


**HB** 

## UK Method of Control

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**HB** **Responsibilities** 

- ▶ National Weights & Measures Laboratory (NWML)
  - Law on prepackages and weighing & measuring instruments
  - Pattern approval
  - Testing
  - Represent GB in WELMEC, OIML
- ▶ Local Authorities
  - Local Weights & Measures Authorities – 200+
  - Enforcement of legal metrology
  - Trading Standards – food, fair trading, safety, farm animals, age restricted products.

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**HB** **Legislation – Prepackages** 

- ▶ Weights & Measures (Packaged Goods) Regulations 2006, SI 2006/659
  - [http://www.opsi.gov.uk/si/si2006/ukSI\\_20060659\\_en.pdf](http://www.opsi.gov.uk/si/si2006/ukSI_20060659_en.pdf)
- ▶ Guidance Notes, URN 2007/1343
  - <http://www.nwml.gov.uk/Docs/Legislation/Package%20Goods/PGRguidance%2013%20august%202007.pdf>
  - Consultation with businesses, enforcement, consumers
  - Same controls for 'e' marked & non 'e' marked
- ▶ Spreadsheets for targets, limits & set points

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**HB** Co-ordination 

- ▶ Over 200 Local Weights & Measures Authorities (local government, LWMA)
- ▶ 13 Regional co-ordination bodies
- ▶ National co-ordination body (LACORS – Local Authorities Co-ordinating Regulatory Services)
- ▶ Metrology Panel – Guidance
- ▶ Home Authority Principle
  - <http://www.lacors.gov.uk/lacors/upload/10596.pdf>
  - Similar to WELMEC 6.0 referral protocol.

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Inspector Training



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**HB** Identification of Packers & Importers 

- ▶ Food premises must be registered
- ▶ Imported Food Warehouses database
- ▶ Customs & Excise provide data on importers
  - <http://www.uktradeinfo.com/index.cfm?task=data>
- ▶ Internet
- ▶ Consumer Complaints
- ▶ Exporter of 'e' marked prepackages must inform LWMA

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## HB Frequency of Visit



Risking schemes look at past history of the business, the value of the goods, impact on fair trading environment, the distribution area of the goods and the quality systems employed. The risk is updated after each visit and after any investigation of any consumer complaint or failed reference test.

Generally for prepackages the risks are:

Business	Distribution	Risk	Frequency
Importer	All	High	Every year
Packer	National	High	Every year
Packer	Regional	Medium	Every 2 years
Packer	Local	Low	Every 5 years

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## HB Annual Returns



- ▶ An annual return is made to the NWML specifying how many packers and how many importer are liable to inspection, how many businesses have been inspected and how many were found compliant.
- ▶ Other returns include
  - business satisfaction with service
  - Service costs
  - Performance against local standards

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## HB Inspectors' Powers



- ▶ enter any premises, except if used solely as private dwelling houses,
- ▶ inspect and test any equipment used for making up or checking,
- ▶ inspect & measures the contents of any prepackages;
  - paying for any prepackage that is opened otherwise than at the packer's or importer's premises,
- ▶ inspect and take copies of any records or evidence,
- ▶ require persons on the premises to give necessary assistance,
- ▶ require persons to give information about the packer or importer
- ▶ seek an entry warrant to any premises,
- ▶ take any assistants and equipment with him,
- ▶ seize anything that may be needed as evidence in proceedings for an offence,
- ▶ may purchase any goods to check compliance,

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**HB** Enforcement Policies 

- ▶ Make business aware of requirements
- ▶ Give advice
- ▶ Put on seminars
- ▶ Use intelligence to direct resources
- ▶ Take necessary & proportionate actions
  - Warnings, verbal & written
  - Undertakings, instructions
  - Simple caution, prosecutions

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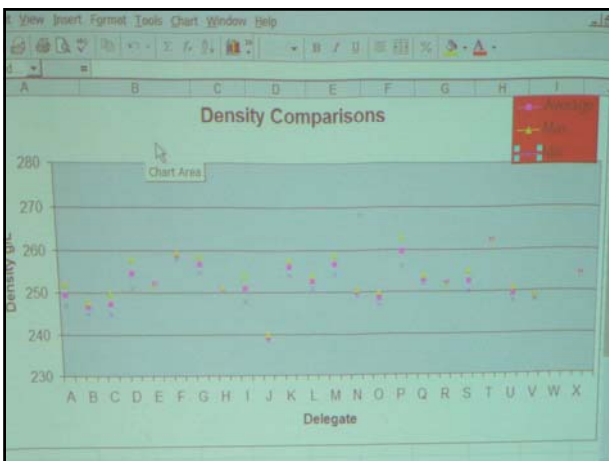
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## HB Inspections



- ▶ Appropriateness of packer's or importer's system, what changes since last visit
- ▶ Audit to ensure being followed
- ▶ Training of staff, including cover for leave etc
- ▶ Check targets & limits are appropriate
- ▶ Checkweigher set points & monitoring
- ▶ Records, including corrections & adjustments
- ▶ Verify records, checking same batch
- ▶ Equipment accuracy & traceability
- ▶ Labelling
- ▶ Reference test only where above indicates a problem

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## HB Resolving non-compliances



- ▶ Necessary proportionate action will be taken. Options include advice, verbal warning, written warning, instructions, simple caution and prosecution.
- ▶ Which of these is taken will depend on:
  - ▶ whether there was intend to mislead,
  - ▶ whether it was a one-off occurrence,
  - ▶ the scale of impact of the non-compliance
  - ▶ the past history of the trader.

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## HB Offences



- ▶ Proceedings can only be instituted by Chief Inspector of Weights & Measures or Police.
- ▶ Offences for not complying with any of the requirements
  - labelling, quantity and system requirements.
- ▶ Offences for not supplying required information and not complying with instructions and for falsifying records.
- ▶ Specific offences relating to e marked,
  - Shape, wrongly applied
- ▶ € marked goods from another EEA country is assumed OK
- ▶ Importer has no responsibilities at all in relation to them.
  - Problems referred to the competent department in the EEA country of origin to pursue.

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## HB Penalties



- ▶ The maximum penalty for non-compliance attract a maximum fine of £5,000 (~€6,000)
- ▶ More serious offences (such as the falsifying records), maximum penalty of 3 months imprisonment plus a £5,000 fine.
- ▶ The highest penalty of £5,000 plus 2 years imprisonment can be applied where an Inspector discloses trade secrets (for example who packs prepackages for which supermarket chain) unless it was made in the performance of his duties as an Inspector.

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## Questions?



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