Weights and Measures Act 1985

1985 CHAPTER 72

PART I

UNITS AND STANDARDS OF MEASUREMENT

5 Working standards and testing and stamping equipment.

(1) Subject to subsection (3) below, each local weights and measures authority shall provide for use by the inspectors appointed for the authority's area, and maintain or from time to time replace—

(a) such standards (in this Act referred to as "working standards") of such of the measures and weights set out in Schedule 3 to this Act,

(b) such testing equipment, and

(c) such stamping equipment,

as are proper and sufficient for the efficient discharge by those inspectors of their functions in the authority's area.

(2) An authority may—

(a) provide a particular working standard or item of equipment as required by subsection (1) above by making arrangements with another person for the standard or item to be made available by him, and

(b) make arrangements with another person for standards or equipment provided by the authority under subsection (1) above, except stamping equipment, to be made available to the other person.

(3) If a local weights and measures authority are of opinion—

(a) that any particular description of testing equipment is proper and sufficient for the efficient discharge of the functions of the inspectors appointed for the authority's area, but

(b) that, having regard to the expenditure involved and the frequency with which such equipment is likely to be used by those inspectors, it would not be reasonable for the authority to provide and maintain such equipment,

the authority may request the Secretary of State to provide and maintain such equipment and to make it available for hire to the authority.

(4) The terms of hire of equipment under subsection (3) above shall be such as the Secretary of State may determine.

(5) Working standards and testing and stamping equipment provided under subsection (1) above shall be of material and form approved by the Secretary of State.

(6) Except so far as may be necessary for the purposes of their use elsewhere, such working standards and testing and stamping equipment shall be kept, subject to subsection (7) below, at premises provided by the local weights and measures authority.

(7) Subsection (6) above shall not apply to things which are the subject of arrangements under subsection (2)(a) above.

(8) A working standard of a linear or capacity measure—

(a) shall be provided either as a separate standard or by means of divisions marked on a standard of a larger measure, and

(b) shall either be marked in whole or in part with subdivisions representing any smaller unit of measurement or multiples or fractions of such a unit or have no such markings,

as the Secretary of State may from time to time direct.

(9) The Secretary of State shall by regulations make provision—

(a) for working standards to be from time to time tested by comparison with, and if necessary adjusted to within such limits of error as may be specified in the regulations by reference to, the local standards or other working standards more recently tested, and

(b) with respect to the testing, adjustment and limits of error of testing equipment provided under subsection (1) above.

(10) No article shall be used by an inspector as a working standard or as testing equipment provided under subsection (1) above unless the relevant requirements of regulations under subsection (9) above are for the time being satisfied with respect to it.

(11) Nothing in subsection (2) above prejudices the operation of—

(a) the [M1]Local Authorities (Goods and Services) Act 1970,

(b) section 101 of the [M2]Local Government Act 1972, or

(c) section 56 of the [M3]Local Government (Scotland) Act 1973,

[[F1]or

(d) sections 14 to 16 of the Local Government Act 2000 or any regulations made under sections 17 to 20 of that Act**]**

(which among other things enable a local authority to arrange for the provision of goods or services and the discharge of its functions by another local authority).

Subordinate Legislation Made

P1 S. 5: for previous exercises of this power before 01. 02. 1991 see Index to Government Orders.

P2 S. 5(9): s. 5(9) (with s. 86(1)) power exercised (26.7.1991) by S.I. 1991/1775

Textual Amendments

F1 S. 5(11)(d) and preceding word inserted (E.W.) (11.7.2001 for E.and 1.4.2002 for W.) by S.I. 2001/2237 arts. 2(f), 14 and S.I. 2002/808, **art.13**

Marginal Citations

M1 1970 c. 39.
M2 1972 c. 70.
M3 1973 c. 65.

Changes to legislation:
There are currently no known outstanding effects for the Weights and Measures Act 1985, Section 5.