

Reprint  
as at 1 March 2016



## Weights and Measures Regulations 1999 (SR 1999/373)

Michael Hardie Boys, Governor-General

### Order in Council

At Wellington this 18th day of October 1999

Present:

His Excellency the Governor-General in Council

Pursuant to sections 41 and 42 of the Weights and Measures Act 1987, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

### Contents

	Page
1 Title and commencement	6
2 Interpretation	6

### Part 1

#### Verification of weights and measures

##### *Approval of types of weights and measures*

3 Applications for approval	9
4 Fees	9
5 Grant of approval	9

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Ministry of Business, Innovation, and Employment.**

6	Weights, measures, etc, approved by overseas weights and measures authority	10
7	Offence	11
8	Withdrawal of approval	11
	<i>Verification and stamping</i>	
9	General requirements	11
10	Inspector may require instrument to be dismantled	12
11	Inspector may require assistance	13
12	Disturbing influences	13
13	Tested and approved weights, etc, to be stamped	13
14	Mark of verification	13
15	Obliteration	14
	<b>Part 2</b>	
	<b>Accreditation of persons</b>	
16	Interpretation	14
17	Requirements for accreditation	15
18	Letters of accreditation	16
19	Identifiers	16
	<b>Part 3</b>	
	<b>Certificates of accuracy</b>	
20	Issue of certificates of accuracy	16
21	Duration of certificates of accuracy	17
22	Form of certificates of accuracy	17
23	Cancellation of certificates of accuracy	17
	<b>Part 4</b>	
	<b>General requirements for weights, measures, and weighing or measuring instruments</b>	
	<i>General</i>	
24	Permissible numerical values	18
25	Marking of units of weight or measurement	18
	<i>Weights</i>	
26	General requirements for carat metric weights	18
27	General requirements for weights other than carat metric weights	18
28	Permissible error	19
	<i>Measures of length</i>	
29	All graduations to be verified	20
30	Accuracy classes	20
31	Permissible error	20
32	Permissible error in relation to end surfaces	22
33	Verification	22

	<i>Measures of volume</i>	
34	Stamping of measures of volume	22
35	Testing measures of volume	22
	<i>Spirit dispensers</i>	
36	Permissible error	23
	<i>Milk and cream bottles</i>	
37	General requirements	23
38	Permissible error	23
39	Milk and cream bottles manufactured in batches	24
	<i>Oil bottles</i>	
40	General	24
41	Permissible error	25
	<i>Milk delivery measures</i>	
42	General requirements	25
43	Permissible error	25
	<i>Beer delivery measures</i>	
44	General requirements	26
45	Metal displacements	26
46	Beer delivery measures required to measure in excess	26
	<i>Cubic measures</i>	
47	Permissible error	27
	<i>Weighing instruments</i>	
48	General requirements	27
49	Use of counterpoise or travelling poise	28
50	Loose counterpoise weights	28
51	Non-automatic weighing instruments	28
52	Accuracy classes	29
53	Verification scale interval	29
54	Permissible error	30
55	Zero-setting devices	30
56	Sensitivity	30
57	Discrimination	31
58	Repeatability	31
59	Test loads	32
60	Eccentricity tests	32
	<i>Semi-automatic weighing instruments</i>	
61	Semi-automatic weighing instruments	34
	<i>Belt weighers</i>	
62	Belt weighers	34

63	Testing and inspection of belt weighers	34
64	Discrimination	35
65	Permissible error	36
	<i>Weighbridges</i>	
66	Weighbridges	36
	<i>Measuring instruments</i>	
67	General requirement	36
68	Accuracy classes	36
69	Fixed liquid fuel measuring instruments	37
70	Liquid fuel measuring instruments dispensing LPG	38
71	Liquid fuel measuring instruments fitted on delivery vehicles	39
72	Fixed oil measuring instruments	39
73	Permissible error	40
	<i>Direct mass flow measuring instruments</i>	
74	Direct mass flow measuring instruments	40
	<i>Length measuring instruments</i>	
75	Length measuring instruments	41
76	Leather measuring instruments	41
	<i>Multidimensional measuring instruments</i>	
77	Multidimensional measuring instruments	42
	<i>Miscellaneous weighing or measuring instruments</i>	
78	Miscellaneous weighing or measuring instruments	42
	<b>Part 5</b>	
	<b>Method of marking net weight or measure on goods</b>	
79	Marking of net weight or measure on goods	42
79A	General requirement to mark quantity on packages of food	43
79B	Additional requirement for marking on outer packaging	43
79C	Exemptions from regulations 79A and 79B	44
80	Offences	44
	<b>Part 6</b>	
	<b>Solid fuel</b>	
81	Solid fuel to be sold by weight	45
82	Solid fuel sold in open sacks	45
83	Delivery loose in bulk	45
84	Offences	46
	<b>Part 6A</b>	
	<b>Average quantity system</b>	
84A	Interpretation	46

84B	Weight, measure, or number of goods deemed to be in accordance with stated quantity	46
84C	Non-standard package	47
84D	Inadequate package	47
84E	Selection of sample	47
84F	Weighted average quantity	48

**Part 7**

**Miscellaneous provisions**

*Weighing instruments used in abattoirs*

85	Weighing instruments used in abattoirs	49
----	--	----

*Infringement offences*

86	Infringement offences	49
86A	Infringement fees	49

*Forms*

87	Inspectors' certificates of appointment	49
88	Warrant to enter dwellinghouse [ <i>Revoked</i> ]	50
89	Notices of non-compliance	50
90	Infringement notices and reminder notices	50

*Revocations*

91	Revocations	50
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**Schedule 1**

**Permissible numerical values of weights and measures**

**Schedule 2**

**Permissible abbreviations of units of weight and measurement**

**Schedule 3**

**Errors permissible on verification or inspection**

**Schedule 4**

**Weighing instruments: Scale intervals**

**Schedule 4A**

**Infringement fees**

**Schedule 5**

**Forms**

**Schedule 6**

**Shape of weights of 1 g or less**

**Schedule 7**

**Requirements for quality management system to be operated by accredited persons**

**Schedule 7A**

**Average quantity system**

## Schedule 8 Regulations revoked

97

### Regulations

#### 1 Title and commencement

- (1) These regulations may be cited as the Weights and Measures Regulations 1999.
- (2) These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

#### 2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

**absolute value of maximum permissible error** means the value of the maximum permissible error regardless of whether that value is positive or negative

**the Act** means the Weights and Measures Act 1987

**analogue indicator** means an indicator that allows the visual evaluation of the result of a measurement to a fraction of the scale interval

**approved** means approved by the Secretary

**automatic weighing machine** means a weighing instrument in which self-acting machinery automatically loads the goods to be weighed and that automatically weighs those goods

**beer delivery measure** means a tank or tanks mounted on a vehicle and used as a beer delivery measure

**belt weigher** means a weighing instrument of the belt conveyor type

**capacity** means,—

- (a) in relation to a weighing instrument (other than a belt weigher), the maximum load the instrument is constructed to weigh:

- (b) in relation to a belt weigher, the weight measured per hour or per cycle

**certificate of approval number**, in relation to a weight, measure, or weighing or measuring instrument, means the number given to the certificate of approval issued under regulation 5 for that type of weight, measure, or weighing or measuring instrument

**correct**, in relation to a weight, measure, or weighing or measuring instrument, means correct within the limits of maximum error permitted by these regulations for that weight, measure, or weighing or measuring instrument

**digital** means capable of assigning only certain discrete values or positions within a continuous range by a series of discontinuous steps

**direct mass flow measuring instrument** means an instrument that measures the mass of liquids that are flowing in closed pipes

**discrimination**, in relation to a weighing instrument, means the quality that characterises the ability of an instrument to react to small variations of load

**error**, in relation to a weighing or measuring instrument, includes deficiency in sensitivity

**fixed liquid fuel measuring instrument** means an instrument that dispenses a measured amount of liquid fuel and that is permanently fixed in the position in which it is to be used

**gas separator**, in relation to a liquid measuring instrument, means a device that continuously separates and eliminates gas mixed with the liquid and prevents the gas from entering the meter

**hose dilation** means the increase in the volume of a hose when the hose is subjected to an increase in internal pressure

**index**, in relation to an indicator, means that part of the indicator that is directly utilised in making a reading

**length measuring instrument** means an instrument that determines the length of a line, wire, cable, tape, piece of cloth, strip, sheet, or any other thing that can be measured by length

**load receptor** means that part of a weighing instrument on or in which the goods being weighed are placed or from which they are suspended

**mark of verification** means a mark of verification prescribed by regulation 14

**maximum permissible error** means,—

- (a) in relation to a weighing instrument, the maximum difference, either positive or negative, permitted between the result of a weighing and the equivalent, in standard weights, of the load weighed:
- (b) in relation to a measuring instrument, the maximum permissible departure from true value of measurement

**milk delivery measure** means a volume measure used for measuring milk in quantities exceeding 200 L

**minimum delivery**, in relation to a liquid measuring instrument, means the smallest delivery that can be measured without the possibility of excessive error

**multidimensional measuring instrument** means an instrument that either—

- (a) measures the length, width, and height of a rectangular box in order to determine the volume of that box; or
- (b) measures the length, width, and height of an object in order to determine the volume of the smallest rectangular box that may be used to enclose that object

**non-automatic weighing instrument** means any weighing instrument that requires the intervention of an operator during the weighing process to deposit on

or remove from the load receptor the load to be weighed and also to obtain the result

**O.I.M.L.** means the Organisation Internationale de Metrologie Legale (the International Organisation of Legal Metrology)

**personal identifier**, in relation to a natural person whose name is specified in a letter of accreditation under section 30A(2) of the Act, means the personal identifier assigned to that person in accordance with regulation 19(2)

**purchaser**, in relation to the sale of solid fuel, includes an intending purchaser, and the representative of the purchaser or intending purchaser

**requirements of these regulations** includes requirements of the Act

**scale interval** means, in relation to a weighing or measuring instrument,—

- (a) in analogue indication, the difference between the values corresponding to 2 consecutive scale marks:
- (b) in digital indication, the difference between 2 consecutive indicated values

**solid fuel** means coal, coke, and any solid fuel derived from coal or of which coal or coke is a constituent

**spirit dispenser** means a device that allows for the dispensing of a set measurement of spirits (as described in an adopted joint food standard as defined in the Food Act 2014)

**stamp**,—

- (a) when used as a noun, means an impression of a mark of verification; and
- (b) when used as a verb, means to stamp with a mark of verification

**verification scale interval** means the scale interval used to verify a weighing instrument

**zero-setting device**, in relation to a weighing instrument, means a device for setting the index on that instrument to zero when there is no load on the load receptor.

- (2) A reference to a numbered table is a reference to the appropriate table in Schedule 3.
- (3) A reference to a numbered form is a reference to the appropriate form in Schedule 5.

Regulation 2(1) **scale interval**: substituted, on 1 April 2010, by regulation 4 of the Weights and Measures Amendment Regulations 2009 (SR 2009/377).

Regulation 2(1) **spirit dispenser**: amended, on 1 March 2016, by section 447 of the Food Act 2014 (2014 No 32).



