



Western Australia

Weights and Measures Act 1915

Weights and Measures (Exemptions) Regulations 1997

These regulations were repealed as a result of the repeal of the *Weights and Measures Act 1915* by the *Trade Measurement Administration Act 2006* s. 36(1) as at 1 Jun 2007 (see *Gazette* 29 May 2007 p. 2485).

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Weights and Measures (Exemptions) Regulations 1997

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Weights and Measures (Exemptions) Regulations 1997

1. Citation

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

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

(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.

3. Approved persons

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

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

- (1) Subject to subregulation (1a), 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 this regulation called **“the apparatus”**).
- (1a) Subregulation (1) does not affect the operation of section 28(2) of the Act in respect of the apparatus.

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- (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 inspected or tested by an inspector for the purposes of section 28 or 29, as the case requires, of the Act.

- (4) In this regulation —
- “approved person”** means person approved under regulation 3;
- “tested”**, in relation to the apparatus, means tested in accordance with the procedures for testing that kind of apparatus published from time to time by the Commission.

[Regulation 4 amended in Gazette 7 Oct 2003 p. 4379-80.]

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

- (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 this regulation 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 inspected or tested by an inspector for the purposes of section 31 of the Act.
- (4) In this regulation —

“approved person” means person approved under regulation 3;

“tested”, in relation to the apparatus, means tested in accordance with the procedures for testing that kind of apparatus published from time to time by the Commission.

[Regulation 5 amended in Gazette 7 Oct 2003 p. 4380.]

Notes

- ¹ This reprint is a compilation as at 16 January 2004 of the *Weights and Measures (Exemptions) Regulations 1997* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Weights and Measures (Exemptions) Regulations 1997</i>	20 Jun 1997 p. 2806-8	20 Jun 1997
<i>Weights and Measures (Exemptions) Amendment Regulations 2003</i>	7 Oct 2003 p. 4379-80	6 Nov 2003 (see r. 2)

Reprint 1: The *Weights and Measures (Exemptions) Regulations 1997* as at 16 Jan 2004 (includes amendments listed above)

These regulations were repealed as a result of the repeal of the *Weights and Measures Act 1915* by the *Trade Measurement Administration Act 2006* s. 36(1) as at 1 Jun 2007 (see *Gazette* 29 May 2007 p. 2485)

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
approved person.....	4(4), 5(4)
article of food.....	2(2)
pre-packed article.....	2(2)
retail sale.....	2(2)
retail shop.....	2(2)
sell.....	2(2)
standard bag.....	2(2)
tested.....	4(4), 5(4)
the apparatus.....	4(1), 5(1)