



ANNO DECIMO SEXTO

## ELIZABETHAE II REGINAE

A.D. 1967

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### No. 15 of 1967

An Act to consolidate and amend the law relating to weights and measures and for other purposes.

[Assented to 6th April, 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

#### PART I.

PART I.

#### PRELIMINARY.

1. This Act may be cited as the "Weights and Measures Act, 1967", and shall come into operation on a day to be fixed by proclamation. Short title and commencement.

2. The Acts mentioned in the First Schedule are hereby repealed. Repeal.

3. (1) Every proclamation, regulation, certificate, order, requisition, notice, registration, licence, register, record, instrument or other act of authority made, granted, issued, given, done, or originated under the repealed Acts and subsisting at the passing of this Act, shall, subject as hereinafter provided, continue in force for the purposes of this Act until it expires by effluxion of time or is repealed, amended, or otherwise modified, revoked, cancelled, suspended or surrendered under this Act: Provided that every such proclamation, regulation, certificate, order, requisition, notice, registration, licence, register, record, instrument, and act of authority shall be read and construed subject to this Act. Savings.

(2) Any and every stamp placed on any weight, measure, weighing instrument, or measuring instrument under and for the purposes of the repealed Acts and having force and effect thereunder immediately prior to the passing of this Act shall continue to have, subject to and for the purposes of this Act, the same force and effect, and where applicable, for the remainder of any period of time during which that stamp would have had force and effect if this Act had not been passed.

(3) All penalties and forfeitures imposed and fees, charges, and expenses payable under the repealed Acts and not recovered or, as the case may be, paid at the passing of this Act may be enforced or recovered, and applied as if this Act had not been passed.

(4) All actions and proceedings of whatever nature commenced or pending at the passing of this Act under the repealed Acts may be carried on and prosecuted as if this Act had not been passed, and no such action or proceeding shall abate or be discontinued or prejudicially affected by anything in this Act contained.

(5) The Warden of Standards and the Deputy Warden of Standards, all other Government Inspectors and inspectors (including assistant inspectors) and all other officers appointed under the repealed Acts and in office at the passing of this Act shall be deemed to have been appointed to their respective offices under and for the purposes of this Act and, subject to this Act shall continue to hold those offices respectively in terms of their appointment without further or other appointment under this Act.

(6) When in any other Act reference is made to the repealed Acts, or to any provision thereof, it shall be taken, unless the context otherwise indicates or requires, that that reference is to this Act or, as the case requires, to the corresponding provision of this Act, and that reference shall be read and construed accordingly.

(7) Without limiting the application of the Acts Interpretation Act, 1915-1957, the provisions of that Act relating to the effect of repeals shall, except where inconsistent with this Act, apply and have effect to and in relation to the repeals enacted by this Act.

**Arrangement.**

**4.** The provisions of this Act are arranged as follows :—

PART I.—PRELIMINARY, ss. 1-5.

PART II.—STANDARDS OF MEASUREMENT,  
ss. 6-12.

## PART III.—ADMINISTRATION—

DIVISION 1.—CENTRAL ADMINISTRATION, ss. 13-14 :

DIVISION 2.—LOCAL ADMINISTRATION, ss. 15-27 :

DIVISION 3.—FINANCE, ss. 28-29 :

DIVISION 4.—PROVISION AS TO CERTAIN WEIGHTS,  
MEASURES, WEIGHING INSTRUMENTS  
AND MEASURING INSTRUMENTS,  
ss. 30-31.PART IV.—INSPECTION VERIFICATION AND  
STAMPING, ss. 32-43.

PART V.—SALE OF GOODS, ss. 44-52.

PART VI.—MISCELLANEOUS, ss. 53-68.

## 5. In this Act, unless the context otherwise requires—

Interpretation.

“area” means a municipality or a district council district as constituted under the Local Government Act, 1934-1966 and includes the Garden Suburb and the City of Whyalla :

“article” includes, but without limiting the generality of the meaning of that term, liquids, foods, chattels, wares, merchandize, and other goods of any and every description and, where necessary, any article and its package :

“certifying certificate” means any certificate in the form prescribed issued by an inspector in respect of any weight, measure, weighing instrument, or measuring instrument exempted by the regulations from being stamped with a certifying stamp by reason of the impracticability of stamping the same, for the purpose of signifying that the weight, measure, weighing instrument, or measuring instrument has been found upon inspection to be in accordance in every respect with the requirements of this Act :

“certifying stamp” means any stamp prescribed for use by an inspector for stamping pursuant to this Act any weight, measure, weighing instrument, or measuring instrument for the purpose of signifying that the weight, measure, weighing instrument or measuring instrument has been found upon inspection to be in accordance in every respect with the requirements of this Act :

- “coal” includes coal, coke, briquettes, slack and charcoal of any and every description :
- “Commission” means the National Standards Commission continued in existence by the Commonwealth Act :
- “Commonwealth Act” means the *Weights and Measures (National Standards) Act 1960-1964* of the Commonwealth, as amended from time to time :
- “Commonwealth legal unit of measurement” means a unit of measurement prescribed by the Commonwealth Regulations :
- “Commonwealth Regulations” means the regulations in force from time to time under the Commonwealth Act :
- “Commonwealth Standard of Measurement” has the meaning ascribed thereto in the Commonwealth Act :
- “contract” includes contract, bargain, sale, purchase, dealing and any transaction on which payment in money or kind depends :
- “council” means a municipal or district council and includes the Garden Suburb Commissioner and the City of Whyalla Commission :
- “driver” means any person driving or in charge of a vehicle :
- “firewood” means any firewood in billets or in lengths not over five feet, and includes woodettes, mallee roots, mill ends, dockings, off-cuts, edgings and any other forest product which may be used for fuel :
- “Government Inspector” means the Warden of Standards, the Deputy Warden of Standards, or any other Government Inspector appointed or deemed to be appointed under and for the purposes of this Act. The term includes any Assistant Government Inspector and any person acting in any office as aforesaid :
- “inspection” used with reference to any weights, measures, weighing instruments or measuring instruments, includes, but without limiting the generality of its meaning, examination, testing, verification, reverification, comparison, adjustment, and stamping under this Act by a Government Inspector, or an inspector or all or any of those things :
- “inspector” means an inspector of weights and measures appointed by a council and, in relation to an Inspector’s Standard, includes a Government Inspector :

“measuring instrument” means any instrument or machine, other than standard measures of extension or capacity, used for the measurement of area, length, capacity or volume. The term includes any dipstick, flow-meter, self-measuring pump, machine or measuring appliance whatsoever :

“Minister” means the Minister of the Crown charged for the time being with the administration of this Act :

“office of the Director of Lands” includes any branch office, depot, or other premises under the control of the Director of Lands :

“owner” means the owner, whether jointly or severally, or authorized agent, manager, or superintendent of the owner, and includes a lessee or hirer from the owner:

“package” 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 them round some other article, and, in particular, includes a wrapper or confining band :

“place” includes any shop, factory, and any house and any other place whatsoever, whether a building or in the open air, whether open or enclosed, and whether a public place or a place of public resort, or not :

“public weighing instrument” means any weighing instrument open for use by the public, or for the use of which a charge is made :

“purchaser” includes a person purchasing as agent for any other person :

“sale” includes barter and also includes deal in, agree to sell, offer or expose for sale, keep or have in possession for sale, send forward or deliver, or receive, for or on sale, or authorize, direct, cause, permit, suffer or attempt any such acts or things :

“stamp” means stamp, impress, engrave, etch, brand, seal, or otherwise mark in such manner as to be, so far as practicable, indelible :

“subsidiary standard of measurement” has the meaning ascribed thereto in the Commonwealth Act :

“use for trade” means use in connection with or with a view to a transaction for—

(a) the transferring or rendering of money or money's worth in consideration of money's worth or money ;

or

(b) the making of a payment in respect of any tax, duty, charge, or toll,

where—

(i) the transaction is by reference to quantity in terms of measurement of a physical quantity or in terms of number, or is a transaction for the purposes of which there is made or employed a statement of the quantity in such terms of goods to which the transaction relates ;

and

(ii) the use is for the purpose of determination or statement of that quantity,

and the expression “have in possession for trade” shall have a corresponding meaning, and any weight, measure, weighing instrument or measuring instrument used in relation to any transaction shall for the purposes of this Act be deemed to be used for trade:

“vehicle” means any conveyance used on land whether self-propelled or not :

“Warden of Standards” means the Warden of Standards appointed or deemed to be appointed under and for the purposes of this Act. The term includes any person who for the time being occupies the office or performs the duties of the Warden of Standards :

“weighing instrument” means weighbridge, weighing machines, scales, balance, steelyard, or other instrument for weighing and includes the weights belonging thereto :

“working standard of measurement” has the meaning ascribed thereto in the Commonwealth Act.

