



# Weights and Measures Act 1985

## 1985 CHAPTER 72

### PART II

#### WEIGHING AND MEASURING FOR TRADE

##### *General*

#### **7 Meaning of “use for trade”.**

- (1) In this Act “use for trade” means, subject to subsection (3) below, use in Great Britain in connection with, or with a view to, a transaction falling within subsection (2) below where—
  - (a) the transaction is by reference to quantity or is a transaction for the purposes of which there is made or implied a statement of the quantity of goods to which the transaction relates, and
  - (b) the use is for the purpose of the determination or statement of that quantity.
- (2) A transaction falls within this subsection if it is a transaction for—
  - (a) the transferring or rendering of money or money’s worth in consideration of money or money’s worth, or
  - (b) the making of a payment in respect of any toll or duty.
- (3) Use for trade does not include use in a case where—
  - (a) the determination or statement is a determination or statement of the quantity of goods required for despatch to a destination outside Great Britain and any designated country, and
  - (b) the transaction is not a sale by retail, and
  - (c) no transfer or rendering of money or money’s worth is involved other than the passing of the title to the goods and the consideration for them.
- (4) The following equipment, that is to say—
  - (a) any weighing or measuring equipment which is made available in Great Britain for use by the public, whether on payment or otherwise, and

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(b) any equipment which is used in Great Britain for the grading by reference to their weight, for the purposes of trading transactions by reference to that grading, of hens' eggs in shell which are intended for human consumption, shall be treated for the purposes of this Part of this Act as weighing or measuring equipment in use for trade, whether or not it would apart from this subsection be so treated.

(5) Where any weighing or measuring equipment is found in the possession of any person carrying on trade or on any premises which are used for trade, that person or, as the case may be, the occupier of those premises shall be deemed for the purposes of this Act, unless the contrary is proved, to have that equipment in his possession for use for trade.

## **8 Units of measurement, weights and measures lawful for use for trade.**

(1) No person shall—

- (a) use for trade any unit of measurement which is not included in Parts I to V of Schedule 1 to this Act, or
- (b) use for trade, or have in his possession for use for trade, any linear, square, cubic or capacity measure which is not included in Schedule 3 to this Act, or any weight which is not so included.

(2) No person shall use for trade—

- (a) the ounce troy, except for the purposes of transactions in, or in articles made from, gold, silver or other precious metals, including transactions in gold or silver thread, lace or fringe, or
- (b) the carat (metric), except for the purposes of transactions in precious stones or pearls, or
- (c) a capacity measure of [<sup>F1</sup>35.] 125, 150 or 175 millilitres, except for the purposes of transactions in intoxicating liquor.

(3) Subsection (1)(a) above shall not apply to the prescribing of, or the dispensing of a prescription for, drugs.

(4) A person who contravenes subsection (1) or (2) above shall be guilty of an offence, and any measure or weight used, or in any person's possession for use, in contravention of that subsection shall be liable to be forfeited.

[<sup>F2</sup>(5) The preceding provisions have effect subject to—

- (a) subsection (5A) below, and
- (b) sections 9 and 89 below.

(5A) Nothing in this section precludes the use for trade of any supplementary indication; and for this purpose any indication of quantity ("the imperial indication") is a supplementary indication if—

- (a) it is expressed in a unit of measurement other than a metric unit,
- (b) it accompanies an indication of quantity expressed in a metric unit ("the metric indication") and is not itself authorised for use in the circumstances as a primary indication of quantity, and
- (c) the metric indication is the more prominent, the imperial indication being, in particular, expressed in characters no larger than those of the metric indication.]

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- (6) The Secretary of State may by order—
  - (a) amend Schedule 3 to this Act by adding to or removing from it any linear, square, cubic or capacity measure, or any weight;
  - (b) add to, vary or remove from subsection (2) above any restriction on the cases or circumstances in which, or the conditions subject to which, a unit of measurement, measure or weight may be used for trade or possessed for use for trade.
- (7) An order under subsection (6) above may contain such transitional or other supplemental or incidental provisions as appear to the Secretary of State expedient.
- (8) In this section “unit of measurement” means a unit of measurement of length, area, volume, capacity, mass or weight.

