

PROJET DE LOI

ENTITLED

The Weights and Measures (Guernsey and Alderney) Law, 1991 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* No. XVII of 1991 (Ordres en Conseil Vol. XXXIII, p. 251); as amended by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996 (No. XXXI of 1996, Recueil d'Ordonnances Tome XXVII, p. 139); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Weights and Measures (Various Foods) (Amendment) Regulations, 1991 (G.S.I. No. 57 of 1991); the Weights and Measures (Intoxicating Liquor) Regulations, 1999 (G.S.I. No. 23 of 1999). See also the Weights and Measures (Designated Countries) Regulations, 1993 (G.S.I. No. 17 of 1993).

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The Weights and Measures (Guernsey and Alderney) Law, 1991

THE STATES, in pursuance of their Resolution of the 28th day of May, 1980, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Alderney, Herm and Jethou.

PART I

UNITS AND STANDARDS OF MEASUREMENT

Units of measurement.

1. (1) The yard or metre is the unit of measurement of length and the pound or kilogram is the unit of measurement of mass by reference to which any measurement of length or mass shall be made in the Bailiwick.

(2) Schedule 1 defines the units of measurement set out therein.

(3) [The Committee] may by regulations add or remove any unit of measurement to or from Parts I to VI of Schedule 1.

(4) Regulations under subsection (3) which remove –

(a) from Part I of Schedule 1, the mile, foot or inch, or

(b) from Part IV of that Schedule, the gallon or pint.

shall not come into operation until laid in draft before, and approved by a Resolution of, the States,

(5) Subsection (4) does not apply to regulations made only under section 5 (6)(b).

NOTE

In section 1, the words in square brackets in subsection (3) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

Bailiwick standards.

2. (1) [The Committee] shall provide and maintain standards ("**Bailiwick standards**") of such of the measures and weights set out in Schedule 2 as [the Committee] considers necessary for the purposes of this Law.

(2) Bailiwick standards –

- (a) shall be provided and replaced by [the Committee] whenever it considers necessary,
- (b) shall be of material and form approved by the competent authority, and
- (c) shall be kept at premises approved for the purpose by [the Committee].

(3) A Bailiwick standard of any linear or capacity measure –

- (a) shall be provided as a separate standard or by means of

divisions marked on a standard of a larger measure, and

- (b) shall be marked in whole or in part with subdivisions representing any smaller units of measurement or multiples or fractions of such a unit, or have no such markings.

(4) No article shall be used as a Bailiwick standard unless there is in force a certificate of its fitness for the purpose issued by the competent authority.

(5) [The Committee] shall, whenever it considers necessary, submit any Bailiwick standard to the competent authority to have its value determined or redetermined by comparison with the appropriate standards of the United Kingdom.

(6) A standard of measure or weight included in Schedule 2 and provided under Article 7 of the Law of 1916 which was in use immediately before the commencement of this section shall be deemed for the purposes of this Law to be a Bailiwick standard provided under this section.

NOTES

In section 2, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

The following Regulations have been made under section 2:

Weights and Measures (Bailiwick Standard and Working Standard Capacity Measures and Testing Equipment) Regulations, 1991;

Weights and Measures (Bailiwick Standard and Working Standard Linear Measures) Regulations, 1991;

Weights and Measures (Bailiwick Standard and Working Standard Weights and Testing Equipment) Regulations, 1991.

Working standards and testing and stamping equipment.

3. (1) [The Committee] shall provide for use by inspectors and maintain and replace –

- (a) such standards ("**working standards**") of the measures and weights set out in Schedule 2,
- (b) such testing equipment, and
- (c) such stamping equipment,

as [the Committee] considers necessary for the efficient discharge by inspectors of their functions.

(2) [The Committee] may –

- (a) provide any such working standard or equipment by making arrangements with another person for it to be made available by him, and
- (b) make arrangements with another person for any working standard or testing equipment provided under subsection (1) to be made available to him.

(3) Working standards and equipment provided under subsection (1) shall be of material and form approved by the competent authority.

(4) Working standards and equipment provided under subsection (1), other than standards or equipment subject to arrangements under subsection (2)(a), shall be kept at premises approved for the purpose by [the Committee], except when it is necessary to use them elsewhere.

- (5) A working standard of linear or capacity measure –
 - (a) shall be provided as a separate standard or by means of divisions marked on a standard of a larger measure, and
 - (b) shall be marked in whole or in part with subdivisions representing any smaller unit of measurement or multiples or fractions of such a unit, or have no such markings.

- (6) [The Committee] shall by regulations make provision –
 - (a) for working standards to be tested by comparison with, and if necessary adjusted (to within such limits of error as may be prescribed) by reference to, Bailiwick standards, working standards more recently tested or other approved standards or equipment, and
 - (b) as to the testing, adjustment and limits of error of testing equipment provided under subsection (1).

(7) Nothing shall be used by an inspector as a working standard or testing equipment provided under subsection (1) unless the relevant requirements of regulations under subsection (6) are satisfied in relation to it.

(8) Any working standard or testing or stamping equipment lawfully in use by an inspector immediately before the commencement of this section shall be deemed for the purposes of this Law to have been provided under subsection (1).

NOTES

In section 3, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

The following Regulations have been made under section 3:

Weights and Measures (Bailiwick Standard and Working Standard Capacity Measures and Testing Equipment) Regulations, 1991;
Weights and Measures (Bailiwick Standard and Working Standard Linear Measures) Regulations, 1991;
Weights and Measures (Bailiwick Standard and Working Standard Weights and Testing Equipment) Regulations, 1991;
Weights and Measures (Bailiwick Standard, Working Standard and Testing Equipment) (Amendment) Regulations, 1996.

PART II

WEIGHING AND MEASURING FOR TRADE

General

Meaning of "use for trade".

4. (1) In this Law **"use for trade"** means, subject to subsection (2), use in the Bailiwick in connection with or with a view to, a transaction for –

- (a) the transferring or rendering of money or money's worth in consideration of money or money's worth, or
- (b) the making of a payment in respect of any toll or duty,

where in either case –

- (i) the transaction is by reference to quantity, or is a transaction for the purpose of which there is made or implied a statement of the quantity of

goods to which the transaction relates, and

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

(2) Use for trade does not include use where –

- (a) the determination or statement is of the quantity of goods required for despatch to a destination outside the Bailiwick, Great Britain and any designated country,
- (b) the transaction is not a sale by retail, and
- (c) no transfer or rendering of money or money's worth is involved other than the passing of the title to the goods and the consideration for them.

(3) Equipment which is –

- (a) weighing or measuring equipment made available in the Bailiwick for use by the public, whether on payment or otherwise, or
- (b) used in the Bailiwick for the grading by reference to their weight, for the purposes of trading transactions by reference to that grading, of hens' eggs in shell which are intended for human consumption,

shall be treated for the purposes of this Part of this Law as weighing or measuring equipment in use for trade.

(4) Where weighing or measuring equipment is found in the possession of a person carrying on trade, or on premises used for trade, that person or, as the case may be, the occupier of those premises shall be deemed for the purposes of this Law, unless the contrary is proved, to have that equipment in his possession for use for trade.

NOTE

In accordance with the provisions of the Weights and Measures (Designated Countries) Regulations, 1993, regulation 1, Northern Ireland, the Isle of Man and Jersey shall be designated countries for the purposes of section 4(2), with effect from 27th July, 1993.

Units, weights and measures lawful for use for trade.

5. (1) No person shall –
- (a) use for trade a unit of measurement not included in Parts I to V of Schedule 1, or
 - (b) use for trade, or have in his possession for use for trade, a linear, square, cubic or capacity measure, or a weight, not included in Schedule 2.
- (2) No person shall use for trade –
- (a) the ounce troy, except for the purposes of transactions in, or in articles made from, gold, silver or other precious metals, including transactions in gold or silver thread, lace or fringe,
 - (b) the carat (metric), except for the purposes of transactions in precious stones or pearls,

(c) a capacity measure of 125, 150 or 175 millilitres, except for the purposes of transactions in intoxicating liquor, or

(d) Guernsey units of measurement –

(i) of area, except for the purposes of transactions in land, and

(ii) of volume or capacity, except for the purposes of transactions in land or in rentes or cheffrentes for the evaluation of land.

(3) Subsection (1)(a) does not apply to the prescribing of, or the dispensing of a prescription for, drugs.

(4) A person who contravenes subsection (1) or (2) is guilty of an offence, and a measure or weight used, or in any person's possession for use, in contravention of either of those subsections is liable to forfeiture.

(5) The preceding provisions of this section have effect subject to

—

(a) sections 6 and 64, and

(b) paragraph 2 of Part VI of Schedule 1.

(6) [The Committee] may by regulations –

(a) amend Schedule 2 by adding or removing any measure

or weight,

- (b) amend subsection (2) by adding, varying or removing any restriction on the use for trade or possession for use for trade of any unit of measurement, measure or weight.

(7) In this section "**unit of measurement**" means a unit of measurement of length, area, volume capacity, mass or weight.

NOTE

In section 5, the words in square brackets in subsection (6) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

Dual marking and conversion charts.

6. (1) [The Committee] may make regulations –

- (a) requiring or authorising a person who uses a metric unit for trade to afford, for explanatory purposes, information giving the equivalent in the imperial system of the relevant quantity in the metric system, and
- (b) extending any obligation to give information in metric units to include the same information in imperial units.

(2) [The Committee] may make regulations requiring or authorising the display, on premises where metric units are used for trade, of conversion tables or other material for converting metric units into imperial units.

(3) Regulations under this section –

- (a) may prescribe the form and manner in which any information, conversion table or other material is to be given or displayed, and
- (b) may prescribe appropriate conversion factors by reference to which an amount expressed in imperial units is to be treated as equivalent to a given amount expressed in metric units.

(4) A person who contravenes regulations under this section is guilty of an offence.

(5) In this section "**unit**", in the expressions "**metric unit**" and "**imperial unit**", means a unit of measurement of length, area, volume, capacity, mass or weight.

(6) Regulations under this section requiring or authorising anything to be done have effect whether or not the relevant imperial unit may lawfully be used for trade, but do not otherwise authorise what is unlawful.

NOTES

In section 6, the words "The Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

The following Regulations have been made under section 6:

*Weights and Measures (Designated Countries) Regulations, 1993;
Weights and Measures (Bailiwick Standard, Working Standard and Testing Equipment) (Amendment) Regulations, 1996.*

Multiples and Fractions.

7. (1) Except as may be prescribed and subject to regulations under section 11 –

- (a) a linear measure specified in Part I of Schedule 2 may be marked in whole or in part with divisions and subdivisions representing any shorter lengths, but
- (b) no capacity measure specified in Part IV of that Schedule shall be used for trade, by means of any division or subdivision marked on it, as a capacity measure of a lesser quantity.

(2) A person who contravenes subsection (1)(b) is guilty of an offence, and a measure used, or in any person's possession for use, in contravention of that subsection is liable to forfeiture.

(3) [The Committee] may prescribe what may be treated for the purposes of use for trade as the equivalent of, or of any multiple or fraction of, any unit of measurement included in Schedule 1 in terms of any other such unit.

(4) Nothing in regulations under subsection (3) shall apply to transactions in drugs.

(5) [The Committee], after consultation with the [Committee for Health & Social Care], may by regulations, which shall have effect notwithstanding the provisions of any other enactment or instrument –

- (a) prescribe what may be treated for the purposes of dealings with drugs as the equivalent of, or of any multiple or

fraction of any unit of measurement included in Schedule 1 in terms of any other such unit, and

- (b) require that any person carrying out a prescribed dealing with drugs, for the purposes of which the quantity of the drugs is expressed in terms of a prescribed unit, shall carry out that dealing in terms of an equivalent quantity prescribed under paragraph (a).

NOTES

In section 7,

the words "The Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016;

the words in the second pair of square brackets in subsection (5) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

The following Regulations have been made under section 7:

Weights and Measures (Measuring and Equipment) (Intoxicating Liquor Capacity Servicing Measures) Regulations, 1991;

Weights and Measures (Measuring Equipment) (Liquid and Dry Capacity Measures) Regulations, 1991.

Weighing or measuring equipment for use for trade

Certain equipment to be passed and stamped.

8. (1) This section applies to weighing or measuring equipment of any prescribed class or description.

(2) No person shall use any article for trade as equipment to which this section applies, or have any article in his possession for such use, unless the article, or equipment in which the article is incorporated or to the operation of which the use of the article is incidental –

- (a) has been passed by an inspector as fit for such use, and
- (b) except as otherwise provided by or under this Law, bears a stamp, indicating that it has been so passed, which is undefaced otherwise than by fair wear and tear.

(3) A person who contravenes subsection (2) is guilty of an offence, and any article in respect of which the offence is committed is liable to forfeiture.

(4) A person requiring equipment to which this section applies to be passed as fit for use for trade shall submit the equipment, in such manner as [the Committee] may direct, to an inspector who (subject to the provisions of this Law and of any regulations under section 11) –

- (a) shall test the equipment by means of such Bailiwick standards, or such working standards and testing equipment, as he considers appropriate or, subject to any prescribed conditions, by means of other equipment which has already been tested and which the inspector considers suitable for the purpose,

(b) if the equipment submitted falls within the prescribed limits of error but, by virtue of subsection (10), is not required to be stamped under paragraph (c) of this subsection, shall give to the person submitting it a written statement that it is passed as fit for use for trade, and

(c) except as otherwise provided by or under this Law, shall cause it to be stamped with the prescribed stamp.

(5) There shall be charged, in respect of any test to be carried out under subsection (4), the prescribed fee.

(6) An inspector shall keep a record of every test carried out by him under subsection (4).

(7) Except as otherwise provided by or under this Law, no weight or measure shall be stamped as mentioned in subsection (4)(c) unless it has been marked in the prescribed manner with its purported value.

(8) Subject to subsection (9), where equipment submitted to an inspector under subsection (4) is of an approved pattern, the inspector shall not refuse to pass or stamp it on the ground that it is not suitable for use for trade.

(9) If the inspector is of the opinion that the equipment is intended for use for trade for a particular purpose for which it is not suitable, he may refuse to pass or stamp it until the matter has been referred to [the Committee], whose decision is final.

(10) The requirements of subsections (2), (4) and (7) as to stamping

and marking do not apply to a weight or measure which is too small to be stamped or marked in accordance with those requirements.

(11) An inspector may require a person who submits equipment to him under this section to provide him with such assistance in connection with the testing of the equipment as he reasonably considers necessary, and is not obliged to proceed with the test until the person provides it; but a failure to provide the assistance does not constitute an offence under section 55.

(12) If an inspector refuses to pass as fit for use for trade any equipment submitted to him under this section, and is requested by the person who submitted the equipment to give reasons for the refusal, the inspector shall give to that person a written statement of those reasons.

(13) In the case of equipment required by regulations under section 11 to be passed and stamped under this section only after being installed at the place where it is to be used for trade, if, after the equipment has been so passed and stamped, it is dismantled and reinstalled, whether or not in the same place, it shall not be used for trade until again passed under this section.

(14) A person who –

- (a) knowingly uses any equipment in contravention of subsection (13),
- (b) knowingly causes or permits another person so to use it,
or
- (c) knowing that the equipment is required by subsection (13) to be again passed under this section, disposes of it to another person without informing him of that

requirement,

is guilty of an offence, and the equipment is liable to forfeiture.

(15) Equipment to which this section applies which has been duly stamped under the Law of 1916 shall be treated for the purposes of this Law as if it had been duly stamped under this section.

(16) Subject to subsection (13) equipment to which this section applies which has been duly stamped in accordance with any enactment in force in Great Britain, or which is or would be treated for the purposes of that enactment as if duly stamped in accordance therewith, shall be treated for the purposes of this Law as if it had been duly stamped in the Bailiwick under this section.

NOTES

In section 8, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

The following Regulations have been made under section 8:

Weights and Measures (Measuring and Equipment) (Intoxicating Liquor Capacity Servicing Measures) Regulations, 1991;

Weights and Measures (Measuring Equipment) (Intoxicating Liquor) Regulations, 1991;

Weights and Measures (Measuring Equipment) (Liquid and Dry Capacity Measures) Regulations, 1991;

Weights and Measures (Measuring Equipment) (Liquid Fuel and Lubricants) Regulations, 1991;

Weights and Measures (Measuring Equipment) (Liquid Fuel and Lubricants) Regulations, 1999;

Weights and Measures (Measuring Equipment) (Measures of Length) Regulations, 1991;

Weights and Measures (Prescribed Stamp) Regulations, 1991;

Weights and Measures (Weighing Equipment) (Weights) Regulations, 1991;

Weighing Equipment (Non-automatic Weighing Machines) Regulations, 2012;

Offences in connection with approved patterns.

9. (1) In this section "**certificate of approval**" means a certificate of approval of a pattern of weighing or measuring equipment issued by the competent authority and includes any Community pattern of approval.

(2) Where conditions are imposed on the grant or renewal of a certificate of approval, a person who –

- (a) knowing that a condition, other than a condition mentioned in subsection (3), has been imposed in respect of any equipment, uses, or causes or permits another person to use, the equipment in contravention of the condition, or
- (b) knowing that a condition has been imposed in respect of any equipment, disposes of the equipment to another person in a state in which it could be used for trade without informing the other person of the condition, is guilty of an offence, and the equipment is liable to forfeiture.

(3) Subsection (2)(a) does not apply in respect of a condition under which a certificate of approval ceases to be in force at the end of a specified period of less than 10 years.

(4) Where a certificate of approval –

- (a) expires (whether at the end of a period or by virtue of a notice issued by the competent authority), or

- (b) is revoked subject to conditions (if any) specified in a notice issued by the competent authority,

a person who, knowing that the certificate has expired or has been revoked, supplies to another person any equipment of the pattern in question which is marked with a stamp and which was not used for trade at a time when the certificate was in force otherwise than by virtue of conditions specified in a notice issued by the competent authority, is guilty of an offence, and the equipment supplied is liable to forfeiture.

(5) Where a certificate of approval is revoked in a case not falling within subsection (4)(b), a person who, knowing that the certificate has been revoked (and except as may be permitted by a fresh certificate granted in respect of the pattern in question) –

- (a) uses for trade, or has in his possession for such use, any equipment of that pattern,
- (b) causes or permits another person to use any such equipment for trade, or
- (c) disposes of any such equipment to another person in a state in which it could be used for trade without informing that other person of the revocation.

is guilty of an offence, and the equipment is liable to forfeiture.

General specifications of equipment.

10. (1) [The Committee] may prescribe general specifications for the construction of equipment to which section 8 applies and, subject to subsection (3) equipment which does not conform with any such specification shall not be passed or

stamped by an inspector under section 8 unless it is of a pattern in respect of which a certificate of approval is in force.

(2) Where a specification prescribed under this section is varied or revoked, a person who –

- (a) uses for trade equipment which to his knowledge no longer conforms with any such specification,
- (b) has any such equipment in his possession for use for trade,
- (c) causes or permits another person to use any such equipment for trade, or
- (d) disposes of any such equipment to another person in a state in which it could be used for trade without informing the other person that it no longer conforms with any such specification,

is guilty of an offence, and the equipment is liable to forfeiture.

(3) Where in respect of any particular equipment, [the Committee] considers that there are special circumstances which make it impracticable or unnecessary for the equipment to conform with any specification prescribed under this section, [the Committee] may exempt the equipment from the specification subject to compliance with such conditions, if any, as it considers necessary.

(4) A person who knowingly contravenes a condition imposed in respect of any equipment under subsection (3) is guilty of an offence, and the equipment is liable to forfeiture.

(5) If a difference arises between an inspector and another person as to the interpretation of a specification prescribed under this section, or as to whether or not any equipment conforms with such a specification, the difference may, with the consent of the other person, and shall, at the request of the other person, be referred to [the Committee], whose decision is final.

NOTE

In section 10, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

Miscellaneous

Regulations relating to weighing or measuring for trade.

- 11.** (1) [The Committee] may make regulations as to –
- (a) the materials and principles of construction of weighing or measuring equipment for use for trade,
 - (b) the inspection, testing, passing as fit for use for trade and stamping of such equipment, including –
 - (i) the prohibition of the stamping of such equipment in prescribed circumstances,
 - (ii) the circumstances in which an inspector may remove or detain any such equipment for inspection or testing,

- (iii) the marking of any such equipment found unfit for use for trade,
 - (c) the circumstances and manner in which, and conditions under which, stamps may be destroyed, obliterated or defaced,
 - (d) where any stamp on weighing or measuring equipment is lawfully destroyed, obliterated or defaced, the circumstances in which, and conditions subject to which, the equipment may be used for trade without contravening section 8(2),
 - (e) the purposes for which particular types of weighing or measuring equipment may be used for trade,
 - (f) the manner of erection or use of weighing or measuring equipment used for trade,
 - (g) the abbreviations of or symbols for units of measurement which may be used for trade, and
 - (h) the manner in which the tare weight of road vehicles is to be determined.
- (2) Regulations under subsection (1) as to the testing of equipment may provide that –
- (a) where a group of items of equipment of the same kind is submitted for testing, and prescribed conditions are satisfied in respect of the group, the testing may be

confined to a number of items determined by or under the regulations and selected in the prescribed manner, and

- (b) if items so selected satisfy the test, other items in the group shall be treated as having satisfied it.

(3) Subject to subsection (5), a person who contravenes any regulation under subsection (1)(e), (f), (g) or (h) is guilty of an offence, and any weighing or measuring equipment in respect of which the offence was committed is liable to forfeiture.

(4) If a difference arises between an inspector and another person as to the interpretation of a regulation under this section, or as to the method of testing any weighing or measuring equipment, the difference may, with the consent of the other person, and shall, at the request of the other person, be referred to [the Committee], whose decision is final.

(5) Where, in any particular case, [the Committee] considers that there are special circumstances which make it impracticable or unnecessary to comply with any regulation under this section, [the Committee] may dispense with observance of the regulation, subject to compliance with such conditions, if any, as it thinks fit; and a person who knowingly contravenes a condition imposed in respect of any equipment under this subsection is guilty of an offence, and the equipment is liable to forfeiture.

