



# Weights and Measures Act 1985

## 1985 CHAPTER 72

### PART VII

#### GENERAL

##### *Enforcement and legal proceedings*

#### **83 Prosecution of offences.**

- (1) [<sup>F1</sup>In] England and Wales, proceedings for any offence under this Act or any instrument made under this Act<sup>F2</sup>... shall not be instituted except by or on behalf of a local weights and measures authority or the chief officer of police for a police area.
  - <sup>F3</sup>(2) .....
  - (3) Proceedings for an offence under any provision contained in, or having effect by virtue of, Part IV or V of this Act, other than proceedings for an offence under section 33(6), 57(2) or 64 or proceedings by virtue of section 32, shall not be instituted—
    - (a) unless there has been served on the person charged a notice in writing of the date and nature of the offence alleged and<sup>F4</sup>..., where the proceedings are in respect of one or more of a number of articles of the same kind tested on the same occasion, of the results of the tests of all those articles; or
    - (b) except where the person charged is a street trader, unless the said notice was served before the expiration of the period of thirty days beginning with the date when evidence which the person proposing to institute the proceedings considers is sufficient to justify a prosecution for the offence came to his knowledge; or
    - (c) after the expiration of the period—
      - (i) of twelve months beginning with the date mentioned in paragraph (a) above, or
      - (ii) of three months beginning with the date mentioned in paragraph (b) above,
- whichever first occurs.

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*Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, Section 83. (See end of Document for details)*

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- (4) Such a notice as is mentioned in subsection (3)(a) above may be served on any person<sup>F5</sup>—
- (a) if the proceedings are to be instituted in England and Wales, in accordance with Criminal Procedure Rules; or
  - (b) if the proceedings are to be instituted in Scotland,]

either by serving it on him personally or by sending it to him by post at his usual or last known residence or place of business in the United Kingdom or, in the case of a company, at the company's registered office.

[<sup>F6</sup>(4A) For the purposes of subsection (4)(a)—

- (a) Criminal Procedure Rules (as they have effect from time to time) apply to the notice as if it were a document to be served in criminal proceedings before a magistrates' court, and
- (b) any magistrates' court may discharge functions conferred on a court by those Rules in relation to such service.]

(5) For the purposes of subsection (3) above—

- (a) a certificate of a person who institutes proceedings for an offence mentioned in that subsection which states that evidence came to his knowledge on a particular date shall be conclusive evidence of that fact; and
- (b) a document purporting to be a certificate of such a person and to be signed by him or on his behalf shall be presumed to be such a certificate unless the contrary is proved.

#### Textual Amendments

- F1** Word in s. 83(1) substituted (6.4.2006) by [The Weights and Measures \(Packaged Goods\) Regulations 2006 \(S.I. 2006/659\)](#), reg. 1(1), **Sch. 1 Pt. 2(11)(a)(i)** (with reg. 21)
- F2** Words in s. 83(1) 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(11)(a)(ii)** (with reg. 21)
- F3** S. 83(2) repealed (6.4.2006) by [The Weights and Measures \(Packaged Goods\) Regulations 2006 \(S.I. 2006/659\)](#), reg. 1(1), **Sch. 1 Pt. 2(11)(b)** (with reg. 21)
- F4** Words in s. 83(3) 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(11)(c)** (with reg. 21)
- F5** S. 83(4)(a)(b) inserted (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(3), **Sch. 1 para. 9(a)**
- F6** S. 83(4A) inserted (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(3), **Sch. 1 para. 9(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the Weights and Measures Act 1985, Section 83.