



Legal Services Act 2007

2007 CHAPTER 29

PART 9

GENERAL

Offences

198 Local weights and measures authorities

- (1) A local weights and measures authority may institute proceedings for an offence under section 14 if the activity which it is alleged that the accused was not entitled to carry on constitutes reserved instrument activities.
- (2) A local weights and measures authority may institute proceedings for an offence under section 16 if the activity which it is alleged that E was not entitled to carry on constitutes reserved instrument activities.

“E” has the same meaning as in that section.

- (3) In this section—

“relevant offence” means an offence in relation to which proceedings may be instituted by virtue of subsection (1) or (2);

“weights and measures officer” means an officer of a local weights and measures authority who is authorised by the authority to exercise the powers conferred by subsection (4).

- (4) A weights and measures officer who has reasonable cause to suspect that a relevant offence may have been committed may, at any reasonable time—
 - (a) enter any premises which are not used solely as a dwelling;
 - (b) require any officer, agent or other competent person on the premises who is, or may be, in possession of information relevant to an investigation of the suspected offence to provide such information;
 - (c) require the production of any document which may be relevant to such an investigation;

Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Section 198. (See end of Document for details)

- (d) take copies, or extracts, of any such documents;
 - (e) seize and retain any document which the weights and measures officer has reason to believe may be required as evidence in proceedings for a relevant offence.
- (5) Any person exercising a power given by subsection (4) must, if asked to do so, produce evidence that that person is a weights and measures officer.
- (6) A justice of the peace may issue a warrant under this section if satisfied, on information on oath given by a weights and measures officer, that there is reasonable cause to believe that a relevant offence may have been committed and that—
- (a) entry to the premises concerned, or production of any documents which may be relevant to an investigation of the relevant offence, has been or is likely to be refused to a weights and measures officer, or
 - (b) there is reasonable cause to believe that, if production of any such document were to be required by the weights and measures officer without a warrant having been issued under this section, the document would not be produced but would be removed from the premises or hidden, tampered with or destroyed.
- (7) A warrant issued under this section must authorise the weights and measures officer accompanied, where that officer considers it appropriate, by a constable or other person—
- (a) to enter the premises specified in the information, using such force as is reasonably necessary, and
 - (b) to exercise any of the powers given to the weights and measures officer by subsection (4).
- (8) It is an offence for a person (“P”)—
- (a) intentionally to obstruct a weights and measures officer in the exercise of any power under this section;
 - (b) intentionally to fail to comply with any requirement properly imposed on P by a weights and measures officer in the exercise of any such power;
 - (c) to fail, without reasonable excuse, to give a weights and measures officer any assistance or information which the weights and measures officer may reasonably require of P for the purpose of exercising any such power; or
 - (d) in giving to a weights and measures officer any information which P has been required to give a weights and measures officer exercising any such power, to make any statement which P knows to be false or misleading in a material particular.
- (9) A person who is guilty of an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (10) Nothing in this section is to be taken to require any person to answer any question put to that person by a weights and measures officer, or to give any information to such an officer, if to do so might incriminate that person.

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