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## PART II.

PART II.

## STANDARDS OF MEASUREMENT.

*Uniformity of Weight and Measures.*

6. The same denominations of weights and measures shall be used throughout the State. Uniformity of weight and measures.

*Standards of Measurement.*

7. (1) The Minister may arrange for the provision and maintenance of such working standards of measurement and subsidiary standards of measurement as are necessary to provide means by which, for the purposes of this Act, measurements may be made in terms of Commonwealth legal units of measurement. All such standards other than Inspectors' Standards shall be deposited in the office of the Director of Lands. Standards of measurement.

(2) For the purposes of this Act a working standard of measurement so provided and maintained—

(a) shall be called a Primary State Standard ;  
and

(b) shall, subject to this Act, be a standard of measurement for the State.

(3) A subsidiary standard of measurement so provided and maintained and having a denomination referred to in the first column of Part I of the Second Schedule the true value of which is calculated not to be greater or less than its value as ascertained on verification or reverification by an amount exceeding the amount of variation specified opposite to that denomination in the second column of that Part of that Schedule, shall for the purposes of this Act, be called a Secondary State Standard.

(4) A subsidiary standard of measurement so provided and maintained (other than a Secondary State Standard) and having a denomination referred to in the first column of Part I of the Second Schedule the true value of which is calculated not to be greater or less than its value as ascertained on verification or reverification by an amount exceeding the amount of variation specified opposite to that denomination in the third column of that Part of that Schedule, shall for the purposes of this Act, be called a Tertiary State Standard.

(5) A subsidiary standard of measurement so provided and maintained (other than a Secondary State Standard, or a

## PART II.

Tertiary State Standard) and having a denomination referred to in the first column of Part II of the Second Schedule, that on verification or reverification is found not to be greater or less than its denomination by an amount exceeding the amount of permissible variation specified opposite to that denomination in the second column of that Part of that Schedule and that is, by virtue of the Commonwealth regulations, to be deemed to be of a value equal to its denomination, shall, for the purposes of this Act, be called an Inspector's Standard.

(6) The Governor may by proclamation add to or vary the provisions of the Second Schedule.

Replacing standards lost, destroyed, etc.

8. If any standard of measurement is lost, destroyed, defaced, or injured, another standard shall be provided by the Minister in place of the one so lost, destroyed, defaced or injured. Every such standard shall be deposited in the office of the Director of Lands.

Custody of standards.

9. The Primary, Secondary and Tertiary standards of measurement for the State, and all balances, apparatus, books, documents and things used in connection therewith or relating thereto, shall be in the custody of the Warden of Standards.

Inspectors' standards to be stamped.

10. (1) Unless its size or nature renders stamping impracticable or it is exempted by the regulations every Inspector's Standard shall be stamped as prescribed.

(2) The impression of the stamp prescribed under subsection (1) of this section on a weight or measure shall be *prima facie* evidence that such weight or measure is an Inspector's Standard.

Verification of standards.

11. (1) A standard of measurement provided and maintained under section 7 of this Act which has not been verified, or has not been reverified, as provided by section 9 of the Commonwealth Act or regulation 80 of the Commonwealth regulations, as the case may be, shall not be used for the purposes of this Act.

(2) A standard so provided and maintained which has become defective through use or accident or which has been broken or repaired shall not be used for the purposes of this Act until it has been reverified as mentioned in subsection (1) of this section.

(3) Any certificate of endorsement, if purporting to be signed by the Warden of Standards, shall be *prima facie* evidence of the verification or reverification of the weights measures and instruments therein referred to.



(4) The prescribed fee shall be payable on the verification or reverification of any Inspector's Standard.

(5) A record shall be kept by the Warden of Standards of all Inspectors' Standards verified or reverified.

12. Any person who falsifies or wilfully or maliciously damages or destroys any standard provided and maintained under this Act shall be guilty of an offence against this Act and liable to a penalty not exceeding two hundred dollars.

Damaging or  
destroying  
standards.

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PART III.

PART III.

ADMINISTRATION.

DIVISION I.—CENTRAL ADMINISTRATION.

DIVISION I.

13. (1) The Governor may appoint a Warden of Standards and such other officers as are necessary for the proper administration of this Act.

Appointment  
of officers.

(2) The Governor may appoint a Deputy Warden of Standards to discharge the duties of the Warden of Standards during the absence, illness or other temporary inability of the Warden of Standards to act.

(3) The Deputy Warden of Standards during his tenure of office shall have all the powers and authorities and shall perform all the duties of the Warden of Standards.

14. (1) In the administration of this Act, which administration shall be divided into central and local administration, the Warden of Standards shall, subject to this Act, be responsible for the central administration.

Administration.

(2) The central administration shall include—

(a) the preservation and maintenance of the primary standards of length and weight and the preservation and maintenance of the secondary, tertiary and other standards of length weight and capacity which are provided in accordance with this Act ;

(b) the instruction of inspectors in the methods of testing of weights, measures, weighing instruments and measuring instruments and the general training of inspectors ;

- (c) the general supervision of the local administration, including the making of inspections by or at the direction of the Warden of Standards for the purpose of ensuring that the provisions of this Act are being effectively administered ;
- (d) the verification, reverification, inspection and stamping in accordance with the regulations of weights, measures and weighing instruments or measuring instruments—
- (i) the administration of which has ceased to be vested in any council or inspector thereof pursuant to the repealed Acts or Division 4 of Part III of this Act ;
- and
- (ii) in those parts of the State not within the area of any council and not being in a part of the State exempted from the provisions of this Act by this Act ;
- and
- (iii) under the control of the South Australian Railways Commissioner or any Government Department ;
- (e) the charging and collection of fees for tests and verification performed ;
- and
- (f) such other duties as are prescribed by or under this Act.

DIVISION II.

## DIVISION 2.—LOCAL ADMINISTRATION.

Councils to be responsible for local administration.

15. (1) The councils of the respective municipalities shall, subject to this Act, be charged with the local administration of this Act within their respective areas.

(2)—

- (a) Any two or more councils may submit to the Minister in writing a scheme for carrying out jointly all or any of the provisions of this Act as regards the whole or any part of the areas of the councils ;
- (b) The provisions of sections 386, 387, 388, 390, 391, 392, 393, 400, 401, 402 and 404 of the Local Government Act, 1934-1966, shall apply to any scheme submitted in accordance with paragraph (a) hereof as though the said sections were repeated in this Act and any

reference to the Minister in those sections shall, for the purposes of this Act, be construed as a reference to the Minister charged with the administration of this Act ;

- (c) An inspector appointed under a scheme entered into pursuant to paragraph (b) of subsection (2) of this section shall, subject to the terms of his appointment, have the same authority, jurisdiction and duties as if he had been appointed by each of the councils who are parties to any such scheme.

Except as provided in this section, the provisions of Part XIX of the Local Government Act, 1934-1966, shall not apply to any scheme entered into under this Act.

**16. The local administration shall include—**

Content of local administration.

