



**THE WEIGHTS AND MEASURES REGULATIONS 1987,
AMENDMENT NO. 4**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 4th day of June 1991

Present:

THE HON. D. C. MCKINNON PRESIDING IN COUNCIL

PURSUANT to the Weights and Measures Act 1987, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Weights and Measures Regulations 1987, Amendment No. 4, and shall be read together with and deemed part of the Weights and Measures Regulations 1987* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of July 1991.

2. Interpretation—(1) Regulation 2 (1) of the principal regulations is hereby amended by omitting the definition of the term “approved”, and substituting the following definition:

“‘Approved’ means approved by the Secretary.”

(2) Regulation 2 (1) of the principal regulations is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“‘Mark of verification’ means a mark of verification prescribed by regulation 12 of these regulations:

“‘Certificate of approval number’, in relation to a weight, measure, or weighing or measuring instrument, means the number given to the certificate of approval issued under regulation 4 of these regulations in respect of that type of weight, measure, or weighing or measuring instrument:

“‘Personal identifier’, in relation to a natural person whose name is specified in a letter of accreditation pursuant to section 30A (2) of the Act, means the personal identifier assigned to that person in accordance with regulation 15E (2) of these regulations.”

(3) Regulation 2 (1) of the principal regulations is hereby amended by omitting the definition of the term “stamped”, and substituting the following definition:

“‘Stamp’—

“(a) When used as a noun, means an impression of a mark of verification; and

“(b) When used as a verb, means to stamp with a mark of verification.”

*S.R. 1987/123

Amendment No. 1: S.R. 1989/187

Amendment No. 2: S.R. 1990/17

Amendment No. 3: S.R. 1991/18

3. Applications for approval—(1) Regulation 3 of the principal regulations is hereby amended by omitting the words “Chief Inspector” wherever they appear, and substituting in each case the word “Secretary”.

(2) Regulation 3 (1) (c) of the principal regulations is hereby amended by omitting the words “Part I of”.

4. Grant of approval—(1) Regulation 4 of the principal regulations is hereby amended by omitting the words “Chief Inspector” wherever they appear, and substituting in each case the word “Secretary”.

(2) Regulation 4 of the principal regulations is hereby amended by inserting, after subclause (1), the following subclause:

“(1A) Every certificate of approval issued under subclause (1) of this regulation in respect of any type of weight, measure, or weighing or measuring instrument shall be given a number that uniquely identifies that type of weight, measure, or weighing or measuring instrument.”

5. Weights, measures, etc., approved by overseas weights and measures authority—Regulation 4A of the principal regulations (as inserted by regulation 2 of the Weights and Measures Regulations 1987, Amendment No. 1) is hereby amended by revoking subclause (2), and substituting the following subclause:

“(2) Where the Secretary is satisfied—

“(a) That the type, material, and design of any weight, measure, or weighing or measuring instrument in respect of which an application is made under regulation 3 (1) of these regulations have been approved by an overseas weights and measures authority; and

“(b) That the overseas weights and measures authority, in giving that approval, acted in conformity with the International Recommendations of the International Organisation of Legal Metrology (O.I.M.L.),—

the type, material, and design of that weight, measure, or weighing or measuring instrument shall be deemed to satisfy the requirements set out in paragraphs (a) to (c) of regulation 4 (1) of these regulations, and the Secretary shall approve that type of weight, measure, or weighing or measuring instrument under regulation 4 (1) of these regulations without the need for further inquiry or testing.”

6. Withdrawal of approval—Regulation 6(1) of the principal regulations is hereby amended by omitting the words “Chief Inspector” in both places where they occur, and substituting in each case the word “Secretary”.

7. General requirements—The principal regulations are hereby amended by revoking regulation 7, and substituting the following regulation:

“7. (1) No weight, measure, or weighing or measuring instrument shall be stamped unless the Inspector or accredited person to whom it is presented for verification or inspection is satisfied that the weight, measure, or weighing or measuring instrument—

“(a) Is of such type and material as will not, in use for trade, facilitate fraud; and

“(b) Is sufficiently strong to withstand the wear and tear of its intended use in trade; and

“(c) Is complete; and

“(d) Otherwise complies with the requirements of these regulations.

“(2) No new weighing or measuring instrument shall be stamped unless—

“(a) It is provided by the manufacturer with a plug or stud or seal of soft metal or other approved material on which a mark of verification may be stamped; and

“(b) Such plug, stud, or seal—

“(i) Is of such size as will enable it to be stamped by any person authorised to do so; and

“(ii) Is so designed that any mark of verification stamped on it may be obliterated in accordance with regulation 13 of these regulations; and

“(iii) Is so designed that tampering with it would result in noticeable and irreparable damage to the plug, stud, or seal; and

“(iv) Is, either by undercutting or in some other suitable manner, made irremovable.

“(3) No new weighing or measuring instrument shall be stamped unless it has legibly and indelibly marked on it the certificate of approval number relating to that weighing or measuring instrument.”

8. Inspector may require assistance—Regulation 9 (1) of the principal regulations is hereby amended by inserting, after the word “tested”, the words “, by an Inspector.”.

9. Disturbing influences—Regulation 10 of the principal regulations is hereby amended—

(a) By inserting, after the words “an Inspector”, the words “or, as the case requires, an accredited person”;

(b) By inserting, after the words “the Inspector”, the words “or, as the case requires, the accredited person”.

10. Tested and approved weights, etc., to be stamped—The principal regulations are hereby amended by revoking regulation 11, and substituting the following regulation:

“11. Where any unstamped weight, unstamped measure, or unstamped weighing or measuring instrument has been tested by an Inspector or an accredited person and found to comply with the requirements of these regulations, that Inspector or accredited person shall, unless he or she considers it impractical to do so, stamp that weight, measure, or weighing or measuring instrument with a mark of verification.”

