

[AS REPORTED FROM THE COMMERCE AND MARKETING
COMMITTEE]

House of Representatives, 4 December 1986.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon. Stan Rodger

WEIGHTS AND MEASURES

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A BILL INTITULED

An Act to consolidate and amend the law relating to weights and measures

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

1. Short Title and commencement—(1) This Act may be cited as the Weights and Measures Act 1986.

Struck Out

(2) This Act shall come into force on the 1st day of April 1987. 10

New

(2) Subject to **sections 17 (2) and 17A (4)** of this Act, this Act shall come into force on the 1st day of April 1987.

2. Interpretation—In this Act, unless the context otherwise requires,— 15

“Automatic volumetric liquid dispensing machine” means an instrument in which self-acting machinery automatically dispenses liquids in measured quantities but which instrument is not itself a calibrated measure or calibrated measuring instrument: 20

“Automatic weighing machine” means a weighing instrument in which self-acting machinery

automatically loads the goods to be weighed and which automatically weighs those goods:

5 “Chief Inspector” means the Chief Inspector of Weights and Measures appointed pursuant to **section 25** of this Act:

“Departmental standards” means the standards of weights and measures provided pursuant to **section 5** of this Act:

10 “Deputy Chief Inspector” means the Deputy Chief Inspector of Weights and Measures appointed pursuant to **section 25** of this Act:

“District standards” means the standards of weights and measures provided pursuant to **section 6** of this Act:

15 “Goods” means all kinds of movable personal property, including animals:

“Inspector” means an Inspector of Weights and Measures appointed pursuant to **section 26** of this Act; and includes the Chief Inspector and the Deputy Chief Inspector:

20 “Inspectors’ working standards” means the standards of weights and measures provided pursuant to **section 7** of this Act:

25 “Measuring instrument” means any instrument or machine used for measuring any article, thing, liquid, or substance:

“Metric system” means the international system of units which uses as its base units of weight, length, area, and volume the units described in the **First Schedule** to this Act:

30 “Minister” means the Minister of Labour:

“Package” includes anything in or by which goods are cased, covered, contained, or packed:

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

“Sale by retail” does not include a sale of goods to any person who is a dealer in goods of that kind and who buys those goods to sell again:

40 “Trainee Inspector” means a Trainee Inspector of Weights and Measures appointed pursuant to **section 26** of this Act:

“Use for trade”, in relation to any weight, measure, or weighing or measuring instrument,—

(a) Means the use of any weight, measure, or weighing or measuring instrument in connection with, or with a view to, a transaction for—

- (i) The transferring or rendering of money or money's worth in consideration of money or money's worth; or 5
- (ii) The making of a payment in respect of any toll or duty—

where—

- (iii) The transaction is by reference to quantity or is a transaction for the purposes of which there is made or implied a statement of the quantity of goods to which the transaction relates; and 10

- (iv) The use is for the purpose of the determination or statement of that quantity; but 15

(b) Does not include such use of any weight, measure, or weighing or measuring instrument where the determination or statement of quantity referred to in **paragraph (a) (iv)** of this definition is a determination or statement of the quantity of goods required for despatch to a destination outside New Zealand— 20

and "have in possession for use for trade" has a corresponding meaning: 25

"Weighing instrument" means any instrument or machine used for weighing any article, thing, liquid, or substance; and includes weights used in connection with it: 30

"Weight or measure of the metric system" means a unit of weight, length, area, or volume described in the **First Schedule** to this Act; and includes any weight or measure derived from any such unit.

Cf. 1925, No. 26, s. 2; 1976, No. 162, s. 2 35

3. Act to bind the Crown—This Act binds the Crown.

PART I

SYSTEM OF WEIGHTS AND MEASURES AND STANDARDS

Metric System to be Used for Trade in New Zealand

4. Metric standards of weights and measures— 40

- (1) Weights and measures of the metric system shall, except as

expressly provided in this Act, be the only weights and measures used for trade in New Zealand.

(2) For the purposes of this Act the kilogram and the metre shall be the source from which all weights and measures are derived.

Cf. 1925, No. 26, s. 5

Standards of Weights and Measures

5. Departmental standards—(1) The Minister shall provide such standards of the weights and measures specified in the **Second** Schedule to this Act as are required by the Chief Inspector for the purposes of this Act.

(2) Such standards shall be known as the departmental standards, and shall be maintained in the custody of the Chief Inspector.

(3) The departmental standards shall be verified from time to time, at such intervals, not exceeding 5 years, as the Chief Inspector determines, by the Department of Scientific and Industrial Research by reference to the New Zealand standards for the metre and the kilogram maintained pursuant to the Scientific and Industrial Research Act 1974.

Cf. 1925, No. 26, s. 10

6. District standards—(1) The Chief Inspector shall provide, for the purposes of this Act, copies of the departmental standards to be known as district standards, which shall be maintained in each district in the custody of an Inspector of Weights and Measures nominated by the Chief Inspector.

(2) District standards shall be verified from time to time by comparison with the departmental standards at intervals of not more than **(10) 5** years.

(3) Unless it is impracticable to do so, every district standard shall be marked with an impression of—

(a) A Crown and the letters “ER” and “NZ”, which impressions shall be in close proximity to one another; and

(b) Figures indicating the unit of that weight or measure and the numerical value of that unit.