## **Part 1**

### **Verification of weights and measures**

#### *Approval of types of weights and measures*

#### **3 Applications for approval**

- (1) An application for the approval of any type of weight, measure, or weighing or measuring instrument under section 20 of the Act must be made to the Secretary and accompanied by,—
  - (a) unless the Secretary permits otherwise, a sample of that weight, measure, or weighing or measuring instrument; and
  - (b) specifications, drawings, and photographs of that weight, measure, or weighing or measuring instrument as the Secretary may require.
- (2) If a person claims any of the following in an application, then the Secretary may require that person to produce evidence to support that claim:
  - (a) that a weight, measure, or weighing or measuring instrument identical in type, material, and design to that which is the subject of the application has been approved by a weights and measures authority outside New Zealand; or
  - (b) that a type of weight, measure, or weighing or measuring instrument complies with an International Recommendation issued by the O.I.M.L.

#### **4 Fees**

A person making an application for approval must pay a fee of \$125 per hour (inclusive of goods and services tax) for each hour of work carried out by any person for the purpose of processing the application, including the carrying out of work necessary to examine or test the weight, measure, or weighing or measuring instrument for the purpose of processing the application.

Regulation 4: amended, on 10 October 2003, by regulation 3 of the Weights and Measures Amendment Regulations 2003 (SR 2003/243).

#### **5 Grant of approval**

- (1) The Secretary must approve a type of weight, measure, or weighing or measuring instrument and must issue a certificate of approval in respect of it if the Secretary is satisfied that it—
  - (a) complies with the requirements of these regulations; and
  - (b) is suitable for use for trade; and
  - (c) will not facilitate fraud.
- (1A) For the purpose of deciding under subclause (1) whether a type of weight, measure, or weighing or measuring instrument is suitable for use for trade and will not facilitate fraud, the Secretary may have regard to the International Recommendations of the O.I.M.L.

- (2) A certificate of approval in respect of any type of weight, measure, or weighing or measuring instrument must be given a number that uniquely identifies it.
- (3) A certificate of approval must have a schedule that—
  - (a) must contain a technical description of the type of weight, measure, or weighing or measuring instrument in respect of which the certificate is issued; and
  - (b) must identify and describe the pattern of that type of weight, measure, or weighing or measuring instrument; and
  - (c) may, if the Secretary thinks fit, list the tests necessary to confirm the performance of that type of weight, measure, or weighing or measuring instrument.
- (4) Any type of weight, measure, or weighing or measuring instrument may be approved subject to such reasonable conditions as the Secretary thinks fit, including the condition that the type of weight, measure, or weighing or measuring instrument is used only for a particular trade, or for a particular purpose, and any such conditions must be specified in the certificate of approval.
- (5) The Secretary may, at any time, revoke, amend, or add to any condition imposed under subclause (4), or any limitation or condition imposed or prescribed under regulation 6 of Part 2 of the Weights and Measures Regulations 1926–1951.

Regulation 5(1A): inserted, on 1 April 2010, by regulation 5 of the Weights and Measures Amendment Regulations 2009 (SR 2009/377).

## **6 Weights, measures, etc, approved by overseas weights and measures authority**

- (1) In this regulation, **overseas weights and measures authority** means a weights and measures authority of a country that is a full member of the O.I.M.L.
- (2) Subclause (3) applies where the Secretary is satisfied—
  - (a) that the type, material, and design of any weight, measure, or weighing or measuring instrument in respect of which an application is made under regulation 3(1) have been approved by an overseas weights and measures authority; and
  - (b) that the overseas weights and measures authority, in giving that approval, acted in conformity with the International Recommendations of the O.I.M.L.
- (3) The type, material, and design of a weight, measure, or weighing or measuring instrument to which this subclause applies must be treated as satisfying the requirements set out in paragraphs (a) to (c) of regulation 5(1), and the Secretary must approve that type of weight, measure, or weighing or measuring instrument under regulation 5(1) without the need for further inquiry or testing.

- (4) For the purposes of subclause (2), the fact that a weight, measure, or weighing or measuring instrument bears a mark of approval from an overseas weights and measures authority is sufficient evidence that it has been approved by that authority.

## **7 Offence**

- (1) A person commits an offence if the person fails to comply with—
- (a) any applicable condition imposed under regulation 5(4) or (5); or
  - (b) any applicable limitation or condition imposed or prescribed under regulation 6 of Part 2 of the Weights and Measures Regulations 1926–1951.
- (2) A person who commits an offence against subclause (1) is liable on conviction to a fine not exceeding \$2,000.

Regulation 7(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## **8 Withdrawal of approval**

- (1) If the Secretary believes, on reasonable grounds, that any type of weight, measure, or weighing or measuring instrument approved under regulation 5 of these regulations or under regulation 5 of Part 2 of the Weights and Measures Regulations 1926–1951 is not suitable for use for trade or will facilitate fraud, the Secretary may withdraw that approval.
- (1A) For the purpose of deciding under subclause (1) whether a type of weight, measure, or weighing or measuring instrument is not suitable for use for trade or will facilitate fraud, the Secretary may have regard to the International Recommendations of the O.I.M.L.
- (2) If the approval of any type of weight, measure, or weighing or measuring instrument is withdrawn,—
- (a) any certificate of approval issued under regulation 5 of these regulations or under regulation 5 of Part 2 of the Weights and Measures Regulations 1926–1951 is cancelled; and
  - (b) any weight, measure, or weighing or measuring instrument of that type verified under these regulations or under the Weights and Measures Regulations 1926–1951 must be treated as being unstamped.

Regulation 8(1A): inserted, on 1 April 2010, by regulation 6 of the Weights and Measures Amendment Regulations 2009 (SR 2009/377).

### *Verification and stamping*

## **9 General requirements**

- (1) A weight, measure, or weighing or measuring instrument must not be stamped unless the Inspector or accredited person to whom it is presented for verification or inspection is satisfied that the weight, measure, or weighing or measuring instrument—

- (a) is of such type and material as will not, in use for trade, facilitate fraud; and
  - (b) is sufficiently strong to withstand the wear and tear of its intended use in trade; and
  - (c) is complete; and
  - (d) otherwise complies with the requirements of these regulations.
- (2) A weighing or measuring instrument must not be stamped unless—
- (a) it is provided by the manufacturer with a plug or stud or seal of soft metal or other approved material on which a mark of verification may be stamped; and
  - (b) that plug, stud, or seal—
    - (i) is of a size that will enable it to be stamped by any person authorised to do so; and
    - (ii) is designed so that a mark of verification stamped on it may be obliterated in accordance with regulation 15; and
    - (iii) is designed so that tampering with it would result in noticeable and irreparable damage to the plug, stud, or seal; and
    - (iv) is, either by undercutting or in some other suitable manner, made irremovable.
- (3) A weighing or measuring instrument must not be stamped unless it has legibly and indelibly marked on it the certificate of approval number relating to that weighing or measuring instrument.

Regulation 9(2): amended, on 1 April 2010, by regulation 7(1) of the Weights and Measures Amendment Regulations 2009 (SR 2009/377).

Regulation 9(3): amended, on 1 April 2010, by regulation 7(2) of the Weights and Measures Amendment Regulations 2009 (SR 2009/377).

## **10 Inspector may require instrument to be dismantled**

- (1) An Inspector may require a person who presents a weighing or measuring instrument for verification or inspection to dismantle the instrument sufficiently to enable all its working parts to be inspected.
- (2) If any such requirement is not complied with, the Inspector may—
  - (a) refuse to verify or inspect the instrument; or
  - (b) with the consent of the person presenting the instrument, dismantle the instrument.
- (3) An Inspector who dismantles a weighing or measuring instrument is not liable for damage to that instrument that results from that dismantling.

## **11 Inspector may require assistance**

- (1) The owner of any weight, measure, or weighing or measuring instrument to be tested by an Inspector, at premises other than an Inspector's office must, at the request of an Inspector,—
  - (a) provide cartage for the necessary weights or other heavy equipment involved; and
  - (b) make available—
    - (i) such equipment as an Inspector may require to perform suitable tests; and
    - (ii) such labour as is required to handle the weights and equipment.
- (2) Despite subclause (1), an Inspector may, in the case of the testing of a weighbridge, arrange for the transportation of the test weights if the owner of the weighbridge undertakes to pay the charges for their transportation.

## **12 Disturbing influences**

An Inspector or an accredited person may refuse to stamp an instrument if a weighing or measuring instrument—

- (a) is situated in a position exposed to wind or to any other disturbing influence; or
- (b) is put to a use that, by its nature, is likely to seriously affect its accuracy,—

until it is suitably enclosed or protected, or other steps to maintain its accuracy as the Inspector or, as the case requires, the accredited person considers necessary have been taken.

## **13 Tested and approved weights, etc, to be stamped**

If an unstamped weight, unstamped measure, or unstamped weighing or measuring instrument has been tested by an Inspector or an accredited person and found to comply with the requirements of these regulations, that Inspector or accredited person must, unless he or she considers it impractical to do so, stamp that weight, measure, or weighing or measuring instrument with a mark of verification.

## **14 Mark of verification**

- (1) The mark of verification to be used by an Inspector must consist of a Crown.
- (2) The mark of verification to be used by an Inspector may incorporate a mark identifying the Inspector who tested the weight, measure, or weighing or measuring instrument, and that mark must consist of a number and must be in close proximity to the Crown.
- (3) The mark of verification to be used by an accredited person must consist of the letters "AP", together with that person's personal identifier.

## 15 Obliteration

- (1) An Inspector may obliterate the stamp on any weight, measure, or weighing or measuring instrument if, on inspection, it is found not to comply with the requirements of these regulations.
- (2) The mark used to obliterate any stamp must be a six-pointed star, designed as follows:



- (3) If the stamp on any weight, measure, or weighing or measuring instrument has been obliterated, that weight, measure, or weighing or measuring instrument must be treated as being unstamped.
- (4) An Inspector must not obliterate the stamp on a weight, measure, or weighing or measuring instrument if the weight, measure, or weighing or measuring instrument—
  - (a) does not comply with the requirements of these regulations solely because it is not marked as required by these regulations; and
  - (b) was in use for trade before 11 May 1987.

## Part 2 Accreditation of persons

### 16 Interpretation

In this Part, unless the context otherwise requires,—

**competent organisation** means any of the following organisations:

- (a) Lloyds Register Quality Assurance Limited;
- (b) the Standards Association of New Zealand;
- (c) the Accreditation Council;
- (d) the Consumer Affairs division of the Ministry of Business, Innovation, and Employment;
- (e) any other body or organisation that satisfies the Secretary that it is competent to assess quality management systems

**quality management system** means a system of operation for exercising or performing the powers, functions, and duties of an accredited person.

Regulation 16 **competent organisation** paragraph (c): replaced, on 21 October 2015, by section 45(2) of the Standards and Accreditation Act 2015 (2015 No 91).

Regulation 16 **competent organisation** paragraph (d): replaced, on 23 May 2014, by regulation 4 of the Weights and Measures Amendment Regulations 2014 (LI 2014/136).

