



# 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>125, 150 or 175 millilitres, except for the purposes of transactions in intoxicating liquor <sup>F2</sup>or
- (d) the pint except for—
  - (i) the purposes of the sale of draught beer or cider, or
  - (ii) the purposes of the sale of milk in returnable containers, <sup>F3</sup> . . .
  - (iii) . . . . .

<sup>F4</sup>(e) . . . . .

<sup>F4</sup>(f) . . . . .]

(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>F5</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 <sup>F6</sup>up to and including 31 December 2009,] 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,

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- (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.]
- (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(2)(d)-(f) inserted (1.10.1995) by S.I. 1994/2866, regs. 1, 3(2)
- F3** S. 8(2)(d)(iii) and the preceding “or” omitted (1.1.2000) by virtue of S.I. 1994/2866, arts. 1, 4(2)
- F4** S. 8(2)(e)(f) omitted (1.1.2000) by virtue of S.I. 1994/2866, arts. 1, 4(2)
- F5** S. 8(5)(5A) substituted (7.11.1994) for s. 8(5) by S.I. 1994/2867, regs. 1, 5(2)
- F6** Words in s. 8(5A) inserted (8.2.2001) by S.I. 2001/55, art. 3

#### 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,

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- (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.
- (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),

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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.

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**Marginal Citations**

**M1** 1963 c. 31.

**Status:**

Point in time view as at 08/02/2001.

**Changes to legislation:**

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