



Weights and Measures Act 1985

1985 CHAPTER 72

PART V

PACKAGED GOODS

Special provision for certain packages

54 Special provision for certain packages.

- (1) Subsections (2) to (7) below apply only to packages containing goods of a prescribed quantity, and references to packages in those subsections shall be construed accordingly.
- (2) If in the course of carrying on a business—
 - (a) a person marks a package with the EEC mark and is neither the packer nor the importer of the package nor a person acting on behalf of the packer or importer of the package, or
 - (b) a person marks a package with a mark so closely resembling the EEC mark as to be likely to deceive,he shall be guilty of an offence.
- (3) For the purposes of this Part of this Act a person who brings a package marked with the EEC mark into the United Kingdom does not import the package if he shows that the package is from a member State of the Economic Community in which it was liable to be tested under a law corresponding to section 47(1) above and, except in such cases as are determined by or under regulations, has not since leaving that State been in a country which is not such a member State.
- (4) Subject to subsection (6) below, it shall be the duty of—
 - (a) the packer of packages which are marked with the EEC mark and which he intends to export from the United Kingdom,
 - (b) a person who intends to import packages which are so marked and to export them from the United Kingdom to a place in another member State of the Economic Community, and

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Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, Section 54. (See end of Document for details)

- (c) a person who intends to import packages, to mark them with the EEC mark and to export them as mentioned in paragraph (b) above, to give before the prescribed time and in the prescribed manner, to the local weights and measures authority for the area in which the packages were packed or, as the case may be, in which the place of intended import is situated, a notice containing such information about the packages as is prescribed and, in the case of a person who has given such a notice in pursuance of paragraph (b) or (c) above, such further information about the packages in question as an inspector may specify in a notice served on the person by the inspector.
- (5) A person who fails without reasonable cause to perform a duty imposed on him by subsection (4) above shall be guilty of an offence.
- (6) Regulations may enable an inspector to give notice to any person providing that, until an inspector informs the person in writing that the notice is cancelled, any paragraph of subsection (4) above which is specified in the notice shall not apply to the person or shall not apply to him as respects packages of a kind specified in the notice or a place so specified.
- (7) In this section “the EEC mark” means such mark as may be prescribed; and, without prejudice to the generality of section 66 below, regulations prescribing a mark in pursuance of this subsection—
- (a) may contain such provisions as the Secretary of State considers appropriate with respect to the dimensions of the mark and the manner and position in which it is to be applied to the container included in a package, and
 - (b) may provide for a mark which is not in accordance with those provisions to be disregarded for the purposes of prescribed provisions of this section

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