## 17 Requirements for accreditation

- (1) The requirements that must be met by an applicant for accreditation are that the applicant—
  - (a) will at all times operate a quality management system that complies with the requirements set out in Schedule 7; and
  - (b) in the case of a natural person, is not—
    - (i) a bankrupt who has not obtained a final order of discharge, or whose order of discharge has been suspended for a term not yet expired, or is subject to a condition not yet fulfilled; or
    - (ii) a person to whom an order made under section 299 of the Insolvency Act 2006 applies; or
    - (iii) a person who is subject to a property order made under section 30 or section 31 of the Protection of Personal and Property Rights Act 1988; or
    - (iv) *[Revoked]*
    - (v) a person who is disqualified under section 383 of the Companies Act 1993 from being a director of a company; or
    - (vi) a person in respect of whom a composition or arrangement with that person's creditors is in force; and
  - (c) in the case of a legal person, is not—
    - (i) insolvent; or
    - (ii) being wound up; or
    - (iii) in liquidation; or
    - (iv) in receivership; or
    - (v) subject to statutory management under the Corporations (Investigation and Management) Act 1989.
- (2) An application for accreditation as an accredited person must be accompanied by—
  - (a) a written document detailing the quality management system that will be operated by the applicant; and
  - (b) a report, prepared by a competent organisation, that contains an assessment of the ability of the applicant to implement that quality management system; and
  - (c) details of every conviction (if any) under the Act or these regulations of the applicant and, where the applicant is not a natural person, of every natural person whom the applicant proposes will exercise or perform the powers, duties, and functions of an accredited person on behalf of the applicant, including—
    - (i) the offence of which the person was convicted; and

- (ii) the date and place of the conviction; and
- (iii) the penalty imposed.

Regulation 17(1)(b)(ii): amended, on 3 December 2007, by section 445 of the Insolvency Act 2006 (2006 No 55).

Regulation 17(1)(b)(iv): revoked, on 10 September 2008, by section 26(2) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

Regulation 17(2)(b): amended, on 1 April 2010, by regulation 9 of the Weights and Measures Amendment Regulations 2009 (SR 2009/377).

Regulation 17(2)(c): added, on 1 April 2010, by regulation 9 of the Weights and Measures Amendment Regulations 2009 (SR 2009/377).

## **18 Letters of accreditation**

Every letter of accreditation under section 30A of the Act must be in form 4.

## **19 Identifiers**

- (1) The Secretary must, on accrediting a person under section 30A of the Act, assign to that person an identifier, made up of any combination of characters or numbers, or both, that uniquely identifies that accredited person.
- (2) A natural person whose name is specified in a letter of accreditation under section 30A(2) of the Act must be assigned, by the Secretary, a personal identifier, made up of any combination of characters or numbers, or both, that—
  - (a) identifies that person with the accredited person to which that letter of accreditation relates; and
  - (b) distinguishes that natural person from any other natural persons specified in that letter of accreditation.

## **Part 3 Certificates of accuracy**

### **20 Issue of certificates of accuracy**

- (1) An Inspector or accredited person may issue a certificate of accuracy in respect of a weight, measure, or weighing or measuring instrument if the Inspector or accredited person—
  - (a) has examined and tested it; and
  - (b) is satisfied that it—
    - (i) is of a type and material that will not, in use for trade, facilitate fraud; and
    - (ii) is sufficiently strong to withstand the wear and tear of its intended use in trade; and
    - (iii) is complete; and
    - (iv) otherwise complies with the requirements of these regulations; and



- (v) if it is required by the Act or these regulations to be stamped, is stamped.
- (2) One certificate of accuracy may be issued in respect of a complete set of weights or measures, and in such a case the certificate of accuracy must list separately each weight or measure that is included in the set.

## **21 Duration of certificates of accuracy**

Every certificate of accuracy must, unless it is sooner cancelled under regulation 23, be in force for a period of 1 year beginning on the date of its issue.

## **22 Form of certificates of accuracy**

- (1) A certificate of accuracy must be in the form of a label that—
  - (a) readily adheres to the equipment in respect of which it is issued; and
  - (b) is so designed that its removal results in noticeable and irreparable damage to the label; and
  - (c) is not less than 40 mm by 50 mm in size; and
  - (d) when issued by an Inspector, is in form 6; and
  - (e) when issued by an accredited person, is in form 7.
- (2) Subclause (3) applies if—
  - (a) a certificate of accuracy is issued in respect of—
    - (i) any weight; or
    - (ii) any measure of length that is not fixed within any case or other container to which a certificate of accuracy in the form of a label might be affixed; or
  - (b) it is for any reason impracticable to affix to any measure or weighing or measuring instrument a certificate of accuracy in the form of a label.
- (3) A certificate of accuracy not in the form of a label must,—
  - (a) when issued by an Inspector, be in form 8; and
  - (b) when issued by an accredited person, be in form 9.
- (4) Despite this regulation, a certificate of accuracy may be in the form prescribed in the Weights and Measures Regulations 1987 for a period of 12 months commencing the day after the date on which these regulations are notified in the *Gazette*.

## **23 Cancellation of certificates of accuracy**

If an Inspector finds that any weight, measure, or weighing or measuring instrument in respect of which a certificate of accuracy is in force does not comply with the requirements of these regulations, that Inspector must, by written notice to the person in charge of that weight, measure, or weighing or measuring instrument, cancel that certificate of accuracy.

## **Part 4**

### **General requirements for weights, measures, and weighing or measuring instruments**

#### *General*

#### **24 Permissible numerical values**

- (1) All weights and measures must have one of the numerical values specified in Schedule 1.
- (2) Nothing in subclause (1) applies to milk delivery measures and beer delivery measures.

#### **25 Marking of units of weight or measurement**

- (1) All measures must have their unit of measurement marked on them in full or indicated by one of the abbreviations set out in Schedule 2.
- (2) If units of weight or measurement are required by these regulations to be marked on weighing or measuring instruments, those units must be marked in full or indicated by one of the abbreviations set out in Schedule 2.

#### *Weights*

#### **26 General requirements for carat metric weights**

A carat metric weight must comply with the maximum permissible error in regulation 28(1) and table 1.

#### **27 General requirements for weights other than carat metric weights**

- (1) This regulation applies to all weights, other than carat metric weights, for use with weighing instruments classified in accordance with regulation 52 as class II, class III, or class IIII weighing instruments.
- (2) The weights must be classified into one of the following accuracy classes:
  - (a) class M1 for weights intended to be used with class II weighing instruments:
  - (b) class M1–2 for weights intended to be used with class III weighing instruments:
  - (c) class M2 for weights intended to be used with class III weighing instruments:
  - (d) class M2–3 for weights intended to be used with class III and class IIII weighing instruments:
  - (e) class M3 for weights intended to be used with class III and class IIII weighing instruments.
- (3) A weight, other than the weights specified in subclauses (4) and (5), must be marked as follows:

- (a) class M1 weights must be marked with their nominal value and with the sign M1 or the sign M:
  - (b) class M1–2 weights must be marked with their nominal value and with the sign M1–2:
  - (c) class M2 weights must be marked with their nominal value (and may be marked with the sign M2):
  - (d) class M2–3 weights must be marked with their nominal value and with the sign M2–3:
  - (e) class M3 weights must be marked with their nominal value and with the sign M3 or the sign X.
- (4) Weights of 1 g or less are not required to be marked if the weights conform to the shape set out in Schedule 6.
- (5) Hexagonal iron weights of 100 g to 50 kg are not required to be marked.
- Regulation 27(2): substituted, on 1 April 2010, by regulation 10 of the Weights and Measures Amendment Regulations 2009 (SR 2009/377).
- Regulation 27(3): substituted, on 1 April 2010, by regulation 10 of the Weights and Measures Amendment Regulations 2009 (SR 2009/377).

## **28 Permissible error**

- (1) The maximum amount of error,—
- (a) in excess only on verification; or
  - (b) in excess or deficiency on inspection,—
- that is permitted on the verification or inspection of a weight to which regulation 26 applies must be as specified in table 1.
- (2) The maximum amount of error, in excess or deficiency, permitted on the verification or inspection of a weight to which regulation 27 applies must be as specified in table 2.
- (3) The maximum amount of error permitted on the verification or inspection of hexagonal iron weights of 100 g to 50 kg must be as specified for accuracy class M3 weights.
- (4) Every weight in use in trade with a class II weighing machine immediately before the coming into force of these regulations that does not comply with regulation 27(3)(a) may, if that weight complies with the maximum permissible error for the equivalent class M1 weight, continue in use until the weight no longer complies with that maximum permissible error.
- (5) Every weight in use in trade immediately before the coming into force of these regulations that is not marked with its nominal value and with the sign M, M1, M2, or M3 may, if that weight complies with the maximum permissible error specified for the equivalent class M2 weight, continue in use until the weight no longer complies with that maximum permissible error.

*Measures of length***29 All graduations to be verified**

If a measure of length is graduated on both sides, each set of graduations must be verified and stamped.

**30 Accuracy classes**

- (1) All measures of length used for trade must be classified into one of the following accuracy classes:
- (a) class I (high accuracy), which must be marked “**I**” or “**I**”:
  - (b) class II (medium accuracy), which must be marked “**II**” or “**II**”:
  - (c) class III (ordinary accuracy), which must be marked “**III**” or “**III**”.
- (2) A measure of length must be classified into the accuracy class having the smallest limits of maximum permissible error, or of maximum permissible difference, as the case may require, with which that measure complies.

**31 Permissible error**

- (1) This regulation and regulation 32 apply to the accuracy classes specified in regulation 30(1).
- (2) For each of the accuracy classes, the maximum amount of error, positive or negative, permitted in respect of the nominal length of any measure of length, and the distance between any 2 non-consecutive scale divisions on that measure, must be determined in accordance with the following formula:

$$(a + b L) \text{ mm}$$

where—

a and b are,—

- (i) for the purposes of class I, both 0.1:
- (ii) for the purposes of class II, 0.3 and 0.2, respectively:
- (iii) for the purposes of class III, 0.6 and 0.4, respectively

L is the value of the length in question, rounded up to the nearest whole number of metres.

- (3) Despite regulation 30(2), a tape measure with a ring forming part of that measure must not be classified as a class I measure.
- (4) For each of the accuracy classes, the maximum amount of error, positive or negative, permitted in respect of a scale spacing on a measure of length, where that scale spacing is less than or equal to 1 cm, is as follows:
- (a) if the scale spacing does not exceed 1 mm, the maximum permissible error is,—
    - (i) for the purposes of class I, 0.1 mm:

- (ii) for the purposes of class II, 0.2 mm:
    - (iii) for the purposes of class III, 0.3 mm:
  - (b) if the scale spacing exceeds 1 mm but does not exceed 1 cm, the maximum permissible error is,—
    - (i) for the purposes of class I, 0.2 mm:
    - (ii) for the purposes of class II, 0.4 mm:
    - (iii) for the purposes of class III, 0.6 mm.
- (5) For each of the accuracy classes, the maximum amount of error, positive or negative, permitted in respect of a scale spacing on a measure of length, where that scale spacing is greater than 1 cm, must be determined in accordance with the following formula:

$$(a + b L) \text{ mm}$$

where—

a and b are,—

- (i) for the purposes of class I, both 0.1:
    - (ii) for the purposes of class II, 0.3 and 0.2 respectively:
    - (iii) for the purposes of class III, 0.6 and 0.4 respectively
  - L is the value of the length in question, rounded up to the nearest whole number of metres.
- (6) For each of the accuracy classes the maximum difference permitted between 2 consecutive scale divisions on a measure of length, where those scale divisions have a scale spacing that is less than or equal to 1 cm is as follows:
    - (a) if the scale spacing does not exceed 1 mm, the maximum permissible difference is,—
      - (i) for the purposes of class I, 0.1 mm:
      - (ii) for the purposes of class II, 0.2 mm:
      - (iii) for the purposes of class III, 0.3 mm:
    - (b) if the scale spacing exceeds 1 mm but does not exceed 1 cm, the maximum permissible difference is,—
      - (i) for the purposes of class I, 0.2 mm:
      - (ii) for the purposes of class II, 0.4 mm:
      - (iii) for the purposes of class III, 0.6 mm.
  - (7) For each of the accuracy classes, the maximum difference permitted between 2 consecutive scale divisions on a measure of length, where those scale divisions have a scale spacing that is greater than 1 cm, must be determined in accordance with the formula in subclause (5).