#### Textual Amendments

- F1** Words in s. 8(2)(c) inserted (14.7.1994) by S.I. 1994/1883, arts. 1, 2(a)  
**F2** S. 8(5)(5A) substituted (7.11.1994) for s. 8(5) by S.I. 1994/2867, regs. 1, 5(2)

#### Modifications etc. (not altering text)

- C1** S. 8(1)(b) excluded by S.I. 1988/186, arts. 3, 6(1)

## 9 Dual marking and conversion charts.

- (1) The Secretary of State may make regulations—
  - (a) requiring or authorising a person who uses a metric unit for trade to afford, for explanatory purposes, information giving the equivalent in the imperial system of the relevant quantity in the metric system, and
  - (b) specifying the manner in which the information is to be given, and in particular specifying the cases in which any obligation to give information in metric units is to be extended to include the same information in imperial units.
- (2) The Secretary of State may make regulations requiring or authorising the display on premises where metric units are used for trade of conversion tables or other material for converting metric units into imperial units.
- (3) Regulations under this section—
  - (a) may prescribe the form and manner in which any information or other material is to be given or displayed,
  - (b) may prescribe appropriate conversion factors by reference to which, in prescribed cases or circumstances, an amount expressed in imperial units is to be treated as equivalent to a given amount expressed in metric units,
  - (c) may prescribe the persons to whom, and the cases and circumstances in which, the regulations apply and may make different provision for different persons, cases or circumstances,
  - (d) may contain such consequential, incidental or supplementary provisions as appear to the Secretary of State to be expedient.
- (4) A person contravening regulations made under this section shall be guilty of an offence.

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- (5) In this section “unit” in the expressions “metric unit” and “imperial unit” means any unit of measurement of length, area, volume, capacity, mass or weight.
- (6) Regulations under this section imposing obligations apply whether or not the relevant imperial unit may lawfully be used for trade, and regulations authorising, but not requiring, anything to be done authorise it to be done notwithstanding that the relevant imperial unit may not be lawfully used for trade, but do not in any other respect authorise what is unlawful.

## 10 Multiples and fractions of measures and units.

- (1) Except as may be prescribed, and subject to any regulations made under section 15 below,—
  - (a) a linear measure specified in Part I of Schedule 3 to this Act may be marked in whole or in part with divisions and sub-divisions representing any shorter length or lengths; but
  - (b) no capacity measure specified in Part IV of that Schedule shall be used for trade by means of any division or sub-division marked on it as a capacity measure of any lesser quantity.
- (2) Any person who contravenes paragraph (b) of subsection (1) above shall be guilty of an offence, and any measure used, or in any person’s possession for use, in contravention of that paragraph, shall be liable to be forfeited.
- (3) The Secretary of State may by regulations prescribe what may be treated for the purposes of use for trade as the equivalent of, or of any multiple or fraction of, any unit of measurement included in Schedule 1 to this Act in terms of any other such unit.
- (4) Nothing in any regulations under subsection (3) above shall apply to any transaction in drugs.
- (5) The Secretaries of State respectively concerned with health in England, in Wales and in Scotland acting jointly may by regulations, which shall have effect notwithstanding anything in, or in any instrument made under, any other enactment—
  - (a) prescribe what may be treated for the purposes of dealings with drugs as the equivalent of, or of any multiple or fraction of, any unit of measurement which—
    - (i) is included in Schedule 1 to this Act, or
    - (ii) was included in Schedule 1 to the <sup>M1</sup>Weights and Measures Act 1963 on 31st January 1964 (the date of the commencement of section 10 of that Act),
 in terms of any other such unit; and
    - (b) require that any person carrying out any such dealing with drugs as is specified in the regulations for the purposes of which the quantity of the drugs is expressed in terms of any such unit which is so specified shall carry out that dealing in terms of such equivalent quantity prescribed under paragraph (a) above as is so specified.

### Marginal Citations

**M1** 1963 c. 31.

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### *Weighing or measuring equipment for use for trade*

