



Hallmarking Act 1973

1973 CHAPTER 43

9 Enforcement of Act

- (1) It shall be the duty of every local weights and measures authority to enforce the provisions of this Act within their area; and section 26 of the Act of 1968 (enforcing authorities) shall apply in relation to the enforcement of this Act, by such an authority, as it applies in relation to the enforcement of that Act.
- (2) The Council and the assay offices may also enforce the provisions of this Act.
- (3) Subject to subsection (7) below, the following provisions of the Act of 1968 shall apply in relation to the enforcement of this Act as they apply in relation to the enforcement of the Act of 1968, that is to say—
 - section 27 (power to make test purchases);
 - section 28 (power to enter premises and inspect and seize goods and documents);
 - section 29 (obstruction of authorised officers);
 - section 30 (notice of test and intended prosecution);
 - section 31 (evidence by certificate); and
 - section 33 (compensation for loss, etc. of goods seized).
- (4) Any reference, in the provisions of the Act of 1968 mentioned in subsection (3) above (other than those of subsections (2) to (4) of the said section 30), to a local weights and measures authority and a duly authorised officer of such an authority shall be construed, in relation to the enforcement of this Act, as including respectively a reference to the Council and an assay office and a duly authorised officer of the Council and of an assay office.
- (5) Nothing in this section shall be taken as authorising the Council or an assay office to institute proceedings in Scotland for an offence.
- (6) Subsection (1) above shall not apply in relation to the enforcement of this Act in Northern Ireland but, in addition to the power given by subsection (2) above, it shall be the duty of the Ministry of Commerce for Northern Ireland to enforce this Act in Northern Ireland.

Status: This is the original version (as it was originally enacted).

- (7) For the purposes of the enforcement of this Act in Northern Ireland by the said Ministry, sections 27 to 29 and 33 of the Act of 1968 shall apply as if for references to a local weights and measures authority and any officer of such an authority there were substituted respectively references to the Ministry and any of its officers.