- (a) the verification, reverification, inspection and stamping of all types of weights, measures, weighing instruments and measuring instruments used in trade other than those which under this Act are the responsibility of the central administration ;

and

- (b) subject to this Act, the enforcement of this Act and the regulations.

**17. Every council—**

Appointment of inspectors by councils.

- (a) shall from time to time appoint a sufficient number of inspectors for safely keeping the Inspector's Standards and for the discharge of the other duties of inspectors under this Act ;

and

- (b) may suspend or dismiss any inspector so appointed by it or appoint additional inspectors as occasion requires.

**18. (1) No person shall be appointed as an inspector otherwise than as prescribed by the regulations.**

Notification of appointment of inspectors.

(2) Every council shall advise the Warden of Standards of each appointment of an inspector made by it and the termination of any such appointment by resignation or otherwise.

**19. An inspector shall not during the time he holds office—**

Inspectors not to derive profit, etc.

- (a) derive any profit from or be employed in the making,

adjusting or selling of weights, measures weighing instruments or measuring instruments ;

or

(b) accept any gratuity or reward from any trader or manufacturer ;

or

(c) recommend any particular manufacturer or tradesman for the supply, repair or adjustment of weights, measures, weighing instruments and measuring instruments and shall not exhibit in his office any advertisement relating to any manufacturer or tradesman :

Provided that—

(a) in any area where on the representation of the council it appears to be desirable for an inspector to be allowed to adjust weights, measures, weighing instruments and measuring instruments the Minister may, if he thinks fit, authorize such inspector to act as an adjuster of weights, measures, weighing instruments and measuring instruments ;

and

(b) an inspector so authorized—

(i) may for any such adjustment make such charges as are prescribed ;

and

(ii) shall account for and pay any money received by him in respect of such charges in such manner as the council directs.

Secrecy of  
information  
derived by  
inspectors.

20. No inspector shall—

(a) except in the course of the proper administration of this Act disclose or cause directly or indirectly to be disclosed any matter relating to the business of any person which comes to his knowledge in the discharge of his duties ;

or

(b) otherwise betray the confidence of his office.

Offences by  
inspectors.

21. Any inspector who stamps any weight, measure, weighing instrument or measuring instrument in contravention of any provision of this Act or who is guilty of any breach of any duty imposed upon him by this Act, or otherwise misconducts himself in the execution of his office, shall be guilty of an offence against this Act.

22. (1) Every inspector, immediately upon his appointment and before entering upon the duties of his office shall—

(a) with two sureties approved of by the council enter into a bond to the council ;

or

(b) obtain the guarantee of some company, society or association approved by the council,

in the sum of five hundred dollars to secure the due and punctual performance of the duties of his office and the payment at the times fixed by the council of all fees received by him under the authority of this Act and the safe custody and faithful and lawful use of the local standards and all other articles committed to his charge under this Act and their due restoration and surrender to such person and at such time as may be duly appointed in that behalf by the council and every inspector shall at all times have such a bond or guarantee in force : Provided that any such bond or guarantee may be entered into or given in respect to any two or more councils jointly where such councils have combined for the purposes of this Act pursuant to subsection (2) of section 15 of this Act.

(2) This section shall not apply in the case of an inspector whose conditions of employment are subject to the Local Government Act, 1934-1966.

23. (1) Every council shall from time to time—

(a) provide such Inspectors' Standards as the Minister directs for the purpose of comparison by way of verification and inspection in accordance with this Act ;

(b) fix the places at which such standards are to be deposited ;

and

(c) provide proper means of verifying weights, measures, weighing instruments and measuring instruments by comparison with the Inspectors' Standards and for stamping the weights, measures, weighing instruments and measuring instruments so verified.

(2) Where—

(a) before the commencement of this Act local standards of weight and measure have been deemed to be Inspectors' Standards issued pursuant to subsection (3) of section 40 of the Weights and Measures Act, 1934-1966 ;

and

(b) such standards have been verified as provided by section 38 of that Act as then in force,

PART III.  
DIVISION II.

such standards shall for the purposes of this Act be deemed to be Inspectors' Standards provided pursuant to this section.

Penalty for  
non-  
compliance.

**24.** Any council failing to comply with a direction given by the Minister pursuant to section 23 of this Act shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars for a first offence and not exceeding two hundred dollars for any subsequent offence.

Powers of  
Minister.

**25.** (1) If the Minister is satisfied that any council has failed or is failing to enforce strictly within its area the provisions of this Act, he may give notice to the council requiring the council within one month after the giving of the notice to enforce strictly the said provisions.

(2) If any such council fails to comply with such notice to the satisfaction of the Minister the Minister may himself enforce within its area the provisions of this Act and may recover from the council by action in any court of competent jurisdiction the costs of so doing or may deduct the said costs from any subsidy or grant payable to the council pursuant to any Act.

(3) For the purposes of this section the Minister may exercise all the powers of the council and may appoint any inspectors or other persons necessary to enforce as aforesaid the provisions of this Act.

Verification  
and stamping  
where no  
inspector.

**26.** Any person who keeps or uses any weight, measure, weighing instrument or measuring instrument in any place for which there is no inspector and who is desirous of having the same inspected shall have access to the Inspectors' Standards of weight and measure of the council nearest to such place. The inspector in whose charge the said Inspectors' Standards are shall compare and stamp any such weight, measure, weighing instrument or measuring instrument in the same manner, upon the same terms and subject to the same penalties for breach of duty, or otherwise misconducting himself in the execution of his office, as if such person kept or used the same within the area for which the inspector is appointed.

Annual  
statement of  
administration.

**27.** (1) The town clerk or district clerk as the case may be of every council shall, before the first day of November in every year, supply to the Minister a statement in the prescribed form giving the prescribed particulars of the administration of this Act by the council within its area for the preceding financial year.

(2) Any town clerk or district clerk who omits to supply any statement as required by subsection (1) of this section shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

DIVISION 3.—FINANCE.

DIVISION III.

28. (1) Subject to this Act the expense of the central administration shall be paid out of moneys provided by Parliament for the purpose. Expenses.

(2) The expense of providing, verifying and reverifying Inspectors' Standards, the salaries of inspectors and all other expenses incurred by a council under this Act shall be paid by the council.

29. (1) Moneys received by a council or by an inspector of a council as fees under this Act shall be available for use by the council. Disposal of fees.

(2) Moneys received by the Warden of Standards or a Government Inspector as fees under this Act shall be paid into the General Revenue of the State.

DIVISION 4.—PROVISIONS AS TO CERTAIN MEASURES AND MEASURING INSTRUMENTS. DIVISION IV.

30. (1) If the Governor is satisfied that the verification of any kind or description of weight, measure, weighing instrument or measuring instrument is a matter of difficulty or is such that councils generally are unable to administer this Act with respect to the verification thereof without undue expense, he may by proclamation declare that the provisions of this Division shall apply to any kind or description of weight, measure, weighing instrument or measuring instrument specified in the proclamation. The Governor may, either in any proclamation made as aforesaid or in any subsequent proclamation, declare that any such weight, measure, weighing instrument or measuring instrument shall be a legal weight, measure, weighing instrument or measuring instrument for such period (which may be greater or less than the period provided in section 36) from the verifying and stamping thereof as is fixed in the proclamation. The Governor may by proclamation revoke or vary any such proclamation. Verification of certain weights and measures.

(2) The administration of this Act so far as it relates to the verifying and stamping of any weight, measure, weighing instrument or measuring instrument to which this Division applies shall cease to be vested in the council or any inspector thereof.

**PART III.**  
**DIVISION IV.**

(3) Subject to this section and to any regulations made under this section and to any requirement of any proclamation relating to the period within which any weight, measure, weighing instrument or measuring instrument shall be a legal weight, measure, weighing instrument or measuring instrument, the provisions of this Act relating to the verifying and stamping thereof shall apply to any weight, measure, weighing instrument and measuring instrument to which this Division applies, but every such weight, measure, weighing instrument and measuring instrument shall be verified and stamped by a Government Inspector. For such purpose, the Government Inspector shall have all the powers of an Inspector.

