



Weights and Measures Act 1985

1985 CHAPTER 72

PART V

PACKAGED GOODS

Enforcement of control

51 Defences to certain charges under section 50.

- (1) Where a person is charged with an offence under section 50(1) above of failing to perform the duty imposed on him by section 47(1) above in respect of any packages, it shall be a defence to prove that the test in question took place when the packages were not in his possession and by reference to a nominal quantity which was not on the packages when they were in his possession.
- (2) Where the importer of packages is charged with an offence under section 50(1) above of failing to perform the duty imposed on him by section 47(1) above in respect of the packages, it shall be a defence to prove—
 - (a) that in respect of the packages the accused performed the duty imposed on him by paragraph (b) of section 49(2) above, and
 - (b) that within the prescribed period after obtaining the documents mentioned in that paragraph relating to the packages he took all reasonable steps to verify the information contained in the documents and that when the relevant test in pursuance of section 47(1) above began he believed and had no reason to disbelieve that the information was true, and
 - (c) that before the beginning of the period of seven days ending with the date when the hearing of the charge began he served on the prosecutor a copy of the said documents and a notice which stated that the accused intended to rely on them in proving a defence under this subsection, and
 - (d) that he took all reasonable steps to ensure that the quantity of goods in each of the packages did not alter while the packages were in his possession.
- (3) Where a person is charged with an offence under section 50(1)

Status: Point in time view as at 01/01/2000. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Weights and Measures Act 1985, Section 51. (See end of Document for details)

above of failing to perform the duty imposed on him by paragraph (b) of section 48(1) above in respect of a package, it shall be a defence to prove—

- (a) that the container included in the package was marked at the time and in the manner mentioned in that subsection with a mark as to which he had, before that time, given notice to an inspector stating that the mark indicated a name and address specified in the notice, and
 - (b) that at that time the name and address were such as are mentioned in relation to him in that paragraph.
- (4) Where a person is charged with—
- (a) an offence under subsection (1) of section 50 above, or
 - (b) an offence alleged to have been committed by him, as the packer or importer of a package, under subsection (5) or (6) of that section.

it shall be a defence to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Status:

Point in time view as at 01/01/2000. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Weights and Measures Act 1985, Section 51.