



# Weights and Measures Act 1985

## 1985 CHAPTER 72

### PART II

#### WEIGHING AND MEASURING FOR TRADE

##### *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,
  - (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

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- (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.

**[<sup>F1</sup>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

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- (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**

**F1** 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 [<sup>F2</sup>or approved verifier] or a person acting under the instructions of an inspector [<sup>F2</sup>or approved verifier], 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 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,

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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.

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**Textual Amendments**

**F2** Words in s. 16(1)(a) inserted (29.3.1999) by S.I. 1999/503, art. 2(9)

**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.

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**Modifications etc. (not altering text)**

**C1** S. 17(1) excluded by S.I. 1988/186, arts. 3, 6(3)

**Changes to legislation:**

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