NOTES

In section 11, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

The following Regulations have been made under section 11:

Weights and Measures (Measuring and Equipment) (Intoxicating Liquor Capacity Servicing Measures) Regulations, 1991;

Weights and Measures (Measuring Equipment) (Intoxicating Liquor) Regulations, 1991;

Weights and Measures (Measuring Equipment) (Liquid and Dry Capacity Measures) Regulations, 1991;

Weights and Measures (Measuring Equipment) (Liquid Fuel and Lubricants) Regulations, 1991;

Weights and Measures (Measuring Equipment) (Liquid Fuel and Lubricants) Regulations, 1999;

Weights and Measures (Measuring Equipment) (Measures of Length) Regulations, 1991;

Weights and Measures (Quantity Marking and Abbreviation of Units) Regulations, 1991;

Weights and Measures (Weighing Equipment) (Weights) Regulations, 1991;

Weighing Equipment (Non-automatic Weighing Machines) Regulations, 2012.

Offences in connection with stamping of equipment.

12. (1) Subject to subsection (2), a person who, in the case of any weighing or measuring equipment used or intended to be used for trade –

- (a) not being an inspector or a person acting under the instructions of an inspector, marks in any manner a plug or seal used or designed for use for the reception of a stamp,
- (b) forges, counterfeits or, except as permitted by or under this Law, in any way alters or defaces a stamp,
- (c) removes a stamp and inserts it into any other such equipment,
- (d) makes an alteration in the equipment after it has been stamped such as to make it false or unjust, or

- (e) severs or otherwise tampers with any wire, cord or other thing by means of which a stamp is attached to the equipment,

is guilty of an offence.

(2) Subsection (1)(a) and (b) does not apply to the destruction or obliteration of a stamp, plug or seal, and subsection (1)(e) does not apply to anything done in the course of the adjustment or repair of weighing or measuring equipment by, or by the duly authorised agent of, a person who is a manufacturer of, or regularly engaged in the business of repairing, such equipment.

(3) A person who uses for trade, sells, or exposes or offers for sale weighing or measuring equipment which to his knowledge –

- (a) bears a stamp which is a forgery or counterfeit, or which has been transferred from other equipment, or which has been altered or defaced otherwise than as permitted by or under this Law, or
- (b) is false or unjust as the result of an alteration made in the equipment after it has been stamped,

is guilty of an offence.

(4) Any weighing or measuring equipment in respect of which an offence under this section is committed, and any stamp or stamping implement used in the commission of the offence, is liable to forfeiture.

Offences relating to false or unjust equipment or fraud.

13. (1) A person who uses for trade, or has in his possession for use for trade, any weighing or measuring equipment which is false or unjust is guilty of an offence, and the equipment is liable to forfeiture.

(2) Without prejudice to the liability of any equipment to forfeiture, it is a defence for a person charged with an offence under subsection (1) in respect of the use for trade of any equipment to show –

- (a) that he used the equipment only in the course of his employment by another person, and
- (b) that he neither knew, nor might reasonably have been expected to know, nor had any reason to suspect, the equipment to be false or unjust.

(3) If any fraud is committed in the using of any weighing or measuring equipment for trade, the person committing the fraud, and any person party to it, are guilty of an offence, and the equipment is liable to forfeiture.

PART III

PUBLIC WEIGHING OR MEASURING EQUIPMENT

Keepers of public equipment to hold certificate.

14. (1) No person shall attend to a weighing or measuring by means of weighing or measuring equipment available for use by the public, being a weighing or measuring demanded by a member of the public and for which a charge is made, other than a weighing or measuring of a person, unless he holds a certificate from [the Committee] that he has sufficient knowledge for the proper performance of his duties.

(2) A person who contravenes, or who causes or permits another person to contravene, subsection (1) is guilty of an offence.

NOTE

In section 14, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

Provision of public equipment by [the Committee].

15. (1) [The Committee] may provide and maintain for use by the public such weighing or measuring equipment as it considers expedient.

(2) Except in the case of a weighing or measuring for which, under any other enactment, the charge falls to be regulated by another authority, [the Committee] may make such charges for any weighing or measuring by means of equipment provided by it for the use of the public as it thinks fit.

NOTE

In section 15, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

Offences in connection with public equipment.

16. (1) Where an article, vehicle (loaded or not) or animal is brought for weighing or measuring by means of equipment which is available for use by the public and is provided for the purpose of weighing or measuring such articles, vehicles or animals, a person appointed to attend to the weighing or measuring who

-
- (a) without reasonable cause, fails to carry out the weighing or measuring on demand,

- (b) carries out the weighing or measuring unfairly,
- (c) fails to deliver to the person demanding the weighing or measuring or to his agent a written statement of the weight or other measurement found, or
- (d) fails to make a record of the weighing or measuring, including the time and date thereof and, in the case of a vehicle, such particulars of the vehicle and of any load thereon as will identify the vehicle and load, is guilty of an offence.

(2) If in connection with any equipment mentioned in subsection (1) –

- (a) a person appointed to attend to weighing or measuring by means of the equipment delivers a false statement of any weight or other measurement found, or makes a false record of any weighing or measuring, or
- (b) a person commits any fraud in connection with any, or any purported, weighing or measuring by means of the equipment,

he is guilty of an offence.

(3) A person who brings an article, vehicle or animal for weighing or measuring by means of equipment mentioned in subsection (1), and who on being required by the person attending to the weighing or measuring to give his name and address, fails to do so, or gives a name or address which is incorrect, is guilty of an offence.

(4) A person making weighing or measuring equipment available for use by the public ("**the responsible person**") shall retain for not less than two years every record of a weighing or measuring by means of the equipment made by any person appointed to attend to the weighing or measuring.

(5) An inspector, subject to the production on request of his credentials, may require the responsible person to produce for inspection any record retained by him under subsection (4).

(6) A responsible person who fails to retain or produce a record in accordance with subsection (4) or (5) is guilty of an offence.

(7) A person who wilfully destroys or defaces a record mentioned in subsection (4) before the expiration of two years from the date on which it was made is guilty of an offence.

PART IV

REGULATION OF TRANSACTIONS IN GOODS

Transactions in particular goods

Transactions in goods mentioned in Schedules 5 to 8.

17. Schedules 3 to 8 shall have effect.

Regulations relating to transaction in particular goods.

18. (1) [The Committee] may make regulations as to prescribed goods to ensure that the goods –

- (a) are sold only by quantity expressed in the prescribed manner,

- (b) are pre-packed (or are otherwise made up in a container for sale or for delivery after sale) only if the container is marked with prescribed information as to the quantity of the goods,
- (e) are pre-packed (or are otherwise made up for sale or for delivery after sale) only in a container of a prescribed size or capacity,
- (d) are sold, or are pre-packed, or are otherwise made up in a container for sale or for delivery after sale, or are made for sale, only in prescribed quantities,
- (e) are not sold unless the quantity sold, expressed in the prescribed manner, is made known to the buyer at or before the prescribed time,
- (f) are sold by means of, or are offered or exposed for sale in, a vending machine only if there is displayed on or in the machine –
 - (i) prescribed information as to the quantity of goods comprised in each item for sale by means of the machine, and
 - (ii) a statement of the name and address of the seller,
- (g) are carried for reward only in pursuance of an agreement made by reference to the quantity of the

goods in question expressed in the prescribed manner,

- (h) in prescribed circumstances, have associated with them in the prescribed manner a document containing, a statement of the quantity of the goods in question expressed in the prescribed manner, and a statement of any other prescribed particulars,
- (i) when carried on a road vehicle on a highway, are accompanied by a document containing prescribed particulars, determined in the prescribed manner, as to the weight of the vehicle and its load apart from the goods in question.

(2) Regulations under subsection (1) –

- (a) may be made in respect of any goods, including goods to which any provision of Schedules 3 to 8 applies,
- (b) may, for any purpose mentioned in subsection (1), amend, apply with or without modifications, or exclude the application in whole or in part of, any provision of this Law (except Part V), and
- (c) may impose, in respect of contraventions of the regulations for which no penalty is provided by this Law, penalties not exceeding those provided by section 58(4).

(3) Without prejudice to the generality of subsection (1)(b), (c) and (d), regulations under that subsection –

- (a) may require a container to be marked with prescribed information concerning it or its contents, and
- (b) in order to prevent size or capacity from giving a false impression of the quantity of the goods in a container, may prescribe a minimum quantity for the goods in a container of a given capacity (which minimum quantity may be expressed in the regulations by weight, volume, percentage of the capacity of the container or in any other manner).

NOTES

In section 18, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

The following Regulations have been made under section 18:

Weights and Measures (Various Foods) (Amendment) Regulations, 1991;
Weights and Measures (Intoxicating Liquor) Regulations, 1999;
Weights and Measures (Intoxicating Liquor) (Amendment) Regulations, 2019.

Regulations as to information.

19. (1) [The Committee] may make regulations –
- (a) as to the manner in which a container required by any provision of Schedules 3 to 8 or of regulations under section 18(1) to be marked with information is to be so marked,
 - (b) as to the manner in which any information required by

any such provision to be displayed on or in a vending machine is to be so displayed,

- (c) as to the conditions which must be satisfied in marking, with information as to the quantity of goods therein, the container in which any goods are made up for sale (whether by way of pre-packing or otherwise) where those goods are goods on a sale of which (whether any sale or a sale of any particular description) the quantity sold is required by any such provision to be made known to the buyer at or before a particular time.
- (d) as to the units of measurement to be used in marking any such container or machine with any information,
- (e) for securing, in the case of pre-packed goods, that the container is so marked as to enable the packer to be identified,
- (f) as to the method by which and conditions under which quantity is to be determined in connection with any information relating to quantity required by or under section 17 or 18, and
- (g) permitting, in the case of prescribed goods, the weight of prescribed articles used in making up the goods for sale to be included in the net weight of the goods for the purposes of this Part of this Law.

(2) A person who contravenes any regulation under subsection (1) (other than a regulation under paragraph (f) or (g) thereof) is guilty of an offence.

NOTES

In section 19, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

The following Regulations have been made under section 19:

Weights and Measures (Quantity Marking and Abbreviation of Units) Regulations, 1991.

Exemption from sections 17 to 19.

20. (1) [The Committee] may by regulations exempt any goods or sales from any requirement of or under 17 to 19.

(2) Until otherwise provided by regulations under subsection (1), there are exempted from the requirements of or under sections 17 to 19 –

- (a) any sale of goods where the buyer gives written notice to the seller before the sale is completed that the goods are being bought –
 - (i) for despatch to a destination outside the Bailiwick, Great Britain and any designated country, or
 - (ii) for use as stores in a ship or aircraft on a voyage or flight to an eventual destination outside the Bailiwick,
- (b) any goods sold for, or offered, exposed or in any person's possession for sale only for, use or

consumption at the premises of the seller, not being intoxicating liquor, and

- (c) articles of food pre-packed together for consumption together as a meal and ready for such consumption without being cooked, heated or otherwise prepared.

NOTES

In section 20, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

The following Regulations have been made under section 20:

Weights and Measures (Various Foods) (Amendment) Regulations, 1991;

Weights and Measures (Intoxicating Liquor) Regulations, 1999;

Weights and Measures (Prescribed Quantities) (Exemptions) Regulations, 2019.

In accordance with the provisions of the Weights and Measures (Designated Countries) Regulations, 1993, regulation 1, Northern Ireland, the Isle of Man and Jersey shall be designated countries for the purposes of section 20(2)(a), with effect from 27th July, 1993.

Offences relating to transactions in particular goods.

21. (1) Subject to section 39, where any goods are required, when not pre-packed, to be sold only by quantity expressed in a particular manner, or only in a particular quantity, a person is guilty of an offence who –

- (a) whether on his own behalf or on behalf of another person, offers or exposes for sale, sells or agrees to sell, or
- (b) causes or permits any other person to offer or expose for sale, sell or agree to sell on his behalf,

those goods otherwise than by quantity expressed in that manner or, as the case may be, otherwise than in that quantity.

- (2) A person is guilty of an offence who –
 - (a) whether on his own behalf or on behalf of another person, has in his possession for sale, sells or agrees to sell,
 - (b) except in the course of carriage of the goods for reward, has in his possession for delivery after sale, or
 - (c) causes or permits another person to have in his possession for sale or for delivery after sale, to sell or to agree to sell on behalf of the first-mentioned person,

any goods to which subsection (3) applies, whether the sale is, or is to be, by retail or otherwise.

- (3) This subsection applies to goods required to be –
 - (a) pre-packed only in particular quantities, but not so pre-packed,
 - (b) otherwise made up in a container for sale or for delivery after sale only in particular quantities, but not so made up,
 - (c) made for sale only in particular quantities, but not so made,

- (d) pre-packed only if the container is marked with particular information, but pre-packed otherwise than in a container so marked,
- (e) otherwise made up in a container for sale or for delivery after sale only if the container is marked with particular information, but so made up otherwise than in a container so marked,
- (f) pre-packed only in a container of a particular description, but not so pre-packed, or
- (g) otherwise made up in a container for sale or for delivery after sale only in a container of a particular description, but not so made up.

(4) Where the quantity of any goods sold, expressed in a particular manner, is required to be made known to the buyer at or before a particular time, and the quantity is not so made known, the person by whom, and any other person on whose behalf, the goods were sold is guilty of an offence.

(5) Where any goods required to be sold by means of, or to be offered or exposed for sale in, a vending machine only if certain requirements are complied with are so sold, offered or exposed without those requirements being complied with, the seller or person causing the goods to be offered or exposed is guilty of an offence.

(6) This section has effect subject to sections 29 to 33.

(7) For the purpose of this section the quantity of goods in a

regulated package (as defined by Schedule 10) shall be deemed to be the nominal quantity (as so defined) on the package.

(8) In this section "**required**" means required by or under this Part of this Law.

Quantity to be stated in writing

Quantity to be stated in writing in certain cases.

22. (1) Subject to section 23, this section has effect on a sale of goods

—

- (a) required by or under this Part of this Law to be a sale by quantity expressed in a particular manner,
- (b) in the case of which the quantity of the goods sold expressed in a particular manner is so required to be made known to the buyer at or before a particular time, or
- (c) which, being a sale by retail not falling within paragraph (a) or (b), is, or purports to be, a sale by quantity expressed in a particular manner other than by number.

(2) Subject to subsections (4) to (6), unless —

- (a) the quantity of goods sold expressed in the manner in question is made known to the buyer at the premises of the seller, and

- (b) the goods are delivered to the buyer at those premises on the occasion on which, and at or after the time when, that quantity is so made known to him,

a written statement of that quantity shall be delivered to the consignee at or before delivery of the goods to him.

(3) If subsection (2) is contravened then, subject to sections 29 to 33, the person by whom, and any other person on whose behalf, the goods were sold is guilty of an offence.

(4) If, when the goods are delivered, the consignee is absent, it is sufficient compliance with subsection (2) if the statement is left at a suitable place at the premises at which the goods are delivered.

(5) Subsection (2) does not apply to a sale otherwise than by retail where, by agreement with the buyer, the quantity of goods sold is to be determined after their delivery to the consignee.

(6) Where liquid goods are sold by capacity measurement, and the quantity sold is measured at the time of delivery and elsewhere than at the premises of the seller, subsection (2) does not apply but, unless the quantity by capacity measurement of the goods sold is measured in the presence of the buyer, the person by whom the goods are delivered shall immediately after the delivery hand to the buyer (or, if the buyer is not present, leave at a suitable place at the premises at which the goods are delivered) a written statement of the quantity by capacity measurement delivered; and if without reasonable cause he fails so to do he is guilty of an offence.

Exemption from section 22.

23. (1) [The Committee] may by regulations exempt any goods or sales from any requirement of section 22.

(2) Until otherwise provided by regulations under subsection (1), nothing in section 22 applies to –

- (a) a sale by retail from a vehicle of –
 - (i) solid fuel within the meaning of Schedule 6, or wood fuel, in a quantity not exceeding 224 pounds, or
 - (ii) liquid fuel, lubricating oil, or any mixture of such fuel and oil, in a quantity not exceeding 5 gallons,
- (b) a sale by retail of bread within the meaning of Part II of Schedule 4,
- (c) goods made up for sale (whether by way of pre-packing or otherwise) in a container marked with a statement in writing as to the quantity of the goods expressed in the manner in question, being a container which is delivered with the goods,
- (d) a sale of goods in the case of which a document stating the quantity of the goods expressed in the manner in question is required to be delivered to the buyer or consignee of the goods by or under any other provision of this Part of this Law,
- (e) goods or sales mentioned in section 20(2)(a), (b) or (c),

- (f) a sale of intoxicating liquor for consumption at the premises of the seller,
- (g) a sale by means of a vending machine, or
- (h) goods delivered at the premises of the buyer by means of an installation providing a connection of a permanent nature between those premises and the premises of the seller.

NOTE

In section 23, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

General offences

Short weight, etc.

24. (1) Subject to sections 29 to 33, a 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) a lesser quantity than that purported to be sold, or
- (b) a lesser quantity than corresponds with the price charged,

is guilty of an offence.

- (2) For the purpose of this section –

- (a) the quantity of goods in a regulated package (as defined by Schedule 10) shall be deemed to be the nominal quantity (as so defined) on the package, and
 - (b) any statement, oral or written, as to the weight of any goods shall be taken, unless otherwise expressed, to be a statement as to the net weight of the goods.
- (3) Nothing in this section applies to goods or sales mentioned in section 20(2)(a).

Misrepresentation.

25. (1) Subject to sections 29 to 33, a person who –

- (a) on or in connection with the sale or purchase of any goods,
- (b) in exposing or offering any goods for sale,
- (c) in purporting to make known to the buyer the quantity of any goods sold, or
- (d) in offering to purchase any goods,

makes a misrepresentation, or otherwise, as to the quantity of the goods, does any other act calculated to mislead a person buying or selling the goods as to the quantity thereof, is guilty of an offence.

- (2) Section 24(2) has effect for the purposes of this section.
- (3) Nothing in this section applies to goods or sales mentioned in

section 20(2)(a).

Quantity less than stated.

26. (1) If goods are pre-packed in a container marked with a written statement as to the quantity of goods, and the quantity of the goods is at any time found to be less than that stated, then, subject to sections 29 to 33 –

- (a) a person who has those goods in his possession for sale is guilty of an offence, and
- (b) if it is shown that the deficiency cannot be accounted for by anything occurring after the goods had been sold by retail and delivered to, or to a person nominated in that behalf by, the buyer, any person by whom or on whose behalf the goods were sold or agreed to be sold at a time when they were pre-packed in the container in question, is guilty of an offence.

(2) If –

- (a) in the case of a sale of or agreement to sell goods which, not being pre-packed, are made up for sale, or for delivery after sale, in a container marked with a written statement as to the quantity of the goods, or
- (b) in the case of goods which in connection with their sale or an agreement for sale, have associated with them a document containing such a statement,

the quantity of the goods is at any time found to be less than that stated, then, if it is shown that the deficiency cannot be accounted for by anything occurring after the

goods had been delivered to, or to a person nominated in that behalf by, the buyer, and subject to sections 29 to 33 and paragraph 10 of Schedule [V], the person by whom, and any other person on whose behalf, the goods were sold or agreed to be sold is guilty of an offence.

(3) Subsections (1) and (2) have effect notwithstanding that the quantity stated is expressed to be the quantity of the goods at a specified time falling before the time in question, or is expressed with some other qualification, except where –

- (a) that quantity is so expressed in pursuance of a requirement of or under this Part of this Law, or
- (b) the goods, although falling within subsection (1) or (2)(a) –
 - (i) are not required by or under this Part of this Law to be pre-packed as mentioned in subsection (1) or, as the case may be, to be made up for sale or for delivery after sale in a container only if the container is marked as mentioned in subsection (2)(a), and
 - (ii) are not goods on a sale of which (whether any sale or a sale of any particular description) the quantity sold is required by or under any provision of this Part of this Law, other than section 22, to be made known to the buyer at or before a particular time, or
- (c) the goods, although falling within subsection (2)(b), are

not required by or under this Part of this Law to have associated with them such a document as is mentioned in that subsection.

(4) In a case to which, by virtue of subsection 3(a), (b) or (c), the provisions of subsection (1) or (2) do not apply, if it is found at any time that the quantity of the goods in question is less than that stated, and it is shown that the deficiency is greater than can be reasonably justified or the ground justifying the qualification in question, then, subject to sections 29 to 33 –

(a) in the case of goods mentioned in subsection (1), if it is further shown as mentioned in that subsection, then –

(i) where the container in question was marked in the Bailiwick, the person by whom, and any other person on whose behalf, the container was marked, or

(ii) where the container in question was marked outside the Bailiwick, the person by whom, and any other person on whose behalf, the goods were first sold in the Bailiwick,

is guilty of that offence,

(b) in the case of goods mentioned in subsection (2), the person by whom, and any other person on whose behalf, the goods were sold or agreed to be sold is guilty of an offence if, but only if, he would, but for subsection (3)(a), (b) or (c), have been guilty of an offence under subsection (2).

(5) Section 24(2) has effect for the purposes of this section.

(6) Nothing in this section applies to goods or sales mentioned in section 20(2)(a).

NOTE

The letter in square brackets in subsection (2) shown, incorrectly, in the printed version of this section as "V" should read "5".

Incorrect statements.

27. (1) Without prejudice to section 26(2) to (4), if, in the case of any goods required by or under this Part of this Law to have associated therewith a document containing particular statements, that document is found to contain any such statement which is materially incorrect, any person who, knowing or having reasonable cause to suspect that statement to be materially incorrect inserted it or caused it to be inserted in the document, or used the document for the purposes of this Part of this Law while that statement was contained in the document, is guilty of an offence.

(2) Section 24(2) has effect for the purposes of this section.

(3) Nothing in this section applies to goods or sales mentioned in section 20(2)(a).

Offences due to default of third person.

28. Where the commission by a person of an offence under any provision of or under this Part of this Law is due to the act or default of another person, the latter is guilty of the offence and may be charged and convicted accordingly, whether or not proceedings are taken against the former.

Defences

Warranty.

