



Weights and Measures &c. Act 1976

1976 CHAPTER 77

Weights and measures

1 Definitions of units of measurement

(1) At the end of section 1 of the Weights and Measures Act 1963 ("the 1963 Act") there is inserted the following subsection—

“(3) The Secretary of State may from time to time by order amend Schedule 1 to this Act by adding to, or removing from, Parts I to VA of that Schedule any unit of measurement of length, of area, of volume, of capacity or of mass or weight, as the case may be.”

(2) After Part V of the said Schedule 1 there is inserted the following Part—

“PART VA

DEFINITIONS OF UNITS WHICH MAY NOT BE USED FOR TRADE

MEASUREMENT OF CAPACITY

Bushel =	8 gallons
Peck =	2 gallons
Fluid drachm =	1 /8th fluid ounce
Minim =	1/60th fluid drachm

MEASUREMENT OF MASS OR WEIGH

Pennyweight =	24 grains
Ounce apothecaries =	480 grains
Drachm =	1/8 ounce apothecaries

Status: This is the original version (as it was originally enacted).

Scruple =	1/3 drachm
Metric ton =	1000 kilogrammes.""

- (3) The amendments of the said Schedule 1 made by this section are without prejudice to the power to amend that Schedule in subsection (1) of this section.
- (4) Nothing in the 1963 Act, or in any other provision contained in or made under an enactment, prevents the use of " gram " as an alternative way of spelling " gramme ", and the same applies for other units in the metric system which are compounds of " gramme ".

2 Units of measurement lawful for use for trade

- (1) In the 1963 Act after section 9 there are inserted the following sections—

“9A Units of measurement lawful for use for trade.

- (1) No person shall—
 - (a) use for trade any unit of measurement which is not included in Schedule 1A to this Act,
 - (b) use for trade, or have in his possession for use for trade, any linear, square, cubic or capacity measure which is not included in Schedule 3 to this Act, or any weight which is not so included,
- (2) A person who contravenes—
 - (a) this section, or
 - (b) any provision in Part VI of Schedule 1A, or Part VI of Schedule 3, to this Act,

shall be guilty of an offence, and any measure or weight used, or in any person's possession for use, in contravention of the said provision shall be liable to be forfeited.
- (3) Subject to subsection (4) below the Secretary of State may from time to time by order amend Schedule 1A or 3 to this Act—
 - (a) by adding to or removing from Schedule 1A any unit of measurement,
 - (b) by adding to or removing from Schedule 3 any linear, square, cubic or capacity measure, or any weight,
 - (c) by adding to, varying or removing from Part VI of Schedule 1A or Part VI of Schedule 3 any restriction on the cases or circumstances in which, or the conditions subject to which, a unit of measurement, measure or weight may be used for trade, or possessed for use for trade.
- (4) An order under subsection (3) above shall not remove from Schedule 1A—
 - (a) in Part I the mile, foot or inch, or
 - (b) in Part IV the gallon or pint,

but this subsection is without prejudice to the power under paragraph (c) of the said subsection (3) to add, vary or remove any restriction on the cases or circumstances in which, or the conditions subject to which, a unit of measurement, measure or weight may be used for trade, or possessed for use for trade.

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- (5) An order under this section may contain such transitional or other supplemental or incidental provisions as appear to the Secretary of State expedient.
- (6) No order under section 8(2) of this Act shall amend Schedule 1A to this Act.
- (7) This section has effect subject to sections 9B, 60 and 62(1) of this Act.
- (8) In this section " unit of measurement" means a unit of measurement of length, area, volume, capacity, mass or weight.

9B Dual marking and conversion charts.

