



# The Deregulation (Weights and Measures) Order Keeling Schedule

**(Provisions of the Weights and Measures Act 1985 as amended by the Order)**

## SECTION 11

*Certain equipment to be passed and stamped by inspector.*

11.-(1) The provisions of this section shall apply to the use for trade of weighing or measuring equipment of such classes or descriptions as may be prescribed.

(2) No person shall use any article for trade as equipment to which this section applies, or have any article in his possession for such use, unless that article, or equipment to which this section applies in which that article is incorporated or to the operation of which the use of that article is incidental,-

(a) has been passed by an inspector or approved verifier as fit for such use, and

(b) except as otherwise expressly provided by or under this Act, bears a stamp indicating that it has been so passed which remains undefaced otherwise than by reason of fair wear and tear.

(3) If any person contravenes subsection (2) above, he shall be guilty of an offence and any article in respect of which the offence was committed shall be liable to be forfeited.

(4) Any person requiring any equipment to which this section applies to be passed by an inspector as fit for use for trade shall submit the equipment, in such manner as the local weights and measures authority may direct, to the inspector who (subject to the provisions of this Act and of any regulations under section 15 below) shall-

(a) test the equipment by means of such local or working standards and testing equipment as he considers appropriate or, subject to any conditions which may be prescribed, by means of other equipment which has already been tested and which the inspector considers suitable for the purpose,

(b) if the equipment submitted falls within the prescribed limits of error and by virtue of subsection (10) below is not required to be stamped as mentioned in paragraph (c) of this subsection, give to the person submitting it a statement in writing to the effect that it is passed as fit for use for trade, and

(c) except as otherwise expressly provided by or under this Act, cause it to be stamped with the prescribed stamp.

(4A) An approved verifier may (subject to the provisions of this Act, to any regulations under section 15 below and to any conditions included in his approval)-

(a) test any equipment to which this section applies by means of other equipment which has already been tested and which the verifier considers suitable for the purpose,

(b) if the equipment being tested falls within the prescribed limits of error and by virtue of subsection (10) below is not required to be stamped as mentioned in paragraph (c) below, make a statement in writing to the effect that it is passed fit for use for trade, and

(c) except as otherwise expressly provided for by or under this Act, stamp it with the prescribed stamp.

(5) There shall be charged in respect of any test carried out under subsection (4) above such reasonable fees as the local weights and measures authority may determine.

(6) An inspector shall keep a record of every test carried out by him under subsection (4).

(6A) In this Act 'approved verifier', in relation to weighing or measuring equipment of any class or description, means a person who is for the time being approved under section 11A below in relation to the testing, passing and stamping of weighing or measuring equipment of that class or description.

(7) Except as otherwise expressly provided by or under this Act, no weight or measure shall be stamped as mentioned in subsection (4)(c) or (4A)(c) above unless it has been marked in the prescribed manner with its purported value.

(8) Subject to subsection (9) below, where any equipment submitted to an inspector under subsection (4) above is of a pattern in respect of which a certificate of approval granted under section 12 below is for the time being in force, the inspector shall not refuse to pass or stamp the equipment on the ground that it is not suitable for use for trade.

(9) If the inspector is of opinion that the equipment is intended for use for trade for a particular purpose for which it is not suitable, he may refuse to pass or stamp it until the matter has been referred to the Secretary of State, whose decision shall be final.

(10) The requirements of subsections (2), (4), (4A) and (7) above with respect to stamping and marking shall not apply to any weight or measure which is too small to be stamped or marked in accordance with those requirements.

(11) Where a person submits equipment to an inspector under this section, the inspector may require the person to provide the inspector with such assistance in connection with the testing of the equipment as the inspector reasonably considers it necessary for the person to provide and shall not be obliged to proceed with the test until the person provides it; but a failure to provide the assistance shall not constitute an offence under section 81 below.

(12) If an inspector refuses to pass as fit for use for trade any equipment submitted to him under this section and is requested by the person by whom the equipment was submitted to give reasons for the refusal, the inspector shall give to that person a statement of those reasons in writing.

