



Weights and Measures Act 1985

1985 CHAPTER 72

PART IV

REGULATION OF TRANSACTIONS IN GOODS

Miscellaneous and supplementary

41 Check-weighing of certain road vehicles

Where any road vehicle is loaded with goods for sale by weight to a single buyer of the whole of the vehicle's load, or for delivery to the buyer after they have been so sold, the buyer or seller of the goods, or any inspector who shows that he is authorised so to do by the buyer or seller of the goods, may require the person in charge of the vehicle to have it check-weighed, and if that person fails without reasonable cause to comply with any such requirement he shall be guilty of an offence.

42 Power to make test purchases

A local weights and measures authority shall have power to make, or to authorise an inspector to make on their behalf, such purchases of goods as may appear expedient for the purpose of determining whether or not the provisions of this Part of this Act and any instrument made under this Part, and the provisions of Parts II and III of this Act and any instrument made under either of those Parts, are being complied with.

43 Beer and cider

- (1) In ascertaining the quantity of any beer or cider for any of the purposes of section 25 or sections 28 to 31 above, or of the Weights and Measures Act 1963 (Intoxicating Liquor) Order 1984, the gas comprised in any foam on the beer or cider shall be disregarded and, for the purposes of this subsection, "beer" and "cider" have the meanings given by section 1 of the Alcoholic Liquor Duties Act 1979.
- (2) This section shall come into force on such date as the Secretary of State may by order appoint, and different dates may be appointed for different purposes.

44 Selling by quantity

Where any goods are required by or under this Part of this Act to be sold only by quantity expressed in a particular manner—

- (a) it shall be a sufficient compliance with that requirement in the case of any sale of, or agreement to sell, any such goods if the quantity of the goods expressed in the manner in question is made known to the buyer before the purchase price is agreed; and
- (b) no person shall be guilty of an offence under section 25(1) above by reason of the exposing or offering for sale of such goods at any time if both the quantity of the goods expressed in the manner in question and the price at which they are exposed or offered for sale are made known at that time to any prospective buyer.

45 Making quantity known to a person

- (1) For the purposes of this Part of this Act, without prejudice to any other method of making known to a person the quantity of any goods expressed in a particular manner, that quantity shall be taken to be made known to that person—
 - (a) if the goods are weighed or otherwise measured or counted, as the case may require, in the presence of that person,
 - (b) if the goods are made up in or on a container marked with a statement in writing of the quantity of the goods expressed in the manner in question and the container is readily available for inspection by that person, or
 - (c) upon such a statement in writing being delivered to that person.
- (2) The Secretary of State may by order provide that subsection (3) below shall apply, in the case of such goods in such circumstances as are specified in the order, to any requirement so specified of, or of any instrument made under, this Part of this Act with respect to the making known to the buyer of the quantity by weight of such goods sold by retail.
- (3) In any case to which this subsection applies, the requirement specified in the order shall be taken to be satisfied if the goods are bought at premises at which weighing equipment of such description as may be prescribed—
 - (a) is kept available by the occupier of those premises for use without charge by any prospective buyer of such goods for the purpose of weighing for himself any such goods offered or exposed for sale by retail on those premises, and
 - (b) is so kept available in a position on those premises which is suitable and convenient for such use of the equipment, and
 - (c) is reserved for use for that purpose at all times while those premises are open for retail transactions,

and a notice of the availability of the equipment for such use is displayed in a position on the premises where it may be readily seen by any such prospective buyer.

46 Weighing in presence of a person

For the purposes of this Part of this Act, a person shall not be taken to weigh or otherwise measure or count any goods in the presence of any other person unless he causes any equipment used for the purpose to be so placed, and so conducts the operation of weighing or otherwise measuring or counting the goods, as to permit that other person a clear and unobstructed view of the equipment, if any, and of the

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operation, and of any indication of quantity given by any such equipment as the result of that operation.