29. (1) Subject to the following provisions of this section, in proceedings for an offence under any provision of or under this Part of this Law, being an offence relating to the quantity or pre-packing of any goods, it is a defence for the accused to prove –

- (a) that he bought the goods from another person –
 - (i) as being of the quantity which the accused purported to sell or represented, or which was marked on any container or stated in any document to which the proceedings relate, or
 - (ii) as conforming with the statement marked on any container to which the proceedings relate, or with the requirements as to the pre-packing of goods of or under this Part of this Law,as the case may require,
- (b) that he so bought the goods with a written warranty from the other person that they were of that quantity or, as the case may be, did so conform,
- (c) that at the time of the commission of the offence he believed the warranty to be accurate, and had no reason to believe it to be inaccurate,

- (d) if the warranty was given by a person who at the time he gave it was resident outside the Bailiwick, Great Britain and any designated country, that the accused took reasonable steps to check the accuracy of the warranty, and
- (e) in the case of proceedings relating to the quantity of goods, that he took all reasonable steps to ensure that, while in his possession, the quantity of the goods remained unchanged and, in the case of such or any other proceedings, that apart from any change in their quantity the goods were at the time of the commission of the offence in the same state as when he bought them.

(2) A warranty is not a defence in proceedings mentioned in subsection (1) unless, at least seven days before the date of the hearing of the charge, the accused sends to the Chief Officer of Police a copy of the warranty with a notice stating that he intends to rely on it and specifying the name and address of the person from whom it was received. and also sends a like notice to that person.

(3) Where the accused is the employee of a person who, if he had been charged would have been entitled to plead a warranty as a defence under this section, subsection (1) has effect as if –

- (a) for references (however expressed) in paragraphs (a), (b), (d) and (e) to the accused, there were substituted references to his employer, and
- (b) for paragraph (c) there were substituted –

"(c) that at the time of the commission of the offence his employer believed the warranty to be accurate, and the accused had no reason to believe it to be inaccurate,".

(4) The person by whom the warranty is alleged to have been given may appear at the hearing and give evidence.

(5) If the accused wilfully attributes to any goods a warranty given in relation to any other goods, he is guilty of an offence.

(6) A person who, in respect of any goods sold by him in respect of which a warranty might be pleaded under this section, gives to the buyer a false warranty in writing is guilty of an offence, unless he proves that when he gave the warranty he took all reasonable steps to ensure that it was, and would continue at all relevant times to be, accurate.

(7) For the purposes of this section, a statement in respect of any goods which is contained in a document required by or under this Part of this Law to be associated with the goods or in an invoice, and, in the case of goods made up in a container for sale or for delivery after sale, a statement in respect of the goods with which the container is marked, shall be taken to be a written warranty of the accuracy of that statement.

NOTE

In accordance with the provisions of the Weights and Measures (Designated Countries) Regulations, 1993, regulation 1, Northern Ireland, the Isle of Man and Jersey shall be designated countries for the purposes of section 29(1)(d), with effect from 27th July, 1993.

Reasonable precautions and due diligence.

30. (1) In proceedings for an offence under any provision of or under this Part of this Law it is a defence for the accused to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) If the defence under subsection (1) involves an allegation that the commission of the offence was due to the act or default of another person, or was due to reliance on information supplied by another person, the accused may not, without the leave of the court, rely on the defence unless, at least seven days before the date of the hearing of the charge, he serves on the Chief Officer of Police a notice giving such information as to the identity of the other person as is in his possession.

Subsequent deficiency.

31. (1) This subsection applies to proceedings for an offence under any provision of or under this Part of this Law by reason of the quantity –

- (a) of any goods made up for sale or delivery after sale (whether by way of pre-packing or otherwise) in a container marked with an indication of quantity,
- (b) of any goods which, in connection with their sale or an agreement for their sale, have associated with them a document purporting to state the quantity of the goods, or
- (c) of any goods required by or under this Part of this Law to be pre-packed, or to be otherwise made up in a container for sale or for delivery after sale, or to be made for sale, only in particular quantities,

being less than that marked on the container or stated in the document or less than the particular quantity, as the case may be.

(2) In proceedings to which subsection (1) applies, it is a defence for the accused to prove that the deficiency arose –

- (a) in a case falling within subsection (1)(a), after the making up of the goods and the marking of the container,
- (b) in a case falling within subsection (1)(b), after the preparation of the goods for delivery in pursuance of the sale or agreement and after the completion of the document,
- (c) in a case falling within subsection (1)(c), after the making up or making, as the case may be, of the goods for sale,

and was attributable wholly to factors for which reasonable allowance was made in stating the quantity of the goods in the marking or document, or in making up or making the goods for sale, as the case may be.

(3) In the case of a sale by retail of food, other than food pre-packed in a container which is, or is required by or under this Part of this Law to be, marked with an indication of quantity, in proceedings for an offence under any provision of or under this Part of this Law by reason of the quantity delivered to the buyer being less than that purported to be sold, it is a defence for the accused to prove that the deficiency was due wholly to unavoidable evaporation or drainage since the sale and that due care and precaution were taken to minimise evaporation and drainage.

(4) If, in proceedings for an offence under any provision of or

under this Part of this Law being an offence in respect of a deficiency in the quantity of any goods sold, it is shown that between the sale and the discovery of the deficiency the goods were, with the buyer's consent, subjected to treatment which could result in a reduction in their quantity, the accused is not guilty of the offence unless it is shown that the deficiency cannot be accounted for by subjecting the goods to that treatment.

Excess due to precautions.

32. In proceedings for an offence under any provision of or under this Part of this Law being an offence in respect of an excess in the quantity of any goods, it is a defence for the accused to prove that the excess was attributable to the taking of measures reasonably necessary to avoid the commission of an offence in respect of a deficiency in those or other goods.

Provisions as to testing.

33. (1) If proceedings for an offence under any provision of or under this Part of this Law in respect of a deficiency or excess in the quantity –

- (a) of any goods made up for sale (whether by way of pre-packing or otherwise) in a container marked with an indication of quantity, or
- (b) of any goods which have been pre-packed or otherwise made up in a container for sale or for delivery after sale, or which have been made for sale, and which are required by or under this Part of this Law to be pre-packed, or to be otherwise so made up, or to be so made, as the case may be, only in particular quantities,

are brought in respect of any article, and it is proved that, at the time and place at which the article was tested, other articles of the same kind (being articles which, or

articles containing goods which, had been sold by the accused, or were in his possession for sale or for delivery after sale) were available for testing, the accused shall not be convicted of the offence in respect of the article unless a reasonable number of the other articles was also tested.

(2) In proceedings for an offence mentioned in subsection (1), the court –

- (a) if the proceedings are in respect of one or more of a number of articles tested on the same occasion, shall have regard in the average quantity in all the articles tested,
- (b) if the proceedings are in respect of a single article, shall disregard any inconsiderable deficiency or excess, and
- (c) shall have regard generally to all the circumstances of the case.

(3) Subsection (1) and (2) apply with the necessary modifications to proceedings for an offence in respect of the size, capacity or contents of a container as they apply to proceedings for an offence in respect of the excess or deficiency in the quantity of certain goods.

(4) Where by virtue of section 28 a person is charged with an offence with which another person might have been charged, the reference in subsection (1) to articles or goods sold by or in the possession of the accused shall be construed as a reference to articles or goods sold by or in the possession of the other person.

Powers of inspectors

Special powers of inspectors in respect of certain goods.

34. (1) Subsection (2) applies where a person –

- (a) makes a representation as to the quantity of certain of any goods offered or exposed for sale goods by him,
- (b) has in his possession or charge, awaiting or in the course of delivery to the buyer, any goods which have been sold or agreed to be sold, and the sale is, or purports to be, or is required by or under this Part of this Law to be, by quantity expressed in a particular manner, or is such that the quantity of the goods sold is required by or under any provision of this Part other than section 22 to be made known to the buyer at or before a particular time,
- (c) has in his possession or charge for sale, or awaiting or in the course of delivery to a buyer after they have been sold or agreed to be sold –
 - (i) any goods pre-packed or otherwise made up in a container for sale or for delivery after sale which are required by or under this Part of this Law to be pre-packed, or to be otherwise so made up, as the case may be, only in particular quantities or only if the container is marked with particular information,
 - (ii) any goods pre-packed in a container marked with an indication of quantity, or

- (iii) any goods required by or under this Part of this Law to be made for sale only in particular quantities, or
- (d) has in his possession or charge for sale, or awaiting or in the course of delivery to a buyer after they have been sold or agreed to be sold, any goods subject to a requirement imposed by virtue of section 18(1)(c).

(2) Where this subsection applies, the powers of an inspector under section 52 include power to require the person referred to in subsection (1) to do, in the presence of the inspector or to permit the inspector to do, any of the following things –

- (a) weigh or otherwise measure or count the goods,
- (b) weigh or otherwise measure any container in which the goods are made up,
- (c) in the case of goods within subsection (1)(d), do anything else as respects the goods or container which is reasonably necessary to ascertain whether the requirement there mentioned is complied with, and which does not damage or depreciate the goods or container,
- (d) if necessary for any of the purposes of paragraphs (a) to (c), break open any container of goods, or open any vending machine in which goods are offered or exposed for sale,

and, in the case of goods not already sold, power to require that person to sell any of them to the inspector.

(3) Where a container of goods is broken open under subsection (2), and all requirements of and under this Part of this Law applicable to the goods are found to have been complied with, then –

- (a) if the container can be resealed without injury to the contents, the inspector may reseal it with a label certifying that all such requirements have been complied with, and
- (b) if he does not so reseal it, or it cannot be so resealed without injury to the contents, the inspector shall, at the request of the person referred to in subsection (1), buy the goods on behalf of [the Committee].

NOTE

In section 34, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

Powers of inspectors in respect of documents.

35. (1) An inspector, subject to the production if so requested of his credentials, may require the person in charge of any document required by or under this Part of this Law to be associated with any goods to produce that document for inspection.

(2) If the inspector has reasonable cause to believe that a document produced to him under subsection (1) contains an inaccurate statement, he may –

- (a) seize and detain the document, giving in exchange a copy with an endorsement signed by him certifying that the original has been seized and giving particulars of the alleged inaccuracy, or
- (b) without prejudice to any proceedings which may be taken by reason of the alleged inaccuracy, make on the document an endorsement signed by him giving particulars of such inaccuracy,

and, except where the context otherwise requires, references in this Part of this Law to such a document include references to a copy given under paragraph (a).

Powers of inspectors in respect of goods carried on road vehicles.

36. (1) Where, in the case of any goods being carried on a road vehicle

—

- (a) the whole of the vehicle's load is being carried for sale to, or for delivery after sale to, the same person, and
- (b) any document produced under section 35(1) by the person in charge of the vehicle purports, or is required by or under this Part of this Law, to state the quantity of the goods, an inspector may, for the purpose of the exercise of his powers under section 34(2) —
 - (i) require the goods to which the document relates to be unloaded from the vehicle,
 - (ii) require the vehicle to be taken to the nearest

suitable and available weighing or measuring equipment,

- (iii) require the person in charge of the vehicle to have it check-weighed.

(2) The powers conferred by subsection (1) shall be exercised only to such extent as may appear to the inspector reasonably necessary to secure that the provisions of and under this Law (apart from Part V) are duly observed.

Miscellaneous and supplementary

Check-weighing certain road vehicles.

37. Where a road vehicle is loaded with goods for sale by weight to a single buyer of the whole of the vehicle's load, or for delivery to the buyer after they have been so sold, the buyer or seller of the goods, or any inspector who shows that he is authorised so to do by the buyer or seller, may require the person in charge of the vehicle to have it check-weighed, and if that person fails without reasonable cause to comply with the requirement he is guilty of an offence.

Beer and cider.

38. (1) In ascertaining the quantity of any beer or cider for any purpose of section 21 or 24 to 27 or Part I of Schedule 4, the gas comprised in any foam on the beer or cider shall be disregarded and, for the purposes of this subsection, "**beer**" and "**cider**" have the meanings given by Part I of Schedule 4.

(2) This section shall come into force on the date appointed by order of [the Committee], and different dates may be appointed for different purposes.

NOTES

In section 38, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

Section 38 is not yet in force.

Selling by quantity.

39. Where any goods are required by or under this Part of this Law to be sold only by quantity expressed in a particular manner –

- (a) it is a sufficient compliance with that requirement in the case of a sale of, or agreement to sell, the goods if the quantity of the goods expressed in the manner in question is made known to the buyer before the purchase price is agreed, and
- (b) no person is guilty of an offence under section 21(1) by reason of the exposing or offering for sale of the goods at any time if both the quantity of the goods expressed in the manner in question, and the price at which they are exposed or offered for sale, are made known at that time to any prospective buyer.

Making quantity known.

40. (1) For the purposes of this Part of this Law, without prejudice to any other method of making known to a person the quantity of any goods expressed in a particular manner, that quantity shall be taken to be made known to that person –

- (a) if the goods are weighed or otherwise measured or counted, as the case may require, in the presence of that person,

- (b) if the goods are made up in a container marked with a written statement of the quantity of the goods expressed in the manner in question and the container is readily available for inspection by that person, or
- (c) upon such a written statement being delivered to that person.

(2) [The Committee] may by regulation provide that subsection (3) shall apply, in the case of such goods, to any prescribed requirement of or under this Part of this Law in respect of the making known to the buyer of the quantity by weight of such goods sold by retail.

(3) Where this subsection applies. the prescribed requirement is satisfied if the goods are bought at premises at which weighing equipment of a prescribed description –

- (a) is kept available by the occupier of the premises for use without charge by any prospective buyer of such goods for the purpose of weighing for himself any such goods offered or exposed for sale by retail on the premises,
- (b) is so kept available in a position on the premises which is suitable and convenient for such use of the equipment, and
- (c) is reserved for use for that purpose whenever the premises are open for retail transactions,

and a notice of the availability of the equipment for such use is displayed in a position

on the premises where it may be readily seen by any such prospective buyer.

NOTE

In section 40, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

Weighing to be visible.

41. For the purposes of this Part of this Law, a person shall not be taken to weigh or otherwise measure or count any goods in the presence of another person unless he causes any equipment used for the purpose to be so placed, and so conducts the operation of weighing or otherwise measuring or counting, as to permit the latter a clear and unobstructed view of the equipment, if any, and of the operation, and of any indication of quantity given by the equipment as the result of that operation.

PART V
PACKAGED GOODS

Quantity control

Duty of packers and importers as to quantity.

42. (1) It is the duty of the packer or importer of regulated packages to ensure that, when a group of the packages marked with the same nominal quantity is selected in the prescribed manner, and the packages in the group or such a portion of the group as is so selected are tested in the prescribed manner by an inspector –

- (a) the total quantity of the goods shown by the test to be included in the packages tested divided by the number of those packages is not less than the nominal quantity on those packages, and

- (b) the number of non-standard packages among those tested is not greater than the number prescribed as acceptable in relation to the number tested.

(2) A person discharges the duty imposed on him by subsection (1) in respect of a group of packages if the quantity of goods in each package is or exceeds the nominal quantity on the package.

(3) Regulations under subsection (1) prescribing the manner of selecting or testing packages may, without prejudice to the generality of that subsection or section 50, make provision by reference to a document other than the regulations (which may be or include a code of practical guidance approved by [the Committee]).

(4) Where, as a result of a test in respect of a group of packages, it is shown that the packer or importer has failed to perform the duty imposed on him by subsection (1) in respect of the packages, then, without prejudice to the liability of the packer or importer under section 45(1), it is the duty of the person in possession of the packages to keep them in his possession –

- (a) except so far as he is authorised by or under regulations to dispose of them, or
- (b) if he is the packer or importer, until he has performed his duty under subsection (1) in respect of the group.

NOTES

In section 42, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

The following Regulations have been made under section 42:

Weights and Measures (Packaged Goods) Regulations, 1991.

Duty of packers and importers as to marking of containers.

43. (1) It is the duty of the packer or importer of a regulated package to ensure that the container included in the package is marked before the prescribed time and in the prescribed manner with –

- (a) a statement of quantity in prescribed units of weight or volume, as regulations require,
- (b) his name and address, or a mark which enables his name and address to be readily ascertained by an inspector, or –
 - (i) if he is the packer, the name and address of a person who arranged for him to make up the package, or a mark which enables that name and address to be readily ascertained by an inspector,
 - (ii) if he is the importer, the name and address of the packer or of the person who arranged for the packer to make up the package, or a mark which enables the name and address of the packer or that person to be readily ascertained by an inspector, and
- (c) if regulations so provide a mark allocated to him and approved by [the Committee] for the purpose of enabling the place where the package was made up to

be ascertained.

(2) If, at the time when a regulated package is made up or imported, the container included in the package is not marked with such a statement as is mentioned in subsection (1)(a), it is the duty of the packer or, as the case may be, the importer –

- (a) to decide what statement he proposes to mark on the container in pursuance of that subsection, and
- (b) to make at that time, and to maintain for the prescribed period, a record of the statement.

(3) Until the time mentioned in subsection (1) or any earlier time at which the container is actually marked in the prescribed manner in pursuance of subsection (1)(a), it shall be treated for the purpose of this Part of this Law as marked with the statement in the record.

NOTES

In section 43, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

The following Regulations have been made under section 43:

*Weights and Measures (Packaged Goods) Regulations, 1991;
Weights and Measures (Quantity Marking and Abbreviation of Units) Regulations, 1991.*

Duties as to equipment checks and documentation.

44. (1) It is the duty of a person who makes up packages –

- (a) to use suitable equipment of the prescribed kind in an

appropriate manner in making up the packages, or

- (b) to carry out at the prescribed time a check adequate to show whether he has performed the duty imposed on him by section 42(1) in respect of the packages and –
 - (i) to use suitable equipment of the prescribed kind in an appropriate manner in carrying out the check, and
 - (ii) to make, and to keep for the prescribed period, an adequate record of the check.

(2) It is the duty of the importer of regulated packages –

- (a) to comply with subsection (1)(b), or
- (b) to obtain before the prescribed time, and to keep for the prescribed period, documents containing information about the packages adequate to show that he is likely to have performed the duty imposed on him by section 42(1) in respect of the packages.

(3) Without prejudice to the generality of the regulation-making powers conferred by subsections (1) and (2) and section 50, regulations may provide

–

- (a) for equipment not to be "suitable equipment" for the purposes of subsection (1) or (2) unless made from prescribed materials and on prescribed principles and inspected, tested and certified in the prescribed manner,

- (b) for questions as to the suitability of equipment, the appropriate manner of using equipment and the adequacy of checks, records and information to be determined for those purposes by reference to documents other than the regulations (which may be or include codes or parts of codes of practical guidance issues, or approved by [the Committee]), and
- (c) that the use and the possession for use, for the purposes of subsection (1) or (2), of a thing which is "suitable equipment" for the purpose of the subsection in question shall not constitute a contravention of section 5(1)(b).

(4) Where regulations under subsection (3)(a) provide for inspection, testing and certification of equipment, [the Committee] may charge the prescribed fees therefor.

NOTES

In section 44, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

The following Regulations have been made under section 44:

Weights and Measures (Packaged Goods) Regulations, 1991.

Enforcement of control

Offences, etc.

45. (1) A person who fails to perform a duty imposed on him by section 42, 43 or 44 is guilty of an offence.

(2) A person who purports to comply with his duty under –

(a) section 44(1)(b)(ii), or

(b) that section as applied by section 44(2)(a),

by making a record which he knows to be false in a material particular is guilty of an offence.

(3) A person who purports to comply with his duty under section 44(2)(b) by reference to a document containing information which he knows to be false in a material particular is guilty of an offence.

(4) A person who, with intent to deceive, alters –

(a) any record kept for the purposes of section 43(2) or 44(1)(b)(ii), or section 44(1)(b)(ii) as applied by section 44(2)(a), or

(b) any document kept for the purposes of section 44(2)(b),

is guilty of an offence.

(5) A person who has in his possession for sale, agrees to sell or sells an inadequate regulated package, and who –

(a) is the packer or importer of the package, or

- (b) knows that the package is inadequate, is guilty of an offence.

(6) The packer of an inadequate regulated package (being a package made up by him in the course of carrying out arrangements with another person for the packer to make up packages) who delivers the package to or to the order of a person to whom it falls to be delivered in pursuance of the arrangements is guilty of an offence.

(7) No action lies in respect of a failure to perform a duty imposed by section 42, 43 or 44.

Defences.

46. (1) Where a person is charged with an offence under section 45(1) of failing to perform the duty imposed on him by section 42(1) in respect of any packages, it is a defence to prove that the test in question took place when the packages were not in his possession and by reference to a nominal quantity which was not on the packages when they were in his possession.

(2) Where the importer of packages is charged with an offence under section 45(1) of failing to perform the duty imposed on him by section 42(1) in respect of the packages, it is a defence to prove –

- (a) that, in respect of the packages, he performed the duty imposed on him by section 44(2)(b),
- (b) that, within the prescribed period after obtaining the documents mentioned in that section relating to the packages, he took all reasonable steps to verify the information contained in the documents, and that, when the relevant test in pursuance of section 42(1) began, he

believed and had no reason to disbelieve that the information was true,

- (c) that, at least seven days before the date of the hearing of the charge, he served on the Chief Officer of Police a copy of the said documents and a notice which stated that he intended to rely on them in proving a defence under this subsection, and
- (d) that he took all reasonable steps to ensure that the quantity of goods in each of the packages did not alter while the packages were in his possession.

(3) Where a person is charged with an offence under section 45(1) of failing to perform the duty imposed on him by section 43(1)(b) in respect of a package, it is a defence to prove –

- (a) that the container included in the package was marked at the time and in the manner mentioned in section 43(1)(b) with a mark as to which he had, before that time, given notice to an inspector stating that the mark indicated a name and address specified in the notice, and
- (b) that at that time the name and address were such as are mentioned in relation to him in section 43(1)(b).

(4) Where a person is charged with –

- (a) an offence under section 45(1), or

- (b) an offence alleged to have been committed by him, as the packer or importer of a package under section 45(5) or (6),

it is a defence to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

NOTE

The following Regulations have been made under section 46:

Weights and Measures (Packaged Goods) Regulations, 1991.

Special provision for certain packages

Special provision for certain packages.

47. (1) Subsection (2) to (7) apply only to packages containing goods of a prescribed quantity, and references to packages in those subsections shall be construed accordingly.

(2) If, in the course of carrying on a business –

- (a) a person marks a package with the EEC mark, and he is neither the packer nor the importer of the package nor a person acting on behalf of the packer or importer, or
- (b) a person marks a package with a mark so closely resembling the EEC mark as to be likely to deceive,

he is guilty of an offence.