(13) In the case of any equipment which is required by regulations made under section 15 below to be passed and stamped under this section only after it has been installed at the place where it is to be used for trade, if after the equipment has been so passed and stamped it is dismantled and reinstalled, whether in the same or some other place, it shall not be used for trade after being so reinstalled until it has again been passed under this section.

(14) If any person-

(a) knowingly uses any equipment in contravention of subsection (13) above, or

(b) knowingly causes or permits any other person so to use it, or

(c) knowing that the equipment is required by virtue of subsection (13) above to be again passed under this section, disposes of it to some other person without informing him of that requirement,

he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(15) Subject to subsection (13) above, a stamp applied to any equipment under this section shall have the like validity throughout Great Britain as it has in the place in which it was originally applied, and accordingly that equipment shall not be required to be re-stamped because it is used in any other place.

(16) If at any time the Secretary of State is satisfied that, having regard to the law for the time being in force in Northern Ireland, any of the Channel Islands or the Isle of Man, it is proper so to do, he may by order provide for any equipment to which this section applies duly stamped in accordance with that law, or treated for the purposes of that law as if duly stamped in accordance with it, to be treated for the purposes of this Act as if it had been duly stamped in Great Britain under this section.

## SECTION 11A

*Approval of persons to verify equipment manufactured etc. by them.*

11A.-(1) Subsection (2) below applies where, as regards a person who carries on business (whether in Great Britain or elsewhere) as a manufacturer, installer or repairer of equipment to which section 11 above applies, the Secretary of State-

(a) is satisfied that the person would, if approved under this section, satisfy the requirements set out in Part II of Schedule 3A to this Act, and

(b) considers the person a fit and proper person to be so approved.

(2) The Secretary of State may approve the person for the purpose of-

(a) testing any equipment to which section 11 above applies and which is manufactured, installed or repaired by him,

(b) passing any such equipment as fit for use for trade, and

(c) stamping any such equipment with the prescribed stamp.

(3) Before granting an approval under this section, the Secretary of State may carry out such audits and inspections of the person's systems and procedures as he considers necessary to establish that the conditions of the approval would be observed.

(4) Schedule 3A to this Act (which relates to approvals under this section and matters connected with such approvals) shall have effect.

(5) In that Schedule 'approval' means an approval under this section and 'the verifier', in relation to such an approval, shall be construed accordingly.

## SECTION 11B

*Testing by official EEA testers.*

11B.-(1) This section applies where-

(a) any equipment which has been tested by an official EEA tester is at any time submitted to an inspector under section 11(4) above,

(b) the test report of the official EEA tester is submitted to the inspector at that time, and

(c) that report states which tests have been applied to the equipment and sets out the results of those tests.

(2) Section 11 above shall have effect as if-

(a) paragraph (a) of subsection (4) required the inspector not to test the equipment in the manner mentioned in that paragraph,

(b) paragraphs (b) and (c) of that subsection required him to rely, for the purposes of those paragraphs, on the test report of the official EEA tester, and

(c) the reference in subsection (5) to any test carried out under subsection (4) were a reference to anything done under subsection (4).

(3) In this section 'official EEA tester', in relation to the testing of equipment of any description, means a person who, at the time when the tests were applied-

(a) had responsibility in an EEA State for the metrological control of equipment of that description, or

(b) was accredited in an EEA State as a person operating a laboratory, in conformity with the criteria set out in the applicable European Standard, for the purpose of testing equipment of that description.

(4) In subsection (3) above 'EEA State' means a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993.

## **SECTION 14**

### *General specifications of equipment.*

14.-(1) The Secretary of State may by regulations prescribe general specifications for the construction of equipment to which section 11 above applies and, subject to subsection (4) below, while any such specification is for the time being so prescribed no equipment which does not conform with it shall be passed or stamped by an inspector or approved verifier under that section unless it is of a pattern in respect of which a certificate of approval under section 12 above is in force.

