



Weights and Measures Act 1985

1985 CHAPTER 72

PART VII

GENERAL

Enforcement and legal proceedings

79 General powers of inspection and entry.

- (1) Subject to the production if so requested of his credentials, an inspector may, within the area for which he was appointed inspector, at all reasonable times—
 - (a) inspect and test any weighing or measuring equipment which is, or which he has reasonable cause to believe to be, used for trade or in the possession of any person or upon an premises for such use, [^{F1}or which has been, or which he has reasonable cause to believe to have been, passed by an approved verifier, or by a person purporting to act as such a verifier, as fit for such use].
 - (b) inspect any goods to which any of the provisions of Part IV of this Act or any instrument made under that Part for the time being applies or which he has reasonable cause to believe to be such goods, and
 - (c) enter any premises at which he has reasonable cause to believe there to be any such equipment or goods, not being premises used only as a private dwelling-house
- (2) Subject to the production if so requested of his credentials, an inspector may at any time within the area for which he was appointed inspector seize and detain—
 - (a) any article which he has reasonable cause to believe is liable to be forfeited under Part II or IV of this Act, and
 - (b) any document or goods which the inspector has reason to believe may be required as evidence in proceedings for an offence under this Act ^{F2}...
- (3) If a justice of the peace, on sworn information in writing—
 - (a) is satisfied that there is reasonable ground to believe that any such equipment, goods, articles or documents as are mentioned in subsection (1) or (2) above

Status: Point in time view as at 11/04/2009. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, Section 79. (See end of Document for details)

are on any premises, or that any offence under this Act or any instrument made under it^{F3}... has been, is being or is about to be committed on any premises, and

- (b) is also satisfied either—
- (i) that admission to the premises has been refused, or a refusal is apprehended and that notice of the intention to apply for a warrant has been given to the occupier, or
 - (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice may by warrant under his hand, which shall continue in force for a period of one month, authorise an inspector to enter the premises, if need be by force.

- (4) In the application of subsection (3) above to Scotland, “justice of the peace” includes a sheriff.
- (5) An inspector entering any premises by virtue of this section may take with him such persons and such equipment as may appear to him necessary.
- (6) An inspector who leaves premises which he has entered by virtue of a warrant under subsection (3) above and which are unoccupied or from which the occupier is temporarily absent shall leave the premises as effectively secured against trespassers as he found them.
- (7) If any inspector or other person who enters any work-place by virtue of this section discloses to any person any information obtained by him in the work-place with regard to any secret manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.
- (8) In exercising his functions under this Act at any mine of coal, stratified ironstone, shale or fire-clay, an inspector shall so exercise those functions as not to impede or obstruct the working of the mine.
- (9) Nothing in this Act shall authorise any inspector to stop any vehicle on a highway.

Textual Amendments

- F1** Words in s. 79(1) inserted (29.3.1999) by [S.I. 1999/503](#), **art. 2(13)**
- F2** Words in s. 79(2)(b) omitted (6.4.2006) by virtue of [The Weights and Measures \(Packaged Goods\) Regulations 2006 \(S.I. 2006/659\)](#), [reg. 1\(1\)](#), **Sch. 1 Pt. 2(9)(a)** (with [reg. 21](#))
- F3** Words in s. 79(3)(a) omitted (6.4.2006) by virtue of [The Weights and Measures \(Packaged Goods\) Regulations 2006 \(S.I. 2006/659\)](#), [reg. 1\(1\)](#), **Sch. 1 Pt. 2(9)(b)** (with [reg. 21](#))

Modifications etc. (not altering text)

- C1** S. 79(2)(b) powers of seizure extended (1.4.2003) by [Criminal Justice and Police Act 2001 \(c. 16\)](#), [ss. 50, 138\(2\)](#), **Sch. 1 para. 36** (with [ss. 52-54, 68](#)); [S.I. 2003/708](#), [art. 2\(a\)](#)

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