

# REPRINT

## **WEIGHTS AND MEASURES ACT (CAP. 155)**

**As in force at: 1 October 2009**

<b>STATUS:</b> <b>CURRENT</b>
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For details see Endnotes
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**AN ACT TO MAKE PROVISION WITH RESPECT TO WEIGHTS AND MEASURES, FOR THE PROTECTION OF CONSUMERS PURCHASING COMMODITIES BY WEIGHT OR MEASURE AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH.**

## **WEIGHTS AND MEASURES ACT (CAP. 155)**

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# WEIGHTS AND MEASURES ACT (Cap. 155)

As in force at: 1 October 2009

## 1 Short title

This Act may be cited as the *Weights and Measures Act*.

## 2 Interpretation

In this Act, except where the context otherwise requires:

**“authorised officer”** means an authorised officer appointed pursuant to section 4 and includes a police officer;

**“measuring instrument”** includes every instrument for the measurement of number, length, capacity, volume, area or quantity;

**“pre-packed”** in relation to goods or articles means goods or articles packed or made up in advance ready for retail sale in a wrapper or container and where any goods or articles packed or made up in a wrapper or container are found on any premises where such goods or articles are packed, kept or stored for sale or are found in the possession of any person customarily engaged in retail trade, they shall be deemed to be packed or made up in advance for retail sale unless the contrary is proved;

**“purchaser”** includes any person acting on behalf of the purchaser;

**“trade”** means dealing in goods sold by weight or measure or performing the service of weighing and measuring or performing a service in connection with which payment for goods or services or tolls or duties is assessed by weight or measure or;

**“weighing instrument”** means any form of device for determining weight and includes the weights belonging thereto.

## 3 Standard weights and measures and reference thereto

- (1) The Minister shall cause to be deposited and safely kept within Solomon Islands at such place as he shall determine such weights

and measures of the standards in use or permitted to be used in the United Kingdom and verified in such manner as he may consider expedient, and the weights and measures so deposited shall be the standard weights and measures of Solomon Islands.

- (2) The Minister shall cause to be made or procured copies and models of the several weights and measures so deposited, and such copies shall be verified and made available for reference in such manner as may be prescribed.
- (3) Copies and models of weights and measures claimed by an authorised officer or otherwise purporting to be verified and made available for reference under subsection (2) shall, until the contrary be proved, be presumed for all purposes to be true and accurate weights and measures.

#### **4 Appointment of authorised officers**

The Minister in his discretion may appoint any public officer or officer or servant of a local authority to be an authorised officer for the purposes of this Act.

#### **5 Powers of authorised officers**

- (1) An authorised officer may:
  - (a) at any reasonable time enter any premises, shop, vessel or vehicle, and for such purpose stop any vessel or vehicle, wherein or in connection with which weights, measures, weighing instruments or measuring instruments are used for trade or wherein or in connection with which the authorised officer reasonably suspects that weights, measures, weighing instruments or measuring instruments are used for trade;
  - (b) examine and test any weights, measures, weighing instruments or measuring instruments that may be used for trade;
  - (c) weigh or measure, or caused to be weighed or measured, in the presence of a person in charge of the same any goods kept or exposed for sale or in course of sale;
  - (d) seize any goods, weights, measures, weighing instruments or

measuring instruments which he finds to be not in accordance with this Act.

- (2) All weights, measures, weighing or measuring instruments, and goods seized under this section shall, if a court so directs, be forfeited.
- (3) Every person who wilfully obstructs or impedes any authorised officer in the performance of his duty under this Act or who refuses to produce and deliver any weight, measure, weighing instrument or measuring instrument when required so to do by an authorised officer shall be guilty of an offence and liable to a fine of two hundred penalty units or to imprisonment for six months or to both such fine and such imprisonment.

## **6 What weights to be used**

- (1) All goods or other things sold by weight shall be sold by imperial or metric weight specified in the Schedule except that:
  - (a) gold, silver, platinum and other precious metals and goods made in whole or in part thereof may be sold by troy weight;
  - (b) precious stones and pearls may be sold by metric carat weight;
  - (c) drugs, when sold by retail, may be sold by apothecaries' weight or apothecaries' measure.
- (2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable to a fine of one hundred penalty units.

## **7 Goods to be sold by net weight or measure**

Goods sold by retail by weight or measure shall be sold only by net weight or measure and any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine of one hundred penalty units.

## **8 Certain goods to be sold by weight**

- (1) The Minister may from time to time by order require generally or by reference to special circumstances or areas that any goods shall be

sold only by weight.

