



# Weights and Measures Act 1985

## 1985 CHAPTER 72

### PART V

#### PACKAGED GOODS

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

- C1** Part V (ss. 47–68) restricted (E.W.S.) by [S.I. 1986/2049, reg. 5\(1\)](#)
- C2** Part V (ss. 47–68) modified (E.W.S.) by [S.I. 1986/2049, regs. 5\(2\)\(a\)\(b\)](#), 25(3)(4)(5)(6)(7), 26(3), Sch. 3
- C3** Part V (ss. 47–68) applied (E.W.S.) with modifications by [S.I. 1986/2049, reg. 27](#)

#### *Quantity control*

#### **47 Duty of packers and importers as to quantity.**

- (1) It shall be the duty of a person who is the packer or importer of regulated packages to ensure that when a group of the packages marked with the same nominal quantity is selected in the prescribed manner and the packages in the group or such a portion of the group as is so selected are tested in the prescribed manner by an inspector—
  - (a) the total quantity of the goods shown by the test to be included in the packages tested divided by the number of those packages is not less than the nominal quantity on those packages, and
  - (b) the number of non-standard packages among those tested is not greater than the number prescribed as acceptable in relation to the number tested.
- (2) It is hereby declared that a person discharges the duty imposed on him by subsection (1) above in respect of a group of packages if the quantity of goods in each package is or exceeds the nominal quantity on the package.
- (3) Regulations in pursuance of subsection (1) above with respect to the manner of selecting or testing packages may, without prejudice to the generality of the powers to make regulations conferred by that subsection or to the generality of section 66(b)

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below make provision by reference to a document other than the regulations (which may be or include a code of practical guidance issued by the Secretary of State).

- (4) Where, as a result of a test in respect of a group of packages which is carried out when the packages are in the possession of the packer or importer of the packages or another person, it is shown that the packer or importer of the packages has failed to perform the duty imposed on him by subsection (1) above in respect of the packages, then, without prejudice to the liability of the packer or importer under section 50(1) below in respect of the failure, it shall be the duty of the person in possession of the packages to keep them in his possession—
- (a) except so far as he is authorised by or under regulations to dispose of them, or
  - (b) if he is the packer or importer of them, until he has performed his duty under subsection (1) above in respect of the group.

#### **48 Duty of packers and importers as to marking of containers.**

- (1) It shall be the duty of a person who is the packer or importer of a regulated package to ensure that the container included in the package is marked before the prescribed time and in the prescribed manner with—
- (a) a statement of quantity in prescribed units either of weight or of volume, as regulations require, and
  - (b) his name and address or a mark which enables his name and address to be readily ascertained by an inspector, or—
    - (i) if he is the packer of the package, the name and address of a person who arranged for him to make up the package or a mark which enables that name and address to be readily ascertained by an inspector.
    - (ii) if he is the importer of the package, the name and address of the packer of the package or of the person who arranged for the packer to make up the package or a mark which enables the name and address of the packer or that person to be readily ascertained by an inspector, and
  - (c) if regulations so provide, a mark allocated to him by a scheme in pursuance of section 58 below for the purpose of enabling the place where the package was made up to be ascertained.
- (2) If at the time when a regulated package is made up or imported the container included in the package is not marked with such a statement as is mentioned in paragraph (a) of subsection (1) above, it shall be the duty of the packer or, as the case may be, the importer of the package—
- (a) to decide what statement he proposes to mark on the container in pursuance of that paragraph, and
  - (b) to make at that time, and to maintain for the prescribed period, a record of the statement.
- (3) Until the time mentioned in subsection (1) above, or any earlier time at which the container is actually marked in the prescribed manner in pursuance of paragraph (a) of that subsection, it shall be treated for the purposes of this Part of this Act as marked with the statement in the record.
- (4) A statement applied to a package in pursuance of subsection (1)(a) above shall be deemed not to be a trade description within the meaning of the <sup>M1</sup>trade Descriptions Act 1968.

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#### Marginal Citations

M1 1968 c. 29.

