



# Weights and Measures &c. Act 1976

## 1976 CHAPTER 77

An Act to amend certain enactments relating to weights and measures; and to make provision for the alleviation of shortages of food and other goods. [22nd November 1976]

1—11. ....<sup>F1</sup>

### Textual Amendments

**F1** The whole Act, except sections 12 to 14 and 15(1) to (3) and Schedule 6, repealed by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), s. 98(1), [Sch. 13 Pt. I](#)

### *Shortages of food and other goods*

## 12 Orders for alleviation of food or other shortages.

- (1) This section applies to food or other goods in relation to which requirements are imposed under or by virtue of—
  - [<sup>F2</sup>(a) section 4 or 7 of the [<sup>F3</sup>Food Act 1984 (the “1984 Act”)] ; or
  - (b) section 4 or 7 of the Food and Drugs (Scotland) Act 1956 (the “1956 Act”); or]
  - [<sup>F2</sup>(a) section 16 of the Food Safety Act 1990 (“the 1990 Act”);]
  - [<sup>F4</sup>(c) Article 6 or 9 of the Food (Northern Ireland) Order 1989 (the “1989 Order”); or]
  - [<sup>F5</sup>(d) section 21 of the 1963 Act; or]
  - [<sup>F5</sup>(d) section 21, 22 or 23 of the 1985 Act;]
  - [<sup>F6</sup>(e) Article 19 of the 1981 Order.]
- (2) Where it appears to the appropriate Minister that—
  - (a) any food or other goods to which this section applies are or are likely to be, for a limited period of time, in short supply or unavailable in any area; and

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- (b) the alleviation of that situation is or is likely to be seriously hindered by a relevant requirement,  
he may by order exclude or modify the relevant requirement in its operation in relation to the food or goods in question for a period specified in the order.
- (3) The said period shall not exceed one year, but may be extended on one or more occasions by a subsequent order under this section for a further period not exceeding one year.
- (4) An order under this section may attach conditions to the exclusion or modification of the relevant requirement, and may, while it is excluded or modified—
- (a) impose, as respects the food or goods, any requirement which could be imposed under the section under or by virtue of which the relevant requirement is imposed, or
  - (b) exclude, as respects the food or goods, any exception or exemption from a requirement imposed by or under the said section.
- (5) An order under this section—
- (a) may impose on persons offending against the order penalties not exceeding the maximum penalties specified in the Acts [<sup>F7</sup>or Orders]mentioned in subsection (1) above, or in instruments made under those Acts [<sup>F7</sup>or those orders], in relation to the relevant requirement,
  - (b) may be limited to an area which is only part of the territory to which the relevant requirement extends,
  - (c) may, where so limited, make special provision for goods which are dealt with partly within the area and partly outside,
  - (d) may make different provision in relation to different cases or classes of cases, and may exclude specified cases or classes of cases,
  - (e) may contain such incidental or supplemental provisions as appear to the appropriate Minister to be expedient for the purposes of the order.
- (6) Without prejudice to the generality of subsection (5) above an order under this section may contain transitional provisions by reference to the beginning or end of the period for which the relevant requirement is excluded or modified.
- (7) An order under this section may make provision for any of the purposes mentioned in subsections (4), (5) and (6) above by means of amending, or of applying with or without modifications, or of excluding the application in whole or in part of, any provision of the Act [<sup>F8</sup>or Order]under or by virtue of which the relevant requirement is imposed and, except as provided by an order under this section, Schedule 6 to this Act shall have effect where a requirement is imposed under subsection (4) above.
- (8) In this section “requirement” includes any condition or prohibition.
- (9) In this section, “appropriate Minister” in relation to any relevant requirement, means—
- [<sup>F9</sup>(a) where it was imposed under [<sup>F10</sup>the 1984 Act], the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly;]
  - [<sup>F9</sup>(a) Where it was imposed under the 1990 Act—
    - (i) the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly in so far as it was imposed in relation to England and Wales; and
    - (ii) the Secretary of State in so far as it was imposed in relation to Scotland;]

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- (b) where it was imposed under the [<sup>F11</sup>1989 Order], the Department of Health and Social Services for Northern Ireland;
- (c) where it was imposed under [<sup>F12</sup>the 1956 Act or][<sup>F13</sup>the 1963 Act][<sup>F13</sup>the 1985 Act], the Secretary of State;
- (d) where it was imposed under the [<sup>F14</sup>1981 Order], the Department of Commerce for Northern Ireland.