- (2) Any person who contravenes any order under subsection (1) shall be guilty of an offence and liable to a fine of one hundred penalty units.
- (3) Any person who sells or offers or exposes for sale by retail any pre-packed goods required by order under subsection (1) to be sold by weight, without correctly and clearly indicating the net weight on the wrapper or container or on a ticket, card or label placed where it may clearly be seen by a purchaser and so as to be clearly applicable to the goods, shall be guilty of an offence and liable to a fine of one hundred penalty units.

**9      Penalty for injuring official weights, etc.**

Any person who falsifies or wilfully injures any copy or model of any weight or measure verified and made available for reference under section 3(2) shall be guilty of an offence and liable to a fine of two hundred penalty units or to imprisonment for six months or to both such fine and such imprisonment.

**10     Penalty for use or possession of unjust measures, etc.**

Every person who uses or has in his possession for use for trade any weight, measure or weighing or measuring instrument which is false or unjust shall be guilty of an offence and liable to a fine of one hundred penalty units or to imprisonment for three months or to both such fine and such imprisonment, and the weight, measure or weighing or measuring instrument shall be liable to be forfeited.

**11     Penalty for fraud in use of weight, measure or weighing or measuring instrument**

Where any fraud is wilfully committed in the use of any weight, measure or weighing or measuring instrument, the person committing such fraud, and every person party to the fraud, shall be guilty of an offence and liable to a fine of two hundred penalty units or to imprisonment for six months or to both such fine and such imprisonment, and the weight, measure or weighing or measuring instrument shall be liable to be forfeited.

## **12 Short weight, etc.**

- (1) Subject to the provisions of this Act, any person who, in selling or purporting to sell any goods by weight or other measurement or by number, delivers or causes to be delivered to the buyer a lesser quantity than that purported to be sold or than corresponds with the price charged shall be guilty of an offence and liable to a fine of one hundred penalty units or to imprisonment for three months or to both such fine and such imprisonment.
- (2) Subject to the provisions of this Act, any person who, on or in connection with the sale or purchase of any goods, or in exposing or offering any goods for sale, or in purporting to make known to the buyer thereof the quantity of any goods sold, or in offering to purchase any goods, makes any misrepresentation either by word of mouth or otherwise as to the quantity of the goods, or does any other act calculated to mislead a person buying or selling the goods as to the quantity thereof, shall be guilty of an offence and liable to a fine of one hundred penalty units or to imprisonment for three months or to both such fine and such imprisonment.

## **13 Safeguards for traders**

- (1) In any proceedings under this Act in respect of an alleged deficiency of weight or measure of any pre-packed article or of bread, the court may disregard any inconsiderable variation in the weight or measure of a single article, but shall have regard to the average weight or measure of a reasonable number of other articles of the same kind (if any) sold or delivered by the defendant, or in his possession for the purpose of sale or delivery, on the same occasion, and generally to all the circumstances of the case.
- (2) In any proceedings under this Act in respect of an alleged deficiency of weight or measure or number, if the defendant proves to the satisfaction of the court that such deficiency was due to a *bona fide* mistake or accident, or other causes beyond his control, and in spite of all reasonable precautions being taken and all due diligence exercised by the said defendant to prevent the occurrence of such deficiency, or was due to the action of some person over whom the defendant had no control, the defendant shall be discharged from the prosecution.

- (3) In any proceedings under this Act in respect of an alleged deficiency in the weight of any article of food delivered to a purchaser, the defendant shall be discharged from the prosecution if he proves to the satisfaction of the court that the alleged deficiency was due to unavoidable evaporation or drainage and that due care and precaution had been taken to avoid such deficiency.
- (4) For the purposes of any proceedings under this Act the weight or measure of any article sold or exposed for sale shall be deemed to be correct if it is proved to be correct within the margin of error permitted by regulations made under this Act in respect of the weight, measure, weighing instrument or measuring instrument by which such article was lawfully weighed or measured for the purpose of such sale or exposure for sale.

#### **14      Employer answerable for acts of agents and servants**

Any person who employs in his shop, store or other place of business any agent, servant or other person shall be answerable for the acts or omissions of such agent, servant or other person, in so far as they concern the business of the employer, and if such agent, servant or other person commits any act or makes any omission which is an offence under this Act, or which would be an offence if made or committed by such employer, such employer and his agent, servant or other person shall each be guilty of the offence and shall be jointly and severally liable to the penalties provided by this Act.