## **11 Certain equipment to be passed and stamped by inspector.**

- (1) The provisions of this section shall apply to the use for trade of weighing or measuring equipment of such classes or descriptions as may be prescribed.
- (2) No person shall use any article for trade as equipment to which this section applies, or have any article in his possession for such use, unless that article, or equipment to which this section applies in which that article is incorporated or to the operation of which the use of that article is incidental,—
  - (a) has been passed by an inspector as fit for such use, and
  - (b) except as otherwise expressly provided by or under this Act, bears a stamp indicating that it has been so passed which remains undefaced otherwise than by reason of fair wear and tear.
- (3) If any person contravenes subsection (2) above, he shall be guilty of an offence and any article in respect of which the offence was committed shall be liable to be forfeited.
- (4) Any person requiring any equipment to which this section applies to be passed as fit for use for trade shall submit the equipment, in such manner as the local weights and measures authority may direct, to an inspector who (subject to the provisions of this Act and of any regulations under section 15 below) shall—
  - (a) test the equipment by means of such local or working standards and testing equipment as he considers appropriate or, subject to any conditions which may be prescribed, by means of other equipment which has already been tested and which the inspector considers suitable for the purpose,
  - (b) if the equipment submitted falls within the prescribed limits of error and by virtue of subsection (10) below is not required to be stamped as mentioned in paragraph (c) of this subsection, give to the person submitting it a statement in writing to the effect that it is passed as fit for use for trade, and
  - (c) except as otherwise expressly provided by or under this Act, cause it to be stamped with the prescribed stamp.
- (5) There shall be charged in respect of any test carried out under subsection (4) above such reasonable fees as the local weights and measures authority may determine.
- (6) An inspector shall keep a record of every test carried out by him under subsection (4) above.
- (7) Except as otherwise expressly provided by or under this Act, no weight or measure shall be stamped as mentioned in subsection (4)(c) above unless it has been marked in the prescribed manner with its purported value.
- (8) Subject to subsection (9) below, where any equipment submitted to an inspector under subsection (4) above is of a pattern in respect of which a certificate of approval granted under section 12 below is for the time being in force, the inspector shall not refuse to pass or stamp the equipment on the ground that it is not suitable for use for trade.
- (9) If the inspector is of opinion that the equipment is intended for use for trade for a particular purpose for which it is not suitable, he may refuse to pass or stamp it until the matter has been referred to the Secretary of State, whose decision shall be final.

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- (10) The requirements of subsections (2), (4) and (7) above with respect to stamping and marking shall not apply to any weight or measure which is too small to be stamped or marked in accordance with those requirements.
- (11) Where a person submits equipment to an inspector under this section, the inspector may require the person to provide the inspector with such assistance in connection with the testing of the equipment as the inspector reasonably considers it necessary for the person to provide and shall not be obliged to proceed with the test until the person provides it; but a failure to provide the assistance shall not constitute an offence under section 81 below.
- (12) If an inspector refuses to pass as fit for use for trade any equipment submitted to him under this section and is requested by the person by whom the equipment was submitted to give reasons for the refusal, the inspector shall give to that person a statement of those reasons in writing.
- (13) In the case of any equipment which is required by regulations made under section 15 below to be passed and stamped under this section only after it has been installed at the place where it is to be used for trade, if after the equipment has been so passed and stamped it is dismantled and reinstalled, whether in the same or some other place, it shall not be used for trade after being so reinstalled until it has again been passed under this section.
- (14) If any person—
- (a) knowingly uses any equipment in contravention of sub-section (13) above, or
  - (b) knowingly causes or permits any other person so to use it, or
  - (c) knowingly that the equipment is required by virtue of subsection (13) above to be again passed under this section, disposes of it to some other person without informing him of that requirement,
- he shall be guilty of an offence and the equipment shall be liable to be forfeited.
- (15) Subject to subsection (13) above, a stamp applied to any equipment under this section shall have the like validity throughout Great Britain as it has in the place in which it was originally applied, and accordingly that equipment shall not be required to be re-stamped because it is used in any other place.
- (16) If at any time the Secretary of State is satisfied that, having regard to the law for the time being in force in Northern Ireland, any of the Channel Islands or the Isle of Man, it is proper so to do, he may by order provide for any equipment to which this section applies duly stamped in accordance with that law, or treated for the purposes of that law as if duly stamped in accordance with it, to be treated for the purposes of this Act as if it had been duly stamped in Great Britain under this section.

