
FAIR TRADING

FT301

WEIGHTS AND MEASURES ACT 1915

WEIGHTS AND MEASURES (EXEMPTIONS) REGULATIONS 1997

Made by the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Weights and Measures (Exemptions) Regulations 1997*.

Exemption from section 21 (1) (a) in respect of certain articles of food sold by retail

2. (1) A person who sells by retail sale from a retail shop articles of food —

- (a) which are selected, and placed in standard bags, by customers before those articles of food are weighed or measured; and
- (b) which are not pre-packed articles,

is exempted from section 21 (1) (a) of the Act in respect of that sale.

(2) In this regulation —

“**article of food**” means —

- (a) confectionery;
- (b) fruit;
- (c) vegetable; or
- (d) other food item that is selected, and placed in a bag, by a customer before that food item is weighed or measured;

“**pre-packed article**” has the same meaning as it has in Part IIIA of the Act;

“**retail sale**” has the same meaning as it has in the *Retail Trading Hours Act 1987*;

“**retail shop**” means place at, in, on or from which goods —

- (a) are sold by way of retail sale; or
- (b) are displayed, kept or sold for retail sale;

“**sell**” has the same meaning as it has in the *Retail Trading Hours Act 1987*;

“**standard bag**” means bag or other container —

- (a) provided in a retail shop for use by customers of the retail shop; and
- (b) weighing not more than 5 grams.

(3) Subsections (1a) and (3) of section 3 of the *Retail Trading Hours Act 1987* apply to a retail shop referred to in subregulation (1) as if that retail shop were a retail shop within the meaning of that Act.

Approved persons

3. The Chief Inspector may approve a person for the purposes of regulations 4 and 5.

Exemption from section 28 or 29 of unstamped weights or measures or weighing or measuring instruments

4. (1) A weight or measure, or a weighing or measuring instrument, which has not yet been stamped under section 28 or 29 of the Act is exempted from that section if subregulation (2) is complied with in respect of that weight or measure or weighing or measuring instrument (in that subregulation called **"the apparatus"**).

(2) This subregulation is complied with in respect of the apparatus if —

- (a) an approved person notifies the Chief Inspector that the apparatus is required by section 28 or 29 of the Act to be stamped;
- (b) an inspector is not then available to stamp the apparatus;
- (c) the apparatus is as soon as is practicable inspected and tested by an approved person; and
- (d) the approved person referred to in paragraph (c) —
 - (i) destroys any existing stamp on the apparatus;
 - (ii) applies his or her unique identifying mark to the apparatus; and
 - (iii) notifies the Chief Inspector in writing of the marking of the apparatus within 14 days after that marking.

(3) An exemption under subregulation (1) ceases to have effect when the apparatus is stamped under section 28 or 29, as the case requires, of the Act.

(4) In this regulation —

"approved person" means person approved under regulation 3.

Exemption from section 31 in respect of use for trade of certain used weights or measures or weighing or measuring instruments

5. (1) A person who uses for trade a weight or measure, or a weighing or measuring instrument —

- (a) which has become defective in consequence of wear or accident;
- (b) which has been mended or repaired; or
- (c) which, being a fixed weighing or measuring instrument, has been removed for installation at another site,

but which has not yet been restamped under section 31 of the Act is exempted from that section if subregulation (2) is complied with in respect of that weight or measure or weighing or measuring instrument (in that subregulation called **"the apparatus"**).

(2) This subregulation is complied with in respect of the apparatus if —

- (a) an approved person notifies the Chief Inspector that the apparatus is required by section 31 of the Act to be restamped;
- (b) an inspector is not then available to restamp the apparatus;
- (c) the apparatus is as soon as is practicable —
 - (i) mended or repaired;
 - (ii) inspected and tested; or
 - (iii) installed at the other site,as the case requires, by an approved person; and

- (d) the approved person referred to in paragraph (c) —
- (i) destroys any existing stamp on the apparatus;
 - (ii) applies his or her unique identifying mark to the apparatus; and
 - (iii) notifies the Chief Inspector in writing of the marking of the apparatus within 14 days after that marking.
- (3) An exemption under subregulation (1) ceases to have effect when the apparatus is restamped under section 31 of the Act.
- (4) In this regulation —
- “approved person”** means person approved under regulation 3.

By Command of the Governor,

J. PRITCHARD, Clerk of the Executive Council.
