

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 9 December 1976

Words struck out by the Committee are shown in italics within bold round brackets; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr Gordon

WEIGHTS AND MEASURES AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Weights and Measures Act 1925

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 as follows:

1. **Short Title**—This Act may be cited as the Weights and Measures Amendment Act 1976, and shall be read together with and deemed part of the Weights and Measures Act 1925* (hereinafter referred to as the principal Act).
- 10 2. **Interpretation**—Section 2 of the principal Act is hereby amended by inserting, after the definition of the term “measuring instrument”, the following definition:
- 15 “Metric system” means the International System of Units described for the time being in New Zealand Standard 6501: The International System (SI) Units and their application.”

*1957 Reprint, Vol. 16, p. 631

Amendments: 1968, No. 118; 1969, No. 115; 1971, No. 139; 1972, No. 115

3. Regulations making weights and measures of the metric system obligatory in trade—(1) Notwithstanding anything in the principal Act, the Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

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- (a) Prohibiting the verification or reverification or both, under the principal Act, of any weights and measures (other than weights and measures of the metric system) or of weighing or measuring instruments (other than weighing and measuring instruments calibrated in units of the metric system): 10
- (b) Prohibiting the use in trade or in any trade specified in the regulations of any weights and measures (other than weights and measures of the metric system) or of any weighing or measuring instruments (other than weighing and measuring instruments calibrated in units of the metric system): 15
- (c) Prohibiting the packing for sale by retail, or the selling by retail, of goods, or of any goods or class of goods specified in the regulations, by weight or measure other than a weight or measure which is a unit of the metric system: 20
- (d) Exempting, conditionally or unconditionally, or providing for the exemption of, conditionally or unconditionally, any persons or class of persons, or excepting, or providing for the exception of, any goods or classes of goods or any weighing or measuring instrument or class of weighing or measuring instrument, from any provision of any regulation made under this section which imposes any prohibition or obligation: 25
- (e) Amending or revoking regulations made under section 39 of the principal Act: 30
- (f) Prescribing offences in respect of the contravention of or non-compliance with any regulations made under this section, and the amounts of the fines that may be imposed in respect of any such offences, which fines shall be an amount not exceeding \$500: 35
- (g) Generally for the purpose of assisting an orderly and progressive changeover to the metric system with a view to ensuring that at the end of that changeover only weights and measures of the metric system and only weighing and measuring instruments calibrated in metric units are lawful for use in trade. 40

(2) Any regulations made under paragraph (a) of sub-section (1) of this section may be expressed to apply—

- 5 (a) To weights and measures generally; or
- (b) To weighing and measuring instruments generally; or
- (c) To both weights and measures and weighing and measuring instruments generally; or
- (d) To any particular class of weights or measures or of weighing or measuring instruments; or
- 10 (e) To weights and measures or weighing and measuring instruments, or to any particular class of weights or measures or of weighing or measuring instruments, used for the purposes of any trade specified in the regulations.

(3) Regulations made under this section shall not render 15 unlawful or prevent—

- (a) The sale after the date of the commencement of any such regulations of any goods packed for sale by retail before that date; or
- 20 (b) The doing of any act for the purposes of any contract, bargain, sale, or dealing in connection with the export of goods to a country where a system of weights or measures other than the metric system is used; or
- (c) The sale of any secondhand goods.

25 (4) An inspector may seize—

- (a) Any weight or measure or any weighing or measuring instrument which is used in contravention of any regulations made under this section:
- 30 (b) Any goods that are packed or sold in contravention of any regulations made under this section or any goods that are held, advertised, displayed, or exposed, for sale by retail, at a time when their sale by retail is prohibited by regulations made under this section.

35 **4. Offences**—(1) Every person commits an offence against the principal Act and shall be liable on summary conviction to a fine not exceeding \$500 who in the course of, or for the purposes of, any retail trade or business, uses, whether on any package or price ticket or in any price list or advertisement or otherwise howsoever, any denomination of weight or 40 measure (other than one or more of the weights and measures of the metric system) in advertising, displaying, or exposing, for sale by retail, any goods or class of goods in respect of which any regulations made under section 45 3 (1) (c) of this Act are in force.

(2) It shall be a defence to a charge under subsection (1) of this section if the person charged proves—

- (a) That he was authorised, by virtue of an exemption or exception granted by or pursuant to regulations made under ~~(section 2)~~ section 3 of this Act, to sell, by retail and by units of weight and measure other than units of the metric system, the goods to which the charge relates; or
- (b) That, in the case of a charge relating to pre-packed goods, those goods were packed before the date of the commencement of the relevant regulations under section 3 (1) (c) of this Act; or

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- (c) That the goods to which the charge relates were secondhand goods; or
- (d) That, in the case of a charge relating to the publication of an advertisement,—
- (i) He is a person whose business it is to publish advertisements; and
- (ii) He received the advertisement for publication in the ordinary course of business; and
- (iii) He did not know and had no reason to suspect that its publication would constitute an offence against subsection (1) of this section.

5. Consequential amendments to the principal Act—

(1) Section 4 (2) of the principal Act is hereby amended by inserting, after the words “this section”, the words “or section 3 (4) of the Weights and Measures Amendment Act 1976”.

(2) Section 5 of the principal Act is hereby amended by adding, after subsection (3) (as added by section 17 (1) of the Scientific and Industrial Research Act 1974), the following subsection:

“(4) Nothing in this section shall restrict section 3 of the Weights and Measures Amendment Act 1976 or any regulations made pursuant to that section.”

(3) Section 6 of the principal Act is hereby amended by adding the following subsection:

“(3) Nothing in this section shall restrict section 3 of the Weights and Measures Amendment Act 1976 or any regulations made pursuant to that section.”