(2) If the Secretary of State is satisfied that any pattern submitted to him under section 12(1) above conforms with any general specification for the time being prescribed under this section he may, instead of issuing a certificate of approval under that section, cause to be published a declaration to that effect together with particulars of that pattern.

(3) Where a specification prescribed by regulations under this section is varied or revoked by further regulations under this section, then if any person-

(a) uses for trade any equipment which conformed with that specification but which to his knowledge no longer conforms with any specification prescribed by regulations under this section,

(b) has any such equipment in his possession for use for trade,

(c) causes or permits any other person to use any such equipment for trade, or

(d) disposes of any such equipment to any other person in a state in which it could be used for trade without informing that other person that it no longer conforms with any specification prescribed by regulations under this section,

he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(4) Where, in the case of any particular equipment, the Secretary of State is of opinion that there are special circumstances which make it impracticable or unnecessary for that equipment to comply with any particular requirement of any specification prescribed under this section, the Secretary of State may exempt that equipment from that requirement subject to compliance with such conditions, if any, as he thinks fit.

(5) If any person knowingly contravenes any condition imposed with respect to any equipment by virtue of subsection (4) above, he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(6) If any difference arises between an inspector and any other person as to the interpretation of any specification prescribed under this section, or as to whether or not any equipment conforms with such a specification, that difference may with the consent of that other person, and shall at the request of that other person, be referred to the Secretary of State, whose decision shall be final.

## SECTION 15A

### *Pre-test stamping by certain manufacturers.*

15A-(1) Subject to subsection (2) below, an approved verifier who is the manufacturer of any equipment to which section 11 above applies may apply the prescribed stamp to the equipment, notwithstanding that it has not been passed as fit for use for trade, if he is satisfied on reasonable grounds that it will not be used (whether for trade or otherwise) unless either-

(a) the equipment has been passed as fit for use for trade, or

(b) the stamp has been destroyed, obliterated or defaced.

(2) A prescribed stamp shall not be applied under subsection (1) above unless the stamp includes the approved verifier's number.

(3) If any person contravenes subsection (2) above, he shall be guilty of an offence and any equipment in respect of which the offence was committed shall be liable to be forfeited.

(4) A prescribed stamp which has been duly applied to any equipment under subsection (1) above shall have effect as follows-

(a) at any time before the equipment is passed as fit for use for trade, as an indication that, at the time when the stamp was applied, the approved verifier was satisfied as mentioned in subsection (1) above, and

(b) at any time after the equipment is so passed, as evidence of the passing of the equipment as fit for such use.

(5) Where equipment to which a prescribed stamp has been duly applied under subsection (1) above is passed as fit for use for trade, nothing in section 11(4)(c) or (4A)(c) above shall require another such stamp to be applied to it.

(6) Where the approved verifier fails to pass as fit for use for trade equipment to which a prescribed stamp has been applied under subsection (1) above, he may destroy, obliterate or deface the stamp-

(a) in any case where there is a prescribed manner of doing so, in that manner, and

(b) in any other case, in such reasonable manner as will leave no doubt that the stamp has been intentionally destroyed, obliterated or defaced.

(7) References in subsections (4) to (6) above to prescribed stamps which have been applied do not include references to such stamps which have subsequently been destroyed, obliterated or defaced.

## **SECTION 16**

*Offences in connection with stamping of equipment.*

16-(1) Subject to subsection (2) below, any person who, in the case of any weighing or measuring equipment used or intended to be used for trade-

(a) not being an inspector or approved verifier or a person acting under the instructions of an inspector or approved verifier, marks in any manner any plug or seal used or designed for use for the reception of a stamp,

(b) forges, counterfeits or, except as permitted by or under this Act, in any way alters or defaces any stamp,

(c) removes any stamp and inserts it into any other such equipment,

(d) makes any alteration in the equipment after it has been stamped such as to make it false or unjust, or

(e) severs or otherwise tampers with any wire, cord or other thing by means of which a stamp is attached to the equipment,

shall be guilty of an offence.