11. Marks of verification—The principal regulations are hereby amended by revoking regulation 12, and substituting the following regulation:

“12. (1) The mark of verification to be used by an Inspector shall consist of a Crown.

“(2) The mark of verification to be used by an Inspector may incorporate a mark identifying the Inspector who tested the weight, measure, or weighing or measuring instrument, which mark shall consist of a number and shall be in close proximity to the Crown.

“(3) The mark of verification to be used by an accredited person shall consist of the letters ‘A.P.’, together with that person’s personal identifier.”

12. Periodic inspection—The principal regulations are hereby amended by revoking regulation 14 and the heading above that regulation.

13. Fees—The principal regulations are hereby amended by revoking regulation 15.

14. All graduations to be verified—Regulation 21 of the principal regulations is hereby amended by omitting the words “, and the fee payable under these regulations for the verification of a measure of length shall be payable for each verification”.

15. New Parts (relating to accreditation and certificates of accuracy) inserted—The principal regulations are hereby amended by inserting, after Part I, the following Parts:

“PART IA

“ACCREDITATION OF PERSONS

“15B. **Interpretation**—In this Part of these regulations, unless the context otherwise requires,—

“‘Competent organisation’ means any of the following organisations:

“(a) Lloyds Register Quality Assurance Limited;

“(b) The Standards Association of New Zealand;

“(c) The Testing Laboratory Registration Council;

“(d) The Trade Measurement Unit of the Ministry of Consumer Affairs;

“(e) Any other body or organisation that satisfies the Secretary that it is competent to assess quality management systems:

“‘Quality management system’ means a system of operation for exercising or performing the powers, functions, and duties of an accredited person.

“15C. **Requirements for accreditation**—(1) The requirements that must be met by an applicant for accreditation are that the applicant—

“(a) Will at all times operate a quality management system that complies with the requirements set out in the Eighth Schedule to these regulations; and

“(b) In the case of a natural person, is not—

“(i) A bankrupt who has not obtained a final order of discharge, or whose order of discharge has been suspended for a term not yet expired, or is subject to a condition not yet fulfilled; or

“(ii) A person to whom an order made under section 111 of the Insolvency Act 1967 applies; or

“(iii) A person who is subject to a property order made under section 30 or section 31 of the Protection of Personal and Property Rights Act 1988; or

“(iv) A mentally disordered person within the meaning of the Mental Health Act 1969; or

“(v) A person who is prohibited under section 188A or section 189 or section 189A of the Companies Act 1955 from being a director of a company; or

“(vi) A person in respect of whom a composition or arrangement with that person’s creditors is in force; and

“(c) In the case of a legal person, is not—

- “(i) Insolvent; or
- “(ii) Being wound up; or
- “(iii) In liquidation; or
- “(iv) In receivership; or
- “(v) Subject to statutory management under the Corporations (Investigation and Management) Act 1989.

“(2) Every application for accreditation as an accredited person shall be accompanied by—

- “(a) A written document detailing the quality management system that will be operated by the applicant; and
- “(b) A report, prepared by a competent organisation, that contains an assessment of the ability of the applicant to implement that quality management system.

“15D. **Letters of accreditation**—Every letter of accreditation under section 30A of the Act shall be in form 4.

“15E. **Identifiers**—(1) The Secretary shall, on accrediting any person under section 30A of the Act, assign to that person an identifier, made up of any combination of characters or numbers, or both, that uniquely identifies that accredited person.

“(2) Every natural person whose name is specified in a letter of accreditation pursuant to section 30A (2) of the Act shall be assigned, by the Secretary, a personal identifier, made up of any combination of characters or numbers, or both, that—

- “(a) Identifies that person with the accredited person to which that letter of accreditation relates; and
- “(b) Distinguishes that natural person from any other natural persons specified in that letter of accreditation.

“PART 1B

“CERTIFICATES OF ACCURACY

“15F. **Issue of certificates of accuracy**—(1) Where any Inspector or any accredited person—

- “(a) Has examined and tested any weight, measure, or weighing or measuring instrument; and
- “(b) Is satisfied that the weight, measure, or weighing or measuring instrument—
 - “(i) Is of such type and material as will not, in use for trade, facilitate fraud; and
 - “(ii) Is sufficiently strong to withstand the wear and tear of its intended use in trade; and
 - “(iii) Is complete; and
 - “(iv) Otherwise complies with the requirements of these regulations; and
 - “(v) Where it is required by the Act or these regulations to be stamped, is so stamped,—

that Inspector or accredited person may issue a certificate of accuracy in respect of that weight, measure, or weighing or measuring instrument.

“(2) One certificate of accuracy may be issued in respect of a complete set of weights or measures, and in such a case the certificate of accuracy shall list separately each weight or measure that is included in the set.

“15G. **Duration of certificates of accuracy**—Every certificate of accuracy shall, unless it is sooner cancelled under regulation 15I of these

regulations, be in force for a period of 1 year beginning on the date of its issue.

“15H. Form of certificates of accuracy—(1) Subject to subclause (2) of this regulation, every certificate of accuracy shall be in the form of a label that—

“(a) Readily adheres to the equipment in respect of which it is issued; and

“(b) Is so designed that its removal results in noticeable and irreparable damage to the label; and

“(c) Is not less than 40 mm by 50 mm in size; and

“(d) When issued by an Inspector, is in form 6; and

“(e) When issued by an accredited person, is in form 7.

“(2) Where—

“(a) A certificate of accuracy is issued in respect of—

“(i) Any weight; or

“(ii) Any measure of length that is not fixed within any case or other container to which a certificate of accuracy in the form of a label might be affixed; or

“(b) It is for any reason impracticable to affix to any measure or weighing or measuring instrument a certificate of accuracy in the form of a label,—

the certificate of accuracy shall—

“(c) When issued by an Inspector, be in form 8; and

“(d) When issued by an accredited person, be in form 9.

