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Act 71

WEIGHTS AND MEASURES ACT 1972

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WEIGHTS AND MEASURES ACT 1972

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WEIGHTS AND MEASURES ACT 1972

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LAWS OF MALAYSIA**Act 71****WEIGHTS AND MEASURES ACT 1972**

An Act to regulate weights and measures and instruments for weighing and measuring and to make provisions for matters connected therewith.

[1 January 1981, P.U. (B) 1/1981]

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I**PRELIMINARY****Short title, application and commencement**

1. (1) This Act may be cited as the Weights and Measures Act 1972.

(2) Without prejudice to subsection (3), this Act shall apply to the whole of Malaysia.

(3) Subject to subsection (4), this Act shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

(4) The Minister may appoint different dates for the coming into force of this Act for different States in Malaysia or for different provisions of this Act or for different classes of undertakings or transactions or for different classes of movable or immovable properties:

Provided that the Minister shall in any case bring all the provisions of this Act into force for all States in Malaysia before the expiration of ten years from the date of the publication of this Act.

Interpretation

2. (1) In this Act, unless the context otherwise requires—

“Chief Inspector”, “Deputy Chief Inspector” and “Inspector” means respectively the Chief Inspector of Weights and Measures, the Deputy Chief Inspector of Weights and Measures and the Inspector of Weights and Measures appointed under section 26;

“Custodian” means the Custodian of Weights and Measures referred to in section 25;

“instrument for weighing or measuring” means any instrument or machine for measuring in terms of length, area, volume, capacity, time, weight, number or any other quantity, and in the case of an instrument for weighing, includes the weights used in connection therewith;

“International System of Units” has the same meaning as is assigned to that expression in the National Measurement System Act 2007 [*Act 675*];

“licensed company” means the company to which a licence is granted by the Minister under subsection 26A(1);

“Minister” means the Minister responsible for domestic trade and consumer affairs;

“National Measurement Standards” has the same meaning as is assigned to that expression in the National Measurement System Act 2007;

“National Measurement Standards Laboratory” has the same meaning as is assigned to that expression in the National Measurement System Act 2007;

“premises” includes any shop or stall, and any vehicle, vessel, building, structure or place, whether opened or closed, used for trade;

“public weighing or measuring instrument” means any instrument for weighing or measuring which is made available for use by the public, and for the use of which a charge is made;

“stamp of verification” means a mark for use as evidence of the approval of any weight or measure or instrument for weighing or measuring as fit for use, whether applied by impression, casting, engraving, etching, branding, affixing or otherwise;

“Working Standards” means the Working Standards of mass and measure referred to in section 9.

(2) For the purpose of expressing the weight of any thing at any place in Malaysia the weight of such thing shall be deemed to be in the same term as its mass at that place.

(3) The stamping of any weight or measure or instrument for weighing or measuring referred to in this Act means the application by an Inspector of Weights and Measures of a stamp of verification on such weight or measure or instrument for weighing and measuring pursuant to section 14. Such application of a stamp of verification may be made by such means or in such manner as the Minister may by regulations prescribe and in this Act unless the context otherwise requires the expression “stamp” with its grammatical variations shall be construed accordingly.

PART II

TRACEABILITY OF MEASUREMENT

3. *(Deleted by Act A1309).*

4. *(Deleted by Act A1309).*

5. *(Deleted by Act A1309).*

6. *(Deleted by Act A1309).*

7. *(Deleted by Act A1309).*

8. *(Deleted by Act A1309).*

Traceability of measurement

8A. Any measurement for the purpose of this Act shall be traceable to the National Measurement Standards as set out in the National Measurement System Act 2007.

Working Standards of mass and measure

9. (1) The Minister shall, as occasion may require, procure or cause to be prepared and maintained Working Standards of mass and measure in such form as may be recommended either generally or specifically by the Custodian of Weights and Measures.

(2) The Working Standards shall be verified by reference to the National Measurement Standards and such verification shall be made by the Custodian of Weights and Measures who shall issue a certificate to that effect and shall cause an indelible mark to be made on such Working Standards.

(3) (a) The Working Standards shall be kept in the custody of the Inspectors of Weights and Measures and shall be used for the inspection, verification and authentication of all weights and measures and instruments for weighing and measuring as required under this Act.

(b) The Working Standards may also be kept in the custody of such other persons and used for such other purposes as the Minister may by notification in the *Gazette* determine.

Verification of Working Standards

10. (1) (*Deleted by Act A1309*).

(2) The Working Standards shall be compared and verified at intervals to be prescribed by the Minister.

(3) The comparison and verification of the Working Standards shall be carried out by the Custodian of Weights and Measures in the manner to be prescribed by the Minister and on being satisfied of the accuracy of the Working Standards, the Custodian of Weights and Measures shall issue a certificate of such verification and such certificate shall be retained by the person who has custody of the relevant Working Standards.

(4) All Working Standards which have been duly verified and certified shall, for all purposes, be conclusively deemed to be true and accurate and judicial notice shall be taken of such Working Standards.

(5) The Minister may at any time, on the advice of the Custodian of Weights and Measures, cancel any Working Standard and shall by notification in the *Gazette* direct that such cancelled standard shall no longer be used for purposes of this Act.

PART III

WEIGHTS AND MEASURES FOR TRADE PURPOSES

Meaning of “use for trade”

11. (1) For the purposes of this Act, the expression “use for trade” means, subject to subsection (2), use in Malaysia 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;
- (b) the making of a payment in respect of any toll or duty; or
- (c) the making of payment in respect of any work done, or services rendered, or for the purpose of determining wages due, where—
 - (i) the transaction is by reference to quantity or is a transaction for the purposes of which there is made or implied a statement as to the quantity; and
 - (ii) the use is for the purpose of the determination or statement of that quantity.

(2) The foregoing subsection shall not apply where the determination or statement is a determination or statement of the quantity of goods required for despatch to a destination outside Malaysia and the transaction is not a sale by retail.