**32 Permissible error in relation to end surfaces**

- (1) Despite regulation 31(2), the requirements of that subclause do not apply where one of the 2 non-consecutive scale divisions on a measure of length is a terminal scale division bounded by an end surface.
- (2) Despite regulation 31, for each of the accuracy classes to which that regulation applies, the maximum error, positive or negative, permitted for the length of a terminal scale division on a measure of length, where that scale division is bounded by an end surface, must be increased,—
  - (a) for the purposes of class I, by 0.1 mm:
  - (b) for the purposes of class II, by 0.2 mm:
  - (c) for the purposes of class III, by 0.3 mm.
- (3) The requirements of regulation 31(6) and (7) do not apply if one of the 2 consecutive scale divisions on a measure of length is a terminal scale division bounded by an end surface.

**33 Verification**

- (1) The maximum amount of error permitted by regulations 31 and 32 applies in respect of the initial verification of any measure of length.
- (2) For the purpose of verifying any measure of length in service, the maximum amount of error permitted by regulations 31 and 32 must be doubled.

*Measures of volume***34 Stamping of measures of volume**

- (1) A glass measure must be stamped by engraving, etching, sandblasting, or other suitable means.
- (2) Despite subclause (1), a glass measure that has been imported into New Zealand and that bears a mark that the Secretary is satisfied signifies that the measure has been verified by a weights and measures authority outside New Zealand is not required to be stamped with a mark of verification.

**35 Testing measures of volume**

- (1) Non-graduated measures must be tested—
  - (a) by direct comparison with standard measures; or
  - (b) by the gravimetric method.
- (2) Graduated glass measures with a volume of not more than 1 L must be tested by the gravimetric method.
- (3) Subject to regulations 37 to 46, the maximum amount of error permitted on the verification or inspection of non-graduated liquid measures is as specified in table 3, except that,—

- (a) in the case of conical metal measures, the maximum amount of error permitted is half that specified in that table; and
  - (b) in the case of metal measures designed to be used exclusively for dispensing lubricating oil, the maximum amount of error permitted is 50% more than that specified in that table.
- (4) Subject to regulations 37 to 46, for the purposes of verifying and inspecting graduated liquid measures made of glass or other approved material, the maximum range of permissible results for each graduation is as specified in tables 4 to 7.
- (5) For the purposes of tables 4 to 7, the weight of water is the weight of water determined in accordance with an Inspector's working standard weight or, as the case may be, an accredited person's working standard weight.

*Spirit dispensers*

**36 Permissible error**

If any approval under regulation 5 is granted for a spirit dispenser with a volume of 15 ml, 18 ml, 30 ml, or 60 ml, for the purposes of verifying and inspecting that spirit dispenser, the maximum amount of error, in excess or deficiency, permitted in that spirit dispenser is as follows:

- (a) for a 15 ml dispenser, 0.6 ml:
- (b) for an 18 ml dispenser, 0.6 ml:
- (c) for a 30 ml dispenser, 1.0 ml:
- (d) for a 60 ml dispenser, 1.5 ml.

*Milk and cream bottles*

**37 General requirements**

Bottles used for the sale of milk or cream must—

- (a) have a volume of 600 ml or 300 ml or 150 ml:
- (b) have their volume clearly and legibly embossed above the shoulder of the bottle in letters and figures not less than 6.5 mm in height:
- (c) hold the correct quantity when filled to within 10 mm of the top of the bottle.

**38 Permissible error**

For the purposes of verifying and inspecting bottles used for the sale of milk or cream, the maximum amount of error permitted, in excess or deficiency, is as follows:

- (a) for a 600 ml bottle, 7.5 ml:
- (b) for a 300 ml bottle, 5.5 ml:

- (c) for a 150 ml bottle, 4.0 ml.

### **39 Milk and cream bottles manufactured in batches**

- (1) This regulation applies to glass bottles manufactured in batches for use for the sale of milk or cream.
- (2) Bottles to which this regulation applies must be tested in the following manner:
  - (a) to ensure compliance with regulations 37 and 38, an Inspector or, as the case may be, an accredited person must test at least 1% of the bottles in each batch:
  - (b) at least 1 bottle from every mould must be checked for volume:
  - (c) bottles not tested under paragraph (a) or paragraph (b) must, so far as is practicable, be visually inspected by an Inspector or, as the case may be, an accredited person, to ascertain whether they comply with the requirements of these regulations.
- (3) If a batch of bottles is tested and any bottle from that batch is rejected for non-compliance with the requirements of these regulations, an Inspector may require the whole or any part of that batch to be destroyed.
- (4) If bottles are manufactured outside normal working hours, the manufacturer of those bottles must ensure that a sufficient number of sample bottles, referenced by batch number, are retained for testing in accordance with this regulation.
- (5) A bottle to which this regulation applies must be marked at the place of manufacture with the letters “NZ”, with the letters “BT” immediately below them, which markings must—
  - (a) be embossed in letters at least 6.5 mm high; and
  - (b) be embossed on the side of the bottle opposite the statement of volume.
- (6) A person must not remove or cause to be removed, from the premises on which it was manufactured, any bottle to which this regulation applies unless the batch to which that bottle belongs has been tested in accordance with this regulation and been found to comply with the requirements of these regulations.
- (7) A person commits an offence and is liable on conviction to a fine not exceeding \$2,000 if the person contravenes subclause (6).

Regulation 39(7): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### *Oil bottles*

#### **40 General**

Bottles used for the sale of lubricating oil must—

- (a) not be made of any material likely to become unstable in normal use:
- (b) have a volume of 500 ml or 1 L:



- (c) have their volume clearly and legibly embossed above the shoulder of the bottle in letters at least 6.5 mm high:
- (d) be marked with a volume graduation line extending around the entire circumference of the bottle:
- (e) be embossed with an arrow pointing to the graduation line, which arrow must—
  - (i) be embossed on the side of the bottle opposite the statement of volume; and
  - (ii) have embossed below it the words “FILL TO LINE ABOVE ARROW POINT”.

#### 41 Permissible error

For the purposes of verification and inspection, the maximum amount of error, in excess only, permitted in bottles used for the sale of lubricating oil is as follows:

- (a) for bottles with a volume of 500 ml, 20 ml:
- (b) for bottles with a volume of 1 L, 30 ml.

#### *Milk delivery measures*

#### 42 General requirements

A milk delivery measure must—

- (a) be kept in a level position:
- (b) have its supporting legs securely fixed to the floor, and sealed so that the measure cannot be moved without breaking the seal:
- (c) be so constructed that its level can be adjusted only by mechanical means:
- (d) be provided with a means of sealing the level adjustment mechanism:
- (e) have attached to it a notice with the words “Milk Delivery Measure” clearly and legibly marked on it.

#### 43 Permissible error

For the purposes of verifying and inspecting any milk delivery measure, the maximum amount of error, in excess or deficiency, permitted at each graduation on any such measure is as follows:

- (a) for measures with a minimum graduation value of 5 L, the maximum permissible error is,—
  - (i) for graduations up to and including 1 250 L, 2.5 L:
  - (ii) for graduations above 1 250 L, 1/500th of the volume represented by the graduation being tested:

- (b) for measures with a minimum graduation value of 10 L, the maximum permissible error is,—
  - (i) for graduations up to and including 2 500 L, 5 L:
  - (ii) for graduations above 2 500 L, 1/500th of the volume represented by the graduation being tested:
- (c) for measures with a minimum graduation value of 20 L, the maximum permissible error is—
  - (i) for graduations up to and including 5 000 L, 10 L:
  - (ii) for graduations above 5 000 L, 1/500th of the volume represented by the graduation being tested.

#### *Beer delivery measures*

#### **44 General requirements**

A beer delivery measure must—

- (a) be used solely to measure amounts equal to the maximum volume of the measure:
- (b) be fitted with a means of determining when the measure is full:
- (c) have its volume legibly and indelibly marked on a metal badge permanently fixed adjacent to the discharge point of the measure:
- (d) have any removable door readily identified with its tank.

#### **45 Metal displacements**

If the volume of a beer delivery measure is decreased by the insertion of a metal displacement, that displacement must—

- (a) be permanently attached to the measure:
- (b) not absorb liquid, nor retain liquid within the measure:
- (c) not be subject to alteration when subjected to a pressure of up to 105 kilopascals:
- (d) not impede the easy discharge of liquid from the measure.

#### **46 Beer delivery measures required to measure in excess**

- (1) Beer delivery measures must, on verification and inspection, be required to measure in excess within the limits specified in table 8.
- (2) When transfer tanks are used in association with a beer delivery measure, those tanks must also comply with the requirements of subclause (1).

*Cubic measures*

**47 Permissible error**

Where firewood, bark, shingle, earth, or other similar substances are sold by cubic metres, for the purposes of verifying and inspecting those measures, the maximum amount of error, in excess only, may be up to and including 0.008 cubic metres for every 0.2 cubic metres.

*Weighing instruments*

**48 General requirements**

- (1) A weighing instrument must—
- (a) be indelibly marked in a prominent place with—
    - (i) the maximum and minimum capacities of the instrument:
    - (ii) the scale interval:
    - (iii) the verification scale interval:
    - (iv) the tare value, if the instrument incorporates a tare facility:
    - (v) except in the case of semi-automatic weighing instruments, the instrument's accuracy class:
  - (b) have the maker's name clearly and indelibly marked on it:
  - (c) except as provided by subclause (3), have a stamping plug of soft lead or other approved material, which must,—
    - (i) unless precluded by the size of the instrument, be not less than 10 mm in diameter:
    - (ii) be securely and firmly set down in an undercut hole below the surface of such hole or, if that is impractical, be made irremovable in some other approved manner:
    - (iii) have a clean and even surface:
  - (d) have any plate, pan, or scoop with which it may be fitted free from flaws and in a clean condition:
  - (e) have a suitable facility for accepting test loads:
  - (f) have a scale interval with a numerical value that is in accordance with the following formula:
$$a \times 10^n \text{ milligrams, grams, kilograms, or tonnes}$$
where—
    - a is 1, 2, or 5
    - n is a positive or negative whole number, or zero:
  - (g) have a zero graduation or indication:

- (h) have any load receptor used for weighing wet goods so constructed that it allows for the drainage of such goods:
  - (i) be so designed that the operator, when positioned by the primary indicator, has a clear view of the load receptor.
- (2) A weighing instrument must not—
- (a) have removable parts the removal of which would affect the accuracy of the instrument, unless the instrument cannot be used without such parts:
  - (b) have interchangeable or reversible parts the interchange or reversal of which would affect the accuracy of the instrument.
- (3) Despite subclause (1)(c), small diamond, chemical, or assay balances in which the provision of a stamping plug is impracticable may be stamped on the pans or other suitable part.
- (4) Weighing instruments that are to be permanently fixed in the position in which they are to be used must be verified and stamped *in situ*, in addition to any preliminary test on the maker's premises.

#### **49 Use of counterpoise or travelling poise**

- (1) A weighing instrument having a counterpoise or travelling poise must not be used for trade unless such counterpoise or travelling poise is provided by the manufacturer with a hole or other suitable means for future adjustment, such adjusting hole being undercut.
- (2) If loose material is used in a travelling poise, it must be securely enclosed.