“15I. Cancellation of certificates of accuracy—Where any Inspector finds that any weight, measure, or weighing or measuring instrument in respect of which a certificate of accuracy is in force does not comply with the requirements of these regulations, that Inspector shall, by written notice to the person in charge of that weight, measure, or weighing or measuring instrument, cancel that certificate of accuracy.”

16. Stamping of measures of volume—Regulation 29 (3) of the principal regulations is hereby amended by omitting the words “Chief Inspector”, and substituting the word “Secretary”.

17. Testing measures of volume—Regulation 30 (5) of the principal regulations is hereby amended by adding the words “or, as the case may be, an accredited person’s working standard weight”.

18. Milk and cream bottles manufactured in batches—Regulation 33 of the principal regulations is hereby amended—

(a) By inserting in subclause (2), after the word “Inspector” in both places where it occurs, the words “or, as the case may be, an accredited person”;

(b) By omitting from subclause (4) the words “as directed by an Inspector”.

19. General requirements—Regulation 41 (1) (c) of the principal regulations is hereby amended—

(a) By inserting, after the word “lead”, the words “or other approved material”;

(b) By omitting from subparagraph (ii) the words “manner approved by an Inspector”, and substituting the words “approved manner”.

20. Semi-automatic weighing instruments—Regulation 53 (4) (b) of the principal regulations is hereby amended by omitting the words “Chief Inspector”, and substituting the word “Secretary”.

21. Testing and inspection of belt weighers—Regulation 55 (2) of the principal regulations is hereby amended by inserting, after the word “Inspector” in both places where it occurs, the words “or an accredited person”.

22. Fixed liquid fuel measuring instruments—(1) Regulation 59 (2) of the principal regulations is hereby amended—

(a) By omitting from paragraph (k), and also from paragraph (n), the words “by the Chief Inspector”;

(b) By omitting from paragraph (o) (ii) the words “Chief Inspector”, and substituting the word “Secretary”.

(2) Regulation 59 (3) of the principal regulations is hereby amended by inserting, after the word “Inspector”, the words “or, as the case may be, an accredited person”.

23. Liquid fuel measuring instruments fitted on delivery vehicles—Regulation 61 of the principal regulations is hereby amended—

(a) By omitting from paragraph (d) the words “by the Chief Inspector”;

(b) By omitting from paragraph (h) the words “Chief Inspector”, and substituting the word “Secretary”.

24. Fixed oil measuring instruments—Regulation 62 of the principal regulations is hereby amended by revoking paragraph (d), and substituting the following paragraph:

“(d) Some other approved method is used.”

25. Permissible error—Regulation 63 (1) (e) of the principal regulations is hereby amended by omitting the words “Chief Inspector”, and substituting the word “Secretary”.

26. Marking of net weight or measure on goods—Regulation 67 (5) of the principal regulations is hereby amended by revoking paragraph (c), and substituting the following paragraph:

“(c) Be in the form of the following examples:

‘NET WEIGHT 1.5 kg’; or

‘NET MEASURE 1.5 L’; or

‘NET 1.5 kg’; or

‘NET 1.5 L’; or

‘1.5 L’, (which may be used for net measure but not for net weight).”

27. Inspectors’ certificates of appointment—The principal regulations are hereby amended by revoking regulation 78, and substituting the following regulation:

“78. Every certificate of appointment as an Inspector or a Trainee Inspector shall be in form 2.”

28. New regulations (relating to forms) inserted—The principal regulations are hereby amended by inserting, after regulation 79, the following regulations:

“79A. Notices of non-compliance—Every notice of non-compliance under section 23 of the Act shall be in form 5.

“79B. Infringement notices—Every infringement notice issued under section 32A of the Act shall be in form 10.”

29. New First Schedule substituted—The principal regulations are hereby amended by revoking the First Schedule (as substituted by regulation 2 of the Weights and Measures Regulations 1987, Amendment No. 3), and substituting the First Schedule set out in the First Schedule to these regulations.

30. Sixth Schedule amended—(1) The Sixth Schedule to the principal regulations is hereby amended by revoking form 2, and substituting the form 2 set out in the Second Schedule to these regulations.

(2) The Sixth Schedule to the principal regulations is hereby amended by inserting, after form 3, the forms 4, 5, 6, 7, 8, 9, and 10 set out in the Second Schedule to these regulations.

31. New Eighth Schedule inserted—The principal regulations are hereby amended by inserting, after the Seventh Schedule, the Eighth Schedule set out in the Third Schedule to these regulations.

32. Revocation—The Weights and Measures Regulations 1987, Amendment No. 3 is hereby consequentially revoked.

SCHEDULES

FIRST SCHEDULE

Reg. 29

NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS

"FIRST SCHEDULE

Reg. 3 (1) (c)

FEES

Fees for Applications for Approval of Types of Weights, Measures, and Weighing or Measuring Instruments

	\$
1. Weights, measures of volume, and measures of length, each	549.00
2. Class III or Class IIII weighing instruments not having digital indication and with a capacity of not more than 1 tonne, for each instrument	1,854.00
3. Class III or Class IIII weighing instruments having digital indication and with a capacity of not more than 1 tonne, for each instrument	3,708.00
4. Class I or II weighing instruments with a capacity of not more than 1 tonne, for each instrument	4,635.00
5. Weighing instruments with a capacity exceeding 1 tonne, for each instrument	3,708.00
6. Belt weighers, each	3,708.00
7. Length or area measuring instruments, for each instrument	1,485.00
8. Liquid measuring instruments, for each instrument	3,708.00
9. Milk delivery measures, beer delivery measures, and other bulk volume measures, for each measure	1,116.00
10. Weights, measures, and weighing or measuring instruments where the weight, measure, or instrument has been approved (in conformity with the International Recommendations of the International Organisation of Legal Metrology (O.I.M.L.)) by a weights and measures authority of a country that is a full member of the International Organisation of Legal Metrology (O.I.M.L.), each	405.00"

SECOND SCHEDULE

Reg. 30

AMENDMENTS TO SIXTH SCHEDULE

NEW FORMS 2, 4, 5, 6, 7, 8, 9, AND 10

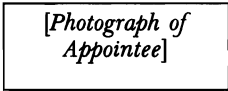
Form 2

Reg. 78

CERTIFICATE OF APPOINTMENT AS INSPECTOR OF WEIGHTS AND MEASURES

[Front]

Ministry of Consumer Affairs [Logo]*



Certificate of Appointment issued
pursuant to section 27, Weights and
Measures Act 1987

Signature: [Signature of Appointee]

.....

