Textual Amendments

F77 Sch. 6 Pt. V (paras. 15-16) substituted (31.7.1994) by S.I. 1994/1884, **art. 2**

[F78]15 In this Part of this Schedule, "cosmetic product" means any substance or preparation intended to be placed in contact with the various external parts of the human body (that is to say, the epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively

or mainly to cleaning them, perfuming them, changing their appearance, correcting bodily odours, protecting them or keeping them in good condition.

Textual Amendments

F78 Sch. 6 Pt. V (paras. 15-16) substituted (31.7.1994) by S.I. 1994/1884, **art. 2**

[F79]16 (1) Subject to sub-paragraph (2) below, cosmetic products shall be pre— packed only if the container is marked with an indication of quantity either by net weight or by volume.

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

(a) cosmetic products in quantities of less than 5 grams or 5 millilitres;

(b) cosmetic products in sachets or other containers for single use only; and

(c) cosmetic products normally sold as a number of items for which particulars of weight or volume are not significant if—

(i) the number of items is marked on the package, or

(ii) the number of items may readily be seen without opening the package, or

(iii) the items are normally sold only individually.

(3) Cosmetic products which are not pre-packed shall be sold only by quantity expressed as net weight, volume or number.**]**

Textual Amendments

F79 Sch. 6 Pt. V (paras. 15-16) substituted (31.7.1994) by S.I. 1994/1884, **art. 2**

PART VI

SOAP

[[F80]16A In this Part of this Schedule "soap" does not include any soap which is a cosmetic product as defined in paragraph 15 above.**]**

Textual Amendments

F80 Sch. 6 para. 16A inserted (31.7.1994) by S.I. 1994/1884, **art. 3**

17 Subject to paragraph 18 below—

(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, and

(c) soap in any other form—

(i) unless pre-packed, shall be sold by retail only by net weight, and

(ii) shall be pre-packed only if the container is marked with an indication of quantity by net weight.

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

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(a) liquid soap in a quantity of less than **[**[F81]125 millilitres**]**, and

(b) soap in any other form in a quantity of less than **[**[F82]25 grams**]**.

Textual Amendments

F81 Words in Sch. 6 para. 18 substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(6)(e)**

F82 Words in Sch. 6 para. 18 substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(6)(e)**

PART VII

MISCELLANEOUS GOODS TO BE SOLD BY OR MARKED WITH LENGTH

19 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.

20 Subject to paragraph 21 below, goods to which this Part of this Schedule applies—

(a) unless pre-packed, shall be sold by retail only by length, and

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

21 There shall be exempted from all requirements of paragraph 20 above goods of any description in a quantity of less than **[**[F83]one metre**]**.

Textual Amendments

F83 Words in Sch. 6 para. 21 substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(6)(f)**

PART VIII

MISCELLANEOUS GOODS TO BE SOLD BY OR MARKED WITHNET WEIGHT

22 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 of 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, and

(f) rolled oats.

23 Subject to paragraphs 24 and 25 below, goods to which this Part of this Schedule applies—

(a) unless pre-packed, shall be sold by retail only by net weight, and

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

[[F84]24 The following shall be exempted from the requirements of this Part of this Schedule—

(a) distemper or paste paint in a quantity of less than 250 grams,

(b) bird seed in a quantity of less than 125 grams, and
(c) any other goods in a quantity of less than 25 grams.**]**

Textual Amendments
F84 Sch. 6 para. 24 substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(6)(g)**

25 Notwithstanding anything in paragraph 24 above, nails—
(a) when not pre-packed may be sold by retail by number, and
(b) 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

26 This Part of this Schedule applies to—
(a) Portland cement,
(b) cleansing powders and scouring powders,
(c) detergents, other than liquid detergents, and
(d) paint remover, other than liquid paint remover.

27 Subject to paragraph 28 below, 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.

28 There shall be exempted from the requirements of this Part of this Schedule goods of any description in a quantity of less than **[**[F85]25 grams**]**.

Textual Amendments
F85 Words in Sch. 6 para. 28 substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(6)(h)**

PART X

MISCELLANEOUS GOODS TO BE SOLD BY OR MARKED WITH CAPACITY MEASUREMENT

29 This Part of this Schedule applies to antifreeze fluid for internal combustion engines, linseed oil, paint (other than paste paint), paint thinner, turpentine, turpentine substitute, varnish, and wood preservative fluid (including fungicides and insecticides).

30 Subject to paragraph 31 below, goods to which this Part of this Schedule applies—
(a) unless pre-packed, shall be sold by retail only by capacity measurement, and
(b) shall be pre-packed only if the container is marked with an indication of quantity by capacity measurement.

31 There shall be exempted from all requirements of this Part of this Schedule goods of any description in a quantity of less than **[**[F86]150 millilitres**]**.

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

Textual Amendments

F86 Words in Sch. 6 para. 31 substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(6)(i)**

PART XI

MISCELLANEOUS GOODS TO BE MARKED WHEN PRE-PACKED WITH CAPACITY MEASUREMENT

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

33 Subject to paragraph 34 below, 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.

[[F87]34 The following shall be exempted from the requirements of paragraph 33 above—

(a) liquid detergents in a quantity of less than 125 millilitres, and

(b) goods of any other description in a quantity of less than 150 millilitres.**]**

Textual Amendments

F87 Sch. 6 para. 34 substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(6)(j)**

PART XII

MISCELLANEOUS GOODS TO BE SOLD BY OR MARKED WITH NET WEIGHT OF CAPACITY MEASUREMENT

35 This Part of this Schedule applies to—

(a) polishes,

(b) dressings, analogous to polishes, and

(c) pea seeds and bean seeds.

36 Subject to paragraph 37 below, 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, and

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

37 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 **[**[F88]250 grams**]** or of less than **[**[F89]250 millilitres**]**, and

(b) any other goods in a quantity of less than **[**[F90]30 grams**]** or of less than **[**[F91]30 millilitres**]**.

Textual Amendments

F88 Words in Sch. 6 para. 37(a) substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(6)(k)**

F89 Words in Sch. 6 para. 37(a) substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(6)(k)**
F90 Words in Sch. 6 para. 37(b) substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(6)(k)**
F91 Words in Sch. 6 para. 37(b) substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(6)(k)**

PART XIII

MISCELLANEOUS GOODS TO BE MARKED WHEN PRE-PACKEDWITH QUANTITY BY NUMBER

38 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,

(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.

39 Subject to paragraphs 40 and 41 below, 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.

40 In relation to postal stationery, the reference to number in paragraph 39 above 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.

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

SCHEDULE 7

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 Part IV of this Act except this paragraph, 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 Part IV of this Act, except this paragraph, to be made known to the buyer at or before a particular time, or

(c) expressly exempted by or under Part IV of this Act, except this paragraph, from all such requirements as mentioned in paragraph (a) or (b) above which would otherwise apply to them,

consist of a mixture constituted wholly or mainly of goods of one or more descriptions to which there applies any such requirement made by reference to any

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of the following (whether exclusively or otherwise), that is to say, weight, capacity measurement or volume.

(2) Subject to paragraph 5 below, 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 Part IV of this Act, except this paragraph, to be pre-packed only if the container is marked with an indication of quantity, or

(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 Part IV of this Act, except this paragraph, to be made known to the buyer at or before a particular time, or

(c) expressly exempted by or under Part IV of this Act, except this paragraph, from all such requirements as mentioned in paragraph (a) or (b) above which would otherwise apply to them,

consist of a mixture constituted wholly or mainly of goods of one or more descriptions to which there applies any such requirement 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 below, 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 Part IV of this Act, except this paragraph, 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 below, 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 of the container.

4 (1) This paragraph applies to any collection of two or more items which, not itself being—

(a) required by or under Part IV of this Act, except this paragraph, to be pre-packed only if the container is marked with particular information, or

(b) expressly exempted by or under Part IV of this Act, except this paragraph, from any such requirement which would otherwise apply to it,

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 mentioned in sub-paragraph (1) above contained in it, or

(b) each of any such articles contained in the container is made up in an individual container marked with an indication of quantity,

being in either case the like indication of the quality 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 above food of any description in a quantity of less than five grams or of less than five millilitres

and goods of any other description in a quantity of less than **[**[F92]25 grams**]** or of less than **[**[F93]25 millilitres**]**.

