



Weights and Measures Act 1985

1985 CHAPTER 72

PART V

PACKAGED GOODS

Co-ordination of control

55 The National Metrological Co-ordinating Unit

- (1) There shall continue to be a body corporate called the National Metrological Co-ordinating Unit (in this Part of this Act referred to as "the Unit"), which shall consist of not less than five persons and not more than fifteen persons appointed by the Secretary of State.
- (2) A person shall not be qualified for appointment under subsection (1) above unless he is a member of a local authority ; and it shall be the duty of the Secretary of State, before he makes such an appointment, to consult an organisation which in his opinion represents such local authorities as he considers appropriate in connection with the appointment.
- (3) In subsection (2) above " local authority " means—
 - (a) the council of a county or a district in England or Wales,
 - (b) the council of a region or an islands area in Scotland,
 - (c) the council of a London borough,
 - (d) the Common Council of the City of London, and
 - (e) the Council of the Isles of Stilly.
- (4) Schedule 9 to this Act shall have effect with respect to the Unit.
- (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) It is hereby declared that the Unit is not to be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown or as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that its property is not to be regarded as property of or held on behalf of the Crown.

56 General duties of Unit

- (1) It shall be the duty of the Unit—
- (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 Unit considers appropriate;
 - (b) to make available, to local weights and measures authorities and to packers and importers of packages, such information as the Unit 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 Unit 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 Unit to have functions which correspond to those of the Unit 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 Unit and the authority ;
 - (e) to give advice to the Secretary of State about such documents as are mentioned in section 49(3)(b) above which are prepared by persons appearing to the Secretary of State to represent the interests of packers or importers of packages;
 - (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) to perform any duty conferred on the Unit by paragraphs (a) to (g) above in accordance with any directions given to the Unit by the Secretary of State.
- (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 Measuring Container Bottles (EEC Requirements) Regulations 1977.

57 Power of Unit to require packers and importers to furnish particulars of marks

- (1) The Unit may serve, on any person carrying on business as a packer or importer of packages, a notice requiring him—

- (a) to furnish the Unit 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 Unit;

but a notice given by the Unit 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.

58 Duty of Unit to prepare scheme allocating marks

It shall be the duty of the Unit—

- (a) if the Secretary of State so directs, 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 Unit considers appropriate and the Secretary of State approves;
- (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.

59 Supervision by Unit of certain functions of inspectors

- (1) The Unit may serve on any local weights and measures authority a notice requiring the authority—

- (a) to furnish the Unit 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 Unit 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

Status: This is the original version (as it was originally enacted).

- (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 Unit 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, the Unit may refer the matter to the Secretary of State who, if he is also of that opinion, 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.

60 Annual reports by Unit

- (1) It shall be the duty of the Unit to make in each year a report to the Secretary of State on the performance during the preceding year of its functions, and it shall be the duty of the Secretary of State to publish, in such manner as he thinks fit, each report received by him in pursuance of this subsection.
- (2) In preparing a report under subsection (1) above the Unit shall have regard to the need for excluding, so far as it is practicable to do so, any matter which relates to the private affairs of an individual or which relates specifically to the affairs of a particular person where the publication of that matter would, in the opinion of the Unit, seriously and prejudicially affect the interests of that individual or person.
- (3) For the purposes of the law of defamation every publication of a report made under subsection (1) above shall be absolutely privileged.

61 Accounts and audit

- (1) It shall be the duty of the Unit—
- (a) to keep proper accounts and proper records in relation to the accounts,

Status: This is the original version (as it was originally enacted).

- (b) to prepare in respect of each accounting year a statement of those accounts, and
 - (c) to send the statement to the auditors for the time being appointed in pursuance of this subsection and to do so within six months beginning with the last day of the accounting year to which the statement relates;
- and the accounts kept and the statements prepared in pursuance of this subsection shall be audited by auditors appointed by the Unit.
- (2) A person shall not be qualified to be so appointed unless he is a member of one or more of the following bodies—
- the Institute of Chartered Accountants in England and Wales,
 - the Institute of Chartered Accountants of Scotland,
 - the Association of Certified Accountants,
 - the Institute of Chartered Accountants in Ireland,
 - any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 389(1)(a) of the Companies Act 1985 by the Secretary of State ;
- but a Scottish firm may be so appointed if each of the partners in the firm is qualified to be so appointed.
- (3) It shall be the duty of the Unit to include, in the first report it makes under section 60 above after the accounts and statement of accounts of the Unit for any accounting year have been audited, a copy of the statement and of any report made by the auditors on the statement or the accounts.
- (4) In this section " accounting year " means the period of twelve months ending with 31st March in any year except that a particular accounting year shall, if the Secretary of State so directs, be such other period not longer than two years as is specified in the direction.

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—
- (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.

Status: This is the original version (as it was originally enacted).

- (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.