(3) For the purposes of this Part of this Law, a person who brings a

package marked with the EEC mark into the Bailiwick does not import the package if he shows that the package –

- (a) is from a member State of the Community in which the package was liable to be tested under a law corresponding to section 42(1), and
 - (b) except in prescribed cases, has not since leaving that State been in a country which is not such a member State.
- (4) Subject to subsection (6), it is the duty of –
 - (a) the packer of packages marked with the EEC mark which he intends to export from the Bailiwick,
 - (b) a person who intends to import packages so marked and to export them from the Bailiwick to a place in a member State of the Community, and
 - (c) a person who intends to import packages, to mark them with the EEC mark and to export them as mentioned in paragraph (b),

to give to [the Committee], before the prescribed time and in the prescribed manner, a notice containing such information about the packages as is prescribed and, in the case of a person who gives such a notice in pursuance of paragraph (b) or (c), such further information about the packages in question as an inspector may specify in a notice served on the person by the inspector.

- (5) A person who fails without reasonable cause to perform a duty

imposed on him by subsection (4) is guilty of an offence.

(6) Regulations may enable an inspector to give notice to any person stipulating that, until an inspector informs the person in writing that the notice is cancelled any paragraph of subsection (4) specified in the notice shall not apply to him or shall not apply to him as respects packages of a kind specified in the notice or a place so specified.

(7) In this section "**the EEC mark**" means such mark as may be prescribed; and, without prejudice to the generality of section 50, regulations prescribing a mark under this subsection –

- (a) may contain such provisions as [the Committee] considers appropriate as to the dimensions of the mark and the manner and position in which it is to be applied to the container included in a package, and
- (b) may provide for a mark which is not in accordance with those provisions to be disregarded for the purposes of prescribed provisions of this section.

NOTES

In section 47, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

The following Regulations have been made under section 47:

Weights and Measures (Packaged Goods) Regulations, 1991.

Instructions by inspectors

Instructions by inspectors.

48. (1) If an inspector has reasonable cause to believe that a person has failed to perform the duty imposed on him by section 42(1) in relation to a group of packages, the inspector may give to the person in possession of the packages instructions in writing –

- (a) specifying the packages, and
- (b) requiring him to keep the packages at a place specified in the instructions and at the disposal of the inspector for twenty-four hours from the giving of the instructions (or for such shorter period as the inspector may specify).

(2) If an inspector has reasonable cause to believe that a person has failed to perform the duty imposed on him by section 44(1) or (2), the inspector may give him such instructions in writing as the inspector considers appropriate with a view to ensuring that he does not subsequently fail to perform that duty.

(3) Instructions given to a person by an inspector under subsection (2) of this section shall not come into force until the expiration of the prescribed period beginning with the day when the instructions are given to him and if, during that period, he gives notice to the inspector that he objects to the instructions, they shall not come into force except as agreed in writing by him or as directed by [the Committee].

(4) Where under subsection (3) a person gives an inspector notice of objection to instructions, the inspector shall refer the instructions to [the Committee] which shall –

- (a) invite written representations about the instructions from the inspector and from the person,
 - (b) consider any such representations made within the periods specified in the invitations,
 - (c) seek to obtain the written agreement of that person to the instructions, with or without modifications, within such period as [the Committee] deems reasonable,
 - (d) failing such agreement, direct that the instructions shall come into force, without modifications or with such modifications as may be specified in the direction, on a day so specified, or that they shall not come into force, and
 - (e) give notice of the direction to that person.
- (5) Where –
- (a) instructions have been given to a person under subsection (1), or
 - (b) instructions given to a person under subsection (2) have come into force (with or without modifications) in accordance with subsections (3) and (4),

he shall be guilty of an offence if without reasonable cause he fails to comply with the instructions (or, as the case may require, with the instructions with modifications).

NOTES

In section 48, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

The following Regulations have been made under section 48:

Weights and Measures (Packaged Goods) Regulations, 1991.

Miscellaneous

Power to modify Part V.

49. Regulations may provide –

- (a) that, in relation to packages of a prescribed kind, the provisions of this Part of this Law, except this section, shall have effect with prescribed modifications,
- (b) for the said provisions to apply, with prescribed modifications to goods of a prescribed kind which are not comprised in packages.

NOTE

The following Regulations have been made under section 49:

Weights and Measures (Packaged Goods) Regulations, 1991.

Regulations under Part V.

50. Regulations under this Part of this Law may make provision by reference to documents which do not form part of the regulations.

NOTE

The following Regulations have been made under section 50:

Weights and Measures (Quantity Marking and Abbreviation of Units) Regulations, 1991.

Interpretation of Part V.

51. (1) For the purposes of this Part of this Law a package –

- (a) is non-standard if the quantity of the goods it contains is less by more than a prescribed amount than the nominal quantity on the package, and
- (b) is inadequate if the quantity of the goods it contains is less by more than twice that amount than the nominal quantity on the package.

(2) Regulations may make provision, in relation to a package which contains more than one container or goods of more than one kind, as to which of the containers or goods shall be disregarded for the purposes of prescribed provisions of this Part of this Law.

(3) If different nominal quantities are marked on a package, all but the largest quantity shall be disregarded for the purposes of this Part of this Law.

PART VI

GENERAL

Enforcement and legal proceedings

General powers of inspection and entry.

52. (1) An inspector may, on production on request of his credentials,

at any reasonable time –

- (a) inspect and test any weighing or measuring equipment which is, or which he has reasonable cause to believe to be, used for trade or in the possession of any person or upon any premises for such use,
- (b) inspect any goods to which any provision of or under Part IV of this Law applies, or which he has reasonable cause to believe to be such goods,
- (c) enter any premises (except premises used only as a private dwelling-house) on which he has reasonable cause to believe –
 - (i) there to be any such equipment or goods,
 - (ii) that packages are made up, or that there are either imported packages belonging to the importer thereof or regulated packages intended for sale,
- (d) inspect and test any equipment which he has reasonable cause to believe is used in making up packages in the Bailiwick or in carrying out a check mentioned in section 44(1) or (2),
- (e) inspect, and measure in such manner as he thinks fit, any thing which he has reasonable cause to believe is or contains or is contained in a package and, if he considers it necessary to do so for the purpose of

inspecting the thing or anything in it, break it open,

- (f) inspect and take copies of, or of anything purporting to be, a record, document or certificate mentioned in sections 43(2) and 44(1) to (3),
- (g) require any person on premises which he enters under paragraph (c)(ii) to provide such assistance as the inspector reasonably considers necessary to enable him to exercise effectively the powers conferred by paragraphs (c)(ii) to (f), and
- (h) require any person to give him such information as the person possesses about the name and address of the packer and importer of a package which the inspector finds on premises he enters under this subsection or section 53.

- (2) An inspector may, on production on request of his credentials.

at any time –

- (a) seize and detain any article which he has reasonable cause to believe is liable to forfeiture under Part II or IV of this Law,
- (b) seize and detain any document or goods which he has reasonable cause to believe may be required as evidence in proceedings for an offence under this Law (except an offence under Part V), and
- (c) where he has reasonable cause to believe that an

offence under section 45, 47 or 48 has been committed, and that any equipment, record, document, package or thing containing or contained in a package may be required as evidence in proceedings for the offence, seize it and detain it for as long as it is so required.

(3) An inspector entering any premises under this section or section 53 may take with him such other persons and such equipment as he considers necessary.

(4) An inspector who leaves premises which he has entered by virtue of a warrant under section 53 and which are unoccupied or from which the occupier is temporarily absent shall leave the premises as effectively secured against trespassers as he found them.

(5) An inspector, or such other person as he considers necessary, may make such purchases of goods as appear expedient for the purpose of determining whether –

- (a) the provisions of or under Parts II, III and IV of this Law are being complied with, and
- (b) an offence under section 45, 47(2) or 48 has been committed.

(6) If an inspector breaks open a package under subsection (1)(e) otherwise than on premises occupied by the packer or importer of the package, and the package is not inadequate, the inspector shall, if the owner of the package requests him to do so, buy the package on behalf of [the Committee].

(7) An inspector may serve, on any person carrying on business as

packer or importer of packages, a notice requiring him –

- (a) to furnish the inspector from time to time with particulars (of the kind specified in the notice) of any marks which, otherwise than under section 43(1)(c), are applied to packages made up or, as the case may be, imported by that person, for the purpose of enabling the place where the packages were made up to be ascertained, and
- (b) if the person furnishes particulars of a mark which ceases to be applied to such packages for that purpose, to give notice of the cesser to the inspector.

(8) A notice given by an inspector under subsection (7) shall not require a person to furnish information which he does not possess.

(9) A person who, not being an inspector, acts or purports to act as an inspector, is guilty of an offence.

(10) Nothing in this Law authorises an inspector to stop a vehicle on a public highway.

NOTE

In section 52, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

Search warrants.

53. If the Bailiff, on information on oath –

(a) is satisfied that there is reasonable cause to believe that
—

(i) any equipment, goods, articles, documents, records, certificates, packages or things containing packages mentioned in section 52 are on any premises, or

(ii) that an offence under any provision of or under this Law has been, is being or is about to be committed on any premises, and

(b) is also satisfied —

(i) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier, or

(ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent and it might defeat the object of the entry to await his return,

the Bailiff may by warrant, which shall continue in force for one month, authorise an inspector to enter the premises, if need be by force.

Disclosure of information.

54. (1) A person who discloses information which —

- (a) relates to a trade secret or a secret manufacturing process, and
- (b) was obtained by him under this Part of this Law when he was an inspector or a person accompanying an inspector under section 52(3),

is guilty of an offence unless the disclosure was made in the performance of his duty as an inspector or other person mentioned in paragraph (b), or was authorised to be made by [the Committee].

(2) For the purpose of subsection (1), information disclosing the identity of the packer of a package, or of the person who arranged with the packer for the package to be made up, shall be treated as a trade secret unless the information was previously available to the public.

NOTE

In section 54, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

Obstruction of inspectors.

55. (1) A person who –
- (a) wilfully obstructs an inspector acting under this Law,
 - (b) wilfully fails to comply with a requirement properly made of him by an inspector under section 34, 35 or 36,
 - (c) fails without reasonable cause to give an inspector

acting under this Law any other assistance or information which the inspector reasonably requires of him for the purposes of the performance by the inspector of his functions under Part II, III, IV or VI of this Law,

- (d) fails without reasonable cause to comply with a requirement made of him under section 52(1)(g) or (h) or 52(7),

is guilty of an offence.

(2) A person who in complying with any requirement mentioned in subsection (1)(b), or who, in giving an inspector information mentioned in subsection (1)(c), gives information which he knows to be false, is guilty of an offence.

(3) Nothing in this section requires a person to answer a question or give information if to do so might incriminate him.

Criminal proceedings against unincorporated bodies, directors, etc.

56. (1) Without prejudice to subsection (3), proceedings against an unincorporated body for an offence under this Law shall be brought in the name of that body and, for the purpose of such proceedings, the service of any document on that body shall be carried out as if it were a document to be served under this Law.

(2) A fine imposed on an unincorporated body on its conviction of an offence under this Law shall be paid out of its funds.

(3) Where an offence under this Law committed by a body corporate or by an unincorporated body is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any

director, manager, partner, secretary or other similar officer of that body or any person purporting to act in any such capacity, he as well as that body is guilty of the offence and may be proceeded against and punished accordingly.

(4) Where the affairs of a body corporate are managed by its members, subsection (3) applies to a member in connection with his functions of management as if he were a director of the body corporate.

(5) For the purposes of this section a person shall be deemed to be a director of a body corporate if he is a person in accordance with whose directions or instructions the directors of the body corporate or any of them act.

Prosecution of offences.

57. Proceedings for an offence under any provision of, or having effect by virtue of, Part IV or V of this Law (other than proceedings for an offence under section 29(6) or 54, or proceedings by virtue of section 28) shall not be instituted unless there is served on the accused a written notice of the date and nature of the offence alleged and (except in the case of an offence under section 45, 47, 48 or 55(1)(d)) where the proceedings are in respect of one or more of a number of articles of the same kind tested on the same occasion, of the results of the tests of all those articles.

Penalties.

58. (1) A person guilty of an offence under section 5(4), 6(4), 7(2), 8(3) or (14), 9(2), (4) or (5), 10(2) or (4), 11(3) or (5), 14(2) or 16(1), (3), (6) or (7), or paragraph 4 or 5 of Schedule 5, is liable on summary conviction to a fine not exceeding level 4 on the uniform scale.

(2) A person guilty of an offence under section 13(3), 16(2)(b) or 45(2), (3) or (4), or paragraph 6 of Schedule 6, is liable on summary conviction to a fine not exceeding twice level 5 on the uniform scale, imprisonment for a term not

exceeding six months, or both.

(3) A person guilty of an offence under section 54 is liable on summary conviction to a fine not exceeding twice level 5 on the uniform scale and, on conviction on indictment, to imprisonment for a term not exceeding 2 years, a fine, or both.

(4) A person guilty of an offence under any provision of this Law not mentioned in subsection (1) to (3) is liable on summary conviction to a fine not exceeding twice level 5 on the uniform scale.

Determination of certain questions by Committees.

59. (1) Where, in proceedings for an offence under any provision of or under this Law (except proceedings for an offence under any provision of or under Part V of this Law) any question arises as to the accuracy of any weighing or measuring equipment, the court shall, at the request of any party to the proceedings, and may, if it thinks fit without any such request, refer the question to [the Committee], whose decision is final.

(2) Except where [the Committee] waives its rights under this subsection, expenses incurred by it under subsection (1) shall be paid by such of the parties to the proceedings as the court may direct.

NOTE

In section 59, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

Miscellaneous and Supplementary

Implementation of Community instruments.

60. [The Committee] may by regulations make provision for securing that any Community instrument for which it is, in the opinion of [the Committee], appropriate to make provision under this Law is (with or without modifications) administered and enforced under this Law.

NOTE

In section 60, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

General provisions as to Regulations.

- 61.** (1) Regulations under this Law –
- (a) may prescribe the persons to whom, the things to which, and the cases and circumstances in which, they apply,
 - (b) may make different provision for different persons, things, cases or circumstances, or for different classes or descriptions thereof,
 - (c) may contain such transitional, consequential, incidental or supplemental provisions as [the Committee] thinks necessary,
 - (d) may be amended or revoked by further regulations hereunder,
 - (e) shall (unless they are regulations to which section 1(4)

applies) be laid before a meeting of the States as soon as possible after being made, and shall, if at that or the next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

(2) In the case of regulations under section 1(3) or 5(6) which relate to imperial units, measures or weights, [the Committee] shall have particular regard to the need to consult such organisations as appear to it to be substantially affected by the regulations, and in particular organisations representative of the interests of consumers.

(3) Regulations under this Law may adopt or incorporate (by reference, annexation or otherwise), and may make provision by reference to, the provisions of legislation, codes of practice, circulars and other materials made or issued by Her Majesty's Government in the United Kingdom, by Parliament or by the Community, which provisions shall thereupon have the same force and effect as regulations under this Law.

NOTES

In section 61, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

The following Regulations have been made under section 61:

Weights and Measures (Measuring Equipment) (Intoxicating Liquor) Regulations, 1991;

Weights and Measures (Measuring and Equipment) (Intoxicating Liquor Capacity Servicing Measures) Regulations, 1991;

Weights and Measures (Measuring Equipment) (Liquid Fuel and Lubricants) Regulations, 1991;

Weights and Measures (Measuring Equipment) (Measures of Length) Regulations, 1991;

Weights and Measures (Packaged Goods) Regulations, 1991;
Weights and Measures (Quantity Marking and Abbreviation of
Units) Regulations, 1991;
Weights and Measures (Weighing Equipment) (Weights)
Regulations, 1991.

Fees for services provided by Committee etc.

62. (1) [The Committee] may prescribe the fees to be charged for –

- (a) services or facilities provided by, and
- (b) authorisations, certificates or other documents issued by,

[the Committee] or inspectors under this Law, any regulations under it, or any Community obligation.

(2) [The Committee] may authorise an inspector, at the request of any person and subject to payment by that person of such fee as [the Committee] thinks fit, to carry out. and submit to that person a report on –

- (a) a weighing or other measurement of any goods submitted for the purpose by that person at such place as [the Committee] may direct or approve,
- (b) a test of the accuracy of any weighing or measuring equipment so submitted, and
- (c) the compliance with any specification of any metrological equipment.

NOTES

In section 62, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

The following Regulations have been made under section 62:

Weights and Measures (Fees) Regulations, 2017.

Service of documents.

- 63.** (1) A document to be served under this Law is validly served –
- (a) on an individual, if delivered to him, or if left at, or sent by post to, his usual or last known place of abode,
 - (b) on a body corporate, if left at, or sent by post to, its registered office if in the Bailiwick or, if not, its principal or last known principal place of business in the Bailiwick,
 - (c) on an unincorporated body, if served on any partner, manager or other similar officer thereof, or if left at, or sent by post to, its principal or last known principal place of business in the Bailiwick.

(2) In subsection (1), "**by post**" means by registered post or by recorded delivery service.

Savings.

64. (1) Except as [the Committee] by regulations otherwise provides, and subject to subsection (2), nothing in this Law prohibits the use in any transaction, by agreement between the parties thereto, of any unit of measurement which –

- (a) was customarily used for trade in such transactions immediately before the commencement of this Law, and
 - (b) is not inconsistent with anything contained in Schedule 1, notwithstanding that the unit in question is not included in Parts I to V of that Schedule.
- (2) Subsection (1) does not apply to –
 - (a) any retail transaction, or
 - (b) any transaction as to which provision to the contrary is made by or under Part IV of this Law.

NOTE

In section 64, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

Validity of contracts.

65. No contract for the sale or carriage for reward of goods is void by reason only of a contravention of any provision of or under this Law as to any document which is, or is required by that provision to be, associated with the goods.

Marking of food.

66. Any power to make provision by regulations or order as to the marking of food conferred on a person other than [the Committee] by any other enactment does not extend to the marking of such food with a statement of its quantity by weight or other measurement, or by number.

NOTE

In section 66, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

Spelling of "gram", etc.

67. No provision of or under this Law or any other enactment prevents the use of "gram" or "gramme" as alternative spellings of that unit and other units in the metric system which are compounds of "gram".

General interpretation.

68. (1) In this Law, except where the context otherwise requires, expressions set out in the first column of Schedule 10 have the meaning given against them in the second column of that Schedule.

(2) On any premises where articles of any description are –

(a) made up in advance ready for retail sale in a container,
or

(b) kept or stored for sale after being so made up,

any article of that description found made up in a container shall be deemed to be pre-packed unless the contrary is proved; and it is not sufficient proof of the contrary to show that the container has not been marked in accordance with the requirements of or under this Law as to the pre-packing of such articles.

(3) In this Law, except where the context otherwise requires, any reference to a person other than an inspector is a reference to that person and to any other person acting on his behalf in the matter in question.

(4) The Interpretation (Guernsey) Law, 1948^a applies to the interpretation of this Law throughout the Bailiwick.

(5) Any reference in this Law to an enactment is a reference to that enactment as amended, extended, applied or re-enacted by or under any other enactment including this Law.

NOTES

The following Regulations have been made under section 68:

Weights and Measures (Designated Countries) Regulations, 1993.

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

Transitional savings.

69. Any equipment which, immediately before the commencement of this Law, was treated as having been duly stamped under the Law of 1916 shall, for the purposes of this Law, be treated as having been duly stamped under section 8.

Repeals.

70. The enactments specified in Schedule 9 are repealed.

Citation and commencement.

71. (1) This Law may be cited as the Weights and Measures (Guernsey and Alderney) Law, 1991.

(2) This Law shall come into operation on the day appointed by Ordinance of the States, and different days may be appointed for different provisions.

^a Ordres en Conseil Vol. XIII, p. 355.

NOTE

The Law was brought into force on 11th December, 1991 by the Weights and Measures (Commencement) Ordinance, 1991, section 1.

SCHEDULE 1 Sections 1(2), 5(1)
DEFINITIONS OF UNITS OF MEASUREMENT

PART I
MEASUREMENT OF LENGTH

Imperial Units

| | | |
|------|---|-----------------------|
| Mile | = | 1760 yards. |
| YARD | = | 0.9144 metre exactly. |
| Foot | = | 1/3 yard. |
| Inch | = | 1/36 yard. |

Metric Units

| | | |
|------------|---|--|
| Kilometre | = | 1000 metres. |
| METRE | = | the length of the path travelled by light in a vacuum during a time interval of 1/299 792 458 of a second. |
| Decimetre | = | 1/10 metre. |
| Centimetre | = | 1/100 metre. |
| Millimetre | = | 1/1000 metre. |

PART II
MEASUREMENT OF AREA

Imperial Units

| | | |
|-------------|---|---|
| Acre | = | 4840 square yards. |
| SQUARE YARD | = | a superficial area equal to that of a square each side of which measures one |

| | | |
|-------------|---|------------------|
| | = | yard. |
| Square foot | = | 1/9 square yard. |

Guernsey Units

| | | |
|---------------------------|---|-------------------------------------|
| Perch | = | 441 square feet or 49 square yards. |
| Vergee (Small measure) | = | 36 perches or 1764 square yards. |
| Vergee | = | 40 perches or 1960 square yards. |

Metric Units

| | | |
|-------------------|---|---|
| Hectare | = | 100 ares. |
| Decare | = | 10 ares. |
| Are | = | 100 square metres. |
| SQUARE METRE | = | a superficial area equal to that of a square each side of which measures one metre. |
| Square decimetre | = | 1/100 square metre. |
| Square centimetre | = | 1/100 square decimetre. |
| Square millimetre | = | 1/100 square centimetre. |

PART III

MEASUREMENT OF VOLUME

Guernsey Units

| | | |
|--------------------|---|-------------------|
| Pot | = | 121 cubic inches. |
| Bushel (of wheat) | = | 13½ pots. |
| Bushel (of barley) | = | 17¼ pots. |
| Quarter | = | 4 bushels. |

Consolidated text

| | | |
|---------|---|-------------|
| Bushel | = | 6 denerels. |
| Denerel | = | 5 quints. |

Metric Units

| | | |
|------------------|---|---|
| CUBIC METRE | = | a volume equal to that of a cube each edge of which measures one metre. |
| Cubic decimetre | = | 1/1000 cubic metre. |
| Cubic centimetre | = | 1/1000 cubic decimetre. |
| Hectolitre | = | 100 litres. |
| LITRE | = | a cubic decimetre. |
| Decilitre | = | 1/10 litre. |
| Centilitre | = | 1/100 litre. |
| Millilitre | = | 1/1000 litre. |

PART IV

MEASUREMENT OF CAPACITY

Imperial Units

| | | |
|-------------|---|----------------------------|
| GALLON | = | 4.546 09 cubic decimetres. |
| Quart | = | 1/4 gallon. |
| Pint | = | 1/2 quart. |
| Gill | = | 1/4 pint. |
| Fluid ounce | = | 1/20 pint. |

Guernsey Units

| | | |
|--------------------|---|-------------------|
| POT | = | 121 cubic inches. |
| Bushel (of wheat) | = | 13½ pots. |
| Bushel (of barley) | = | 17¼ pots. |

| | | |
|---------|---|-------------|
| Quarter | = | 4 bushels. |
| Bushel | = | 6 denerels. |
| Denerel | = | 5 quints. |

Metric Units

| | | |
|------------|---|--------------------|
| Hectolitre | = | 100 litres. |
| LITRE | = | a cubic decimetre. |
| Decilitre | = | 1/10 litre. |
| Centilitre | = | 1/100 litre. |
| Millilitre | = | 1/1000 litre. |

PART V

MEASUREMENT OF MASS OR WEIGHT

Imperial Units

| | | |
|------------|---|--------------------------------|
| POUND | = | 0.453 592 37 kilogram exactly. |
| Ounce | = | 1/16 pound. |
| Ounce troy | = | 12/175 pound. |

Metric Units

| | | |
|---------------------|---|---|
| Tonne, metric tonne | = | 1000 kilograms. |
| KILOGRAM | = | the unit of mass, it is equal to the mass of the international prototype of the kilogram. |
| Hectogram | = | 1/10 kilogram. |
| Gram | = | 1/1000 kilogram. |
| Carat (metric) | = | 1/5 gram. |
| Milligram | = | 1/1000 gram. |

PART VI
CERTAIN UNITS WHICH MAY NOT BE USED FOR TRADE

1.

