



Weights and Measures Act 1985

1985 CHAPTER 72

PART V

PACKAGED GOODS

Co-ordination of control

55 The national Metrological Co-ordinating Unit

- (1) ^{F1}
- (5) The Secretary of State may, out of money provided by Parliament, make payments to the Unit from time to time for the purpose of enabling the Unit to defray the whole or part of its expenses.
- (6) ^{F1}

Textual Amendments

F1 S. 55(1)–(4), (6) repealed by S.I. 1987/2187, art. 2(b), [Sch. para. 1](#)

56 General duties of [^{F2}Secretary of State].

- (1) It shall be the duty of the [^{F2}Secretary of State]—
- (a) to keep under review the operation of this Part of this Act and to carry out such research in connection with the review as the [^{F2}Secretary of State] considers appropriate;
 - (b) to make available, to local weights and measures authorities and to packers and importers of packages, such information as the [^{F2}Secretary of State] considers appropriate in connection with the operation of this Part of this Act;
 - (c) to give advice to local weights and measures authorities—

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- (i) about arrangements to be made by them for the purpose of enforcing this Part of this Act within their area; and
 - (ii) about such other matters as the [^{F2}Secretary of State]considers appropriate in connection with the operation of this Part of this Act;
 - (d) to seek to collaborate, with any authority in a place outside Great Britain appearing to the [^{F2}Secretary of State]to have functions which correspond to those of the [^{F2}Secretary of State]or to those conferred on a local weights and measures authority by this Part of this Act, about matters which are connected with packages and are of interest to the [^{F2}Secretary of State]and the authority;
 - (e)^{F3}
 - (f) to make and maintain a record of the names and addresses of packers and importers of packages and of—
 - (i) the kinds of packages which they make up or import, and
 - (ii) the marks of which particulars have been furnished by them in pursuance of section 57 below;
 - (g) to make and maintain a record of the names and addresses of persons who make measuring container bottles in any member State of the Economic Community and of the marks put on the bottles for the purpose of enabling the makers of them to be identified;
 - (h)^{F3}
- (2) In this section—
- “measuring container bottle” has the same meaning as in the 1977 Regulations or, if regulations so provide, such other meaning as is prescribed, and
- “the 1977 Regulations” means the ^{M1}Measuring Container Bottles (EEC Requirements) Regulations 1977.

Textual Amendments

F2 Words substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 2(b)**

F3 S. 56(1) paras. (e) and (h) repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 2(a)**

Marginal Citations

M1 S.I. 1977/932.

57 Power of [^{F4}Secretary of State]to require packers and importers to furnish particulars of marks.

- (1) The [^{F4}Secretary of State]may serve, on any person carrying on business as a packer or importer of packages, a notice requiring him—
- (a) to furnish the [^{F4}Secretary of State]from time to time with particulars of the kind specified in the notice of any marks which, otherwise than in pursuance of section 48(1)(c) above, are applied from time to time to packages made up or as the case may be imported by him, for the purpose of enabling the place where the packages were made up to be ascertained, and
 - (b) if he has furnished particulars of a mark in pursuance of the notice and the mark ceases to be applied for that purpose to packages made up or imported by him, to give notice of the cesser to the [^{F4}Secretary of State];

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but a notice given by the [^{F4}Secretary of State] in pursuance of this subsection shall not require a person to furnish information which he does not possess.

- (2) A person who without reasonable cause fails to comply with a notice served on him in pursuance of subsection (1) above shall be guilty of an offence.

Textual Amendments

F4 Words substituted by S.I. 1987/2187, art. 2(b), Sch. para. 3

58 Duty of [^{F5}Secretary of State] to prepare scheme allocating marks.

It shall be the duty of the [^{F5}Secretary of State] —

- (a) [^{F6}if he thinks fit], to prepare a scheme which—
- (i) allocates, to persons carrying on business as packers or importers of packages, marks from which there can be ascertained the places where packages made up or imported by them were made up, and
 - (ii) specifies the kinds of packages to which each mark is to be applied;
- (b) to make from time to time such alterations of the scheme as the [^{F5}Secretary of State] considers appropriate . . . ^{F7};
- (c) to give, to each person to whom a mark is for the time being allocated by the scheme, a notice which specifies the mark, states that it has been allocated to him in pursuance of the scheme and specifies the kinds of packages to which it is to be applied.