**Modifications etc. (not altering text)**

- C2** S. 11 modified (1.1.1993) by S.I. 1992/1591, art. 2.  
 S. 11 modified (1.1.1993) by S.I. 1992/1592, art.2.  
 S. 11 modified (1.1.1993) by S.I. 1992/1593, art.2.
- C3** S. 11(2) excluded by S.I. 1988/186, arts. 3, 6(2), 23(1), 24(1)

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VALID FROM 29/03/1999

**[<sup>F3</sup>11A Approval of persons to verify equipment manufactured etc by them.**

- (1) Subsection (2) below applies where, as regards a person who carries on business (whether in Great Britain or elsewhere) as a manufacturer, installer or repairer of equipment to which section 11 above applies, the Secretary of State—
  - (a) is satisfied that the person would, if approved under this section, satisfy the requirements set out in Part II of Schedule 3A to this Act, and
  - (b) considers the person a fit and proper person to be so approved.
- (2) The Secretary of State may approve the person for the purpose of—
  - (a) testing any equipment to which section 11 above applies and which is manufactured, installed or repaired by him,
  - (b) passing any such equipment as fit for use for trade, and
  - (c) stamping any such equipment with the prescribed stamp.
- (3) Before granting an approval under this section, the Secretary of State may carry out such audits and inspections of the person’s systems and procedures as he considers necessary to establish that the conditions of the approval would be observed.
- (4) Schedule 3A to this Act (which relates to approvals under this section and matters connected with such approvals) shall have effect.
- (5) In that Schedule “approval” means an approval under this section and “the verifier”, in relation to such an approval, shall be construed accordingly.]

**Textual Amendments**

**F3** S. 11A inserted (29.3.1999) by [S.I. 1999/503](#), [art. 2\(7\)](#)

VALID FROM 29/03/1999

**[<sup>F4</sup>11B Testing by official EEA testers.**

- (1) This section applies where—
  - (a) any equipment which has been tested by an official EEA tester is at any time submitted to an inspector under section 11(4) above,
  - (b) the test report of the official EEA tester is submitted to the inspector at that time, and
  - (c) that report states which tests have been applied to the equipment and sets out the results of those tests.
- (2) Section 11 above shall have effect as if—
  - (a) paragraph (a) of subsection (4) required the inspector not to test the equipment in the manner mentioned in that paragraph,
  - (b) paragraphs (b) and (c) of that subsection required him to rely, for the purposes of those paragraphs, on the test report of the official EEA tester, and

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- (c) the reference in subsection (5) to any test carried out under subsection (4) were a reference to anything done under subsection (4).
- (3) In this section 'official EEA tester', in relation to the testing of equipment of any description, means a person who, at the time when the tests were applied—
  - (a) had responsibility in an EEA State for the metrological control of equipment of that description, or
  - (b) was accredited in an EEA State as a person operating a laboratory, in conformity with the criteria set out in the applicable European Standard, for the purpose of testing equipment of that description.
- (4) In subsection (3) above 'EEA State' means a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993.]

#### **Textual Amendments**

**F4** S. 11B inserted (29.3.1999) by S.I. 1999/503, art. 3

## **12 Approved patterns of equipment.**

- (1) Where any pattern of weighing or measuring equipment is submitted by any person to the Secretary of State for the purpose in such manner as may be prescribed, the Secretary of State shall examine in such manner as he thinks fit the suitability for use for trade of equipment of that pattern, having regard in particular to the principle, materials and methods used or proposed to be used in its construction, and—
  - (a) may require the person to provide such assistance as the Secretary of State thinks fit in connection with the examination (and shall not be obliged to proceed with the examination until the person provides it), and
  - (b) may require the person to pay in respect of the examination a fee of an amount ascertained in such manner as the Secretary of State may determine with the approval of the Treasury.
- (2) Subsection (1) above applies to a pattern consisting of an approved pattern with modifications as it applies to other patterns, and in this subsection "approved pattern" means a pattern in respect of which a certificate of approval under this section is in force.
- (3) If the Secretary of State is satisfied that any equipment in respect of which a pattern is submitted to him under sub-section (1) above is suitable for use for trade, then, subject to subsection (4) and section 14(2) below, he shall issue a certificate of approval of that pattern (in this section referred to as "a certificate of approval") and shall cause particulars of the pattern to be published.
- (4) Where the Secretary of State is satisfied as mentioned in subsection (3) above, he may require the person submitting the pattern of equipment to deposit with the Secretary of State parts of equipment of that pattern or a model or drawings of such equipment or parts of it and may withhold a certificate of approval of that pattern or, as the case may be, a declaration in pursuance of section 14(2) below in respect of the pattern, until the person complies with the requirement.