#### **15      Power to make regulations**

- (1) The Minister may make regulations for the better carrying out of the provisions and purposes of this Act, and in particular and without prejudice to the generality of the foregoing power, such regulations may provide for any or all of the following purposes:
  - (a) prohibiting the importation into Solomon Islands of certain types of weights, measures, weighing instruments and measuring instruments;
  - (b) the methods of inspecting, verifying and stamping weights, measures, copies and models thereof, weighing instruments and measuring instruments, and of certifying such verification;



- (c) prescribing the amount of error that may be tolerated in weights, measures, weighing instruments and measuring instruments;
- (d) requiring the marking on weights and measures of their denominations and on weighing instruments and measuring instruments of their capacities, and prescribing the manner of so doing;
- (e) exempting any particular classes of weights, measures, weighing instruments and measuring instruments from the requirements of this Act with regard to stamping and verification;
- (f) limiting the purposes for which certain weights, measures, weighing instruments and measuring instruments may lawfully be used and prescribing the types of such equipment to be used in certain trades;
- (g) prescribing the types of weights, measures, weighing instruments and measuring instruments that shall or shall not be legal for use in trade and how they shall be marked to so indicate;
- (h) prohibiting the use of any particular kind or kinds of weights, measures, weighing instruments and measuring instruments except in compliance with the conditions set out in the regulations;
- (i) requiring weights, measures, weighing instruments and measuring instruments to be inspected, verified and stamped;
- (j) prescribing the requirements to be observed, the facilities, apparatus and assistance to be provided and the proper storage of testing equipment to be furnished by owners of weights, measures, weighing instruments and measuring instruments for the purpose of inspection and verification thereof;
- (k) prohibiting the sale by retail of any goods therein specified otherwise than of the prescribed net weights or measures;
- (l) prescribing the manner of marking of wrappers or containers of

pre-packed goods sold by weight or measure or on tickets, cards or labels associated therewith, to indicate the contents of the wrapper or container;

- (m) regulating the sale with regard to the determination of weight or measure of particular goods when such goods are sold by weight or measure;
  - (n) requiring persons who sell, or who make, possess or carry for sale, any goods which they are prohibited from selling otherwise than by net weight or measure to provide, for the use of persons buying or proposing to buy such goods from them, the means of verifying or checking the net weight or measure of the goods;
  - (o) prohibiting the importation of pre-packed goods for sale within Solomon Islands which do not comply with the requirements of this Act;
  - (p) prescribing the fees, charges and expenses to be levied under this Act.
- (2) Regulations made under this Act may be made applicable throughout, or to any part of, Solomon Islands,

## **16 Application of Act**

This Act shall apply throughout Solomon Islands:

Provided that the Minister may from time to time by order direct that any or all of the provisions of this Act shall be suspended in relation to any part of Solomon Islands and during the currency of such order the provisions so suspended shall not have effect in relation to that part of Solomon Islands.

## SCHEDULE

Section 6(1)

### Measurement of Weight

#### Imperial units

Ton	=	2240 pounds.
Hundredweight	=	112 pounds.
Cental	=	100 pounds.
Quarter	=	28 pounds.
Stone	=	14 pounds.
Pound	=	0.453 592 37 kilogramme.
Ounce	=	1/16 pound
Dram	=	1/16 ounce
Grain	=	1/7000 pound.

#### Metric units

Metric ton (tonne and metric tonne)	=	1000 kilogrammes.
Quintal	=	100 kilogrammes.
Kilogramme		shall have the meaning assigned to it under the law in force in England.
Hectogramme	=	1/10 kilogramme.
Gramme	=	1/1000 kilogramme.
Carat (metric)	=	1/5 gramme.

Milligramme = 1/1000 gramme.

## ENDNOTES

### 1

#### KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

#### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 155 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

### 2

#### LIST OF LEGISLATION

##### ***Weights and Measures Act (Cap. 155)***

<i>Constituent legislation:</i>	12 of 1973 (Commenced 1 December 1980)
	LN 46A of 1978
	LN 88 of 1978
	21 of 1979

##### ***Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)***

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

### 3

#### LIST OF AMENDMENTS

s 5	amd by Act No. 14 of 2009
s 6	amd by Act No. 14 of 2009
s 7	amd by Act No. 14 of 2009
s 8	amd by Act No. 14 of 2009
s 9	amd by Act No. 14 of 2009
s 10	amd by Act No. 14 of 2009
s 11	amd by Act No. 14 of 2009
s 12	amd by Act No. 14 of 2009