Textual Amendments

F92 Words in Sch. 7 para. 5 substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(7)**

F93 Words in Sch. 7 para. 5 substituted (1.10.1995) by S.I. 1994/2866, **reg. 3(7)**

SCHEDULE 8

POWERS OF INSPECTORS AND LOCAL WEIGHTS AND MEASURESAUTHORITY UNDER PART V

Powers of entry and inspection

1 An inspector may, within the area for which he is appointed an inspector and on production if so requested of his credentials, at all reasonable times—

(a) enter any premises (except premises used only as a private dwelling house) as to which he has reasonable cause to believe that packages are made up on the premises or that imported packages belonging to the importer of them are on the premises or that regulated packages intended for sale are on the premises;

(b) inspect and test any equipment which he has reasonable cause to believe is used in making up packages in the United Kingdom or in carrying out a check mentioned in subsections (1) and (2) of section 49 of this Act;

(c) inspect, and measure in such manner as he thinks fit, any thing which he has reasonable cause to believe is or contains or is contained in a package and, if he considers it necessary to do so for the purpose of inspecting the thing or anything in it, break it open;

(d) inspect and take copies of, or of any thing purporting to be, a record, document or certificate mentioned in section 48(2) and subsections (1) to (3) of section 49 of this Act;

(e) require any person on premises which the inspector is authorised to enter by virtue of paragraph (a) of this paragraph to provide such assistance as the inspector reasonably considers necessary to enable the inspector to exercise effectively any power conferred on him by paragraphs (a) to (d) above;

(f) require any person to give to the inspector such information as the person possesses about the name and address of the packer and of any importer of a package which the inspector finds on premises he has entered by virtue of this paragraph or paragraph 2 below.

2 If a justice of the peace, on sworn information in writing—

(a) is satisfied that there is reasonable ground to believe that—

(i) a package or a thing containing a package, or

(ii) any such equipment, record, document or certificate as is mentioned in paragraph 1 above,

is on any premises or that an offence under section 50 or 63 of this Act is being or is about to be committed on any premises, and

(b) is also satisfied either—

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(i) that admission to the premises has been refused or that 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 premises are unoccupied or that the occupier is temporarily absent and it might defeat the object of the entry to await his return,

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 paragraph to Scotland "justice of the peace" includes a sheriff.

3 (1)) An inspector entering any premises by virtue of paragraph 1 or 2 above may take with him such other persons and such equipment as he considers necessary.

(2) It shall be the duty of an inspector who leaves premises which he has entered by virtue of paragraph 2 above and which are unoccupied or from which the occupier is temporarily absent to leave the premises as effectively secured against trespassers as he found them.

Power of seizure

4 Where an inspector has reasonable cause to believe that an offence under section 50, 54 or 63 of this Act or this Schedule has been committed and that any equipment, record, document, package or thing containing or contained in a package may be required as evidence in proceedings for the offence he may seize it and detain it for as long as it is so required.

Modifications etc. (not altering text)

C21 Sch. 8 para. 4 applied (*prosp.*) by 2001 c. 16, **ss. 57(1)(g)**, 138(2) (with s. 57(4))

C22 Sch. 8 para. 4: power of seizure extended (*prosp.*) by 2001 c. 16, ss. 50, 52-54, 68, 138(2), **Sch. 1 Pt. 1 para. 37**

Power to require information

5 (1) An inspector may serve, on any person carrying on business as the packer or importer of packages in the area for which the inspector is appointed an inspector, a notice requiring that person—

(a) to furnish the inspector from time to time with particulars of the kind specified in the notice of any marks which, otherwise than in pursuance of section 48(1)(c) of this Act, are applied from time to time to packages made up in that area by that person or (as the case may be) to packages imported by him, for the purpose of enabling the place where the packages were made up to be ascertained, and

(b) if the person has furnished particulars of a mark in pursuance of the notice and the mark ceases to be applied to such packages for that purpose, to give notice of the cesser to the inspector.

(2) A notice given by an inspector under this paragraph shall not require a person to furnish information which he does not possess.

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Purchase of goods

6 (1) A local weights and measures authority shall have power to purchase goods, and to authorise any of its officers to purchase goods on behalf of the authority, for the purpose of ascertaining whether an offence under section 50, 54(2) or 63 of this Act has been committed.

(2) If an inspector breaks open a package in pursuance of paragraph 1(c) above otherwise than on premises occupied by the packer or importer of the package and the package is not inadequate, it shall be the duty of the inspector, if the owner of the package requests him to do so, to buy the package on behalf of the local weights and measures authority for the area in which he broke it open.

Failure to provide assistance or information

7 Any person who without reasonable cause fails to comply with a requirement made of him in pursuance of paragraph 1(e) or (f) or 5 above shall be guilty of an offence.

SCHEDULE 9

. . . [F94]

Textual Amendments

F94 Sch. 9 repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 9**

SCHEDULE 10

Section 95.

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—

(a) sections 1 and 2,

(b) section 3 so far as it relates to the coinage standards,

(c) section 92,

(d) section 93 so far as it relates to regulations under section 7 of the [M20]Food Act 1984 which, by virtue of sections 7(3) and 135 of that Act, apply to Northern Ireland,

(e) Schedules 1 and 2,

(f) so much of any other provision of this Act as relates to the interpretation of the provisoins mentioned in paragraphs (a) to (e) above or to the making, variation or revocation of any order under this Act which by virtue of this paragraph extends to Northern Ireland,

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

(g) section 95 and this Schedule,

(h) paragraph 22 of Schedule 11 and section 96 so far as it relates to that paragraph,

(i) paragraph 10 of Schedule 12 and section 97 so far as it relates to that paragraph,

(j) section 98(1) and Part I of Schedule 13 so far as they relate to enactments which extend to Northern Ireland,

(k) section 98(2) and Part II of Schedule 13 so far as they relate to—

(i) regulation 13 of, and Schedule 4 to, the [M21]Units of Measurement Regulations 1980, or

(ii) regulation 4 of the [M22]Units of Measurement Regulations 1985, and

(l) section 99.

Marginal Citations

M20 1984 c. 30.

M21 S.I. 1980/1070.

M22 S.I. 1985/777.

PART II

STANDARDS IN NORTHERN IRELAND

2 (1)) The Department of Economic Development for Northern Ireland may by order direct that there shall be standards for Northern Ireland of the yard, pound, metre and kilogram which shall be, and shall be known as, the Northern Ireland primary standards.

(2) No order shall be made under this paragraph unless a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

3 For the purposes of providing the Northern Ireland primary standards in pursuance of such an order, the Department of Economic Development for Northern Ireland shall cause to be made, in such manner as the Department may direct, copies in such form and of such material as the Department may think fit of the United Kingdom primary standards, and those copies shall be the Northern Ireland primary standards.

4 The Secretary of State shall from time to time as the Department of Economic Development for Northern Ireland may think it expedient to require, and at the expense of the Department, 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 Secretary of State may direct.

5 Any Northern Ireland primary standard maintained under this Part of this Schedule shall be in the custody of the Department of Economic Development for Northern Ireland.

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

SCHEDULE 11

Section 96(1).

TRANSITIONAL PROVISIONS AND SAVINGS

General

1 In this Schedule—

"the 1963 Act" means the Weights and Measures Act 1963;

"the commencement of this Act" means the commencement of the provisions of this Act other than section 43.

2 Any reference, whether express or implied, in any enactment, instrument or document (including this Act and any enactment amended by Schedule 12 to this Act) to, or to things done or falling to be done under or for the purposes of, any provision of this Act shall, if and so far as the context permits, be construed as including, in relation to times, circumstances and purposes before the commencement of this Act, a reference to, or to things done or falling to be done under or for the purposes of, the corresponding provision repealed by this Act.

3 Any reference, whether express or implied, in any enactment, instrument or document to, or to things done or falling to be done under or for the purposes of, any provision reproduced in this Act shall be construed, so far as is required for retaining for the enactment, instrument or document the same force and effect as it would have had but for the passing of this Act (and subject to any express amendment made by this Act) as being, or as the case may require including, a reference to, or to things done or falling to be done under or for the purposes of, the corresponding provision of this Act.