- (1) The Secretary of State may make regulations—
 - (a) requiring or authorising a person who uses a metric unit for trade to afford, for explanatory purposes, information giving the equivalent, in the imperial system, of the relevant quantity in the metric system, and
 - (b) specifying the manner in which the information is to be given, and in particular specifying the cases in which any obligation to give information in metric units is to be extended to include the same information in imperial units.
- (2) The Secretary of State may make regulations requiring or authorising the display on premises where metric units are used for trade of conversion tables or other material for converting metric units into imperial units.
- (3) Regulations under this section—
 - (a) may prescribe the form and manner in which any information or other material is to be given or displayed,
 - (b) may prescribe appropriate conversion factors by reference to which, in prescribed cases or circumstances, an amount expressed in imperial units is to be treated as equivalent to a given amount expressed in metric units,
 - (c) may prescribe the persons to whom, and the cases and circumstances in which, the regulations apply, and may make different provision for different persons, cases or circumstances,
 - (d) may contain such consequential, incidental or supplementary provisions as appear to the Secretary of State to be expedient.
- (4) A person contravening regulations made under this section shall be guilty of an offence.
- (5) In this section " unit" in the expressions " metric unit " and " imperial unit" means any unit of measurement of length, area, volume, capacity, mass or weight.
- (6) Regulations under this section imposing obligations apply whether or not the relevant imperial unit may lawfully be used for trade, and regulations authorising, but not requiring, anything to be done authorise it to be done notwithstanding that the relevant imperial unit may not be lawfully used for trade, but do not in any other respect authorise what is unlawful.”

- (2) In the 1963 Act—

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- (a) after Schedule 1 there are inserted, as Schedule 1A, the provisions set out in Schedule 1 to this Act, and
 - (b) for Schedule 3 (measures and weights lawful for use for trade) there are substituted the provisions set out in Schedule 2 to this Act.
- (3) In the 1963 Act—
- (a) in section 10(7) (application to drugs) for the words " Subsection (1)(a) of this section " there are substituted the words " Section 9A(1)(a) ",
 - (b) in section 52(1) (punishment for offences) for the words "sections 10(5)" there are substituted the words " sections 9A(2), 9B, 10(5) ",
 - (c) in the said section 52(1) for the words ' £20' there are substituted the words ' £50', and the amendment of that subsection in Schedule 3 to the Criminal Justice Act 1967 (which is superseded by this paragraph) shall cease to have effect,
 - (d) in section 54(2) (Parliamentary control of orders and consultation as respects proposed orders) for the words " sections 10(9), 10(10) " there are substituted the words " sections 1, 9A ".
- (4) In the said section 54 of the 1963 Act after subsection (2) there is inserted the following subsection—
- “(2A) In the case of an order under section 9A(3) of this Act which relates to imperial units, measures or weights the Secretary of State in acting under subsection (2) of this section shall have particular regard to the need to consult, and to consider representations from, organisations representative of the interests of consumers.”
- (5) In regulation 5(1) of the Measuring Instruments (EEC Requirements) Regulations 1975 for the words "Section 10(1)(b)" there are substituted the words " Section 9A(1)(b) ".

3 Dual marking and conversion charts: duty to consult about regulations

Before making any regulations under section 9B of the 1963 Act (as amended by this Act) the Secretary of State shall consult with such persons as appear to him to be representative of interests substantially affected by the regulations.

4 Pre-packed and other goods: temporary restriction on removal of permitted imperial quantities

- (1) The powers to prescribe the quantities in which goods may be made up, sold, or made for sale, which are conferred by section 21 of the 1963 Act shall not be exercised so as to make unlawful any sale of goods to which this section applies.
- (2) This section applies to a sale—
 - (a) which is of goods which are pre-packed, sold, or made for sale in any quantity specified by the enactments and orders in Schedule 3 to this Act (quantities expressed in the imperial system), and
 - (b) which is made at any time before 21st April 1978.

5 Use for trade of unstamped equipment

In section 14(1) of the 1963 Act for paragraph (c) (circumstances in which stamps may be obliterated or defaced) there are substituted the following paragraphs—

- “(c) the circumstances in which, conditions under which and manner in which stamps may be destroyed, obliterated or defaced;
- (cc) where any stamp on weighing or measuring equipment is lawfully destroyed, obliterated or defaced, the circumstances in which, and conditions subject to which, the equipment may be used for trade without contravening section 11 (2) of this Act.”

