



Weights and Measures Act 1985

1985 CHAPTER 72

PART V

PACKAGED GOODS

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 the Unit and it shall be the duty of the Unit to seek to obtain the person's agreement in writing

Status: This is the original version (as it was originally enacted).

to the instructions either without modifications or with such modifications as the Unit considers acceptable.

- (5) If at the expiration of the prescribed period beginning with the day when the instructions are received by the Unit, the Unit considers that it has not obtained the agreement of the person in question as mentioned in subsection (4) above, it shall be the duty of the Unit to refer the instructions to the Secretary of State.
- (6) Where instructions are referred to the Secretary of State in pursuance of subsection (5) above, it shall be his duty—
- (a) to invite representations in writing about the instructions from the Unit, 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 to the Unit, 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).