



Weights and Measures Act 1985

1985 CHAPTER 72

PART IV

REGULATION OF TRANSACTIONS IN GOODS

Transactions in particular goods

21 Transactions in goods mentioned in Schedules 4 to 7

Schedules 4, 5, 6 and 7 to this Act (which relate to transactions in the goods mentioned in those Schedules) shall have effect.

22 Orders relating to transactions in particular goods

(1) The Secretary of State may by order make provision with respect to any goods specified in the order for all or any of the following purposes, that is to say, to ensure that, except in such cases or in such circumstances as may be so specified, the goods in question—

- (a) are sold only by quantity expressed in such manner as may be so specified,
- (b) are pre-packed, or are otherwise made up in or on a container for sale or for delivery after sale, only if the container is marked with such information as to the quantity of the goods as may be so specified,
- (c) are pre-packed, or are otherwise made up for sale or for delivery after sale, only in or on a container of a size or capacity so specified,
- (d) are sold, or are pre-packed, or are otherwise made up in or on a container for sale or for delivery after sale, or are made for sale, only in such quantities as may be so specified,
- (e) are not sold without the quantity sold expressed in such manner as may be so specified being made known to the buyer at or before such time as may be so specified,
- (f) are sold by means of, or are offered or exposed for sale in, a vending machine only if there is displayed on or in the machine—

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- (i) such information as to the quantity of the goods in question comprised in each item for sale by means of that machine as may be so specified, and
 - (ii) a statement of the name and address of the seller,
 - (g) are carried for reward only in pursuance of an agreement made by reference to the quantity of the goods in question expressed in such manner as may be so specified,
 - (h) in such circumstances as may be so specified, have associated with them in such manner as may be so specified a document containing a statement of the quantity of the goods in question expressed in such manner, and a statement of such other particulars, if any, as may be so specified, or
 - (i) when carried on a road vehicle along a highway are accompanied by a document containing such particulars determined in such manner as may be so specified as to the weight of the vehicle and its load apart from the goods in question.
- (2) An order under subsection (1) above may be made with respect to any goods, including goods to which any of the provisions of Schedule 4, 5, 6, or 7 to this Act applies, and may—
- (a) make provision for any of the purposes mentioned in subsection (1) above in such manner, whether by means of amending, or of applying with or without modifications, or of excluding the application in whole or in part of, any of the provisions of this Act (except Part V) or of any previous order under subsection (1) or otherwise,
 - (b) make such, if any, different provision for retail and other sales respectively, and
 - (c) contain such consequential, incidental or supplementary provision, whether by such means as mentioned in paragraph (a) above or otherwise,
- as may appear to the Secretary of State to be expedient, and may in particular make provision in respect of contraventions of the order for which no penalty is provided by this Act for the imposition of penalties not exceeding those provided by section 84(6) below for an offence under this Act.
- (3) Without prejudice to the generality of the powers conferred by paragraph (c) of subsection (1) above, an order made by virtue of that paragraph—
- (a) may require a container to be marked with such information concerning it or its contents as is specified in the order, and
 - (b) in order to prevent size or capacity from giving a false impression of the quantity of the goods in a container, may prescribe a minimum quantity for the goods in a container of a given capacity.
- (4) The minimum quantity referred to in subsection (3)(b) above may be expressed in the order by weight or volume, by percentage of the capacity of the container or in any other manner.

23 Regulations as to information

- (1) The Secretary of State may make regulations—
- (a) as to the manner in which any container required by any of the provisions of Schedules 4, 5, 6 or 7 to this Act or of any order under section 22(1) above to be marked with information (including in particular information as to quantity or capacity) is to be so marked,

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- (b) as to the manner in which any information required by any such provision to be displayed on or in a vending machine is to be so displayed,
 - (c) as to the conditions which must be satisfied in marking with information as to the quantity of goods made up in it the container in or on which any goods are made up for sale (whether by way of pre-packing or otherwise) where those goods are goods on a sale of which (whether any sale or a sale of any particular description) the quantity of the goods sold is required by any such provision to be made known to the buyer at or before a particular time,
 - (d) as to the units of measurement to be used in marking any such container or machine with any information,
 - (e) for securing, in the case of pre-packed goods, that the container is so marked as to enable the packer to be identified,
 - (f) as to the method by which and conditions under which quantity is to be determined in connection with any information relating to quantity required by or under section 21 or 22 above, and
 - (g) permitting, in the case of such goods and in such circumstances as may be specified in the regulations, the weight of such articles used in making up the goods for sale as may be so specified to be included in the net weight of the goods for the purposes of this Part of this Act.
- (2) Any person who contravenes any regulation made under subsection (1) above otherwise than by virtue of paragraph (f) or (g) of that subsection shall be guilty of an offence.