#### **50 Loose counterpoise weights**

Loose counterpoise weights on a weighing instrument must—

- (a) be marked with their weight in accordance with the following example:  
“= 10 kg”:
- (b) be marked in indelible letters or figures so as to identify the weights with the instrument to which they belong:
- (c) have only 1 adjusting hole, which, unless precluded by the small size of the weight, must be—
  - (i) circular, with a diameter of not less than 15 mm; or
  - (ii) rectangular, and not less than 15 mm long nor less than 10 mm wide.

#### **51 Non-automatic weighing instruments**

Non-automatic weighing instruments must be classified as 1 or more of the following types of weighing instrument:

- (a) graduated weighing instruments, which means weighing instruments that permit direct reading of the result of a completed or partially completed weighing:
- (b) ungraduated weighing instruments, which means weighing instruments that are not fitted with a scale graduated in units of weight:
- (c) self-indicating weighing instruments, which means weighing instruments in which the position of equilibrium is obtained without the intervention of an operator:
- (d) semi-self-indicating weighing instruments, which means weighing instruments that have a self-indicating weighing range, the limits of which must be altered by an operator:
- (e) non-self-indicating weighing instruments, which means weighing instruments in which the position of equilibrium is obtained entirely by an operator.

## 52 Accuracy classes

All weighing instruments used for trade must be classified into one of the following accuracy classes:

- (a) class I (special accuracy), which must be marked “**I**” or “**I**”:
- (b) class II (high accuracy), which must be marked “**II**” or “**II**”:
- (c) class III (medium accuracy), which must be marked “**III**” or “**III**”:
- (d) class IIII (ordinary accuracy), which must be marked “**IIII**” or “**IIII**”.

## 53 Verification scale interval

- (1) The scale interval used for the verification of weighing instruments must be,—
  - (a) for a graduated weighing instrument without an auxiliary indicating device, the scale interval on the instrument being verified:
  - (b) for a graduated weighing instrument with an auxiliary indicating device, and for an ungraduated weighing instrument, any scale interval permitted by Schedule 4 for instruments of the accuracy class of the instrument being verified.
- (2) Despite subclause (1), the scale interval used for the verification of weighing instruments with auxiliary indicating devices and which are classified as class I or class II weighing instruments must be determined in accordance with both the following formulas:

$$e \text{ is more than } d \text{ but not more than } 10d$$
$$e = 10^k \text{ kg}$$

where—

- e is the verification scale interval
- d is the actual scale interval on the weighing instrument being verified

k is a whole number, whether positive, negative, or zero.

- (3) For the purposes of verification and inspection, weighing instruments used for trade must comply with the requirements of Schedule 4.
- (4) Despite subclause (3), for the purposes of the verification and inspection, in accordance with that subclause, of weighing instruments with auxiliary indicating devices and which are classified as class I or class II weighing instruments, the reference in Schedule 4 to minimum capacity in verification scale intervals must be treated as a reference to minimum capacity in actual scale intervals.

Regulation 53(2): substituted, on 1 April 2010, by regulation 11 of the Weights and Measures Amendment Regulations 2009 (SR 2009/377).

#### **54 Permissible error**

- (1) For the purposes of the verification and any subsequent inspection of weighing instruments, the maximum amount of error permitted for each of the accuracy classes specified in regulation 52 is specified in table 9.
- (2) If a weighing instrument is fitted with a price indicator, prices computed by that instrument must, for the purposes of verification and inspection, be accurate to within one-half of a price scale interval.

#### **55 Zero-setting devices**

A weighing instrument must not—

- (a) be constructed without a zero-setting device:
- (b) have a zero-setting device that is capable of altering the position of balance of the instrument by more than 4% of the maximum capacity of the instrument:
- (c) be capable of indicating zero other than to within,—
  - (i) in the case of a weighing instrument with a clearly differentiated scale interval, one-half of the scale interval:
  - (ii) in every other case, one-quarter of the scale interval used to verify the instrument.

#### **56 Sensitivity**

The sensitivity of a non-self-indicating weighing instrument must be such that, when the instrument is at zero load and at maximum load, the application to or removal from the load receptor of that instrument of a weight equal to the absolute value of the maximum error permitted for that instrument at that load must,—

- (a) in the case of a class I or class II weighing instrument, cause the indicator to be permanently displaced by at least 1 mm:
- (b) in the case of a class III or class IIII weighing instrument, with a maximum capacity of not more than 30 kg, cause the indicator to be permanently displaced by at least 2 mm:

- (c) in the case of a class III or class IIII weighing instrument, with a maximum capacity of more than 30 kg, cause the indicator to be permanently displaced by at least 5 mm.

**57 Discrimination**

- (1) All weighing instruments must be capable of discrimination.
- (2) The application of a weight must cause a clearly visible movement of the indicator if—
  - (a) a non-self-indicating weighing instrument is at rest and in balance; and
  - (b) a weight equal to two-fifths of the absolute value of the maximum amount of error permitted for the instrument by regulation 54 is, without shock, applied to or withdrawn from the load receptor of that instrument at the minimum capacity, half the maximum capacity, and at the maximum capacity.
- (3) The application of a weight must cause a change in the reading given by the indicator if—
  - (a) a weighing instrument fitted with a digital indicator is at rest; and
  - (b) a weight of not more than one and two-fifths of a scale interval is, without shock, applied to or withdrawn from the load receptor of that instrument, at the minimum capacity, half the maximum capacity, and at the maximum capacity.
- (4) The application of that weight must cause a permanent displacement of the indicator by an amount not less than seven-tenths of that weight if—
  - (a) a self-indicating or semi-self-indicating weighing instrument not fitted with a digital indicator is at rest and in balance; and
  - (b) a weight equal to the absolute value of the maximum amount of error permitted for that instrument by regulation 54 is, without shock, applied to or withdrawn from the load receptor of that instrument at the minimum capacity, half the maximum capacity, and at the maximum capacity.

**58 Repeatability**

- (1) Class I and class II weighing instruments must be tested 6 times by using a load of less than 10% in excess or deficiency of half the maximum capacity of the instrument, and 6 times by using a load, of less than 10% in deficiency, of the maximum capacity of the instrument.
- (2) Class III and class IIII weighing instruments must be tested 3 times by using a load of less than 10% in excess or deficiency of half the maximum capacity of the instrument, and 3 times by using a load of less than 10% in deficiency of the maximum capacity of the instrument.

- (3) For each series of tests conducted in accordance with subclause (1) or subclause (2), the following must not be greater than the absolute value of the maximum permissible error for that instrument:
  - (a) the difference between the result with the maximum amount of error in excess and the result with the minimum amount of error in excess; or
  - (b) the difference between the result with the maximum amount of error in deficiency and the result with the minimum amount of error in deficiency; or
  - (c) the difference between the result with the maximum amount of error in excess and the result with the maximum amount of error in deficiency.

### **59 Test loads**

- (1) For the purposes of determining whether a weighing instrument complies with the requirements of regulation 54, that instrument must be tested in accordance with the requirements specified in subclauses (2) to (4).
- (2) Tests must be carried out at the following loads:
  - (a) no load;
  - (b) minimum capacity and maximum capacity;
  - (c) if applicable, the capacity of self-indication;
  - (d) if applicable, the loads at which the method of balancing the instrument is modified, for example, by the addition or removal of a weight;
  - (e) if the instrument incorporates a tare adding facility, the load equal to the sum of the maximum capacity of the instrument and the maximum capacity of the tare adding device;
  - (f) loads at which the maximum permissible error for the instrument changes.
- (3) If an instrument has more than 1 load receptor,—
  - (a) each load receptor must be tested separately; and
  - (b) the maximum capacity to be used is,—
    - (i) if it is specified, the maximum capacity of the verified load receptor;
    - (ii) in every other case, the maximum capacity of the instrument.
- (4) Test loads must be distributed in a manner that corresponds as nearly as is practicable to the conditions in which the instrument is to be used.

### **60 Eccentricity tests**

- (1) Except as provided in this regulation, a weighing instrument must comply with the requirements of regulation 54 no matter where on the load receptor the test load is placed.



- (2) Eccentricity tests must be carried out without excessive stacking or overlapping of the test load on the edge of the load receptor.
- (3) Where the load receptor of a weighing instrument has 4 points of support or less,—
  - (a) eccentricity tests must be carried out by means of a test load equal to one-third of,—
    - (i) where the instrument is fitted with a tare adding facility, the sum of the maximum capacity of the instrument and the maximum capacity of the tare adding device; or
    - (ii) in any other case, the maximum capacity of the instrument; and
  - (b) the load must be distributed on different eccentric areas that are approximately equal to one-quarter of the surface area of the load receptor.
- (4) If the load receptor of a weighing instrument has more than 4 points of support,—
  - (a) eccentricity tests must be carried out by means of a test load equal to,—
    - (i) if the instrument is fitted with a tare adding facility, the sum of the maximum capacity of the instrument and the maximum capacity of the tare adding device, divided by the number that is 1 less than the number of points of support; or
    - (ii) in any other case, the maximum capacity of the instrument divided by the number that is 1 less than the number of points of support; and
  - (b) the load must be distributed successively on an area equal to the surface area of the load receptor divided by the number of points of support.
- (5) Despite subclause (3) or subclause (4), if any 2 points of support of a load receptor are so close together that the test load cannot be distributed as required by subclause (3) or subclause (4), as the case may require,—
  - (a) both the load and the area specified in subclause (3) or subclause (4), as the case may require, must be doubled; and
  - (b) the load must be distributed on both sides of the axis connecting the 2 points of support.
- (6) If the weighing instrument is a weighbridge or is used for weighing rolling loads, a rolling test load no greater than 80% of the maximum capacity of the weighing instrument must be applied at different points of the load receptor.
- (7) If the load receptor of a weighing instrument is a hopper, tank, or other similar receptor,—
  - (a) the eccentricity tests, in subclauses (3), (4), and (5) do not apply; and
  - (b) the eccentricity test must be a test load equal to 10% of the sum of the maximum capacity of the instrument and the maximum capacity of any

tare adding device distributed successively at the position of each point of support of the load receptor.

### *Semi-automatic weighing instruments*

#### **61 Semi-automatic weighing instruments**

- (1) In this regulation, the term **semi-automatic weighing instrument** means a weighing instrument that is fitted with an automatic feed and that requires an operator to carry out the weighing process.
- (2) For the purposes of verification and inspection, semi-automatic weighing instruments must—
  - (a) be tested by the direct application of standard weights; and
  - (b) meet the requirements of regulation 54 in relation to class III or class IIII weighing instruments, whichever class is the more appropriate for the type of semi-automatic weighing instrument being verified or inspected.
- (3) If compliance with subclause (2) is not practicable, a semi-automatic weighing instrument must be tested by reweighing 20 consecutive loads from that instrument on another weighing instrument known to be correct.
- (4) If loads from a semi-automatic weighing instrument are tested under subclause (3) each load must, for the purposes of verifying and inspecting that instrument, be within—
  - (a) plus or minus 1% of the weight set on the instrument being tested; or
  - (b) a tolerance set by the Secretary, having regard to the type of substance being weighed.
- (5) Except as provided by this regulation, nothing in regulations 52 to 54 applies to semi-automatic weighing instruments.