7. Inspectors’ working standards—(1) The Chief Inspector shall provide, for the purposes of this Act, copies of the district standards to be known as Inspectors’ working standards, which shall be issued to Inspectors and shall be—

- (a) Maintained in the custody and control of the Inspectors to whom they are issued; and
- (b) Used by them for the purposes of this Act.
- (2) Inspectors' working standards shall be verified from time to time by comparison with the district standards at intervals not exceeding 12 months. 5
- (3) Unless it is impracticable to do so, every Inspectors' working standard shall be marked with an impression of either—
- (a) A Crown and the letters "ER" and "NZ", together with figures indicating the unit of the weight or measure and the numerical value of that unit, which impressions shall be in close proximity to one another; or 10
- (b) A Crown and the letters "SW" (signifying standard weight), in the case of any weight, and the letters "SM" (signifying standard measure), in the case of any measure, together with figures indicating the unit of the weight or measure and the numerical value of that unit, which impressions shall be in close proximity to one another. 15 20
- (4) For the purposes of this Act, the fact that any weight or measure in the possession of an Inspector is stamped in accordance with this section shall be sufficient proof that such weight or measure is an Inspectors' working standard. 25

PART II

USE OF WEIGHTS AND MEASURES FOR TRADE

- 8. Obligations to use metric system of weights and measures**—Subject to section 9 of this Act, every person commits an offence who— 30
- (a) In relation to any matter, work, goods, or other thing, makes or enters into any contract, or engages in any dealing or transaction, by reference to any weight or measure other than a weight or measure of the metric system; or 35
- (b) Uses for trade any weight or measure other than a weight or measure of the metric system; or
- (c) Uses for trade any weighing or measuring instrument other than a weighing or measuring instrument which weighs or measures only by reference to weights or measures of the metric system. 40

Cf. 1925, No. 26, ss. 14 (1), 15, 16

9. Exceptions to obligations to use metric system of weights and measures—Nothing in **section 8** of this Act applies to—

- 5 (a) Any contract, dealing, or transaction in connection with the export of goods to, or the importation of goods from, a country where a system of weights and measures other than the metric system is used; or
- 10 (b) The weighing or measuring of goods or the doing of any other act for the purposes of any contract, dealing, or transaction in connection with the export of goods to, or the importation of goods from, a country where a system of weights and measures other than the metric system is used.

Cf. 1925, No. 26, s. 14 (2)

15 **10. Obligation to use metric system in advertising goods for sale**—Subject to **section 11** of this Act, every person commits an offence who, in the course of, or for the purposes of, any trade or business, uses, whether on any package or price ticket, or in any price list or advertisement or otherwise

20 howsoever, any unit of a weight or measure other than a weight or measure of the metric system in advertising, displaying, or exposing goods for sale.

Cf. 1976, No. 162, s. 4

25 **11. Exceptions to obligation to use metric weights and measures in advertising goods for sale**—Nothing in **section 10** of this Act applies to the use by any person of any unit of a weight or measure which is not a unit of a weight or measure of the metric system on any goods displayed or exposed for sale by retail or on the package of any such goods

30 or on both if—

- (a) That unit is additional to a unit of a weight or measure of the metric system and that unit and the figures in which that unit and the numerical value of that unit are marked are no larger than those of that metric
- 35 weight or measure; and
- (b) The goods—
- (i) Have been imported into New Zealand; or
- (ii) Are part of a line of goods intended for sale by retail both in New Zealand and another country or were, when marked with the unit of a weight or
- 40 measure of a system which is not the metric system, intended for sale by retail in another country; and

- (c) In the case of the goods referred to in **paragraph (b) (ii)** of this section, those goods were required, by the law of that other country or pursuant to the terms of any contract relating to the import of those goods into that other country, to be marked with that non-metric unit. 5

Cf. 1976, No. 162, s. 4A; 1980, No. 154, s. 2

PART III

SALE OF GOODS BY WEIGHT, MEASURE, OR NUMBER

12. Obligation to sell goods by net weight or measure— 10
 (1) Subject to **subsection (2)** of this section, all goods sold or offered or exposed for sale by weight or measure by any person shall be sold or offered or exposed for sale by net weight or measure.

(2) Nothing in **subsection (1)** of this section applies to goods 15
 exempted from the provisions of this section by regulations made under **section 41** of this Act.

Cf. 1925, No. 26, s. 18 (1), (4); 1968, No. 118, s. 3

13. Obligation in respect of invoice or delivery note—
 (1) Subject to **subsection (2)** of this section, every person who 20
 delivers to any purchaser at any place other than the premises of the seller any goods sold by weight or measure shall forthwith deliver or send to the purchaser an invoice or delivery note showing the true net weight or measure of those goods. 25

(2) Nothing in **subsection (1)** of this section applies to—

(a) Bread; or

(b) Milk; or

(c) Any goods weighed or measured at the premises of the purchaser in the purchaser's presence; or 30

(d) Any goods enclosed in a package that has a statement of the net weight or measure of the goods marked thereon, or on a label attached thereto; or

(e) Goods exempted from the provisions of this section by regulations made under **section 41** of this Act. 35

Cf. 1925, No. 26, s. 18 (2), (4); 1968, No. 118, s. 3

14. Offences—(1) Every person who contravenes **section 12** or **section 13** of this Act commits an offence.

(2) It shall be a defence to a charge under this section if, where the charge relates to the contravention of **section 13** of this Act, the person charged proves that—

- 5 (a) That person was not the seller of the goods delivered to the purchaser; and
- (b) That person neither knew, nor might reasonably have been expected to know, nor had any reason to suspect, that the weight or measure stated on the invoice or delivery note was not the true weight or
10 measure of the goods.

Cf. 1925, No. 26, s. 18 (5)

15. Weighing, measuring, and counting of goods sold by retail—(1) Every person who offers or exposes for sale by retail by weight or measure or number goods which are not
15 prepacked when so offered or exposed for sale shall weigh or measure or count the goods—

- (a) At the time of sale; and
- (b) In the presence of the purchaser; and
- 20 (c) In the case of goods sold by weight or measure, by means of a suitable weighing or measuring instrument.

(2) Every person who offers or exposes for sale by retail by weight or measure or number goods which are prepackaged and weighed or measured or counted at the premises or place where they are offered or exposed for sale before they are
25 offered or exposed for sale shall, at the request of the purchaser, weigh or measure or count the goods in the presence of the purchaser and, in the case of goods sold by weight or measure, by means of a suitable weighing or measuring instrument.

30 (3) Every weighing or measuring instrument used to weigh or measure goods for the purposes of **subsection (1)** or **subsection (2)** of this section and any necessary weights or measures shall be so situated that the weighing or measuring of the goods and the recorded or indicated weight or
35 measurement of the goods can be easily seen by the purchaser.