4 Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if the corresponding provision of this Act had been in force when that period began to run.

Acts passed before 31st July 1963

5 In any Act passed before 31st July 1963—

(a) any reference to local authorities for the purposes of the Weights and Measures Acts 1878 to 1936 shall continue to be construed as a reference to local weights and measures authorities, and

(b) any reference to an inspector of weights and measures shall continue to be construed as a reference to an inspector within the meaning of this Act.

6 Any local Act passed before 31st July 1963 shall continue to be construed—

(a) as not making unlawful the use for trade, as equipment to which section 11 of this Act applies, of any article of which such use is not unlawful under that section, and

(b) as not requiring any such article to be stamped otherwise than as required by that section.

7 Where an enactment contained in any local Act passed before 31st July 1963 appears to the Secretary of State to have been superseded by, or to be inconsistent with, any of the provisions of the 1963 Act re-enacted in this Act, or any instrument made under those provisions, the Secretary of State may by order, a draft of which shall be laid before Parliament, specify that enactment for the purposes of this paragraph and, without prejudice to the operation in the meantime of any rule of law

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relating to the effect on any such enactment of any such provision, any enactment specified in the order shall be repealed as from the date of the making of the order.

Standards, etc.

8 Any standard which immediately before the commencement of this Act was deemed by virtue of subseciton (6) of section 3 of the 1963 Act to be a secondary, tertiary or coinage standard provided under that section shall be deemed to be a secondary, tertiary or coinage standard, as the case may be, for the purposes of this Act.

9 A certificate of fitness for use as a local standard issued under section 4(4) of the 1963 Act which was in force both on 4th October 1979 and immediately before the commencement of this Act shall cease to be in force at the expiration of the period of ten years from the date of issue of the certificate.

Stamping of equipment

10 Any equipment to which section 11 of this Act applies which immediately before the commencement of this Act was treated as having been duly stamped under section 11 of the 1963 Act by virtue of subsection (7) of that section shall for the purposes of this Act be treated as having been duly stamped under section 11 of this Act.

Approved patterns of equipment

11 (1) Each of the following instruments, namely—

(a) a certificate of approval granted under section 12 of the 1963 Act before 4th April 1979 and in force immediately before the commencement of this Act,

(b) an authorisation of modifications granted under that section before 4th April 1979 and in force immediately before the commencement of this Act,

(c) a certificate which was deemed by virtue of section 12(5) of the 1963 Act to be a certificate of approval granted under section 12 and which was in force immediately before the commencement of this Act,

shall continue to have effect as if it were a certificate of approval granted under section 12 of the 1963 Act on 4th April 1979 and, in the case of a certificate of approval actually granted subject to a condition relating to a specified period, as if that condition had been imposed under section 12A(1)(b) of the 1963 Act and provided for the certificate to cease to be in force at the end of a period equal to that period and beginning with the day when the certificate was actually granted.

(2) The power conferred by section 12(10) of this Act to revoke a certificate of approval of a pattern shall, in the case of a certificate in respect of which an authorisation of modifications has effect by virtue of sub-paragraph (1) above as if it were a further certificate of approval, include power to revoke the original certificate as it has effect apart from the modifications without revoking it as it has effect with the modifications.

Weighing equipment passed etc. before 27th April 1978

12 (1) Weighing equipment (including weights) which weighs wholly or partly in drams may continue to be used for trade if it was first passed as fit for use for trade and stamped in accordance with the 1963 Act before 27th April 1978.

(2) Nothing in sub-paragraph (1) above shall be taken as authorising the continued use for trade of the dram except in so far as the weight of the goods in drams or partly in drams is treated as having been made known to a prospective buyer by virtue of sections 45(1)(a) and 46 of this Act.

(3) Products and equipment necessary to complete or replace components or parts of equipment the continued use of which is authorised by sub-paragraph (1) above may be manufactured, placed on the market and used after the commencement of this Act, but this sub-paragraph shall not permit the replacement of weights, whether or not the weights form part of other weighing equipment.

(4) Without prejudice to sub-paragraphs (1) and (2) above, every pattern of weighing equipment—

(a) the certificate of approval in respect of which was, or is deemed to have been, granted under section 12 of the 1963 Act and was in force immediately before 27th April 1978, and

(b) which provides for weighing to be made wholly or partly in drams,

(including a pattern modified in accordance with an authorisation for the time being in force under that section) shall continue to be deemed modified to the extent necessary to require equipment of that pattern to weigh in fractions of an ounce in substitution for drams and fractions of a dram.

Products and equipment used etc. before 1st December 1980

13 (1) Nothing in section 8 of this Act shall prevent any of the units of measurement mentioned in sub-paragraph (2) below being used for products or equipment which were placed on the market or used before 1st December 1980, other than weighing or measuring equipment (including weights).

(2) The units of measurement referred to in sub-paragraph (1) above are the chain, furlong, rood, square mile, square inch, cubic yard, cubic foot, cubic inch, ton, hundredweight, cental, quarter, stone, dram, grain and quintal.

14 (1) Weighing equipment (including weights) which weighs wholly or partly in grains, stones, quarters, hundredweights or tons may continue to be used for trade if, in the case of equipment prescribed for the purposes of section 11 of this Act, it was first passed as fit for use for trade and where necessary stamped in accordance with the 1963 Act before 1st December 1980 or if, in the case of equipment not so prescribed, it was placed on the market and used before that date.

(2) Measuring equipment measuring in square inches, cubic inches or cubic feet may continue to be used for trade if it was placed on the market and used before 1st December 1980.

(3) Nothing in sub-paragraph (1) above shall be taken as authoris-ing the continued use for trade of the grain, stone, quarter, hundredweight or ton except in so far as the weight of the goods in those units or partly in those units is treated as having been made known to a prospective buyer by virtue of sections 45(1)(a) and 46 of this Act.

15 Paragraphs 12(1) and 14(1) and (2) above have effect notwithstanding regulation 3 of the [M23]Units of Measurement Regulations 1978 (under which certain units are not authorised for use in certain circumstances on or after 27th April 1978) and regulation 8 of the [M24]Units of Measurement Regulations 1980 (under which certain

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units are not authorised for use in certain circumstances on or after 1st September 1980).

Marginal Citations
M23 S.I. 1978/484.
M24 S.I. 1980/1070.

16 (1) Nothing in section 8 of this Act shall prevent any unit of measurement being used for components and parts of products and of equipment necessary to supplement or replace components or parts of products and equipment referred to in paragraph 13(1) or 14(1) or (2) above.

(2) Nothing in regulation 3 of the [M25]Units of Measurement Regulations 1978 or in regulation 8 of the Units of Measurement Regulations 1980 shall prevent any unit of measurement being used for components and parts of products and of equipment necessary to supplement or replace components or parts of products and equipment referred to in paragraph 14(1) or (2) above.

Marginal Citations
M25 S.I. 1978/474.

17 (1) This paragraph applies to any pattern of weighing equipment—
(a) the certificate of approval in respect of which was, or is deemed to have been, granted under section 12 of the 1963 Act and was in force immediately before 1st December 1980, and
(b) which provides for weighing to be made wholly or partly in grains, stones, quarters, hundredweights or tons,

including a pattern modified in accordance with an authorisation of the Secretary of State granted or deemed to have been granted under that section before 4th April 1979 and for the time being in force.

(2) Without prejudice to paragraph 14 above, every pattern of weighing equipment to which this paragraph applies shall continue to be deemed modified to the extent necessary to require equipment of that pattern—
(a) to weigh in pounds with scale intervals in the form 1y 10n, 2y 10n or 5y 10n pounds, the index n being a positive or negative whole number or zero, in substitution for stones, quarters, hundredweights or tons or fractions thereof and to have its capacity expressed in pounds, or
(b) to weigh in multiples or fractions of an ounce troy in substitution for grains or fractions thereof and to have its capacity expressed in ounces troy.

Joint local weights and measures authorities in Greater London

18 (1) This paragraph applies to any agreement which—
(a) was made under section 37 of the 1963 Act before 1st April 1974 by two or more local weights and measures authorities for areas within Greater London, and
(b) was in force immediately before the commencement of this Act.