Name: [Insert Full Name of Appointee]

.....

as Inspector (or Trainee Inspector) of Weights and Measures.

**Optional*

[Back]

INSPECTORS' POWERS

Section 28 of the Weights and Measures Act 1987 empowers Inspectors of Weights and Measures to exercise certain powers to enable them to carry out their duties. In summary, that section provides that for the purposes of ensuring compliance with the Weights and Measures Act 1987 and any regulations made under that Act, an Inspector may—

- (a) Enter any place, premises, or building:
- (b) Stop any vehicle:
- (c) Examine and test weights, measures, and weighing or measuring instruments used for trade, and goods kept or available for sale:
- (d) Seize and detain—
 - (i) Weights, measures, and weighing or measuring instruments that do not comply with, or are used in contravention of, the Weights and Measures Act 1987:
 - (ii) Goods in respect of which an offence against the Weights and Measures Act 1987 has been committed.

SECOND SCHEDULE—continued

AMENDMENTS TO SIXTH SCHEDULE—continued

NEW FORMS 2, 4, 5, 6, 7, 8, 9, AND 10—continued

Form 4

Reg. 15D

LETTER OF ACCREDITATION

Section 30A, Weights and Measures Act 1987

File No.

Pursuant to section 30A of the Weights and Measures Act 1987, [Insert Full Name] of [Insert Address] is hereby accredited to act as an accredited person for the purposes of that Act.

Identifier

The identifier of the above-mentioned person is [Insert Identifier].

Conditions of Accreditation*

The following conditions shall apply in respect of the accreditation of the above-mentioned person:

*1. This letter of accreditation relates to the following class (or classes) of weights, measures, or weighing or measuring instruments:

- (a)
- (b)
- (c)

*2.

*Delete if inapplicable

Natural Persons to Act on Accredited Person's Behalf

The following natural persons will exercise or perform the powers, duties, and functions of an accredited person on behalf of the above-mentioned person:

Name	Personal Identifier
1.
2.

Expiry of Letter of Accreditation

Unless sooner revoked under section 30D of the Weights and Measures Act 1987, or renewed under section 30C of that Act, this letter of accreditation will expire on [Insert date].

.....
Secretary of Commerce

.....
Date



SECOND SCHEDULE—continued

AMENDMENTS TO SIXTH SCHEDULE—continued

NEW FORMS 2, 4, 5, 6, 7, 8, 9, AND 10—continued

Form 5

Reg. 79A

NOTICE OF NON-COMPLIANCE WITH WEIGHTS AND MEASURES ACT 1987

[Name of Accredited Person]*

[Identifier of Accredited Person]

.....

.....

[Address of Accredited Person]

.....

*The name may not occupy more than 1/6 of the notice

TO: [Insert name of person in charge of non-complying weight, measure, or weighing or measuring instrument] of [Insert address].

I examined and tested the weight (or measure or weighing or measuring instrument) listed in the Schedule to this notice at [Insert address] on [Insert date] at [Insert approximate time] a.m. (p.m.).

I declined to stamp*/issue a certificate of accuracy in respect of* that weight (or measure or weighing or measuring instrument) on the grounds that it does not comply with the requirements of the Weights and Measures Act 1987 (or the Weights and Measures Regulations 1987) in the respects listed in the Schedule to this notice.

*Delete if inapplicable

SCHEDULE

Description of Non-complying Equipment

Particulars of Non-compliance

[Insert description of weight, measure, or weighing or measuring instrument, including any serial number or other identifying feature]

[Insert particulars of non-compliance, including details of the place and approximate time of non-compliance]

[Signature of Accredited Person Issuing the Notice]

.....

[Personal Identifier]

.....

Date

.....

SECOND SCHEDULE—*continued***AMENDMENTS TO SIXTH SCHEDULE—*continued*****NEW FORMS 2, 4, 5, 6, 7, 8, 9, AND 10—*continued******Form 5—continued*****NOTICE OF NON-COMPLIANCE WITH WEIGHTS AND MEASURES ACT 1987—
*continued*****WARNING**

The use for trade, or the possession for use for trade, of weights, measures, or weighing or measuring instruments that do not comply with the requirements of the Weights and Measures Act 1987 or the Weights and Measures Regulations 1987 may lead to a prosecution under that Act.

Notes*

1. This notice must be given forthwith to the person in charge of the weight, measure, or weighing or measuring instrument that is found not to be in compliance with the Weights and Measures Act 1987 or the Weights and Measures Regulations 1987.
If it is not possible or practicable to give the notice to that person, this notice must be attached to the non-complying weight, measure, or weighing or measuring instrument.
2. A copy of this notice must be sent to the Secretary of Commerce as soon as practicable.

**These notes are for information only and are not to be included in a notice of non-compliance.*

SECOND SCHEDULE—*continued*

AMENDMENTS TO SIXTH SCHEDULE—*continued*

NEW FORMS 2, 4, 5, 6, 7, 8, 9, AND 10—*continued*

Form 6

Reg. 15H (1) (d)

CERTIFICATE OF ACCURACY (IN LABEL FORM) ISSUED BY AN INSPECTOR OF
WEIGHTS AND MEASURES

TRADE MEASUREMENT UNIT
MINISTRY OF CONSUMER
AFFAIRS

[Logo]*

**Optional*

[Note: The above material may occupy not more than 30 percent of the label.]