Power to  
transfer  
administration  
to central  
administration.

**31.** (1) If any council fails to comply with a notice issued pursuant to section 25 of this Act, or if a council satisfies the Minister that it is unable to administer the Act, the Governor may by proclamation declare that the administration of this Act in respect to the area of that council shall be vested in the central administration.

(2) From a day specified in such proclamation the administration of this Act shall cease to be vested in the council and any inspector thereof.

(3) The council shall, not less than fourteen days after the day on which the administration of this Act ceased to be vested in the council, hand to the Warden of Standards all Inspectors' Standards and any stamp and seals used in connection therewith, owned by the council.

(4) The Minister may, if he thinks fit, pay to the council such amount for those Inspectors' Standards as may be mutually agreed upon.

(5) The Governor may by proclamation revoke any proclamation made under this section and thereupon the administration of this Act in respect to the area of the council concerned shall become re-vested in the council.

**PART IV.**

**PART IV.**

**INSPECTION VERIFICATION AND STAMPING.**

Powers of  
inspectors.

**32.** Every inspector may at all reasonable times—

(a) enter and search any building or place or stop and inspect any vehicle wherein or in connection with which weights, measures, weighing instruments or measuring instruments are used for trade ;



- (b) inspect any weights, measures, weighing instruments or measuring instruments in the possession of any person having a pack, basket or other receptacle containing goods for sale ;
- (c) examine and test such weights, measures, weighing instruments and measuring instruments ;
- (d) examine any pack, basket or other receptacle in which goods are being conveyed ;
- (e) examine any goods kept or exposed for sale or in course of delivery in or on any such building, place, vehicle pack basket or receptacle ;
- (f) in the presence of the person in charge thereof if such person desires to be present weigh, or measure or count or cause to be weighed or measured or counted any such goods and ascertain whether or not the provisions of this Act are being complied with ;
- (g) on payment or tender to the person in charge thereof of the current market value or of the rate prescribed, demand and procure any such goods ;
- (h) inspect all markings upon articles or packages containing articles for sale or upon labels affixed to articles or packages containing articles for sale, and for that purpose enter and search any place where there is or he has reasonable cause to believe there is any article or package containing any article for sale, and, on payment or tender to the person apparently in charge of the place in question of the current market value or at the rate prescribed, demand, select and take any such article or package ;

and

- (i) seize and detain any article or any package containing any article or any goods in respect of which a contravention of this Act appears to have been committed.

33. Any weight, measure, weighing instrument or measuring instrument which—

- (a) is not stamped as required by or under this Act ;
- or
- (b) is incorrect or unjust,

may be seized and detained by an inspector.

Power to  
seize weights,  
etc., not  
stamped.

**PART IV.**

Stamping of  
weights and  
measures.

**34.** Every weight, measure, weighing instrument and measuring instrument used for trade and every public weigh-bridge shall be stamped with a mark of verification as prescribed.

Stamping and  
verification of  
weights, etc.

**35.** Every weight, measure, weighing instrument and measuring instrument used for trade shall as prescribed be submitted for inspection at least once in every two years for verification and stamping: Provided that the Governor by regulations may—

- (a) subject to such conditions as are prescribed exempt wholly or in part from the operation of this Part such classes of weights, measures, weighing instruments or measuring instruments as are prescribed;
- (b) subject to such conditions as may be prescribed exempt from the provisions of this Act or of any part thereof any weights, measures or weighing instrument or measuring instruments which are situated in any prescribed part of the State outside the area of any council;

and

- (c) provide for the more frequent verification and stamping of any prescribed classes of weights, measures, weighing instruments or measuring instruments.

Additional  
powers of  
inspectors.

**36.** (1) If upon inspection at any time of any weight, measure, weighing instrument or measuring instrument, it appears to the inspector that—

- (a) the weight, measure, weighing instrument or measuring instrument is not stamped with a certifying stamp as required by this Act;
- (b) where the weight, measure, weighing instrument or measuring instrument is exempted by the regulations from being stamped with a certifying stamp by reason of the impracticability of stamping the same, that a certifying certificate has not been issued in respect thereof;

or

- (c) the weight is light or otherwise unjust or that the measure is incorrect or otherwise unjust or that the weighing instrument or measuring instrument is unjust,

the inspector may—

- (i) seize the same or any part thereof;

(ii) give to the owner of or to the person found in possession of the same, notice in writing to have the same corrected, and made true and just within fourteen days of the date of the giving of such notice or within such shorter period as the inspector deems fit and in the meantime to cease to use the same ;

or

(iii) if the inspector is empowered by the Minister to adjust the same, adjust the same.

(2) Where any notice given under subparagraph (ii) of subsection (1) of this section is complied with to the satisfaction of the inspector, he shall not take any further action under this section, but, if such notice is not complied with, the inspector may, at the expiration of the time specified in the said notice, seize the weight, measure, weighing instrument or measuring instrument in question or any part thereof.

37. (1) After the date of commencement of the Commonwealth regulations relating to the approval of patterns of instruments as patterns of instruments suitable for use for trade, a weight or measure or a weighing instrument or measuring instrument shall not be verified and stamped in pursuance of this Act unless—

Type and design of weights, etc.

(a) it is of a pattern approved by or on behalf of the Commission under those Commonwealth regulations;

or

(b) it is of a type and design in respect of which there is in force an approval given—

(i) before that date ;

or

(ii) in the case of an application for approval that was pending at that date, after that date,

by the Warden of Standards under the regulations.

(2) Notwithstanding that any such approval has been given, the Minister may, if he has reasonable grounds for believing that the use of a weight, measure, weighing instrument or measuring instrument for trade might facilitate fraud, by notice in writing served by registered post upon the person using it or having it in his possession for the purposes of trade, specify the period, the purposes and the circumstances in which the weight, measure, weighing instrument or measuring instrument may be used for trade.

(3) Any person who contravenes or fails to comply with any specification in any such notice which is applicable to him shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

Council to  
arrange  
inspections.

38. Every council shall arrange that at least once in every two years an inspector shall visit and inspect each place of business within its jurisdiction at which weights, measures, weighing instruments or measuring instruments are used for trade, or where goods are kept or exposed for sale.

Only stamped  
weights, etc.,  
to be used.

39. (1) No person shall use or have in his possession for use for trade any weight, measure, weighing instrument or measuring instrument which—

(a) is not stamped as prescribed ;

or

(b) is incorrect or unjust.

(2) Any weight, measure, weighing instrument or measuring instrument which is stamped as prescribed shall, subject to this Act, be considered to be a legal weight, measure, weighing instrument or measuring instrument (as the case may be) throughout the State unless found to be defective or unjust.

Defective  
weights, etc.,  
not to be used

40. (1) No person shall use for trade any weight, measure, weighing instrument or measuring instrument (not being a weight, measure or instrument exempted by the regulations from stamping) which—

(a) has become defective ;

or

(b) has been mended or repaired,

until the same has been restamped pursuant to this Act.

(2) Any person mending or repairing such a defective weight, measure, weighing instrument or measuring instrument shall obliterate any existing stamp thereon.

(3) Notwithstanding anything in the foregoing provisions of this section a person may, as prescribed by the regulations, temporarily use such a weight, measure, weighing instrument or measuring instrument which has been repaired but not restamped.

Offences in  
connection  
with weights,  
etc.

