



# Weights and Measures &c. Act 1976

## 1976 CHAPTER 77

### *Weights and measures*

#### **1 Definitions of units of measurement**

(1) At the end of section 1 of the Weights and Measures Act 1963 ("the 1963 Act") there is inserted the following subsection—

“(3) The Secretary of State may from time to time by order amend Schedule 1 to this Act by adding to, or removing from, Parts I to VA of that Schedule any unit of measurement of length, of area, of volume, of capacity or of mass or weight, as the case may be.”

(2) After Part V of the said Schedule 1 there is inserted the following Part—

#### **“PART VA**

##### DEFINITIONS OF UNITS WHICH MAY NOT BE USED FOR TRADE

##### MEASUREMENT OF CAPACITY

Bushel =	8 gallons
Peck =	2 gallons
Fluid drachm =	1 /8th fluid ounce
Minim =	1/60th fluid drachm

##### MEASUREMENT OF MASS OR WEIGH

Pennyweight =	24 grains
Ounce apothecaries =	480 grains
Drachm =	1/8 ounce apothecaries

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Scruple =	1/3 drachm
Metric ton =	1000 kilogrammes."

- (3) The amendments of the said Schedule 1 made by this section are without prejudice to the power to amend that Schedule in subsection (1) of this section.
- (4) Nothing in the 1963 Act, or in any other provision contained in or made under an enactment, prevents the use of " gram " as an alternative way of spelling " gramme ", and the same applies for other units in the metric system which are compounds of " gramme ".

## 2 Units of measurement lawful for use for trade

- (1) In the 1963 Act after section 9 there are inserted the following sections—

### “9A Units of measurement lawful for use for trade.

- (1) No person shall—
  - (a) use for trade any unit of measurement which is not included in Schedule 1A to this Act,
  - (b) use for trade, or have in his possession for use for trade, any linear, square, cubic or capacity measure which is not included in Schedule 3 to this Act, or any weight which is not so included,
- (2) A person who contravenes—
  - (a) this section, or
  - (b) any provision in Part VI of Schedule 1A, or Part VI of Schedule 3, to this Act,
 shall be guilty of an offence, and any measure or weight used, or in any person's possession for use, in contravention of the said provision shall be liable to be forfeited.
- (3) Subject to subsection (4) below the Secretary of State may from time to time by order amend Schedule 1A or 3 to this Act—
  - (a) by adding to or removing from Schedule 1A any unit of measurement,
  - (b) by adding to or removing from Schedule 3 any linear, square, cubic or capacity measure, or any weight,
  - (c) by adding to, varying or removing from Part VI of Schedule 1A or Part VI of Schedule 3 any restriction on the cases or circumstances in which, or the conditions subject to which, a unit of measurement, measure or weight may be used for trade, or possessed for use for trade.
- (4) An order under subsection (3) above shall not remove from Schedule 1A—
  - (a) in Part I the mile, foot or inch, or
  - (b) in Part IV the gallon or pint,
 but this subsection is without prejudice to the power under paragraph (c) of the said subsection (3) to add, vary or remove any restriction on the cases or circumstances in which, or the conditions subject to which, a unit of measurement, measure or weight may be used for trade, or possessed for use for trade.

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- (5) An order under this section may contain such transitional or other supplemental or incidental provisions as appear to the Secretary of State expedient.
- (6) No order under section 8(2) of this Act shall amend Schedule 1A to this Act.
- (7) This section has effect subject to sections 9B, 60 and 62(1) of this Act.
- (8) In this section " unit of measurement" means a unit of measurement of length, area, volume, capacity, mass or weight.