(4) Every person who contravenes this section commits an offence.

Cf. 1925, No. 26, s. 20 (1); 1977, No. 182, s. 2

40 **16. Offence to supply short weight, measure, or number**—(1) Every person commits an offence who, in selling or purporting to sell any goods by weight or measure or number, delivers or causes to be delivered to the purchaser a

lesser quantity than that purported to be sold or than corresponds with the price charged.

(2) Every person commits an offence who sells or offers or exposes for sale by weight or measure or number, or has in that person's possession for sale by weight or measure or number, any goods enclosed in a package that has a statement of the quantity of the goods marked thereon, or on a label attached thereto, where the quantity of the goods in that package is less than that stated on the package or label. 5

New

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(2A) Where there is any deficiency between the weight or measure of any goods enclosed in a package and the weight or measure of those goods stated on that package, or on any label attached thereto, the weight or measure of those goods shall be deemed, for the purposes of subsection (2) of this section, to be equal to that stated on that package or label if— 15

(a) That deficiency is not more than—

- (i) Five percent of the weight or measure stated; or
- (ii) Where the goods are contained in a bottle the contents of which do not exceed 250 millilitres, 7.5 percent of the stated contents; and 20

(b) The aggregate weight or measure of those goods and the contents of 11 other packages (or, if there are less than 12 packages available, all other packages available, being not less than 6) containing goods of the same kind and with the same stated weight or measure, and which are selected without prior measurement, shows no deficiency. 25

(3) It shall be a defence to a charge under this section if, in the case of goods sold or offered or exposed for sale or in possession for sale by weight in a package, the person charged proves that— 30

(a) The goods belong to a class of goods which because of their hygroscopic sensitivity may vary in weight by reason of climatic influences; and 35

(b) The package bears a conspicuous label or inscription showing the words "Net weight when packed" together with such weight; and

(c) Any variation between the weight of the goods and the weight appearing on the label or inscription on the package is due to climatic influences. 40

Cf. 1925, No. 26, ss. 19 (1), 23; 1933, No. 15, s. 7

17. Offence for purchaser to state incorrect weight, measure, or number—(1) Every person commits an offence who, in the course of that person's business, purchases any goods by weight or measure or number where the weight or
5 measure or number of those goods—

(a) Is determined by that person and not by the seller of those goods for the purposes of the purchase; and

(b) Is not the true weight or measure or the correct number of those goods.

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New

(2) This section, so far as it applies in respect of the purchase by weight of carcasses or half-carcasses of meat which, at the time of purchase, are intended for export, shall come into force on the 1st day of October 1987, but shall otherwise come
15 into force on the 1st day of April 1987.

17A. Statement of true weight, etc., to be supplied to seller—(1) Where any person sells any goods by weight or measure or number, and the weight or measure or number of those goods is determined, for the purposes of that sale, by
20 someone other than the seller of those goods, the person who makes that determination shall forthwith deliver or send to the seller a written statement of the true net weight, measure, or number of those goods.

(2) Nothing in **subsection (1)** of this section applies to any
25 goods weighed, measured, or counted at the premises of the seller in the seller's presence.

(3) Every person who contravenes **subsection (1)** of this section commits an offence.

(4) This section, so far as it applies in respect of the sale by
30 weight of carcasses or half-carcasses of meat which, at the time of sale, are intended for export, shall come into force on the 1st day of October 1987, but shall otherwise come into force on the 1st day of April 1987.

PART IV

35 STAMPING, VERIFICATION, AND APPROVAL OF WEIGHTS AND MEASURES

18. Weights and measures to have contents marked—

(1) All weights used for trade shall have their weight marked on the top or side in legible figures and letters.

(2) All measures of volume used for trade shall have their unit of measurement of volume marked on the outside in legible figures and letters.

(3) The markings on all measures of length used for trade shall be clear and legible.

(4) Any weight or measure not in conformity with this section shall not be verified under this Act.

Cf. 1925, No. 26, s. 25

Struck Out

19. Weights and measures to be stamped with mark of verification—Subject to any regulations made under this Act, no person shall use for trade, or have in that person's possession for use for trade, any weight or measure or any weighing or measuring instrument which has not been stamped with a mark of verification in accordance with regulations made under this Act.

Cf. 1925, No. 26, s. 26

20. Approval of appliances—Subject to **section 22** of this Act, no weight or measure and no weighing or measuring instrument shall be stamped with a mark of verification under this Act unless it is of a type approved by the Chief Inspector in accordance with regulations made under this Act.

Struck Out

21. Offence to use or possess unstamped weight or measure—Subject to **section 22** of this Act, every person commits an offence who uses for trade, or has in that person's possession for use for trade, any weight, measure, or weighing or measuring instrument which is not stamped with a mark of verification as required by this Act.

Cf. 1925, No. 26, s. 27

New

21. Weights and measures to be stamped with mark of verification—(1) Subject to any regulations made under this Act, no person shall use for trade, or have in that person's possession for use for trade, any weight or measure or any weighing or measuring instrument which has not been stamped with a mark of verification in accordance with regulations made under this Act.

New

(2) Subject to **section 22** of this Act, every person commits an offence who uses for trade, or has in that person's possession for use for trade, any weight, measure, or weighing or measuring instrument which is not stamped with a mark of verification as required by this Act.

5

Cf. 1925, No. 26, ss. 26, 27

22. Sections 20 and 21 not to apply to automatic weighing or dispensing machines—Nothing in **section 20** and **section 21** of this Act shall apply to any automatic weighing machine or any automatic volumetric liquid dispensing machine.

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Struck Out

23. Stamp on repaired weights or measures to be destroyed—(1) Any person who mends or repairs any weight, measure, or weighing or measuring instrument shall—

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(a) Destroy any existing mark of verification stamped thereon; and

(b) Forthwith notify both the owner or operator of that weight, measure, or instrument and an Inspector that that mark has been destroyed.