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- (5) A certificate of approval may be granted subject to such conditions as the Secretary of State thinks fit.
- (6) Without prejudice to the generality of subsection (5) above, a certificate of approval may be granted subject to a condition under which it ceases to be in force at the end of a specified period of less than ten years.
- (7) Subject to any condition imposed under subsection (6) above, a certificate of approval, unless previously revoked, shall cease to be in force at the end of the period of ten years beginning with the date when it was granted.
- (8) A certificate of approval may be renewed by the Secretary of State on an application made in such manner and during such period as may be prescribed and on payment, except in such cases as the Secretary of State may determine, of a fee of an amount ascertained in such manner as the Secretary of State may determine with the approval of the Treasury; and sub-sections (5) to (7) above apply in relation to the renewal of a certificate of approval as they apply in relation to the grant of such a certificate.
- (9) Where application has been made to the Secretary of State in accordance with subsection (8) above for the renewal of a certificate of approval, the certificate shall remain in force until the Secretary of State gives to the applicant, in such manner as may be prescribed, notice of the Secretary of State's decision with respect to the application.
- (10) The Secretary of State, after consultation with such persons appearing to him to be interested as he thinks fit, may at any time revoke any certificate of approval (including a certificate remaining in force by virtue of subsection (9) above) and shall cause notice of any such revocation to be published.
- (11) Where a certificate of approval—
  - (a) expires (whether at the end of a period or by virtue of a notice under subsection (9) above), or
  - (b) is revoked in a case where the notice or revocation published under subsection (10) above states that this subsection and section 13(2) below are to apply with respect to the revocation,the certificate shall remain in force in relation to any equipment of the pattern in question which was used for trade at a time when the certificate was in force otherwise than by virtue of this subsection; and the power of revocation under subsection (10) above includes power to revoke a certificate remaining in force by virtue of this subsection.
- (12) Any equipment of a pattern in respect of which a certificate of approval has been granted may, and in such cases as may be prescribed shall, be marked in the prescribed manner so as to identify it with the pattern in question.

### **13 Offences in connection with approved patterns of equipment.**

- (1) Where one or more conditions are imposed by the Secretary of State on the grant or renewal of a certificate of approval, then if any person—
  - (a) knowing that a condition, other than such a condition as is mentioned in section 12(6) above, has been imposed with respect to any equipment, uses, or causes or permits any other person to use, that equipment in contravention of that condition, or

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- (b) knowing that any condition has been imposed with respect to any equipment, disposes of that equipment to any other person in a state in which it could be used for trade without informing that other person of that condition,  
he shall be guilty of an offence and the equipment shall be liable to be forfeited.
- (2) Where a certificate of approval in respect of any pattern of equipment—
  - (a) expires (whether at the end of a period or by virtue of a notice under section 12(9) above), or
  - (b) is revoked in a case falling within section 12(11)(b) above,
 then if any person, knowing that the certificate has expired or has been so revoked, supplies to another person any equipment of the pattern in question which is marked with a stamp and which was not used for trade at a time when the certificate was in force otherwise than by virtue of section 12(11) above, he shall be guilty of an offence and the equipment supplied shall be liable to be forfeited.
- (3) Where a certificate of approval in respect of any pattern of equipment is revoked in a case not falling within section 12(11)(b) above, then if any person, knowing that the certificate has been so revoked (and except as may be permitted by any fresh certificate granted in respect of that pattern)—
  - (a) uses for trade, or has in his possession for such use, any equipment of that pattern,
  - (b) causes or permits any other person to use any such equipment for trade, or
  - (c) disposes of any such equipment to any such person in a state in which it could be used for trade without informing that other person of the revocation,
 he shall be guilty of an offence and the equipment shall be liable to be forfeited.
- (4) In this section “certificate of approval” means a certificate of approval of a pattern of weighing or measuring equipment granted under section 12 above; and subsections (1) and (3) above have effect in relation to a certificate of approval remaining in force by virtue of subsection (9) or (11) of section 12 above as they have effect in relation to other certificates of approval.