41. (1) No person shall—

(a) use or have in his possession for use for trade a weight or measure which is not of a denomination

authorized by this Act to be used: Provided that this paragraph shall not apply in connection with the import or export of goods from or to a place outside the State where other than the standard weights or measures ascertained in accordance with this Act are used;

- (b) forge or counterfeit or cause to be forged or counterfeited, or assist in forging or counterfeiting, or unlawfully have in his possession, any stamp used for stamping under this Act, any weight, measure, weighing instrument or measuring instrument or, unless duly authorized under this Act, make on any weight, measure, weighing instrument or measuring instrument any impression purporting to be the impression of any such stamp or alter any date mark used in connection with the impression of any such stamp;
- (c) in any way alter or tamper with so as to cause it to weigh or measure incorrectly or unjustly any weight, measure, weighing instrument or measuring instrument which has been stamped;
- (d) use, sell, dispose of, or expose for sale any weight, measure, weighing instrument or measuring instrument so altered, or tampered with or any weight, measure, weighing instrument or measuring instrument with a forged or counterfeit stamp thereon;
- (e) make, or sell, or cause to be made or sold any weight, measure, weighing instrument or measuring instrument which is false or unjust;

or

- (f) increase or diminish any stamped weight or measure or use, sell, dispose of or expose for sale any increased or diminished weight or measure: Provided that nothing in this subsection shall apply to any person who increases or diminishes any stamped weight or measure when he adjusts the same to standard and entirely obliterates the stamp thereon.

(2) Any bargain, sale or contract made in reference to any false or unjust weight, measure, weighing instrument or measuring instrument shall be void: Provided that in any proceedings in which the validity of any such bargain sale or contract comes into question it shall not be held to be void if it is proved to the satisfaction of the court that the use of the false or unjust weight, measure, weighing instrument or measuring instrument was due to a *bona fide* mistake or any

PART IV.

accident or to any other cause beyond the control of the parties thereto and in spite of all reasonable precautions being taken and all due diligence exercised by them or was due to the action of a person over whom the parties had no control.

Prohibition  
of use or  
possession  
of unjust  
weights, etc.

**42.** Every person who uses or has in his possession for use for trade or for the purposes of or in connection with any contract, bargain, sale, purchase, or dealing, any weight, measure, weighing instrument, or measuring instrument, which is false or unjust shall be guilty of an offence against this Act, and any contract, bargain, sale, purchase or dealing made by the same shall be void, and the weight, measure, weighing instrument or measuring instrument shall be liable to be forfeited.

Application of  
this Part.

**43.** The provisions of this Part shall apply to any weight, measure, weighing instrument or measuring instrument the administration in respect of which is vested in either the central administration or the local administration, and when applicable to the central administration the term "inspector" shall be construed as "Government Inspector" and when so construed the Government Inspector shall have all the powers of an inspector under this Part.

PART V.

## PART V.

## SALE OF GOODS.

Trade, etc.,  
to be in terms  
of standard  
weights and  
measures.

**44.** (1) Every contract, bargain, sale, purchase, transaction, or dealing, made or entered into in the State for any work, goods, wares, or merchandize, or other thing that has been or is to be done, sold, purchased, delivered, carried, or agreed for by measurement of a physical quantity, shall be made or entered into by reference to Commonwealth legal units of measurement of that physical quantity, and if not so made or had shall be void.

(2) Any person who sells by a denomination of weight or measure other than one of the Commonwealth legal units of measurement, shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(3) This section shall not apply—

(a) to any contract, bargain, sale, purchase or dealing made or had by any person in the State with any person carrying on business in any other State or

country in the course of such business according to the legal weights and measures of such State or country ;

or

(b) to or in connection with timber in the log.

45. (1) All articles sold by weight shall be sold by avoirdupois or metric weight : Provided that—

Sale by  
avoirdupois or  
metric weight.

(a) gold and silver and articles made thereof, including gold and silver thread, lace or fringe, also platinum, diamonds and other precious metals or stones, may be sold by the ounce troy or by any decimal parts of such ounce ; and all contracts, bargains, sales, purchases and dealings in relation thereto shall be deemed to be made and had by such weight and when so made or had shall be valid ;

and

(b) drugs may be sold according to the metric system.

(2) Every person who acts in contravention of this section shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

46. (1) Subject to subsection (2) of this section, a package held for use in trade and marked in terms of metric weight or measure shall also be marked with the equivalent net avoirdupois weight or the equivalent measure of capacity as the case may be : Provided that drugs and chemicals for laboratory use may be marked in terms of metric weight or measure only.

Use of metric  
weight.

(2) The Governor may, by regulation, exempt from the operation of this section, subject to such conditions as may be prescribed any goods or goods included in a prescribed class of goods.

(3) For the purposes of subsection (1) of this section, the regulations may prescribe a table setting out equivalent weights of the avoirdupois system and measures of capacity in terms of those in the metric system, and the table may lawfully be used in computing and expressing weights or measures of the metric system in terms of weights of the avoirdupois system or those measures of capacity as the case may require.

(4) Every person who holds for use in trade any package which does not comply with the requirements of this section shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

**PART V.**

Sales to be  
by net weight  
or measure.

**47.** (1) No person shall sell any article by weight or measure otherwise than by net weight or measure.

(2) When any person offers or exposes for sale by weight or measure any article in a shop or other place or in any vehicle, pack, basket, or other receptacle, he shall have in a convenient place, capable of being easily seen by the purchaser, suitable weights, measures, weighing instruments, or measuring instruments, for weighing or measuring the article and shall, at the request of a purchaser of any article sold by weight or measure, weigh or measure it in the presence of the purchaser.

(3) If any such person fails to have a weighing instrument, measuring instrument, or measure, or any necessary weights in a place as required by subsection (1) of this section he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(4) If the article is less than the due weight or measure the person selling the same shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars or in the case of a second or subsequent offence four hundred dollars.

(5) Subsections (2), (3) and (4) of this section shall not apply to bread when offered or exposed for sale in any vehicle, pack, basket or other receptacle.

False  
declaration as  
to weights, etc.

**48.** Any person who by means of words, description or other indication direct or indirect, makes any false declaration or statement, or wilfully misleads any person as to the number, quantity, measure, gauge or weight of any article sold or delivered by him shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars or in the case of a second or subsequent offence, four hundred dollars.

Sales by short  
weight or  
measure.

**49.** (1) If any article sold by weight, measure, or number is upon sale or for the purpose of sale delivered to the purchaser or to some person on behalf of the purchaser short of the weight, measure or number purporting to be sold or delivered, the person selling the article or causing the same to be delivered shall be guilty of an offence against this section.

(2) Any person who sells, offers, exposes or has in his possession for sale any article in a package upon which the net weight, measure or number of the article is not legibly written or printed on the outside of the package shall be guilty of an offence against this section. This subsection shall not apply to any article weighed, measured, or counted in the presence of the purchaser or to any article exempted by regulation from the requirements of this subsection.



(3) This section shall not apply to any article exposed for sale or sold by weight in a package if the weight of such article is subject to variation by reason of climatic influences, and the package bears a conspicuous label or inscription showing the words "Net weight when packed".

(4) Any person guilty of an offence against this section shall be liable to a penalty not exceeding two hundred dollars, or, if for a second or subsequent offence, four hundred dollars.

50. (1) If the weight, measure or number of an article in a package is stated on such package and is not correctly so stated, the seller or the person offering or exposing such article for sale, or having such article in his possession for sale shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars, or, if for a second or subsequent offence, four hundred dollars.

Where net weight or measure not correctly stated.

(2) Any such article found in the possession of any person manufacturing or trading in such article shall be deemed to be in possession of such person for sale until the contrary is proved.

(3) In any prosecution for a contravention of this section, it shall be sufficient defence if the defendant—

(a) proves that he purchased the article from some person resident in the State, or, if a company with a registered office in the State ;

(b) proves that he sold such article in the same state as when purchased by him ;

and

(c) proves that having taken all reasonable precautions against committing a contravention of this section he had at the time of the contravention of this section no reason to suspect that the weight, measure or number of the article was not correctly stated.

51. In any contract for the sale by the bushel of any articles mentioned in the Third Schedule, the bushel shall be determined by weighing, the weight equivalent to a bushel of any such articles being that stated in the Third Schedule.