Measurement of length

| | | |
|---------|---|------------|
| Furlong | = | 220 yards. |
| Chain | = | 22 yards. |
| Hand | = | 4 inches. |

Measurement of area

| | | |
|-------------|---|--------------------|
| Square mile | = | 640 acres. |
| Rood | = | 1210 square yards. |
| Square inch | = | 1/144 square foot. |

Measurement of volume

| | | |
|------------|---|--|
| Cubic yard | = | a volume equal to that of a cube each edge of which measures one yard. |
| Cubic foot | = | 1/27 cubic yard. |
| Cubic inch | = | 1/1728 cubic foot. |

Measurement of capacity

| | | |
|--------------|---|--------------------|
| Bushel | = | 8 gallons. |
| Peck | = | 2 gallons. |
| Fluid drachm | = | 1/8 fluid ounce. |
| Minim | = | 1/60 fluid drachm. |

Measurement of mass or weight

| | | |
|--------------------|---|-------------------------|
| Ton | = | 2240 pounds. |
| Hundredweight | = | 112 pounds. |
| Cental | = | 100 pounds. |
| Quarter | = | 28 pounds. |
| Stone | = | 14 pounds. |
| Dram | = | 1/16 ounce. |
| Grain | = | 1/7000 pound. |
| Pennyweight | = | 24 grains. |
| Ounce apothecaries | = | 480 grains. |
| Drachm | = | 1/8 ounce apothecaries. |
| Scruple | = | 1/3 drachm. |
| Metric ton | = | 1000 kilograms. |
| Quintal | = | 100 kilograms. |

2. (1) Subject to sub-paragraph (3), supplementary indications may be used for trade.

(2) Where supplementary indications are so used –

- (a) in the case of a conflict between an indication of quantity expressed in an authorised unit and a supplementary indication, the authorised unit prevails, and
- (b) characters employed in a marking of quantity in relation to a supplementary indication shall not be larger than those employed in the marking of quantity expressed in the authorised unit.

(3) In this Part of this Schedule –

- (a) **"authorised unit"** means a unit of measurement specified in Parts I to V and VII of this Schedule, and
- (b) **"supplementary indication"** means an indication of quantity expressed in a unit of measurement, other than an authorised unit, which is used in conjunction with an indication of quantity expressed in an authorised unit.

3. (1) Where a contract entered into before the date of commencement of this Law falls to be performed, wholly or partly, on or after that date, and the contract refers to a unit of measurement mentioned in paragraph 1, the reference shall, on and after that date, be deemed to be a reference to the value assigned to that unit by sub-paragraph (2); and accordingly any calculation that falls, under the contract, to be made by reference to that unit shall instead be made by reference to that value.

(2) Quantities, names of units, symbols (metre = m; kilogram = kg), abbreviations and approximate values –

(a) *Length*

| | | |
|---------|-----------|-------------|
| Furlong | 1 furlong | = 201.1 m. |
| Chain | 1 chain | = 20.12 m. |
| Hand | 1 hand | = 0.1016 m. |

(b) *Area*

| | | |
|-------------|-----------|------------------------------|
| Square mile | 1 sq mile | = 2.59 x 106m ² . |
|-------------|-----------|------------------------------|

| | | |
|-------------|---------|---|
| Rood | 1 rood | = 1012 m ² . |
| Square inch | 1 sq in | = 6.452 x 10 ⁻⁴ m ² . |

(c) *Volume or Capacity*

| | | |
|------------|---------|---|
| Cubic yard | 1 cu yd | = 0.076 46 m ³ . |
| Cubic foot | 1 cu ft | = 0.0283 m ³ . |
| Bushel | 1 bu | = 0.036 37 m ³ . |
| Cubic inch | 1 cu in | = 16.39 x 10 ⁻⁶ m ³ . |

(d) *Mass*

| | | |
|---------------|--------------|---------------------------------|
| Grain | 1 gr | = 0.0648 x 10 ⁻³ kg. |
| Dram | 1 dr | = 1.772 x 10 ⁻³ kg. |
| Stone | 1 st | = 6.35 kg. |
| Quarter | 1 qr | = 12.70 kg. |
| Cental | 1 ctl | = 45.36 kg. |
| Hundredweight | 1 cwt | = 50.80 kg. |
| Ton | 1 ton | = 1016 kg. |
| Metric ton | 1 metric ton | = 1000 kg. |
| Quintal | 1 quintal | = 100 kg. |

4. Nothing in the definition of "metre", "gallon" or "litre" in this Schedule affects any contract or agreement entered into before the commencement of this Law, notwithstanding that it relates to the delivery of goods on or after that date.

5. (1) Nothing in section 5 prevents any unit of measurement mentioned in sub-paragraph (2) being used for products or equipment placed on the market or used before the commencement of this Law, other than weighing or measuring equipment (including weights).

(2) The units of measurement referred to in sub-paragraph (1) are the chain, furlong, rood, square mile, cubic yard, cubic foot, cubic inch, ton, hundredweight, stone, dram, grain and quintal.

6. (1) Weighing equipment (including weights) which weighs wholly or partly in grains, stones, quarters, hundredweights or tons may continue to be used for trade if it was stamped in accordance with the Law of 1916 or if, in the case of equipment not required to be so stamped, it was placed on the market and used before the commencement of this Law.

(2) Measuring equipment measuring in square inches, cubic inches or cubic feet may continue to be used for trade if it was placed on the market and used before the commencement of this Law.

(3) Nothing in sub-paragraph (1) authorises the continued use for trade of the grain, stone, quarter, hundredweight or ton except in so far as the weight of the goods in those units, or partly in those units, is treated as having been made known to a prospective buyer by virtue of sections 40(1)(a) and 41 of this Law.

7. Nothing in section 5 prevents any unit of measurement being used for components and parts necessary to supplement or replace components or parts of products and equipment referred to in paragraph 5(1) or 6(1) or (2), but this sub-paragraph does not permit the replacement of weights, whether or not the weights form part of other weighing equipment.

PART VII

MEASUREMENT OF ELECTRICITY

1. (a) AMPERE is that constant current which, if maintained in two straight parallel conductors of infinite length, of negligible circular cross-section and placed 1 metre

apart in vacuum, would produce between these conductors a force equal to 2×10^{-7} newton per metre of length.

(b) OHM is the electric resistance between two points of a conductor when a constant potential difference of 1 volt, applied between the two points, produces in the conductor, a current of 1 ampere, the conductor not being the seat of any electromotive force.

(c) VOLT is the difference of electric potential between two points of a conducting wire carrying a constant current of 1 ampere when the power dissipated between these points is equal to 1 watt.

(d) WATT is the power which in one second gives rise to energy of 1 joule.

| | | | |
|----|----------|---|------------------|
| 2. | Kilowatt | = | 1000 watts. |
| | Megawatt | = | 1 000 000 watts. |

SCHEDULE 2 Section 5(1)
MEASURES AND WEIGHTS LAWFUL FOR USE FOR TRADE

PART I
LINEAR MEASURES

Imperial system

1. Measures of –

| | | | |
|-----|------|---|--------|
| 100 | feet | 5 | feet |
| 66 | feet | 4 | feet |
| 50 | feet | 1 | yard |
| 33 | feet | 2 | feet |
| 20 | feet | 1 | foot |
| 10 | feet | 6 | inches |
| 8 | feet | 1 | inch |
| 6 | feet | | |

Metric system

2. Measures of –

| | | | |
|----|--------|-----|------------|
| 50 | metres | 2 | metres |
| 30 | metres | 1.5 | metres |
| 20 | metres | 1 | metre |
| 10 | metres | 0.5 | metre |
| 5 | metres | 1 | decimetre |
| 3 | metres | 1 | centimetre |

PART II

SQUARE MEASURES

Imperial system

1. Measures of, or of any multiple of, 1 square foot.

Metric system

2. Measures of, or of any multiple of, 1 square decimetre.

PART III CUBIC MEASURES

Metric system

1. Measures of, or of any multiple of, 0.1 cubic metre.
2. Measures of –

any multiple of 10 litres

| | | | |
|-----|-------------|-----|-------------|
| 10 | litres | 100 | millilitres |
| 5 | litres | 50 | millilitres |
| 2.5 | litres | 95 | millilitres |
| 2 | litres | 2 | millilitres |
| 1 | litre | 10 | millilitres |
| 500 | millilitres | 5 | millilitres |
| 250 | millilitres | 2 | millilitres |
| 200 | millilitres | 1 | millilitre |

PART IV

CAPACITY MEASURES

Imperial system

1. Measures of –

| | | |
|--------------------------|-----|--------------|
| any multiple of 1 gallon | 1 | gill |
| 1 gallon | 4 | fluid ounces |
| 1/2 gallon | 1/2 | gill |
| 1 quart | 2/5 | gill |
| 1 pint | 1/3 | gill |
| 1/2 pint | 1/4 | gill |
| 8 fluid ounces | 1/5 | gill |
| 1/3 pint | 1/6 | gill |
| 6 fluid ounces | | |

Metric System

2. Measures of –

| | | |
|---------------------------|-----|-------------|
| any multiple of 10 litres | 150 | millilitres |
| 10 litres | 125 | millilitres |
| 5 litres | 100 | millilitres |
| 2.5 litres | 50 | millilitres |
| 2 litres | 25 | millilitres |
| 1 litre | 20 | millilitres |
| 500 millilitres | 10 | millilitres |
| 250 millilitres | 5 | millilitres |
| 200 millilitres | 2 | millilitres |
| 175 millilitres | 1 | millilitre |

PART V
WEIGHTS

Imperial system

1. Weights of –

| | |
|------|--------|
| 56 | pounds |
| 50 | pounds |
| 28 | pounds |
| 20 | pounds |
| 14 | pounds |
| 10 | pounds |
| 7 | pounds |
| 5 | pounds |
| 4 | pounds |
| 2 | pounds |
| 1 | pound |
| 8 | ounces |
| 4 | ounces |
| 2 | ounces |
| 1 | ounce |
| 1/2 | ounce |
| 1/4 | ounce |
| 1/8 | ounce |
| 1/16 | ounce |
| 1/32 | ounce |

Any of the following multiples or fractions of 1/7000 pound –

100

50
30
20
10
5
3
2
1
0.5
0.3
0.2
0.1
0.05
0.03
0.02
0.01

2. Weights of –

| | | | |
|-----|-------------|-------|------------|
| 500 | ounces troy | 0.4 | ounce troy |
| 400 | ounces troy | 0.3 | ounce troy |
| 300 | ounces troy | 0.2 | ounce troy |
| 200 | ounces troy | 0.1 | ounce troy |
| 100 | ounce troy | 0.05 | ounce troy |
| 50 | ounces troy | 0.04 | ounce troy |
| 40 | ounces troy | 0.03 | ounce troy |
| 30 | ounces troy | 0.025 | ounce troy |
| 20 | ounces troy | 0.02 | ounce troy |
| 10 | ounces troy | 0.01 | ounce troy |
| 5 | ounces troy | 0.005 | ounce troy |
| 4 | ounces troy | 0.004 | ounce troy |

| | | | |
|-----|-------------|-------|------------|
| 3 | ounces troy | 0.003 | ounce troy |
| 2 | ounces troy | 0.002 | ounce troy |
| 1 | ounce troy | 0.001 | ounce troy |
| 0.5 | ounce troy | | |

Metric system

3. Weights of –

| | | | |
|-----|-----------|-----|------------|
| 25 | kilograms | 3 | grams |
| 20 | kilograms | 2 | grams |
| 10 | kilograms | 1 | gram |
| 5 | kilograms | 500 | milligrams |
| 2 | kilograms | 400 | milligrams |
| 1 | kilogram | 300 | milligrams |
| 500 | grams | 200 | milligrams |
| 200 | grams | 150 | milligrams |
| 100 | grams | 100 | milligrams |
| 50 | grams | 50 | milligrams |
| 20 | grams | 20 | milligrams |
| 15 | grams | 10 | milligrams |
| 10 | grams | 5 | milligrams |
| 5 | grams | 2 | milligrams |
| 4 | grams | 1 | milligram |

4. Weights of –

| | | |
|---------------------|------|----------------|
| 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) |

Consolidated text

| | | |
|--------------------|------|----------------|
| 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) |

SCHEDULE 3 Section 17
CHEESE, FISH, FRESH FRUITS AND VEGETABLES,
MEAT AND POULTRY

PART I
GENERAL

Interpretation.

1. In this Part of this Schedule –

"**Cheese**" means cheese, whether or not containing flavouring or colouring matter, and whether or not coated or mixed with other food for the purpose of giving the cheese a distinctive appearance or flavour, and includes processed cheese and cheese spread,

"**countable produce**" means fruit or vegetables specified in Part II of this Schedule,

"**meat**" means any part of any cattle, sheep or swine, and

"**soft fruits**" means bilberries, blackberries, blackcurrants, boysenberries, brambles, cherries, cranberries, gooseberries, loganberries, mulberries, raspberries, redcurrants, strawberries, tayberries and whitecurrants.

Cheese, fish, meat and poultry.

2. (1) This paragraph applies to the following food –
- (a) cheese,
 - (b) fish, meat or poultry of any description, whether fresh,

chilled, frozen, salted, cooked or processed,

- (c) sausage-meat in any form, whether cooked or uncooked,
- (d) any article, though it also contains other food, consists substantially of cheese, fish, meat, poultry or sausage-meat,

other than dripping, lard, fish paste, meat paste, poultry paste and shredded suet; and any reference in this paragraph to poultry includes a reference to any part of any poultry.

(2) Subject to sub-paragraphs (7) to (9), food to which this paragraph applies which is not pre-packed shall be sold by retail only –

- (a) by net weight, or
- (b) if it is sold in a container which does not exceed the appropriate permitted weight specified in Table A of Part IV of this Schedule, by net or gross weight.

(3) Subject to sub-paragraphs (7) and (8) food (other than cheese and fish) to which this paragraph applies shall, if sold otherwise than by retail, be sold only –

- (a) by net weight, or
- (b) if it is sold in a container which does not exceed the appropriate permitted weight specified in Table A of Part IV of this Schedule, by net or gross weight.

(4) Subject to sub-paragraph (7), food (other than cheese, or food in a quantity of less than 5 g) to which this paragraph applies shall be pre-packed only if the container is marked with an indication of quantity by net weight.

(5) Subject to sub-paragraph (9) –

- (a) processed cheese,
- (b) cheese spread, and
- (c) natural cheese which is Caerphilly, Cheddar, Cheshire, Derby, Double Gloucester, Dunlop, Edam, Gouda, Guernsey, Lancashire, Leicestershire or Wensleydale cheese,

shall be pre-packed only if the container is marked within an indication of quantity by net weight.

(6) Cheeses not specified in sub-paragraph (5) shall be pre-packed only if the container is marked with an indication of quantity by net weight; but this sub-paragraph does not apply to

- (a) whole Stilton cheese,
- (b) cheese in a quantity of less than 25 g and more than 10 kg,
- (c) cheese sold by gross weight in a container which does not exceed the appropriate permitted weight specified in Table A of Part IV of this Schedule if the quantity is

made known to the buyer before he pays for or takes possession of the goods.

(7) Sub-paragraphs (2) to (4) do not apply to –

- (a) pies, puddings or flans, containing in any case cheese, fish, meat or poultry; bath chaps or sausage rolls:

provided that in the case of more than one item of food pre-packed in a container not marked with an indication of quantity by net weight the number of items in the container is marked on the container or is clearly visible and capable of being easily counted through the container,

- (b) any other foods (other than cheese) in a quantity of less than 5 g.

(8) Sub-paragraphs (2) and (3) do not apply to –

- (a) cooked poultry,
- (b) shellfish in shell, jellied fish, pickled fish or fried fish,
- (c) any sale of fish made otherwise than from a market, shop, stall or vehicle,
- (d) single cooked sausages, in natural casings, less than 500 g in weight,
- (e) sausage-meat products other than in sausage form when

offered or exposed for sale as a single item in a quantity of less than 500 g.

(9) Sub-paragraphs (2) and (5) do not apply to cheese in a quantity of less than 25 g.

Fresh fruits and vegetables other than potatoes.

3. (1) This paragraph applies to fruits and vegetables (other than potatoes) –

- (a) in the state in which they were harvested,
- (b) in that state apart from cleaning or trimming,
- (c) in the case of beetroots, in that state apart from having been cooked, or
- (d) in the case of peas, in that state apart from having been shelled.

(2) Where fruits or vegetables to which this paragraph applies have been divided into pieces, or have had part thereof removed, or both, then, subject to sub-paragraph (7), sub-paragraph (6) applies to any food consisting of, or including any part of, any of those fruits or vegetables which have not been subjected to any further process.

(3) Subject to sub-paragraphs (7) to (9), fruits and vegetables (other than soft fruits and mushrooms) to which this paragraph applies shall be pre-packed only if the container is marked with an indication of quantity by net weight or, in the case of countable produce, either by net weight or by number.

(4) Subject to sub-paragraphs (7) and (9), fruits and vegetables (other than soft fruits and mushrooms) to which this paragraph applies and which are not pre-packed shall be sold by retail only –

- (a) by net weight,
- (b) in the case of countable produce, by net weight or number, or
- (c) if sold in a container which does not exceed the appropriate permitted weight specified in Table A of Part IV of this Schedule, by net or gross weight.

(5) Subject to sub-paragraph (7), fruits and vegetables to which this paragraph applies consisting of soft fruits or mushrooms shall be sold by retail only –

- (a) by net weight, or
- (b) if sold in a container which does not exceed the appropriate permitted weight specified in Table B of Part IV of this Schedule, by net or gross weight,

and the quantity shall be made known to the buyer before he pays for or takes possession of the fruits or vegetables.

(6) Food to which this sub-paragraph applies by virtue of sub-paragraph (2) shall –

- (a) if not pre-packed, and if sold by retail, be sold only by net weight, or, in the case of countable produce, by net

weight or by number,

- (b) be pre-packed only if the container is marked with an indication of quantity by net weight, or, in the case of countable produce, by net weight or by number.

(7) Sub-paragraphs (3), (4) and (5) do not apply to fruits or vegetables –

- (a) pre-packed in a container with other goods (except potatoes) to which no requirements of those sub-paragraphs applies:
- (b) pre-packed in a container with goods of two or more other descriptions to which any requirement of this paragraph would otherwise apply or which include potatoes,
- (c) in a quantity of more than 5 kg,

and this paragraph does not apply to any goods in a quantity of less than 5 g.

(8) Sub-paragraph (3) does not apply to a pre-packed collection of not more than eight articles of countable produce, if the container is such that all the articles can be clearly seen by a prospective buyer.

(9) Sub-paragraphs (3) and (4) do not apply to vegetables specified in Part III of this Schedule, if sold in a bunch.

(10) Where at any premises (other than a vehicle or ship) fruits or vegetables to which this paragraph applies are sold by weight when made up in a

container, and the sale is not be retail, the buyer may require the following weighings to be carried out at the premises—

- (a) a weighing of the container while the food is therein,
- (b) a weighing of the container after the removal of the food therefrom,
- (c) a weighing of a similar container which is empty,

and thereupon the seller shall carry out or permit the buyer to carry out the weighings so required; and if the seller without reasonable cause contravenes this requirement, he is guilty of an offence.

(11) The occupier of any premises at which fruits or vegetables to which this paragraph applies are made up in containers for sale by weight otherwise than by retail, or of any premises (other than a vehicle or ship) at which such fruits or vegetables so made up are so sold, shall provide and make available suitable weighing equipment so that any weighings required under sub-paragraph (10) may be carried out at the premises; and if he without reasonable cause contravenes any requirement of this sub-paragraph, he is guilty of an offence.

Multipacks.

4. Nothing in this Part of this Schedule requires a container to be marked with any information if —

- (a) the contents of the container consist of two or more packs of pre-packed goods,
- (b) each pack, if it would be required by this Part of this Schedule to be marked with an indication as to quantity

if sold individually, is so marked, and

- (c) (i) the container is marked with a description of the goods in each pack, with the total number of packs containing goods of each description and, where sub-paragraph (b) applies, with an indication as to the quantity of goods in each pack,
- (ii) where each pack to which sub-paragraph (b) applies contains the same quantity of identical goods, an indication as to the quantity in at least one such pack is clearly visible, and the total number of such packs is clearly visible and capable of being easily counted, through the container, or
- (iii) where each pack does not contain goods of the same description or does contain such goods but does not contain them in the same quantity, an indication as to the quantity of the goods in each pack to which sub-paragraph (b) applies, or, where there are two or more identical such packs, an indication as to the quantity in at least one of them, is clearly visible, and the total number of such packs of each description is clearly visible and capable of being easily counted, through the container.