24 Exemption from requirements imposed under sections 21 to 23

- (1) The Secretary of State may by order grant, with respect to goods or sales of such descriptions as may be specified in the order, exemption, either generally or in such circumstances as may be so specified, from all or any of the requirements imposed by or under sections 21 to 23 above.
- (2) Until otherwise provided by an order under subsection (1) above, the following shall be exempted from all requirements imposed by or under sections 21 to 23 above, that is to say—
- (a) goods made up in or on a container for sale only for use by Her Majesty's forces or by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952 and not sold or offered, exposed or in any person's possession for sale for any other use,
 - (b) any sale of goods in the case of which the buyer gives notice in writing to the seller before the sale is completed that the goods are being bought—
 - (i) for despatch to a destination outside Great Britain and any designated country, or
 - (ii) for use as stores within the meaning of the Customs and Excise Management Act 1979 in a ship or aircraft on a voyage or flight to an eventual destination outside the United Kingdom and the Isle of Man,
 - (c) any goods sold for, or offered, exposed or in any person's possession for sale only for, use or consumption at the premises of the seller, not being intoxicating liquor, and
 - (d) any assortment of articles of food pre-packed together for consumption together as a meal and ready for such consumption without being cooked, heated or otherwise prepared.

25 Offences relating to transactions in particular goods

- (1) Subject to section 44 below, where any goods are required, when not pre-packed, to be sold only by quantity expressed in a particular manner or only in a particular quantity, any person shall be guilty of an offence who—
- (a) whether on his own behalf or on behalf of another person, offers or exposes for sale, sells or agrees to sell, or
 - (b) causes or suffers any other person to offer or expose for sale, sell or agree to sell on his behalf,
- those goods otherwise than by quantity expressed in that manner or, as the case may be, otherwise than in that quantity.
- (2) Any person shall be guilty of an offence who—
- (a) whether on his own behalf or on behalf of another person, has in his possession for sale, sells or agrees to sell,
 - (b) except in the course of carriage of the goods for reward, has in his possession for delivery after sale, or
 - (c) causes or suffers any other person to have in his possession for sale or for delivery after sale, sell or agree to sell on behalf of the first-mentioned person,
- any goods to which subsection (3) below applies, whether the sale is or is to be, by retail or otherwise.
- (3) This subsection applies to any goods—
- (a) which are required to be pre-packed only in particular quantities but are not so pre-packed,
 - (b) which are required to be otherwise made up in or on a container for sale or for delivery after sale only in particular quantities but are not so made up,
 - (c) which are required to be made for sale only in particular quantities but are not so made,
 - (d) which are required to be pre-packed only if the container is marked with particular information but are pre-packed otherwise than in or on a container so marked,
 - (e) which are required to be otherwise made up in or on a container for sale or for delivery after sale only if the container is marked with particular information but are so made up otherwise than in or on a container so marked,
 - (f) which are required to be pre-packed only in or on a container of a particular description but are not prepacked in or on a container of that description, or
 - (g) which are required to be otherwise made up in or on a container for sale or for delivery after sale only in or on a container of a particular description but are not so made up in or on a container of that description.
- (4) In the case of any sale where the quantity of the goods sold expressed in a particular manner is required to be made known to the buyer at or before a particular time and that quantity is not so made known, the person by whom, and any other person on whose behalf, the goods were sold shall be guilty of an offence.
- (5) Where any goods required to be sold by means of, or to be offered or exposed for sale in, a vending machine only if certain requirements are complied with are so sold, offered or exposed without those requirements being complied with, the seller or person causing the goods to be offered or exposed shall be guilty of an offence.
- (6) The preceding provisions of this section have effect subject to sections 33 to 37 below.

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- (7) For the purposes of this section the quantity of the goods in a regulated package (as defined by section 68(1) below) shall be deemed to be the nominal quantity (as so defined) on the package.
- (8) In this section "required" means required by or under this Part of this Act.