



# Weights and Measures Act 1985

## 1985 CHAPTER 72

### PART III

#### PUBLIC WEIGHING OR MEASURING EQUIPMENT

#### **18 Keepers of public equipment to hold certificates**

- (1) No person shall attend to any weighing or measuring by means of weighing or measuring equipment available for use by the public, being a weighing or measuring demanded by a member of the public and for which a charge is made, other than a weighing or measuring of a person, unless he holds a certificate from a chief inspector that he has sufficient knowledge for the proper performance of his duties.
- (2) Any person refused such a certificate by a chief inspector may appeal against the refusal to the Secretary of State, who may if he thinks fit direct the chief inspector to grant the certificate.
- (3) Any person who contravenes, or who causes or permits any other person to contravene, subsection (1) above shall be guilty of an offence.

#### **19 Provision of public equipment by local authorities**

- (1) Without prejudice to any functions conferred or imposed by any other enactment, any local authority who are for the time being, or have at any time been, a local weights and measures authority under this Act or the Weights and Measures Act 1963 may provide and maintain within their area for use by the public such weighing or measuring equipment as may appear to the authority to be expedient.
- (2) Without prejudice to the provisions of any other Act, and subject to section 18 above, a local authority may employ persons to attend to any weighing or measuring by means of equipment provided by that authority for use by the public.
- (3) Except in the case of a weighing or measuring for which, under any other Act, the charge falls to be regulated from time to time by some other person, a local authority by whom any weighing or measuring equipment is provided for use by the public may

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make such charges for any weighing or measuring by means of that equipment as they may from time to time think fit.

## **20 Offences in connection with public equipment**

- (1) Subsection (2) below shall apply where any article, vehicle (whether loaded or unloaded) or animal has been brought for weighing or measuring by means of weighing or measuring equipment which is available for use by the public and is provided for the purpose of weighing or measuring articles, vehicles or animals of the description in question.
- (2) If any person appointed to attend to weighing or measuring by means of the equipment in question—
  - (a) without reasonable cause fails to carry out the weighing or measuring on demand.
  - (b) carries out the weighing or measuring unfairly,
  - (c) fails to deliver to the person demanding the weighing or measuring or to his agent a statement in writing of the weight or other measurement found, or
  - (d) fails to make a record of the weighing or measuring, including the time and date of it and, in the case of the weighing of a vehicle, such particulars of the vehicle and of any load on the vehicle as will identify that vehicle and that load,he shall be guilty of an offence.
- (3) If in connection with any such equipment as is mentioned in subsection (1) above—
  - (a) any person appointed to attend to weighing or measuring by means of the equipment delivers a false statement of any weight or other measurement found or makes a false record of any weighing or measuring, or
  - (b) any person commits any fraud in connection with any, or any purported, weighing or measuring by means of that equipment,he shall be guilty of an offence.
- (4) If, in the case of a weighing or measuring of any article, vehicle or animal carried out by means of any such equipment as is mentioned in subsection (1) above, the person bringing the article, vehicle or animal for weighing or measuring, on being required by the person attending to the weighing or measuring to give his name and address, fails to do so or gives a name or address which is incorrect, he shall be guilty of an offence.
- (5) The person making any weighing or measuring equipment available for use by the public (in this section referred to as "the responsible person") shall retain for a period of not less than two years any record of any weighing or measuring by means of that equipment made by any person appointed to attend to the weighing or measuring.
- (6) An inspector, subject to the production of his credentials if so requested, may require the responsible person to produce any such record as is mentioned in subsection (5) above for inspection at any time while it is retained by him.
- (7) If the responsible person fails to retain any such record as is mentioned in subsection (5) above in accordance with that subsection or fails to produce it in accordance with subsection (6) above, he shall be guilty of an offence.

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- (8) If any person wilfully destroys or defaces any such record as is mentioned in subsection (5) above before the expiration of two years from the date when it was made, he shall be guilty of an offence.