



# Weights and Measures Act 1985

## 1985 CHAPTER 72

### PART IV

#### REGULATION OF TRANSACTIONS IN GOODS

##### *Powers of inspectors*

#### **38 Special powers of inspectors with respect to certain goods.**

(1) Subsection (2) below applies where any person—

- (a) makes in any manner any representation as to the quantity of any goods offered or exposed for sale by him, or
- (b) has in his possession or charge awaiting or in the course of delivery to the buyer any goods which have been sold or agreed to be sold, and the sale is, or purports to be, or is required by or under this Part of this Act [<sup>F1</sup>or the FIC Regulation] to be, by quantity expressed in a particular manner, or is such that the quantity of the goods sold is required by or under any provision of this Part other than section 26 to be made known to the buyer at or before a particular time, or
- (c) 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—
  - (i) any goods pre-packed or otherwise made up in or on a container for sale or for delivery after sale which are required by or under this Part of this Act [<sup>F2</sup>or the FIC Regulation] to be pre-packed, or to be otherwise so made up, as the case may be, only in particular quantities or only if the container is marked with particular information, or
  - (ii) any goods pre-packed in or on a container marked with an indication of quantity, or
  - (iii) any goods required by or under this Part of this Act [<sup>F3</sup>or the FIC Regulation] to be made for sale only in particular quantities, or

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*Changes to legislation: There are currently no known outstanding effects for the  
Weights and Measures Act 1985, Section 38. (See end of Document for details)*

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- (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 22(1)(c) above.
- (2) Where this subsection applies, the powers of an inspector under [<sup>F4</sup>Schedule 5 to the Consumer Rights Act 2015] shall, subject to subsection (4) below, include power to require the person referred to in subsection (1) above 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—
- (a) weigh or otherwise measure or count the goods,
  - (b) weigh or otherwise measure any container in or on which the goods are made up,
  - (c) in the case of goods within subsection (1)(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,
  - (d) if necessary for any of the purposes of paragraphs (a) to (c) above, 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.
- (3) Where any container of goods is broken open under subsection (2) above and all requirements of, and of any instrument made under, this Part of this Act [<sup>F5</sup>or the FIC Regulation] which are applicable to those goods are found to have been complied with, then—
- (a) if the container can be resealed without injury to the contents, the inspector may reseat it with a label certifying that all such requirements have been complied with, and
  - (b) if he does not so reseat it or it cannot be so resealed without injury to the contents, the inspector shall at the request of the person referred to in subsection (1) above buy the goods on behalf of the local weights and measures authority.
- (4) ..... <sup>F6</sup>

#### Textual Amendments

- F1** Words in s. 38(1)(b) inserted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **9**
- F2** Words in s. 38(1)(c)(i) inserted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **9**
- F3** Words in s. 38(1)(c)(iii) inserted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **9**
- F4** Words in s. 38(2) substituted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 6 para. 29**; [S.I. 2015/1630](#), art. 3(i)
- F5** Words in s. 38(3) inserted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **9**
- F6** S. 38(4) repealed by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), s. 59(1)(4), Sch. 3 para. 32, **Sch. 5**

**Changes to legislation:**

There are currently no known outstanding effects for the Weights and Measures Act 1985, Section 38.