6 Containers for goods

- (1) In subsection (2) of section 21 of the 1963 Act (orders for the purpose of ensuring that goods are only sold or packed for sale in quantities expressed in a manner specified in the orders or in containers marked with information so specified) after paragraph (b) there is inserted the following paragraph—

“(bb) are pre-packed, or are otherwise made up for sale or for delivery after sale, only in or on a container of a size or capacity so specified; or”.

- (2) After subsection (3) of that section there is inserted the following subsection—

“(3A) Without prejudice to the generality of the powers conferred by virtue of paragraph (bb) of subsection (2) of this section, an order made by virtue of that paragraph may require a container to be marked with such information concerning it or its contents as is specified in the order.

(3B) Without prejudice to the generality of those powers, an order made by virtue of the said paragraph (bb) may, in order to prevent size or capacity from giving a false impression of the quantity of the goods in a container, prescribe a minimum quantity for the goods in a container of a given capacity, and the minimum quantity may be expressed by weight or volume, by percentage of the capacity of the container or in any other manner.”

- (3) In subsection (4)(a) of that section (regulations about the manner in which a container is to be marked with information as to the quantity of the goods in it) for the words from " information " to the end of the paragraph there are substituted the words " information (including in particular information as to quantity or capacity) is to be so marked " , and in subsection (4)(d) of that section the words " as to quantity" shall be omitted.

7 Containers for goods: supplemental

- (1) In section 22(2) of the 1963 Act (contravention of a requirement that goods are to be made up for sale or delivery after sale only if the container is marked with particular information) after the word " information " there are inserted the words " or only in or on a container of a particular description " ,

and after the words " so marked " there are inserted the words " or a container of that description. " .

- (2) At the end of section 26 of the 1963 Act (additional defences for traders) there is added the following subsection—

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“(8) Subsection (7) of this section shall apply with the necessary modifications to proceedings for an offence in respect of the size, capacity or contents of a container as it applies to proceedings for an offence in respect of the excess or deficiency in the quantity of certain goods.”

(3) In section 29(1) of the 1963 Act (power of inspectors to weigh goods etc.) for the words following paragraph (c) there are substituted—

“; or

(d) has in his possession or charge for sale or awaiting or in the course of delivery to a buyer after they have been sold or agreed to be sold, any goods subject to a requirement imposed by virtue of section 21(2) (bb) of this Act,

the powers of an inspector under section 48 of this Act shall include power to require that person either to do in the presence of the inspector, or to permit the inspector to do, all or any of the following things, that is to say—

- (i) weigh or otherwise measure or count the goods;
- (ii) weigh or otherwise measure any container in or on which the goods are made up ;
- (iii) in the case of goods within paragraph (d) above, do anything else as respects the goods or container which is reasonably necessary to ascertain whether the requirement there mentioned is complied with, and which does not damage or depreciate the goods or container;
- (iv) if necessary for any of the purposes of the three last foregoing paragraphs, break open any container of goods, or open any vending machine in which goods are offered or exposed for sale,

and, in the case of any of the goods which are not already sold, power to require that person to sell any of them to the inspector.”

(4) In subsection (2) of the said section 29 for the words (at the beginning of the subsection) " Where the container of any pre-packed goods" there are substituted the words " Where any container of goods " .

(5) In subsection (3) of the said section 29 for the words " or (c) " there are substituted the words " '(c) or (d) " .

8 Solid fuel

Schedule 4 to this Act shall have effect.

9 Fees for performance of Community obligations

The following section is inserted at the end of Part V of the 1963 Act—

“47A Fees for performance of Community obligations.

The Secretary of State may by regulations prescribe the fees to be charged by local weights and measures authorities and by inspectors for services

or facilities provided by them, or for authorisations, certificates or other documents issued by them, in pursuance of a Community obligation.”.