Examined and tested by an Inspector of Weights and Measures. Complies with the requirements of regulation 15r of the Weights and Measures Regulations 1987.

THIS CERTIFICATE OF ACCURACY EXPIRES ON [Insert Date]

[Note: The statement of the expiry date of the certificate of accuracy must occupy at least 40 percent of the label.]

[Identification number of Inspector issuing the certificate]

.....
[Note: The identification number of the Inspector issuing the certificate of accuracy may occupy not more than 10 percent of the label.]

Note†

A certificate of accuracy in label form may not be issued in respect of—

- (a) Any weight; or
- (b) Any measure of length that is not fixed within any case or other container to which the certificate might be affixed.

†This note is for information only and is not to be included in a certificate of accuracy.



SECOND SCHEDULE—*continued*

AMENDMENTS TO SIXTH SCHEDULE—*continued*

NEW FORMS 2, 4, 5, 6, 7, 8, 9, AND 10—*continued*

Reg. 15H(1)(e)

Form 7

CERTIFICATE OF ACCURACY (IN LABEL FORM)
ISSUED BY AN ACCREDITED PERSON

[Name of Accredited Person]

[Logo of Accredited Person]*

.....

.....

**Optional*

[Note: The name and logo (if any) of the accredited person may occupy not more than 30 percent of the label.]

**Examined and tested by an accredited person.
Complies with the requirements of regulation 15F of the Weights and Measures Regulations 1987.**

THIS CERTIFICATE OF ACCURACY EXPIRES ON [Insert Date].....

[Note: The statement of the expiry date of the certificate of accuracy must occupy at least 40 percent of the label.]

[Personal Identifier of Person Issuing the Certificate]

.....

[Note: The personal identifier of the person issuing the certificate of accuracy may occupy not more than 10 percent of the label.]

Note†

A certificate of accuracy in label form may not be issued in respect of—

- (a) Any weight; or
- (b) Any measure of length that is not fixed within any case or other container to which the certificate might be affixed.

†This note is for information only and is not to be included in a certificate of accuracy.



SECOND SCHEDULE—continued

AMENDMENTS TO SIXTH SCHEDULE—continued

NEW FORMS 2, 4, 5, 6, 7, 8, 9, AND 10—continued

Form 8

Reg. 15H(2)(c)

CERTIFICATE OF ACCURACY (NOT IN LABEL FORM)
ISSUED BY AN INSPECTOR OF WEIGHTS AND MEASURES

TRADE MEASUREMENT UNIT
MINISTRY OF CONSUMER AFFAIRS

[Logo]*

*Optional

The weight(s) (or measure(s) or weighing or measuring instrument(s)) specified in the Schedule to this certificate has/have been examined and tested by an Inspector of Weights and Measures and found to comply with the requirements of regulation 15F of the Weights and Measures Regulations 1987.

THIS CERTIFICATE OF ACCURACY EXPIRES ON [Insert date].....

[Note: The statement relating to the expiry date of the certificate of accuracy must occupy at least 15 percent of the certificate.]

SCHEDULE OF EQUIPMENT TO WHICH THIS CERTIFICATE
RELATES

[Insert description of weight,
.....
measure, or weighing or measuring
.....
instrument]
.....

[Insert any serial number or other
.....
identifying feature of the weight,
.....
measure, or weighing or measuring
.....
instrument]
.....

.....
Inspector of Weights and Measures

.....
Date

SECOND SCHEDULE—continued

AMENDMENTS TO SIXTH SCHEDULE—continued

NEW FORMS 2, 4, 5, 6, 7, 8, 9, AND 10—continued

Reg. 15H (2) (d)

Form 9

CERTIFICATE OF ACCURACY (NOT IN LABEL FORM)
ISSUED BY AN ACCREDITED PERSON

[Name of Accredited Person]

[Logo of Accredited Person]*

.....

.....

[Identifier of Accredited Person]

.....

**Optional*

The weight(s) (or measure(s) or weighing or measuring instrument(s)) specified in the Schedule to this Certificate has/have been examined and tested by an accredited person and found to comply with the requirements of regulation 15F of the Weights and Measures Regulations 1987.

THIS CERTIFICATE OF ACCURACY EXPIRES ON [Insert date].....

[Note: The statement relating to the expiry date of the certificate of accuracy must occupy at least 15 percent of the certificate.]

SCHEDULE OF EQUIPMENT TO WHICH THIS CERTIFICATE
RELATES

[Insert description of weight,
.....
measure, or weighing or measuring
.....
instrument]
.....

[Insert any serial number or other
.....
identifying feature of the weight,
.....
measure, or weighing or measuring
.....
instrument]
.....

This certificate of accuracy is issued by [Insert full name of Accredited Person
issuing the certificate]

.....
Personal identifier [Insert personal identifier of person issuing the certificate]
.....

.....
Signature of Accredited
Person issuing the
certificate

.....
Date



SECOND SCHEDULE—continued

AMENDMENTS TO SIXTH SCHEDULE—continued

NEW FORMS 2, 4, 5, 6, 7, 8, 9, AND 10—continued

Form 10

Reg. 79B

FORM OF INFRINGEMENT NOTICE

[Front]

WEIGHTS AND MEASURES NOTICE NUMBER
INFRINGEMENT NOTICE

(Issued under section 32A of the Weights and Measures Act 1987)

Enforcement Authority: Ministry of Commerce

TO: [Full Name]

..... of

[Address]

.....

You are alleged to have committed an infringement offence against section 16 (2)*/section 24* of the Weights and Measures Act 1987, as follows:

*Delete if inapplicable

Details of Alleged Infringement Offence

Nature of infringement:

.....

.....

.....

