
STATUTORY INSTRUMENTS

1981 No. 231

Weights and Measures (Northern Ireland) Order 1981

PART IV

PUBLIC WEIGHING OR MEASURING EQUIPMENT

Keepers of public equipment to hold certificate

16.—(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 the chief inspector that he has sufficient knowledge for the proper performance of his duties.

(2) Any person refused a certificate such as is mentioned in paragraph (1) by the chief inspector may appeal against the refusal to the county court and the court, if satisfied that the certificate should be granted, shall make an order directing the chief inspector to grant the certificate.

(3) Any person who contravenes, or who causes or permits any other person to contravene, paragraph (1) shall be guilty of an offence.

Provision of public equipment by district councils

17.—(1) Without prejudice to any functions conferred or imposed by any other enactment, any district council may provide and maintain within its district for use by the public such weighing or measuring equipment as may appear to the council to be expedient.

(2) Without prejudice to the provisions of any other enactment, and subject to Article 16, a district council may employ persons to attend to any weighing or measuring by means of equipment provided by that council for use by the public.

(3) Except in the case of a weighing or measuring for which, under any other enactment, the charge falls to be regulated by some other person, a district council by whom any weighing or measuring equipment is provided for use by the public may make such charges for any weighing or measuring by means of that equipment as it may think fit.

Offences in connection with public equipment

18.—(1) Paragraph (2) shall apply where any article, vehicle (whether loaded or unloaded) or animal has been brought for weighing or measuring, being a weighing or measuring for which a charge is made, 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; or
- (b) carries out the weighing or measuring unfairly; or

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- (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 thereof and, in the case of the weighing of a vehicle, such particulars of the vehicle and of any load thereon as will identify that vehicle and that load,

he shall be guilty of an offence.

(3) If in connection with the equipment in question—

- (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 the equipment in question 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, he shall be guilty of an offence.

(5) The person making any weighing or measuring equipment available for use by the public 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 any such weighing or measuring, and any inspector, subject to the production if so requested of his credentials, may require the first-mentioned person to produce any such record for inspection at any time while it is retained by him; and if the first-mentioned person fails so to retain or produce any such record, or if any person wilfully destroys or defaces any such record before the expiration of two years from the date when it was made, the person in question shall be guilty of an offence.

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