(2) Paragraphs (a) and (b) of subsection (1) above shall not apply to the destruction or obliteration of any stamp, plug or seal, and paragraph (e) of that subsection shall not apply to anything done, in the course of the adjustment or repair of weighing or measuring equipment by, or by the duly authorised agent of, a person who is a manufacturer of, or regularly engaged in the business of repairing, such equipment.

(3) Any person who uses for trade, sells, or exposes or offers for sale any weighing or measuring equipment which to his knowledge-

(a) bears a stamp which is a forgery or counterfeit, or which has been transferred from other equipment, or which has been altered or defaced otherwise than as permitted by or under this Act, or

(b) is false or unjust as the result of an alteration made in the equipment after it has been stamped,

shall be guilty of an offence.

(4) Any weighing or measuring equipment in respect of which an offence under this section is committed, and any stamp or stamping implement used in the commission of the offence, shall be liable to be forfeited.

## **SECTION 74**

*Performance by inspectors of additional functions.*

74.-(1) The arrangements made by a local weights and measures authority to give effect in their area to the purposes of this Act may include the provision under the supervision of the chief inspector for their area of a service for the adjustment of weights and measures, but not of other weighing or measuring equipment.

(2) Where a service is provided under subsection (1) above, the local weights and measures authority shall charge such reasonable fees as they may determine in connection with it.

(3) No person holding office as an inspector who is employed in the inspection of weighing or measuring equipment for the purposes of its use for trade shall also undertake, whether as part of a service provided under subsection (1) above or otherwise, the adjustment for those purposes of weighing or measuring equipment of any description.

(4) (omissis) A local weights and measures authority may make arrangements whereby an inspector may, at the request of any person and subject to payment by that person of such fee, if any, as the authority may think fit, carry out and submit to that person a report on-

(a) a weighing or other measurement of any goods submitted for the purpose by that person at such place as the authority may direct or approve;

(b) a test of the accuracy of any weighing or measuring equipment so submitted.

(5) A local weights and measures authority may also make arrangements whereby an inspector may, at the request of the Secretary of State and subject to payment by him of such fee, if any, as the authority may think fit, provide advice and assistance to the Secretary of State in connection with the carrying out by him of any audit or inspection under section 11A(3) above or paragraph 7(3) of Schedule 3A to this Act.

(6) Subsections (4) and (5) above are without prejudice to the functions of local weights and measures authorities or inspectors under any other provisions of this Act.

## **SECTION 75**

*Offences in connection with office of inspector.*

75.-(1) Any inspector who-

(a) stamps any weighing or measuring equipment in contravention of any provision of this Act or of any instrument made under this Act or without duly testing it, or

(b) derives any profit from, or is employed in, the making, adjusting or selling of weighing or measuring equipment, or

(c) knowingly commits any breach of any duty imposed on him by or under this Act or otherwise misconducts himself in the execution of his office,

shall be guilty of an offence.

(1A) Any approved verifier who-

(a) stamps any weighing or measuring equipment in contravention of any provision of this Act or of any instrument made under this Act or without duly testing it, or

(b) commits any breach of any duty imposed on him by or under this Act

shall be guilty of an offence.

(2) If any person who is not an inspector, or is not an approved verifier, acts or purports to act as such, he shall be guilty of an offence.

(3) Section 34 of this Act shall apply in relation to proceedings for an offence under subsection (1A)(b) above as it applies in relation to proceedings for an offence under Part IV of this Act.

## SECTION 79

### *General powers of inspection and entry.*

79.-(1) Subject to the production if so requested of his credentials, an inspector may, within the area for which he was appointed inspector, at all reasonable times-

(a) inspect and test any weighing or measuring equipment which is, or which he has reasonable cause to believe to be, used for trade or in the possession of any person or upon any premises for such use or which has been, or which he has reasonable cause to believe to have been, passed by an approved verifier, or by a person purporting to act as such a verifier, as fit for such use,

(b) inspect any goods to which any of the provisions of Part IV of this Act or any instrument made under that Part for the time being applies or which he has reasonable cause to believe to be such goods, and

(c) enter any premises at which he has reasonable cause to believe there to be any such equipment or goods, not being premises used only as a private dwelling-house.