### 49 Duties as to equipment, checks and documentation.

- (1) It shall be the duty of a person who makes up packages either—
  - (a) to use suitable equipment of the prescribed kind in an appropriate manner in making up the packages, or
  - (b) to carry out at the prescribed time a check which is adequate to show whether he has performed the duty imposed on him by section 47(1) above in respect of the packages and—
    - (i) to used suitable equipment of the prescribed kind in an appropriate manner in carrying out the check, and
    - (ii) to make, and keep for the prescribed period, an adequate record of the check.
- (2) It shall be the duty of a person who is the importer of regulated packages—
  - (a) to carry out at the prescribed time such a check as is mentioned in paragraph (b) of subsection (1) above and to comply with sub-paragraphs (i) and (ii) of that paragraph in connection with the check, or
  - (b) to obtain before the prescribed time, and to keep for the prescribed period, documents containing such information about the packages as is adequate to show that the person is likely to have complied with his duty under section 47(1) above in relation to the packages.
- (3) Without prejudice to the generality of the powers to make regulations conferred by subsection (1) or (2) above or to the generality of section 66 below, regulations may provide—
  - (a) for equipment not to be suitable equipment for the purposes of the subsection in question unless it is made from materials and on principles specified in the regulations and is inspected, tested and certified as provided by the regulations,
  - (b) for questions as to the suitability of equipment, the appropriate manner of using equipment and the adequacy of checks, records and information to be determined for those purposes by reference to documents other than the regulations (which may be or include codes or parts of codes of practical guidance issued or approved by the Secretary of State), and
  - (c) that the use and the possession for use, for the purposes of subsection (1) or (2) above, of a thing which is suitable equipment for the purpose of the subsection in question shall not constitute a contravention of section 8(1)(b) above.
- (4) Where regulations made by virtue of subsection (3)(a) above provide for inspection, testing and certification of equipment, a local weights and measures authority may charge such reasonable fees as they may determine for the inspection, testing and certification of the equipment.

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### *Enforcement of control*

#### **50 Offences, etc.**

- (1) A person who fails to perform a duty imposed on him by section 47, 48 or 49 above shall be guilty of an offence.
- (2) If a person purports to comply with his duty under—
  - (a) sub-paragraph (ii) of subsection (1)(b) of section 49 above, or
  - (b) that sub-paragraph as applied by subsection (2)(a) of that section,by making a record which he knows is false in a material particular, he shall be guilty of an offence.
- (3) If a person purports to comply with his duty under section 49(2)(b) above by reference to a document containing information which he knows is false in a material particular, he shall be guilty of an offence.
- (4) If a person, with intent to deceive, alters—
  - (a) any record kept for the purposes of section 48(2) or 49(1)(b)(ii) above or section 49(1)(b)(ii) above as applied by section 49(2)(a) above, or
  - (b) any document kept for the purposes of section 49(2)(b) above,he shall be guilty of an offence.
- (5) If a person has in his possession for sale, agrees to sell or sells a regulated package which is inadequate and either—
  - (a) he is the packer or importer of the package, or
  - (b) he knows that the package is inadequate,he shall be guilty of an offence.
- (6) If the packer of a regulated package which is inadequate and which was made up by him in the course of carrying out arrangements with another person for the packer to make up packages delivers the package to or to the order of a person to whom it falls to be delivered in pursuance of the arrangements, the packer shall be guilty of an offence.
- (7) No action shall lie in respect of a failure to perform a duty imposed by section 47, 48 or 49 above.

#### **51 Defences to certain charges under section 50.**

- (1) Where a person is charged with an offence under section 50(1) above of failing to perform the duty imposed on him by section 47(1) above in respect of any packages, it shall be a defence to prove that the test in question took place when the packages were not in his possession and by reference to a nominal quantity which was not on the packages when they were in his possession.
- (2) Where the importer of packages is charged with an offence under section 50(1) above of failing to perform the duty imposed on him by section 47(1) above in respect of the packages, it shall be a defence to prove—
  - (a) that in respect of the packages the accused performed the duty imposed on him by paragraph (b) of section 49(2) above, and
  - (b) that within the prescribed period after obtaining the documents mentioned in that paragraph relating to the packages he took all reasonable steps to verify the information contained in the documents and that when the relevant test

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in pursuance of section 47(1) above began he believed and had no reason to disbelieve that the information was true, and

- (c) that before the beginning of the period of seven days ending with the date when the hearing of the charge began he served on the prosecutor a copy of the said documents and a notice which stated that the accused intended to rely on them in proving a defence under this subsection, and
- (d) that he took all reasonable steps to ensure that the quantity of goods in each of the packages did not alter while the packages were in his possession.