Location:

Date: Approximate time:

THE FEE FOR THIS INFRINGEMENT IS \$500.

Payment of Infringement Fee

The infringement fee is payable within 28 days after
[Date notice attached to weight, measure, or weighing or measuring instrument, or delivered personally, or posted]

The infringement fee may be paid to the Secretary of Commerce at
..... [Address at which fee may be paid].

Payments by cheque or money order should be crossed "Not Negotiable".

Inspector Number

IMPORTANT
PLEASE READ SUMMARY OF RIGHTS PRINTED OVERLEAF

SECOND SCHEDULE—*continued*AMENDMENTS TO SIXTH SCHEDULE—*continued*NEW FORMS 2, 4, 5, 6, 7, 8, 9, AND 10—*continued**Form 10—continued*FORM OF INFRINGEMENT NOTICE—*continued*

[Back]

SUMMARY OF RIGHTS

1. If you pay the infringement fee within 28 days of the issue of this notice no further enforcement action will be taken.

2. If you wish to—

(a) Raise any matter relating to the circumstances of an alleged offence for consideration by the enforcement authority; or

(b) Deny liability for the offence and request a Court hearing; or

(c) Admit liability for the offence, but also wish to have a Court consider written submissions as to penalty or otherwise,—

you should write to the enforcement authority at the address shown on the front page of this notice. Any such letter should be personally signed.

3. If you deny liability and request a hearing, the enforcement authority will, unless it decides not to commence Court proceedings in respect of the offence, serve you with a notice of hearing setting out the place and time at which the matter will be heard by the Court.

NOTE that if the Court finds you guilty of the offence, costs will be imposed in addition to any penalty.

4. If you admit liability but want the Court to consider your submissions as to penalty or otherwise, you should in your letter request a hearing AND admit liability AND set out the written submissions you wish to be considered by the Court. The enforcement authority will then, unless it decides not to commence Court proceedings in respect of the offence, file your letter with the Court. There is no provision for an oral hearing before the Court if you follow this course of action.

NOTE that costs will be imposed in addition to any penalty.

5. If you do not pay the infringement fee and do not request a hearing in respect of the alleged offence within 28 days after the issue of this notice, you will (unless the enforcement authority decides otherwise) be served with a reminder notice.

6. If you do not pay the infringement fee and do not request a hearing in respect of the alleged offence within 28 days after being served with the reminder notice, you will become liable to pay COSTS IN ADDITION TO THE INFRINGEMENT FEE, unless the enforcement authority decides not to commence proceedings against you.

Defences

7. If this infringement notice relates to an offence against section 16 (2) of the Weights and Measures Act 1987 in respect of goods sold by weight in a package, you have a defence to proceedings for that offence if you are able to prove that—

(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

SECOND SCHEDULE—*continued*AMENDMENTS TO SIXTH SCHEDULE—*continued*NEW FORMS 2, 4, 5, 6, 7, 8, 9, AND 10—*continued*Form 10—*continued*FORM OF INFRINGEMENT NOTICE—*continued*

- (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.

8. If this infringement notice relates to an offence against section 24 of the Weights and Measures Act 1987 (which makes it an offence to use for trade, or have in possession for use for trade, any weight, measure, or weighing or measuring instrument which is false or unjust, even though it is stamped), you have a defence to proceedings for that offence if you are able to prove—

- (a) That at the time of the offence there was in force in respect of the weight, measure, or weighing or measuring instrument a certificate of accuracy; and
- (b) That you neither knew, nor had any reason to suspect, that the weight, measure, or weighing or measuring instrument was false or unjust.

9. You have a complete defence against proceedings for an alleged offence if the infringement fee for that offence has been paid to the enforcement authority at the address shown on the front page of this notice before or within 28 days after service on you of a reminder notice. Late payment or payment made to any other address will not constitute a defence.

Queries/Correspondence

10. When writing or making payment of an infringement fee, please indicate—

- (a) The date of the infringement offence; AND
- (b) The infringement notice number; AND
- (c) The identifying number of each alleged offence and the course of action you are taking in respect of it, if this notice sets out more than 1 offence and you are not paying all the infringement fees for all the alleged offences; AND
- (d) Your address for replies, if you are not paying all the infringement fees for all the alleged offences.

If it is not clear which alleged offence any payment relates to, your payment may be treated as relating to the alleged offences in the order in which they are set out on the front page of this notice.

NOTE: ALL QUERIES AND/OR CORRESPONDENCE REGARDING THE INFRINGEMENT OFFENCE(S) MUST BE DIRECTED TO THE ENFORCEMENT AUTHORITY NAMED IN THIS NOTICE AT THE ADDRESS SHOWN.

Reg. 31

THIRD SCHEDULE

NEW EIGHTH SCHEDULE INSERTED

Reg. 15c (1)

"EIGHTH SCHEDULE

REQUIREMENTS FOR QUALITY MANAGEMENT SYSTEM TO BE OPERATED BY
ACCREDITED PERSONS*Interpretation*

1. Interpretation—In this Schedule, unless the context otherwise requires,—

"Certification work" means—

- (a) The examination and testing of measuring equipment;
- (b) The stamping of measuring equipment;
- (c) The issuing of certificates of accuracy;

"Measuring equipment" means weights, measures, and weighing or measuring instruments:

"Management representative" means the person nominated in accordance with clause 4 of this Schedule:

"Non-compliance", in relation to any measuring equipment, means the failure of that equipment to comply with the requirements of the Act or of these regulations; and "non-complying" has a corresponding meaning:

"Operations", in relation to an accredited person, means the operations of that accredited person as they relate to the exercise or performance, by that accredited person, of the powers, duties, and functions of an accredited person under the Act or these regulations:

"Quality management system" means a system of operation for exercising or performing the powers, functions, and duties of an accredited person.

