



Trade Descriptions Act 1968

1968 CHAPTER 29

Enforcement

26 Enforcing authorities.

(1) It shall be the duty of every local weights and measures authority [^{F1}as defined in [^{F2}section 69(3) of the Weights and Measures Act ^{M1}1985]] to enforce within their area the provisions of this Act and of any order made under this Act; . . . ^{F3}

[^{F4}(1A) For the investigatory powers available to a local weights and measures authority for the purposes of the duty in subsection (1), see Schedule 5 to the Consumer Rights Act 2015.]

(2) Every local weights and measures authority shall, whenever the Board of Trade so direct, make to the Board a report on the exercise of their functions under this Act in such form and containing such particulars as the Board may direct.

^{F5}(3)

(5) Nothing in this section shall be taken as authorising a local weights and measures authority in Scotland to institute proceedings for an offence.

Textual Amendments

F1 Words inserted (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 214(2), **Sch. 27 Pt. II para. 174(a)**

F2 Words substituted by virtue of [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), s. 96(1), **Sch. 11 para. 3**

F3 Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 214(2), Sch. 27 Pt. II para. 174(a), Sch. 29 and [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), ss. 96(1), 98, Sch. 11 para. 21(2), **Sch. 13 Pt. I**

F4 [S. 26\(1A\)](#) inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 6 para. 3**; [S.I. 2015/1630](#), art. 3(i)

F5 [S. 26\(3\)\(4\)](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:2\)](#), ss. 1, 194, **Sch. 4 para. 10** and Sch. 34 Pt. IV

Changes to legislation: There are currently no known outstanding effects for the Trade Descriptions Act 1968, Cross Heading: Enforcement. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 26 extended (1.1.1975) by [Hallmarking Act 1973 \(c. 43\), s. 9\(1\)](#)
S. 26 extended with modifications by [S.I. 1986/26, reg. 11\(2\)](#) and by [S.I. 1988/1586, reg. 4\(2\)](#)
S. 26 applied (with modifications) (23.3.1996) by [S.I. 1995/2489, reg. 10\(1\)](#).
S. 26 restricted (23.3.1996) by [S.I. 1995/2489, reg. 9](#).
- C2** S. 26 applied by SI 1973/1952 reg. 8(3) (as substituted (1.10.2015) by [The Consumer Rights Act 2015 \(Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments\) Order 2015 \(S.I. 2015/1630\), art. 1, Sch. 2 para. 2](#))
- C3** S. 26 applied by SI 1995/2489 reg. 10(2) (as substituted (1.10.2015) by [The Consumer Rights Act 2015 \(Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments\) Order 2015 \(S.I. 2015/1630\), art. 1, Sch. 2 para. 23](#))
- C4** S. 26(2) extended by [Control of Pollution Act 1974 \(c. 40, SIF 46:4\), s. 75\(5\)](#)
- C5** S. 26(2)(3) extended (27.8.1993) by [1993 c. 11, ss. 30\(4\)\(5\), 32, 68\(2\)](#).

Marginal Citations

- M1** [1985 c.72 \(131\)](#).

F⁶27 Power to make test purchases.

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Textual Amendments

- F6** S. 27 omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\), s. 100\(5\), Sch. 6 para. 4](#); [S.I. 2015/1630, art. 3\(i\)](#) (with art. 8)

F⁷28 Power to enter premises and inspect and seize goods and documents.

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Textual Amendments

- F7** S. 28 omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\), s. 100\(5\), Sch. 6 para. 5](#); [S.I. 2015/1630, art. 3\(i\)](#) (with art. 8)

F⁸29 Obstruction of authorised officers.

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Textual Amendments

- F8** S. 29 omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\), s. 100\(5\), Sch. 6 para. 6](#); [S.I. 2015/1630, art. 3\(i\)](#) (with art. 8)

F⁹30 Notice of test and intended prosecution.

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Textual Amendments

- F9** S. 30 omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 7](#); [S.I. 2015/1630](#), art. 3(i) (with art. 8)

31 Evidence by certificate.

- (1) The Board of Trade may by regulations provide that certificates issued by such persons as may be specified by the regulations in relation to such matters as may be so specified shall, subject to the provisions of this section, be received in evidence of those matters in any proceedings under this Act.
- (2) Such a certificate shall not be received in evidence—
 - (a) unless the party against whom it is to be given in evidence has been served with a copy thereof not less than seven days before the hearing; or
 - (b) if that party has, not less than three days before the hearing, served on the other party a notice requiring the attendance of the person issuing the certificate.
- (3) In any proceedings under this Act in Scotland, a certificate received in evidence by virtue of this section or, where the attendance of a person issuing a certificate is required under subsection (2)(b) of this section, the evidence of that person, shall be sufficient evidence of the matters stated in the certificate.
- (4) For the purposes of this section any document purporting to be such a certificate as is mentioned in this section shall be deemed to be such a certificate unless the contrary is shown.
- (5) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

- C6** S. 31 extended (1.1.1975) by [Hallmarking Act 1973 \(c. 43\)](#), s. 9(3)
- C7** S. 31(2)–(4) power to apply given (S.) by [Control of Pollution Act 1974 \(c. 40, SIF 46:4\)](#), s. 75(7)(b)
- C8** S. 31(2)–(4): power to apply conferred on s. 31(2)–(4) (27.8.1993) by 1993 c. 11, [ss. 30\(6\)](#), 32, 68(2).
S. 31(2)–(4) applied (1.10.1994) by [S.I. 1994/2295](#), [reg. 10\(1\)](#).

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