(3) Where a person is charged with an offence under section 50(1)

above of failing to perform the duty imposed on him by paragraph (b) of section 48(1) above in respect of a package, it shall be a defence to prove—

- (a) that the container included in the package was marked at the time and in the manner mentioned in that subsection with a mark as to which he had, before that time, given notice to an inspector stating that the mark indicated a name and address specified in the notice, and
- (b) that at that time the name and address were such as are mentioned in relation to him in that paragraph.

(4) Where a person is charged with—

- (a) an offence under subsection (1) of section 50 above, or
- (b) an offence alleged to have been committed by him, as the packer or importer of a package, under subsection (5) or (6) of that section.

it shall be a defence to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

**52 Enforcement of Part V by local weights and measures authority.**

- (1) It shall be the duty of a local weights and measures authority to enforce the provisions of this Part of this Act within the area of the authority.
- (2) Nothing in subsection (1) above authorises a local weights and measures authority to institute proceedings in Scotland for an offence

**53 Powers of inspectors and local weights and measures authority under Part V.**

Schedule 8 to this Act shall have effect.

*Special provision for certain packages*

**54 Special provision for certain packages.**

- (1) Subsections (2) to (7) below apply only to packages containing goods of a prescribed quantity, and references to packages in those subsections shall be construed accordingly.
- (2) If in the course of carrying on a business—
  - (a) a person marks a package with the EEC mark and is neither the packer nor the importer of the package nor a person acting on behalf of the packer or importer of the package, or

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- (b) a person marks a package with a mark so closely resembling the EEC mark as to be likely to deceive,  
he shall be guilty of an offence.
- (3) For the purposes of this Part of this Act a person who brings a package marked with the EEC mark into the United Kingdom does not import the package if he shows that the package is from a member State of the Economic Community in which it was liable to be tested under a law corresponding to section 47(1) above and, except in such cases as are determined by or under regulations, has not since leaving that State been in a country which is not such a member State.
- (4) Subject to subsection (6) below, it shall be the duty of—
  - (a) the packer of packages which are marked with the EEC mark and which he intends to export from the United Kingdom,
  - (b) a person who intends to import packages which are so marked and to export them from the United Kingdom to a place in another member State of the Economic Community, and
  - (c) a person who intends to import packages, to mark them with the EEC mark and to export them as mentioned in paragraph (b) above,
 to give before the prescribed time and in the prescribed manner, to the local weights and measures authority for the area in which the packages were packed or, as the case may be, in which the place of intended import is situated, a notice containing such information about the packages as is prescribed and, in the case of a person who has given such a notice in pursuance of paragraph (b) or (c) above, such further information about the packages in question as an inspector may specify in a notice served on the person by the inspector.
- (5) A person who fails without reasonable cause to perform a duty imposed on him by subsection (4) above shall be guilty of an offence.
- (6) Regulations may enable an inspector to give notice to any person providing that, until an inspector informs the person in writing that the notice is cancelled, any paragraph of subsection (4) above which is specified in the notice shall not apply to the person or shall not apply to him as respects packages of a kind specified in the notice or a place so specified.
- (7) In this section “the EEC mark” means such mark as may be prescribed; and, without prejudice to the generality of section 66 below, regulations prescribing a mark in pursuance of this subsection—
  - (a) may contain such provisions as the Secretary of State considers appropriate with respect to the dimensions of the mark and the manner and position in which it is to be applied to the container included in a package, and
  - (b) may provide for a mark which is not in accordance with those provisions to be disregarded for the purposes of prescribed provisions of this section