#### Textual Amendments

- F2** S. 12(1)(a) beginning “section 16” substituted (E.W.S.) for Section 12(1)(a)(b) beginning “section 4” by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), s. 59\(1\), Sch. 3 para. 20\(1\)](#)
- F3** Words substituted by [Food Act 1984 \(c. 30, SIF 53:1\), s. 134, Sch. 10 para. 29\(a\)](#)
- F4** S. 12(1)(c) substituted by S.I. 1989/846 (N.I. 6), art. 76(1), [Sch. 3 para. 12\(a\)](#)
- F5** [Section 12\(1\)\(d\)](#) beginning “sections 21, 22” substituted (E.W.S.) for section 12(1)(d) beginning “section 21 of” by [Weights and Measures Act 1985 \(c. 72, SIF 131\), s. 97, Sch. 12 para. 7\(2\)](#)
- F6** [Section 12\(1\)\(e\)](#) substituted by S.I. 1981/231 (N.I. 10), art. 54(1), [Sch. 10 para. 3\(a\)](#)
- F7** Words substituted by virtue of S.I. 1989/846 (N.I. 6), art. 76(1), [Sch. 3 para. 12\(b\)](#)
- F8** words inserted by S.I. 1981/231 (N.I. 10), art. 54(1), [Sch. 10 para. 3\(c\)](#)
- F9** S. 12(9)(a) beginning “Where it was imposed under the 1990 Act” substituted (E.W.S.) for s. 12(9)(a) beginning “where it was imposed under the 1984,” by [Food Safety Act 1990 \(c. 16, SIF 53: 1, 2\), s. 59\(1\), Sch. 3 para. 20\(2\)\(a\)](#)
- F10** Words substituted by [Food Act 1984 \(c.30, SIF 53:1\), s. 134, Sch. 10 para. 29\(b\)](#)
- F11** Words substituted by S.I. 1989/846 (N.I. 6), art. 76(1), [Sch. 3 para. 12\(c\)](#)
- F12** Words repealed (E.W.S.) by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), s. 59\(1\), \(4\), Sch. 3 para. 20\(2\)\(b\), Sch. 5](#)
- F13** Words “the 1985 Act” substituted (E.W.S.) for words “the 1963 Act” by [Weights and Measures Act 1985 \(c. 72, SIF 131\), s. 97, Sch. 12 para. 7\(3\)](#)
- F14** Words substituted by S.I. 1981/231 (N.I. 10), art. 54(1), [Sch. 10 para. 3\(d\)](#)

#### Modifications etc. (not altering text)

- C3** By [S.I. 1982/846 \(N.I. 11\), art. 5\(1\)](#) it is provided that the reference to the Department of Commerce shall be construed as a reference to the Department of Economic Development

### 13 Shortages: supplementary provisions.

- (1) Before the appropriate Minister makes an order under section 12 of this Act he shall consult, to the extent that it appears to him to be appropriate having regard to the subject matter of the order and the urgency of the matter, with such persons as appear to him to be representative of interests substantially affected by the order.
- (2) An order made under section 12 of this Act may be varied or revoked by a subsequent order so made.
- (3) An order under section 12 of this Act shall not extend to any area to which the relevant requirement did not extend.
- (4) An order under section 12 of this Act, except an order which extends to Northern Ireland only, shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) [<sup>F15</sup>The power under section 12 of this Act to make an order which extends to Northern Ireland only shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979, and any such order]shall be subject to negative

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resolution as defined by section 41(6) of the <sup>M1</sup>Interpretation Act (Northern Ireland) 1954 as if it were a statutory instrument within the meaning of that Act.