Management of Accredited Persons

2. Quality policy—(1) Every accredited person shall define, in a written document, the policy of that accredited person in relation to quality as it relates to the operations of that accredited person.

(2) Without limiting subclause (1) of this clause, every written policy on quality shall define—

- (a) The accredited person's commitment to quality; and
- (b) The objectives of the accredited person as they relate to the attainment of quality.

(3) Every accredited person shall ensure that the accredited person's policy on quality is understood, implemented, and maintained at all levels of that accredited person's operations.

3. Responsibility and authority—Every accredited person shall define, in a written document,—

- (a) The responsibilities and authority of each person who is employed or engaged by that accredited person to carry out any duties in relation to the operations of that accredited person; and
- (b) The relationship between each such person and every other person so employed or engaged by that accredited person.

THIRD SCHEDULE—*continued*NEW EIGHTH SCHEDULE INSERTED—*continued*“EIGHTH SCHEDULE—*continued*”REQUIREMENTS FOR QUALITY MANAGEMENT SYSTEM TO BE OPERATED BY
ACCREDITED PERSONS—*continued*

4. Management representation—(1) Every accredited person shall nominate a member of that accredited person's staff to be that accredited person's management representative.

(2) The management representative's responsibilities shall include responsibility for ensuring that the requirements of the Act and these regulations, as they relate to the operations of the accredited person, are complied with.

5. Resources and personnel—Every accredited person shall define, in a written document,—

- (a) The resources that will be used in the accredited person's operations; and
- (b) The procedures to be followed to ensure that those operations are carried out by competent personnel.

6. Review of quality management system—(1) Every accredited person shall ensure that the quality management system of that accredited person is reviewed, at regular intervals, in order to ensure its continuing suitability and effectiveness.

(2) Every accredited person shall ensure that adequate records are maintained of every review carried out in accordance with subclause (1) of this clause in relation to that accredited person's quality management system.

7. Quality assurance systems—(1) Every accredited person shall establish and maintain an effective quality assurance system in relation to—

- (a) Certification work; and
 - (b) The checking of certification work.
- (2) Every such quality assurance system shall include the maintenance of a written document outlining—
- (a) The procedures to be followed in carrying out certification work; and
 - (b) The standard of workmanship to be attained; and
 - (c) The records to be kept by personnel carrying out certification work.
- (3) The procedures referred to in subclause (2) (a) of this clause—
- (a) Shall be approved by the management representative before they are implemented by the accredited person; and
 - (b) Shall be reviewed from time to time by the management representative in order to ensure their continuing suitability and effectiveness.
- (4) Every accredited person shall establish document control procedures sufficient to ensure that personnel carrying out certification work do so in accordance with the written document referred to in subclause (2) of this clause that is for the time being in force in relation to that accredited person's operations.

THIRD SCHEDULE—*continued*NEW EIGHTH SCHEDULE INSERTED—*continued*"EIGHTH SCHEDULE—*continued*REQUIREMENTS FOR QUALITY MANAGEMENT SYSTEM TO BE OPERATED BY
ACCREDITED PERSONS—*continued*

8. Corrective action—(1) Every accredited person shall establish and maintain procedures—

- (a) For investigating the cause of the non-compliance of any measuring equipment, where that non-compliance occurs during the currency of any certificate of accuracy issued, in respect of that equipment, by or on behalf of that accredited person; and
- (b) For formulating and implementing any corrective action necessary to prevent the recurrence of any such non-compliance; and
- (c) For the application of controls to ensure—
 - (i) That such corrective action is taken; and
 - (ii) That such corrective action is effective; and
- (d) For implementing and documenting any changes to certification work procedures, where those changes result from such corrective action; and
- (e) For analysing the operations of the accredited person (including certification work procedures, quality assurance records, and service reports), and customer complaints, in order to detect and eliminate potential causes of such non-compliance.

(2) Every accredited person shall ensure that the procedures referred to in subclause (1) of this clause are defined in a written document.

9. Internal quality audits—(1) Every accredited person shall establish and maintain procedures for the carrying out of internal quality audits—

- (a) To determine whether or not the operations of the accredited person are being carried out in accordance with the requirements laid down by that accredited person; and
- (b) To determine whether or not the quality assurance system established by that accredited person is effective.

(2) Every accredited person shall ensure that the procedures referred to in subclause (1) of this clause are defined in a written document.

(3) Where an internal quality audit is carried out in respect of any of the operations of any accredited person, that accredited person shall ensure—

- (a) That the findings of that audit are recorded in writing and brought to the attention of the personnel responsible for those operations; and
- (b) That timely corrective action is taken to remedy any deficiencies revealed by the audit.

10. Training—(1) Every accredited person shall ensure that personnel undertaking certification work have appropriate training and experience.

(2) Every accredited person shall ensure that written records of any training given by that accredited person are made and maintained.

11. Motivation—Every accredited person shall establish and maintain a work environment in which that accredited person's personnel are motivated to achieve ongoing improvements in quality performance.

THIRD SCHEDULE—*continued*NEW EIGHTH SCHEDULE INSERTED—*continued*“EIGHTH SCHEDULE—*continued*”REQUIREMENTS FOR QUALITY MANAGEMENT SYSTEM TO BE OPERATED BY
ACCREDITED PERSONS—*continued**Particular Requirements in Relation to Certification Work*

12. Certification work—(1) Every accredited person shall ensure that the procedures established by that accredited person for the carrying out of certification work are followed by that accredited person's personnel.

(2) Every accredited person shall ensure that adequate records are made and maintained in relation to certification work carried out by that accredited person's personnel.

(3) Without limiting the generality of subclause (2) of this clause,—

- (a) The records referred to in that subclause shall include, in relation to each stage of the examination and testing process undertaken in respect of any measuring equipment, the results of the examination and testing at each such stage; and
- (b) Where any measuring equipment is examined and tested over a period of more than 1 day, the results of the examination and testing undertaken on each separate day in that period shall be recorded on that day; and
- (c) The records referred to in that subclause shall be legible and be readily identifiable with the measuring equipment to which they relate; and
- (d) All records relating to certification work carried out in relation to any particular measuring equipment shall be retained by an accredited person for a period of not less than 2 years.