### **9B Dual marking and conversion charts.**

- (1) The Secretary of State may make regulations—
  - (a) requiring or authorising a person who uses a metric unit for trade to afford, for explanatory purposes, information giving the equivalent, in the imperial system, of the relevant quantity in the metric system, and
  - (b) specifying the manner in which the information is to be given, and in particular specifying the cases in which any obligation to give information in metric units is to be extended to include the same information in imperial units.
- (2) The Secretary of State may make regulations requiring or authorising the display on premises where metric units are used for trade of conversion tables or other material for converting metric units into imperial units.
- (3) Regulations under this section—
  - (a) may prescribe the form and manner in which any information or other material is to be given or displayed,
  - (b) may prescribe appropriate conversion factors by reference to which, in prescribed cases or circumstances, an amount expressed in imperial units is to be treated as equivalent to a given amount expressed in metric units,
  - (c) may prescribe the persons to whom, and the cases and circumstances in which, the regulations apply, and may make different provision for different persons, cases or circumstances,
  - (d) may contain such consequential, incidental or supplementary provisions as appear to the Secretary of State to be expedient.
- (4) A person contravening regulations made under this section shall be guilty of an offence.
- (5) In this section " unit" in the expressions " metric unit " and " imperial unit" means any unit of measurement of length, area, volume, capacity, mass or weight.
- (6) Regulations under this section imposing obligations apply whether or not the relevant imperial unit may lawfully be used for trade, and regulations authorising, but not requiring, anything to be done authorise it to be done notwithstanding that the relevant imperial unit may not be lawfully used for trade, but do not in any other respect authorise what is unlawful.”

- (2) In the 1963 Act—

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- (a) after Schedule 1 there are inserted, as Schedule 1A, the provisions set out in Schedule 1 to this Act, and
  - (b) for Schedule 3 (measures and weights lawful for use for trade) there are substituted the provisions set out in Schedule 2 to this Act.
- (3) In the 1963 Act—
- (a) in section 10(7) (application to drugs) for the words " Subsection (1)(a) of this section " there are substituted the words " Section 9A(1)(a) ",
  - (b) in section 52(1) (punishment for offences) for the words "sections 10(5)" there are substituted the words " sections 9A(2), 9B, 10(5) ",
  - (c) in the said section 52(1) for the words ' £20' there are substituted the words ' £50', and the amendment of that subsection in Schedule 3 to the Criminal Justice Act 1967 (which is superseded by this paragraph) shall cease to have effect,
  - (d) in section 54(2) (Parliamentary control of orders and consultation as respects proposed orders) for the words " sections 10(9), 10(10) " there are substituted the words " sections 1, 9A ".
- (4) In the said section 54 of the 1963 Act after subsection (2) there is inserted the following subsection—
- “(2A) In the case of an order under section 9A(3) of this Act which relates to imperial units, measures or weights the Secretary of State in acting under subsection (2) of this section shall have particular regard to the need to consult, and to consider representations from, organisations representative of the interests of consumers.”
- (5) In regulation 5(1) of the Measuring Instruments (EEC Requirements) Regulations 1975 for the words "Section 10(1)(b)" there are substituted the words " Section 9A(1)(b) ".

### **3 Dual marking and conversion charts: duty to consult about regulations**

Before making any regulations under section 9B of the 1963 Act (as amended by this Act) the Secretary of State shall consult with such persons as appear to him to be representative of interests substantially affected by the regulations.

### **4 Pre-packed and other goods: temporary restriction on removal of permitted imperial quantities**

- (1) The powers to prescribe the quantities in which goods may be made up, sold, or made for sale, which are conferred by section 21 of the 1963 Act shall not be exercised so as to make unlawful any sale of goods to which this section applies.
- (2) This section applies to a sale—
  - (a) which is of goods which are pre-packed, sold, or made for sale in any quantity specified by the enactments and orders in Schedule 3 to this Act (quantities expressed in the imperial system), and
  - (b) which is made at any time before 21st April 1978.

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## **5 Use for trade of unstamped equipment**

In section 14(1) of the 1963 Act for paragraph (c) (circumstances in which stamps may be obliterated or defaced) there are substituted the following paragraphs—

- “(c) the circumstances in which, conditions under which and manner in which stamps may be destroyed, obliterated or defaced;
- (cc) where any stamp on weighing or measuring equipment is lawfully destroyed, obliterated or defaced, the circumstances in which, and conditions subject to which, the equipment may be used for trade without contravening section 11 (2) of this Act.”