### *Belt weighers*

#### **62 Belt weighers**

- (1) A belt weigher must, before being used for trade, be classified as—
  - (a) a class 0.5 belt weigher; or
  - (b) a class 1 belt weigher; or
  - (c) a class 2 belt weigher.
- (2) A belt weigher is classified according to the maximum permissible error, in excess or deficiency, on verification or inspection as specified in column 3 of table 10 with which the belt weigher is designed to comply.

#### **63 Testing and inspection of belt weighers**

- (1) A belt weigher must—

- (a) be so installed that it may be inspected without disrupting its normal operation; and
  - (b) be tested *in situ* under the conditions in which it would normally be used.
- (2) A belt weigher must be tested with a quantity of the product which it is intended to weigh, and the quantity must be—
- (a) the greater of—
    - (i) 2% of the totalised load for the belt weigher for 1 hour at the maximum flow rate; or
    - (ii) the totalised load for the belt weigher at the maximum flow rate for 1 revolution of the belt; or
    - (iii) the load equal to—
      - (A) 800 scale intervals for a class 0.5 belt weigher; or
      - (B) 400 scale intervals for a class 1 belt weigher; or
      - (C) 200 scale intervals for a class 2 belt weigher; and
  - (b) determined with an error not exceeding one-third of the maximum error, in excess or deficiency, permitted in the total load for that belt weigher on verification or inspection of that belt weigher, as specified in column 3 of table 10.
- (2) A person who uses a belt weigher for trade must take all reasonable steps to ensure that—
- (a) an Inspector or an accredited person may, without difficulty, test that weigher *in situ*, using reliable tests, with the substance that the belt weigher is intended to weigh; and
  - (b) a suitable weighing instrument is kept in the vicinity of the belt weigher at all times to enable the belt weigher to be inspected; and
  - (c) the transport and storage of material supplied by that person for use by an Inspector or an accredited person to test the belt weigher are so arranged as to prevent any loss of that material while any such test is being carried out.

#### **64 Discrimination**

- (1) Belt weighers must be capable of discrimination.
- (2) If a belt weigher is tested with the indicator set at zero for a whole number of belt revolutions for a period as close to 3 minutes as can be achieved in a whole number of belt revolutions, there must be a visible difference between the indication with no load and the indication, whenever that load is placed on or removed from the load receptor of the belt weigher, for a load equal to—
  - (a) 0.05% of the maximum capacity for a class 0.5 belt weigher; or
  - (b) 0.1% of the maximum capacity for a class 1 belt weigher; or

- (c) 0.2% of the maximum capacity for a class 2 belt weigher.
- (3) For the purposes of this regulation, the term **maximum capacity** means the maximum instantaneous load that the belt weigher is capable of weighing on that portion of the conveyor belt representing the weigh length.

#### **65 Permissible error**

- (1) The maximum amount of error, in excess or deficiency, permitted in the total load for a belt weigher, on verification or inspection of that belt weigher, is specified in column 3 of table 10.
- (2) The maximum amount of error of zero indication, in excess or deficiency, permitted on the verification or inspection of a belt weigher is specified in column 1 of table 10.
- (3) The maximum amount of variation of zero indication permitted on the verification or inspection of a belt weigher is specified in column 2 of table 10.

### *Weighbridges*

#### **66 Weighbridges**

No road weighbridge, and no road or rail weighbridge, may be used for trade unless—

- (a) its approaches are smooth, straight, horizontal, and on the same level as the load receptor; and
- (b) its approaches have a run-on and run-off constructed of concrete or other suitable material; and
- (c) it has adequate drainage, and is kept free of mud and other debris.

### *Measuring instruments*

#### **67 General requirement**

A measuring instrument must not be used for trade unless every indicator of measurement or price fitted to the instrument—

- (a) is marked with its unit of measurement and, unless it is self-evident, the value of its scale interval; and
- (b) is arranged so that it can be readily reset to its zero indication; and
- (c) is so arranged that the indicator cannot be advanced other than by the correct operation of the instrument.

#### **68 Accuracy classes**

- (1) Liquid measuring instruments must be classified according to use into one of the following accuracy classes:
  - (a) liquid measuring systems on pipelines are class 0.3;
  - (b) the following are class 0.5:

- (i) liquid measuring systems for refueling aircraft or loading ships:
  - (ii) measuring systems for milk:
  - (iii) measuring systems for unloading ships tanks, rail tankers, or road tankers:
  - (iv) measuring systems for liquids of low viscosity on road tankers (also known as liquid fuel measuring instruments fitted on delivery vehicles):
  - (v) measuring systems in fuel dispensers (other than LPG dispensers) for motor vehicles (also known as fixed liquid fuel measuring instruments):
  - (c) measuring systems (other than LPG dispensers) for liquefied gases under pressure measured at a temperature equal to or above  $-10^{\circ}\text{C}$ , and LPG dispensers for motor vehicles, are class 1.0:
  - (d) measuring systems included in paragraph (a) or paragraph (b) are class 1.0 when used for liquids with the following properties:
    - (i) a temperature less than  $-10^{\circ}\text{C}$  or greater than  $50^{\circ}\text{C}$ ; or
    - (ii) a dynamic viscosity higher than 1 000 millipascal second; or
    - (iii) a maximum volumetric flow rate of 20 L per hour or less:
  - (e) measuring systems for liquefied carbon dioxide, or liquefied gases under pressure (other than LPG) measured at a temperature below  $-10^{\circ}\text{C}$  (other than cryogenic liquids) are class 1.5:
  - (f) measuring systems for liquids at a temperature below  $-153^{\circ}\text{C}$  are class 2.5:
  - (g) all liquid measuring systems not included in paragraphs (a) to (f) are class 0.5.
- (2) Liquid measuring instruments must be marked with their accuracy class when the design of the liquid measuring instrument does not indicate its use.

#### **69 Fixed liquid fuel measuring instruments**

- (1) A fixed liquid fuel measuring instrument must have indelibly marked on it, in a prominent place,—
- (a) the type of liquid fuel dispensed by the instrument; and
  - (b) the minimum delivery of the instrument; and
  - (c) the units of volume in which the instrument measures the liquid fuel dispensed.
- (2) A fixed liquid fuel measuring instrument must—
- (a) be adequately secured to a solid base:
  - (b) have its protecting panels or covers so fitted as to allow easy access to the instrument for inspection, sealing, and stamping:

- (c) show no leakage at any joint, valve, hose connection, or elsewhere:
  - (d) when fitted with a price indicator, indicate—
    - (i) the price per unit of volume of the liquid fuel dispensed; and
    - (ii) within the maximum permitted error specified in table 11, the correct price of the liquid fuel dispensed in each delivery:
  - (e) be fitted with a continuous, non-resettable quantity totaliser:
  - (f) when fitted with more than 1 indicator of price or quantity, show no difference between those indicators where they relate to the same delivery:
  - (g) when fitted with a dial indicator, have on that indicator a pointer or index that—
    - (i) reaches the graduation line; and
    - (ii) is not more than 2 mm from the dial:
  - (h) have interlocks to prevent the delivery of liquid fuel by the instrument during the operation of the re-set mechanism:
  - (i) be fitted with a flexible discharge hose—
    - (i) the dilation of which will not cause the instrument, at any measured quantity, to exceed the maximum error at the minimum delivery permitted for that instrument by regulation 73 or, if the hose is stored on a hose reel, twice that maximum error after being uncoiled and pressurised by switching on the delivery system; and
    - (ii) that is able to be stored to protect it from damage:
  - (j) operate with the discharge hose full at all times, and be fitted with an anti-drain valve in the delivery nozzle:
  - (k) except as otherwise approved, have only 1 outlet:
  - (l) be provided with a means of sealing—
    - (i) the calibrator; and
    - (ii) such other parts of the instrument as the Secretary requires.
- (3) In order to test the gas separator on a fixed liquid fuel measuring instrument fitted with a gas separation test valve, an Inspector or, as the case may be, an accredited person must progressively open and close the test valve to allow—
- (a) the flow rate of the fuel to become less than 15 L per minute; or
  - (b) the instrument's pump to lose prime.

#### **70 Liquid fuel measuring instruments dispensing LPG**

- (1) A liquid fuel measuring instrument used to dispense liquefied petroleum gas in measured quantities must not be used for trade unless it is fitted with—
- (a) a temperature compensation device; and

- (b) a suitable vapour return line to allow the return, to the supply tank, of the gas used to test the instrument, such vapour return line to be fitted with an isolation valve and hose connection so as to allow the connection of a proving meter.
- (2) A liquid fuel measuring instrument used to dispense liquefied petroleum gas in measured quantities is not required to be fitted with—
  - (a) a sight glass; or
  - (b) a gas separation test valve; or
  - (c) an anti-drain valve in the nozzle.

**71 Liquid fuel measuring instruments fitted on delivery vehicles**

A liquid fuel measuring instrument that is fitted on a vehicle must not be used for trade unless—

- (a) it is securely fixed to the vehicle on which it is mounted;
- (b) it shows no leakage at any joint, valve, hose connection, or elsewhere;
- (c) the type of product dispensed is clearly displayed on the instrument;
- (d) when fitted with more than 1 delivery hose, it has a connecting valve that is designed to prevent the delivery of fuel through more than 1 hose at a time;
- (e) it is fitted with a hose the dilation of which will not cause the instrument, at any measured quantity, to exceed the maximum error at the minimum delivery permitted for that instrument by regulation 73 or, if the hose is stored on a hose reel, twice that maximum error after being uncoiled and pressurised by switching on the delivery system;
- (f) it operates with the discharge hose full at all times, and has an anti-drain valve fitted in the delivery nozzle;
- (g) it is provided with a means of sealing the calibrator at such points as the Secretary requires.

**72 Fixed oil measuring instruments**

A fixed oil measuring instrument must not be used for trade unless its construction incorporates 1 or more of the following means of preventing the entry of air into the instrument:

- (a) the pump is so arranged that the inlet pressure is always greater than the atmospheric pressure;
- (b) a device automatically stops the flow of product when the inlet pressure falls below the atmospheric pressure;
- (c) a low level cut-off valve is fitted;
- (d) some other approved method is used.

**73 Permissible error**

- (1) This regulation applies to liquid measuring instruments of the accuracy classes specified in regulation 68.
- (2) For the purpose of verifying and inspecting liquid measuring instruments, the maximum amount of error permitted, in excess or deficiency must, unless subclause (3) or subclause (4) applies,—
  - (a) be as specified in table 12 for quantities above the minimum delivery of the measuring instrument:
  - (b) be as specified in table 13 for quantities equal to the minimum delivery of the measuring instrument under test.
- (3) Where a liquid measuring instrument is tested by delivering an amount equal to or greater than 5 times the minimum delivery in successive deliveries, the difference between the amount of the largest delivery and the amount of the smallest delivery must not exceed two-fifths of the maximum permissible error as specified in table 12.
- (4) If a liquid measuring instrument fitted with a temperature compensator is tested for quantities above the minimum delivery of that instrument without the temperature compensator activated, the maximum permissible error, in excess or deficiency, on verification or inspection is—
  - (a) 0.2% for a class 0.3 measuring instrument:
  - (b) 0.3% for a class 0.5 measuring instrument:
  - (c) 0.6% for a class 1.0 measuring instrument:
  - (d) 1.0% for a class 1.5 measuring instrument:
  - (e) 1.5% for a class 2.5 measuring instrument.