(2) Subject to the production if so requested of his credentials, an inspector may at any time within the area for which he was appointed inspector seize and detain-

(a) any article which he has reasonable cause to believe is liable to be forfeited under Part II or IV of this Act, and

(b) any document or goods which the inspector has reason to believe may be required as evidence in proceedings for an offence under this Act (except an offence under Part V).

(3) If a justice of the peace, on sworn information in writing-

(a) is satisfied that there is reasonable ground to believe that any such equipment, goods, articles or documents as are mentioned in subsection (1) or (2) above are on any premises, or that any offence under this Act or any instrument made under it (except an offence under Part V or any instrument made under that Part) has been, is being or is about to be committed on any premises, and

(b) is also satisfied either-

(i) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier, or

(ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice may by warrant under his hand, which shall continue in force for a period of one month, authorise an inspector to enter the premises, if need be by force.

(4) In the application of subsection (3) above to Scotland, "justice of the peace" includes a sheriff.

(5) An inspector entering any premises by virtue of this section may take with him such other persons and such equipment as may appear to him necessary.

(6) An inspector who leaves premises which he has entered by virtue of a warrant under subsection (3) above and which are unoccupied or from which the occupier is temporarily absent shall leave the premises as effectively secured against trespassers as he found them.

(7) If any inspector or other person who enters any work- place by virtue of this section discloses to any person any information obtained by him in the work-place with regard to any secret manufacturing process

or trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.

(8) In exercising his functions under this Act at any mine of coal, stratified ironstone, shale or fire-clay, an inspector shall so exercise those functions as not to impede or obstruct the working of the mine.

(9) Nothing in this Act shall authorise any inspector to stop any vehicle on a highway.

## **SECTION 84**

### *Penalties.*

84-(1) A person guilty of an offence under any of the provisions of this Act specified in subsection (2) below shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) The provisions of this Act to which subsection (1) above refers are-

section 8(4);  
section 9(4);  
section 10(2);  
section 11(3);  
section 11(14);  
section 13(1);  
section 13(2);  
section 13(3);  
section 14(3);  
section 14(5);  
section 15(3);  
section 15(5);  
section 15A(3);  
section 18(3);  
section 20(2);  
section 20(4);  
section 20(7);  
section 20(8);  
paragraphs 4 and 5 of Schedule 4;  
paragraph 28(3) of Schedule 5.

(3) A person guilty of an offence under paragraph 24(4) of Schedule 5 to this Act shall be liable on summary conviction to a fine not exceeding £2,000.

(4) A person guilty of an offence-

(a) under section 17(3), 20(3)(b) or 50(2), (3) or (4) above, or

(b) under paragraph 10 of Schedule 5 to this Act,

shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.

(5) A person guilty of an offence under section 64 or 79(7) above shall be liable, on summary conviction, to a fine not exceeding the statutory maximum and, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(6) A person guilty of an offence under any provision of this Act other than those mentioned in subsections (1) to (5) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(7) The Secretary of State may by order alter the penalty imposed by subsection (3) above but such an order shall not impose any penalty exceeding that provided by subsection (6) above.

## **SECTION 94**

### *General interpretation.*

94-(1) Except where the context otherwise requires, in this Act-

"approved verifier" has the meaning given by section 11(6A) above;

"capacity measurement" means measurement in terms of a unit of measurement included in Part IV of Schedule 1 to this Act;

"check-weighed", in relation to any vehicle, means weighed with its load by means of the nearest suitable and available weighing equipment, and weighed again after it has been unloaded by means of the same or other suitable weighing equipment;

"chief inspector" means a chief inspector of weights and measures appointed under section 72(1) above;

"container" except in Part V, includes any form of packaging of goods for sale as a single item, whether by way of wholly or partly enclosing the goods or by way of attaching the goods to, or winding the goods round, some other article, and in particular includes a wrapper or confining band;

"contravention", in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

"credentials", in relation to an inspector, means authority in writing from the local weights and measures authority who appointed him for the exercise by that inspector of powers conferred on inspectors by this Act;

