



Weights and Measures Act 1985

1985 CHAPTER 72

PART II

WEIGHING AND MEASURING FOR TRADE

Weighing or measuring equipment for use for trade

11 Certain equipment to be passed and stamped by inspector.

- (1) The provisions of this section shall apply to the use for trade of weighing or measuring equipment of such classes or descriptions as may be prescribed.
- (2) No person shall use any article for trade as equipment to which this section applies, or have any article in his possession for such use, unless that article, or equipment to which this section applies in which that article is incorporated or to the operation of which the use of that article is incidental,—
 - (a) has been passed by an inspector [^{F1}or approved verifier] as fit for such use, and
 - (b) except as otherwise expressly provided by or under this Act, bears a stamp indicating that it has been so passed which remains undefaced otherwise than by reason of fair wear and tear.
- (3) If any person contravenes subsection (2) above, he shall be guilty of an offence and any article in respect of which the offence was committed shall be liable to be forfeited.
- (4) Any person requiring any equipment to which this section applies to be passed [^{F1}by an inspector] as fit for use for trade shall submit the equipment, in such manner as the local weights and measures authority may direct, to [^{F2}the inspector] who (subject to the provisions of this Act and of any regulations under section 15 below) shall—
 - (a) test the equipment by means of such local or working standards and testing equipment as he considers appropriate or, subject to any conditions which may be prescribed, by means of other equipment which has already been tested and which the inspector considers suitable for the purpose,
 - (b) if the equipment submitted falls within the prescribed limits of error and by virtue of subsection (10) below is not required to be stamped as mentioned in

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- paragraph (c) of this subsection, give to the person submitting it a statement in writing to the effect that it is passed as fit for use for trade, and
- (c) except as otherwise expressly provided by or under this Act, cause it to be stamped with the prescribed stamp.
- [^{F3}(4A) An approved verifier may (subject to the provisions of this Act, to any regulations under section 15 below and to any conditions included in his approval)–
- (a) test any equipment to which this section applies by means of other equipment which has already been tested and which the verifier considers suitable for the purpose,
- (b) if the equipment being tested falls within the prescribed limits of error and by virtue of subsection (10) below is not required to be stamped as mentioned in paragraph (c) below, make a statement in writing to the effect that it is passed fit for use for trade, and
- (c) except as otherwise expressly provided for by or under this Act, stamp it with the prescribed stamp.]
- (5) There shall be charged in respect of any test carried out under subsection (4) above such reasonable fees as the local weights and measures authority may determine.
- (6) An inspector shall keep a record of every test carried out by him under subsection (4) above.
- [^{F4}(6A) In this Act approved verifier, in relation to weighing or measuring equipment of any class or description, means a person who is for the time being approved under section 11A below in relation to the testing, passing and stamping of weighing or measuring equipment of that class or description.]
- (7) Except as otherwise expressly provided by or under this Act, no weight or measure shall be stamped as mentioned in subsection (4)(c) [^{F5}or (4A)(c)] above unless it has been marked in the prescribed manner with its purported value.
- (8) Subject to subsection (9) below, where any equipment submitted to an inspector under subsection (4) above is of a pattern in respect of which a certificate of approval granted under section 12 below is for the time being in force, the inspector shall not refuse to pass or stamp the equipment on the ground that it is not suitable for use for trade.
- (9) If the inspector is of opinion that the equipment is intended for use for trade for a particular purpose for which it is not suitable, he may refuse to pass or stamp it until the matter has been referred to the Secretary of State, whose decision shall be final.
- (10) The requirements of subsections (2), [^{F6}(4), (4A) and (7)] above with respect to stamping and marking shall not apply to any weight or measure which is too small to be stamped or marked in accordance with those requirements.
- (11) Where a person submits equipment to an inspector under this section, the inspector may require the person to provide the inspector with such assistance in connection with the testing of the equipment as the inspector reasonably considers it necessary for the person to provide and shall not be obliged to proceed with the test until the person provides it; but a failure to provide the assistance shall not constitute an offence under section 81 below.
- (12) If an inspector refuses to pass as fit for use for trade any equipment submitted to him under this section and is requested by the person by whom the equipment was

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submitted to give reasons for the refusal, the inspector shall give to that person a statement of those reasons in writing.

- (13) In the case of any equipment which is required by regulations made under section 15 below to be passed and stamped under this section only after it has been installed at the place where it is to be used for trade, if after the equipment has been so passed and stamped it is dismantled and reinstalled, whether in the same or some other place, it shall not be used for trade after being so reinstalled until it has again been passed under this section.
- (14) If any person—
- (a) knowingly uses any equipment in contravention of sub-section (13) above, or
 - (b) knowingly causes or permits any other person so to use it, or
 - (c) knowingly that the equipment is required by virtue of subsection (13) above to be again passed under this section, disposes of it to some other person without informing him of that requirement,
- he shall be guilty of an offence and the equipment shall be liable to be forfeited.
- (15) Subject to subsection (13) above, a stamp applied to any equipment under this section shall have the like validity throughout Great Britain as it has in the place in which it was originally applied, and accordingly that equipment shall not be required to be re-stamped because it is used in any other place.
- (16) If at any time the Secretary of State is satisfied that, having regard to the law for the time being in force in Northern Ireland, any of the Channel Islands or the Isle of Man, it is proper so to do, he may by order provide for any equipment to which this section applies duly stamped in accordance with that law, or treated for the purposes of that law as if duly stamped in accordance with it, to be treated for the purposes of this Act as if it had been duly stamped in Great Britain under this section.

Textual Amendments

- F1** Words in s. 11(2)(a)(4) inserted (29.3.1999) by S.I. 1999/503, **art. 2(1)(2)**
- F2** Words in s. 11(4) substituted (29.3.1999) by S.I. 1999/503, **art. 2(2)**
- F3** S. 11(4A) inserted (29.3.1999) by S.I. 1999/503, **art. 2(3)**
- F4** S. 11(6A) inserted (29.3.1999) by S.I. 1999/503, **art. 2(4)**
- F5** Words in s. 11(7) inserted (29.3.1999) by S.I. 1999/503, **art. 2(5)**
- F6** Words in s. 11(10) substituted (29.3.1999) by S.I. 1999/503, **art. 2(6)**

Modifications etc. (not altering text)

- C1** S. 11 modified (1.1.1993) by S.I. 1992/1591, **art. 2.**
S. 11 modified (1.1.1993) by S.I. 1992/1592, **art. 2.**
S. 11 modified (1.1.1993) by S.I. 1992/1593, **art. 2.**
- C2** S. 11(2) excluded by S.I. 1988/186, **arts. 3, 6(2), 23(1), 24(1)**

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