



ST. HELENA

## CHAPTER 123

# WEIGHTS AND MEASURES ORDINANCE and Subsidiary Legislation

### Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown  
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Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

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<sup>1</sup> These contact details may change during 2011 or early in 2012. In case of difficulty, email [shgwebsite@sainthelena.gov.sh](mailto:shgwebsite@sainthelena.gov.sh) or telephone (+290) 2470.

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**CHAPTER 123****WEIGHTS AND MEASURES ORDINANCE**

*(Ordinances 6 of 1905, 5 of 1906 and 2 of 2001)*

AN ORDINANCE RELATING TO WEIGHTS AND MEASURES.

**Commencement**

*[1 January 1906]*

**Short title**

1. This Ordinance may be cited as the Weights and Measures Ordinance.

**Imperial and metric**

- 2.<sup>2</sup> Imperial and metric weights be used in St. Helena.

**Copies of Imperial standards to be local standards**

3.<sup>3</sup> Copies of the Imperial and Metric standards of measure and weight, and of such secondary standards of measure and weight derived from the Imperial and Metric standards as

<sup>2</sup> Section 2 substituted by Ord. 2 of 2001

<sup>3</sup> Section 3 amended by Ord. 2 of 2001

the Governor may from time to time direct, shall be kept in the office of the Registrar of the Magistrates' Court and shall be the standards of measure and weight of St. Helena:

Provided that any authorised Imperial and Metric Standard Principal Measure may be lawfully used for trade in St. Helena.

### **Comparison of weights and measures**

4. Any person shall be entitled to have any weight or measure or instrument for weighing compared with the standards on making application at the Police Office during such hours and upon payment of such fee as the Governor in Council may from time to time direct by regulation made under this Ordinance. The comparison shall be made in the presence of a Magistrate or such other person as the Governor may appoint for the purpose.

### **Stamping of weights and measures**

5. On being satisfied that the weight or measure or instrument for weighing brought for comparison corresponds truly with the standards, the Magistrate or other person appointed by the Governor under section 4 shall stamp or mark the weight or measure or instrument for weighing in such manner as the Governor in Council may from time to time determine to show that the same has been compared and approved.

### **Comparison elsewhere than at Police Office**

6. If any weight or measure or instrument used for the purpose of weighing for trade cannot conveniently be brought to the Police Office it shall be lawful for a Magistrate or other officer appointed under section 4 to test it elsewhere than at the Police Office and on being satisfied of the correctness of such weight or measure or instrument to mark or stamp it in the manner directed in section 5:

Provided that for every comparison of any weight or measure or instrument elsewhere than at the Police Office there shall be paid such further fee, in addition to the fee prescribed for comparison at the Police Office, as the Governor in Council may from time to time direct by regulation made under this Ordinance.

### **Weights, measures, etc., to be stamped before passing the Customs**

7. Every weight, measure, or instrument for weighing imported into St. Helena shall be stamped or marked in accordance with the provisions of this Ordinance, at the expense of the importer, before it is cleared from the Customs; and any weight, measure, or instrument for weighing which does not correspond with the standards in use in St. Helena, whether it already bears a stamp or mark purporting to show that it corresponds with the Imperial Standards or not, shall be liable to be forfeited and broken up by order of the Governor.

### **Unstamped weights, etc. not to be used**

8. It shall not be lawful to use for trade any weight or measure (not being a glass or earthenware principal measure already bearing the stamp or mark of a recognised authority of weights and measures in England) or instrument for weighing which has not been stamped or marked as provided in sections 5 and 6; and any person using or having in his possession for use for trade any weight or measure or instrument for weighing not stamped or marked as aforesaid shall be liable on conviction to a penalty not exceeding £10.

**Forgery of stamps on weights or measures**

9. If any person shall make, forge or counterfeit, or cause or procure to be made, forged or counterfeited, or knowingly act or assist in the making, forging or counterfeiting of any stamp or mark now used or which may hereafter be used for the stamping or marking of any weights, measures and instruments under this Ordinance; or knowingly sell, utter, dispose of, or expose for sale any weight or measure or instrument with such forged or counterfeit stamp or mark thereon; such person shall for every such offence be liable on conviction to a penalty not exceeding £50.