Sales by bushel.

52. (1) A person shall not sell coal or firewood otherwise than by net weight : Provided that coal or firewood may be sold otherwise than by net weight if, but only if—

Sales of coal and firewood.

- (i) the quantity thereof sold exceeds five hundredweights ;
  - (ii) the seller obtains the consent in writing of the purchaser to the coal or firewood being so sold ;
  - (iii) the date of the giving of that consent is clearly shown thereon ;
- and
- (iv) the sale is effected on or within seven days of the giving of that consent.

The driver of any vehicle delivering or conveying coal or firewood of a quantity exceeding five hundredweights sold otherwise than by net weight shall produce on demand by an Inspector the consent in writing required by this subsection to be obtained to that sale.

(2) Any person who—

- (i) sells coal or firewood by description which is false as to the sort of coal or firewood sold ;

or

- (ii) sells or delivers wet coal or firewood with intent to defraud the purchaser as to the weight of coal or firewood sold or delivered,

shall be guilty of an offence against this Act.

(3) Any seller, or purchaser of coal or firewood, or any person in charge of a vehicle in or on which coal or firewood is carried or any inspector may require that coal or firewood or any vehicle used for the carriage of coal or firewood be weighed or reweighed, in his presence, or that any firewood sold by measure be measured or remeasured in his presence.

(4) Save as herein expressly provided, the provisions of this section are in addition to and not in derogation of any other section of this Act relating to the sale of articles.

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## PART VI.

## PART VI.

## MISCELLANEOUS.

*Offences, Penalties, Etc.*

53. All proceedings for offences against this Act shall be disposed of summarily. Summary procedure.

54. (1) Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence against this Act. General penalty for offences.

(2) Where anything is by or under this Act directed or forbidden to be done or where by or under this Act authority is given to any person to direct anything to be done or to forbid anything to be done and anything so directed to be done is not done or anything so forbidden to be done is done every person who offends against any such direction or prohibition shall be guilty of an offence against this Act.

(3) Any person guilty of an offence against any provision of this Act shall be liable, if no specific penalty is provided for that offence, to a penalty not exceeding two hundred dollars.

(4) A prosecution for an offence against this Act may be instituted at any time within twelve months after the commission of the offence or within twelve months after the commission of the offence comes to the knowledge of the complainant, whichever is the later period.

(5) Where a person is convicted of any offence against this Act and the court by which he is convicted is of opinion that such offence was committed with intent to defraud, he shall be liable in addition to or in lieu of any penalty, to be imprisoned for any term not exceeding six months.

(6) Where a person is convicted of any offence against this Act and the court by which he is convicted is of opinion that some person was defrauded or suffered pecuniary loss by reason of the commission of the offence the court may, in addition to imposing any penalty, order that the defendant shall pay to such last-mentioned person by way of recoupment of his loss such sum as the court thinks fit.

(7) Proceedings under this Act for a penalty for any offence by a body corporate may be taken against any person who is the manager or who acts in the management of such body corporate and such person shall be personally liable in such proceedings for such offence.

**PART VI.****Onus of proof.**

**55.** In any proceedings for an offence against this Act in respect of any weight, measure, weighing instrument or measuring instrument the onus shall be on the defendant to prove that the weight, measure, weighing instrument or measuring instrument was tested verified or stamped as required by this Act.

**Limitation as to conviction for second offences.**

**56.** A person shall not be liable to any increased penalty for a second offence under any section of this Act unless that offence was committed after a conviction within five years previously for an offence under the same section.

**Evidentiary provision.**

**57.** (1) In any prosecution or legal proceedings under this Act no proof shall, unless evidence is given to the contrary, be required of the appointment of the Warden of Standards or any other officer purporting to have been appointed under this Act.

(2) Any document certifying that—

(a) specified weights or measures in the possession of an inspector are Inspectors' Standards ;

or

(b) such weights or measures have been verified or reverified within the prescribed period ;

or

(c) a specified person is or was acting under this Act in the capacity stated therein,

and any other document relating to or arising out of the administration of this Act shall, if purporting to be signed by the Warden of Standards be received as evidence in all courts and be deemed to be issued or written by or under the direction of the Warden of Standards without proof unless the contrary is shown.

**Defence to proceedings for offence.**

**58.** It shall be a sufficient defence in any proceedings under this Act if the defendant proves to the satisfaction of the court that the offence was due to a *bona fide* mistake or an accident or to any other cause beyond his control and in spite of all reasonable precautions being taken and all due diligence exercised by him to prevent the occurrence of the offence or was due to the action of a person over whom the defendant had no control.

**Preservation of civil rights.**

**59.** No proceeding or conviction for any offence against this Act shall affect any civil right or remedy to which any person aggrieved by the offence may be entitled.

60. If under this Act a complaint is laid by any person other than an inspector or other person appointed under this Act and the proceedings are withdrawn or dismissed, the court may if it thinks fit order that the first-mentioned person pay to the defendant such compensation for costs and loss of time as seems reasonable.

Power to award costs in certain cases.

61. Judicial notice shall be taken of every notification or proclamation published in the *Gazette* under this Act.

Evidentiary provision.

62. (1) All fines and penalties for any offence against this Act which are recovered on the complaint of any inspector or officer of a council shall be paid to that council. All other fines and penalties shall be paid into the General Revenue of the State.

Appropriation of penalties.

(2) The Governor may remit the whole or any part of any fine although the same may be appropriated to any council.

63. When any weight, measure, weighing instrument or measuring instrument is found in the possession of any person carrying on trade or on the premises of any person which whether a building or in the open air, whether open or closed are used for trade such person shall be deemed for the purposes of this Act, until the contrary is proved, to have such weight, measure, weighing instrument or measuring instrument in his possession for use for trade.

Evidence as to possession.

64. (1)—

Forfeiture.

(a) Any weights, measures, weighing instruments or measuring instruments or goods in connection with which any offence against this Act or regulations is committed may on conviction of any person guilty of the offence be forfeited by order of the court:

(b) Such forfeiture may extend to the whole of any similar goods in similar packages found on the defendant's premises or in his possession at the time the offence was committed:

(c) If the court does not convict any such person all such weights, measures, weighing instruments, measuring instruments and goods shall be returned to the owner thereof.

(2) Any council or (as the case requires) the Warden of Standards may without instituting any prosecution apply

to a court for the forfeiture of any weights, measures, weighing instrument or measuring instruments or goods seized and detained under this Act, and the court in its discretion may make such an order ; but if the court declines to make such an order the council or (as the case requires) the Warden of Standards shall return them to the owner thereof immediately.

(3) Where any weights, measures, weighing instruments measuring instruments or goods have been seized and detained under this Act and at the expiration of two months from such seizure—

(a) no prosecution has been instituted in relation thereto ;  
and

(b) no application has been made for an order under the last preceding subsection,

the council or (as the case requires) the Warden of Standards shall return them to the owner thereof.

Provision as to  
forfeited  
weights, etc.

**65.** All weights, measures, weighing instruments or measuring instruments and goods forfeited under this Act shall become the property of the council or (when the prosecution was instituted by the Warden of Standards or the Crown) of the Crown and (save where other provision is made by or under this Act) may be disposed of as the council or (as the case requires) the Minister thinks fit.

Recovery of  
fees, etc.

**66.** Any amount of fees, charges or expenses payable under this Act and not paid shall be recoverable by the council or (as the case requires) the Minister by action as for a debt in any court of competent jurisdiction.

Offences.

**67.** Any person who—

(a) hinders or obstructs an inspector in the execution of his duty ;

(b) does not when requested by an inspector produce all weights, measures, weighing instruments or measuring instruments in his possession for examination or testing ;

(c) refuses on request to state his name and address to an inspector or states to an inspector a false name or address ;

(d) uses abusive language to or directly or indirectly threatens an inspector ;

- (e) assaults an inspector while executing his duties under this Act ;
- (f) impersonates an inspector ;
- or
- (g) falsely pretends to be engaged in or associated with the administration of this Act,

shall be guilty of an offence against this Act.