Northern Ireland

10 Corresponding amendments of law of Northern Ireland

- (1) In the Weights and Measures Act (Northern Ireland) 1967 (" the 1967 Act ")—
 - (a) the sections 9A and 9B in section 2(1) of this Act are inserted after section 3 (as sections 3A and 3B),
 - (b) Schedule 1 to this Act is inserted before Schedule 1 (as Schedule 1A),
 - (c) Schedule 2 to this Act is substituted for Schedule 1 (and numbered Schedule 1),and references in the said section 9A to Schedules 1A and 3 are adapted accordingly.
- (2) In the said section 9A as so inserted—
 - (a) references to the Secretary of State are replaced by references to the Department of Commerce for Northern Ireland,
 - (b) subsection (6) is omitted and the remaining subsections are renumbered,
 - (c) in subsection (7) for the references to sections 9B, 60 and 62(1) of the 1963 Act there are substituted references to sections 3B, 4(4) and 43 of the 1967 Act.
- (3) In the said section 9B as so inserted references to the Secretary of State are replaced by references to the Department of Commerce for Northern Ireland.
- (4) In section 4 of the 1967 Act—
 - (a) in subsection (4) for the words " subsection (1)" there are substituted the words " section 3A " :
 - (b) in subsection (8) for the words " Subsection (1)(a)" there are substituted the words " Section 3A(1)(a) ".
- (5) In section 34(1) of the 1967 Act (punishment for offences)—
 - (a) for the words " sections 4(6)" there are substituted the words " sections 3A(2), 3B, 4(6) " , and
 - (b) for the words " twenty pounds " there are substituted the words " fifty pounds " , and the amendment of that subsection in Part I of the Schedule to the Increase of Fines Act (Northern Ireland) 1967 (which is superseded by this paragraph) shall cease to have effect.
- (6) In section 35(2) of the 1967 Act (control of orders and consultation as respects proposed orders) for the words " sections 4(11) " there are substituted the words " sections 3A " , and after that subsection there is inserted the subsection (2A) in section 2(4) of this Act (as subsection (2A) of the said section 35), the references in the said subsection (2A) to section 9A(3) of the 1963 Act and the Secretary of State being replaced by references to sections 3A(3) of the 1967 Act and the Department of Commerce for Northern Ireland.
- (7) In regulation 5(1) of the Measuring Instruments (EEC Requirements) Regulations 1975 for the words " section 4(1)(b) " there are substituted the words " section 3A(1)(b) ".

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

- (8) In section 8(1) of the 1967 Act the paragraphs set out in section 5 of this Act are substituted for paragraph (c), with the substitution for the words " section 11(2) of this Act " of the words " section 5(2) ".
- (9) Sections 6 and 7 of this Act have effect in Northern Ireland as if for references to sections 21, 22, 26, 29 and 48 of the 1963 Act there were substituted respectively references to sections 15, 16, 20, 23 and 28 of the 1967 Act.
- (10) In this Act any reference to an enactment includes an enactment contained in an Act of the Parliament of Northern Ireland or a Measure of the Northern Ireland Assembly.

11 Solid fuel (Northern Ireland)

Schedule 5 to this Act shall have effect.

Shortages of food and other goods

12 Orders for alleviation of food or other shortages

- (1) This section applies to food or other goods in relation to which requirements are imposed under or by virtue of—
 - (a) section 4 or 7 of the Food and Drugs Act 1955 (the " 1955 Act"); or
 - (b) section 4 or 7 of the Food and Drugs (Scotland) Act 1956 (the " 1956 Act"); or
 - (c) section 4 or 7 of the Food and Drugs Act (Northern Ireland) 1958 (the " 1958 Act"); or
 - (d) section 21 of the 1963 Act; or
 - (e) section 15 of the 1967 Act,
 and in this section a relevant requirement means a requirement so imposed.
- (2) Where it appears to the appropriate Minister that—
 - (a) any food or other goods to which this section applies are or are likely to be, for a limited period of time, in short supply or unavailable in any area ; and
 - (b) the alleviation of that situation is or is likely to be seriously hindered by a relevant requirement,
 he may by order exclude or modify the relevant requirement in its operation in relation to the food or goods in question for a period specified in the order.
- (3) The said period shall not exceed one year, but may be extended on one or more occasions by a subsequent order under this section for a further period not exceeding one year.
- (4) An order under this section may attach conditions to the exclusion or modification of the relevant requirement, and may, while it is excluded or modified—
 - (a) impose, as respects the food or goods, any requirement which could be imposed under the section under or by virtue of which the relevant requirement is imposed, or
 - (b) exclude, as respects the food or goods, any exception or exemption from a requirement imposed by or under the said section.
- (5) An order under this section—