(3) Any weighing or measuring instrument which is made available in Malaysia for use by the public whether on payment or otherwise shall be treated for the purposes of this Part as an instrument for weighing or measuring for use for trade whether or not it would apart from this subsection be so treated.

Units of measurement, weights and measures lawful for use for trade

12. (1) No person shall—

- (a) use for trade any unit of measurement of length, area, volume or mass or weight which is not included in the First Schedule and Second Schedule to the National Measurement System Act 2007; or

- (b) use for trade, or have in his possession for use for trade, any linear, square, cubic or capacity measure which is not included in the Second Schedule or any weight which is not so included.

(2) Save as may be prescribed and subject to any regulations made under section 29—

- (a) a linear measure specified in Part 1 of the Second Schedule may be marked in whole or in part with divisions and subdivisions representing any shorter length or lengths;
- (b) no capacity measure specified in Part 4 of the said Second Schedule shall be used for trade by means of any division or subdivision marked thereon as a capacity measure of any lesser quantity.

(2A) The Minister may, by order published in the *Gazette*, amend the Second Schedule.

(3) Any person who contravenes any of the foregoing provisions of this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding forty thousand ringgit or to imprisonment for a term not exceeding three years or to both. Any weight or measure or instrument for weighing or measuring used or in any person's possession for use in contravention of any of those provisions shall be liable to be forfeited.

Marking of weights and measures with denomination

13. (1) Every weight for use for trade except where the small size of the weight renders it impracticable, shall have the denomination of such weight marked on the top or side thereof in legible figures and letters by the manufacturer:

Provided that where the small size of a weight renders it impracticable to mark such a weight, a certificate shall be supplied by the manufacturer in respect of such weight and the certificate shall be

produced to the Inspector on his request and shall contain sufficient particulars to enable the identification and denomination of such weight to be established.

(2) Every measure of capacity for use for trade shall have the denomination thereof marked on the outside of such measure in legible figures and letters by the manufacturer.

(3) A weight or measure not in conformity with this section shall not be stamped with such stamp of verification as is mentioned in section 14.

Stamping and verification of weights and measures, *etc.*, and issue of certificates of verification

14. (1) Subject to subsection (5) every weight and measure and instrument for weighing or measuring for use for trade shall be verified and stamped by an Inspector with a stamp of verification and a certificate of verification shall be issued by such Inspector at the time of stamping every such weight or measure or instrument for weighing or measuring:

Provided that where the small size of weight renders it impracticable for the Inspector to stamp such weight with his stamp of verification, he may, on being satisfied with the identity and denomination of such weight, dispense with such stamping and issue a certificate of verification.

(1A) Any person requiring any weight, measure or instrument for weighing or measuring to be verified and stamped or authenticated shall submit the weight, measure or instrument for weighing or measuring to an Inspector who shall test the weight, measure or instrument for weighing or measuring by means of such Working Standards and testing equipment as he considers appropriate or, subject to any conditions which may be prescribed, by means of other equipment which has already been tested and which the Inspector considers suitable for the purpose.

(2) Every person who has in his possession for use for trade any weight or measure or instrument for weighing or measuring shall retain in his possession the certificate of verification issued in respect thereof and shall produce the same for inspection whenever required to do so under the provisions of this Act.

(3) Every weight and measure and instrument for weighing or measuring which has been stamped and verified under subsection (1) shall be authenticated within such intervals as the Minister may prescribe.

(4) Any verification and stamping or authentication of any weight or measure or instrument for weighing or measuring under this section shall be carried out in such manner as the Minister may prescribe.

(4A) There shall be charged in respect of any verification and stamping or authentication of any weight or measure or instrument for weighing or measuring under this section such fee as may be prescribed.

(4B) Any testing, or verification and stamping or authentication of any weight or measure or instrument for weighing or measuring under this section shall be carried out at such time and place as the Chief Inspector may determine:

Provided that in determining the time and place under this subsection the Chief Inspector shall take into consideration the following conditions:

- (a) where any weight or measure or instrument for weighing or measuring is of such a character that it is not capable of being readily or conveniently submitted to an Inspector for testing, or verification and stamping, or authentication, such Inspector shall, upon the written request of the person in possession of such weight or measure or instrument for weighing or measuring and upon the payment of the prescribed fees, attend at the premises where such weight or measure or instrument is located to do the testing, verification and stamping, or authentication; and

- (b) the Chief Inspector shall not fix a place for testing, verification and stamping, or authentication which would result in a person desiring to avail himself of the facility afforded having to travel unreasonable distances.

(5) An Inspector shall not verify, stamp, certify or authenticate any weight or measure or instrument for weighing or measuring where—

- (a) such weight or measure or instrument for weighing or measuring is not in conformity with subsections 12(1) and (2);
- (b) such weight or measure or instrument for weighing or measuring presents unusual features which do not conform with such pattern or specifications as the Custodian of Weights and Measures may by order published in the *Gazette* prescribe generally for weights or measures or instruments for weighing or measuring;
- (c) such weight or measure or instrument for weighing or measuring contravenes any of the provisions of this Act or the regulations made thereunder; or
- (d) such weight or measure or instrument for weighing or measuring does not have the approval of the Custodian of Weights and Measures under subsection (5A).

(5A) The Custodian of Weights and Measures may approve any weight or measure or instrument for weighing or measuring for use for trade where its pattern or specification has not been prescribed by the Custodian by order published in the *Gazette* and such weight or measure or instrument for weighing or measuring shall be verified, stamped, certified or authenticated by an Inspector in the manner provided in subsection (1) and the procedure set out by the Custodian.

(6) Any person who uses or has in his possession for use for trade any weight, measure or instrument for weighing or measuring not verified, stamped, certified or authenticated as required by this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding forty thousand ringgit or to imprisonment for a term not

exceeding three years or to both, and such weight, measure or instrument for weighing or measuring shall be liable to be forfeited.