Textual Amendments

F5 Words substituted by S.I. 1987/2187, art. 2(b), Sch. para. 4(a)

F6 Words substituted by S.I. 1987/2187, art. 2(b), Sch. para. 4(b)

F7 Words repealed by S.I. 1987/2187, art. 2(b), Sch. para. 4(c)

59 Supervision by [^{F8}Secretary of State] of certain functions of inspectors.

- (1) The [^{F8}Secretary of State] may serve on any local weights and measures authority a notice requiring the authority—

- (a) to furnish the [^{F8}Secretary of State] with information of such a kind as is specified in the notice (and, if the notice so provides, relating only to persons so specified or packages or measuring container bottles of a kind so specified) with respect to relevant functions which inspectors appointed by the authority have performed or propose to perform during a period so specified, or
- (b) to arrange for the performance by an inspector, in relation to persons, premises or equipment specified in the notice or packages or measuring container bottles of a kind so specified and during a period so specified, of such relevant functions as are so specified and to make to the [^{F8}Secretary of State] a report containing information of a kind so specified about the results of complying with the notice;

and, subject to subsection (4)(b)(ii) below, it shall be the duty of the authority to comply with the requirements of the notice.

- (2) in subsection (1) above “relevant functions” means—

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- (a) the function of carrying out a test in pursuance of section 47(1) above,
- (b) functions conferred on an inspector—
 - (i) by paragraphs 1 and 5 of Schedule 8 to this Act, and
 - (ii) by regulation 8(1)

of the 1977 regulations (inspection for the purposes of those regulations), and

- (c) such other functions conferred on an inspector by this Part of this Act as are prescribed.
- (3) In relation to a notice served in pursuance of subsection (1)(b) above the inspector in question shall be treated as having such reasonable cause as is mentioned in paragraph 1(a) and (b) of Schedule 8 to this Act and regulation 8(1)(b) of the 1977 Regulations.
- (4) If the [^{F9}Secretary of State]is of the opinion that a local weights and measures authority has not complied with a requirement contained in a notice served on the authority in pursuance of subsection (1) above, [^{F10}he]may—
- (a) serve a notice on the authority requiring it to comply with the requirement within a period specified in the notice; or
 - (b) in the case of a requirement in pursuance of subsection (1) (b) above—
 - (i) make such arrangements as the Secretary of State considers appropriate for securing that the requirement is complied with by persons acting on his behalf
 - (ii) serve on the authority a notice stating that he proposes to make the arrangements and prohibiting the authority from complying with the requirement,
 - (iii) by an instrument in writing appoint a person specified in the instrument to be an inspector for the purpose of carrying out the arrangements and to exercise accordingly for that purpose any power which by virtue of this Part of this Act or the 1977 Regulations is conferred on an inspector, and
 - (iv) recover from the authority the reasonable cost of making and carrying out the arrangements.
- (5) In this section “measuring container bottle” and “the 1977 Regulations” have the meanings given by section 56(2) above.

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Textual Amendments

F8 Words substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 5(a)**

F9 Words substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 5(b)(i)**

F10 Word substituted by S.I. 1987/2187, art. 2(b), **Sch. para. 5(b)(ii)**

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Textual Amendments

F11 Ss. 60, 61 repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 6**

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61 F12

Textual Amendments

F12 Ss. 60, 61 repealed by S.I. 1987/2187, art. 2(b), **Sch. para. 6**

62 Power to extend or transfer Unit’s functions and to abolish Unit.

- (1) The Secretary of State may by order confer on the Unit such functions as he thinks fit in addition to the functions conferred on the Unit by this Act.
- (2) The Secretary of State may by order—
 - (a) transfer any function of the Unit to himself;
 - (b) establish a body and transfer to it any function of the Unit and any function transferred by virtue of paragraph (a) above;
 - (c) where all the functions of the Unit are transferred by virtue of paragraphs (a) and (b) above, abolish the Unit.
- (3) An order made by virtue of this section may—
 - (a) make such modifications—
 - (i) of section 55(1)to (4) and (6) above and Schedule 9 to this Act, and
 - (ii) of references to the Unit in any provision of this Act except section 55, as the Secretary of State considers appropriate in connection with the conferring or transfer of any function, the establishment of a body or the abolition of the Unit in pursuance of this section;
 - (b) contain such supplemental and transitional provisions as the Secretary of State considers appropriate in that connection.
- (4) The Secretary of State may make payments out of money provided by Parliament to any body established by virtue of this section for the purpose of enabling the body to defray its expenses.

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