- (6) In this section—
  - “appropriate Minister”,
  - “requirement”, and
  - “relevant requirement”,
 have the same meanings as in section 12 of this Act.

**Textual Amendments**

**F15** Words substituted by [S.I. 1979/1573 \(N.I. 12\)](#), art. 11(1), [Sch. 4 para. 19](#)

**Marginal Citations**

**M1** [1954 c. 33 \(N.I.\)](#)

*Supplemental*

**14 Interpretation.**

In this Act—

- [<sup>F16</sup>“the 1963 Act” means the <sup>M2</sup>Weights and Measures Act 1963;]
- [<sup>F16</sup>“the 1985 Act means the Weights and Measures Act 1985;”]
- [<sup>F17</sup> “the 1981 Order” means the Weights and Measures (Northern Ireland) Order 1981]

**Textual Amendments**

**F16** Definition of “the 1985 Act” is substituted (E.W.S.) for definition of “the 1963 Act” by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), s. 97, [Sch. 12 para.](#)

**F17** Definition substituted by [S.I. 1981/231 \(N.I. 10\)](#), art. 54(1), [Sch. 10 para. 4](#)

**Marginal Citations**

**M2** [1963 c. 31.](#)

**15 Short title, etc.**

- (1) This Act may be cited as the Weights and Measures &c. Act 1976.
- (2) This Act, except Schedules 4 and 5, shall come into operation on the expiration of the period of one month beginning with the date on which it is passed.
- (3) This Act, except sections 4, 8 and 9 and Schedules 3 and 4, extends to Northern Ireland.
- (4) ..... <sup>F18</sup>
- (5) ..... <sup>F18</sup>

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**Textual Amendments**

**F18** The whole Act, except sections 12 to 14 and 15(1) to (3) and Schedule 6, repealed by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), s. 98(1), **Sch. 13 Pt. I**

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## SCHEDULES

### <sup>F19</sup>SCHEDULES 1—5

#### Textual Amendments

**F19** The whole Act, except sections 12 to 14 and 15(1) to (3) and Schedule 6, repealed by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), s. 98(1), **Sch. 13 Pt. I**

<sup>F19</sup>

### SCHEDULE 6

Section 12.

#### TEMPORARY REQUIREMENTS IMPOSED BY EMERGENCY ORDERS

- 1 Where—
- (a) a relevant requirement as defined in section 12(1) of this Act is excluded or modified by an order under that section, and
  - (b) a requirement (the “substituted requirement”) is imposed under subsection (4)(a) of that section,
- the Act [<sup>F20</sup>or Order]under or by virtue of which the relevant requirement took effect shall, to the extent provided in this Schedule, apply to the substituted requirement.

#### Textual Amendments

**F20** Words inserted by [S.I. 1981/231 \(N.I. 10\)](#), art. 54(1), **Sch. 10 para. 5(a)**

### <sup>F21</sup> *Food Safety Act 1990 (c.16)*

#### Textual Amendments

**F21** [Sch. 6 para. 2](#) with sub-heading “[Food Safety Act 1990 \(c. 16\)](#)” substituted (E.W.S.) for [Sch. 6 paras. 2, 3](#) with sub-headings “[Food and Drugs Act 1955 \(c. 16\)](#)” and “[Food and Drugs \(Scotland\) Act 1956 \(c. 30\)](#)” by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), s. 59(1), **Sch. 3 para. 21**

- 2 (1) This paragraph applies where the relevant requirement took effect under or by virtue of the Food Safety Act 1990.
- (2) The following provisions of that Act—
- (a) Part I (preliminary);
  - (b) Part III (administration and enforcement); and

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- (c) Sections 40 to 50 (default powers and other supplemental provisions), shall apply as if the substituted requirement were imposed by regulations under section 16 of that Act.]