**Stamping of weights and measures; assistance to Inspector, etc.
Allowances**

14A. Where a person submits any weight or measure or instrument for weighing or measuring for verification and stamping or authentication, the Inspector may require the person to provide him with such assistance in connection with the testing of the weight or measure or instrument for weighing or measuring as the Inspector reasonably considers it necessary for the person to provide and shall not be obliged to proceed with the test until the person provides such assistance.

(2) Where any weight or measure or instrument for weighing or measuring which has been verified and stamped or authenticated under section 14 after it has been installed at the place where it is to be used for trade is to be dismantled and reinstalled, whether at the same or some other place, it shall not be used for trade after being so dismantled and reinstalled until it has again been verified and stamped or authenticated.

(3) If an Inspector is of the opinion that the weight or measure or instrument for weighing or measuring submitted for verification is intended for use for trade for a particular purpose for which it is not suitable, he may refuse to verify and stamp or authenticate it until the question as to whether it is suitable for the purpose has been referred to the Custodian whose decision shall be final.

(4) An Inspector may, at the request of any person, inspect any weight or measure or instrument for weighing or measuring not used for trade.

Weighing or measuring by means of a public weighing or measuring instrument

14B. (1) No person shall attend to any weighing or measuring by means of any public weighing or measuring instrument unless he holds a

certificate from any Deputy Chief Inspector certifying that he has sufficient knowledge for the proper performance of his duties.

(2) Any person refused such a certificate by the Deputy Chief Inspector may appeal against such refusal to the Chief Inspector who may, if he thinks fit, direct the Deputy Chief Inspector to grant the certificate.

(3) Any person who contravenes, or who causes or permits any other person to contravene, subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding six months or to both, and such weighing or measuring instrument shall be liable to be forfeited.

(4) If a person certified to attend to weighing or measuring by means of any public weighing or measuring instrument—

- (a) without reasonable cause fails to carry out the weighing or measuring on demand;
- (b) without reasonable explanation carries out the weighing or measuring inaccurately;
- (c) fails to deliver to the person demanding the weighing or measuring or to his agent a statement in writing of the weight or other measurement; or
- (d) fails to maintain a record of the weighing or measuring including the time and date of the weighing or measuring and, in the case of the weighing of a vehicle, such particulars of the vehicle and of any load on the vehicle as will identify that vehicle and that load,

he shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both, and such weighing or measuring instrument shall be liable to be forfeited.

(5) If, in connection with any public weighing or measuring instrument—

- (a) any person certified to attend to weighing or measuring by means of such an instrument delivers a false statement of any weight or other measurement found, or makes a false record of any weighing or measuring; or
- (b) any person commits any fraud in connection with any, or any purported, weighing or measuring by means of such instrument,

he shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding twenty-five thousand ringgit or to imprisonment for a term not exceeding two years or to both, and such weighing or measuring instrument shall be liable to be forfeited.

(6) If, in the case of a weighing or measuring of any animal, vehicle, article, thing, liquid or substance carried out by means of any public weighing or measuring instrument, the person bringing the animal, vehicle, article, thing, liquid or substance for weighing or measuring, on being required by the person attending to the weighing or measuring to give his name, address and identity card number, fails to do so or gives a name, address or identity card number which is incorrect, he shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three months or to both.

(7) The person making any public weighing or measuring instrument available for use (in this section referred to as “the responsible person”) shall retain for a period of not less than six months any record of any weighing or measuring by means of that instrument made by any person certified to attend to the weighing or measuring.

(8) An Inspector may require the responsible person to produce any such record as is mentioned in subsection (7) for inspection at any time during the six months as aforesaid.

(9) If the responsible person fails to retain any such records as is mentioned in subsection (7) in accordance with that subsection or fails to produce it in accordance with subsection (8) he shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(10) If any person wilfully destroys or defaces any such record as is mentioned in subsection (7) before the expiration of six months from the date when it was made, he shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding twenty-five thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Revocation of certificate issued under section 14B

14c. Any person granted a certificate under subsection 14B(1) may have his certificate revoked by the Chief Inspector if the person issued with the certificate is convicted of any offence under this Act, provided that no such revocation shall be made without first giving the aggrieved person an opportunity to be heard by the Chief Inspector.

Lead or pewter weights

15. (1) A weight made of lead or pewter or of any mixture thereof shall not be verified and stamped with a stamp of verification or certified or authenticated under section 14 nor shall such weight be used for trade:

Provided that this subsection shall not apply where such weight is wholly and substantially cased with brass, copper or iron and legibly marked "cased".

(2) Nothing in this section shall prevent the insertion into a weight of such plug of lead or pewter as is *bona fide* necessary for the purpose of adjusting the weight and affixing thereon the stamp of verification.

Use or possession of unjust weights, *etc.*

16. Any person who uses or has in his possession for the use for trade any weight, measure or instrument for weighing or measuring which is not in conformity with subsections 12(1) and (2) or which is false or unjust shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding forty thousand ringgit or to imprisonment for a term not exceeding three years or to both, and such weight or measure or instrument for weighing or measuring shall be liable to be forfeited.

Use or possession of false weight or measure, *etc.*, to defraud

17. Whoever is in possession of any weight or measure or instrument for weighing or measuring which he knows to be false and intending that the same may be fraudulently used or having fraudulently used such weight or measure or instrument for weighing or measuring shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding four years or to both. Any weight or measure or instrument for weighing or measuring used or in any person's possession for use in contravention of this section shall be liable to be forfeited.