13. Working standards and test equipment—(1) Every accredited person—

- (a) Shall establish and maintain procedures for ensuring that the standards of measurement and other equipment used in certification work carried out by that accredited person's personnel are sufficiently accurate to enable that work to be carried out satisfactorily; and
 - (b) Shall ensure that records are maintained of the verification of such standards of measurement and such equipment, and of the results of that verification.
- (2) Every accredited person shall ensure that the procedures referred to in subclause (1) (a) of this clause are defined in a written document.

14. Inspection and testing status—(1) Every accredited person shall ensure that while measuring equipment is under the control of the personnel of that accredited person, adequate procedures are adopted (whether by means of markings, stamps, tags, labels, physical location, or other suitable means) to identify the stage that the equipment has reached in the examination and testing process, in order to ensure that the equipment is stamped or, as the case may be, a certificate of accuracy is issued in respect of the equipment, only on the basis of examination and testing actually carried out on that equipment.

THIRD SCHEDULE—*continued***NEW EIGHTH SCHEDULE INSERTED—*continued*****“EIGHTH SCHEDULE—*continued*****REQUIREMENTS FOR QUALITY MANAGEMENT SYSTEM TO BE OPERATED BY
ACCREDITED PERSONS—*continued***

(2) Every accredited person shall ensure that where measuring equipment is released from the control of the personnel of that accredited person, a record is kept of the identity of the person authorising that release.

(3) Every accredited person shall ensure that non-complying measuring equipment under the control of the personnel of the accredited person is clearly identified as such and, so far as practicable, is kept separate from other measuring equipment.

15. Protection of equipment—Every accredited person shall ensure that all measuring equipment under that accredited person’s control is adequately protected against loss or damage.”

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 July 1991, amend the Weights and Measures Regulations 1987 (the principal regulations).

The amendments, in large part, give effect to the amendments made to the Weights and Measures Act 1987 by the Weights and Measures Amendment Act 1991, which comes into force on the same day.

The principal amendments effected by these regulations are as follows:

Regulation 4 (2) amends regulation 4 of the principal regulations.

The effect of the amendment is to require every certificate of approval issued in respect of a type of weight, measure, or weighing or measuring instrument to be given a unique number.

Regulation 5 amends regulation 4A of the principal regulations. That regulation relates to applications for the approval of any type of weight, measure, or weighing or measuring instrument approved by an overseas weights and measures authority. The effect of the amendment is that before the Secretary may issue such an approval, the Secretary must be satisfied, not only that an overseas weights and measures authority has approved the weight, measure, or weighing or measuring instrument, but also that that overseas authority gave that approval in conformity with the international recommendations of the International Organisation of Legal Metrology.

Regulation 7 amends the principal regulations by revoking regulation 7, and substituting a new regulation. The new regulation, which relates to the general requirements that weights, measures, and weighing and measuring instruments must comply with before being stamped, repeats existing requirements, except that—

- (a) The requirements relating to the plug, stud, or seal that must be provided on a new weighing or measuring instrument are amended; and
- (b) Every new weighing or measuring instrument must have marked on it the certificate of approval number relating to that type of instrument.

Regulation 11 revokes regulation 12 of the principal regulations, and substitutes a new regulation 12. That regulation relates to the marks of verification with which weights, etc., are stamped. The new regulation now prescribes the mark of verification to be used by accredited persons.

Regulation 12 revokes regulation 14 of the principal regulations. The effect of the amendment is to remove the requirement for periodic inspections of weights, measures, and weighing or measuring instruments used for trade.

Regulation 13 revokes regulation 15 of the principal regulations, which prescribes the fees at present payable for verifications, annual inspections, and certain other matters. These matters (except for annual inspections, which are abolished) will now be the subject of ordinary commercial charging arrangements between traders and accredited persons or Inspectors.

Regulation 15 inserts 2 new Parts into the principal regulations.

The new *Part 1A* relates to the accreditation of persons as accredited persons, and sets out the requirements for accreditation. These are essentially that the applicant will conduct its operations in accordance with certain requirements relating to quality. The applicant must submit with its application details of the management system that it proposes to operate, together with an assessment, prepared by an organisation that is recognised as competent to assess quality management systems, of the applicant's ability to implement that system.

The new *Part 1B* relates to the issue of certificates of accuracy. The new Part prescribes the requirements that must be met before a certificate can be issued, the form of the certificate (which may be in label form), the period for which certificates are in force (1 year), and provides for their cancellation by Inspectors of Weights and Measures.

Regulation 26 amends regulation 67 of the principal regulations, which relates to the marking on goods of their net weight or measure. The amendment allows goods to be marked with their net measure without the need to include the word "net".

Regulation 28 inserts new regulations 79A and 79B into the principal regulations. The new regulations prescribe the forms of notices of non-compliance and infringement notices.

Regulation 29 revokes the First Schedule to the principal regulations, and substitutes a new First Schedule. The effect of the amendment is to revoke the fees at present payable for the testing of weights, measures, and weighing or measuring instruments. The fees for type approvals are retained at their existing levels.

Regulation 30 amends the Sixth Schedule to the principal regulations by—

- (a) Substituting an updated form for the certificate of appointment of an Inspector of Weights and Measures; and
- (b) Inserting new forms relating to letters of accreditation, notices of non-compliance, certificates of accuracy, and infringement notices.

Regulation 31 inserts a new Eighth Schedule into the principal regulations. That new Schedule sets out the requirements that must be met by the quality management system proposed to be operated by an applicant for accreditation as an accredited person.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 6 June 1991.

These regulations are administered in the Ministry of Consumer Affairs.