(2) The repeal by this Act of section 37 of the 1963 Act, and of the provisions enabling an agreement under that section to relate to functions of a local weights and measures authority under the [M26]Trade Descriptions Act 1968, section 25 of the [M27]Agriculture Act 1970 and Part II of the [M28]Fair Trading Act 1973, shall not affect any agreement to which this paragraph applies.

(3) The parties to an agreement to which this paragraph applies shall cause notice in writing to be given to the Secretary of State of any variation from time to time made in the agreement and, if the agreement ceases to have effect, of its cessation.

(4) Where an agreement to which this paragraph applies has effect in relation to functions of a local weights and measures authority under sections 4, 5 or 72 of this Act, any reference in that section to a local weights and measures authority shall be construed subject to the terms of the agreement.

(5) Where—

(a) two or more local weights and measures authorities are parties to an agreement to which this paragraph applies, and

(b) the agreement relates to all their functions under this Act and to any functions specified in a notice given to them under section 70(1)(b) of this Act and not withdrawn,

those authorities may make a joint report to the Secretary of State under section 70(1) of this Act in respect of any financial year during the whole of which the agreement was in operation.

Marginal Citations

M26 1968 c. 29.
M27 1970 c. 40.
M28 1973 c. 41.

Relaxation of Ministerial controls

19 Subsection (3) of section 35 of the [M29]Local Government Act 1974 (power of Secretary of State to remove or relax control conferred on any Minister etc on functions of local authorities) shall continue to apply to any such control as is mentioned in that subsection which was conferred on the Board of Trade (subsequently becoming exercisable by the Secretary of State) by any enactment contained in the 1963 Act and re-enacted in this Act.

Marginal Citations

M29 1974 c. 7.

20 . . . . . [F95]

Textual Amendments

F95 Sch. 11 para. 20 repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 10**

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Inspectors

21 (1) Any person who immediately before the commencement of section 46 of the 1963 Act, was an inspector of weights and measures appointed under section 43 of the [M30]Weights and Measures Act 1878 shall, if immediately before the commencement of this Act he was acting as an inspector for the purposes of the 1963 Act, be deemed to have been appointed an inspector under section 72 of this Act, and any certificate of qualification granted to him under section 8 of the [M31]Weights and Measures Act 1904 shall be deemed to be a certificate granted to him under section 73 of this Act.

(2) Nothing in this Act shall prevent any person who immediately before the commencement of this Act was, with the sanction of a local weights and measures authority, acting for any of the purposes of the 1963 Act by virtue of section 46(2) of that Act from continuing to act, with that sanction, for the corresponding purposes of this Act; and so far as may be necessary for the purposes of his so acting any reference in this Act (except Part V)—

(a) to credentials shall, in relation to such a person, be construed as a reference to written authority for him so to act from that authority; and

(b) to an inspector shall, in relation to such a person and except in section 79(3), be construed as a reference to that person while so acting.

Marginal Citations

M30 1878 c. 49.

M31 1904 c. 28.

"Gallon" and "litre"

22 Nothing in the definition of "gallon" or "litre" in Schedule 1 to this Act affects any contract or agreement entered into before 1st November 1976, notwithstanding that it relates to the delivery of goods after that date.

Byelaws

23 Any byelaws made by a local authority for any of the purposes mentioned in paragraph 9 of Schedule 5 to this Act which immediately before the commencement of this Act were in force by virtue of sub-paragraph (2) of paragraph 5 of Schedule 6 to the 1963 Act shall notwithstanding the repeal by this Act of that sub-paragraph continue in force by virtue of this paragraph; and any authority which immediately before the commencement of this Act had power to revoke any such byelaws to any extent shall continue to have that power.

24 Any provision contained in a byelaw made under paragraph 5 of Schedule 6 to the 1963 Act (including that paragraph as extended to wood fuel by paragraph 4 of Part IV of Schedule 7 to that Act) which—

(a) immediately before 17th July 1978 (the date of the commencement of section 31(3) of the [M32]Criminal Law Act 1977 and section 289C(3) of the [M33]Criminal Procedure (Scotland) Act 1975) specified £20 as the maximum fine which might be imposed on summary conviction in respect of a contravention of, or an offence under, any byelaw mentioned in that provision, and

(b) immediately before the commencement of this Act had effect by virtue of either of those sections as if it specified £50 instead,

shall continue to have effect as if it specified £50.

Marginal Citations

M32 1977 c. 45.

M33 1975 c. 21.

[F96 25 In any of the following, namely—

(a) any byelaw made under paragraph 5 of Schedule 6 to the 1963 Act (including that paragraph as extended to wood fuel by paragraph 4 of Part IV of Schedule 7 to that Act),

(b) any byelaw made under paragraph 2 of Part IV of Schedule 7 to that Act, and

(c) any byelaw made under any enactment repealed by that Act, where the byelaw is continued in force by virtue of paragraph 5(2) of Schedule 6 to that Act, references to a ton, half a ton, two hundredweights, a hundredweight, a quarter or a stone (or to the equivalent number of pounds in the case of each of those quantities) shall be construed as references to 1000, 500, 100, 50, 15 or 7.5 kilograms respectively**]**

Textual Amendments

F96 Sch. 11 para. 25 substituted (1.10.1995) by S.I. 1994/2867, **reg. 6(7)(a)**

[F97 26 Where any byelaw to which paragraph 25 above applies contains a requirement not only to mark a price clearly and legibly but to mark it in figures of at least three inches in height, the reference to three inches shall be construed as a reference to 7.5 centimetres.**]**

Textual Amendments

F97 Sch. 11 para. 26 added (1.10.1995) by S.I. 1994/2867, **reg. 6(7)(b)**

SCHEDULE 12

Section 97.

CONSEQUENTIAL AMENDMENTS

The Petroleum (Consolidation) Act 1928

1 In section 20(1) of the M34 Petroleum (Consolidation) Act 1928, for the words "may from time to time prescribe" there shall be substituted the words "may from time to time with the approval of the Treasury determine".

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Marginal Citations
M34 1928 c. 32.

The Agriculture Act 1967

2 In section 8(3) of the [M35]Agriculture Act 1967, for paragraph (b) there shall be substituted the following—

"(b) conferring powers of entry on inspectors appointed under section 72 of the Weights and Measures Act 1985,".

Marginal Citations
M35 1967 c. 22.

The Trade Descriptions Act 1968

3 In section 22(1) of the [M36]Trades Descriptions Act 1968—

(a) for the words "Weights and Measures Act 1963" there shall be substituted the words "Weights and Measures Act 1985";

(b) in sub-paragraph (a) for the words "subsection (2) of section 51 of the said Act of 1963" there shall be substituted the words "subsection (3) of section 83 of the said Act of 1985"; and

(c) in sub-paragraph (b) for the words "subsections (2), (3) and (5) to (7) of section 26 of the said Act of 1963" there shall be substituted the words "sections 35, 36 and 37(1) and (2) of the said Act of 1985".

Marginal Citations
M36 1968 c. 29.

4 (1)) In section 32 of the Trade Descriptions Act 1968—

(a) in paragraph (a) for the words "section 21(5)(b) of the Weights and Measures Act 1963" there shall be substituted the words "section 24(2)(b) of the Weights and Measures Act 1985"; and

(b) for paragraph (d) there shall be substituted the following—

"(d) for industrial use within the meaning of the Weights and Measures Act 1985 or for constructional use;"

(2) At the end of that section there shall be inserted the following—

"(2) In this section "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;".

The Greater London Council (General Powers) Act 1972

5 n section 17(5)(b) of the [M37]Greater London Council (General Powers) Act 1972, for the words "Weights and Measures Act 1963" there shall be substituted the words "Weights and Measures Act 1985"

Marginal Citations
M37 1972 c. xl.

The Fair Trading Act 1973

6 In section 3(5)(b) of the [M38]Fair Trading Act 1973, for the words "Weights and Measures Act 1963" there shall be substituted the words "Weights and Measures Act 1985".

Marginal Citations
M38 1973 c. 41.

The Weights and Measures &c. Act 1976

7 (1) Section 12 of the [M39]Weights and Measures &c. Act 1976 shall be amended as follows.

(2) In subsection (1), for paragraph (d) there shall be substituted the following—

"(d) section 21, 22 or 23 of the 1985 Act;".