PART II

Paragraph 1 of Part I
of this Schedule

COUNTABLE PRODUCE

| | | |
|------------------------------|----------------------------|--------------------|
| Apples | Garlic | Passion fruits |
| Apricots | Grapefruits | Pawpaws |
| Artichokes (globe) | Guavas | Peaches |
| Aubergines | | Pears |
| Avocados | Kiwi fruits | Pineapples |
| | Kohlrabis | Plums |
| Bananas | | Pomegranates |
| Beetroots (including cooked) | Lemons | Pomelos |
| | Lettuces | Pumpkins |
| Cabbages | Limes | |
| Cauliflowers | | Radishes |
| Capsicums | Mangoes | |
| Celery | Marrows | Shaddocks |
| Coconuts | Melons | Soft citrus fruits |
| Corn on the cob | | |
| Cucumbers | Nectarines | Tomatoes |
| Fennel | Onions (other than spring) | Uglis |
| Figs (fresh) | | |

PART III

Paragraph 3(9) of
Part I of this Schedule

VEGETABLES WHICH MAY BE SOLD BY THE BUNCH

| | |
|-----------|---------------------------|
| Asparagus | Mustard and cress |
| Beetroots | Onions (including spring) |
| Carrots | Parsley |
| Chives | Radishes |
| Endives | Salad cress |
| Garlic | Turnips |

Mint

Watercress

PART IV

Paragraphs 2(2), (3)
and (6) and 3(4) and (5)
of Part I of this Schedule

TABLES OF PERMITTED WEIGHT FOR CONTAINERS

TABLE A

| Gross weight | Permitted weight of container |
|---------------------------|--|
| Not exceeding 500 g | 5 g |
| Exceeding 500 g | a weight at the rate of 10 g per kg of the gross weight. |

TABLE B

| Gross weight | Permitted weight of container |
|---------------------------|---|
| Not exceeding 250 g | a weight at the rate of 120 g per kg of the gross weight. |

| | |
|---|--|
| Exceeding 250 g but not exceeding 1 kg | a weight at the rate of 100 g per kg of the gross weight. |
| Exceeding 1 kg but not exceeding 3 kg | a weight at the rate of 90 g per kg of the gross weight. |
| Exceeding 3 kg | a weight at the rate of 60 g per kg of the gross weight. |

SCHEDULE 4

Section 17

INTOXICATING LIQUOR AND MISCELLANEOUS FOODS

PART I

INTOXICATING LIQUOR

[...]

PART II

MISCELLANEOUS FOODS

Interpretation.

1. (1) In this Part of this Schedule, unless the context otherwise requires –

"biscuits" includes wafers, rusks, crispbreads, extruded flatbread, oatcakes and matzos,

"bread" means bread in any form other than breadcrumbs, and includes fancy loaves and milk loaves and any part thereof,

"casein", "caseinate", "chicory", "chicory extract paste", "chocolate confectionery", "chocolate product", "cocoa product", "coffee", "coffee extract paste", "coffee mixture", "condensed milk", "dried milk", "fancy chocolate product", "flour confectionery", "instant chicory", "instant coffee", "liquid chicory extract", "liquid coffee extract" and "sugar confectionery" shall have the meanings prescribed by [the Committee],

["coffee bag" means a permeable sealed bag, which is intended to be immersed in water, or to have water percolated through it, containing coffee,

or a coffee mixture, or a combination of either coffee or a coffee mixture (or both) with a lesser quantity of instant coffee],

"container" in respect of cocoa product, chocolate product and fancy chocolate product and "reserved description" shall have the meanings prescribed by [the Committee],

"liquid coffee and chicory products" means liquid coffee extracts and liquid chicory extract, and blends thereof,

"loaf", in relation to bread, includes a roll and a bap,

"milk" means cows' milk in any liquid form other than condensed milk (including evaporated milk) or cream,

"potatoes" means potatoes in the state in which they were harvested, or in that state apart from cleaning,

"preserved milk" means condensed milk (including evaporated milk) or dried milk,

"solid and paste coffee and chicory products" means instant coffee, coffee extract paste, instant chicory, chicory extract paste, and blends thereof, and extracts of blends of roasted coffee and roasted chicory.

(2) For the purposes of this Part of this Schedule, pre-packed sliced bread shall be deemed to be a whole loaf of bread, and the pre-packing of sliced bread in any quantity by net weight shall be deemed to be the making for sale of a whole loaf of bread of that net weight.

General requirements.

2. Subject to the following provisions of this Part and Part III of this Schedule, any foods specified in column 1 of Table A in this Part of this Schedule –

- (a) other than chunk honey, comb honey[...], shall be pre-packed (or, in the case of sugar, otherwise made up in a container for sale) only if made up in a quantity by net weight, or, in the case of milk, by capacity measurement, given against the food in column 2, subject to the exceptions specified in column 3,
- (b) other than [...] milk, shall be pre-packed (or, in the case of honey, cocoa products and chocolate products, solid and paste coffee and chicory products and sugar, otherwise made up in a container for sale) only if the container is marked with an indication of quantity by net weight, subject to the exemptions specified in column 4,
- (c) other than bread, chunk honey and comb honey and milk, shall, when not pre-packed, be sold by retail only by net weight, subject to the exceptions specified in column 5.

Documents indicating quantity.

3. (1) In the case of solid and paste coffee and chicory products, cocoa products and chocolate products, honey, caseins and caseinates or preserved milk for human consumption pre-packed or otherwise made up in a container for sale, the information required by paragraph 2(b) or, as the case may be 6, 8(2) or 10 to be marked on the container may, if –

- (a) the foods are not sold by retail, and

- (b) the net weight of the foods is not less than the particular quantities specified in sub-paragraph (2) in relation to the foods,

be given, at the time when the foods are sold, in a document accompanying the container and containing an indication of quantity by net weight expressed, in the case of honey in both imperial and metric units of measurement, and in other cases, in metric units only.

- (2) The quantities referred to in sub-paragraph (1) above are –

| | |
|---|-------|
| Solid and paste coffee and chicory products | 5 kg |
| cocoa products and chocolate products | 10 kg |
| honey | 10 kg |
| caseins and caseinates | 10 kg |
| preserved milk for human consumption | 10 kg |

Special Provisions in Respect of Particular Foods

Biscuits and shortbread.

4. (1) Paragraphs 2(a) and (b) do not apply to biscuits pre-packed on the premises on which they were produced, where –

- (a) the biscuits are in the possession of the producer for sale by him by retail on those premises, or

- (b) if the producer has agreed to sell or has sold the biscuits, he agreed to sell or sold them by retail on those premises.

(2) Biscuits to which sub-paragraph (1) applies (other than wafer biscuits which are not cream-filled, and biscuits pre-packed in a quantity not exceeding 100 g) shall be pre-packed only if the container is marked with an indication of quantity by net weight.

(3) Shortbread shall be pre-packed only if the container is marked with an indication of quantity by net weight; but this sub-paragraph does not apply to shortbread –

- (a) made up in a quantity not exceeding 50 g,
- (b) consisting of a piece weighing 200 g or more, or
- (c) consisting of pieces, each weighing 200 g or more if the number of pieces in the container is marked in writing on the container or is clearly visible and capable of being easily counted through the container.

(4) Wafer biscuits which are not cream-filled shall be pre-packed only if the container is marked with an indication of quantity by number or, in the case of a container marked with the EEC mark within the meaning of section 47 only if it is marked with an indication of quantity by net weight.

(5) Wafer biscuits which are not cream-filled and which are not pre-packed shall, if sold by retail, be sold only by number.

(6) Shortbread, except where the quantity is 8 pieces or less, shall,

if not pre-packed, be sold by retail only by net weight.

Bread.

5. (1) Subject to sub-paragraph (2), a whole loaf of bread of a net weight exceeding 300 g, when not pre-packed, shall be made for sale only if it is of a net weight of 400 g or a multiple of 400 g.

(2) Sub-paragraph (1) does not apply to a sale in pursuance of a contract for the supply of bread for consumption on the premises of the buyer if the contract provides for each delivery of bread thereunder to be of a specified aggregate quantity of not less than 25 kg and for the weighing of the bread on delivery.

Caseins and Caseinates.

6. Caseins and caseinates for human consumption in a quantity of not less than 5 g shall be pre-packed or otherwise made up in a container for sale only if the container is marked with an indication of quantity by net weight.

Cocoa and chocolate products.

7. (1) Subject to sub-paragraph (2), cocoa products and chocolate products not specified in Table A in this Part of this Schedule shall (unless pre-packed in a quantity by net weight of less than 50 g) be pre-packed or otherwise made up in a container for sale only if the container is marked with an indication of quantity by net weight.

(2) Nothing in sub-paragraph (1) requires a container to be marked with an indication of quantity by net weight if it is a container in which fancy chocolate products are pre-packed, except that when the products are on sale by retail, the exemption provided by this sub-paragraph applies only if an indication of quantity by net weight is given on a ticket or notice displayed on or in immediate proximity to the products.

(3) Except in the case of an article the net weight of which is less than 50 g, cocoa products and chocolate products which are not pre-packed shall be sold by retail only by net weight.

Coffee and chicory products.

8. (1) Liquid coffee and chicory products in a quantity of not less than 5 ml shall be pre-packed or otherwise made up in a container for sale only if the container is marked with an indication of quantity by capacity measurement.

(2) Where the contents of a container in which solid and paste coffee and chicory products or liquid coffee and chicory products are pre-packed or otherwise made up for sale consists of packs of such products not intended for individual sale, the container shall, in addition to any marking required by paragraphs 2(b) and 8(1), be marked with the total number of such packs.

Liquid edible oil.

9. Liquid edible oil, unless pre-packed in a quantity of less than 5 ml or more than 20 L, shall be pre-packed only if the container is marked with an indication of quantity by volume.

Milk.

10. (1) Milk which is not pre-packed shall be sold only by capacity measurement or by net weight.

(2) If in the case of any pre-packed milk made up in a quantity of less than ½ pt its container is clearly and conspicuously marked with a written statement that it is not for sale otherwise than by means of a vending machine, then, notwithstanding that the milk is made up in a quantity other than one of those specified in column 2 of Table A in this Part of this Schedule in relation to milk, a person shall not by reason only of that fact be guilty of an offence under section 21(2)

—

- (a) in respect of a sale of that milk by that or any other person if the sale is by means of a vending machine or is otherwise than by retail, or
 - (b) in respect of the possession of that milk by that or any other person if the milk is shown to be in that possession –
 - (i) for sale by means of a vending machine which complies with sub-paragraph (3),
 - (ii) for sale otherwise than by retail, or
 - (iii) for delivery after sale otherwise than by retail.
- (3) Milk shall be sold by means of, or offered or exposed for sale in, a vending machine only if there is displayed on or in the machine –
- (a) an indication of the quantity by capacity measurement of the milk comprised in each item for sale by means of that machine, and
 - (b) except where the machine is on premises at which the seller carries on business, a statement of the name and address of the seller.

Preserved milk.

11. Preserved milk for human consumption in a quantity of not less than 5 g shall be pre-packed or otherwise made up in a container for sale only if the container is marked with an indication of quantity by net weight.

Potatoes.

12. (1) Where on any premises (other than a vehicle or ship) potatoes have been sold by weight when made up in a container, and the sale was not by retail, the buyer may require the following weighings to be carried out at the premises –

- (a) a weighing of the container while the potatoes are therein,
- (b) a weighing of the container after the removal of the potatoes therefrom,
- (c) a weighing of a similar container which is empty,

and thereupon the seller shall carry out or permit the buyer to carry out the weighings so required; and if the seller without reasonable cause contravenes this requirement, he is guilty of an offence.

(2) The occupier of any premises at which potatoes are made up in containers for sale by weight otherwise than by retail, or of any premises (other than a vehicle or ship) at which potatoes so made up are so sold, shall provide and make available suitable weighing equipment so that any weighings required under sub-paragraph (1) may be carried out at the premises; and if he without reasonable cause contravenes any requirements of this sub-paragraph, he is guilty of an offence.

13. Potatoes which are not pre-packed shall be sold by retail only –

- (a) by net weight, or
- (b) if they are sold in a container which does not exceed the appropriate permitted weight specified in Table B of

this Part of this Schedule, by net or gross weight.

Miscellaneous foods pre-packed by number.

14. (1) Subject to sub-paragraph (2) –

- (a) cereal biscuit breakfast foods (other than foods in the case of which none of the biscuits weighs more than 10 g),
- (b) flour confectionery (other than uncooked pastry or uncooked pastry cases, not containing any filling) and shortbread,
- (c) fruit preservative tablets, rennet tablets, saccharin tablets, soft drink tablets and sweetening tablets,
- (d) shell eggs,
- (e) vanilla pods, and
- (f) capsule and tablet foods,

shall be pre-packed only if the container is marked with an indication of quantity by number.

(2) This paragraph does not apply to –

- (a) flour confectionery, if the number of items in the container is clearly visible and capable of being easily counted through the container, and

- (b) any foods in a quantity by number of one.

Other pre-packed foods.

15. (1) This paragraph applies to foods –

- (a) not required by any provision of or under this Law to be pre-packed only if the container is marked with an indication of quantity,
- (b) in the case of which, when sold pre-packed (whether on any sale or on a sale of any particular description), the quantity of the foods sold expressed in a particular manner is not required by any such provision to be made known to the buyer at or before a particular time, or
- (c) not expressly exempted by any such provision from all such requirements which would otherwise apply thereto.

(2) Subject to sub-paragraph (3), foods to which this paragraph applies shall be pre-packed only if the container is marked with an indication of quantity by net weight or by capacity measurement.

(3) This paragraph does not apply to –

- (a) bread and bun loaves, fruit loaves, malt loaves and fruited malt loaves,
- (b) food to which paragraphs 2 and 3 of Schedule 3 apply, other than dates,

- (c) freeze drinks in a quantity of less than 50 ml,
- (d) herbs, whole and sifted, except saffron, in a quantity of less than 25 g,
- (e) iced lollies and water ices,
- (f) intoxicating liquor to which Paragraph 7 of Part I of this Schedule applies,
- (g) milk,
- (h) potato crisps and other similar products commonly known as snack foods in a quantity of less than 25 g,
- (i) single portion vending machine beverage packs in a quantity of less than 25 g or of less than 25 ml whether or not they contain other foods to which this paragraph does not apply,
- (j) single toffee apples,
- (k) soft drinks in a syphon,
- (l) sugar confectionery consisting of rock or barley sugar in sticks or novelty shapes,
- (m) sugar confectionery not included in sub-paragraph (1), and chocolate confectionery, in a quantity of less than 50 g,

- (n) goods of any other description, except saffron, in a quantity of less than 5 g or of less than 5 ml.

TABLE A Paragraphs 2 and 7(1)
of this Part of this Schedule
MISCELLANEOUS FOODS

| (1) | (2) | (3) | (4) | (5) |
|---|---|---|--|--|
| <i>Foods</i> | <i>Prescribed quantities (pre-packed foods)</i> | <i>Exceptions from prescribed quantities</i> | <i>Exemptions from quantity markings (pre-packed foods)</i> | <i>Exceptions from quantity requirement (foods not pre-packed)</i> |
| Barley kernels, pearl barley, rice (including ground rice and rice flakes), sago, semolina and tapioca. | [125 g, 250 g, 375 g, 500 g or a multiple of 500 g.] | 75 g or less, more than 10 kg. | less than 5 g. | — |
| Biscuits, other than wafer biscuits which are not cream-filled. | 100 g, 125 g, 150 g, 200 g, 250 g, 300 g, or a multiple of 100 g. | 85 g or less, more than 5 kg. | 50 g or less. | 8 or less. |
| Bread in the form of a whole loaf. | 400 g, or a multiple of 400 g. | (1) where the net weight of each loaf is 300 g or less. | where the net weight of each loaf is less than 300 g and the number of items if more than one in the container is marked on the container or is clearly visible and capable of being | — |

| | | | | |
|---|---|--|--|---|
| | | | easily counted through the container. | |
| | | (2)any sale in pursuance of a contract for the supply of bread for con- sumption on the premises of the buyer, if the contract provides for each delivery of bread there- under to be a specific agg- regate quantity of not less than 25 kg and for the weighing of the bread on delivery. | | |
| Cereal breakfast foods in flake form, other than cereal biscuit breakfast foods. | 125 g, 250 g, 375 g, 500 g, 750 g, 1 kg, 1.5 kg or a multiple of 1 kg. | 50 g or less, more than 10 kg. | less than 50 g. | — |
| Chocolate products in bar or tablet form of the following re- served descriptions namely chocolate plain chocolate, gianduja nut chocolate, milk chocolate, gianduja nut milk chocolate, white chocolate, | 85 g, 100 g, 125 g, 150 g, less than 85 g, more than 200 g, 250 g, 300 g, 400 g or 500 g. | less than 50 g. 500 g. | — | |

| | | | | |
|--|---|------------------------------------|-----------------|-----------------|
| filled chocolate, cream chocolate and skim-med milk chocolate. | | | | |
| Cocoa products of the following reser- ved descriptions namely cocoa, cocoa powder, fat- reduced cocoa, fat- reduced cocoa pow- der, sweetened cocoa, sweetened cocoa powder, sweetened fat- reduced cocoa, sweetened fat- reduced cocoa powder, drinking chocolate and fat reduced drinking chocolate. | 50 g, 75 g, 125 g, 250 g, 500 g, 750 g and 1 kg. | less than 50 g, more than 1 kg. | less than 50 g. | less than 50 g. |
| Coffee, coffee mixtures and coffee bags. | (1) 2 oz, 4 oz, 8 oz, 12 oz, 1 lb, 1 1/2 lb or a multiple of 1 lb. (2) 75 g, 125 g, 500 g, 750 g, 1 kg or a multiple of 500 g. | less than 25 g, more than 5 kg. | less than 5 g. | — |
| <i>Note</i> | | | | |
| In the case of coffee bags the prescribed quan- | | | | |

| | ties and quantity marking relate to the contents. | | | |
|---|---|------------------------------------|----------------|---|
| Coffee extracts and chicory extracts consisting of solid and paste coffee and chicory products. | 50 g, 100 g, 200 g, 250 g (for mixtures of coffee extracts and chicory extracts only), 300 g (for coffee extracts only), 500 g, 750 g, 1 kg, 1.5 kg, 2 kg, 2.5 kg, 3 kg or a multiple of 1 kg. | 25 g or less, more than 10 kg. | less than 5 g. | — |
| Dried fruits of any one or more of the following descrip- tions, that is to say, apples (including dried apple rings), apricots, currants, dates, figs, muscat- els, nectarines, peaches, pears (in- cluding dried pear rings), prunes, raisins, sultanas and dried fruit salad. | 125 g, 250 g, 375 g, 500 g, 1 kg, 1.5 kg, 7.5 kg, or a multiple of 1 kg. | 75 g or less, more than 10 kg. | less than 5 g. | — |
| Dried vegetables of any of the following descriptions, that is to say, beans, lentils and peas (including split peas). | 125 g, 250 g, 375 g, 500 g, 1 kg, 1.5 kg, 7.5 kg, or a multiple of 1 kg. | 100 g or less, more than 10 kg. | less than 5 g. | — |
| Edible fats of any of the following descriptions— | 50 g, 125 g, 250 g, 500 g, or a multiple of 500 g | (1) in the case of | | |

| | of up to and | those of the | less than 5 g. | — |
|--|---|---|----------------|---|
| (a) butter, margarine, any mixture of butter and margarine, and low fat spreads (butter or margarine substitutes; | including 4 kg or thereafter a multiple of 1 kg up to and including 10 kg. | description in paragraph (a) 25 g or less, more than 10 kg. | | |
| (b) dripping and shredded suet; | | (2) in other cases, less than 5 g, more than 10 kg. | | |
| (c) lard and compound cooking fat and substitutes therefor; | | | | |
| (d) solidated edible oil (except in gel form). | | | | |
| Flour, namely flour of bean, maize, pea, rice, rye, soya bean or wheat and flour products of any of the following descriptions that is to say— | 125 g, 250 g, 500 g, or a multiple of 500 g and in the case of cornflour, in addition 375 g and 750g. | 50 g or less, more than 10 kg. | less than 5 g. | |
| (a) cake flour, other than cake mixtures and sponge mixtures; | | | | |
| (b) cornflour, other than blancmange powders and custard powders; | | | | |

| | | | | |
|--|---|--------------------------------|----------------|---|
| (c) self-raising flour. | | | | |
| Honey. | 2 oz, 4 oz, 8 oz, 12 oz, 1 lb, 1½ lb or a multiple of 1 lb. | less than 50 g. | less than 5 g. | |
| Jam and marmalade, other than diabetic jam or marmalade. | 2 oz, 4 oz, 8 oz, 12 oz, 1 lb, 1½ lb or a multiple of 1 lb. | less than 50 g. | less than 5 g. | — |
| Jelly preserves. | | | | |
| Milk. | (1) ½ pt, ½ pt or a multiple of ½ pt. | 50 ml or less. | | |
| | (2) 200 ml, 250 ml, 500 ml, 750 ml, 1 litre, 2 litres or thereafter a multiple of 500 ml. | less than 5 ml. | | — |
| Molasses, syrup and treacle. | 2 oz, 4 oz, 8 oz, 12 oz, 1 lb, 1½ lb or a multiple of 1 lb. | less than 50 g. | less than 5 g. | — |
| Oat products namely— | 125 g, 250 g, 375 g, 500 g, 750 g, 1 kg, 1.5 kg or a multiple of 1 kg. | 50 g or less, more than 10 kg. | less than 5 g. | — |
| (a) flour of oats | | | | |
| (b) oatflakes and oatmeal. | | | | |
| Pasta. | 125 g, 250 g, 375 g, 500 g or a | | | |