*Direct mass flow measuring instruments***74 Direct mass flow measuring instruments**

- (1) This regulation applies to direct mass flow measuring instruments.
- (2) Unless any of subclauses (3), (4), and (5) apply, the maximum amount of error, in excess or deficiency, permitted on the verification and inspection of a direct mass flow measuring instrument may be up to and including 0.5% of the quantity measured by that instrument if—
  - (a) that quantity is equal to or greater than the minimum quantity to be measured as specified by that instrument's manufacturer; and
  - (b) that quantity is measured at a temperature or pressure within the range specified in the approval, given in accordance with regulation 5, for that instrument.
- (3) If the quantity measured is between the minimum quantity to be measured as specified by the manufacturer and twice that quantity, the maximum amount of



error, in excess or deficiency, may be up to and including 1.0% of the minimum quantity.

- (4) Where a series of tests is conducted on an instrument, the difference between the largest amount of error and the smallest amount of error must be no greater than 0.2% of the quantity measured during testing.
- (5) If the instrument is used to measure liquefied gas, the maximum amount of error, in excess or deficiency, permitted on the verification and inspection of that instrument is 1.0% of the quantity measured by that instrument, if that quantity is equal to or greater than the minimum quantity to be measured as specified by that instrument's manufacturer.

### *Length measuring instruments*

#### **75 Length measuring instruments**

- (1) All length measuring instruments used for trade must be classified into one of the following accuracy classes:
  - (a) class I, which must be marked “**I**” or “**I**”:
  - (b) class II, which must be marked “**II**” or “**II**”:
  - (c) class III, which must be marked “**III**” or “**III**”.
- (2) A length measuring instrument used for trade must have its accuracy class clearly marked on it.
- (3) A length measuring instrument must be classified into the accuracy class having the smallest limits of maximum permissible error with which that instrument complies.
- (4) For each of the accuracy classes, the maximum amount of error permitted on the verification or inspection of a length measuring instrument is as specified in table 14.

#### **76 Leather measuring instruments**

The maximum amount of error, in excess or deficiency, permitted—

- (a) on the verification of a leather measuring instrument is 1% of the measured area; and
- (b) on the inspection of a leather measuring instrument is 2% of the measured area.

Regulation 76: substituted, on 1 April 2010, by regulation 12 of the Weights and Measures Amendment Regulations 2009 (SR 2009/377).

*Multidimensional measuring instruments***77 Multidimensional measuring instruments**

The maximum amount of error, in excess or deficiency, permitted on the verification or inspection of a multidimensional measuring instrument is 1 verification scale interval.

*Miscellaneous weighing or measuring instruments***78 Miscellaneous weighing or measuring instruments**

A weighing or measuring instrument of any type not definitely particularised in these regulations must comply so far as practicable with the regulations relating to the type to which it most closely approximates, having regard to its construction and the purposes for which it is commonly used.

**Part 5****Method of marking net weight or measure on goods****79 Marking of net weight or measure on goods**

- (1) Net weight or measure must be stated as follows:
  - (a) net weight must be stated in kilograms, grams, or milligrams;
  - (b) liquid measure must be stated in litres, decilitres, centilitres, or millilitres;
  - (c) measures of length must be stated in metres, centimetres, or millimetres.
- (2) No more than 1 of the units of weight or measurement specified in subclause (1) may be used in any statement of net weight or measurement, and decimals must be used to express parts of any such units.
- (3) The abbreviations set out in Schedule 2 may be used in the marking of any net weight or measure.
- (4) The marking of net weight or measure must—
  - (a) be in a prominent position, and, where the goods are marked with their name or description, in close proximity to that marking; and
  - (b) be clearly written or printed in letters and figures at least 2 mm in height and in a colour that contrasts distinctly with the background; and
  - (c) be in the form of the following examples:
    - “NET WEIGHT 1.5 kg”; or
    - “NET MEASURE 1.5 L”; or
    - “NET 1.5 kg”; or
    - “NET 1.5 L”; or
    - “1.5 kg”; or

“1.5 L”.

- (5) Where, because of the size of any goods, or of the package in which those goods are packed, the net weight or measure of those goods cannot be marked in letters and figures of the size required by subclause (4)(b), that marking may be in letters and figures of a smaller size, but sufficiently large to be clear and legible.
- (6) The requirements of subclauses (1) to (5) apply whether the net weight or measure is marked on the goods themselves, or on the package in which those goods are packed, or on a label fixed or attached to those goods or that package.

**79A General requirement to mark quantity on packages of food**

- (1) Every package of food must be marked with a statement of quantity in the form of a statement of the net weight or volume or number of contents in the package, whichever is the most appropriate for the sale of the item concerned.
- (2) Subclause (1) applies unless—
  - (a) the package of food is exempted under regulation 79C; or
  - (b) the package is a bottle to which regulation 37 applies.
- (3) Subclause (1) applies regardless of whether the statement of quantity is marked on the package in which the food is packed or on a label fixed or attached to that package.
- (4) If the statement of quantity of a package of food states the net weight or volume, then it must be marked in accordance with regulation 79.
- (5) If the statement of quantity of a package of food states the number of contents in the package, then the statement must—
  - (a) be in a prominent position, and, if the package of food is marked with the food’s name or description, in close proximity to that marking; and
  - (b) be clearly written or printed in letters and figures at least 2 mm in height and in a colour that contrasts distinctly with the background.
- (6) If, because of the size of any food, or of the package in which the food is packed, the number of contents in the package cannot be marked in letters and figures of the size required by subclause (5)(b), that marking may be in letters and figures of a smaller size, but sufficiently large to be clear and legible.

Regulation 79A: inserted, on 20 December 2002, by regulation 3 of the Weights and Measures Amendment Regulations 2002 (SR 2002/369).

**79B Additional requirement for marking on outer packaging**

- (1) This regulation applies to 2 or more packages of food if—
  - (a) each package of food is separately packed in its own package; and
  - (b) all of the packages of food are packaged together in an outer package that is not of a kind intended to be removed before the food is offered for

retail sale and that is customarily taken away by the purchaser of the food.

- (2) In addition to the general requirement set out in regulation 79A, the statement of quantity marked on the outer package must also state—
- (a) the total quantity of all the packages in the outer package; or
  - (b) the number of the packages contained in the outer package and the quantity of each of those packages.

Regulation 79B: inserted, on 20 December 2002, by regulation 3 of the Weights and Measures Amendment Regulations 2002 (SR 2002/369).

### **79C Exemptions from regulations 79A and 79B**

- (1) Nothing in regulations 79A and 79B applies to—
- (a) packages of food not intended for retail sale;
  - (b) items of confectionery or chocolate of a quantity less than 15 g or 15 ml or single novelty items or single Easter eggs;
  - (c) packages of food ordinarily sold by number of contents in the package that contain not more than 8 single items contained in transparent wrapping if the contents are able to be clearly seen and counted by a prospective purchaser;
  - (d) raw fruit or raw vegetables that, immediately after they have been picked, is packed directly in a package intended for retail sale in units of not more than 500 g;
  - (e) packaged sandwiches, filled rolls, hamburgers, takeaways, and similar packaged foods that are intended for immediate consumption;
  - (f) any package of food if the food is of a nature, quality, quantity, origin, or brand requested by the purchaser and the purchaser is present when the seller packages the food and weighs, counts, or measures the package;
  - (g) any package of food if the purchaser packages the food and is present when the seller weighs, counts, or measures the package;
  - (h) food sold at a fund-raising event.
- (2) Nothing in regulation 79B applies to an outer package that is—
- (a) for the purposes of transportation and distribution only; and
  - (b) of a kind intended to be removed before the food is offered for retail sale and that is customarily not taken away by the purchaser of the food.

Regulation 79C: inserted, on 20 December 2002, by regulation 3 of the Weights and Measures Amendment Regulations 2002 (SR 2002/369).

### **80 Offences**

A person commits an offence and is liable on conviction to a fine not exceeding \$2,000 who sells or offers for sale or exposes for sale—

- (a) any goods marked with their net weight or measure if those goods are not marked in accordance with the requirements set out in regulation 79:
- (b) any package of food that is required to be marked in accordance with regulation 79A or regulation 79B and that is not so marked.

Regulation 80: substituted, on 20 December 2002, by regulation 4 of the Weights and Measures Amendment Regulations 2002 (SR 2002/369).

Regulation 80: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## **Part 6**

### **Solid fuel**

#### **81 Solid fuel to be sold by weight**

- (1) A person must not sell or deliver solid fuel to a purchaser unless that solid fuel is sold or delivered by weight.
- (2) Nothing in subclause (1) applies where solid fuel is sold or delivered to a purchaser—
  - (a) loose in bulk; and
  - (b) at the premises of the seller; and
  - (c) into a receptacle provided by the purchaser.

#### **82 Solid fuel sold in open sacks**

A person who sells or delivers solid fuel to a purchaser where that solid fuel is sold or delivered in open bags or open sacks must, before the purchaser takes delivery of that solid fuel, give to the purchaser a written statement indicating—

- (a) the net weight of each bag or sack, and, if applicable, the total number of bags or sacks delivered; or
- (b) the total net weight of the solid fuel delivered.

#### **83 Delivery loose in bulk**

- (1) A person who, for the purpose of delivering solid fuel to 1 or more purchasers at premises other than those of the seller, carries it loose in bulk on any vehicle must ensure that the driver of the vehicle carries with that driver, in respect of the solid fuel to be delivered to the purchaser or to each purchaser, as the case may require, a properly completed ticket in form 1.
- (2) The driver of a vehicle on which solid fuel is being carried in accordance with subclause (1) or from which any solid fuel that has been so carried is being unloaded must produce every such ticket when required to do so by an Inspector or by the purchaser.
- (3) Nothing in this regulation applies in respect of the delivery of solid fuel in bulk from a ship or railway truck direct to the purchaser if—

- (a) all the solid fuel in the ship or railway truck is for delivery to that purchaser and that purchaser has agreed to purchase that solid fuel by the ship or railway freight weights, as the case may be; or
- (b) the seller has agreed with the purchaser to determine the weight of such solid fuel on a weighing instrument provided by the purchaser.

#### **84 Offences**

- (1) A person commits an offence if the person contravenes any of the provisions of regulations 81 to 83.
- (2) A person who commits an offence against subclause (1) is liable on conviction to a fine not exceeding \$2,000.

Regulation 84(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### **Part 6A**

#### **Average quantity system**

Part 6A: inserted, on 14 November 2001, by regulation 3 of the Weights and Measures Amendment Regulations 2001 (SR 2001/305).

#### **84A Interpretation**

Despite regulation 2(2), in this Part, a reference to a numbered table is a reference to the appropriate table in Schedule 7A.

Section 84A: inserted, on 14 November 2001, by regulation 3 of the Weights and Measures Amendment Regulations 2001 (SR 2001/305).

#### **84B Weight, measure, or number of goods deemed to be in accordance with stated quantity**

- (1) For the purposes of section 16A(3) of the Act, the weight, measure, or number of the goods in a package is deemed to be the same as that stated on the package or label attached to the package if the package is one package in a lot of packages—
  - (a) for which a sample has been selected under regulation 84E; and
  - (b) the weighted average quantity of the packages in that sample is equal to, or greater than, the weight, measure, or number of goods stated on the package or label; and
  - (c) the number of non-standard packages in that sample is equal to, or less than, the number of non-standard packages permitted for the sample as determined in accordance with subclause (2); and
  - (d) that sample contains no inadequate packages.
- (2) The number of non-standard packages permitted for the sample,—

- (a) in the case of the minimum sample size being selected, is as set out in column 4 of table 1 for the number of packages in the lot of packages as set out in column 1 of that table; or
  - (b) in the case of more than the minimum sample size being selected, is as set out in column 2 of table 4 for the sample size as set out in column 1 of that table.
- (3) In this regulation, **goods** does not include catch weight goods.