"Department of Trade and Industry standards" means the secondary, tertiary and coinage standards maintained by the Secretary of State under section 3 above;

"drugs" and "food" have the same meanings respectively as for the purposes of the Food Safety Act 1990;

"gross weight", in relation to any goods, means the aggregate weight of the goods and any container in or on which they are made up;

"indication of quantity", in relation to any container in or on which goods are made up, means a statement in writing to the effect that those goods are of, or of not less than, a specified quantity by net weight, gross weight or other measurement or by number, as the case may require;

"industrial use", in relation to any goods, means the use of those goods in the manufacture of, or for incorporation in, goods of a different description in the course of the carrying on of a business;

"inspector" means an inspector of weights and measures appointed under section 72(1) above;

"intoxicating liquor" means spirits, beer, wine, made-wine or cider as defined in section 1 of the Alcoholic Liquor Duties Act 1979;

"local standard" means a standard maintained under section 4 above;

"mark" includes label;

"occupier", in relation to any stall, vehicle, ship or aircraft or in relation to the use of any place for any purpose, means the person for the time being in charge of the stall, vehicle, ship or aircraft or, as the case may be, the person for the time being using that place for that purpose;

"premises", except in section 45 above, includes any place and any stall, vehicle, ship or aircraft;

"pre-packed" means made up in advance ready for retail sale in or on a container;

"prescribed" means prescribed by the Secretary of State by regulations;

"secondary standard" means a standard maintained under section 3(2) above;

"ship" includes any boat and any other description of vessel used in navigation;

"stamp" means, subject to section 15A(4) above, a mark for use as evidence of the passing of weighing or measuring equipment as fit for use for trade, whether applied by impressing, casting, engraving, etching, branding, or otherwise, and cognate expressions shall be construed accordingly;

"tertiary standard" means a standard maintained under section 3(3) above;

"testing equipment" means testing equipment maintained under section 5 above;

"United Kingdom primary standard" means a standard maintained under section 2 above;

"use for trade" shall be construed in accordance with section 7 above;

"weighing or measuring equipment" means equipment for measuring in terms of length, area, volume, capacity, weight or number, whether or not the equipment is constructed to give an indication of the measurement made or other information determined by reference to that measurement;

"working standard" means a standard maintained under section 5 above.

(2) In any provision of this Act "designated country" means such, if any, of the following, that is to say, Northern Ireland, any of the Channel Islands and the Isle of Man, as the Secretary of State, having regard to the law for the time being in force there, thinks it proper to designate for the purposes of that provision by order.

(3) On any premises where articles of any description are-

(a) made up in advance ready for retail sale in or on a container, or

(b) kept or stored for sale after being so made up,

any article of that description found made up in or on a container shall be deemed to be pre-packed unless the contrary is proved; and it shall not be sufficient proof of the contrary to show that the container has not been marked in accordance with the requirements of this Act or any instrument

made under it with respect to the pre-packing of such articles.

(4) Except where the context otherwise requires, any reference in this Act to any person, other than a reference to an inspector, shall be construed as a reference to that person or some other person acting on his behalf in the matter in question.

### **SCHEDULE 3A**

## APPROVALS UNDER SECTION 11A

### PART I

#### APPROVALS: GENERAL

##### Fees

###### 1. Where-

- (a) any person makes an application for an approval, or
- (b) an approval is to be, or has been, granted to any person,

the Secretary of State may require that person to pay, in respect of any work carried out by or on behalf of the Secretary of State in relation to the application or the approval, such reasonable fee as the Secretary of State may determine with the approval of the Treasury.

##### Form, effect and conditions of approvals

2.-(1) An approval shall be in writing and, unless previously withdrawn in accordance with any term in that behalf contained in the approval and subject to the following provisions of this Part of this Schedule, shall continue in force for such period (not exceeding five years) as may be specified in the approval.