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(2) Where a mark of verification stamped on any weight, measure, or weighing or measuring instrument has been obliterated pursuant to **subsection (1)** of this section, no person shall use for trade that weight, measure, or weighing or measuring instrument until it has been restamped as required by this Act.

25

(3) Every person who contravenes this section commits an offence.

New

23. Notification of repair of weights, measures, etc.—

(1) Where any person carries out any repair of any weight, measure, or weighing or measuring instrument used for trade, and that repair is likely to affect the accuracy of that weight, measure, or weighing or measuring instrument, that person shall forthwith notify an Inspector that such a repair has been carried out.

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(2) Where any notification of the repair of any weight, measure, or weighing or measuring instrument is given

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| pursuant to subsection (1) of this section, an Inspector shall, as soon as practicable, inspect that weight, measure, or weighing or measuring instrument to determine whether it complies with this Act and with any regulations made under this Act. | 5 |
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Cf. 1925, No. 26, s. 28

24. Offence to use or possess false or unjust weight or measure—(1) Subject to **subsection (2)** of this section, every person commits an offence who uses for trade, or has in that person's possession for use for trade, any weight, measure, or weighing or measuring instrument which is false or unjust, notwithstanding that it is stamped with a mark of verification as required by this Act. 10

(2) It shall be a defence to a charge under **subsection (1)** of this section if the person charged proves that that person neither knew, nor might reasonably have been expected to know, nor had any reason to suspect, that the weight, measure, or weighing or measuring instrument was false or unjust. 15

PART V

ADMINISTRATION 20

Appointment and Powers of Inspectors

25. Chief Inspector and Deputy Chief Inspector of Weights and Measures—(1) There shall from time to time be appointed under the State Services Act 1962 a Chief Inspector of Weights and Measures and a Deputy Chief Inspector of Weights and Measures. 25

(2) The Chief Inspector shall, under the general direction of the Secretary of Labour, be charged with the administration of this Act and of any regulations made under this Act.

(3) Subject to any directions of the Chief Inspector, the Deputy Chief Inspector shall have and may exercise all the powers, duties, and functions of the Chief Inspector, and the fact that the Deputy Chief Inspector exercises any such power, duty, or function shall be conclusive evidence of that person's authority to do so. 30 35

(4) The person holding office as Chief Inspector of Weights and Measures immediately before the commencement of this Act shall be deemed to have been appointed Chief Inspector under **subsection (1)** of this section.

Cf. 1925, No. 26, s. 3 40

26. Inspectors of Weights and Measures—(1) Subject to subsection (2) of this section, there shall be appointed from time to time under the State Services Act 1962 such number of persons to be Inspectors of Weights and Measures as may be necessary for the purposes of this Act.

(2) No person shall be appointed to be an Inspector unless that person has passed such examinations to test that person's knowledge of the provisions of this Act and any regulations made under this Act and the powers, duties, and functions of Inspectors as the Secretary of Labour requires.

(3) There may from time to time be appointed under the State Services Act 1962, for periods not exceeding 2 years from the date of their appointment, such number of persons to be Trainee Inspectors of Weights and Measures as may be necessary for the purposes of this Act.

(4) It shall not be necessary for any person to pass the examinations referred to in subsection (2) of this section to be appointed to be a Trainee Inspector.

(5) For the purposes of this Act, a Trainee Inspector acting under the supervision of an Inspector (other than a Trainee Inspector) is deemed to be an Inspector.

(6) Every person holding an appointment as an Inspector of Weights and Measures pursuant to the Weights and Measures Act 1925 immediately before the commencement of this Act shall be deemed to have been appointed as an Inspector under this section.

(7) There may from time to time be appointed under the State Services Act 1962 such number of persons to be technical or advisory officers as may be necessary for the purposes of this Act.

Cf. 1925, No. 26, s. 3

27. Certificates of appointment—

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(1) Every person appointed as the Chief Inspector, Deputy Chief Inspector, or as an Inspector, shall, on that person's appointment, be issued with a certificate in the prescribed form of that person's appointment pursuant to this Act.

(2) Every person appointed as a Trainee Inspector shall, on that person's appointment, be issued with a certificate in the

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prescribed form of that person's appointment pursuant to this Act.

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(1) Every Inspector, and every Trainee Inspector, shall be furnished with a certificate in the prescribed form of that person's appointment pursuant to this Act. 5

(3) Every such certificate shall contain— 10
 (a) A reference to this section; and
 (b) The full name of the appointee; and
 (c) A reference to the powers conferred on the appointee by **section 28** of this Act.

(4) Every Inspector or Trainee Inspector, as the case may be, shall produce the certificate— 15

(a) When entering any place, premises, or building, and at any other time when required to do so by the owner or occupier of the place, premises, or building, or by that person's representative, agent, or employee; or 20
 (b) As soon as practicable after stopping any vehicle, and at any other time when required to do so by the owner or driver of the vehicle.

28. Powers of Inspectors—(1) Subject to **subsections (2) and (3)** of this section, any Inspector, accompanied if that Inspector thinks fit by a member of the Police, may, for the purposes of ensuring compliance with this Act and with any regulations made under this Act, at all reasonable times,— 25

(a) Enter any place, premises, or building in which that Inspector has reasonable cause to believe—

(i) Weights, measures, or weighing or measuring instruments are used for trade; or 30

(ii) Goods are kept, displayed, or available for sale:

(b) Stop any vehicle in which that Inspector has reasonable cause to believe—

(i) Weights, measures, or weighing or measuring instruments are used for trade or are carried for use for trade; or 35

(ii) Goods are carried for delivery pursuant to or in connection with a contract of sale:

- (c) Require any person to make available for inspection by an Inspector any goods for sale in that person's possession:
- 5 (d) Require any person to make available for inspection by an Inspector any weights, measures, or weighing or measuring instruments in that person's possession for use in connection with the sale of goods:
- (e) Examine and test any weights, measures, and weighing or measuring instruments used for trade:
- 10 (f) Stamp any weight, measure, or weighing or measuring instrument used for trade with a mark of verification or a mark of obliteration:
- (g) Examine, weigh, measure, or count, or cause to be weighed, measured, or counted, any goods kept, displayed, offered, or exposed for sale:
- 15 (h) Require the production for examination by that Inspector, and take copies of, any book, record, contract, invoice, note, or other document in the possession of any person relating to—
- 20 (i) Any goods kept, displayed, offered, or exposed for sale; or
- (ii) Any weights, measures, or weighing or measuring instruments used for trade:
- (i) Require any person by whom any goods are carried for delivery pursuant to or in connection with a contract of sale to state the name and address of—
- 25 (i) That person; and
- (ii) That person's employer (if any); and
- (iii) The owner of the goods, if known.
- 30 (2) An Inspector shall not enter any dwellinghouse for the purpose of exercising any of the powers conferred under **subsection (1)** of this section except—
- (a) With the consent of the occupier of that dwellinghouse; or
- 35 (b) Pursuant to a warrant issued in accordance with **subsection (3)** of this section.
- (3) Any District Court Judge or Justice, or any Registrar (not being a constable), who, on an application in writing made on oath, is satisfied that there is reasonable ground for believing
- 40 that it is necessary for the purpose of exercising the powers conferred under **subsection (1)** of this section that an Inspector enter a dwellinghouse, may issue a warrant in the prescribed form authorising an Inspector to enter that dwellinghouse for the purpose of exercising those powers.

(4) Every warrant shall continue in force for 1 month from the date on which it was issued or until the purpose for which it was granted has been satisfied, whichever occurs first.

(5) If, in any case, it is not practicable to examine, weigh, measure, or count, or cause to be weighed, measured, or counted, any goods referred to in **subsection (1)** of this section without damaging those goods or any package or container in which those goods are kept, the Inspector may retain those goods on payment to the owner or person having custody of them of the normal selling price of those goods.

(6) An Inspector may seize and detain—

- (a) Any weight or measure that does not comply with or is used in contravention of this Act or any regulations made under this Act; or
- (b) Any weighing or measuring instrument that does not comply with or is used in contravention of this Act or any regulations made under this Act, or any part of any such instrument the removal of which makes that instrument inoperative; or
- (c) Any goods referred to in **subsection (1) (a), (b), (c), or (g)** of this section where the Inspector is satisfied on reasonable grounds that an offence against this Act or any regulations made under this Act has been committed.

Cf. 1925, No. 26, s. 4

29. Privilege against self-incrimination—Notwithstanding anything in **section 28** of this Act, no person shall be required, pursuant to any provision of that section, to produce any book, record, contract, invoice, note, or other document if the production of that book, record, contract, invoice, note, or other document would or could tend to incriminate that person, and that person shall be informed of that right before any Inspector exercises the power conferred by any provision of that section to require the production of any book, record, contract, invoice, note, or other document.

30. Inspector may inspect weights, measures, etc., not used for trade—Every Inspector may, at the request of any person, inspect any—

- (a) Weight; or
- (b) Measure; or
- (c) Weighing or measuring instrument,—not used for trade.

PART VI

OFFENCES AND PENALTIES

31. Liability of principal for acts of agents, etc.—

5 (1) Where an offence is committed against this Act or against any regulations made under this Act by any person acting as the agent or employee of another person, that other person shall, without prejudice to the liability of the first-mentioned person, be liable under this Act in the same manner and to the same extent as if that other person had personally committed
10 the offence.

(2) Notwithstanding anything in **subsection (1)** of this section, where any proceedings are brought by virtue of that subsection for any offence against this Act, it shall be a good
15 defence to the charge if the defendant proves that the offence was committed without the defendant's knowledge and that the defendant took reasonable precautions and exercised due diligence to prevent the commission of the offence.

(3) Where any body corporate is convicted of an offence against this Act or against any regulations made under this
20 Act, every director and every person concerned in the management of the body corporate shall be guilty of a like offence unless that director or that person proves that the offence was committed without that director's or that person's knowledge and that that director or that person took
25 reasonable precautions and exercised due diligence to prevent the commission of the offence.

Cf. 1925, No. 26, s. 32; 1981, No. 45, s. 29

32. Offences—Every person commits an offence who—

- 30 (a) Not being an Inspector or Trainee Inspector, pretends to be an Inspector or Trainee Inspector; or
(b) Refuses to allow any Inspector to exercise or prevents an Inspector from exercising any of that Inspector's powers under this Act; or
35 (c) Obstructs or without reasonable excuse delays any Inspector in the exercise or attempted exercise of that Inspector's powers under this Act; or
(d) Without lawful excuse fails or refuses to comply with any requirement of an Inspector under this Act; or
40 (e) Forges or counterfeits any stamp or mark used for the stamping or marking of any weight, measure, or weighing or measuring instrument under this Act; or
(f) Not being an Inspector or Trainee Inspector,—

- (i) Has in that person's possession any stamp or mark, or anything that purports to be a stamp or mark, used for the stamping or marking of weights, measures, or weighing or measuring instruments under this Act; or 5
- (ii) Makes on any weight, measure, or weighing or measuring instrument any impression purporting to be the impression of any stamp or mark used for the stamping or marking of weights, measures, or weighing or measuring instruments under this Act; or 10
- (g) Except as permitted by or under this Act, alters, defaces, or obliterates any stamp or mark lawfully impressed on any weight, measure, or weighing or measuring instrument under this Act; or 15
- (h) Alters or tampers with any stamped or marked weight, measure, or weighing or measuring instrument so as to cause it to weigh or measure falsely or unjustly; or
- (i) Uses, sells, or offers or exposes for sale any weight, measure, or weighing or measuring instrument that— 20
- (i) Contains any forged or unauthorised mark or stamp; or
- (ii) Has been altered or tampered with after it has been stamped or marked under this Act; or 25
- (j) For the purposes of use for trade, makes or sells any weight, measure, or weighing or measuring instrument that is incorrect or that does not comply with this Act or with any regulations made under this Act; or 30
- (k) Without lawful excuse increases or diminishes any stamped weight or measure, or uses, sells, or offers or exposes for sale any stamped weight or measure that has been increased or diminished; or
- (l) Inserts in any weight, measure, or weighing or measuring instrument any stamp or mark that has been removed from any other weight, measure, or weighing or measuring instrument. 35
- Cf. 1925, No. 26, s. 33 (1); 1968, No. 118, s. 2; 1981, No. 25, s. 61 (1) (a)-(c) 40

33. Penalties—Every person who commits an offence against this Act shall be liable on summary conviction,—

- (a) In the case of an offence against **section 32 (a)** of this Act, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$5,000:
- 5 (b) In the case of an offence against any of the provisions of **paragraphs (b), (c), (e), (f), (g), (h), (i), (j), (k), and (l) of section 32** of this Act, to a fine not exceeding \$5,000, and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part of a day on which the offence has continued:
- 10 (c) In every other case to a fine not exceeding \$2,000, and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day on which the offence has continued.