(3) In subsection (9)(c), for the words "the 1963 Act" there shall be substituted the words "the 1985 Act".

Marginal Citations
M39 1976 c. 77.

8 In section 14 of the Weights and Measures &c. Act 1976, for the definition of "the 1963 Act" there shall be substituted the following—

""the 1985 Act" means the Weights and Measures Act 1985;".

9 In Schedule 6 to the Weights and Measures &c. Act 1976, for paragraph 5 there shall be substituted the following—

" Weights and Measures Act 1985

5 (1) This paragraph applies where the relevant requirement took effect under or by virtue of the 1985 Act.

(2) The following provisions of that Act—

(a) sections 25 to 31 (offences),

(b) sections 32 to 37 (liability of third parties and defences),

(c) sections 38 to 42 and 44 to 46 (powers of inspectors, etc.), and

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(d) sections 79 to 83 (further powers of inspectors and prosecution of offences),

shall apply as if the substituted requirement were imposed under Part IV of the Act."

The Weights and Measures (Northern Ireland) Order 1981

10 (1) The [M40]Weights and Measures (Northern Ireland) Order 1981 shall be amended as follows.

(2) In Article 1(3), for the words from "and Article 54(2)" to the end there shall be substituted the words, "shall come into operation on such date or dates as may be appointed by the Secretary of State under subsection (2) of section 43 of the Act of 1985 for the coming into force of that section".

(3) In Article 2(2)—

(a) for the definition of "the Act of 1963" there shall be substituted the following—

""the Act of 1985" means the Weights and Measures Act 1985;", and

(b) in the definition of "capacity measurement", for the words "Act of 1963" there shall be substituted the words "Act of 1985".

(4) In Articles 3(3), 4(6), 10(8)

and 53(1), for the words "Act of 1963", wherever they occur, there shall be substituted the words "Act of 1985".

(5) In Article 8—

(a) in paragraph (3), for the words "Schedule 1 to the Act of 1963" there shall be substituted the words "Schedule 1 to the Act of 1985" and for the words "section 10(6) of the Act of 1963" there shall be substituted the words "section 10(3) of the Act of 1985", and

(b) in paragraph (5)(a), for the words "which is or on 25th October 1967 was included in Schedule 1 to the Act of 1963", there shall be substituted the words "which is included in Schedule 1 to the Act of 1985 or was on 25th October 1967 included in Schedule 1 to the Weights and Measures Act 1963".

(6) In Article 12(5), for the words "section 13 of the Act of 1963" there shall be substituted the words "section 14 of the Act of 1985".

Marginal Citations

M40 S.I. 1981/231 (N.I. 10).

The Local Government Act 1985

11 In paragraph 15 of Schedule 8 to the [M41]Local Government Act 1985—

(a) in sub-paragraph (4), after the words "this paragraph" there shall be inserted the words "and section 69(1)(a) of the Weights and Measures Act 1985",

(b) in sub-paragraph (5), for the words "(1) to (3) above" there shall be substituted the words "(2) and (3) above and the said section 69(1)(a)", and

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(c) at the end of sub-paragraph (6), there shall be inserted the words "and the said section 69(1)(a)".

Marginal Citations

M41 1985 c. 51.

SCHEDULE 13

Section 98.

REPEALS AND REVOCATIONS

PART I

REPEALS

Chapter	Short title	Extent of repeal
1963 c. 31.	The Weights and Measures Act 1963.	The whole Act.
1968 c. 29.	The Trade Descriptions Act 1968.	In section 26(1), the words from "and section 37" to the end.
1970 c. 40.	The Agriculture Act 1970.	In section 25, in subsection (3), the words from "and section 37" to "that Act" and, in subsection (5), the words from "shall have effect" to "1963 but".
1972 c. 70.	The Local Government Act 1972.	Section 112(4)(d).
		Section 201.
1973 c. 41.	The Fair Trading Act 1973.	In section 27(1), the words from "and section 37" to the end.
1973 c. 65.	The Local Government (Scotland) Act 1973.	Section 64(5)(d).
		Section 149.
		In Schedule 25, paragraphs 29, 30 and 31.
1974 c. 7.	The Local Government Act 1974.	In Schedule 6, paragraph 15.
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	Section 289C(2)(b).

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1976 c. 77.	The Weights and Measures &c. Act 1976.	The whole Act, except sections 12 to 14 and 15(1) to (3) and Schedule 6.
1977 c. 45.	The Criminal Law Act 1977.	Section 31(2)(b).
1979 c. 2.	The Customs and Excise Management Act 1979.	In Schedule 4, in paragraph 12, in the Table, the entry relating to the Weights and Measures Act 1963.
1979 c. 4.	The Alcoholic Liquor Duties Act 1979.	In Schedule 3, paragraphs 3 and 4.
1979 c. 45.	The Weights and Measures Act 1979.	The whole Act.
1980 c. 43.	The Magistrates' Courts Act 1980.	In Schedule 7, paragraphs 188 and 189.
1980 c. 65.		
The Local Government, Planning and Land Act 1980.	In section 1(4), the words "weights and measures and to".	In Schedule 4, paragraphs 2 to 9 and 11 and 12.
1984 c. 30.	The Food Act 1984.	In Schedule 10, paragraphs 4 and 5.
1985 c. 9.	The Companies Consolidation (Consequential Provisions) Act 1985.	In Schedule 2, the entry relating to the Weights and Measures Act 1979.
1985 c. 51.	The Local Government Act 1985.	In Schedule 8, paragraph 15(1).

PART II

REVOCATIONS

Number	Title	Extent of revocation
S.I. 1966/238.	The Weights and Measures (Solid Fuel) (Carriage by Rail) Order 1966.	The whole order.
S.I. 1970/1708.	The Weights and Measures Act (Amendment of Schedules 5 and 7) Order 1970.	The whole order.
S.I. 1974/874.	The Weights and Measures Act 1963 (Dentifrices) Order 1974.	Article 2.
S.I. 1978/484.	The Units of Measurement Regulations 1978.	Regulation 4(2) and (3).

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		Regulation 5.
		Regulation 8.
S.I. 1979/955.	The Weights and Measures (Solid Fuel) (Carriage by Rail) (Amendment) Order 1979.	The whole order.
S.I. 1979/1753.	The Weights and Measures Act 1963 (Solid Fuel) Order 1979.	The whole order.
S.I. 1980/1070.	The Units of Measurement Regulations 1980.	In regulation 9(1), 10(1) and 11, the words “or in Part IV of these Regulations”
		Regulation 10(2) to (4).
		In regulation 11, the words “to (3)”.
		Regulation 12.
		Regulation 13.
		Regulation 16.
		Schedule 4.
		In Schedule 5, the amendments of the Weights and Measures Act 1963.
S.I. 1980/1742.	The Units of Measurement (No. 2) Regulations 1980.	Regulations 2 and 3.
S.I. 1983/1077.	The Weights and Measures Act 1963 (Amendment of Schedule 3) Order 1983.	The whole order.
S.I. 1984/1314.	The Weights and Measures Act 1963 (Intoxicating Liquor) Order 1984.	Article 2.
S.I. 1984/1315.	The Weights and Measures Act 1963 (Cheese, Fish, Fresh Fruits and Vegetables, Meat and Poultry) Order 1984.	Article 3.
S.I. 1984/1316.	The Weights and Measures Act 1963 (Miscellaneous Foods) Order 1984.	Articles 3 and 17.
S.I. 1985/435.	The Weights and Measures (Solid Fuel) (Carriage by Rail) (Amendment) Order 1985.	The whole order.

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S.I. 1985/777.	The Units of Measurement Regulations 1985.	Regulation 4.

TABLE OF DERIVATIONS

Notes:

(1) This Table does not take into account transfers of Ministerial functions under the provisions from which the Act is derived.

