
CONSUMER AND EMPLOYMENT PROTECTION

CE301*

Trade Measurement Administration Act 2006

**Trade Measurement (Transitional)
Regulations 2006**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Trade Measurement (Transitional) Regulations 2006*.

2. Interpretation

- (1) In these regulations —
- “**chief inspector**” means the chief inspector of weights and measures under the WM Act section 6;
- “**commencement day**” means the day on which Schedule 1 to the Act (apart from clause 7) comes into operation;
- “**pre-commencement period**” has the meaning given to that term in Schedule 1 clause 7(1) to the Act;
- “**WM Act**” means the *Weights and Measures Act 1915*.
- (2) A reference in regulation 3, 4 or 5 to a provision of the principal Act is a reference to that provision as applied by Schedule 1 clause 7(3) to the Act.

3. Application fees payable during pre-commencement period

The application fee for an application made during the pre-commencement period under section 55(1) of the principal Act for a servicing licence or a public weighbridge licence is \$80.00.

4. Licence fees payable for servicing licences during pre-commencement period

- (1) The licence fee payable under section 64(1)(a) of the principal Act with an application referred to in regulation 3 for a servicing licence is the sum of —
- (a) \$190.00; and

- (b) \$50.00 for each person who, whether as the holder of the licence or an employee of the holder of the licence, will under the authority conferred by the licence —
 - (i) test a batch of measuring instruments for the purposes of certification or re-certification; or
 - (ii) certify or re-certify measuring instruments.
 - (2) The applicant in respect of an application referred to in regulation 3 for a servicing licence is to identify in the application each person to whom subregulation (1)(b) applies.
 - (3) The licence fee referred to in subregulation (1) is payable in respect of the period that expires on the day 12 months after the commencement day.
- 5. Licence fees payable for public weighbridge licences during pre-commencement period**
 - (1) The licence fee payable under section 64(1)(a) of the principal Act with an application referred to in regulation 3 for a public weighbridge licence is \$50.00.
 - (2) The licence fee referred to in subregulation (1) —
 - (a) is payable in respect of the period that expires on the day 6 months after the commencement day; and
 - (b) is a combined fee that includes the fee payable for providing a weighbridge suitability statement.
- 6. Refunds of certain licence fees paid under the WM Act**

If, during the pre-commencement period, a person holding a scale adjuster's licence or a scale repairer's licence in force under the WM Act (the "**current licence**") is granted a servicing licence, the person is entitled to a refund of the fee paid for the current licence of the amount determined by the chief inspector to be proportionate to any period that the current licence would have continued in force after the commencement day if the Act had not been enacted.
- 7. Modified operation of section 57 of the principal Act**

If —

 - (a) a licence is granted during the pre-commencement period as the result of an application referred to in regulation 3; and
 - (b) during that period a business name —
 - (i) that the licensee proposes to use in carrying on activities under the licence; and
 - (ii) that the licence does not refer to,

is registered under the *Business Names Act 1962* or a business name so registered is changed to a business name to which subparagraphs (i) and (ii) apply,

section 57 of the principal Act has effect in respect of that business name as if subsection (4) of that section read as follows —

“

- (4) An application under subsection (3) in respect of a business name must be made not later than 14 days after the day on which this section comes into operation, and subsection (2) does not apply to the use of the business name, or the business name as changed, during that period of 14 days.

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8. Modified operation of section 77 of the principal Act

If —

- (a) a body corporate is the holder, or one of the holders, of a licence granted during the pre-commencement period as the result of an application referred to in regulation 3; and
- (b) during that period a new person is included in the persons who are concerned in the management of the body corporate,

section 77 of the principal Act has effect in respect of the inclusion of that person as if paragraph (a) of that section read as follows —

“

- (a) a new person is included in the persons who are concerned in the management of the body corporate and an application is not made under section 74 in respect of the person within 28 days after this section comes into operation;

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By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