**Use of false or unjust weights, etc.**

10. Every person who uses or has in his possession for use for trade any weight, measure, scale, balance, steel-yard or weighing machine which is false or unjust shall be liable to a fine not exceeding £5, or in case of a second offence £20; and any contract, sale, or dealing made by the same shall be void and the weight, measure, scale, balance, steel-yard or weighing machine shall be forfeited.

**Penalty for fraud in use of weights, etc.**

11. Where any fraud is wilfully committed in the use of any weight, measure, scale, balance, steel-yard or weighing machine, the person committing such fraud and every person party to the fraud shall be liable to a fine not exceeding £5, or in case of a second offence, £20 and the weight, measure, scale, balance, steel-yard or weighing machine shall be forfeited.

**Penalty on sale of false weight, etc.**

12. A person shall not wilfully or knowingly make or sell or cause to be made or sold any false or unjust weight, measure, scale, balance, steel-yard or weighing machine. Every person who acts in contravention of this section shall be liable to a fine not exceeding £10, or, in the case of a second offence, £50.

**Sale by avoirdupois weight and exceptions**

13. (1) All articles sold by weight shall be sold by avoirdupois or Metric weight; except that—

- (a) gold and silver and articles made thereof, including gold and silver thread, lace or fringe, also platinum, diamonds, and other precious metals or stones, may be sold by the ounce troy or by any decimal parts of such an ounce; and all contracts, bargains, sales, and dealings in relation thereto shall be deemed to be made and had by such weight, and when so made or had shall be valid; and
- (b) drugs, when sold by retail, may be sold by apothecaries' weight.

(2) Every person who acts in contravention of this section shall be liable to a fine not exceeding £5.

**Inspectors of weights and measures**

14. The Governor may from time to time appoint any person to be an inspector of weights and measures under this Ordinance and may revoke such appointment. Any Justice of

the Peace may exercise the powers of an inspector of weights and measures under this Ordinance as if he had been duly appointed by the Governor:

Provided that no Justice of the Peace shall adjudicate upon any question arising out of the exercise of his powers under this section.

### **Power to inspect weights, etc., and to enter premises**

**15.** Every inspector under this Ordinance may at all reasonable times inspect all weights, measures, scales, balances, steelyards and weighing machines which are used or are in the possession of any person or on any premises for use for trade, and may remove and compare every such weight and measure with the standards, and may seize and detain any weight, measure, scale, balance, steel-yard or weighing machine which is liable to be forfeited in pursuance of this Ordinance; and may for the purposes of such inspection enter any place, whether a building or in the open air, whether open or enclosed, where he has reasonable cause to believe that there is any weight, measure, scale, balance, steel-yard or weighing machine which he is authorised by this Ordinance to inspect. Any person who neglects or refuses to produce for such inspection all weights, measures, scales, balances, steel-yards and weighing machines in his possession or on his premises, or refuses to permit the inspector to examine the same or any of them, or obstructs the entry of the inspector or otherwise obstructs or hinders an inspector acting under this section, shall be liable to a fine not exceeding £5 or in the case of a second offence £10.

### **Governor in Council may make regulations**

**16.** The Governor in Council may from time to time make regulations in order effectually to carry out the provisions of this Ordinance.

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**WEIGHTS AND MEASURES (FEES) REGULATIONS – SECTIONS 4 AND 6***(Legal Notice 11 of 1997)***Commencement***[1 April 1997]***Short title**

1. These regulations may be cited as the Weights and Measures (Fees) Regulations.

**Fees**

2. The fee for comparing a weight or measure or instrument for weighing is—
    - (a) weight—
      - (i) at Police Office £1.21
      - (ii) elsewhere £1.32
    - (b) measure—
      - (i) at Police Office £1.21
      - (ii) elsewhere £1.32
    - (c) instrument for weighing—
      - (i) at Police Office £1.32
      - (ii) elsewhere £1.48
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