(2) The following abbreviations are used in this Table:—

1963 =	The Weights and Measures Act 1963 (c. 31).
1972 c. 70 =	The Local Government Act 1972.
1973 c. 36 =	The Northern Ireland Constitution Act 1973.
1973 c. 65 =	The Local Government (Scotland) Act 1973.
1974 c. 7 =	The Local Government Act 1974.
1975 c. 21 =	The Criminal Procedure (Scotland) Act 1975.
1976 =	The Weights and Measures &c. Act 1976 (c. 77).
1977 c. 45 =	The Criminal Law Act 1977.
1979 c. 2 =	The Customs and Excise Management Act 1979.
1979 c. 4 =	The Alcoholic Liquor Duties Act 1979.
1979 =	The Weights and Measures Act 1979 (c. 45).
1980 c. 43 =	The Magistrates' Courts Act 1980.
1980 c. 65 =	The Local Government, Planning and Land Act 1980.
1982 c. 48 =	The Criminal Justice Act 1982.
1984 c. 30 =	The Food Act 1984.
1985 c. 9 =	The Companies Consolidation (Consequential Provisions) Act 1985.
1985 c. 51 =	The Local Government Act 1985.
S.I. 1966/238 =	The Weights and Measures (Solid Fuel) (Carriage by Rail) Order 1966.
S.I. 1970/1708 =	The Weights and Measures Act (Amendment of Schedules 5 and 7) Order 1970.

S.I. 1974/874 =	The Weights and Measures Act 1963 (Dentifrices) Order 1974.
S.I. 1978/484 =	The Units of Measurement Regulations 1978.
S.I. 1979/955 =	The Weights and Measures (Solid Fuel) (Carriage by Rail) (Amendment) Order 1979.
S.I. 1979/1753 =	The Weight and Measures Act 1963 (Solid Fuel) Order 1979.
S.I. 1980/1070 =	The Units of Measurement Regulations 1980.
S.I. 1980/1742 =	The Units of Measurement (No. 2) Regulations 1980.
S.I. 1983/1077 =	The Weights and Measures Act 1963 (Amendment of Schedule 3) Order 1983.
S.I. 1984/1316 =	The Weights and Measures Act 1963 (Miscellaneous Foods) Order 1984.
S.I. 1985/435 =	The Weights and Measures (Solid Fuel) (Carriage by Rail) (Amendment) Order 1985.
S.I. 1985/777 =	The Units of Measurement Regulations 1985.

Provision	**Derivation**
1(1)	1963 s. 1(1).
emspX;(2)	1963 s. 1(2).
emsp;(3)	1963 ss. 1(3), 9A(3)(a), (8); 1976 ss. 1(1), 2(1).
emsp;(4)	1963 s. 9A(4); 1976 s. 2(1).
emsp; (5)	1963 s.9A(5); 1976 s. 2(1).
2	1963 s.2.
3	1963 s.3.
4(1)	1963 s.4(1).
emsp; (2)(3)	1963 s. 4(2); 1973 c. 65 Sch. 25 para. 29; 1974 c. 7 Sch. 6 para. 15(1).
emsp; (4)(5)	1963 s. 4(3), (4).
emsp;(6)	1963 s. 4(5); 1979 Sch. 5 para. 1.
emsp; (7)	1963 s.4(5).
emsp; (8)(9)	1963 s.4(6)(7).

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emsp;5(1)	1963 s. 5(1); 1980 c. 65 Sch. 4 para. 2.
emsp;(2)	1963 s. 5(1A); 1979 Sch. 5 para. 2.
emsp;(3)(4)	1963 s. 5(2), (2A); 1980 c. 65 Sch. 4 para. 4.
emsp;(5)(6)	1963 s. 5(3).
emsp;(7)	1963 s. 5(1A); 1979 Sch. 5 para. 2.
emsp;(8)	1963 s. 5(3).
emsp;(9)(10)	1963 s. 5(4).
emsp; (11)	1963 s. 5(1A); 1979 Sch. 5 para. 2.
emsp;(6)	1963 s. 6(1); 1979 Sch. 5 para. 3.
7(1)-(4)	1963 s. 9.
emsp; (5)	1963 s. 17.
8(1)	1963 s. 9A(1); 1976 s. 2(1).
emsp; (2)	1963 Sch. 1A Part VI, Sch. 3 Part VI, S.I. 1980/1070 reg. 13(1) Sch. 4; S.I. 1983/1077 art. 2(2).
emsp; (3)	1963 s. 10(7); 1976 s. 2(3)(a).
emsp; (4)	1963 s. 9A(2); 1976 s. 2(1).
emsp; (5)	1963 s. 9A(7); 1976 s. 2(1); S.I. 1980/1070 reg. 9(1).
emsp;(6)	1963 s. 9A(3)(b)(c); 1976 s. 2(1).
emsp; (7)	1963 s. 9A(5); 1976 s. 2(1).
emsp; (8)	1963 s. 9A(8); 1976 s. 2(1).
9	1963 s. 9B; 1976 s. 2(1).
10(1)-(3)	1963 s. 10(4)-(6).
emsp; (4)(5)	1963 s. 10(7).
11(1)	1963 s. 11(1).
emsp; (2)(3)	1963 s. 11(2).
emsp; (4)	1963 s. 11(3); 1979; s. 16(1).
emsp; (5)	1963 s. 11(3); 1980 c. 65 Sch. 4 para. 5.
emsp;(6)(7)	1963 s. 11(3).
emsp; (8)(9)	1963 s. 11(4).
emsp; (10)	1963 s. 11(5).
emsp; (11)(12)	1963 s. 11(5A), (5B); 1979 s. 16(1).
emsp; (13)(14)	1963 s. 11(6); 1979 s. 16(1).
emsp; (15)	1963 s. 11(7).

emsp; (16)	1963 s. 11(9).
12(1)	1963 ss. 12(1), 12A(3); 1979 s. 17(3).
emsp; (2)	1963 s. 12(1A); 1979 s. 17(1).
emsp; (3)	1963 s. 12(1).
emsp; (4)	1963 s. 12A(3); 1979 s. 17(3).
emsp; (5)	1963 s. 12(2); 1979 s. 17(1).
emsp; (6)(7)	1963 s. 12A(1); 1979 s. 17(3).
emsp;(8)	1963 ss. 12(2), 12A(1); 1979 s. 17(1), (3).
emsp;(9)	1963 s. 12A(2); 1979 s. 17(3).
emsp; (10)	1963 ss. 12(3), 12A(7); 1979 s. 17(3).
emsp; (11)	1963 s. 12A(4), (7); 1979 s. 17(3).
emsp; (12)	1963 s. 12(12(4).
13(1)	1963 s. 12(2); 1979 s. 17(1).
emsp; (2)	1963 s. 12A(4); 1979 s. 17(3).
emsp; (3)	1963 s. 12(3), (3A); 1979 s. 7(1), (3).
emsp; (4)	1963 s. 12A(7); 1979 s. 17(3).
14	1963 s. 13.
15(1)	1963 s. 14(1); 1976 s. 5.
emsp; (2)	1963 s. 14(1A); 1979 s. 16(3).
emsp;(3)	1963 s. 14(1).
emsp; (4)(5)	1963 s. 14(2), (3).
16(1)	1963 s. 15(1); 1979 Sch. 5 para. 5.
emsp;(2)	1963 s. 15(1); 1979 Sch. 5 para. 5.
emsp;(3)(4)	1963 s. 15(2), (3).
17	1963 s. 16.
18	1963 s. 18.
19	1963 s. 19.
20	1963 s. 20.
21	1963 s. 21(1).
22(1)	1963 s. 21(2); 1976 s. 6(1).
emsp;(2)	1963 s. 21(3).
emsp; (3)	1963 s. 21(3A), (3B); 1976 s. 6(2).
emsp;(4)	1963 s. 21(3B); 1976 s. 6(2).
23(1)	1963 s. 21(4); 1976 s. 6(3).