#### **14 General specifications of equipment.**

- (1) The Secretary of State may by regulations prescribe general specifications for the construction of equipment to which section 11 above applies and, subject to subsection (4) below, while any such specification is for the time being so prescribed no equipment which does not conform with it shall be passed or stamped by an inspector under that section unless it is of a pattern in respect of which a certificate of approval under section 12 above is in force.
- (2) If the Secretary of State is satisfied that any pattern submitted to him under section 12(1) above conforms with any general specification for the time being prescribed under this section he may, instead of issuing a certificate of approval under that section, cause to be published a declaration to that effect together with particulars of that pattern.
- (3) Where a specification prescribed by regulations under this section is varied or revoked by further regulations under this section, then if any person—
  - (a) uses for trade any equipment which conformed with that specification but which to his knowledge no longer conforms with any specification prescribed by regulations under this section,

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- (b) has any such equipment in his possession for use for trade,
  - (c) causes or permits any other person to use any such equipment for trade, or
  - (d) disposes of any such equipment to any other person in a state in which it could be used for trade without informing that other person that it no longer conforms with any specification prescribed by regulations under this section,
- he shall be guilty of an offence and the equipment shall be liable to be forfeited.
- (4) Where, in the case of any particular equipment, the Secretary of State is of opinion that there are special circumstances which make it impracticable or unnecessary for that equipment to comply with any particular requirement of any specification prescribed under this section, the Secretary of State may exempt that equipment from that requirement subject to compliance with such conditions, if any, as he thinks fit.
  - (5) If any person knowingly contravenes any condition imposed with respect to any equipment by virtue of subsection (4) above, he shall be guilty of an offence and the equipment shall be liable to be forfeited.
  - (6) If any difference arises between an inspector and any other person as to the interpretation of any specification prescribed under this section, or as to whether or not any equipment conforms with such a specification, that difference may with the consent of that other person, and shall at the request of that other person, be referred to the Secretary of State, whose decision shall be final.

#### *Miscellaneous*

### **15 Regulations relating to weighing or measuring for trade.**

- (1) The Secretary of State may make regulations with respect to—
  - (a) the materials and principles of construction of weighing or measuring equipment for use for trade
  - (b) the inspection, testing, passing as fit for use for trade and stamping of such equipment, including—
    - (i) the prohibition of the stamping of such equipment in such circumstances as may be specified in the regulations,
    - (ii) the circumstances in which an inspector may remove or detain any such equipment for inspection or testing,
    - (iii) the marking of any such equipment found unfit for use for trade,
  - (c) the circumstances in which, conditions under which and manner in which stamps may be destroyed, obliterated or defaced,
  - (d) where any stamp on weighing or measuring equipment is lawfully destroyed, obliterated or defaced, the circumstances in which, and conditions subject to which, the equipment may be used for trade without contravening section 11(2) above,
  - (e) the purposes for which particular types of weighing or measuring equipment may be used for trade,
  - (f) the manner of erection or use of weighing or measuring equipment used for trade,
  - (g) the abbreviations of or symbols for units of measurement which may be used for trade, and
  - (h) the manner in which the tare weight of road vehicles, or of road vehicles of any particular class or description is to be determined.

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- (2) Regulations under subsection (1) above with respect to the testing of equipment may provide—
- (a) that where a group of items of equipment of the same kind is submitted for testing and prescribed conditions are satisfied with respect to the group, the testing may be confined to a number of items determined by or under the regulations and selected in the prescribed manner, and
  - (b) that if items so selected satisfy the test other items in the group shall be treated as having satisfied it.
- (3) Subject to subsection (5) below, if any person contravenes any regulation made by virtue of subsection (1)(e), (f), (g) or (h) above, he shall be guilty of an offence, and any weighing or measuring equipment in respect of which the contravention was committed shall be liable to be forfeited.
- (4) If any difference arises between an inspector and any other person as to the interpretation of any regulations made under this section or as to the method of testing any weighing or measuring equipment, that difference may with the consent of that other person, and shall at the request of that other person, be referred to the Secretary of State, whose decision shall be final.
- (5) Where in the special circumstances of any particular case it appears to be impracticable or unnecessary that any requirement of any regulations made under this section should be complied with, the Secretary of State may if he thinks fit dispense with the observance of that requirement subject to compliance with such conditions, if any, as he thinks fit to impose; and if any person knowingly contravenes any condition imposed with respect to any equipment by virtue of this subsection he shall be guilty of an offence and the equipment shall be liable to be forfeited.