Penalty on manufacture, sale and repair of false weights, *etc.*

18. (1) No person shall—

- (a) make or sell or attempt to sell or expose for sale any false or unjust weight or measure or instrument for weighing or measuring;
- (b) sell or attempt to sell or expose for sale any weight or measure or instrument for weighing or measuring which is not verified and stamped or certified, or authenticated as specified in section 14;
- (c) make or repair for gain or sell or attempt to sell or expose for sale any weight or measure or instrument for weighing

or measuring unless he is licensed in that behalf in accordance with section 27; or

- (d) make or sell or attempt to sell or expose for sale any weight or measure or instrument for weighing or measuring for use for trade where such weight or measure or instrument presents unusual features which do not conform with such pattern or specifications as the Custodian of Weights and Measures may by order published in the *Gazette* prescribe generally for weights or measures or instruments for weighing or measuring, unless such weight or measure or instrument for weighing or measuring has been approved by the Custodian under subsection 14(5A) and has been verified, stamped, certified or authenticated in accordance with the procedure provided therein.

(2) Any person contravening any of the provisions of this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding forty thousand ringgit or to imprisonment for a term not exceeding three years or to both.

(3) Any person who makes, sells or attempts to sell, or exposes for sale or repairs any weight or measure or instrument for weighing or measuring which he knows to be false in order that the same may be used as true or knowing that the same is likely to be used as true shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding four years or to both.

[Sub. by Act A1530; s. 7(b)]

(4) Where an offence is committed under subsection (2) or (3), any weight or measure or instrument for weighing or measuring relating to such offence shall be liable to be forfeited

Penalty for trading without the necessary instrument for weighing or measuring

19. Where in any trade the transaction or dealing in relation thereof is to be determined by weight or measure and the trader in respect of

such trade is not in possession of an instrument for weighing or measuring necessary for such trade, the trader shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.

Forgery or counterfeiting of certificate or stamp on weights, measures or instruments for weighing or measuring

20. (1) Any person who forges or counterfeits any certificate issued or any stamp used for stamping under this Act in respect of any weight or measure or instrument for weighing or measuring, or wilfully increases or diminishes a weight or measure or instrument for weighing or measuring so stamped, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding four years or to both.

(2) Any person who has in his possession for use for trade any weight or measure or instrument for weighing or measuring stamped under this Act but subsequently found to be false shall be deemed, until the contrary be proved, to have wilfully increased or diminished or otherwise tampered with such weight, measure or instrument for weighing or measuring.

(3) Any person who has in his possession without any lawful excuse or who uses as genuine any certificate or stamp which he knows or has reason to believe to be a counterfeit or forgery of any certificate issued or any stamp used for stamping under this Act shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding four years or to both.

Offence in connection with stamping instrument

20A. (1) Subject to subsection (2), any person who, not being an Inspector—

- (a) marks in any manner any plug or seal or plate designed for use for the reception of a stamp of verification;
- (b) except as permitted by or under this Act, in any way alters or defaces any stamp of verification;
- (c) forges or counterfeits any stamp of verification;
- (d) removes any stamp of verification and affixes or attaches it to any other weight or measure or instrument for weighing or measuring;
- (e) makes any alterations to any weight or measure or instrument for weighing or measuring after it has been stamped such as to make it false or unjust; or
- (f) severs or otherwise tampers with any wire, cord or other thing by means of which a stamp of verification is attached to the weight or measure or instrument for weighing or measuring,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding forty thousand ringgit or to imprisonment for a term not exceeding three years or to both.

(2) It shall not be an offence for any person licensed by the Chief Inspector as a manufacturer or repairer of weights or measures or instrument for weighing or measuring who does anything described in paragraphs (1)(a), (b) and (f) in the course of any adjustment or repairs of weights or measures or instruments for weighing or measuring.

Evidence as to possession

21. Whenever any weight, measure or instrument for weighing or measuring is found in the premises of any person or in the possession of any person carrying on trade, any such person shall, unless the contrary is proved, be presumed for the purpose of this Act to have such weight or measure or instrument for weighing or measuring in his possession for use for trade.

- (a) that he used due diligence to secure compliance with this Act or any regulations thereunder; and
- (b) that the offence was committed without his knowledge, consent or connivance.

23. *(Deleted by Act A754).*

24. *(Deleted by Act A522).*

PART IV

ADMINISTRATION

Custodian of Weights and Measures

25. (1) The National Measurement Standards Laboratory shall be the Custodian of Weights and Measures for the purposes of carrying into effect the provisions of this Act.

(2) The Minister may, by regulations, prescribe the duties and powers of the Custodian.

Custodian to advise Minister

25A. The Custodian of Weights and Measures shall advise the Minister on all matters related to calibration, verification and testing of weights and measures or instruments for weighing or measuring and other matters related to metrology except the International System of Units and systems of measurement.

Chief Inspector, Deputy Chief Inspectors and Inspectors

26. (1) The Minister may appoint a Chief Inspector of Weights and Measures and such number of Deputy Chief Inspectors of Weights and

Measures and Inspectors of Weights and Measures as are necessary for the carrying into effect the provisions of this Act.

(2) The Chief Inspector shall be the principal Inspector of Weights and Measures and shall have the general supervision and all the powers and discretion of an Inspector under this Act.

(3) The powers and discretion vested in the Chief Inspector and the duties required to be discharged by him may be exercised and discharged by any Deputy Chief Inspector.

(4) The Minister may from time to time give the Chief Inspector directions of a general character and not inconsistent with the provisions of this Act and the Chief Inspector shall give effect to such directions.

Licence to carry out the duties of an Inspector or to provide services

26A. (1) The Minister may grant a licence to a company nominated by the Government of Malaysia under this section—

- (a) to perform any of the functions of an Inspector; or
- (b) to provide services in relation to the testing, verification, stamping, authentication or certification of any weight or measure or instrument for weighing or measuring for the purposes of Part III.

(2) Without prejudice to the generality of subsection (1), every licence issued under this section shall set out the following matters:

- (a) the functions to be performed or the services to be provided by the licensed company;
- (b) the performance standards to be complied with by the licensed company;
- (c) the duration of the licence;

- (d) the consideration payable by the company for the granting of the licence; and
- (e) such other matters or conditions as the Minister thinks fit.