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emsp; (2)	1963 s. 21(4).
24	1963 s. 21(5); 1979 c. 2 Sch. 4 para. 12.
25(1)	1963 s. 22(1).
emsp; (2)(3)	1963 s. 22(2); 1976 s. 7(1).
emsp;(4)(5)	1963 s. 22(3)(4).
emsp; (6)	1963 s. 22(1)-(4).
emsp;(7)	1979 s. 2(6).
emsp;(8)	1963 s. 22(1)–(4).
26(1)	1963 s. 23(1).
emsp; (2)-(5)	1963 s. 23(2).
emsp;(6)	1963 s. 23(3).
27(1)	1963 s. 23(4).
emsp; (2)	1963 s. 23(4); S.I. 1980/1070 Sch. 5.
28(1)	1963 s. 24(1).
emsp; (2)	1963 s. 24(8); 1979 s. 2(6).
emsp;(3)	1963 s. 24(9).
29(1)	1963 s. 24(2).
emsp; (2)	1963 s. 24(8); 1979 s. 2(6).
emsp;(3)	1963 s. 24(9).
30(1)–(4)	1963 s. 24(3)–(6).
emsp; (5)	1963 s. 24(8); 1979 s. 2(6).
emsp; (6)	1963 s. 24(9).
31(1)	1963 s. 24(7).
emsp; (2)	1963 s. 24(8); 1979 s. 2(6).
emsp;(3)	1963 s. 24(9).
32	1963 s. 27(2); 1979 Sch. 5 para. 8.
33	1963 s. 25.
34(1)	1963 s. 26(1); 1979 Sch. 5 para. 7.
emsp;(2)	1963 s. 27(1); 1979 Sch. 5 para. 8.
35(1)(2)	1963 s. 26(2).
emsp;(3)	1963 s. 26(3).
emsp; (4)	1963 s. 26(5).
36	1963 s. 26(6).
37(1)(2)	1963 s. 26(7).
emsp; (3)	1963 s. 26(8); 1976 s. 7(2).

emsp;(4)	1963 s. 27(3); 1979 Sch. 5 para. 8.
38(1)(2)	1963 s. 29(1); 1976 s. 7(3).
emsp;(3)	1963 s. 29(2); 1976 s. 7(4).
emsp;(4)	1963 s. 29(3); 1984 c. 30 Sch. 10 para. 4.
39	1963 s. 30(1), (2).
40	1963 s. 30(3).
41	1963 s. 31.
42	1963 s. 32.
43(1)	1979 s. 19.
emsp; (2)	1979 s. 24(3)(b).
44	1963 s. 33(1).
45(1)	1963 s. 33(2).
emsp; (2)(3)	1963 s. 33(3).
46	1963 s. 33(4).
47(1)	1979 s. 1(1).
emsp;(2)	1979 s. 15(7).
emsp; (3)(4)	1979 s. 1(2)(3).
48(1)	1979 s. 1(4).
emsp; (2)(3)	1979 s. 1(5).
emsp;(4)	1979 s. 15(6).
49(1)–(3)	1979 s. 1(6)–(8).
emsp; (4)	1979 s. 1(9); 1980 c. 65 Sch. 4 para. 11(2).
50(1)	1979 s. 2(1).
emsp;(2)–(4)	1979 s. 2(4).
emsp;(5)(6)	1979 s. 2(5).
emsp;(7)	1979 s. 2(7).
51(1)	1979 s. 3(4).
emsp; (2)	1979 s. 3(5).
emsp;(3)	1979 s. 3(6).
emsp;(4)	1979 s. 3(7).
52(1)	1979 s. 4(1).
emsp; (2)	1979 s. 4(4).
53	1979 s. 4(2).
54(1)–(3)	1979 s. 5(1)–(3).

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emsp; (4)(5)	1979 s. 5(4).
emsp;(6)(7)	1979 s. 5(5),(6).
55	1979 s. 6.
56(1)	1979 s. 7(1).
emsp;(2)	1979 s. 7(6).
57(1)(2)	1979 s. 7(2),(3).
58	1979 s. 7(4).
59(1)–(4)	1979 s. 8.
emsp;(5)	1979 s. 7(6).
60	1979 s. 9.
61(1)	1979 s. 10(1), (3).
emsp; (2)	1979 s. 10(1A), (3); 1985 c. 9 Sch. 2.
emsp;(3)	1979 s. 10(2), (3).
emsp; (4)	1979 s. 10(5).
62(1)–(3)	1979 s. 11(1)–(3).
emsp;(4)	1979 s. 11(5).
63(1)	1979 s. 2(2).
emsp;(2)	1979 s. 2(3).
emsp;(3)	1979 Sch. 1 para. 1.
emsp;(4)(5)	1979 Sch. 1 para. 2.
emsp;(6)	1979 Sch. 1 para. 3.
emsp; (7)	1979 s. 2(2), (3).
64	1979 s. 12(1)(2).
65	1979 s. 13.
66	1979 s. 15(2).
67	1979 s. 15(4), (5).
68	1979 s. 14(1)–(4).
69(1)	1972 c. 70 s. 201(2); 1985 c. 51 Sch. 8 para. 15(1).
emsp; (2)	1972 c. 70 s. 201(2).
emsp; (3)	1963 s. 36; 1973 c. 65 s. 149(1).
emsp;(4)	1963 s. 35(3).
emsp; (5)	1972 c. 70 s. 201(8); 1973 c. 65 s. 149(6).
emsp;(6)	1985 c. 51 ss. 1,2.

70(1)	1963 s. 38(1); 1979 s. 4(3), Sch. 5 para. 10.
emsp;(2)	1963 s. 38(1).
emsp; (3)(4)	1963 s. 38(2).
71(1)–(3)	1963 s. 39(1).
emsp; (4)–(6)	1963 s. 39(2).
72	1963 s. 41.
73(1)	1963 s. 42(1).
emsp;(2)	1963 s. 42(1A); 1979 Sch. 5 para. 11.
emsp; (3)	1963 s. 42(2).
emsp; (4)	1963 s. 42(3); 1979 Sch. 5 para. 11.
74(1)	1963 s. 43(1).
emsp; (2)	1963 s. 43(1); 1980 c. 65 Sch. 4 para. 8.
emsp;(3)	1963 s. 43(1).
emsp; (4)	1963 s. 43(2).
75(1)	1963 s. 45(1); 1979 s. 4(3).
emsp;(2)	1963 s. 45(2).
76	1963 s. 47A; 1976 s. 9; 1980 c. 65 Sch. 4 para. 9.
77	1963 s. 44(1); 1979 Sch. 5 para. 12.
78	1963 s. 44(2).
79(1)	1963 s. 48(1).
emsp; (2)	1963 s. 48(2); 1979 Sch. 5 para. 13(1).
emsp; (3)(4)	1963 s. 48(3).
emsp; (5)(6)	1963 s. 48(4).
emsp; (7)	1963 s. 48(5); 1979 Sch. 5 para. 13(2).
emsp; (8)(9)	1963 s. 48(6)(7).
80	1963 s. 49(1)(a); 1979 Sch. 2 para. 6.
81(1)	1963 s.49(1)(b)(c).
emsp; (2)(3)	1963 s. 49(2)(3).
emsp; (4)	Civil Evidence Act 1968 (c. 64) s. 14(2).
82	1963 s. 50; 1979 ss. 3(3), 5(7), 7(3), Sch. 2 para. 6.
83(1)	1963 s. 51(1); 1979 ss. 3(2), 5(7), Sch. 2 para. 6.
emsp;(2)	1979 s. 7(3).

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emsp;(3)	1963 s. 51(2); 1979 ss. 3(2), 5(7), Sch. 2 para. 6, Sch. 5 para. 14.
emsp; (4)	1963 s. 51(3).
emsp; (5)	1963 s. 51(4); 1979 ss. 3(2), 5(7), Sch. 2 para. 6, Sch. 5 para. 14.
84(1)(2)	1963 s. 52(1); 1975 c. 21 s. 289G; 1976 s. 2(3)(b); 1979 ss. 17(4), 18(1)(b); 1982 c. 48 ss. 46, 54.
emsp;(3)	S.I. 1966/238 art. 5; S.I. 1985/435.
emsp; (4)	1963 s. 52(3); 1975 c. 21 s. 289G; 1979 ss. 3(1)(a), 18(3); 1982 c. 48 ss. 46, 54.
emsp;(5)	1963 s. 52(3); 1975 c. 21 s. 289B; 1977 c. 45 Sch. 11 para. 5; 1979 ss. 12(3), 18(3); 1980 c. 43 s. 32(2).
emsp; (6)	1963 s. 52(2); 1975 c. 21 s. 289G; 1979 ss. 3(1)(b), 7(3), 18(2); 1982 c. 48 ss. 46, 54.
emsp; (7)	1963 ss. 21, 54(4).
85	1963 s. 53.
86(1)	1963 s. 54(1); 1979 ss. 11(6), 15(2).
emsp;(2)	1963 s. 54(2); 1976 ss. 2(3)(d), 3, Sch. 4 para. 3(1); 1979 s. 15(3).
emsp; (3)	1963 s. 54(2A); 1976 s. 2(4).
emsp; (4)	1979 s. 11(4).
emsp; (5)	1963 s. 54(3); 1976 Sch. 4 para. 3(2); 1979 s. 11(6).
emsp; (6)	1963 s. 54(5); 1979 s. 15(2).
87	1963 s. 55.
88	1963 s. 57; 1979 s. 15(1).
89	1963 s. 62(1).
90	1963 s. 62(3), (6).
91	1963 s. 62(2).
92	1976 s. 1(4).
93	1963 s. 63(4).
94(1)	1963 s. 58(1); 1979 ss. 12(3), 14(1), Sch. 5 para. 15; 1979 c. 4 Sch. 3 para. 3; 1982 c. 48 ss. 74, 75; 1984 c. 30 Sch. 10 para. 4.
emsp; (2)(3)	1963 s. 58(1).
emsp; (4)	1963 s. 58(2).

