



# Weights and Measures Act 1985

## 1985 CHAPTER 72

### PART V

#### PACKAGED GOODS

##### *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 is 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 enables 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
- (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 Trade Descriptions Act 1968.

#### **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—

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*Status: This is the original version (as it was originally enacted).*

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- (i) to use suitable equipment of the prescribed kind in an appropriate manner in carrying out the check, and
  - (ii) to make, and to 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 may 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.