
STATUTORY INSTRUMENTS

2006 No. 659

The Weights and Measures (Packaged Goods) Regulations 2006

Transitional provisions

21.—(1) The enactments set out in Part 1 of Schedule 1 shall continue in force, the enactments set out in Part 2 of Schedule 1 shall apply without amendment, and these Regulations (but for this regulation) shall have no effect, in relation to:

- (a) a regulated package, as defined by section 68(1) of the 1985 Act,
- (b) an outer container which is treated as a package by virtue of regulation 25 of the 1986 Regulations, and
- (c) goods to which Part V of the 1985 Act and the 1986 Regulations apply by virtue of regulation 27 of the 1986 Regulations,

which has or have been made up or imported prior to the 6th April 2006.

(2) Where, prior to 6th April 2006, the making up or marking of a package or container was subject to the provisions of Part IV of the 1985 Act and would, but for this paragraph, be subject to these Regulations on or after that date, then the packer or importer of such a package or container may, during the period ending with 6th April 2007, comply with the requirements of Part IV in respect of packing and marking such a package instead of the requirements of these Regulations.

(3) Where under these Regulations a packer or importer is not permitted to mark a package or outer container with the E mark because the nominal quantity is greater than 10 kilograms or 10 litres, then a packer or importer may, during the period ending with 6th April 2007, mark the package with the E-mark if he would have been permitted to do so prior to 6th April 2006.

(4) Where a person has given notice to a local weights and measures authority pursuant to section 54(4) of the 1985 Act and regulation 8(1) of the 1986 Regulations, that notice shall take effect, on 6th April 2006, as a notice given to that weights and measures authority under regulation 11 of these Regulations in respect of the place specified in that notice.

(5) Where an inspector has given instructions to a person under section 63(2) of the 1985 Act, then those instructions shall take effect as if they had been given to that person by an inspector on 6th April 2006 under regulation 12(2) of these Regulations.

(6) Subject to paragraph (7), section 64 of the 1985 Act shall continue to apply, and sections 83 to 85 of the 1985 Act shall apply without the amendments set out in Part 2 of Schedule 1, in respect of any information which was obtained prior to 6th April 2006 by a person specified in section 64(1)(b).

(7) Proceedings for an offence under section 64 of the 1985 Act shall not be instituted in England and Wales except by or on behalf of the Director of Public Prosecutions.