Fees collected by licensed companies

26B. Notwithstanding any provision of this Act or the Financial Procedure Act 1957 [*Act 61*], all fees for the performance of any function or provision of any service by the licensed company shall be collected by, and form part of the revenue of, the licensed company.

Submission of memorandum for any change in existing fees

26C. (1) The licensed company may submit to the Minister a memorandum containing proposals for any change in the existing fees prescribed under regulations made under section 29 which relate to the performance of any of its functions or the provision of any service, for the approval of the Minister.

(2) The Minister shall consider the memorandum within six months of receiving the memorandum.

(3) The Minister may approve or reject the proposals in the memorandum.

(4) The Minister may approve the proposals, subject to such modifications as he deems fit.

(5) Where the Minister rejects the proposals, the licensed company may, if there is a change in the circumstances relating to the proposals, apply to the Minister for a review, but such application shall be made before the expiration of thirty days from the date the company is notified of the Minister's rejection.

(6) The Minister shall consider the application referred to in subsection (5) within three months of receiving the application.

Minister to amend regulations in respect of fees

26D. Where the Minister approves the memorandum, with or without any modification, he shall as soon as practicable amend the regulations in respect of the existing fees to provide for the changes in the fees.

General duties of licensed companies

26E. (1) The licensed company shall ensure that the services provided by it meet the performance standards as set out in the licence.

(2) The licensed company shall have due regard to the efficiency, economy and safety of operation in respect of the services provided by it.

Inspectorial power of the Chief Inspector

26F. The Chief Inspector or any person authorized by him may, for the purposes of ensuring compliance by the licensed company of this Act, any regulations made thereunder and the conditions of its licence, enter upon any of the premises occupied by the licensed company—

- (a) to inspect the state of such premises;
- (b) to examine and test any standard or equipment used by the licensed company in performing its duties or providing its services under this Act;
- (e) to observe the performance of the duties or the provision of services by the licensed company;
- (d) to inspect any record and document related to the duties performed or services provided by the licensed company;
and
- (e) to request and obtain any information relating to the duties performed and services provided by the licensed company.

Suspension or revocation of licence on breach of condition of licence

26G. (1) Where the Chief Inspector is satisfied that the licensed company is contravening, or has contravened and is likely again to contravene, any of the conditions of its licence, the Chief Inspector may give notice in writing to the licensed company requiring it to comply with that condition within the period prescribed in the notice.

(2) If on the expiry of the period prescribed in such notice the licensed company fails to comply with the condition mentioned in the notice, the Chief Inspector shall submit to the Minister a report of such non-compliance by the licensed company and the report shall be in such form as the Chief Inspector considers appropriate.

(3) Where, after considering the report from the Chief Inspector, the Minister is satisfied that the contraventions were, or the apprehended contraventions are, of a serious nature or affected or likely to affect public interest or safety and that the licensed company has refused to take or has not taken all such steps as appear to be necessary to the Minister for the purpose of securing compliance with the condition in question, the Minister may give notice to the licensed company stating that he proposes to suspend or revoke, as the case may be, its licence and such notice shall also—

- (a) set out the condition of the licence which the licensed company has contravened and the acts or omissions which constitute such contravention; and
- (b) specify the period (not being less than thirty days from the date of the notice) within which the licensed company may make representations with respect to the proposed suspension or revocation, as the case may be.

(4) After the expiry of the period specified in the notice and after considering any representation made by the licensed company, the Minister shall decide whether to proceed with the proposed action or to take no further action.

(5) A notice shall be given by the Minister to the licensed company of his decision and the decision shall take effect from the date on which the notice is served on the company.

(6) The decision of the Minister under this section shall be final and conclusive.

Suspension or revocation of licence for breach of this Act or regulations

26H. (1) Where the Chief Inspector is satisfied that the licensed company has contravened any provision of this Act or any of the regulations made thereunder, he shall submit to the Minister a report of such breach or non-compliance by the licensed company.

(2) Where, after considering the report from the Chief Inspector, the Minister is satisfied that the contravention was of a serious nature or affected or likely to affect the public interest or safety, he shall give notice to the licensed company stating that he proposes to suspend or revoke, as the case may be, its licence and such notice shall also—

- (a) set out the provision of this Act or the regulations made thereunder which the licensed company has contravened and the acts or omissions which constitute such contravention; and
- (b) specify the period (not being less than thirty days from the date of the notice) within which the licensed company may make representations with respect to the proposed suspension or revocation, as the case may be.

(3) After the expiry of the period specified in the notice and after considering any representation made by the licensed company, the Minister shall decide whether to proceed with the proposed action or to take no further action.

(4) A notice shall be given by the Minister to the licensed company of his decision and the decision shall take effect from the date on which the notice is served on the company.

(5) The decision of the Minister under this section shall be final and conclusive.

Licence to make, sell or repair weights or measures or instruments for weighing or measuring

27. (1) The Chief Inspector shall be the authority to issue licences to make, sell or repair weights or measures or instruments for weighing or measuring.

(2) A licence issued under this section shall be subject to any terms and conditions as may be prescribed in such a licence.

(3) The Chief Inspector may refuse to issue a licence under this section or may revoke any licence already issued or add to, vary or remove any conditions in a licence.

(4) Any person aggrieved by the decision made by the Chief Inspector under this section may within thirty days of the notification of such decision appeal to the Minister whose decision shall be final.

(5) The Minister may prescribe the form of licence to be issued under this section and the books or records to be kept in relation thereto.

Institution of prosecution

27A. No prosecution for or in relation to any offence under this Act shall be instituted except by or with the written consent of the Public Prosecutor.

