# Weights and Measures Act 1985

**1985 CHAPTER 72**

## PART IV

REGULATION OF TRANSACTIONS IN GOODS

*General offences*

### 28 Short weight, etc.

(1) Subject to sections 33 to 37 below, any person who, in selling or purporting to sell any goods by weight or other measurement or by number, delivers or causes to be delivered to the buyer—

(a) a lesser quantity than that purported to be sold, or

(b) a lesser quantity than corresponds with the price charged,

shall be guilty of an offence.

(2) For the purposes of this section—

(a) 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, and

(b) any statement, whether oral or in writing, as to the weight of any goods shall be taken, unless otherwise expressed, to be a statement as to the net weight of the goods.

(3) Nothing in this section shall apply in relation to any such goods or sales as are mentioned in section 24(2)(a) or (b) above.

### 29 Misrepresentation.

(1) Subject to sections 33 to 37 below, any person who—

(a) on or in connection with the sale or purchase of any goods,

(b) in exposing or offering any goods for sale,

(c) in purporting to make known to the buyer the quantity of any goods sold, or

**Status:** *Point in time view as at 01/02/1991.*
**Changes to legislation:** *There are currently no known outstanding effects for the Weights and Measures Act 1985, Cross Heading: General offences. (See end of Document for details)*

(d) in offering to purchase any goods,

makes any misrepresentation whether oral or otherwise as to the quantity of the goods, or does any other act calculated to mislead a person buying or selling the goods as to the quantity of the goods, shall be guilty of an offence.

(2) Subsection (2) of section 28 above shall have effect fot the purposes of this section as it has effect for the purposes of that section.

(3) Nothing in this section shall apply in relation to any such goods or sales as are mentioned in section 24(2)(a) or (b) above.

**30 Quantity less than stated.**

(1) If, in the case of any goods pre-packed in or on a container marked with a statement in writing with respect to the quantity of the goods, the quantity of the goods is at any time found to be less than that stated, then, subject to sections 33 to 37 below—

(a) any person who has those goods in his possession for sale shall be guilty of an offence, and

(b) if it is shown that the deficiency cannot be accounted for by anything occurring after the goods had been sold by retail and delivered to, or to a person nominated in that behalf by, the buyer, any person by whom or on whose behalf those goods have been sold or agreed to be sold at any time while they were pre-packed in or on the container in question, shall be guilty of an offence.

(2) If—

(a) in the case of a sale of or agreement to sell any goods which, not being pre-packed, are made up for sale or for delivery after sale in or on a container marked with a statement in writing with respect to the quantity of the goods, or

(b) in the case of any goods which, in connection with their sale or an agreement for their sale, have associated with them a document containing such a statement,

the quantity of the goods is at any time found to be less than that stated, then, if it is shown that the deficiency cannot be accounted for by anything occurring after the goods had been delivered to, or to a person nominated in that behalf by, the buyer, and subject to sections 33 to 37 below and paragraph 10 of Schedule 4 to this Act, the person by whom, and any other person on whose behalf, the goods were sold or agreed to be sold shall be guilty of an offence.

(3) Subsections (1) and (2) above shall have effect notwithstanding that the quantity stated is expressed to be the quantity of the goods at a specified time falling before the time in question, or is expressed with some other qualification of what ever description, except where—

(a) that quantity is so expressed in pursuance of an express requirement of this Part of this Act or any instrument made under this Part, or

(b) the goods, although falling within subsection (1) or subsection (2)(a) above—

(i) are not required by or under this Part of this Act to be pre-packed as mentioned in subsection (1) or, as the case may be, to be made up for sale or for delivery after sale in or on a container only if the container is marked as mentioned in subsection (2)(a), and

(ii) are not goods on a sale of which (whether any sale or a sale of any particular description) the quantity sold is required by or under any

provision of this Part of this Act other than section 26, to be made known to the buyer at or before a particular time, or

(c) the goods, although falling within subsection (2)(b) above, are not required by or under this Part of this Act to have associated with them such a document as is mentioned in that provision.

(4) In any case to which, by virtue of paragraph (a), (b) or (c) of subsection (3) above, the provisions of subsection (1) or (2) above do not apply, if it is found at any time that the quantity of the goods in question is less than that stated and it is shown that the deficiency is greater than can be reasonably justified on the ground justifying the qualification in question, then, subject to sections 33 to 37 below—

(a) in the case of goods such as are mentioned in subsection (1) above, if it is further shown as mentioned in that subsection, then—

(i) where the container in question was marked in Great Britain, the person by whom, and any other person on whose behalf, the container was marked, or

(ii) where the container in question was marked outside Great Britain, the person by whom, and any other person on whose behalf, the goods were first sold in Great Britain,

shall be guilty of an offence;

(b) in the case of goods such as are mentioned in subsection (2) above, the person by whom, and any other person on whose behalf, the goods were sold or agreed to be sold shall be guilty of an offence if, but only if, he would, but for paragraph (a), (b) or (c) of subsection (3) above have been guilty of an offence under subsection (2).

(5) Subsection (2) of section 28 above shall have effect for the purposes of this section as it has effect for the purposes of that section.

(6) Nothing in this section shall apply in relation to any such goods or sales as are mentioned in section 24(2)(a) or (b) above.

## 31 Incorrect statements.

(1) Without prejudice to section 30(2) to (4) above, if in the case of any goods required by or under this Part of this Act to have associated with them a document containing particular statements, that document is found to contain any such statement which is materially incorrect, any person who, knowing or having reasonable cause to suspect that statement to be materially incorrect, inserted it or caused it to be inserted in the document, or used the document for the purposes of this Part of this Act while that statement was contained in the document, shall be guilty of an offence.

(2) Subsection (2) of section 28 above shall have effect for the purposes of this section as it has effect for the purposes of that section.

(3) Nothing in this section shall apply in relation to any such goods or sales as are mentioned in section 24(2)(a) or (b) above.

## 32 Offences due to default of third person.

Where the commission by any person of an offence under this Part of this Act or an instrument made under this Part is due to the act or default of some other person, the

other person shall be guilty of an offence and may be charged with and convicted of the offence whether or not proceedings are taken against the first-mentioned person.

**Status:**
Point in time view as at 01/02/1991.

**Changes to legislation:**
There are currently no known outstanding effects for the Weights and Measures Act 1985, Cross Heading: General offences.