

## SCHEDULE 5

Enforcement powers of weights and measures authorities,  
district councils and the Secretary of State under the 1987 Act

### Modifications to the 1987 Act

2. The sections of the 1987 Act referred to in paragraph 1 are to apply as if—
  - (a) in section 13—
    - (i) in subsection (1), “relevant” were omitted on each occasion that it appears;
    - (ii) for “unsafe”, on each occasion that it appears, there were substituted “ non-compliant ”;
    - (iii) in subsection (2), the words from “; and the Secretary of State may” to the end were omitted; and
    - (iv) subsections (4) to (7) were omitted;
  - (b) in section 14—
    - (i) in subsection (1), after “any safety provision has been contravened in relation to any goods”, there were inserted “ or that such goods present a risk to the health or safety of persons, to domestic animals or to property ”;
    - (ii) in subsection 2(b), after “a safety provision has been contravened in relation to the goods”, there were inserted “ or that such goods present a risk to the health or safety of persons, to domestic animals or to property ”;
    - (iii) in subsection (2)(c), “under section 15 below” were omitted; and
    - (iv) subsections (6) to (8) were omitted;
  - (c) in section 16—
    - (i) in subsection (1), after “a contravention in relation to the goods of a safety provision”, there were inserted “ or that such goods present a risk to the health or safety of persons, to domestic animals or to property ”;
    - (ii) for subsection 2(b) there were substituted—
      - “(b) where an application with respect to some or all of the goods has been made to a magistrates' court under regulation 72 (appeals against notices) of the 2016 Regulations or section 33, to that court; and”;
    - (iii) in subsection (3), after “a contravention in relation to the goods of a safety provision”, there were inserted “ or that such goods present a risk to the health or safety of persons, to domestic animals or to property ”;
    - (iv) after subsection (4), there were inserted—
      - “(4A) A court may infer for the purposes of this section that any goods present a risk to the health or safety of persons, to domestic animals or to property, if it is satisfied that such a risk is presented by goods which are representative of those goods (whether by reason of being of the same design or part of the same consignment or bath or otherwise).”;
    - (v) in subsection (6), the words “Subject to subsection (6) below,” were omitted; and
    - (vi) subsection (7) were omitted;
  - (d) in section 17—

**Changes to legislation:** There are currently no known outstanding effects for the The Simple Pressure Vessels (Safety) Regulations 2016, Paragraph 2. (See end of Document for details)

- (i) in subsection (1), after “a contravention of a safety provision”, there were inserted “ or where the goods present a risk to the health or safety of persons, to domestic animals or to property ”;
- (ii) in subsection (6), after “a contravention in relation to those goods of a safety provision”, there were inserted “ or that those goods present a risk to the health or safety of persons, to domestic animals or to property ”; and
- (iii) after subsection (7), there were inserted—
  - “(7A) The Sheriff may infer for the purposes of this section that any goods present a risk to the health or safety of persons, to domestic animals or to property, if satisfied that such a risk is presented by goods which are representative of those goods (whether by reason of being of the same design or part of the same consignment or batch or otherwise).”;
- (e) in section 18, subsections (3) and (4) were omitted;
- (f) in section 29—
  - (i) in subsection 4(a), after “any contravention of any safety provision in relation to the goods”, there were inserted “ or whether the goods present a risk to the health or safety of persons, to domestic animals or to property ”; and
  - (ii) in subsection 4(b), after “any such contravention”, there were inserted “ or whether the goods present a risk to the health or safety of persons, to domestic animals or to property ”.
- (g) in section 30—
  - (i) at the end of subsection (2)(a)(ii), for “and” there were substituted “ or ”;
  - (ii) after subsection (2)(a)(ii), there were inserted—
    - “(iii) that any goods which any officer has power to inspect under section 29 are on any premises and their inspection is likely to demonstrate that they present a risk to the health or safety of persons, to domestic animals or to property; and”;
  - (iii) subsections (5), (7) and (8) were omitted;
- (h) in section 31(1), for “Part II of this Act”, there were substituted “ the 2016 Regulations ”;
- (i) in section 34—
  - (i) omit the word “and” at the end of subsection (1)(a); and
  - (ii) after that subsection, insert—
    - “(aa) the goods do not present a risk to the health or safety of persons, to domestic animals or to property; and”;
- (j) in section 37(1), for “Part II of this Act”, there were substituted “ the 2016 Regulations ”;
- (k) in section 45(1)—
  - (i) the definitions of “conditional sale agreement”, “gas”, “motor vehicle”, “personal injury”, “subordinate legislation” and “substance” were omitted;
  - (ii) before the definition of “aircraft”, there were inserted—
    - ““2016 Regulations” means the Simple Pressure Vessels (Safety) Regulations 2016;”;
  - (iii) for the definition of “enforcement authority” there were substituted—
    - ““enforcement authority” means an enforcing authority as defined in regulation 2(4) of the 2016 Regulations;”;

- (iv) for the definition of “goods” there were substituted—
  - ““goods” means a vessel within the scope of the 2016 Regulations;”;
- (v) after the definition of “modifications”, there were inserted—
  - ““non-compliant” in relation to any goods means that—
    - (a) a safety provision has been contravened in relation to the goods; or
    - (b) the goods present a risk to the health or safety of persons, to domestic animals or to property”;
- (vi) for the definition of “safety provision” there were substituted—
  - ““safety provision” means any provision of the 2016 Regulations;”;
- (vii) for the definition of “safety regulations” there were inserted—
  - ““safety regulations” means the 2016 Regulations;”;
- (l) in section 46(1), omit “and, in relation to gas or water, those references must be construed as including references to providing the service by which the gas or water is made available for use”; and
- (m) in Schedule 2—
  - (i) for “unsafe”, on each occasion that it appears, there were substituted “ non-compliant ”; and
  - (ii) for “safe”, on each occasion that it appears, there were substituted “ not non-compliant ”.

**Changes to legislation:**

There are currently no known outstanding effects for the The Simple Pressure Vessels (Safety) Regulations 2016, Paragraph 2.