



# Weights and Measures Act 1985

## 1985 CHAPTER 72

### PART VI

#### ADMINISTRATION

##### *Local administration*

#### **69 Local weights and measures authorities.**

- (1) In England, the local weights and measures authority shall be—
  - (a) for each non-metropolitan county, metropolitan district and London borough, the council of that county, district or borough,
  - (b) for the City of London and the Inner and Middle Temples, the Common Council of the City of London, and
  - (c) for the Isles of Scilly, the Council of the Isles of Scilly.
- (2) In Wales, the local weights and measures authority for each county shall be the county council [<sup>F1</sup>and for each county borough shall be the county borough council].
- (3) In Scotland, the local weights and measures authority for [<sup>F2</sup>the area of each council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 shall be the council for that area].
- (4) The Secretary of State, after consultation with any local weights and measures authority appearing to him to be concerned, may by order provide that the area of any local weights and measures authority specified in the order shall, for the purposes of their functions as such an authority, be deemed to include such area consisting of inland waters or of territorial waters of the United Kingdom adjacent to any part of Great Britain as may be so specified, being an area which would otherwise not fall within the area of any local weights and measures authority.
- (5) A local weights and measures authority may make, or assist in the making of, arrangements to provide advice to or for the benefit of consumers of goods and services within the area of the authority.

*Status: Point in time view as at 06/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, Part VI. (See end of Document for details)*

(6) ..... F3

**Textual Amendments**

- F1 Words in s. 69(2) added (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 75**; S.I. 1996/396, art. 4, **Sch. 2**
- F2 Words in s. 69(3) substituted (S.)(1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 144**; S.I. 1996/323, **art. 4**
- F3 S. 69(6) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. IV**

**70 Annual reports by local weights and measures authorities.**

- (1) Each local weights and measures, authority shall, in respect of each financial year of the authority, make to the Secretary of State by such date as he may direct a report on the operation during that year of the arrangements made to give effect in that authority’s area—
  - (a) to the purposes of this Act, and
  - (b) to functions relating to weights and measures which are conferred on the authority otherwise than by or under this Act and which are specified, in a notice in writing given to the authority by the Secretary of State and not withdrawn, as functions to which this paragraph applies.
- (2) Any report under subsection (1) above shall be in such form and contain such particulars of such matters as the Secretary of State may direct.
- (3) Any report made to the Secretary of State under this section may be published by the local weights and measures authority by whom it is made.
- (4) The Secretary of State may include the whole or any part of, or any information contained in, any such report, whether published or not, in any statement which may be made or published by the Secretary of State with respect to such arrangements as are mentioned in subsection (1) above either generally or in any particular area.

**71 Inspection of local weights and measures arrangements.**

- (1) The Secretary of State may from time to time cause an inspection to be made of, or of any part of, any such arrangements as are mentioned in section 70 above.
- (2) Any such inspection shall be carried out by an officer of the Secretary of State authorised in that behalf by the Secretary of State.
- (3) The officer—
  - (a) may examine any equipment or records kept in connection with those arrangements,
  - (b) may require any inspector having duties under those arrangements to give such assistance and information as the officer may reasonably specify, and
  - (c) may make reasonable enquiries of any person who appears to the officer likely to be able to give him information concerning the operation of those arrangements.
- (4) The officer by whom any inspection under this section is made shall report its results in writing to the Secretary of State.

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- (5) The Secretary of State shall send a copy of the report to any local weights and measures authority concerned and to any chief inspector responsible for the operation of all or any of the arrangements inspected.
- (6) The Secretary of State may, if he thinks fit, publish any such report in whole or in part.

### *Inspectors of weights and measures*

## **72 Appointment of inspectors.**

- (1) Each local weights and measures authority shall from time to time appoint from among persons holding certificates of qualification under section 73 below, and reasonably remunerate—
  - (a) a chief inspector of weights and measures, and
  - (b) such number of other inspectors of weights and measures, if any (who may, if the authority so desire, include a deputy chief inspector), as may be necessary for the efficient discharge in the authority's area of the functions conferred or imposed on inspectors by or under this Act [<sup>F4</sup>and the packaged goods regulations].
- (2) Any person appointed under subsection (1) above shall hold office during the pleasure of the authority by whom he was appointed.
- (3) A chief inspector shall be responsible to the local weights and measures authority for the custody and maintenance of the local standards, working standards and testing and stamping equipment provided for the area for which he was appointed and generally for the operation of the arrangements made to give effect in that area to the purposes of this Act [<sup>F5</sup>and the packaged goods regulations].
- (4) A deputy chief inspector may perform any functions of the chief inspector for the area for which he was appointed in any case where it appears to the local weights and measures authority to be desirable or necessary in the interests of the efficient operation of the said arrangements to authorise him so to do, and when so authorised shall have all the powers of a chief inspector.

#### **Textual Amendments**

- F4** Words in s. 72(1) inserted (6.4.2006) by [The Weights and Measures \(Packaged Goods\) Regulations 2006 \(S.I. 2006/659\)](#), reg. 1(1), **Sch. 1 Pt. 2(6)(a)** (with reg. 21)
- F5** Words in s. 72(3) inserted (6.4.2006) by [The Weights and Measures \(Packaged Goods\) Regulations 2006 \(S.I. 2006/659\)](#), reg. 1(1), **Sch. 1 Pt. 2(6)(b)** (with reg. 21)

## **73 Certificate of qualification to act as inspector.**

- (1) The Secretary of State shall provide for the holding of examinations for the purpose of ascertaining whether persons possess sufficient skill and knowledge for the proper performance of the functions of an inspector, and for the grant of certificates of qualification to persons who pass such examinations.
- (2) The Secretary of State may if he thinks fit arrange with some other person for that person to hold examinations for the purpose mentioned in subsection (1) above.