34. Forfeitures—(1) Where any person is convicted of an offence against this Act or any regulations made under this Act, the convicting Court may, *(as part of the conviction)* in addition to, or instead of, imposing any other sentence or making any other order, order that any weight, measure, weighing or measuring instrument, or goods in respect of which the offence was committed shall be forfeited to the Crown.

(2) Any weight, measure, weighing or measuring instrument, or goods ordered, under **subsection (1)** of this section, to be forfeited to the Crown—

- 25 (a) Shall thereupon become forfeited to the Crown accordingly; and
- (b) May be disposed of in such manner as the Chief Inspector directs.

Cf. 1983, No. 44, s. 69

30 **35. Court may order offender to make good any deficiency**—Where any person is convicted of any offence against **section 16 or section 17** of this Act, the convicting Court, in addition to, or instead of, imposing any other sentence or making any other order, may order the convicted person,—

- 35 (a) Where the offence was committed against **section 16** of this Act, to make good to the person (other than an Inspector) in respect of whom the offence was committed, either in goods or in money, the deficiency between the quantity of goods actually delivered and that purported to be sold or charged for; or
- 40 (b) Where the offence was committed against **section 17** of this Act, to make good to the person (other than an

Inspector) in respect of whom the offence was committed, the deficiency between the quantity of goods actually purchased and that which the convicted person contracted to purchase.

- 36. Proceedings in relation to offences**—(1) Proceedings for an offence against this Act— 5
- (a) Shall be taken only on the information of an Inspector; and
 - (b) May be conducted by any barrister or solicitor or Inspector, or, with the leave of a District Court Judge, by any other person. 10
- (2) In any proceedings for an offence against this Act an Inspector who lays an information in respect of any offence shall not be called on to prove that the person is an Inspector. 15
- Cf. 1925, No. 26, s. 34 (2) 15

37. Presumption as to possession of weights, measures, etc., for use for trade—Where any weight, measure, or weighing or measuring instrument is found in the possession of any person carrying on trade, or on any premises which, whether a building or in the open air, are used by any person for trade, or in or on any aircraft, ship, hovercraft, carriage, or vehicle used by any person for trade, such person shall, until the contrary is proved, be deemed for the purposes of this Act to have such weight, measure, or instrument in that person's possession for use for trade. 20

Cf. 1925, No. 26, s. 35 25

PART VII

MISCELLANEOUS PROVISIONS

- 38. Act not to apply to water, electricity, or gas**— Nothing in this Act applies to the measurement or sale of— 30
- (a) Water supplied through pipes; or
 - (b) Electricity; or
 - (c) Gas (other than liquefied petroleum gas) supplied through pipes.
- Cf. 1925, No. 26, s. 30 35

39. Restoration of articles seized—On application by way of originating application, a District Court Judge may make such order as that Judge thinks just and expedient for the restoration of any weight, measure, weighing or measuring instrument, or goods seized and detained pursuant to **section** 40

28 (6) of this Act to the person who, in the Court's opinion, is entitled to possession thereof.

Cf. 1983, No. 44, s. 65

40. Disposal of articles seized—(1) Without limiting the
5 operation of any other provision of this Act as to the disposal
of any weight, measure, weighing or measuring instrument, or
goods seized and detained pursuant to **section 28 (6)** of this Act,
any such weight, measure, weighing or measuring instrument,
10 or goods that has or have been detained for not less than 12
months may be disposed of in such manner as the Chief
Inspector may direct.

(2) Nothing in this section limits the authority of a District
Court Judge to make an order for the restoration of any such
weight, measure, weighing or measuring instrument, or any
15 such goods on application made under **section 39** of this Act.

Cf. 1983, No. 44, s. 70

41. Regulations—The Governor-General may, from time
to time, by Order in Council, make regulations for all or any of
the following purposes:

- 20 (a) Defining the duties of the Chief Inspector and other
Inspectors under this Act:
- (b) Fixing times and places for the submitting for verification
and stamping of weights, measures, and weighing or
measuring instruments, and for the periodic
25 inspection of stamped weights, measures, and
weighing or measuring instruments:
- (c) Regulating the verifying, inspection, and stamping of
weights, measures, and weighing or measuring
instruments, and prescribing the manner in which
30 and the means by which such verification, inspection,
and stamping shall be done:
- (d) Prescribing the maximum amount of error that may be
tolerated in weights, measures, and weighing or
measuring instruments:
- 35 (e) Prescribing the shapes, dimensions, and proportions to
be adhered to in weights, measures, and weighing or
measuring instruments, and the materials of which
they shall be made:
- 40 (f) Exempting or providing for the exemption of weights,
measures, and weighing or measuring instruments
from the requirements of this Act with regard to
stamping with marks of verification:

- (g) Providing for the approval by the Chief Inspector of the types of weights, measures, and weighing or measuring instruments which may be stamped with marks of verification under this Act; for the specifying by the Chief Inspector of conditions subject to which such weights, measures, and instruments may be approved, and for the variation or withdrawal of any such approval: 5
- (h) Limiting the purposes for which certain weights, measures, and weighing or measuring instruments may lawfully be used: 10
- (i) Prescribing the accuracy class of certain weights, measures, and weighing or measuring instruments to be used for trade:
- (j) Prohibiting the use of any particular kind or kinds of weights, measures, or weighing or measuring instruments, either wholly or except in compliance with the conditions set by the Chief Inspector or set out in the regulations: 15
- (k) Prescribing the manner in which weights and measures shall be marked with their units of weight or measurement, and the numerical value of that unit, and weighing or measuring instruments with their capacities and other markings: 20
- (l) Regulating the obliteration of stamps on weights, measures, and weighing or measuring instruments found to be incorrect or not in accordance with this Act or regulations made under this Act: 25
- (m) Prescribing the classes of weights to be used on certain kinds of weighing instruments: 30
- (n) Providing for the periodic inspection of public weighing instruments, and generally providing for their supervision and control:
- (o) Regulating 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 by an Inspector, and for preventing frauds in connection with goods conveyed on vehicles and sold or carried by weight: 35
- (p) Regulating the use of liquid measuring instruments and the form and content of tickets showing the volume of any substance that has passed through any such instrument: 40
- 45

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- 5 (q) Regulating the recording of the weight of any goods at the time those goods are weighed and requiring persons or classes of persons to provide particulars of such weights and prescribing the person or classes of persons to whom such particulars are to be given:

New

- 10 (q) Regulating the recording of the weight of any goods at the time those goods are weighed:
- 15 (r) Prohibiting the sale or keeping for sale of any class or description of bread, except at the weights specified in and determined in accordance with the regulations, and determining for the purposes of regulations made under this paragraph what is to be treated as selling or keeping for sale:
- 20 (s) With respect to the sale of milk, cream, and oil in bottles and other containers, prescribing—
- (i) The size and capacity of such containers:
- (ii) The markings to be made on such containers to indicate their capacity and ownership and otherwise to identify them for any purpose, and how such markings shall be made:
- 25 (iii) The means and manner of testing the capacity of such containers, including the testing by sample of any glass bottles manufactured in batches:
- (t) Prescribing the method of marking on goods their weight or measure:
- (u) Prescribing goods or classes of goods to be sold by weight or volume or length and regulating the sale of such goods:
- 30 (v) Exempting any goods or class of goods from the provisions of **section 12 or section 13** of this Act:
- (w) Prescribing forms of certificates and registers, and such other forms as may be required for the purposes of this Act:
- 35 (x) Prescribing offences in respect of the contravention of or non-compliance with any regulations made under this Act, and prescribing the amounts of the fines that may be imposed in respect of such offences,

which fines shall be an amount not exceeding \$2,000:

- (y) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration. 5

Cf. 1925, No. 26, s. 39

42. Fees—(1) The Governor-General may, from time to time, by Order in Council, make regulations prescribing the fees to be paid in respect of the following matters:

- (a) The verification and stamping of weights, measures, and weighing or measuring instruments under this Act: 10
- (b) The periodic inspection of weights, measures, and weighing or measuring instruments to ascertain their compliance with this Act or any regulations made under this Act: 15
- (c) The inspection of weights, measures, and weighing or measuring instruments pursuant to **section 30** of this Act:
- (d) Applications for approval, by the Chief Inspector, of weights, measures, and weighing or measuring instruments pursuant to regulations made under **section 41 (g)** of this Act: 20
- (e) The testing of milk, cream, and oil bottles pursuant to regulations made under **section 41 (s)** of this Act.
- (2) Every fee imposed pursuant to **subsection (l)** of this section shall be recoverable in any Court of competent jurisdiction as a debt due to the Crown. 25

Cf. 1925, No. 26, s. 39A; 1969, No. 115, s. 2 (1)

43. Repeals, revocations, and consequential amendments—(1) The enactments specified in Part I of the **Third** Schedule to this Act are hereby repealed. 30

(2) The regulations and Orders in Council specified in Part II of the **Third** Schedule to this Act are hereby revoked.

New

(2A) The Weights and Measures (Milk Packaging) Notice 1986 (S.R. 1986/268) is hereby revoked. 35

(3) The First Schedule to the Labour Department Act 1954 (as substituted by section 2 (2) of the Labour Department Amendment Act 1979) is hereby amended by omitting the

words “The Weights and Measures Act 1925”, and substituting the words “The Weights and Measures Act 1986”.

5 (4) Section 197 of the Transport Act 1962 is hereby amended by omitting from subsection (5) (as substituted by section 24 of the Transport Amendment Act (No. 2) 1985) the words “the Weights and Measures Act 1925”, and substituting the words “the Weights and Measures Act 1986”.

(5) Section 17 of the Scientific and Industrial Research Act 1974 is hereby consequentially repealed.

10 (6) Section 201 of the Coal Mines Act 1979 is hereby amended by omitting the words “The Weights and Measures Act 1925”, and substituting the words “The Weights and Measures Act 1986”.

SCHEDULES

FIRST SCHEDULE

Section 2

WEIGHTS AND MEASURES OF THE METRIC SYSTEM

Measures of Length

| <i>Unit</i> | <i>Equivalent</i> |
|-------------|---|
| Metre (m) | The New Zealand standard of measure of the metre, and compound units derived from it, shall be the same magnitude as the standard of measurement thereof for the time being accepted by the nations adhering to the Convention of the Metre 1875. |

Derived Units

| | |
|-----------------|-------------|
| Kilometre (km) | 1000 metres |
| Decimetre (dm) | 0.1 metre |
| Centimetre (cm) | 0.01 metre |
| Millimetre (mm) | 0.001 metre |

Measures of Area

| | |
|--------------------------------|--|
| Square metre (m ²) | An area equal to that of a square each side of which measures one metre. |
|--------------------------------|--|

Derived Units

| | |
|--------------------------------------|-----------------------|
| Hectare (ha) | 10 000 square metres |
| Are (a) | 100 square metres |
| Square centimetre (cm ²) | 0.0001 square metre |
| Square millimetre (mm ²) | 0.000001 square metre |

Measures of Volume

| | |
|-------------------------------|---|
| Cubic metre (m ³) | A volume equal to that of a cube each edge of which measures one metre. |
|-------------------------------|---|

FIRST SCHEDULE—*continued*

| <i>Unit</i> | <i>Equivalent</i> |
|-------------------------------------|-----------------------|
| <i>Derived Units</i> | |
| Cubic decimetre (dm ³) | 0.001 cubic metre |
| Cubic centimetre (cm ³) | 0.001 cubic decimetre |
| Litre (ℓ) | 0.001 cubic metre |
| Hectolitre (hl) | 100 litres |
| Centilitre (cl) | 0.01 litre |
| Millilitre (ml) | 0.001 litre |
| Cord | 3.6m ³ |

Measures of Weight

Kilogram (kg) The New Zealand standard of measurement of the kilogram, and compound units derived from it, shall be the same magnitude as the standard of measurement thereof for the time being accepted by the nations adhering to the Convention of the Metre 1875.