VALID FROM 29/03/1999

**[<sup>F5</sup>15A Pre-test stamping by certain manufacturers.**

- (1) Subject to subsection (2) below, an approved verifier who is the manufacturer of any equipment to which section 11 above applies may apply the prescribed stamp to the equipment, notwithstanding that it has not been passed as fit for use for trade, if he is satisfied on reasonable grounds that it will not be used (whether for trade or otherwise) unless either—
  - (a) the equipment has been passed as fit for use for trade, or
  - (b) the stamp has been destroyed, obliterated or defaced.
- (2) A prescribed stamp shall not be applied under subsection (1) above unless the stamp includes the approved verifier's number.
- (3) If any person contravenes subsection (2) above, he shall be guilty of an offence and any equipment in respect of which the offence was committed shall be liable to be forfeited.
- (4) A prescribed stamp which has been duly applied to any equipment under subsection (1) above shall have effect as follows—
  - (a) at any time before the equipment is passed as fit for use for trade, as an indication that, at the time when the stamp was applied, the approved verifier was satisfied as mentioned in subsection (1) above, and

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- (b) at any time after the equipment is so passed, as evidence of the passing of the equipment as fit for such use.
- (5) Where equipment to which a prescribed stamp has been duly applied under subsection (1) above is passed as fit for use for trade, nothing in section 11(4)(c) or (4A)(c) above shall require another such stamp to be applied to it.
- (6) Where the approved verifier fails to pass as fit for use for trade equipment to which a prescribed stamp has been applied under subsection (1) above, he may destroy, obliterate or deface the stamp—
  - (a) in any case where there is a prescribed manner of doing so, in that manner, and
  - (b) in any other case, in such reasonable manner as will leave no doubt that the stamp has been intentionally destroyed, obliterated or defaced.
- (7) References in subsections (4) to (6) above to prescribed stamps which have been applied do not include references to such stamps which have subsequently been destroyed, obliterated or defaced.]

#### Textual Amendments

F5 S. 15A inserted (29.3.1999) by S.I. 1999/503, art. 4(1)

## 16 Offences in connection with stamping of equipment.

- (1) Subject to subsection (2) below, any person who, in the case of any weighing or measuring equipment used or intended to be used for trade—
  - (a) not being an inspector or a person acting under the instructions of an inspector, marks in any manner any plug or seal used or designed for use for the reception of a stamp,
  - (b) forges, counterfeits or, except as permitted by or under this Act, in any way alters or defaces any stamp,
  - (c) removes any stamp and inserts it into any other such equipment,
  - (d) makes any alteration in the equipment after it has been stamped such as to make it false or unjust, or
  - (e) severs or otherwise tampers with any wire, cord or other thing by means of which a stamp is attached to the equipment,shall be guilty of an offence.
- (2) Paragraphs (a) and (b) of subsection (1) above shall not apply to the destruction or obliteration of any stamp, plug or seal, and paragraph (e) of that subsection shall not apply to anything done, in the course of the adjustment or repair of weighing or measuring equipment by, or by the duly authorised agent of, a person who is a manufacturer of, or regularly engaged in the business of repairing, such equipment.
- (3) Any person who uses for trade, sells, or exposes or offers for sale any weighing or measuring equipment which to his knowledge—
  - (a) bears a stamp which is a forgery or counterfeit, or which has been transferred from other equipment, or which has been altered or defaced otherwise than as permitted by or under this Act, or

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(b) is false or unjust as the result of an alteration made in the equipment after it has been stamped,  
shall be guilty of an offence.

(4) Any weighing or measuring equipment in respect of which an offence under this section is committed, and any stamp or stamping implement used in the commission of the offence, shall be liable to be forfeited.

## **17 Offences relating to false or unjust equipment or fraud.**

(1) If any person uses for trade, or has in his possession for use for trade, any weighing or measuring equipment which is false or unjust, he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(2) Without prejudice to the liability of any equipment to be forfeited, it shall be a defence for any person charged with an offence under subsection (1) above in respect of the use for trade of any equipment to show—

(a) that he used the equipment only in the course of his employment by some other person, and

(b) that he neither knew, nor might reasonably have been expected to know, nor had any reason to suspect, the equipment to be false or unjust.

(3) If any fraud is committed in the using of any weighing or measuring equipment for trade, the person committing the fraud and any other person party to it shall be guilty of an offence and the equipment shall be liable to be forfeited.

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### **Modifications etc. (not altering text)**

**C4** S. 17(1) excluded by S.I. 1988/186, arts. 3, 6(3)

**Status:**

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**Changes to legislation:**

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