95–99	
Sch. 1	1963 Sch. 1, Sch. 1A; S.I. 1980/1070 reg. 13, Sch. 4; S.I. 1985/777 reg. 4.
Sch. 2	1963 Sch. 2.
Sch. 3	1963 Sch. 3; S.I. 1980/1070 reg. 13, Sch. 4; S.I. 1983/1077 art. 2.
Sch. 4	
emsp; para. 1	1963 Sch. 5 para. 1.
2	1963 Sch. 5 para. 2; S.I. 1970/1708 art. 2.
3	1963 Sch. 5 para. 5; S.I. 1970/1708 art. 3; S.I. 1980/1070 Sch. 5.
4–10	1963 Sch. 5 paras. 4–10.
11	1963 Sch. 5 para. 11; S.I. 1970/1708 art. 4; S.I. 1980/1070 Sch. 5.
Sch. 5	
emsp; para. 1	1963 Sch. 6 para. 1.
2	1963 Sch. 6 para. 2; S.I. 1980/1070 Sch. 5.
3	1963 Sch. 6 para. 3; 1076 Sch. 4, para. 1; S.I. 1979/1753 art. 2; S.I. 1980/1070 Sch. 5.
4	1963 Sch. 6 para. 3A; 1976 Sch. 4 para. 1.
5	1963 Sch. 6 para. 3B; 1976 Sch. 4 para. 1; S.I. 1980/1070 Sch. 5.
6, 7	1963 Sch. 6 paras. 3C, 3D; 1976 Sch. 4 para. 1.
8	1963 Sch. 6 para. 4.
9	1963 Sch. 6 para. 5(1); 1975 c. 21 ss. 289C(2)(3), 289G; 1977 c. 45 s. 31(2)(3); Sch. 11 para. 5; 1980/1070 Sch. 5; 1982 c. 48 ss. 46, 54.
10	1963 Sch. 6 para. 6.
11, 12	1963 Sch. 6 paras. 6A, 6B; 1976/Sch. 4 para. 2.
13–16	1963 Sch. 6 paras. 7–10.
17, 18	1963 Sch. 6 paras. 11, 12; S.I. 1980/1070 Sch. 5.
19	1963 Sch. 6 para. 13.

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20	1963 Sch. 6 para. 14.
21	1963 Sch. 6 para. 15.
22S.I. 1966/238 art. 1; S.I. 1979/955 art. 3.	
23	1963 Sch. 6 para. 16.
24(1)	S.I. 1966/238 art. 2; S.I. 1985/435 art. 2.
(2)	S.I. 1966/238 art. 3; S.I. 1979/955 art. 4.
(3)	S.I. 1966/238 art. 3A; S.I. 1979/955 art. 5.
(4)	S.I. 1966/238 art. 5.
25(1)	1963 Sch. 6 para. 17(1); S.I. 1966/238 art. 4.
(2)	1963 Sch. 6 para. 17(2); S.I. 1966/238 art. 4.
(3)(4)	1963 Sch. 6 para. 17(3)(4).
(5)	S.I. 1966/238 art. 4.
(6)	S.I. 1966/238 art. 4; S.I. 1979/955 art. 6.
26	1963 Sch. 6 para. 18.
27	1963 Sch. 6 para. 19.
28(1)	1963 Sch. 6 para. 20(1); S.I. 1980/1070 Sch. 5.
(2)	1963 Sch. 6 para. 20(1).
(3)	1963 Sch. 6 para. 20(2).
Sch. 6 emsp;para. 1–3	1963 Sch. 7 Pt. I.
4	1963 Sch. 7 Pt. II para. 1.
5	1963 Sch. 7 Pt. II para. 2; S.I. 1970/1708 art. 5.
6	1963 Sch. 7 Pt. II para. 3.
7	1963 Sch. 7 Pt. II para. 4; S.I. 1970/1708 art. 6.
8–10	1963 Sch. 7 Pt. III; S.I. 1980/1070 Sch. 5.
11–14	1963 Sch. 7 Pt. IV; S.I. 1980/1070 Sch. 5.
15	1963 Sch. 7 Pt. V para. 1; S.I. 1974/874 art. 2.

16	1963 Sch. 7 Pt. V. para. 2.
17, 18	1963 Sch. 7 Pt. VI.
19–21	1963 Sch. 7 Pt. VII.
22	1963 Sch. 7 Pt. VIII para. 1; 1979 Sch. 5 para. 21.
23–25	1963 Sch. 7 Pt. VIII paras. 2, 3.
26–41	1963 Sch. 7 Pts. IX–XIII.
Sch. 7	
emsp;para. 1–4	1963 Sch. 8 paras. 1–4.
5	1963 Sch. 8 para. 5; S.I. 1984/1316 art. 17.
Sch. 8	
emsp;para. 1	1979 Sch. 2 para. 1(1).
2, 3	1979 Sch. 2 paras. 2, 3.
4	1979 Sch. 2 para. 4.
5	1979 Sch. 2 para. 1(2).
6, 7	1979 Sch. 2 paras. 5, 6.
Sch. 9	1979 Sch. 3.
Sch. 10	
emsp;para. 1	1963 Sch. 10 para. 1; 1976 s. 15(3); 1984 c. 30 Sch. 10 para. 5.
2–5	1963 Sch. 10 paras. 7–10; 1973 c. 36 Sch. 5.
Sch. 11	
emsp; para. 1–4—	
5	1963 ss. 46(1), 63(1).
6	1963 s. 11(8).
7	1963 s. 63(2).
8	1963 s. 3(6).
9	1979 Sch. 5, para. 1.
10	1963 s. 11(7).
11	1963 s. 12A(5), (6); 1979 s. 17(3).
12(1)	S.I. 1978/484 reg. 4(2).
(2)	S.I. 1978/484 reg. 4(3).
(3)	S.I. 1978/484 reg. 5.
(4)	S.I. 1978/484 reg. 8.

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13	S.I. 1980/1070 reg. 10(1).
14(1)	S.I. 1980/1070 reg. 10(2).
(2)	S.I. 1980/1070 reg. 10(3).
(3)	S.I. 1980/1070 reg. 10(4).
15	S.I. 1978/484 reg. 4(2); S.I. 1980/1070 regs. 10(2), (3); S.I. 1980/1742 regs. 2, 3.
16	S.I. 1980/1070 reg. 11.
17	S.I. 1980/1070 reg. 12.
18	1963 ss. 37, 38(1); Trade Descriptions Act 1968 (c. 29) s. 26(1); Agriculture Act 1970 (c. 40) s. 25(3); 1972 c. 70 s. 201(5); Fair Trading Act 1973 (c. 41) s. 27(1).
19	1974 c. 7 s. 35(3).
20	1979 s. 7(5).
21	1963 s. 46.
22	S.I. 1980/1070 reg. 13(3).
23	1963 Sch. 6 para. 5(2); 1973 c. 65 s. 149(5).
24	1975 c. 21 s. 289C(2)(b), (3); 1977 c. 45 s. 31(2)(b), (3), Sch. 11 para. 4.
25	S.I. 1980/1070 reg. 16; S.I. 1980/1742 reg. 3.
Schs. 12, 13	

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Changes to legislation:
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