###### (2) An approval-

(a) shall specify the classes or descriptions of weighing or measuring equipment for the testing, passing as fit for use for trade and stamping of which the verifier is approved,

(b) may include such conditions as appear to the Secretary of State to be requisite or expedient having regard to the need to ensure that only such equipment as is fit for use for trade is passed as fit for such use, and

(c) shall contain conditions requiring the verifier to satisfy the requirements set out in Part II of this Schedule.

(3) Without prejudice to the generality of sub-paragraph (2) above, conditions included in an approval by virtue of that sub-paragraph may-

(a) require the verifier to comply with any direction given by the Secretary of State as to such matters as are specified in the approval or are of a description so specified;

(b) require the verifier to ensure that his procedures for the testing of weighing or measuring equipment conform with such quality standards as are specified in the approval or are of a description so specified.

### ***Suspension of approvals***

3.-(1) If it appears to an inspector that, otherwise than in accordance with section 15A of this Act, the prescribed stamp has been, or is being, applied by an approved verifier to equipment which had not, or has not, been duly tested and passed as fit for use for trade, he may give to the verifier a notice (a "suspension notice") suspending the verifier's approval (either generally or in relation to particular areas of places) for a period not exceeding 28 days.

(2) Where an inspector gives a suspension notice, he shall forthwith send a copy of the notice to the Secretary of State and inform the approved verifier in writing of-

(a) the circumstances which have led to the giving of the notice;

(b) the date on which the notice takes effect; and

(c) the effect of the following provisions of this paragraph.

(3) An approved verifier who has taken steps to prevent a recurrence of the circumstances which led to the giving of a suspension notice may apply to the inspector for the suspension to be withdrawn before the expiry of the specified period; and an application under this sub-paragraph-

(a) shall be made by notice to the inspector given not later than 21 days after the date of the suspension notice, and

(b) shall state the steps taken to prevent such a recurrence.

(4) An inspector shall consider any application made to him under sub-paragraph (3) above and, having done so, shall notify the approved verifier of his decision.

(5) An approved verifier who is aggrieved by a suspension notice may apply to the Secretary of State to review the suspension; and an application under this sub-paragraph-

(a) shall be made by notice to the Secretary of State given not later than 21 days after the date of the suspension notice, and

(b) shall state the grounds on which the application is made.

(6) The Secretary of State shall consider any application under sub-paragraph (5) above and, having done so, shall notify the approved verifier and the inspector of his decision.

(7) Where the Secretary of State decides under sub-paragraph (6) above to uphold the suspension, he shall also notify the approved verifier and the inspector of the grounds for his decision.

(8) Where the Secretary of State decides under sub-paragraph (6) above not to uphold the suspension, he shall instruct the inspector to withdraw the suspension.

### ***Withdrawal of approvals***

4.-(1) Subject to sub-paragraph (2) below, the Secretary of State may by written notice withdraw an approval if at any time during the continuance of the approval-

(a) he is of the opinion that if the approval had expired at that time he would have been minded not to grant a further approval;

(b) it appears to him on reasonable grounds that the verifier is, or has been, in breach of any condition contained in the approval; or

(c) any fee due to the Secretary of State by virtue of a requirement made by him under paragraph 1 above has not been paid.

(2) Except where the Secretary of State considers in the circumstances of any particular case that it is necessary for him to withdraw an approval without delay, he shall not withdraw an approval unless he has given the verifier at least 28 days written notice of his intention to do so and of the grounds for withdrawal.

(3) Where the Secretary of State withdraws an approval without giving the notice required by sub-paragraph (2) above, he shall, at or before the time when the withdrawal takes effect, give the verifier written notice of the grounds for withdrawal and of his reasons for considering it necessary to withdraw the approval without delay.

(4) Where a verifier receives notice under sub-paragraph (2) or (3) above, he may within 21 days of receipt of the notice make representations in writing to the Secretary of State.

(5) The Secretary of State shall consider any representations so made and, having done so, shall notify the verifier of his decision.

#### **Grant of new approval following withdrawal**

5.-(1) Where the Secretary of State decides, whether in the light of representations or otherwise, that an approval which has been withdrawn should not have been withdrawn, he shall as soon as reasonably practicable grant a new approval to the former verifier.