*Co-ordination of control*

**55 The national Metrological Co-ordinating Unit**

- (1) ..... F1

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- (5) The Secretary of State may, out of money provided by Parliament, make payments to the Unit from time to time for the purpose of enabling the Unit to defray the whole or part of its expenses.
- (6) ..... <sup>F1</sup>

**Textual Amendments**

**F1** S. 55(1)–(4), (6) repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 1**

**56 General duties of [<sup>F2</sup>Secretary of State].**

- (1) It shall be the duty of the [<sup>F2</sup>Secretary of State]—
- (a) to keep under review the operation of this Part of this Act and to carry out such research in connection with the review as the [<sup>F2</sup>Secretary of State] considers appropriate;
  - (b) to make available, to local weights and measures authorities and to packers and importers of packages, such information as the [<sup>F2</sup>Secretary of State] considers appropriate in connection with the operation of this Part of this Act;
  - (c) to give advice to local weights and measures authorities—
    - (i) about arrangements to be made by them for the purpose of enforcing this Part of this Act within their area; and
    - (ii) about such other matters as the [<sup>F2</sup>Secretary of State] considers appropriate in connection with the operation of this Part of this Act;
  - (d) to seek to collaborate, with any authority in a place outside Great Britain appearing to the [<sup>F2</sup>Secretary of State] to have functions which correspond to those of the [<sup>F2</sup>Secretary of State] or to those conferred on a local weights and measures authority by this Part of this Act, about matters which are connected with packages and are of interest to the [<sup>F2</sup>Secretary of State] and the authority;
  - (e) ..... <sup>F3</sup>
  - (f) to make and maintain a record of the names and addresses of packers and importers of packages and of—
    - (i) the kinds of packages which they make up or import, and
    - (ii) the marks of which particulars have been furnished by them in pursuance of section 57 below;
  - (g) to make and maintain a record of the names and addresses of persons who make measuring container bottles in any member State of the Economic Community and of the marks put on the bottles for the purpose of enabling the makers of them to be identified;
  - (h) ..... <sup>F3</sup>

- (2) In this section—
- “measuring container bottle” has the same meaning as in the 1977 Regulations or, if regulations so provide, such other meaning as is prescribed, and
  - “the 1977 Regulations” means the <sup>M2</sup>Measuring Container Bottles (EEC Requirements) Regulations 1977.

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#### Textual Amendments

- F2** Words substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 2(b)**  
**F3** S. 56(1) paras. (e) and (h) repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 2(a)**

#### Marginal Citations

- M2** S.I. 1977/932.

### 57 Power of [<sup>F4</sup>Secretary of State]to require packers and importers to furnish particulars of marks.

- (1) The [<sup>F4</sup>Secretary of State]may serve, on any person carrying on business as a packer or importer of packages, a notice requiring him—
- (a) to furnish the [<sup>F4</sup>Secretary of State]from time to time with particulars of the kind specified in the notice of any marks which, otherwise than in pursuance of section 48(1)(c) above, are applied from time to time to packages made up or as the case may be imported by him, for the purpose of enabling the place where the packages were made up to be ascertained, and
  - (b) if he has furnished particulars of a mark in pursuance of the notice and the mark ceases to be applied for that purpose to packages made up or imported by him, to give notice of the cesser to the [<sup>F4</sup>Secretary of State];
- but a notice given by the [<sup>F4</sup>Secretary of State]in pursuance of this subsection shall not require a person to furnish information which he does not possess.
- (2) A person who without reasonable cause fails to comply with a notice served on him in pursuance of subsection (1) above shall be guilty of an offence.

#### Textual Amendments

- F4** Words substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 3**

### 58 Duty of [<sup>F5</sup>Secretary of State]to prepare scheme allocating marks.

- It shall be the duty of the [<sup>F5</sup>Secretary of State] —
- (a) [<sup>F6</sup>if he thinks fit], to prepare a scheme which—
    - (i) allocates, to persons carrying on business as packers or importers of packages, marks from which there can be ascertained the places where packages made up or imported by them were made up, and
    - (ii) specifies the kinds of packages to which each mark is to be applied;
  - (b) to make from time to time such alterations of the scheme as the [<sup>F5</sup>Secretary of State]considers appropriate . . . <sup>F7</sup>;
  - (c) to give, to each person to whom a mark is for the time being allocated by the scheme, a notice which specifies the mark, states that it has been allocated to him in pursuance of the scheme and specifies the kinds of packages to which it is to be applied.