Power to inspect weights and measures, etc., and to enter premises

28. (1) Any Inspector may, at all reasonable hours, exercise the following powers, that is to say:

- (a) enter any premises for the purposes of inspecting, verifying and stamping or authenticating any weight or measure or any instrument for weighing or measuring, or for the purposes of ascertaining whether any offence under this Act or any regulations made thereunder has been committed;
- (b) seize and detain any weight, measure or instrument for weighing or measuring, or stamp or stamping instrument, which is used in the commission of any offence under this Act or any regulations made thereunder;
- (c) seize and detain any goods, records or documents which he has reason to believe is required to be produced as evidence in any proceedings under this Act or any regulations made thereunder;
- (d) seal in any manner any weight, measure or instrument for weighing or measuring which is used, or which is reasonably suspected of being used, in the commission of any offence under this Act or any regulations made thereunder;
- (e) examine any certificates, documents or papers, including books, reports, records, shipping bills and bills of lading or any data entered or recorded by any system of mechanical or electronic data processing or by any other information storage device where there are reasonable grounds to believe that it contains any information, relevant to the enforcement of this Act or any regulations made thereunder and make copies thereof or extracts therefrom;
- (f) with the assistance of any police officer, stop and detain any motor vehicle or other conveyance that the Inspector has reasonable grounds to believe is fixed with any weights or measures or instruments for weighing or

measuring, or carrying weights, measures or instruments for weighing or measuring or goods which he has reason to believe is required to be produced as evidence in any proceedings under this Act or any regulations made thereunder or is equipped with a device that is used or designed to be used for trade purposes and—

- (i) where necessary, for the purposes of making an inspection under subparagraph (ii), require the operator of that motor vehicle or other conveyance to proceed with the motor vehicle or other conveyance to an appropriate place where such inspection may be made; and
 - (ii) inspect any such weight, measure or instrument for weighing or measuring of such goods or devices found in or upon that motor vehicle or other conveyance;
- (g) examine all certificates of verification, records and documents relating to any such weight, measure or instruments for weighing or measuring, or certificate issued under section 14B.

(2) Any person who neglects or refuses to produce for an inspection under this section any weights, measures and instruments for weighing or measuring or any certificates of verification in his possession or in his premises or refuses to permit the Inspector under this section to examine the same or any of them or obstructs the Inspector from entering the premises or otherwise obstructs or hinders the Inspector from acting under this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding forty thousand ringgit or to imprisonment for a term not exceeding three years or to both.

(3) For the purpose of subsection (1), any person who fails to disclose or omits to give any relevant information, document or evidence, or provides, as true, any information, document or evidence that he knows or has reason to believe to be false or misleading shall

be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or imprisonment for a term not exceeding four years or to both.

Forfeiture of instrument for weighing or measuring, etc.

28A. (1) Any weight or measure or instrument for weighing or measuring seized pursuant to this Act shall be liable to forfeiture.

(2) The court trying any person accused of an offence under this Act or any regulations made thereunder may at the conclusion of the trial, whether he is convicted or not, order that weight or measure or instrument for weighing or measuring seized from that person be forfeited.

(3) Where there is no prosecution with regard to any weight or measure or instrument for weighing or measuring seized in exercise of any powers conferred under this Act, the same shall be taken and deemed to be forfeited at the expiration of one calendar month from the date it was seized unless a claim thereto is made before that date in the manner hereinafter set forth.

(4) Any person asserting that he is the owner of any weight or measure or instrument for weighing or measuring seized under this Act and that the same are not liable to forfeiture may personally or by his agent authorized in writing by him give written notice to the Deputy Chief Inspector of his claim.

(5) On receipt of a notice under subsection (4), the Deputy Chief Inspector shall refer the notice to the Chief Inspector who may, after such enquiry as may be necessary, direct that such weight or measure or instrument for weighing or measuring be released or forfeited or refer the matter to the court for decision.

(6) The court to which the matter is referred shall issue a summons requiring the person asserting that he is the owner of the weight or measure or instrument for weighing or measuring and the person from whom it was seized to appear before it and upon his appearance or default to appear, due service of the summons being proved, the court

shall proceed to the examination of the matter and on proof that an offence under this Act or any regulations made thereunder has been committed and that such weight or measure or instrument for weighing or measuring was the subject matter or was used in the commission of such offence, shall order the same to be forfeited or may, in the absence of such proof, order the release of such weight or measure or instrument for weighing or measuring to the person entitled to it.

(7) Any weight or measure or instrument for weighing or measuring forfeited or deemed to be forfeited under this Act shall be disposed of in accordance with the direction of the Chief Inspector.

Protection of Inspectors, *etc.*, for putting Act in force

28B. No action or prosecution shall be brought, instituted or maintained in any court against the Chief Inspector, Deputy Chief Inspector, any Inspector or police officer for or on account of or in respect of any act ordered or done for the purposes of carrying into effect this Act or any regulations made thereunder and no suit or prosecution shall lie in any court against any other person for or on account of or in respect of any act done or purporting to have been done by him under order, direction or instruction of the Chief Inspector, Deputy Chief Inspector, any Inspector or police officer given for any such purpose as aforesaid:

Provided that, that order, direction or instruction was given or the act was done in good faith and in a reasonable belief that it was necessary for the purpose intended to be served thereby.

PART V

GENERAL

Regulations

29. (1) The Minister may make regulations for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power to make regulations, such regulations may provide for all or any of the following:

- (a) prescribing the procurement, preparation, maintenance, certification, verification, comparison and authentication of the Working Standards;
- (b) prescribing the place, manner of custody and the security of the Working Standards;
- (c) prescribing the limits of error which may be tolerated in respect of weights or measures or instruments for weighing or measuring;
- (d) prescribing the manner in which the Working Standards are to be marked and certified for identification;
- (e) prescribing—
 - (i) the duties of the Chief Inspector, Deputy Chief Inspectors and Inspectors;
 - (ii) the tests to be applied for the purpose of ascertaining the accuracy and efficiency of weights and measures and instruments for weighing or measuring and the limits of error to be allowed on verification or inspection; and
 - (iii) the type of stamp to be used by an Inspector in the stamping of weights and measures and instruments for weighing or measuring for use for trade and the manner of such stamping;
- (f) prescribing the fees to be charged in connection with—
 - (i) licences issued under section 27;