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- (3) The Secretary of State shall not grant a certificate of qualification to any person while he is under twenty-one years of age.
- (4) There shall be charged in respect of any examination which is held by the Secretary of State under this section such fees as the Secretary of State may from time to time with the approval of the Treasury determine.

#### **74 Performance by inspectors of additional functions.**

- (1) The arrangements made by a local weights and measures authority to give effect in their area to the purposes of this Act [<sup>F6</sup>or the packaged goods regulations] may include the provision under the supervision of the chief inspector for their area of a service for the adjustment of weights and measures, but not of other weighing or measuring equipment.
- (2) Where a service is provided under subsection (1) above, the local weights and measures authority shall charge such reasonable fees as they may determine in connection with it.
- (3) No person holding office as an inspector who is employed in the inspection of weighing or measuring equipment for the purposes of its use for trade shall also undertake, whether as part of a service provided under subsection (1) above or otherwise, the adjustment for those purposes of weighing or measuring equipment of any description.
- (4) <sup>F7</sup>. . ., a local weights and measures authority may make arrangements whereby an inspector may, at the request of any person and subject to payment by that person of such fee, if any, as the authority may think fit, carry out and submit to that person a report on—
  - (a) a weighing or other measurement of any goods submitted for the purpose by that person at such place as the authority may direct or approve;
  - (b) a test of the accuracy of any weighing or measuring equipment so submitted.
- <sup>F8</sup>(5) A local weights and measures authority may also make arrangements whereby an inspector may, at the request of the Secretary of State and subject to payment by him of such fee, if any, as the authority may think fit, provide advice and assistance to the Secretary of State in connection with the carrying out by him of any audit or inspection under section 11A(3) above or paragraph 7(3) of Schedule 3A to this Act.
- (6) Subsections (4) and (5) above are without prejudice to the functions of local weights and measures authorities or inspectors under any other provision of this Act [<sup>F9</sup>or any provision of the packaged goods regulations].]

#### **Textual Amendments**

- F6** Words in s. 74(1) inserted (6.4.2006) by [The Weights and Measures \(Packaged Goods\) Regulations 2006 \(S.I. 2006/659\)](#), reg. 1(1), [Sch. 1 Pt. 2\(7\)\(a\)](#) (with reg. 21)
- F7** Words in s. 74(4) omitted (29.3.1999) by virtue of [S.I. 1999/503](#), [art. 2\(10\)](#)
- F8** S. 74(5)(6) inserted (29.3.1999) by [S.I. 1999/503](#), [art. 2\(11\)](#)
- F9** Words in s. 74(6) inserted (6.4.2006) by [The Weights and Measures \(Packaged Goods\) Regulations 2006 \(S.I. 2006/659\)](#), reg. 1(1), [Sch. 1 Pt. 2\(7\)\(b\)](#) (with reg. 21)

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## 75 Offences in connection with office of inspector.

(1) Any inspector who—

- (a) stamps any weighing or measuring equipment in contravention of any provision of this Act [<sup>F10</sup>or the packaged goods regulations] or of any instrument made under this Act or without duly testing it, or
- (b) derives any profit from, or is employed in, the making, adjusting or selling of weighing or measuring equipment, or
- (c) knowingly commits any breach of any duty imposed on him by or under this Act or otherwise misconducts himself in the execution of his office,

shall be guilty of an offence.

[<sup>F11</sup>(1A) Any approved verifier who—

- (a) stamps any weighing or measuring equipment in contravention of any provision of this Act or of any instrument made under this Act or without duly testing it, or
- (b) commits any breach of any duty imposed on him by or under this Act [<sup>F12</sup>or the packaged goods regulations],

shall be guilty of an offence.

(2) If any person who is not an inspector, or is not an approved verifier, acts or purports to act as such, he shall be guilty of an offence.

(3) Section 34 of this Act shall apply in relation to proceedings for an offence under subsection (1A)(b) above as it applies in relation to proceedings for an offence under Part IV of this Act.]

### Textual Amendments

- F10** Words in s. 75(1)(a) inserted (6.4.2006) by [The Weights and Measures \(Packaged Goods\) Regulations 2006 \(S.I. 2006/659\), reg. 1\(1\), Sch. 1 Pt. 2\(8\)](#) (with reg. 21)
- F11** S. 75(1A)(2)(3) substituted for s. 75(2) (29.3.1999) by [S.I. 1999/503, art. 2\(12\)](#)
- F12** Words in s. 75(1A)(b) inserted (6.4.2006) by [The Weights and Measures \(Packaged Goods\) Regulations 2006 \(S.I. 2006/659\), reg. 1\(1\), Sch. 1 Pt. 2\(8\)](#) (with reg. 21)

## Fees

## 76 Fees for performance of Community obligations.

A local weights and measures authority may charge such reasonable fees as they may determine—

- (a) for services or facilities provided by them, or by the inspectors appointed for their area, in pursuance of a Community obligation, and
- (b) for authorisations, certificates or other documents issued by the authority or any such inspector in pursuance of a Community obligation.

## 77 Reduction of fees.

Where a person gives assistance in connection with the inspection, testing or stamping of weighing or measuring equipment by an inspector, the local weights and measures authority may reduce, by sum which the authority considers is reasonable by reference

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to the assistance, the amount of any payment falling to be made by that person to the inspector in respect of the inspection, testing or stamping.

**78 Fees received by inspectors.**

Every inspector shall, at such times as the local weights and measures authority may direct, account for and pay over to that authority or as they may direct all fees taken by him for the performance of his duties.

**Status:**

Point in time view as at 06/04/2006.

**Changes to legislation:**

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