Derived Units

| | |
|-------------------|----------------|
| Tonne (t) | 1000 kilograms |
| Gram (g) | 0.001 kilogram |
| Milligram (mg) | 0.001 gram |
| Metric carat (CM) | 0.2 gram |

Section 5

SECOND SCHEDULE

STANDARDS OF WEIGHTS AND MEASURES

Measures of Length

| | | |
|------------|-----------------|-----------------|
| 100 metres | 3 metres | 200 millimetres |
| 50 metres | 2 metres | 100 millimetres |
| 20 metres | 1 metre | 50 millimetres |
| 10 metres | 500 millimetres | 20 millimetres |
| 5 metres | 300 millimetres | 10 millimetres |

Measures of Area

Measures of or any multiple of 1 square decimetre.

Measures of Volume

Any multiple of 10 litres above 50 litres.

| | | |
|-----------|-----------------|----------------|
| 50 litres | 500 millilitres | 10 millilitres |
| 20 litres | 200 millilitres | 5 millilitres |
| 10 litres | 100 millilitres | 1 millilitre |
| 5 litres | 50 millilitres | |
| 2 litres | 25 millilitres | |
| 1 litre | 20 millilitres | |

600 millilitres, 300 millilitres, and 150 millilitres only for use for testing milk and cream bottles.

SECOND SCHEDULE—*continued*

Measures of any multiple of 1 cubic decimetre in cubic form.

Measures of Weight

| | | |
|-------------------|-------------------|----------------|
| 1000 kilograms | 500 grams | 500 milligrams |
| 500 kilograms | 200 grams | 400 milligrams |
| 200 kilograms | 100 grams | 300 milligrams |
| 100 kilograms | 50 grams | 200 milligrams |
| 50 kilograms | 20 grams | 150 milligrams |
| 20 kilograms | 15 grams | 100 milligrams |
| 10 kilograms | 10 grams | 50 milligrams |
| 5 kilograms | 5 grams | 20 milligrams |
| 2 kilograms | 4 grams | 10 milligrams |
| 1 kilogram | 3 grams | 5 milligrams |
| | 2 gram | 2 milligrams |
| | 1 gram | 1 milligram |
| | | 0.5 milligram |
| | | 0.2 milligram |
| | | 0.1 milligram |
| 500 Carats Metric | 1 Carat Metric | |
| 200 Carats Metric | 0.5 Carat Metric | |
| 100 Carats Metric | 0.25 Carat Metric | |
| 50 Carats Metric | 0.2 Carat Metric | |
| 20 Carats Metric | 0.1 Carat Metric | |
| 10 Carats Metric | 0.05 Carat Metric | |
| 5 Carats Metric | 0.02 Carat Metric | |
| 2 Carats Metric | 0.01 Carat Metric | |

Section 43

THIRD SCHEDULE

PART I

ENACTMENTS REPEALED

- 1925, No. 26—The Weights and Measures Act 1925 (R.S. Vol. 11, p. 835).
 1933, No. 15—The Weights and Measures Amendment Act 1933 (R.S. Vol. 11, p. 859).
 1950, No. 91—The Statutes Amendment Act 1950, Section 41 (R.S. Vol. 11, p. 861).
 1968, No. 118—The Weights and Measures Amendment Act 1968 (R.S. Vol. 11, p. 862).
 1969, No. 115—The Weights and Measures Amendment Act 1969 (R.S. Vol. 11, p. 863).
 1971, No. 139—The Weights and Measures Amendment Act 1971 (R.S. Vol. 11, p. 863).
 1972, No. 115—The Weights and Measures Amendment Act 1972 (R.S. Vol. 11, p. 863).
 1976, No. 162—The Weights and Measures Amendment Act 1976 (R.S. Vol. 11, p. 864).
 1977, No. 182—The Weights and Measures Amendment Act 1977 (R.S. Vol. 11, p. 869).
 1980, No. 154—The Weights and Measures Amendment Act 1980 (R.S. Vol. 11, p. 869).

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PART II

ORDERS IN COUNCIL REVOKED

| Title | Statutory Regulations Serial Number |
|---|-------------------------------------|
| The Weights and Measures Metric Equivalents Order 1972 | 1972/186 |
| The Weights and Measures Metric Equivalents Order 1972, Amendment No. 1 | 1976/259 |

New

| PART II REGULATIONS AND ORDERS IN COUNCIL REVOKED | |
|---|---|
| Title | Statutory Regulations Serial Number |
| The Weights and Measures Metric Equivalents Order 1972 | 1972/186 |
| The Weights and Measures Metric Equivalents Order 1972, Amendment No. 1 | 1976/259 |
| The Metrication (Retail Trading) Regulations 1978 | 1978/81 |
| The Metrication (Retail Trading) Regulations 1978, Amendment No. 1 | 1978/266 |
| The Metrication (Retail Trading) Regulations 1978, Amendment No. 2 | 1980/126 |
| The Metrication (Retail Trading) Regulations 1978, Amendment No. 3 | 1983/279 |
| The Metrication (Retail Trading) Regulations 1978, Amendment No. 6 | 1986/92 |
| The Metrication (Retail Trading) Regulations 1978, Amendment No. 7 | 1986/244 |