- (ii) testings and verification of weights and measures and instruments for weighing or measuring;
 - (iii) the issue of any certificate under this Act; and
 - (iv) any other service provided by an Inspector;
- (g) prescribing forms, books, registers or cards to be used under this Act;
- (ga) limiting the purposes and transactions for which certain weights, measures or instruments for weighing or measuring may lawfully be used;
- (gb) prescribing the accuracy class of certain weights, measures or instruments for weighing or measuring to be used for trade;
- (gc) prohibiting the use of any particular kind of weights, measures or instruments for weighing or measuring either absolutely or except in compliance with the conditions set out in any regulations made under this Act;
- (gd) prescribing the classes of weights to be used on certain kinds of weighing instruments;
- (ge) providing for the registration, periodic inspection of public weighing or measuring instruments and generally providing for their supervision and control;
- (gf) prescribing the procedures for application, tests and examinations to be taken for the issuance of certificates to attend to any public weighing or measuring instrument;
- (gg) prescribing the offences under this Act or any regulations made thereunder which may be compounded, the procedure to be followed and the forms to be used in compounding;

- (gh) prescribing the manner in which packages should be marked with any particulars, statement or any other requirement in relation to any weight or measure;
- (gi) prescribing the denomination of weights in which certain goods may be packed or sold;
- (gj) prescribing a penalty of a fine not exceeding twenty-five thousand ringgit for a contravention of or failure to comply with any of the provisions of any regulations made under this Act;
- (h) prescribing for any other matter required to be prescribed by this Act or generally for the better carrying into effect of the purpose or provisions of this Act.

Maximum permissible errors

30. (1) Any weight or measure or instrument for weighing or measuring shall not have a greater error than the maximum permissible errors prescribed by regulations made under this Act.

(2) Any weight or measure or instrument for weighing or measuring which is within the prescribed maximum permissible errors shall be deemed to be just and true for all purposes of this Act.

Powers of exemption and making of regulations to remove difficulties

31. (1) Notwithstanding anything in this Act, the Minister may, if he considers it necessary or expedient in the national or public interest, by order exempt, either absolutely or subject to any condition which may be prescribed in the order, any class of undertakings or transactions or any class of movable or immovable properties from any or all of the provisions of this Act.

(2) The Minister may by regulations make such provisions as he may consider necessary or expedient for the purpose of removing any difficulties occasioned by the coming into force of this Act or any of its provisions and any such regulations may be made so as to have effect as from the commencement of this Act or any of its provisions.

Transitional provisions

32. (1) Where any or all of the provisions of this Act have come into force in respect of any State in Malaysia or any class of undertakings or transactions or any class of movable or immovable properties the Minister may, from time to time by notification in the *Gazette*, permit the continuance of the use of such units of measurement or such weights or measures or instruments for weighing or measuring as may be specified in the notification in respect of the State in Malaysia, class of undertakings or transactions or class of movable or immovable properties as the case may be in addition to the use of the units of the International System of Units and the weights and measures specified in the Second Schedule for such period not exceeding five years from the date of the publication of the notification as the Minister may determine:

Provided that the Minister shall not determine a period in any notification made pursuant to this subsection such that the date of the expiry of the period will be inconsistent with the proviso to subsection 1(4).

(2) Where a notification is made by the Minister permitting the continuance of the use of any units of measurement, or any weights or measures or instruments for weighing or measuring pursuant to subsection (1), the use of such units of measurement or weights or measures or instruments for weighing or measuring in the manner and during the period specified in that notification shall have legal force and validity and nothing in Part III of this Act shall subject a person to a penalty for such use.

33. (*Deleted by Act A1309*).

34. (*Deleted by Act A1309*).

Compounding of offences

34A. (1) The Chief Inspector may, with the consent in writing of the Public Prosecutor, offer to compound any offence under any provision of this Act or under regulations made under this Act by accepting from the person reasonably suspected of having committed the offence such amount of money not exceeding the maximum fine to which the person would have been liable if he had been convicted of the offence, within such time as may be specified in the offer.

(2) An offer under subsection (1) may be made at any time after the offence has been committed and where the amount specified in the offer is not paid within the time specified in the offer or such extended time as the Chief Inspector may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(3) Upon receipt of the amount under subsection (1), no prosecution shall be instituted in respect of the offence against the person to whom the offer to compound was made.

Repeal and savings

35. (1) The laws specified in the Fourth Schedule and all subsidiary legislations made thereunder shall be repealed and such repeal shall take effect on such date or dates and to such extent as the Minister may by order published in the *Gazette* prescribe.

(2) Notwithstanding the making of an order pursuant to subsection (1) to repeal any of the laws specified in the Fourth Schedule or any subsidiary legislations made thereunder any authority or person exercising, immediately before the commencement of this Act or any of its provisions, functions corresponding to those conferred on the Custodian, Chief Inspector, Deputy Chief Inspector, or Inspector by this Act, shall in respect of the area in which that authority or person

was empowered to exercise such functions continue to do so until the Minister by notification in the *Gazette* otherwise directs.

FIRST SCHEDULE

(Deleted by Act A1309)

SECOND SCHEDULE

WEIGHTS AND MEASURES FOR USE FOR TRADE

PART 1

Linear Measures

Measures of—

20 metres

10 metres

3 metres

2 metres

1 metre

1 decimetre

1 centimetre

PART 2

Square Measures

Any measures of, or of any multiple of, 1 square decimetre.

PART 3

Cubic Measures

Any measures of, or of any multiple of, 1/4 cubic metre.

PART 4

Capacity Measures

Measures of—

Any multiple of 10 litres

10 litres

5 litres

2.5 litres

2 litres

1 litre

500 millilitres

250 millilitres

200 millilitres

100 millilitres

50 millilitres

30 millilitres

25 millilitres

20 millilitres

10 millilitres

5 millilitres

2 millilitres

1 millilitre

PART 5

Weights

(a) For dealings in articles or things other than precious stones and pearls.