68. The Governor may from time to time make regulations Regulations. providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act and without limiting the generality of the foregoing provisions of this section, regulations may be made for or in respect of all or any of the following purposes, matters and things :—

(1) The supply, custody, care and verification of Primary, Secondary and Tertiary Standards and Inspectors' Standards ; the certifying of such verification ; and the fees chargeable for such verification.

(2) Prescribing conditions relating to the duties, responsibilities, qualifications, appointment and dismissal of inspectors and the provision of identification certificates.

(3) Prescribing conditions under which weights, measures, weighing instruments or measuring instruments may be repaired or adjusted ; and providing for the qualifications, registration, supervision and control of repairers and adjusters of weights, measures, weighing instruments or measuring instruments, including the prohibition of the use of the designation of repairer and adjuster of such weights, measures, weighing instruments or measuring instruments or any like designation by persons not so registered.

(4) The fixing of times and places for the submitting for verification and the testing verifying and stamping of weights, measures, weighing instruments or measuring instruments.

(5) Regulating and controlling the inspecting, examining, testing, verification, reverification, comparison and stamping of weights, measures, weighing instruments or measuring instruments for the purposes of this Act and without limiting the generality thereof prescribing any method or methods by which or the manner in and the

means by which and the persons by whom all or any of those things shall or shall not be done, prescribing stamps including certifying stamps and rejection stamps for the purposes of this Act, prescribing the circumstances and conditions under which and the manner in which and the persons by whom stamps may be obliterated or defaced.

(6) Prescribing fees chargeable for testing verifying adjusting or stamping weights, measures, weighing instruments or measuring instruments.

(7) The payment of the fees prescribed for the testing verifying adjusting or stamping of weights, measures, weighing instruments or measuring instruments.

(8) The shape, dimensions and proportions to be required in weights, measures, weighing instruments and measuring instruments and the materials of which they shall be made.

(9) Prescribing what weights, measures, weighing instruments or measuring instruments shall or shall not be admitted to verification and the tests to be applied to ascertain their accuracy and efficiency.

(10) Prescribing the amount of error which may be tolerated in weights, measures, weighing instruments or measuring instruments.

(11) Prescribing instruments for testing and verifying weights, measures, weighing instruments and measuring instruments.

(12) Limiting the purposes or trades for or in which prescribed weights, measures, weighing instruments or measuring instruments may lawfully be used, and prescribing the classes of weights, measures, weighing instruments and measuring instruments to be used in prescribed trades.

(13) Prescribing the method of use and limiting or regulating the use in trade of prescribed weights, measures, weighing instruments or measuring instruments.

(14) The marking on weights and measures of their several denominations and on weighing instruments and measuring instruments of their capacities and other markings; and the obliteration of stamps in weights, measures, weighing instruments and measuring instruments found to be incorrect or not in accordance with the regulations.



(15) Prescribing the denominations of weights and measures permissible for use in trade.

(16) Providing the classes of weights to be used in connection with prescribed weighing instruments.

(17) The registration of public weighbridges by the owners thereof; and the registration of weighmen.

(18) The conditions to be observed in the giving and taking of weight tickets; and the procedure to be followed in the weighing of goods.

(19) The taking of tare weights of any vehicle used for the conveyance of goods sold or carried by weight; the issue and production of tickets showing such weight or the weight of the loading on such vehicle or the weight of the loading and the vehicle; providing for such weighing on demand by a purchaser or an inspector and for preventing frauds in connection with goods conveyed on vehicles and sold or carried by weight.

(20) Prohibiting the sale of prescribed goods by measure of capacity and prescribing the method by which prescribed classes of goods shall be sold.

(21) Providing that where goods in packages are sold, offered or exposed or had in possession for sale, the net weight of the goods in the packages shall, in the circumstances prescribed by regulation, be one or other of the weights prescribed by regulation.

(22) Regulating and controlling the marking upon articles or packages or labels affixed to articles or packages—

(a) of the net weight, measure or number of the article or contents of the package;

(b) of any matter stating or representing by implication that the article or package and its contents is for sale at a price lower than the ordinary and customary sale price or, in the case of a package, that a sale price advantage is accorded to purchasers thereof by reason of the size of the package or the quantity of its contents;

and

(c) prescribing the means or method or means and method of any such marking.

(23) Regulating and controlling the size of packages by reference to the volumes respectively of the package and of its contents and, where the package containing any article is packed in an outer package or container, regulating and controlling the size of the outer package or container by reference to the volumes respectively of the outer package or container and of the article.

(24) Providing for the supervision of the administration of this Act by councils.

(25) Providing for exemptions in pursuance of this Act.

(26) For imposing penalties not exceeding one hundred dollars for any breach of any regulation.

(27) Generally for other matters for carrying out the provisions of this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

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## THE SCHEDULES.

## FIRST SCHEDULE.

Section 2.

## ACTS REPEALED.

Weights and Measures Act, 1934.  
Weights and Measures Act Amendment Act, 1938.  
Weights and Measures Act Amendment Act, 1939.  
Weights and Measures Act Amendment Act, 1940.  
Weights and Measures Act Amendment Act, 1941.  
Weights and Measures Act Amendment Act, 1944.  
Weights and Measures Act Amendment Act, 1953.  
Weights and Measures Act Amendment Act, 1958.  
Weights and Measures Act Amendment Act, 1962.  
Weights and Measures Act Amendment Act, 1964.  
Weights and Measures Act Amendment Act, 1966.  
So much of the Statute Law Revision Act, 1952 as relates to the Weights and Measures Act, 1934-1944.  
So much of the Decimal Currency Act, 1965, as relates to the Weights and Measures Act, 1934-1964.

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## SECOND SCHEDULE.

## Section 7.

*Part I.—Provisions Concerning Secondary and Tertiary State Standards.*

Denomination of Standard.		Maximum range within which values of the Standard as determined on verification or reverification may be expected to lie.	
First Column.		Second Column.	Third Column.
Standards in the Form of Rigid Bars (Scales).		Secondary State Standard.	Tertiary State Standard.
Denominations not exceeding 1yd. but exceeding 1ft. .		±0.0005 in.	—
Denominations not exceeding 1ft. but exceeding 1in. .		±0.0003in.	—
Denominations not exceeding 1in. . . . .		±0.0002in.	—
Denominations not exceeding 1m. but exceeding 30cm.		±0.012 mm.	—
Denominations not exceeding 30cm. but exceeding 25mm. . . . .		±0.0075 mm.	—
Denominations not exceeding 25mm. . . . .		±0.005mm.	—
Standards in the form of Flexible Tapes.		Parts per hundred thousand of the nominal value.	
Denominations exceeding 33ft.	Denominations exceeding 10m.	±2	—
Denominations not exceeding 33ft. but exceeding 10ft.	Denominations not exceeding 10m. but exceeding 3m.	±5	—
Denominations not exceeding 10ft.	Denominations not exceeding 3m.	±2	—
Metric Denominations.		Secondary State Standard.	Tertiary State Standard.
		Parts per million of the nominal value.	
Denominations exceeding 5kg. . . . .		±3	—
Denominations not exceeding 5kg. but not less than 1kg.		±3	±6
Denominations less than 1kg. but not less than 100g.		±3	±10
Denominations less than 100g. but not less than 10g. .		±5	±20
		Milligrammes.	
Denominations less than 10g. but not less than 1g. . .		±0.05	±0.2
Denominations less than 1g. but not less than 100mg.		±0.03	±0.1
Denominations less than 100mg. but not less than 10mg.		±0.02	±0.04
Denominations less than 10mg. . . . .		±0.02	—