Consolidated text

| | | | | |
|-----------|---|---|--|---|
| | multiple of 500 g. | | | |
| | | 50 g or less. | | |
| Potatoes. | (1) 8 oz, 12 oz, 1 lb, 1½ lb or a multiple of 1 lb. | (1) where the net weight of each potato is not less than 175 g. | (1) where the net weight of each potato is not less than 175 g and the container is marked with an indication of quantity by number and with a statement to the effect that each potato in the container is of a net weight not less than a weight specified in grams, whether the weight so specified is 175 g or a greater weight. | — |
| | (2) 500g, 1 kg, 1.5 kg, 2 kg, 2.5 kg, or a multiple of 2.5 kg, up to and including 15 kg, 20 kg, or 25 kg. | (2) less than 5 g, more than 25 kg. | | |
| Salt. | 125 g, 250 g, 500 g, 750 g, 1 kg, 1.5 kg, or a multiple of 1 kg up to and including 10 kg, 12.5 kg, 25 kg or 50 kg. | 100 g or less. | (2) less than 5 g. less than 5 g. | — |
| Sugar. | 125 g, 250 g, 500 g, 750 g, 1 kg, 1.5 kg, 2 kg, 2.5 kg, 3 kg, 4 kg, or 5 kg. | 100g or less, more than 5 kg. | less than 50 g. | — |
| | 50 g, 125 g, 250 g, 500 g, 750 g, 1 | | | |

| | | | |
|-----------------------|---------------------|--------------------|----------------|
| Tea in a tea bag, | kg, 1.5 kg, 2 kg, | | |
| namely a permeable | 2.5 kg, 3 kg, 4 kg | | |
| sealed bag, contain- | or 5 kg. | | |
| ing tea, which is | | 25 g or less, more | less than 5 g. |
| intended to be | [Note | than 5 kg. | — |
| immersed in water | | | |
| in the course of | In the case of tea | | |
| preparation to drink. | in a tea bag the | | |
| | prescribed quan- | | |
| | tities and quantity | | |
| | marking relate to | | |
| | the contents.] | | |
| | 50 g, 125 g, 250 | | |
| [Tea, other than | g, 500 g, 750 g, 1 | | |
| instant tea or tea in | kg, 1.5 kg, 2 kg, | | |
| a tea bag.] | 2.5 kg, 3 kg, 4 kg | | |
| | or 5 kg, (and in | | |
| | the case of tea | 25 g or less, more | less than 5 g. |
| | [other than instant | than 5 kg. | — |
| | tea or tea in a tea | | |
| | bag] packed in | | |
| | tins or glass or | | |
| | wooden contain- | | |
| | ers, in addition | | |
| | 100 g, 200 g, and | | |
| | 300g. | | |

TABLE B

Paragraph 13 of this Part
of this Schedule

TABLE OF PERMITTED WEIGHTS FOR CONTAINERS

| <i>Gross Weight</i> | <i>Permitted weight of container</i> |
|---------------------|--------------------------------------|
|---------------------|--------------------------------------|

Not exceeding 500 g

5 g

Exceeding 500 g

a weight at the rate of 10 g per kg of the gross weight

PART III
MULTIPACKS

1. (1) Nothing in Parts I and II of this Schedule requires a container to be marked with any information or to enclose foods of a particular quantity if –

- (a) the contents of the container consist of two or more packs of goods,
- (b) the goods in each pack, if they would be required by this Schedule to be made up in a specified quantity if sold individually, are so made up,
- (c) each pack, if it would be required by this Schedule to be marked with an indication as to quantity if sold individually, is so marked, and
- (d)
 - (i) the container is marked with a description of the goods in each pack, with the total number of packs containing goods of each description and, where item (c) applies, with an indication as to the quantity of goods in each pack,
 - (ii) where each pack to which item (c) applies

contains the same quantity of identical goods, an indication as to the quantity in at least one such pack is clearly visible, and the total number of such packs is clearly visible and capable of being easily counted, through the container, or

- (iii) where each pack does not contain goods of the same description or does contain such goods but does not contain them in the same quantity, an indication as to the quantity of goods in each pack to which item (c) applies, or, where there are two or more identical such packs, an indication as to the quantity in at least one of them, is clearly visible, and the total number of such packs of each description is clearly visible and capable of being easily counted, through the container.

(2) Where the provisions of both paragraph 3 of Part II of this Schedule and sub-paragraph (1) of this paragraph apply in a particular case, the information permitted by sub-paragraph (1)(d)(i) to be marked on the container may be given in a document accompanying the container.

NOTES

In Schedule 4,

Part I was repealed by the Weights and Measures (Intoxicating Liquor) Regulations, 1999, regulation 1(5), with effect from 23rd June, 1999;³

the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of

Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016;

the definition of the expression "coffee bag" in sub-paragraph (1) of paragraph 1 of Part II was substituted by the Weights and Measures (Various Foods) (Amendment) Regulations, 1991, regulation 2(a), with effect from 17th December, 1991;

the words omitted in the first and second pairs of square brackets in paragraph 2 of Part II were repealed by the Weights and Measures (Various Foods) (Amendment) Regulations, 1991, respectively regulation 2(b)(i) and regulation 2(b)(ii), with effect from 17th December, 1991;

the words, letters and figures in square brackets in the entry in column (2) of the item relating to "barley kernels, pearl barley etc." in Table A of Part II were substituted by the Weights and Measures (Various Foods) (Amendment) Regulations, 1991, regulation 2(c)(i), with effect from 17th December, 1991;

the words in square brackets in the entry in column (2) of the item relating to "tea in a tea bag" in Table A of Part II were inserted by the Weights and Measures (Various Foods) (Amendment) Regulations, 1991, regulation 2(c)(ii), with effect from 17th December, 1991;

the words in square brackets in the item relating to "tea, other than instant tea or tea in a tea bag" in column (1) of Table A of Part II were substituted by the Weights and Measures (Various Foods) (Amendment) Regulations, 1991, regulation 2(c)(iii)(aa), with effect from 17th December, 1991;

the words in square brackets in the entry in column (2) of the item relating to "tea, other than instant tea or tea in a tea bag" in Table A of Part II were substituted by the Weights and Measures (Various Foods) (Amendment) Regulations, 1991, regulation 2(c)(iii)(bb), with effect from 17th December, 1991.

SCHEDULE 5
SAND AND OTHER BALLAST

Section 17

PART I
GENERAL PROVISIONS

1. In this Schedule, "**ballast**" means –
 - (a) sand, gravel, shingle, ashes or clinker of any description,
 - (b) broken slag, slag chippings, granite chippings, limestone chippings, slate chippings or other stone chippings (including such materials which have been coated with tar, bitumen or cement),
 - (c) any other material commonly used in the building and civil engineering industries as a hardcore or an aggregate, and
 - (d) any other material commonly known in those industries as ballast.
2. Subject to paragraph 3, ballast shall be sold only –
 - (a) by volume in multiples of 0.2 cubic metre, or
 - (b) by net weight.
3. Paragraph 2 does not apply to –

- (a) ballast in a quantity less than both 2240 pounds and one cubic metre,
- (b) a sale, with a view to its industrial use, of any ballast mentioned in paragraph 1(b), (c) or (d),
- (c) a sale where the buyer is to take delivery in or from a ship,
- (d) a sale as a whole of ballast produced in the demolition or partial demolition of a building where the buyer is responsible for the removal of the ballast from the site, or
- (e) a sale, in the state in which it was produced, of clinker or ashes produced as a by-product, or any other ballast produced as a casual product, of the carrying on of an industrial process where the buyer is responsible for the removal of the ballast from those premises.

4. Without prejudice to section 11, no article shall be used for trade as a cubic measure of ballast unless it is a receptacle (which may, if so desired, form part of a vehicle) which conforms with such requirements as to form, capacity, calibration and other matters as may be prescribed; and a person who uses for trade, or has in his possession for use for trade, as a cubic measure of ballast any article other than such a receptacle is guilty of an offence.

5. In measuring ballast against a calibration mark on a receptacle mentioned in paragraph 4, the ballast shall be filled into all parts of the receptacle as far as, and be levelled off against, the calibration mark as nearly as the nature of the ballast will permit; and where ballast is measured for the purposes of trade in such a

receptacle, a person who –

- (a) when carrying out the measuring, fails so to level off the ballast when it is loaded into the receptacle, or
- (b) causes or permits a heaped load to be sent out in the receptacle,

is guilty of an offence.

PART II CARRIAGE OF BALLAST BY ROAD

6. This Part of this Schedule applies to the carriage of ballast by a road vehicle on a journey any part of which is along a highway.

7. (1) If ballast is being carried for delivery to a buyer in pursuance of its sale or an agreement for its sale, and paragraph 2 applies to the sale, this paragraph has effect.

(2) There shall, before the journey begins, be delivered to the person in charge of the vehicle a document ("**the delivery document**") signed by or on behalf of the seller stating –

- (a) the name and address of the seller,
- (b) the name of the buyer, and the address of the premises to which the ballast is being delivered,
- (c) the type of the ballast,

- (d) subject to sub-paragraph (4), the quantity of the ballast by net weight or volume,
- (e) sufficient particulars to identify the vehicle, and
- (f) the place, date and time of the loading of the ballast in the vehicle.

(3) Where the quantity of the ballast is stated in the delivery document by volume, the ballast shall be carried on the vehicle only in a receptacle mentioned in paragraph 4.

(4) The statement referred to in sub-paragraph (2)(d) is not required when the vehicle is travelling between the place of loading and the nearest suitable and available weighing equipment if the whole of the vehicle's load is being delivered to the same person at the same premises and the delivery document –

- (a) states that the quantity of the ballast is to be expressed by net weight determined by means of that equipment, and
- (b) specifies the place at which the equipment is situated.

(5) Where sub-paragraph (4) applies, the person in charge of the vehicle when the net weight of the ballast for delivery to two or more different persons delivery document a statement of the net weight, and if he fails so to do he is guilty of an offence.

(6) If any provision of sub-paragraph (2) or (3) is contravened, the seller is guilty of an offence.

(7) If the vehicle is carrying ballast as mentioned in sub-paragraph (1) for delivery to each of two or more persons, sub-paragraphs (1) to (3) apply separately to each person; but this sub-paragraph does not prohibit the use of the same receptacle mentioned in sub-paragraph (3) for the carriage of ballast for delivery to two or more different persons.

8. (1) Subject to sub-paragraph (2), if ballast on the vehicle is being carried in circumstances where paragraph 7 does not apply, there shall, before the journey begins, be delivered to the person in charge of the vehicle a document containing a statement to that effect signed by or on behalf of the party causing the ballast to be carried, and giving the name and address of that party; and if this paragraph is contravened that party is guilty of an offence.

(2) Sub-paragraph (1) does not apply where all the ballast in the vehicle is being carried in circumstances where paragraph 7 does not apply to it and is being so carried in a container which does not form part of the vehicle.

9. A document required by paragraph 7 or 8 shall, at all times during the journey, be carried by the person in charge of the vehicle, and shall be handed over by him to any other person to whom he hands over the charge of the vehicle in the course of the journey; and a document required by paragraph 7 shall, at the premises of delivery –

- (a) before any ballast is unloaded, be handed over to the buyer, or
- (b) if the buyer is not present, be left at some suitable place at those premises.

10. In the case of a document mentioned in paragraph 7, if during the journey or on unloading at the place of delivery the quantity of ballast is found to be

less than stated in the document the statement shall nevertheless be deemed for the purposes of this Law to be correct if, but only if, it is proved that the deficiency is solely attributable to the draining away of normal moisture from, or the consolidation of, the ballast during the journey.

SCHEDULE 6
SOLID FUEL

Section 17

PART I
GENERAL

Introductory.

1. In this Schedule "**solid fuel**" means –
- (a) coal,
 - (b) coke,
 - (c) any solid fuel derived from coal or of which coal or coke is a constituent.

Sales by net weight.

2. (1) Subject to sub-paragraph (2) solid fuel shall be sold only by net weight.
- (2) Sub-paragraph (1) does not apply to –
- (a) briquettes in a quantity not exceeding 14 pounds, and
 - (b) any solid fuel pre-packed in a securely closed container marked with an indication of quantity by net weight.

Quantities in containers.

3. (1) Solid fuel shall be made up in a container for sale, or for delivery after sale, only if it is made up in quantities by net weight of 25 kilograms, 50 kilograms or any multiple of 50 kilograms.

(2) This paragraph does not apply to any solid fuel pre-packed in a quantity not exceeding 30 kilograms in a securely closed container.

(3) References in this Schedule to solid fuel made up in a quantity are references to solid fuel made up in a metric quantity specified in sub-paragraph (1).

(4) This paragraph and paragraph 4 have effect subject to paragraph 5.

Indications of Quantity.

4. (1) Solid fuel shall be made up in a securely closed container for sale, or for delivery after sale, only if the container is marked with an indication of quantity by net weight.

- (2) (a) This sub-paragraph applies where solid fuel –
- (i) is on any premises for sale, or for delivery after sale, or
 - (ii) is carried on a road vehicle on a highway for sale, or for delivery after sale,

and is made up in containers which are not securely closed, or is delivered from the premises or the vehicle in such containers.

- (b) There shall be displayed in the prescribed manner at the premises or on the vehicle as the case may be –
- (i) an indication of the quantity by net weight of

the fuel comprised in the containers, and

(ii) a statement of the seller's name and address.

(3) If this paragraph is contravened, the seller and any other person in charge of the vehicle at the time of the contravention are each guilty of an offence.

Exemption.

5. Paragraphs 3 and 4 do not apply to solid fuel made up in a container only for ease of handling as part of the load of a vehicle or ship, where the whole of that load, so far as it consists of solid fuel, is being delivered to a single buyer.

Damping of fuel.

6. A person who with intent to defraud or deceive damps any solid fuel is guilty of an offence.

Regulations.

7. (1) This paragraph applies to any vehicle used on a highway for carrying solid fuel for sale, or for delivery after sale; and in this paragraph "**container**" means any container in which solid fuel is carried on such a vehicle, or is delivered from such a vehicle.

(2) [The Committee] may by regulations make provision –

- (a) for securing the display on any such vehicle of an indication of the quantities in which solid fuel is made up in containers carried on or delivered from the vehicle,
- (b) for requiring all such containers to be made up in the same quantity, or for regulating in any other way the

quantities in which they are made up, and

- (c) for imposing any requirement as to the loading of the vehicle, or the delivery of solid fuel from the vehicle, which appears to [the Committee] appropriate for securing that purchasers are not misled as to the quantity of fuel they purchase.

(3) Regulations under sub-paragraph (2) may –

- (a) for any purpose mentioned in that sub-paragraph, amend, apply with or without modifications, or exclude the application in whole or in part of, any of the preceding paragraphs of this Schedule, and
- (b) impose, for contraventions of the regulations for which no penalty is provided by this Law, penalties not exceeding those provided by section 58(4).

8. [The Committee] may by regulations make provision –

- (a) for securing that, on any premises on or from which solid fuel available for purchase in a quantity of 100 kilograms or less is sold or kept or exposed for sale, there is displayed a notice specifying the price of the fuel,
- (b) prohibiting the sale on or from any such premises of any such fuel at a higher price than that displayed in relation to that fuel, and

- (c) for imposing, for contraventions of the regulations for which no penalty is provided by this Law, penalties not exceeding those provided by section 58(4).

9. Regulations under section 18 may amend or repeal any of the preceding paragraphs of this Schedule.

PART II

WEIGHING OF SOLID FUEL AT BUYER'S REQUEST

10. If the buyer of any solid fuel so requests, the seller shall cause –

- (a) any of that fuel the delivery of which has not at the time of the request been completed, or
- (b) if the request is made before the person delivering the fuel leaves the premises of delivery, any of that fuel the delivery of which has been completed but which is still capable of identification,

to be weighed by means of suitable weighing equipment in the presence of the buyer and, in the case of fuel mentioned in sub-paragraph (a), before the delivery is completed; and if this paragraph is contravened, the seller is guilty of an offence.

11. Where a request under paragraph 10 is made in respect of the whole load of a vehicle, the requirements of that paragraph are satisfied, notwithstanding that the weighing is not done in the presence of the buyer, if the seller causes the vehicle to be check-weighed and causes the statements of the weights found by the person attending to the check-weighing to be delivered to the buyer.

12. Where, after any weighing in pursuance of a request under paragraph

10, the weight of the solid fuel is found to be not less than that marked on the container in which the fuel was made up, or than that stated by the seller in any document delivered to the buyer at or before the delivery of the fuel to him, the buyer is liable to repay to the seller all costs reasonably incurred by the seller in connection with the weighing.

PART III CARRIAGE OF SOLID FUEL BY ROAD

13. This Part of this Schedule applies to the carriage by a road vehicle, on a journey any part of which is along a highway, of solid fuel required by paragraph 2 to be sold only by net weight ("**relevant goods**").

14. (1) If the vehicle is carrying the relevant goods for delivery to a buyer in pursuance of a sale, or an agreement for the sale, of a quantity exceeding 100 kilograms, there shall, before the journey begins, be delivered to the person in charge of the vehicle a document ("**the delivery document**") signed by or on behalf of the seller stating –

- (a) the name and address of the seller,
- (b) the name of the buyer, and the address of the premises to which the relevant goods are being delivered,
- (c) the type of the goods,
- (d) subject to sub-paragraph (2), the aggregate net weight of the goods, and
- (e) where any of the goods are made up in containers –

- (i) the number of the containers, and
- (ii) except where all the relevant goods are for delivery to a single buyer, the net weight of the goods in each container,

and if this sub-paragraph is contravened the seller is guilty of an offence.

(2) Where the whole of the vehicle's load consists of relevant goods not made up in containers, and is being delivered to the same person at the same premises, the statement referred to in sub-paragraph (1)(d) is not required when the vehicle is travelling between the place of loading and the nearest suitable and available weighing equipment if the delivery document states that the quantity of the relevant goods is to be expressed by net weight determined by means of that equipment, and specifies the place at which the equipment is situated.

(3) Where sub-paragraph (2) applies, the person in charge of the vehicle when the net weight of the relevant goods is determined shall forthwith add to the delivery document a statement of the net weight, and if he fails so to do he is guilty of an offence.

(4) Subject to sub-paragraph (5), if the vehicle is carrying relevant goods as mentioned in sub-paragraph (1) for delivery to each of two or more buyers –

- (a) that sub-paragraph applies separately in relation to each buyer, and
- (b) the relevant goods for delivery to each buyer shall be carried on the vehicle made up separately in containers or in separate compartments,

and if item (b) is contravened the seller is guilty of an offence.

(5) Sub-paragraph (4)(b) does not apply where the vehicle is constructed or adapted for the mechanical making up in containers of the fuel carried thereon and incorporates weighing equipment approved by [the Committee] for that purpose.

15. (1) Subject to sub-paragraph (2), if relevant goods on the vehicle are being carried in circumstances where paragraph 14(1) does not apply, there shall, before the journey begins, be delivered to the person in charge of the vehicle a document containing a statement to that effect signed by or on behalf of the party causing the goods to be carried, and giving the name and address of that party; and if this paragraph is contravened that party is guilty of an offence.

(2) Sub-paragraph (1) does not apply where the total quantity of the relevant goods carried on the vehicle does not exceed 100 kilograms.

16. A document required by paragraph 14 or 15 shall, at all times during the journey be carried by the person in charge of the vehicle, and shall be handed over by him to any other person to whom he hands over the charge of the vehicle in the course of the journey; and a document required by paragraph 14 shall, at the premises of delivery –

- (a) before any relevant goods are unloaded, be handed over to the buyer, or
- (b) if the buyer is not present, be left at some suitable place at those premises,

and if any provision of this paragraph is contravened without reasonable cause, the person in charge of the vehicle at the time of the contravention is guilty of an offence.

NOTE

In Schedule 6, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

SCHEDULE 7

Section 17

MISCELLANEOUS GOODS OTHER THAN FOODS

PART I

LIQUID FUEL AND LUBRICANTS

1. This Part of this Schedule applies to –
 - (a) liquid fuel, lubricating oil and any mixture of such fuel and oil, and
 - (b) lubricating grease.
2. Subject to paragraph 3, goods to which this Part of this Schedule applies –
 - (a) unless pre-packed, shall be sold only by net weight or by capacity measurement,
 - (b) shall be pre-packed only if the container is marked with an indication of quantity by net weight or by capacity measurement, and
 - (c) in the case of lubricating oil in a quantity of one quart or less, shall be made up in a container for sale otherwise than by way of pre-packing only if the container is marked with an indication of quantity by capacity measurement.
3. (1) Notwithstanding paragraph 2, liquid fuel –

- (a) when not pre-packed, may be sold by volume, and
- (b) may be pre-packed in a container marked with an indication of quantity by volume,

being in either case the volume of the gas which would be produced from the fuel in question at such temperature and such atmospheric pressure as are prescribed (or, if no regulations are in force, as are made known by the seller to the buyer before he pays for or takes possession of the fuel).

(2) Paragraph 2 does not apply to any goods in a quantity of less than half a pound or of less than half a pint.

PART II

READY-MIXED CEMENT MORTAR AND READY-MIXED CONCRETE

4. This Part of this Schedule applies to ready-mixed cement mortar and ready-mixed concrete.

5. (1) Subject to the following provisions of this Part of this Schedule, goods to which this Part of this Schedule applies shall be sold only by volume in multiples of 0.1 cubic metre, or by net weight.

(2) This paragraph does not apply to goods in a quantity of less than one cubic metre.

6. Part II of Schedule 5, except paragraph 7(3) thereof, applies for the purposes of this Part of this Schedule as if –

- (a) any reference in the said Part II to ballast were a reference to goods to which this Part of this Schedule

applies, and

- (b) the reference in paragraph 7(1) of the said Part II to paragraph 2 of Schedule 5 were a reference to paragraph 5 of this Schedule.

PART III

AGRICULTURAL LIMING MATERIALS, AGRICULTURAL SALT AND INORGANIC FERTILISERS

7. This Part of this Schedule applies to –

- (a) agricultural liming materials, other than calcareous sand,
- (b) agricultural salt,
- (c) inorganic fertilisers and mixtures consisting mainly thereof, other than fertilisers or mixtures made up into pellets or other articles for use as individual items, and
- (d) any mixture of any of the foregoing.