Weights of—

20 kilograms

10 kilograms

5 kilograms

2 kilograms

1 kilogram
500 grams
200 grams
100 grams
50 grams
20 grams
10 grams
5 grams
2 grams
1 gram
500 milligrams
200 milligrams
100 milligrams
50 milligrams
20 milligrams
10 milligrams
5 milligrams
2 milligrams
1 milligram

(b) For dealings involving precious stones and pearls.

Weights of—

500 carats (metric)
200 carats (metric)
100 carats (metric)
50 carats (metric)
20 carats (metric)
10 carats (metric)
5 carats (metric)
2 carats (metric)
1 carat (metric)

0.5 carat (metric)

0.25 carat (metric)

0.2 carat (metric)

0.1 carat (metric)

0.05 carat (metric)

0.02 carat (metric)

0.01 carat (metric)

Note—1 carat (metric) = 0.2g (exactly).

THIRD SCHEDULE

(Deleted by Act A1309)

FOURTH SCHEDULE

(Deleted by P.U. (A) 293/1981)

LAWS OF MALAYSIA

Act 71

WEIGHS AND MEASURES ACT 1972

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A522	Weights and Measures (Amendment) Act 1981	24-07-1981
P.U. (A) 293/1981	Weights and Measures (Repeal of Laws) Order 1981	01-10-1981
P.U. (A) 392/1985	Weights and Measures (Amendment First and Third Schedules) Notification	30-08-1985
Act A754	Weights and Measures (Amendment) Act 1990	23-02-1990
Act A825	Weights and Measures (Amendment) Act 1992	17-07-1992
Act A1180	Weights and Measures (Amendment) Act 2002	04-04-2005
Act A1309	Weights and Measures (Amendment) Act 2007	01-02-2008
P.U. (B) 168/2009	Weights and Measures Act 1972 — Corrigendum	
Act A1530	Weights and Measures (Amendment) Act 2017	For paragraphs 2(a) and 11(b), Sections 12 & 13 - 19 May 2017; For paragraph 2(b), Sections 3, 4, 5, 6, 7, 8, 9 & 10 and paragraph 11(a) - 1 August 2017

LAWS OF MALAYSIA

Act 71

WEIGHS AND MEASURES ACT 1972

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
Long title	Act A754 Act A1309	23-02-1990 01-02-2008
2	Act A522 Act A754 Act A825 Act A1180 Act A1309	24-07-1981 23-02-1990 17-07-1992 04-04-2005 01-02-2008
Part II (Heading)	Act A1309	01-02-2008
3	Act A754 Act A1309	23-02-1990 01-02-2008
4	Act A1309	01-02-2008
5	Act A1309	01-02-2008
6	Act A522 Act A1309	24-07-1981 01-02-2008
7	Act A522 Act A1309	24-07-1981 01-02-2008
8	Act A522 Act A1309	24-07-1981 01-02-2008
8A	Act A1309	01-02-2008
9	Act A1309	01-02-2008
10	Act A522 Act A825 Act A1309	24-07-1981 17-07-1992 01-02-2008

Section	Amending authority	In force from
	P.U. (A) 168/2009	Corrigendum to the Weights and Measures Act 1972 [Act 71] reprinted in the year 2009 and incorporating all amendments up to 1 January 2009
11	Act A754	23-02-1990
12	Act A522 Act A825 Act A1309 Act A1530	24-07-1981 17-07-1992 01-02-2008 19-05-2017; 01-08-2017
14	Act A754 Act A825 Act A1530	23-02-1990 17-07-1992 01-08-2017
14A	Act A754	23-02-1990
14B	Act A754 Act A1530	23-02-1990 01-08-2017
14C	Act A754	23-02-1990
16	Act A825 Act A1530	17-07-1992 01-08-2017
17	Act A825 Act A1530	17-07-1992 01-08-2017
18	Act A522 Act A825 Act A1530	24-07-1981 17-07-1992 01-08-2017
19	Act A754 Act A1530	23-02-1990 01-08-2017
20	Act A825 Act A1530	17-07-1992 01-08-2017

Section	Amending authority	In force from
20A	Act A754 Act A825 Act A1530	23-02-1990 17-07-1992 01-08-2017
23	Act A754	23-02-1990
24	Act A522	24-07-1981
25	Act A1309	01-02-2008
25A	Act A825 Act A1309	17-07-1992 01-02-2008
26	Act A522	24-07-1981
26A	Act A1180	04-04-2005
26B	Act A1180	04-04-2005
26C	Act A1180	04-04-2005
26D	Act A1180	04-04-2005
26E	Act A1180	04-04-2005
26F	Act A1180	04-04-2005
26G	Act A1180	04-04-2005
26H	Act A1180	04-04-2005
27	Act A522 Act A1180	24-07-1981 04-04-2005
27A	Act A754 Act A1309	23-02-1990 01-02-2008
28	Act A754 Act A825 Act A1530	23-02-1990 17-07-1992 19-05-2017; 01-08-2017
28A	Act A754	23-02-1990

Section	Amending authority	In force from
28B	Act A754	23-02-1990
29	Act A522 Act A754 Act A825 Act A1309 Act A1530	24-07-1981 23-02-1990 17-07-1992 01-02-2008 19-05-2017
30	Act A1530	19-05-2017
33	Act A754 Act A1309	23-02-1990 01-02-2008
34	Act A1309	01-02-2008
34A	Act A754 Act A1309	23-02-1990 01-02-2008
First Schedule	Act A522 P.U. (A) 392/1985 Act A754 Act A1309	24-07-1981 30-08-1985 23-02-1990 01-02-2008
Second Schedule	Act A522 Act A754	24-07-1981 23-02-1990
Third Schedule	Act A1309	01-02-2008
Fourth Schedule	P.U. (A) 293/1981	01-10-1981