## Part I.—Provisions Concerning Secondary and Tertiary State Standards—continued.

Denomination of Standard.			Maximum range within which values of the Standard as determined on verification or reverification may be expected to lie.	
First Column.			Second Column.	Third Column.
Systems in terms of which denominations are expressed.			Secondary State Standard.	Tertiary State Standard.
Avoirdupois.	Troy.	Grain.	Parts per million of the nominal value.	
Exceeding 14 lb.	Exceeding 100oz. tr.	—	±3	—
Not exceeding 14 lb. but not less than 2 lb.	Not exceeding 100oz. tr. but not less than 20oz. tr.	—	±3	±6
Less than 2 lb. but not less than 2oz.	Less than 20oz. tr. but not less than 2oz. tr.	Not exceeding 10,000gr. but not less than 1,000gr.	±3	±10
Less than 2oz. but not less than 4dr.	Less than 2oz. tr. but not less than 0.2oz. tr.	Less than 1,000 gr. but not less than 100gr.	±5	±20
			Grains.	
Less than 4dr.	Less than 0.2oz. tr. but not less than 0.02oz. tr.	Less than 100gr. but not less than 10gr.	±0.0005	±0.002
—	Less than 0.02 oz. tr. but not less than 0.002 oz. tr.	Less than 10gr. but not less than 1gr.	±0.0003	±0.001
—	—	Less than 1gr. but not less than 0.1gr.	±0.0002	±0.0004
—	Less than 0.002 oz. tr.	Less than 0.1gr.	±0.0002	—

*Part I.—Provisions Concerning Secondary and Tertiary State Standards—continued.*

Denomination of Standard.	Maximum range within which values of the Standard as determined on verification or reverification may be expected to lie.	
First Column.	Second Column.	Third Column.
<i>Denominations expressed in metric units.</i>	Secondary State Standard.	Tertiary State Standard.
Denominations exceeding 1,000 c.c. ....	±1 ten-thousandth of the nominal value	±2.5 ten-thousandths of the nominal value
Denominations not exceeding 1,000 c.c. but exceeding 50 c.c.	±1 ten-thousandth of the nominal value	±5 ten-thousandths of the nominal value
Denominations not exceeding 50 c.c. but exceeding 20 c.c.	±0.005 c.c.	±5 ten-thousandths of the nominal value
Denominations not exceeding 20 c.c. ....	±0.005 c.c.	±0.01 c.c.
<i>Denominations expressed in gallons, quarts, pints or gills.</i>		
Denominations exceeding 1qt. ....	±1 ten-thousandth of the nominal value	±2.5 ten-thousandths of the nominal value
Denominations not exceeding 1qt. but exceeding 2 fl. oz.	±1 ten-thousandth of the nominal value	±5 ten-thousandths of the nominal value
Denominations not exceeding 2 fl. oz. but exceeding 2 fl. drachms	±0.1 min.	±1 thousandth of the nominal value
Denominations not exceeding 2 fl. drachms ....	±0.1 min.	±0.15 min.

## Part I.—Provisions Concerning Secondary and Tertiary State Standards—continued.

Denomination of Standard.	Maximum range within which values of the Standard as determined on verification or reverification may be expected to lie.	
First Column.	Second Column.	Third Column.
Metric Carat Denominations.	Secondary State Standard.	Tertiary State Standard.
	Parts per million of the nominal value.	
Denominations less than 5,000 cm. but not less than 500 cm.	±3	—
Denominations less than 500 cm. but not less than 50 cm.	±5	—
	Milligrammes.	
Denominations less than 50 cm. but not less than 5 cm.	±0.05 (±0.00025 cm.)	—
Denominations less than 5 cm. but not less than 0.5 cm.	±0.02 (±0.0001 cm.)	—
Denominations less than 0.5 cm. but not less than 0.05 cm.	±0.01 (±0.00005 cm.)	—

*Part II.—Provisions concerning Inspector's Standards.*

Denomination of Standard.	Maximum permissible variation of Inspector's Standard from denomination on verification or reverification.
First Column.	Second Column.
Denominations expressed in metric units.	Maximum variation in millimeters.
Denominations exceeding 1 m. ....	One-tenth of the denomination in metres
Denominations not exceeding 1 m. but exceeding 1 mm. ....	One-tenth of the cube root of the denomination in metres
Denominations not exceeding 1 mm. ....	0.01
Denominations expressed in chains, links, fathoms, yards, feet or inches.	Maximum variation in inches.
Denominations exceeding 1yd. ....	Four-thousandths of the denomination in yards
Denominations not exceeding 1yd. but exceeding 0.05in. ....	One-thousandth of the cube root of the denomination in inches
Denominations not exceeding 0.05in. ....	0.0004
Denominations expressed in metric units.	Maximum variation in milligrammes.
Denominations exceeding 10 kg. ....	Eight times the denomination in kilogrammes
Denominations not exceeding 10 kg. but exceeding 1 mg. ....	Eight-tenths of the square root of the denomination in grammes
Denominations not exceeding 1 mg. ....	0.025
Denominations expressed in tons, short tons, hundredweights, centals, quarters, stones, pounds, ounces or drams.	Maximum variation in grains
Denominations exceeding 50 lb. ....	Six-hundredths of the denomination in pounds
Denominations not exceeding 50 lb. but exceeding 3 dr. ....	Four-tenths of the square root of the denominations in pounds.
Denominations not exceeding 3 dr. ....	0.05
Denominations expressed in grains.	Maximum variation in grains.
Denominations exceeding 0.01 gr. ....	Three-thousandths of the square root of the denomination in grains
Denominations not exceeding 0.01 gr. ....	0.0003



*Part II.—Provisions concerning Inspector's Standards—continued.*

Denomination of Standard. Denominations expressed in troy ounces, pennyweights, Apothecaries ounces, drachms or scruples.	Maximum permissible variation of Inspector's Standard from denomination on verification or reverification.  Maximum variation in grains.
First Column.	Second Column.
Denominations exceeding 300 oz. tr. . . . . Denominations not exceeding 300 oz. tr. but exceeding 0.01 gr. Denominations not exceeding 0.01 gr. . . . .	Four-thousandths of the denomination in troy ounces Three-thousandths of the square root of the denomination in grains 0.0003
Denominations expressed in metric units.	Maximum variation in cubic centimetres.
Denominations exceeding 0.05 cub. m. . . . . Denominations not exceeding 0.05 cub. m. but exceeding 0.5 c.c. Denominations not exceeding 0.5 c.c. . . . .	Six hundred times the denomination in cubic metres Two-hundredths of the cube root of the square of the denomination in cubic centimetres 0.01
Denominations expressed in quarts, pints or gills.	Maximum variation in minims.
Denominations exceeding 10 gall. . . . . Denominations not exceeding 10 gall. . . . .	Fifty times the denomination in gallons One hundred times the cube root of the square of the denomination in gallons
Denominations expressed in fluid ounces, fluid drachms or minims.	Maximum variation in minims.
Denominations exceeding 20 min. . . . . Denominations not exceeding 20 min. . . . .	Twice the cube root of the square of the denomination in fluid ounces 0.2

## Section 51.

## THIRD SCHEDULE.

*Weights for Bushel.*

Article.	Weight.
Amber Cane .....	60 lb.
Barley .....	50 lb.
Beans .....	60 lb.
Beans (fresh) .....	20 lb.
Bran .....	20 lb.
Broom corn .....	50 lb.
Buckwheat .....	50 lb.
Clover, red or white .....	20 lb.
Grasses—Couch, cocksfoot, paspalum, rib, rye .....	20 lb.
Hungarian millet .....	60 lb.
Imphee .....	60 lb.
Lucerne .....	20 lb.
Maize .....	56 lb.
Oats .....	40 lb.
Planter's friend .....	60 lb.
Peas .....	60 lb.
Peas (in Pod) .....	28 lb.
Pollard .....	20 lb.
Rye corn .....	60 lb.
Sorghum .....	60 lb.
Tares or vetches .....	60 lb.
Wheat (seed) .....	60 lb.