



Weights and Measures Act 1985

1985 CHAPTER 72

PART V

PACKAGED GOODS

Quantity control

47 Duty of packers and importers as to quantity

- (1) It shall be the duty of a person who is the packer or importer of regulated packages to ensure that when a group of the packages marked with the same nominal quantity is selected in the prescribed manner and the packages in the group or such a portion of the group as is so selected are tested in the prescribed manner by an inspector—
 - (a) the total quantity of the goods shown by the test to be included in the packages tested divided by the number of those packages is not less than the nominal quantity on those packages, and
 - (b) the number of non-standard packages among those tested is not greater than the number prescribed as acceptable in relation to the number tested.
- (2) It is hereby declared that a person discharges the duty imposed on him by subsection (1) above in respect of a group of packages if the quantity of goods in each package is or exceeds the nominal quantity on the package.
- (3) Regulations in pursuance of subsection (1) above with respect to the manner of selecting or testing packages may, without prejudice to the generality of the powers to make regulations conferred by that subsection or to the generality of section 66(b) below, make provision by reference to a document other than the regulations (which may be or include a code of practical guidance issued by the Secretary of State).
- (4) Where, as a result of a test in respect of a group of packages which is carried out when the packages are in the possession of the packer or importer of the packages or another person, it is shown that the packer or importer of the packages has failed to perform the duty imposed on him by subsection (1) above in respect of the packages, then, without prejudice to the liability of the packer or importer under section 50(1) below

Status: This is the original version (as it was originally enacted).

in respect of the failure, it shall be the duty of the person in possession of the packages to keep them in his possession—

- (a) except so far as he is authorised by or under regulations to dispose of them, or
- (b) if he is the packer or importer of them, until he has performed his duty under subsection (1) above in respect of the group.