#### Textual Amendments

- F5** Words substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 4(a)**



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- F6** Words substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 4(b)**  
**F7** Words repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 4(c)**

## **59 Supervision by [<sup>F8</sup>Secretary of State]of certain functions of inspectors.**

(1) The [<sup>F8</sup>Secretary of State]may serve on any local weights and measures authority a notice requiring the authority—

- (a) to furnish the [<sup>F8</sup>Secretary of State]with information of such a kind as is specified in the notice (and, if the notice so provides, relating only to persons so specified or packages or measuring container bottles of a kind so specified) with respect to relevant functions which inspectors appointed by the authority have performed or propose to perform during a period so specified, or
- (b) to arrange for the performance by an inspector, in relation to persons, premises or equipment specified in the notice or packages or measuring container bottles of a kind so specified and during a period so specified, of such relevant functions as are so specified and to make to the [<sup>F8</sup>Secretary of State]a report containing information of a kind so specified about the results of complying with the notice;

and, subject to subsection (4)(b)(ii) below, it shall be the duty of the authority to comply with the requirements of the notice.

(2) in subsection (1) above “relevant functions” means—

- (a) the function of carrying out a test in pursuance of section 47(1) above,
- (b) functions conferred on an inspector—
  - (i) by paragraphs 1 and 5 of Schedule 8 to this Act, and
  - (ii) by regulation 8(1)

of the 1977 regulations (inspection for the purposes of those regulations), and

- (c) such other functions conferred on an inspector by this Part of this Act as are prescribed.

(3) In relation to a notice served in pursuance of subsection (1)(b) above the inspector in question shall be treated as having such reasonable cause as is mentioned in paragraph 1(a) and (b) of Schedule 8 to this Act and regulation 8(1)(b) of the 1977 Regulations.

(4) If the [<sup>F9</sup>Secretary of State]is of the opinion that a local weights and measures authority has not complied with a requirement contained in a notice served on the authority in pursuance of subsection (1) above, [<sup>F10</sup>he]may—

- (a) serve a notice on the authority requiring it to comply with the requirement within a period specified in the notice; or
- (b) in the case of a requirement in pursuance of subsection (1) (b) above—
  - (i) make such arrangements as the Secretary of State considers appropriate for securing that the requirement is complied with by persons acting on his behalf
  - (ii) serve on the authority a notice stating that he proposes to make the arrangements and prohibiting the authority from complying with the requirement,
  - (iii) by an instrument in writing appoint a person specified in the instrument to be an inspector for the purpose of carrying out the arrangements and to exercise accordingly for that purpose any power

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which by virtue of this Part of this Act or the 1977 Regulations is conferred on an inspector, and  
(iv) recover from the authority the reasonable cost of making and carrying out the arrangements.

(5) In this section “measuring container bottle” and “the 1977 Regulations” have the meanings given by section 56(2) above.

**Textual Amendments**  
F8 Words substituted by S.I. 1987/2187, art. 2(b), Sch. para. 5(a)  
F9 Words substituted by S.I. 1987/2187, art. 2(b), Sch. para. 5(b)(i)  
F10 Word substituted by S.I. 1987/2187, art. 2(b), Sch. para. 5(b)(ii)

60 ..... F11

**Textual Amendments**  
F11 Ss. 60, 61 repealed by S.I. 1987/2187, art. 2(b), Sch. para. 6

61 ..... F12

**Textual Amendments**  
F12 Ss. 60, 61 repealed by S.I. 1987/2187, art. 2(b), Sch. para. 6

**62 Power to extend or transfer Unit’s functions and to abolish Unit.**

- (1) The Secretary of State may by order confer on the Unit such functions as he thinks fit in addition to the functions conferred on the Unit by this Act.
  - (2) The Secretary of State may by order—
    - (a) transfer any function of the Unit to himself;
    - (b) establish a body and transfer to it any function of the Unit and any function transferred by virtue of paragraph (a) above;
    - (c) where all the functions of the Unit are transferred by virtue of paragraphs (a) and (b) above, abolish the Unit.
  - (3) An order made by virtue of this section may—
    - (a) make such modifications—
      - (i) of section 55(1)
- to (4) and (6) above and Schedule 9 to this Act, and
- (ii) of references to the Unit in any provision of this Act except section 55,
- as the Secretary of State considers appropriate in connection with the conferring or transfer of any function, the establishment of a body or the abolition of the Unit in pursuance of this section;

