



Weights and Measures Act 1985

1985 CHAPTER 72

PART IV **E+W+S**

REGULATION OF TRANSACTIONS IN GOODS

General offences

28 Short weight, etc. **E+W+S**

- (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—
 - [^{F1}(a) the quantity of goods in a package, or of a loaf of bread, to which the packaged goods regulations apply shall be deemed to be the nominal quantity (within the meaning of those regulations) of the package or the loaf of bread; 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.

Textual Amendments

- F1** S. 28(2)(a) substituted (6.4.2006) by [The Weights and Measures \(Packaged Goods\) Regulations 2006 \(S.I. 2006/659\)](#), reg. 1(1), [Sch. 1 Pt. 2\(4\)](#) (with reg. 21)

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

F²29 Misrepresentation. E+W+S

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Textual Amendments

F2 S. 29 repealed (26.5.2008) by [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), reg. 1, Sch. 2 para. 31, **Sch. 4 Pt. 1** (with reg. 28(2)(3))

30 Quantity less than stated. E+W+S

- (1) If, in the case of any [F³ goods that are pre-packed within the meaning of this Act or are prepacked food within the meaning of the FIC Regulation and (in either case) are] 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 [F⁴ within the meaning of this Act or were prepacked food within the meaning of the FIC Regulation and (in either case) were] 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 [F⁵ within the meaning of this Act or prepacked food within the meaning of the FIC Regulation] , 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 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) [F⁶ or required by the FIC Regulation to be

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- prepacked food as mentioned in that subsection] 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 [^{F7}or required by the FIC Regulation], 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.

Textual Amendments

- F3** Words in s. 30(1) substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **4(a)**
- F4** Words in s. 30(1)(b) inserted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **4(b)**
- F5** Words in s. 30(2)(a) inserted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **4(c)**
- F6** Words in s. 30(3)(b)(i) inserted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **4(d)**
- F7** Words in s. 30(3)(b)(ii) inserted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **4(e)**

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31 Incorrect statements. **E+W+S**

- (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.

[^{F8}31A Non-compliance with certain requirements of the FIC Regulation **E+W+S**

- (1) Subject to subsection (2) below, a food business operator to which Article 1(3) of the FIC Regulation applies is guilty of an offence if that food business operator fails to comply with—
 - (a) any of the provisions of Article 8 of the FIC Regulation (responsibilities of food business operators) applicable to the food business operator, to the extent that the provisions relate to net quantity;
 - (b) Article 9(1)(e) of the FIC Regulation (mandatory indication of net quantity of food), except to the extent that it relates to a failure to comply with Article 13(5) of the FIC Regulation; or
 - (c) Chapter V of the FIC Regulation (voluntary food information), to the extent that it imposes requirements in respect of net quantity.
- (2) A food business operator is not guilty of an offence under subsection (1) if the food business operator acts in accordance with any of the following—
 - (a) an exception contained in Chapter IV of the FIC Regulation;
 - [^{F9}(b) a measure adopted by the United Kingdom before IP completion day under Article 40 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers as it had effect in EU law (milk and milk products: national measures derogating from Articles 9(1) and 10(1));
 - (ba) regulations made under Article 40 of the FIC Regulation (milk and milk products: regulations derogating from Articles 9(1) and 10(1));]
 - [^{F10}(c) a measure permitted to be maintained by Article 42 of the FIC Regulation (authority to maintain measures in specified legislation about the expression of net quantity in relation to food in the absence of regulations under Article 23(2));]
 - (d) transitional measures under Article 54(1) of the FIC Regulation.
- (3) In this section “food business operator” and “net quantity” have the same meanings as in the FIC Regulation.]

Textual Amendments

F8 S. 31A inserted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, 5

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- F9** S. 31A(2)(b)(ba) substituted for s. 31A(2)(b) (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **3(2)(a)** (as amended by [S.I. 2020/1501](#), regs. 1, **4(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F10** S. 31A(2)(c) substituted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **3(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

32 Offences due to default of third person. **E+W+S**

Where the commission by any person of an offence under this Part of this Act [^{F11}(other than section 31A)] 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.

Textual Amendments

- F11** Words in s. 32 inserted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **6**

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