8. (1) Goods to which this Part of this Schedule applies which are not pre-packed, other than liquid fertilisers, shall be sold only –

- (a) by quantity by net weight, or
- (b) if the goods are sold in a container which does not exceed the permitted weight and the gross weight of the goods is not less than 56 pounds, by quantity by net or

gross weight, or

(c) by quantity by volume.

(2) Goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication –

(a) in the case of liquid fertilisers, of quantity by capacity measurement,

(b) in any other case, of quantity by net weight or, if the container does not exceed the permitted weight and the gross weight of the goods is not less than 56 pounds, of quantity by net or gross weight.

(3) In this paragraph "**the permitted weight**" means a weight at the rate of 24 ounces per 112 pounds of the gross weight.

(4) This paragraph does not apply to any sale of goods with a view to their industrial use.

9. Paragraphs 4 and 5 of Schedule 5 have effect as if any reference therein to ballast were a reference to goods to which this Part of this Schedule applies.

PART IV WOOD FUEL

10. Subject to paragraph 11 –

(a) wood fuel which is not made up in a container for sale shall be sold by retail only by net weight,

- (b) in the case of a sale by retail of wood fuel made up in a container for sale, the quantity by net weight of the fuel sold shall be made known to the buyer before he pays for or takes possession of it.

11. (1) Paragraph 10 shall not have effect unless [the Committee] so directs by order.

(2) Paragraph 10 does not apply to any sale of wood fuel in a quantity which does not exceed 14 pounds or which exceeds 1120 pounds.

12. Paragraphs 6 and 8 of Schedule 6 have effect as if any reference therein to solid fuel were a reference to wood fuel.

PART V PERFUMERY AND TOILET PREPARATIONS

13. This Part of this Schedule applies to –

- (a) perfumes and toilet waters,
- (b) other toilet preparations for use on the hair or scalp of human beings,
- (c) other toilet preparations for external use on any other part of the human body, and
- (d) dentifrices other than dentifrices pre-packed in tubes,

whether in liquid, solid or any other form, including any such goods which are

medicated but are not pharmaceutical preparations, but excluding soap in any form.

14. (1) Subject to sub-paragraph (2), goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by volume.

(2) Sub-paragraph (1) does not apply to –

- (a) goods mentioned in paragraph 13(a) in a quantity not exceeding 12 grams or 20 cubic centimetres,
- (b) goods mentioned in paragraph 13(b) in a quantity not exceeding 20 grams or 20 cubic centimetres, or
- (c) goods mentioned in paragraph 13(c) or (d) in a quantity not exceeding 12 grams or 12 cubic centimetres.

PART VI

DENTIFRICES

15. (1) Dentifrices shall be pre-packed in tubes only –

- (a) where the tube is not in a container, the tube, or
- (b) where the tube is in a container, that container,

is marked with an indication of quantity by volume of dentifrice contained in the tube, and the quantity is expressed in cubic centimetres or cubic inches.

(2) Sub-paragraph (1) does not apply to dentifrices pre-packed in a quantity not exceeding 12 cubic centimetres.

PART VII

SOAP

16. Subject to paragraph 17 –

- (a) soap in the form of a cake, tablet or bar shall be pre-packed only if the container is marked with an indication of quantity by net weight,
- (b) liquid soap shall be pre-packed only if the container is marked with an indication of quantity by capacity measurement, and
- (c) soap in any other form –
 - (i) unless pre-packed, shall be sold by retail only by net weight, and
 - (ii) shall be pre-packed only if the container is marked with an indication of quantity by net weight.

17. Paragraph 16 does not apply to –

- (a) liquid soap in a quantity of less than 5 fluid ounces, or
- (b) soap in any other form in a quantity of less than one ounce.

PART VIII

MISCELLANEOUS GOODS TO BE SOLD BY
OR MARKED WITH LENGTH

18. This Part of this Schedule applies to bias binding, elastic, ribbon, tape and sewing thread.

19. Subject to paragraph 20, goods to which this Part of this Schedule applies –

- (a) unless pre-packed, shall be sold by retail only by length, and
- (b) shall be pre-packed only if the container is marked with an indication of quantity by length.

20. Paragraph 19 does not apply to goods in a quantity of less than one yard.

PART IX
MISCELLANEOUS GOODS TO BE SOLD BY OR
MARKED WITH NET WEIGHT

21. This Part of this Schedule applies to –

- (a) distemper,
- (b) articles offered as feed for household pets, being manufactured feed or bird feed, other than animal feed in biscuit or cake form pre-packed in a quantity by number not exceeding 16,

- (c) nails,
- (d) paste paint,
- (e) seeds other than pea or bean seeds, and
- (f) rolled oats.

22. Subject to paragraphs 23 and 24, goods to which this Part of this Schedule applies –

- (a) unless pre-packed, shall be sold by retail only by net weight, and
- (b) shall be pre-packed only if the container is marked with an indication of quantity by net weight.

23. Paragraph 22 does not apply to –

- (a) distemper or paste paint in a quantity of less than 8 ounces,
- (b) bird seed in a quantity of less than 4 ounces, or other seeds in a quantity of less than half an ounce,
- (c) nails in a quantity of less than half an ounce, or
- (d) any other goods in a quantity of less than one ounce.

24. Notwithstanding anything in paragraph 23, nails –

- (a) when not pre-packed, may be sold by retail by number, and
- (b) may be pre-packed in a container marked with an indication of a quantity by number.

PART X
MISCELLANEOUS GOODS TO BE MARKED
WHEN PRE-PACKED WITH NET WEIGHT

25. This Part of this Schedule applies to –

- (a) Portland cement,
- (b) cleansing powders and scouring powders,
- (c) detergents, other than liquid detergents, and
- (d) paint remover, other than liquid paint remover.

26. Subject to paragraph 27, goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity by net weight.

27. Paragraph 26 does not apply to goods in a quantity of less than one ounce.

PART XI
MISCELLANEOUS GOODS TO BE SOLD BY OR
MARKED WITH CAPACITY MEASUREMENT

28. This Part of this Schedule applies to anti-freeze fluid for internal combustion engines, linseed oil, paint (other than paste paint), paint thinner, turpentine, turpentine substitute, varnish, and wood preservative fluid (including fungicides and insecticides).

29. Subject to paragraph 30, goods to which this Part of this Schedule applies –

- (a) unless pre-packed, shall be sold by retail only by capacity measurement, and
- (b) shall be pre-packed only if the container is marked with an indication of quantity by capacity measurement.

30. Paragraph 29 does not apply to goods in a quantity of less than 5 fluid ounces.

PART XII
MISCELLANEOUS GOODS TO BE MARKED WHEN
PRE-PACKED WITH CAPACITY MEASUREMENT

31. This Part of this Schedule applies to enamel, lacquer, liquid detergents, liquid paint remover, petrifying fluid and rust remover.

32. Subject to paragraph 33, goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity by capacity measurement.

33. Paragraph 32 shall not apply to goods in a quantity of less than 5 fluid ounces.

PART XIII
MISCELLANEOUS GOODS TO BE SOLD BY OR MARKED
WITH NET WEIGHT OR CAPACITY MEASUREMENT

34. This Part of this Schedule applies to polishes and dressings analogous to polishes, pea seeds and bean seeds.

35. Subject to paragraph 36, goods to which this Part of this Schedule applies –

- (a) unless pre-packed, shall be sold by retail only by net weight or by capacity measurement, and
- (b) shall be pre-packed only if the container is marked with an indication of quantity by net weight or by capacity measurement.

36. Paragraph 35 does not apply to –

- (a) pea or bean seeds in a quantity of less than half a pound or of less than half a pint,
- (b) any other goods in a quantity of less than one ounce or of less than one fluid ounce.

PART XIV
MISCELLANEOUS GOODS TO BE MARKED WHEN
PRE-PACKED WITH QUANTITY BY NUMBER

37. This Part of this Schedule applies to –

- (a) cheroots, cigarettes and cigars,
- (b) paper or cards for use in correspondence and envelopes ("**postal stationery**"),
- (c) inorganic fertilisers and mixtures consisting mainly thereof, being fertilisers or mixtures made up into pellets or other articles for use as individual items, and
- (d) manufactured animal feed in biscuit or cake form pre-packed in a quantity by number of 16 or less.

38. Subject to paragraphs 39 and 40, goods to which this Part of this Schedule applies shall be pre-packed only if the container is marked with an indication of quantity by number.

39. In relation to postal stationery, the reference to number in paragraph 38 is a reference to the number of sheets of paper, cards or envelopes, as the case may be, in the pad, confining band or other form of container; and that paragraph does not apply to postal stationery pre-packed as a part of a collection of articles made up for sale together and including articles other than postal stationery and blotting or other paper.

40. Paragraph 38 does not apply to goods in a quantity by number of one.

NOTE

In Schedule 7, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

SCHEDULE 8

Section 17

COMPOSITE GOODS AND COLLECTION OF ARTICLES

1. (1) This paragraph applies to any goods which, not being pre-packed, and not themselves being goods –

- (a) required by or under Part IV of this Law to be sold (whether on any sale or on a sale of any particular description) only by quantity expressed in a particular manner,
- (b) on a sale of which (whether any sale or a sale of any particular description) the quantity of the goods sold expressed in a particular manner is required by or under Part IV to be made known to the buyer at or before a particular time, or
- (c) expressly exempted by or under Part IV from all requirements mentioned in items (d) and (b) which would otherwise apply to them,

consists of a mixture constituted wholly or mainly of goods to which there applies any such requirement made by reference (exclusively or otherwise) to weight, capacity measurement or volume.

(2) Subject to paragraph 5, goods to which this paragraph applies shall be sold only by net weight, capacity measurement or volume.

2. (1) This paragraph applies to any goods which, not being aerosol products, and not themselves being goods –

- (a) required by or under Part IV of this Law to be pre-packed only if the container is marked with an indication of quantity,
- (b) in the case of which when sold pre-packed (whether on any sale or on a sale of any particular description) the quantity of the goods sold expressed in a particular manner is required by or under Part IV to be made known to the buyer at or before a particular time, or
- (c) expressly exempted by or under Part IV from all requirements mentioned in items (a) and (b) which would otherwise apply to them,

consist of a mixture constituted wholly or mainly of goods to which there applies any such requirement made by reference (exclusively or otherwise) to weight, capacity measurement or volume.

(2) Subject to paragraph 5, goods to which this paragraph applies shall be pre-packed only if the container is marked with an indication of quantity by net weight, capacity measurement or volume.

3. (1) This paragraph applies to aerosol products containing goods required by or under Part IV of this Law to be pre-packed only if the container is marked with an indication of quantity expressed in a particular manner.

(2) Subject to paragraph 5, aerosol products to which this paragraph applies shall be pre-packed only if the container is marked with an indication of the quantity by net weight of the entire contents of the container.

4. (1) This paragraph applies to any collection of items which, not

itself being –

- (a) required by or under Part IV of this Law to be pre-packed only if the container is marked with particular information, or
- (b) expressly exempted by or under Part IV from any such requirement which would otherwise apply to it,

contains an article to which any such requirement applies.

(2) Any collection to which this paragraph applies shall be pre-packed only if –

- (a) the container in which the collection is pre-packed is marked with an indication of the quantity of each such article as is mentioned in sub-paragraph (1) and is contained in it, or
- (b) each such article contained in the container is made up in an individual container marked with an indication of quantity,

being in either case the like indication of quantity as would have been required if the article had itself been pre-packed.

5. Paragraphs 1, 2 and 3 do not apply to foods in a quantity of less than 5 grams or less than 5 millilitres, or to goods in a quantity of less than one ounce or of less than one fluid ounce.

6. References in this Schedule to Part IV of this Law include references

to Schedules 3 to 7.

SCHEDULE 9

Section 70

REPEALS

The Order in Council relating to the King's Weights (gallicized "Poids du Roi") registered on the 21st of February, 1829^c.

The Law entitled "Loi relative aux Droits perçus pour l'usage des Ponts-à-bascule" registered on the 18th of July, 1874^d.

The Law entitled "Loi relative aux Poids et Mesures" registered on the 1st of February, 1916^e.

Ordonnance Provisoire relative à la Vérification des Poids et Mesures, 1916.

Ordonnance provisoire réglant la vente de la Viande, 1917.

Ordonnance Provisoire relative à la Vente de Charbon dit "House Coal", 1918.

Ordonnance provisoire relative à la Vente de Pain, 1922.

The Alderney Weights and Measures Law, 1951^f.

The Bread (Guernsey and Alderney) Order 1956 No. 31.

In the Liquor Licensing Ordinance, 1984^g, section 60 and, in section 61, the words

^c Ordres en Conseil Vol. I, p. 43.

^d Ordres en Conseil Vol. II, p. 147.

^e Ordres en Conseil Vol. V, p. 165.

^f Ordres en Conseil Vol. XV, p. 16.

"or section sixty".

NOTE

The Liquor Licensing Ordinance, 1984 has since been repealed by the Liquor Licensing Ordinance, 1993, section 113, with effect from 29th September, 1993. The Liquor Licensing Ordinance, 1993 has since been repealed by the Liquor Licensing Ordinance, 2006, section 102(a), with effect from 1st June, 2006, subject to the provisions of section 94 and section 95 of the 2006 Ordinance.

^g Ordinance No. XXXIV of 1984.

SCHEDULE 10
INTERPRETATION

Section 68

| Expression | Meaning |
|--------------------------------|---|
| "The Act". | The Weights and Measures Act 1985 ^h . |
| "Approved". | Approved by [the Committee]. |
| "Approved pattern". | A pattern of weighing or measuring equipment in respect of which there is in force a certificate of approval or declaration issued by the competent authority, and includes any modification thereof authorised by the competent authority. |
| "Bailiff". | In relation to Guernsey, Herm and Jethou, means the Bailiff, the Deputy Bailiff, a Lieutenant Bailiff or the Juge Délégué. In relation to Alderney, means the Chairman of the Court of Alderney. |
| "The Bailiwick". | The Bailiwick of Guernsey excluding the Island of Sark. |
| "Bailiwick standard". | A standard maintained under section 2. |
| "Capacity measurement". | Measurement in tenths of a unit of measurement included in Part IV of Schedule 1. |
| | A certificate of approval of a pattern of |

^h An Act of Parliament (1985 c. 72).

| | |
|-----------------------------------|--|
| "Certificate of approval". | weighing or measuring equipment issued by the competent authority and includes any Community pattern of approval. |
| "Check-weighed". | In relation to any vehicle, means weighed with its load by means of the nearest suitable and available weighing equipment, and weighed again after it has been unloaded by means of the same or other suitable weighing equipment. |
| "Chief Officer of Police". | The Chief Officer of the salaried police force of the Island of Guernsey. |
| "[The Committee]". | The States of Guernsey [Committee for Home Affairs] or such other Committee or like body of the States of Guernsey as may by resolution of the States be appointed to administer this Law. |
| "The Community". | The European Economic Community. |
| "Community obligation". | Any obligation created or arising by or under the Community Treaties within the meaning of the European Communities (Bailiwick of Guernsey) Law, 1973 ⁱ . |
| "The competent authority". | The Secretary of State for the time being responsible for carrying out the functions assigned by the Act or any Community obligation. |
| "Container". | Except in Part V of this Law, includes any form of packaging of goods for sale as a single item, whether by way of wholly or partly enclosing the goods, or by way of attaching the goods to, or winding the |

ⁱ Ordres en Conseil Vol. XXIV, p. 87.

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| | goods round, some other article, and in particular includes any wrapping or confining band; and also includes a tray. |
| | In Part V " container " includes any wrapping. |
| | Goods are considered to be in a container if they are on the container. |
| " Contravention ". | Includes failure to comply, and cognate expressions shall be construed accordingly. |
| " Credentials ". | In relation to an inspector, means authority in writing from [the Committee] for the exercise by that inspector of powers conferred on inspectors by this Law. |
| " Designated country ". | In any provision of this Law means such of the following countries, that is to say, Northern Ireland, the Isle of Man, the Island of Sark and the Island of Jersey, as [the Committee], having regard to the law in force in that country, designates for the purposes of that provision by regulations. |
| " Drugs " and " food ". | The meanings given by the Food and Drugs (Guernsey) Law, 1970 ^j . |
| | Includes an enactment of Parliament. |
| " Enactment ". | Includes powers and duties. |
| " Functions ". | In relation to a package, excludes the container included in the package. |
| " Goods ". | In relation to any goods, means the |

^j Ordres en Conseil Vol. XXII, p. 412.

| | |
|---|---|
| "Gross weight". | aggregate weight of the goods and any container in which they are made up. |
| "Guernsey units of measurement". | The Guernsey units of measurement of area, volume and capacity set out in Parts II to IV of Schedule 1. |
| "Importer". | In relation to a package, means, subject to section 47(3), the person by whom or on whose behalf the package is entered for customs purposes on importation. |
| "Inadequate". | In relation to a package, has the meaning given by section 51(1)(b). |
| "Indication of quantity". | In relation to any container in which goods are made up, means a statement in writing to the effect that those goods are of, or of not less than, a specified quantity by net weight gross weight, other measurement, or number, as the case may require. |
| "Industrial use". | In relation to any goods, means the use of those goods in the manufacture of, or for incorporation in, goods of a different description in the course of the carrying on of a business. |
| "Inspector". | A person appointed by the States of Guernsey [Policy & Resources Committee] to execute and perform the powers and duties of an inspector under this Law and any regulations made hereunder. |
| "Intoxicating liquor". | The meaning given by section 158(1) of the Liquor Licensing Ordinance, 1984 ^k . |

^k No. XXXIV of 1984.

| | |
|----------------------------|--|
| "The Law of 1916". | <p>The Law entitled "Loi relative aux Poids et Mesures" registered on the 1st of February, 1916.</p> <p>Includes label.</p> |
| "Mark". | <p>Includes additions, omissions and alterations.</p> |
| "Modifications". | |
| "Nominal quantity". | <p>In relation to a package, means the units of weight or volume prescribed for the package and the number of them in the statement of quantity marked on the container included in the package (any other matter in the statement being disregarded).</p> |
| "Non-standard". | <p>In relation to a package has the meaning given by section 51(1)(a).</p> <p>Written notice.</p> |
| "Notice". | |
| "Occupier". | <p>In relation to any stall, vehicle, ship or aircraft, or in relation to the use of any place for any purpose, means the person in charge of the stall, vehicle, ship or aircraft or, as the case may be, the person using that place for that purpose.</p> |
| "Package". | <p>Subject to section 47(1), means a container containing prescribed goods together with the goods in the container where –</p> <ul style="list-style-type: none">(a) the goods are placed for sale in the container otherwise than in the presence of a person purchasing the goods; and(b) none of the goods can be removed |

| | |
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| | from the container without opening it. |
| "Packer" . | In relation to a package, means the person who placed in the container included in the package the goods included in it. |
| "Premises" . | Except in section 40, includes any place, stall, vehicle, ship or aircraft. |
| "Pre-packed" . | Made up in advance ready for retail sale in a container. |
| "Prescribe" and "prescribed" . | Prescribe and prescribed by regulations of [the Committee]. |
| "Regulated package" . | Any package – (a) made up in the Bailiwick on or after the date on which the goods in the package became prescribed goods; or (b) imported on or after that date. |
| "Regulations" . | Regulations of [the Committee] under this Law. |
| "Ship" . | Includes any boat and any other description of vessel used in navigation. |
| "Stamp" . | A mark for use as evidence of the passing of weighing or measuring equipment as fit for use for trade, whether applied by impressing, casting, engraving, etching, branding, or otherwise, and cognate expressions shall be construed accordingly. |
| | Testing equipment maintained under |

| | |
|------------------------------------|---|
| | section 3. |
| "Testing equipment". | The meaning given by section 4. |
| "Use for trade". | Equipment for measuring in terms of length, area, volume, capacity, weight or number (whether or not the equipment is constructed to give an indication of the measurement made or other information determined by reference to that measurement. |
| "Weighing or measuring equipment". | |
| | A standard maintained under section 3. |
| "Working standard". | |

NOTES

In Schedule 10,

the words, first, "the Committee" and, second, "Committee for Home Affairs" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 7 and section 2, Schedule 1, paragraph 1(d), Schedule 2, Part 1, paragraph 3, with effect from 1st May, 2016;⁴

in the definition of the expression "Inspector", the words in square brackets in the second column were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016.⁵

The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(d), Schedule 2, Part 1, paragraph 3, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁶

The functions, rights and liabilities of the Policy Council and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁷

The following Regulations have been made under Schedule 10:

Weights and Measures (Designated Countries) Regulations, 1993.

The European Communities (Bailiwick of Guernsey) Law, 1973 has since been repealed by the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018, section 1, with effect from 11 p.m. on 31st December, 2020, subject to the saving in section 2 of the 2018 Law.

The Food and Drugs (Guernsey) Law, 1970 has since been repealed by the European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016, section 92, Schedule 11, with effect from 3rd October, 2019, subject to the transitional and savings provisions in section 94 of, and Schedule 13 to, the 2016 Ordinance.

The Liquor Licensing Ordinance, 1984 has since been repealed by the Liquor Licensing Ordinance, 1993, section 113, with effect from 29th September, 1993. The Liquor Licensing Ordinance, 1993 has since been repealed by the Liquor Licensing Ordinance, 2006, section 102(a), with effect from 1st June, 2006, subject to the provisions of section 94 and section 95 of the 2006 Ordinance.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph

4, with effect from 6th May, 2004.

² The functions, rights and liabilities of the Health and Social Services Department and its Minister arising under or by virtue of this Law were transferred to and vested in them from the Board of Health and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 4, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

³ Prior to its repeal, Part I was amended by the Weights and Measures (Various Foods) (Amendment) Regulations, 1991, regulation 1, with effect from 17th December, 1991.

⁴ The words "Committee for Home Affairs" were previously substituted by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 3, Schedule 2, paragraph 9, with effect from 31st October, 1996; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 5, with effect from 6th May, 2004.

⁵ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 12(a), with effect from 6th May, 2004.

⁶ The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of this Law were previously transferred to them from the Board of Industry and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 5, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions of the Board of Industry under this Law were previously transferred to it from the Board of Employment, Industry and Commerce by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 1, Schedule 1, paragraph 9, with effect from 31st October, 1996, subject to the savings and transitional provisions in section 2 of the 1996 Ordinance.

⁷ The functions, rights and liabilities of the Policy Council and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Civil Service Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 12(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.