- (a) may impose on persons offending against the order penalties not exceeding the maximum penalties specified in the Acts mentioned in subsection (1) above, or in instruments made under those Acts, in relation to the relevant requirement,
 - (b) may be limited to an area which is only part of the territory to which the relevant requirement extends,
 - (c) may, where so limited, make special provision for goods which are dealt with partly within the area and partly outside,
 - (d) may make different provision in relation to different cases or classes of cases, and may exclude specified cases or classes of cases,
 - (e) may contain such incidental or supplemental provisions as appear to the appropriate Minister to be expedient for the purposes of the order.
- (6) Without prejudice to the generality of subsection (5) above an order under this section may contain transitional provisions by reference to the beginning or end of the period for which the relevant requirement is excluded or modified.
- (7) An order under this section may make provision for any of the purposes mentioned in subsections (4), (5) and (6) above by means of amending, or of applying with or without modifications, or of excluding the application in whole or in part of, any provision of the Act under or by virtue of which the relevant requirement is imposed and, except as provided by an order under this section, Schedule 6 to this Act shall have effect where a requirement is imposed under subsection (4) above.
- (8) In this section " requirement" includes any condition or prohibition.
- (9) In this section, " appropriate Minister " in relation to any relevant requirement, means—
- (a) where it was imposed under the 1955 Act, the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly ;
 - (b) where it was imposed under the 1958 Act, the Department of Health and Social Services for Northern Ireland;
 - (c) where it was imposed under the 1956 Act or the 1963 Act, the Secretary of State ;
 - (d) where it was imposed under the 1967 Act, the Department of Commerce for Northern Ireland.

13 Shortages: supplementary provisions

- (1) Before the appropriate Minister makes an order under section 12 of this Act he shall consult, to the extent that it appears to him to be appropriate having regard to the subject matter of the order and the urgency of the matter, with such persons as appear to him to be representative of interests substantially affected by the order.
- (2) An order made under section 12 of this Act may be varied or revoked by a subsequent order so made.
- (3) An order under section 12 of this Act shall not extend to any area to which the relevant requirement did not extend.
- (4) An order under section 12 of this Act, except an order which extends to Northern Ireland only, shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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

- (5) An order under section 12 of this Act which extends to Northern Ireland only shall be made by statutory rule for the purposes of the Statutory Rules Act (Northern Ireland) 1958, and shall be subject to negative resolution as denned by section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if it were a statutory instrument within the meaning of that Act.
- (6) In this section—
 " appropriate Minister ",
 " requirement", and
 " relevant requirement ", have the same meanings as in section 12 of this Act.

Supplemental

14 Interpretation

In this Act—

- " the 1963 Act " means the Weights and Measures Act 1963;
 " the 1967 Act " means the Weights and Measures Act (Northern Ireland) 1967.

15 Short title, etc.

- (1) This Act may be cited as the Weights and Measures &c. Act 1976.
- (2) This Act, except Schedules 4 and 5, shall come into operation on the expiration of the period of one month beginning with the date on which it is passed.
- (3) This Act, except sections 4, 8 and 9 and Schedules 3 and 4, extends to Northern Ireland.
- (4) The enactments and instruments specified in Schedule 7 to this Act shall be repealed to the extent specified in the third column of that Schedule.
- (5) Any order under section 10(10)(a) of the 1963 Act, so far as in force at the coming into operation of this Act, shall continue in force and may be amended or revoked as if made under section 1(3) of that Act (as amended by section 1 of this Act).