



Weights and Measures Act 1985

1985 CHAPTER 72

PART V

PACKAGED GOODS

Quantity control

49 Duties as to equipment, checks and documentation

- (1) It shall be the duty of a person who makes up packages either—
 - (a) to use suitable equipment of the prescribed kind in an appropriate manner in making up the packages, or
 - (b) to carry out at the prescribed time a check which is adequate to show whether he has performed the duty imposed on him by section 47(1) above in respect of the packages and—
 - (i) to use suitable equipment of the prescribed kind in an appropriate manner in carrying out the check, and
 - (ii) to make, and to keep for the prescribed period, an adequate record of the check.
- (2) It shall be the duty of a person who is the importer of regulated packages—
 - (a) to carry out at the prescribed time such a check as is mentioned in paragraph (b) of subsection (1) above and to comply with sub-paragraphs (i) and (ii) of that paragraph in connection with the check, or
 - (b) to obtain before the prescribed time, and to keep for the prescribed period, documents containing such information about the packages as is adequate to show that the person is likely to have complied with his duty under section 47(1) above in relation to the packages.
- (3) Without prejudice to the generality of the powers to make regulations conferred by subsection (1) or (2) above or to the generality of section 66 below, regulations may provide—

Status: This is the original version (as it was originally enacted).

- (a) for equipment not to be suitable equipment for the purposes of the subsection in question unless it is made from materials and on principles specified in the regulations and is inspected, tested and certified as provided by the regulations,
 - (b) for questions as to the suitability of equipment, the appropriate manner of using equipment and the adequacy of checks, records and information to be determined for those purposes by reference to documents other than the regulations (which may be or include codes or parts of codes of practical guidance issued or approved by the Secretary of State), and
 - (c) that the use and the possession for use, for the purposes of subsection (1) or (2) above, of a thing which is suitable equipment for the purpose of the subsection in question shall not constitute a contravention of section 8(1)(b) above.
- (4) Where regulations made by virtue of subsection (3)(a) above provide for inspection, testing and certification of equipment, a local weights and measures authority may charge such reasonable fees as they may determine for the inspection, testing and certification of the equipment.