



# 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 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 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 to be made for sale only in particular quantities, 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 22(1)(c) above.

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*Status: This is the original version (as it was originally enacted).*

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- (2) Where this subsection applies, the powers of an inspector under section 79 below 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 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 reseal it with a label certifying that all such requirements have been complied with, and
  - (b) if he does not so reseal 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) The powers conferred by subsection (2) above shall not be exercisable in relation to milk within the meaning of the Weights and Measures Act 1963 (Miscellaneous Foods) Order 1984 except while the milk is on premises for the time being registered in pursuance of Milk and Dairies Regulations made under the Food Act 1984 or in pursuance of section 7 of the Milk and Dairies (Scotland) Act 1914.