



Western Australia

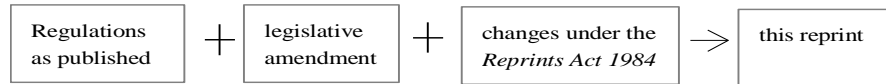
Weights and Measures Act 1915

Weights and Measures (Exemptions) Regulations 1997

Reprint 1: The regulations as at 16 January 2004

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Weights and Measures (Exemptions) Regulations 1997

CONTENTS

1.	Citation	1
2.	Exemption from section 21(1)(a) in respect of certain articles of food sold by retail	1
3.	Approved persons	2
4.	Exemption from section 28 or 29 of unstamped weights or measures or weighing or measuring instruments	2
5.	Exemption from section 31 in respect of use for trade of certain used weights or measures or weighing or measuring instruments	4
	Notes	
	Compilation table	6



Reprinted under the
Reprints Act 1984 as
at 16 January 2004

Western Australia

Weights and Measures Act 1915

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;

r. 3

- (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.
- (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 <i>Weights and Measures (Exemptions) Regulations 1997</i> as at 16 Jan 2004 (includes amendments listed above)		