## **6 Containers for goods**

- (1) In subsection (2) of section 21 of the 1963 Act (orders for the purpose of ensuring that goods are only sold or packed for sale in quantities expressed in a manner specified in the orders or in containers marked with information so specified) after paragraph (b) there is inserted the following paragraph—

“(bb) are pre-packed, or are otherwise made up for sale or for delivery after sale, only in or on a container of a size or capacity so specified; or”.

- (2) After subsection (3) of that section there is inserted the following subsection—

“(3A) Without prejudice to the generality of the powers conferred by virtue of paragraph (bb) of subsection (2) of this section, an order made by virtue of that paragraph may require a container to be marked with such information concerning it or its contents as is specified in the order.

(3B) Without prejudice to the generality of those powers, an order made by virtue of the said paragraph (bb) may, in order to prevent size or capacity from giving a false impression of the quantity of the goods in a container, prescribe a minimum quantity for the goods in a container of a given capacity, and the minimum quantity may be expressed by weight or volume, by percentage of the capacity of the container or in any other manner.”

- (3) In subsection (4)(a) of that section (regulations about the manner in which a container is to be marked with information as to the quantity of the goods in it) for the words from " information " to the end of the paragraph there are substituted the words " information (including in particular information as to quantity or capacity) is to be so marked " , and in subsection (4)(d) of that section the words " as to quantity" shall be omitted.

## **7 Containers for goods: supplemental**

- (1) In section 22(2) of the 1963 Act (contravention of a requirement that goods are to be made up for sale or delivery after sale only if the container is marked with particular information) after the word " information " there are inserted the words " or only in or on a container of a particular description " ,

and after the words " so marked " there are inserted the words " or a container of that description. " .

- (2) At the end of section 26 of the 1963 Act (additional defences for traders) there is added the following subsection—

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“(8) Subsection (7) of this section shall apply with the necessary modifications to proceedings for an offence in respect of the size, capacity or contents of a container as it applies to proceedings for an offence in respect of the excess or deficiency in the quantity of certain goods.”

(3) In section 29(1) of the 1963 Act (power of inspectors to weigh goods etc.) for the words following paragraph (c) there are substituted—

“; or

(d) has in his possession or charge for sale or awaiting or in the course of delivery to a buyer after they have been sold or agreed to be sold, any goods subject to a requirement imposed by virtue of section 21(2) (bb) of this Act,

the powers of an inspector under section 48 of this Act shall include power to require that person either to do in the presence of the inspector, or to permit the inspector to do, all or any of the following things, that is to say—

- (i) weigh or otherwise measure or count the goods;
- (ii) weigh or otherwise measure any container in or on which the goods are made up ;
- (iii) in the case of goods within paragraph (d) above, do anything else as respects the goods or container which is reasonably necessary to ascertain whether the requirement there mentioned is complied with, and which does not damage or depreciate the goods or container;
- (iv) if necessary for any of the purposes of the three last foregoing paragraphs, break open any container of goods, or open any vending machine in which goods are offered or exposed for sale,

and, in the case of any of the goods which are not already sold, power to require that person to sell any of them to the inspector.”

(4) In subsection (2) of the said section 29 for the words (at the beginning of the subsection) " Where the container of any pre-packed goods" there are substituted the words " Where any container of goods " .

(5) In subsection (3) of the said section 29 for the words " or (c) " there are substituted the words " '(c) or (d) " .

## **8 Solid fuel**

Schedule 4 to this Act shall have effect.

## **9 Fees for performance of Community obligations**

The following section is inserted at the end of Part V of the 1963 Act—

### **“47A Fees for performance of Community obligations.**

The Secretary of State may by regulations prescribe the fees to be charged by local weights and measures authorities and by inspectors for services

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or facilities provided by them, or for authorisations, certificates or other documents issued by them, in pursuance of a Community obligation.”.