*Food and Drugs (Scotland) Act 1956 (c. 30)*

- 3 (1) This paragraph applies where the relevant requirement took effect under or by virtue of the <sup>M3</sup>Food and Drugs (Scotland) Act 1956.
- (2) The following provisions of that Act—
- (a) Part II (administration and enforcement),
  - (b) Part III (procedure and evidence), and
  - (c) sections 55 and 57 (default powers and other supplemental provisions),
- shall apply as if the substituted requirement were imposed by regulations under section 4 or 7 of the Act.

**Marginal Citations**

**M3** 1956 c. 30.

*[<sup>F22</sup> Food (Northern Ireland) Order 1989 (N.I. 6)]*

**Textual Amendments**

**F22** Sch. 6 para. 4 substituted by S.I. 1989/846 (N.I. 6), art. 76(1), **Sch. 3 para. 13**

- 4 (1) This paragraph applies where the relevant requirement took effect under or by virtue of the Food (Northern Ireland) Order 1989.
- (2) The following provisions of that Order—
- (a) Part III (administration and enforcement),
  - (b) Part IV (procedure and evidence), and
  - (c) Articles 67, 68 and 74 (default powers and other supplemental provisions),
- shall apply as if the substituted requirement were imposed by regulations under Article 6 or 9.

*[<sup>F23</sup> Weights and Measures Act 1985]*

**Textual Amendments**

**F23** Sch. 6 para. 5 with sub-heading “Weights and Measures Act 1985” substituted (E.W.S.) for Sch. 6 para. 5 with sub-heading “Weights and Measures Act 1963 (c. 31)” by Weights and Measures Act 1985 (c. 72, SIF 131), s. 97, **Sch. 12 para. 9**

- <sup>F245</sup> (1) This paragraph applies where the relevant requirement took effect under or by virtue of the 1985 Act.
- (2) The following provisions of that Act—

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- (a) sections 25 to 31 (offences),
  - (b) sections 32 to 37 (liability of third parties and defences),
  - (c) sections 38 to 42 and 44 to 46 (powers of inspectors, etc.), and
  - (d) sections 79 to 83 (further powers of inspectors and prosecution of offences),
- shall apply as if the substituted requirement were imposed under Part IV of the Act.]

#### Textual Amendments

**F24** Sch. 6 para. 5 with sub-heading "Weights and Measures Act 1985" substituted (E.W.S.) for Sch. 6 para. 5 with sub-heading "Weights and Measures Act 1963 (c. 31)" by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), s. 97, [Sch. 12 para. 9](#)

*<sup>F25</sup> Weights and Measures Act (Northern Ireland) Order 1981 (S.I. 1981/231 (N.I. 10))*

#### Textual Amendments

**F25** Sch. 6 para. 6 substituted by [S.I. 1981/231 \(N.I. 10\)](#), art. 54(1), [Sch. 10 para. 5\(b\)](#)

- 6 (1) This paragraph applies where the relevant requirement took effect under or by virtue of the Weights and Measures (Northern Ireland) Order 1981.
- (2) The following provisions of that Order—
- (a) Article 20 to 22 (offences),
  - (b) Articles 23 to 25 (defences and liability of third parties),
  - (c) Article 26 to 29 (powers of inspectors, etc.), and
  - (d) Articles 41, 42 and 46 (further powers of inspectors and prosecution of offences),
- shall apply as if the substituted requirement were imposed under Part V of the Order.]

#### *Supplemental*

- 7 (1) The provisions applied by this Schedule shall have effect subject to any necessary adaptations and modifications.
- (2) The provisions in this Schedule have effect subject to the provisions of any order under section 12 of this Act.

### F26F26 SCHEDULE 7

#### Textual Amendments

**F26** The whole Act, except sections 12 to 14 and 15(1) to (3) and Schedule 6, repealed by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), s. 98(1), [Sch. 13 Pt. I](#)



**Status:**

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**Changes to legislation:**

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