



Weights and Measures Act 1985

1985 CHAPTER 72

PART II

WEIGHING AND MEASURING FOR TRADE

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

Status: This is the original version (as it was originally enacted).

- (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.
- (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.

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
 - (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.