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- (b) contain such supplemental and transitional provisions as the Secretary of State considers appropriate in that connection.
- (4) The Secretary of State may make payments out of money provided by Parliament to any body established by virtue of this section for the purpose of enabling the body to defray its expenses.

*Instructions by inspectors*

**63 Instructions by inspectors.**

- (1) If an inspector has reasonable cause to believe that a person has failed to perform the duty imposed on him by section 47(1) above in relation to a group of packages, the inspector may give to the person in possession of the packages instructions in writing—
  - (a) specifying the packages, and
  - (b) requiring that person to keep the packages at a place specified in the instructions and at the disposal of the inspector for the period of twenty-four hours beginning with the time when the inspector gives him the instructions or for such shorter period as the inspector may specify.
- (2) If an inspector has reasonable cause to believe that a person has failed to perform the duty imposed on him by section 49(1) or (2) above, the inspector may give to that person such instructions in writing as the inspector considers appropriate with a view to ensuring that that person does not subsequently fail to perform that duty.
- (3) Instructions given to a person by an inspector under subsection (2) above shall not come into force until the expiration of the prescribed period beginning with the day when the instructions are given to him and, if during that period that person gives notice to the inspector that he objects to the instructions, they shall not come into force except as agreed in writing by that person or as directed by the Secretary of State.
- (4) Where under subsection (3) above a person gives to an inspector notice of objection to instructions, it shall be the duty of the inspector to refer the instructions to [<sup>F13</sup>the Secretary of State]
- (5) . . . . . <sup>F14</sup>
- (6) Where instructions are referred to the Secretary of State in pursuance of [<sup>F15</sup>subsection (4) above], it shall be his duty—
  - (a) to invite representations in writing about the instructions . . . <sup>F16</sup>, from the inspector who gave them and from the person to whom they were given,
  - (b) to consider any representations made in response to the invitations within the periods specified in the invitations,
  - (c) to direct that the instructions shall come into force, without modifications or with modifications specified in the direction, on a day so specified or that they shall not come into force, and
  - (d) to give notice of the direction . . . <sup>F17</sup>, to the inspector and to the person in question.
- (7) Where—
  - (a) instructions have been given to a person under subsection (1) above, or

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- (b) instructions given to a person under subsection (2) above have come into force (or have come into force with modifications) in accordance with subsections (3) to (6) above,

he shall be guilty of an offence if without reasonable cause he fails to comply with those instructions (or, as the case may require, those instructions with modifications).

#### Textual Amendments

- F13** Words substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 7(a)**  
**F14** S. 63(5) repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 7(b)**  
**F15** Words substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 7(c)(i)**  
**F16** Word repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 7(c)(ii)**  
**F17** Words repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 7(c)(iii)**

#### Miscellaneous

### 64 Disclosure of information.

- (1) If a person discloses information which—

- (a) relates to a trade secret or secret manufacturing process, and  
 (b) was obtained by him by virtue of this Part of this Act when he was—

(i) ..... **F18**  
 (ii) ..... **F18**

(iii) an inspector,

(iv) a person who accompanied an inspector by virtue of paragraph 3(1)

of Schedule 8 to this Act, or

- (v) a person appointed by the Secretary of State in pursuance of section 59(4)(b) (iii) above,

he shall be guilty of an offence unless the disclosure was made in the performance of his duty as a member, inspector or other person mentioned in paragraph (b) above, or, in the case of an inspector, was made [<sup>F19</sup>to the Secretary of State in consequence of a request by him.]

