
STATUTORY INSTRUMENTS

2006 No. 659

The Weights and Measures (Packaged Goods) Regulations 2006

Defences

19.—(1) If a person is charged with an offence under regulation 13(1) for failing to perform the duty imposed on him by regulation 4 in respect of any packages, it shall be a defence to prove that the test in question took place when the packages were not in his possession and by reference to a nominal quantity which was not marked on the packages when they were in his possession.

(2) If an importer of packages is charged with an offence under regulation 13(1) for failing to perform the duty imposed on him by regulation 4 in respect of any packages, it shall be a defence to prove that—

- (a) he performed the duty imposed on him by regulation 9(3)(b) in respect of the packages;
- (b) he did not know or suspect, and could not reasonably have known or suspected, that the packages were not made up in accordance with regulation 4(1);
- (c) he took all reasonable steps to ensure that there was no reduction in the quantity of goods in any of the packages whilst they were in his possession; and
- (d) before the beginning of the period of seven days ending with the date when the hearing of the charge began, he served on the prosecutor copies of all the documents upon which he intended to rely in proving a defence under this regulation, together with a notice which stated that he intended to rely on those documents to establish his defence.

(3) Where a person is charged with an offence under regulation 13(1) for a failure to perform the duty imposed on him by regulation 4 in relation to any packages it shall be a defence for him to prove that:

- (a) the packages were made up in accordance with regulation 4(1); and
- (b) the failure of those packages to pass a test for determining compliance with regulation 4(1) was due entirely to the desiccation of the product contained in the packages after they were made up.

(4) Where a person is charged with an offence under regulation 13(1) or 14(2), it shall be a defence to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.