



Weights and Measures Act 1985

1985 CHAPTER 72

PART IV

REGULATION OF TRANSACTIONS IN GOODS

Quantity to be stated in writing

26 Quantity to be stated in writing in certain cases

- (1) Subject to section 27 below, the provisions of this section shall have effect on any sale of goods—
 - (a) which is required by or under this Part of this Act to be a sale by quantity expressed in a particular manner,
 - (b) in the case of which the quantity of the goods sold expressed in a particular manner is so required to be made known to the buyer at or before a particular time, or
 - (c) which, being a sale by retail not falling within paragraph (a) or (b) above, is, or purports to be, a sale by quantity expressed in a particular manner other than by number.
- (2) Subject to subsections (4) to (6) below, unless the quantity of the goods sold expressed in the manner in question is made known to the buyer at the premises of the seller and the goods are delivered to the buyer at those premises on the same occasion as, and at or after the time when, that quantity is so made known to him, a statement in writing of that quantity shall be delivered to the consignee at or before delivery of the goods to him.
- (3) If subsection (2) above is contravened then, subject to sections 33 to 37 below, the person by whom, and any other person on whose behalf, the goods were sold shall be guilty of an offence.
- (4) If at the time when the goods are delivered the consignee is absent, it shall be sufficient compliance with subsection (2) above if the statement is left at some suitable place at the premises at which the goods are delivered.

Status: This is the original version (as it was originally enacted).

- (5) Subsection (2) above shall not apply to any sale otherwise than by retail where, by agreement with the buyer, the quantity of the goods sold is to be determined after their delivery to the consignee.
- (6) Where any liquid goods are sold by capacity measurement and the quantity sold is measured at the time of delivery and elsewhere than at the premises of the seller, subsection (2) above shall not apply but, unless the quantity by capacity measurement of the goods sold is measured in the presence of the buyer, the person by whom the goods are delivered shall immediately after the delivery hand to the buyer, or if the buyer is not present leave at some suitable place at the premises at which the goods are delivered, a statement in writing of the quantity by capacity measurement delivered, and if without reasonable cause he fails so to do he shall be guilty of an offence.

27 Exemption from requirements of section 26

- (1) The Secretary of State may by order grant, with respect to goods or sales of such descriptions as may be specified in the order, exemption, either generally or in such circumstances as may be so specified, from all or any of the requirements of section 26 above.
- (2) Until otherwise provided by an order under subsection (1) above, nothing in section 26 above shall apply to—
 - (a) a sale by retail from a vehicle of—
 - (i) any of the following in a quantity not exceeding 224 pounds, that is to say, any solid fuel within the meaning of Schedule 5 to this Act, and wood fuel, or
 - (ii) any of the following in a quantity not exceeding five gallons, that is to say, liquid fuel, lubricating oil, and any mixture of such fuel and oil,
 - (b) a sale by retail of bread within the meaning of the Weights and Measures Act 1963 (Miscellaneous Foods) Order 1984,
 - (c) goods made up for sale (whether by way of pre-packing or otherwise) in or on a container marked with a statement in writing with respect to the quantity of the goods expressed in the manner in question, being a container which is delivered with the goods,
 - (d) a sale of goods in the case of which a document stating the quantity of the goods expressed in the manner in question is required to be delivered to the buyer or consignee of the goods by or under any other provision of this Part of this Act,
 - (e) any such goods or sales as are mentioned in section 24(2)(a) to (d) above,
 - (f) a sale of intoxicating liquor for consumption at the premises of the seller,
 - (g) a sale by means of a vending machine, or
 - (h) goods delivered at premises of the buyer by means of an installation providing a connection of a permanent nature between those premises and premises of the seller.