(2) The new approval shall expire on the date on which the withdrawn approval would have expired and (except as may otherwise be agreed with the former verifier) shall be subject to the same terms and conditions as the withdrawn approval.

(3) Where the Secretary of State grants a new approval under sub-paragraph (1) above, the verifier shall be deemed to have remained approved for the period beginning on the date on which the original approval was withdrawn and ending on the date on which the new approval took effect.

#### **Application for further approval**

6.-(1) This paragraph applies where, not less than three months before the end of the period specified in an approval as the period for which the approval is to continue in force, the verifier applies to the Secretary of State for the grant of a further approval in the same, or substantially the same, terms as those of the existing approval.

(2) The existing approval shall remain in force until the Secretary of State gives the verifier notice of the Secretary of State's decision with respect to the application.

## **PART II**

### **REQUIREMENTS TO BE MET BY APPROVED VERIFIERS**

#### *Maintenance of quality system*

7.-(1) An approved verifier shall maintain in force such systems and procedures (in this Part of this Schedule referred to as his quality system) as will ensure that-

(a) any weighing or measuring equipment passed by the verifier as fit for use for trade satisfies any requirements relating to it imposed by or under this Act; and

(b) adequate testing procedures are undertaken by the verifier having regard to the nature of weighing or measuring equipment with which the verifier is concerned and, in particular, to whether any such equipment is electronic.

(2) An approved verifier shall give the Secretary of State written notice, within five working days of their occurrence, of any modifications to the verifier's quality system which are liable to affect its appropriateness or effectiveness.

(3) An approved verifier shall permit the Secretary of State, at any reasonable time after giving written notice, to carry out such audits and inspections as regards the verifier's quality system as the Secretary of State considers necessary to establish that the conditions of the approval have been, and will continue to be, observed.

#### Preparation etc. of quality system manual

8.-(1) An approved verifier shall prepare and keep up-to-date a quality system manual, that is to say, a document-

(a) showing how his quality system satisfies the requirements of paragraph 7(1) above;

(b) setting out the objectives of that system;

(c) containing details of his organisational structure, including details of-

(i) the persons who have management responsibility for that system, including their names and individual responsibilities;

(ii) the persons who are authorised to test, pass or stamp weighing or measuring equipment with which the verifier is concerned, including their names and qualifications;

(d) containing details of the equipment and other items required for the testing of weighing or measuring equipment with which the verifier is concerned;

(e) containing a description of the regulations made under this Act, and certificates of approval issued under section 12 of this Act, which are applicable to the testing, passing or stamping of weighing or measuring equipment with which the verifier is concerned;

(f) containing a description of the verifier's procedures-

(i) for the testing of weighing or measuring equipment;

(ii) for ensuring that weighing or measuring equipment passed as fit for use for trade conforms with any such regulations and (where applicable) any such certificates of approval;

(iii) for ensuring that weighing or measuring equipment which does not conform with any such regulations, or (where applicable) any such certificates of approval, is prevented from being passed as fit for use for trade;

(iv) for ensuring that any persons conducting tests of weighing or measuring equipment have the necessary skills and qualifications to do so;

(v) for ensuring that the verifier exercises control over and retains responsibility for the actions of any sub-contractor of his in relation to the testing of weighing and measuring equipment;

(vi) for enabling identification of individual items or batches of weighing or measuring equipment;

(vii) for the control of the equipment used for the testing of weighing or measuring equipment;

(viii) for the control and use of the prescribed stamp;

(ix) for the control of documents and data;

(x) for undertaking internal reviews and audits of the verifier's quality system; and

(g) containing a description of the verifier's system of records for showing that any weighing or measuring equipment passed as fit for use for trade conforms with any such regulations and (where applicable) any such certificates of approval.

(2) An approved verifier shall, on demand by the Secretary of State, provide him with such copies of or extracts from the verifier's quality system manual as may be specified or of a description specified in the demand.

### **Keeping of records**

9. An approved verifier shall keep a record of every test carried out by him of equipment to which section 11 of this Act applies.