Status: *Point in time view as at 29/03/1999.*
Changes to legislation: *There are currently no known outstanding effects for the Weights and Measures Act 1985, PART I. (See end of Document for details)*

SCHEDULES

[F1SCHEDULE 3A
TO THE 1985 ACT

APPROVALS UNDER SECTION 11A

Textual Amendments

F1 Sch. 3A inserted (29.3.1999) by S.I. 1999/503, art. 2(15), **Sch.**

PART I

APPROVALS: GENERAL

Fees

1 Where–

(a) any person makes an application for an approval, or

(b) an approval is to be, or has been, granted to any person,

the Secretary of State may require that person to pay, in respect of any work carried out by or on behalf of the Secretary of State in relation to the application or the approval, such reasonable fee as the Secretary of State may determine with the approval of the Treasury.

Form, effect and conditions of approvals

2 (1) An approval shall be in writing and, unless previously withdrawn in accordance with any term in that behalf contained in the approval and subject to the following provisions of this Part of this Schedule, shall continue in force for such period (not exceeding five years) as may be specified in the approval.

(2) An approval–

(a) shall specify the classes or descriptions of weighing or measuring equipment for the testing, passing as fit for use for trade and stamping of which the verifier is approved,

(b) may include such conditions as appear to the Secretary of State to be requisite or expedient having regard to the need to ensure that only such equipment as is fit for use for trade is passed as fit for such use, and

(c) shall contain conditions requiring the verifier to satisfy the requirements set out in Part II of this Schedule.

(3) Without prejudice to the generality of sub-paragraph (2) above, conditions included in an approval by virtue of that sub-paragraph may–

Status: *Point in time view as at 29/03/1999.*
Changes to legislation: *There are currently no known outstanding effects for the Weights and Measures Act 1985, PART I. (See end of Document for details)*

(a) require the verifier to comply with any direction given by the Secretary of State as to such matters as are specified in the approval or are of a description so specified;

(b) require the verifier to ensure that his procedures for the testing of weighing or measuring equipment conform with such quality standards as are specified in the approval or are of a description so specified.

Suspension of approvals

3 (1) If it appears to an inspector that, otherwise than in accordance with section 15A of this Act, the prescribed stamp has been, or is being, applied by an approved verifier to equipment which had not, or has not, been duly tested and passed as fit for use for trade, he may give to the verifier a notice (a "suspension notice") suspending the verifier's approval (either generally or in relation to particular areas or places) for a period not exceeding 28 days.

(2) Where an inspector gives a suspension notice, he shall forthwith send a copy of the notice to the Secretary of State and inform the approved verifier in writing of–

(a) the circumstances which have led to the giving of the notice;

(b) the date on which the notice takes effect; and

(c) the effect of the following provisions of this paragraph.

(3) An approved verifier who has taken steps to prevent a recurrence of the circumstances which led to the giving of a suspension notice may apply to the inspector for the suspension to be withdrawn before the expiry of the specified period; and an application under this sub-paragraph–

(a) shall be made by notice to the inspector given not later than 21 days after the date of the suspension notice, and

(b) shall state the steps taken to prevent such a recurrence.

(4) An inspector shall consider any application made to him under sub-paragraph (3) above and, having done so, shall notify the approved verifier of his decision.

(5) An approved verifier who is aggrieved by a suspension notice may apply to the Secretary of State to review the suspension; and an application under this sub-paragraph–

(a) shall be made by notice to the Secretary of State given not later than 21 days after the date of the suspension notice, and

(b) shall state the grounds on which the application is made.

(6) The Secretary of State shall consider any application under sub-paragraph (5) above and, having done so, shall notify the approved verifier and the inspector of his decision.

(7) Where the Secretary of State decides under sub-paragraph (6) above to uphold the suspension, he shall also notify the approved verifier and the inspector of the grounds for his decision.

(8) Where the Secretary of State decides under sub-paragraph (6) above not to uphold the suspension, he shall instruct the inspector to withdraw the suspension.

Withdrawal of approvals

4 (1) Subject to sub-paragraph (2) below, the Secretary of State may by written notice withdraw an approval if at any time during the continuance of the approval–

(a) he is of the opinion that if the approval had expired at that time he would have been minded not to grant a further approval;

(b) it appears to him on reasonable grounds that the verifier is, or has been, in breach of any condition contained in the approval; or

(c) any fee due to the Secretary of State by virtue of a requirement made by him under paragraph 1 above has not been paid.

(2) Except where the Secretary of State considers in the circumstances of any particular case that it is necessary for him to withdraw an approval without delay, he shall not withdraw an approval unless he has given the verifier at least 28 days written notice of his intention to do so and of the grounds for withdrawal.

(3) Where the Secretary of State withdraws an approval without giving the notice required by sub-paragraph (2) above, he shall, at or before the time when the withdrawal takes effect, give the verifier written notice of the grounds for withdrawal and of his reasons for considering it necessary to withdraw the approval without delay.

(4) Where a verifier receives notice under sub-paragraph (2) or (3) above, he may within 21 days of receipt of the notice make representations in writing to the Secretary of State.

(5) The Secretary of State shall consider any representations so made and, having done so, shall notify the verifier of his decision.

Grant of new approval following withdrawal

5 (1) Where the Secretary of State decides, whether in the light of representations or otherwise, that an approval which has been withdrawn should not have been withdrawn, he shall as soon as reasonably practicable grant a new approval to the former verifier.

(2) The new approval shall expire on the date on which the withdrawn approval would have expired and (except as may otherwise be agreed with the former verifier) shall be subject to the same terms and conditions as the withdrawn approval.

(3) Where the Secretary of State grants a new approval under sub-paragraph (1) above, the verifier shall be deemed to have remained approved for the period beginning on the date on which the original approval was withdrawn and ending on the date on which the new approval took effect.

Application for further approval

6 (1) This paragraph applies where, not less than three months before the end of the period specified in an approval as the period for which the approval is to continue in force, the verifier applies to the Secretary of State for the grant of a further approval in the same, or substantially the same, terms as those of the existing approval.

(2) The existing approval shall remain in force until the Secretary of State gives the verifier notice of the Secretary of State's decision with respect to the application.**]**

Status:
Point in time view as at 29/03/1999.

Changes to legislation:
There are currently no known outstanding effects for the Weights and Measures Act 1985, PART I.