

WEIGHTS AND MEASURES.

5° GEO. VI., No. VII.

No. 7 of 1941.

AN ACT to amend sections twenty-eight and forty-six of the Weights and Measures Act, 1915.

[Assented to 13th October, 1941.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Weights and Measures Act Amendment Act, 1941*, and shall be read as one with the Weights and Measures Act, 1915 (No. 50 of 1915 as reprinted in the Appendix to the Sessional Volume of the Statutes for the year 1926), hereinafter referred to as the principal Act.

Amendment of s. 28.

2. Section twenty-eight of the principal Act is amended by deleting subsection (3) and inserting in lieu thereof a subsection as follows:—

(3) For the purposes of this and the next three succeeding sections of this Act—

(a) the expression “weighing or measuring instrument used for trade” includes—

(i) every weighing or measuring instrument used in the ordinary course of trading by a person carrying on trade for the weighing or measuring of any articles of trade;

(ii) every weighing or measuring instrument, the use of which can be obtained by any member of the public upon payment of a fee or charge for the purpose of weighing or measuring any articles of trade; and

(iii) every weighing instrument intended for use primarily for the purpose of weigh-

ing human beings and the use of which for such purpose is made open to any member of the public (either upon or without payment of a fee or charge) by the person owning or having the possession, control, or care of the instrument; and

- (b) the expression "use for trade," when applied to a weighing or measuring instrument, includes the use of such instrument for any purpose mentioned in subparagraphs (i), (ii), and (iii) of paragraph (a) of this subsection.

3. Section forty-six of the principal Act is repealed and a section is inserted in lieu thereof as follows:—

Amendment of
s 46.
Repeal and
new section.

46. (a) When any weight, measure, weighing, or measuring instrument is found in the possession of any person carrying on trade or on any premises which, whether a building or in the open air, are used by any person for carrying on trade; or

Evidence as to
possession.

- (b) when any weighing or measuring instrument of the kind mentioned in subparagraph (ii) of paragraph (a) of subsection (3) of section twenty-eight, or any weighing instrument of the kind mentioned in subparagraph (iii) of paragraph (a) of section twenty-eight aforesaid is found in the possession of any person in circumstances which indicate that the said instrument is open for the use of the public the person in whose possession the weight, measure, weighing, or measuring instrument is so found shall be deemed, for the purposes of this Act, to have such weight, measure, weighing, or measuring instrument in his possession for use for trade.

4. The principal Act as amended by this Act may be cited as the *Weights and Measures Act, 1915-1941.*

Citation of
principal Act
as amended.