- (2) For the purposes of subsection (1) above information disclosing the identity of the packer of a package or the identity of the person who arranged with the packer of a package for the package to be made up shall be treated as a trade secret unless the information has previously been disclosed in a manner which made it available to the public.

#### Textual Amendments

- F18** S. 64(1)(b)(i), (ii) repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 8(a)**  
**F19** Words substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 8(b)**

### 65 Power to modify Part V.

Regulations may provide—

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, Part V. (See end of Document for details)*

- (a) that in relation to packages of a prescribed kind the provisions of this Part of this Act, except this section, shall have effect with prescribed modifications;
- (b) for the said provisions to apply, with prescribed modifications, to goods of a prescribed kind which are not comprised in packages.

## **66 Regulations under Part V.**

Without prejudice to section 86(1) below, any power to make regulations conferred by this Part of this Act includes power—

- (a) to make provision relating only to specified circumstances,
- (b) to make provision by reference to documents which do not form part of the regulations, and
- (c) to include in the regulations such supplemental and incidental provisions as the Secretary of State considers appropriate.

## **67 Service of documents.**

(1) Any document required or authorised by virtue of this Part of this Act to be served on a person may be so served—

- (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address, or
- (b) if the person is a body corporate, by serving it in accordance with paragraph (a) above on the secretary or clerk of that body, or
- (c) if the person is a partnership, by serving it in accordance with paragraph (a) above on a partner or on a person having the control or management of the partnership business.

(2) for the purposes of subsection (1) above and of section 7 of the <sup>M3</sup>Interpretation Act 1978 (which relates to the service of documents by post) in its application to that subsection, the proper address of any person on whom a document is to be served by virtue of this Part of this Act shall be his last known address except that—

- (a) in the case of service on a body corporate or its secretary or clerk, it shall be the address of the registered or principal office of the body, and
- (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the principal office of the partnership;

and for the purposes of this subsection, the principal office of a company registered outside the United Kingdom or a partnership carrying on business outside the Kingdom is its principal office within the United Kingdom.

### **Marginal Citations**

**M3** 1978 c. 30.

## **68 Interpretation of Part V.**

(1) In this Part of this Act—

- “container” includes any wrapping;
- “goods”, in relation to a package, excludes the container included in the package;

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*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, Part V. (See end of Document for details)*

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“importer”, in relation to a package, means, subject to section 54(3), above, the person by whom or on whose behalf the package is entered for customs purposes on importation;

“modifications” includes additions, omissions and alterations;

“nominal quantity”, in relation to a package, means the units of weight or volume prescribed for the package and the number of them in the statement of quantity marked on the container included in the package (any other matter in the statement being disregarded);

“notice” means notice in writing;

“package” means, subject to section 54(1) above, a container containing prescribed goods together with the goods in the container in a case where—

- (a) the goods are placed for sale in the container otherwise than in the presence of a person purchasing the goods, and
- (b) none of the goods can be removed from the container without opening it;

“packer” means, in relation to a package, the person who placed in the container included in the package the goods included in it;

“regulated package” means any package which—

- (a) was made up in the United Kingdom on or after the date on which the goods in the package became prescribed goods, or
- (b) was imported on or after that date;

“regulations” means regulations made by the Secretary of State by virtue of this Part of this Act;

“the Unit” means the National Metrological Co-ordinating Unit.

- (2) For the purposes of this Part of this Act a package—
  - (a) is non-standard if the quantity of the goods it contains is less by more than a prescribed amount than the nominal quantity on the package, and
  - (b) is inadequate if the quantity of the goods it contains is less by more than twice that amount than the nominal quantity on the package.
- (3) Regulations may make provision, in relation to a package which contains more than one container or goods of more than one kind, as to which of the containers or goods shall be disregarded for the purposes of prescribed provisions of this Part of this Act.
- (4) If two or more different nominal quantities are marked on a package, each of those quantities except the one which indicates the larger or largest quantity shall be disregarded for the purposes of this Part of this Act.

**Status:**

Point in time view as at 01/04/1996.

**Changes to legislation:**

There are currently no known outstanding effects for the Weights and Measures Act 1985, Part V.