Section 84B: inserted, on 14 November 2001, by regulation 3 of the Weights and Measures Amendment Regulations 2001 (SR 2001/305).

#### **84C Non-standard package**

For the purposes of these regulations, a package is a non-standard package if it is a package enclosing goods that contains less than the quantity stated on the package or a label attached to it and the deficiency,—

- (a) for quantities stated by mass or volume, is more than the amount of error set out in column 2 or column 3 of table 2, as appropriate, for the quantity stated on the package or on the label as set out in column 1 of that table, but not more than twice that specified amount of error; or
- (b) for quantities stated by length, width, area, or number, is more than the amount of error set out in column 2 of table 3 for the quantity type stated on the package or on the label as set out in column 1 of that table, but not more than twice that specified amount of error.

Section 84C: inserted, on 14 November 2001, by regulation 3 of the Weights and Measures Amendment Regulations 2001 (SR 2001/305).

#### **84D Inadequate package**

For the purposes of these regulations, a package is an inadequate package if it is a package enclosing goods that contains less than the quantity stated on the package or a label attached to it and the deficiency,—

- (a) for quantities stated by mass or volume, is more than twice the amount of error set out in column 2 or column 3 of table 2, as appropriate, for the quantity stated on the package or on the label as set out in column 1 of that table; or
- (b) for quantities stated by length, width, area, or number, is more than twice the amount of error set out in column 2 of table 3 for the quantity type stated on the package or on the label as set out in column 1 of that table.

Section 84D: inserted, on 14 November 2001, by regulation 3 of the Weights and Measures Amendment Regulations 2001 (SR 2001/305).

#### **84E Selection of sample**

- (1) For the purposes of regulation 84B, the minimum sample size for a lot of packages is set out in column 2 of table 1 for the number of packages in the lot of packages as set out in column 1 of that table.

- (2) The sample must be selected from the lot of packages at random in accordance with generally accepted statistical sampling practice.

Section 84E: inserted, on 14 November 2001, by regulation 3 of the Weights and Measures Amendment Regulations 2001 (SR 2001/305).

#### 84F Weighted average quantity

- (1) For the purposes of these regulations, the weighted average quantity of the packages in a sample must be determined in accordance with the following formula:

$$\bar{x}_a = \bar{x} + (s \times c)$$

where—

- $\bar{x}_a$  is the weighted average quantity of the packages in a sample  
 $\bar{x}$  is the sample mean calculated in accordance with subclause (2)  
 $s$  is the standard deviation of the sample calculated in accordance with subclause (3)  
 $c$  is the sample correction factor calculated in accordance with subclause (4).

- (2) The sample mean is calculated in accordance with the following formula:

$$\bar{x} = \sum x \div n$$

where—

- $\bar{x}$  is the sample mean  
 $\sum x$  is the sum of the quantities of all of the packages in the sample  
 $n$  is the number of packages in the sample.

- (3) The standard deviation of the sample is determined in accordance with the following formula:

$$s = \sqrt{\frac{\sum (x - \bar{x})^2}{n - 1}}$$

where—

- $s$  is the standard deviation of the sample  
 $x$  is the quantity of each package in the sample  
 $\bar{x}$  is the sample mean calculated in accordance with subclause (2)  
 $n$  is the number of packages in the sample.

- (4) The sample correction factor ( $c$ ),—
- (a) in the case of the minimum sample size being selected, is as set out in column 3 of table 1 for the number of packages in the lot of packages as set out in column 1 of that table; or
  - (b) in the case of more than the minimum sample size being selected, is the amount determined in accordance with the formula set out in column 2



of table 5 for the number of packages in the lot of packages as set out in column 1 of that table.

Section 84F: inserted, on 14 November 2001, by regulation 3 of the Weights and Measures Amendment Regulations 2001 (SR 2001/305).

## **Part 7**

### **Miscellaneous provisions**

#### *Weighing instruments used in abattoirs*

#### **85 Weighing instruments used in abattoirs**

- (1) A person must not use, or have in that person's possession for use, in any abattoir, any weighing instrument that does not indicate and record only the true weight of the goods being weighed.
- (2) A person commits an offence if the person contravenes subclause (1).
- (3) A person who commits an offence against subclause (2) is liable on conviction to a fine not exceeding \$2,000.

Regulation 85(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

#### *Infringement offences*

#### **86 Infringement offences**

An offence against any of regulations 7, 80, 84, and 85 is an infringement offence.

#### **86A Infringement fees**

- (1) Schedule 4A specifies infringement fees for infringement offences that are prescribed in the Act or in these regulations.
- (2) The fees specified in the third column of the tables in Schedule 4A are the infringement fees for offences against the corresponding provisions specified in the first column of the tables.
- (3) The descriptions given in the second column of the tables are indications only of the content of the provisions they describe and are not intended to be used in the interpretation of the provisions.

Regulation 86A: inserted, on 23 May 2014, by regulation 5 of the Weights and Measures Amendment Regulations 2014 (LI 2014/136).

#### *Forms*

#### **87 Inspectors' certificates of appointment**

A certificate of appointment as an Inspector or a Trainee Inspector must be in form 2.

**88 Warrant to enter dwellinghouse**

*[Revoked]*

Regulation 88: revoked, on 1 October 2012, by regulation 4 of the Weights and Measures Amendment Regulations 2012 (SR 2012/246).

**89 Notices of non-compliance**

A notice of non-compliance under section 23 of the Act must be in form 5.

**90 Infringement notices and reminder notices**

- (1) An infringement notice issued under section 32A of the Act must be in form 10.
- (2) An infringement reminder notice must be in form 11.

Regulation 90: replaced, on 23 May 2014, by regulation 6 of the Weights and Measures Amendment Regulations 2014 (LI 2014/136).

*Revocations*

**91 Revocations**

The regulations specified in Schedule 8 are revoked.

**Schedule 1**  
**Permissible numerical values of weights and measures**

r 24

**Measures of length**

Any multiple of 5 m

5 m

4 m

3 m

2 m

1.5 m

1 m

500 mm

**Measures of area**

Measures of or any multiple of 1 square decimetre.

**Measures of volume**

Any multiple of 10 L above 50 L.

50 L	500 mL	10 mL
------	--------	-------

20 L	200 mL	5 mL
------	--------	------

10 L	100 mL	2 mL
------	--------	------

5 L	50 mL	1 mL
-----	-------	------

2 L	20 mL	
-----	-------	--

1 L

Measures of any multiple of 1 cubic decimetre in cubic form.

**Measures of weight**

1 000 kg	500 g	500 mg
----------	-------	--------

500 kg	200 g	200 mg
--------	-------	--------

200 kg	100 g	100 mg
--------	-------	--------

100 kg	50 g	50 mg
--------	------	-------

50 kg	20 g	20 mg
-------	------	-------

20 kg	10 g	10 mg
-------	------	-------

10 kg	5 g	5 mg
-------	-----	------

5 kg	2 g	2 mg
------	-----	------

2 kg	1 g	1 mg
------	-----	------

1 kg

500 ct	1 ct	
--------	------	--

---

200 ct	0.50 ct
100 ct	0.25 ct
50 ct	0.20 ct
20 ct	0.10 ct
10 ct	0.05 ct
5 ct	0.02 ct
2 ct	0.01 ct

Schedule 1: amended, on 1 April 2010, by regulation 13 of the Weights and Measures Amendment Regulations 2009 (SR 2009/377).

**Schedule 2**  
**Permissible abbreviations of units of weight and measurement**

rr 25, 79(4)

**Weights**

<b>Unit</b>	<b>Permissible abbreviation</b>
Carat metric	ct
Tonne	t
Kilogram	kg
Gram	g
Milligram	mg

**Measures of volume**

Litre	l or L
Decilitre	dl or dL
Centilitre	cl or cL
Millilitre	ml or mL

**Measures of length**

Metre	m
Centimetre	cm
Millimetre	mm

Schedule 2: amended, on 1 April 2010, by regulation 14 of the Weights and Measures Amendment Regulations 2009 (SR 2009/377).

**Schedule 3**  
**Errors permissible on verification or inspection**

r 28(1)

**Table 1**  
**Maximum permissible errors**

Schedule 3 table 1: substituted, on 1 April 2010, by regulation 15(1) of the Weights and Measures Amendment Regulations 2009 (SR 2009/377).

<b>Nominal value(ct)</b>	<b>Error in mg on verification in excess only, on inspection in excess or deficiency</b>
500	1.60
250	1.00
100	0.80
50	0.60
25	0.50
10	0.40
5	0.30
2.5	0.25
1	0.20
0.5	0.16
0.25	0.12
0.1	0.10
0.05	0.08
0.025	0.06
0.01	0.06
0.005	0.06

**Table 2**  
**Maximum permissible errors**

Schedule 3 table 2: substituted, on 1 April 2010, by regulation 15(2) of the Weights and Measures Amendment Regulations 2009 (SR 2009/377).

Nominal value	Error in mg, in excess or deficiency, on verification or inspection				
	Class M1	Class M1-2	Class M2	Class M2-3	Class M3
1 000 kg	50 000	100 000	160 000	300 000	500 000
500 kg	25 000	50 000	80 000	160 000	250 000
200 kg	10 000	20 000	30 000	60 000	100 000
100 kg	5 000	10 000	16 000	30 000	50 000
50 kg	2 500	5 000	8 000	16 000	25 000
20 kg	1 000		3 000		10 000
10 kg	500		1 600		5 000
5 kg	250		800		2 500
2 kg	100		300		1 000
1 kg	50		160		500
500 g	25		80		250
200 g	10		30		100
100 g	5		16		50
50 g	3		10		30
20 g	2.5		8		25
10 g	2		6		20
5 g	1.6		5		16
2 g	1.2		4		12
1 g	1		3		10
500 mg	0.8		2.5		
200 mg	0.6		2		
100 mg	0.5		1.6		
50 mg	0.4				
20 mg	0.3				
10 mg	0.25				
5 mg	0.2				
2 mg	0.2				
1 mg	0.2				

**Table 3**  
**Non-graduated liquid measures**

<b>Unit</b>	<b>Error (in excess only)</b> <b>(ml)</b>
20 L	90.0
10 L	60.0
5 L	40.0
2 L	25.0
1 L	20.0
500 ml	15.0
200 ml	7.0
100 ml	5.0
50 ml	3.0
20 ml	1.0
10 ml	0.5



**Table 4**  
**Graduated liquid measures (conical type)**

r 35(4)

Graduation (ml)	Permitted range of results (expressed in weight of water)					
	At 10°C		At 20°C		At 30°C	
	Max (g)	Min (g)	Max (g)	Min (g)	Max (g)	Min (g)
1	1.08	0.92	1.08	0.92	1.08	0.92
2	2.12	1.88	2.11	1.87	2.11	1.87
3	3.16	2.84	3.15	2.83	3.14	2.82
4	4.19	3.79	4.19	3.79	4.18	3.78
5	5.24	4.74	5.24	4.74	5.22	4.72
6	6.29	5.69	6.28	5.68	6.27	5.67
7	7.29	6.69	7.28	6.68	7.26	6.66
8	8.29	7.69	8.28	7.68	8.26	7.66
9	9.39	8.59	9.38	8.58	9.35	8.55
10	10.38	9.58	10.37	9.57	10.35	9.55
15	15.48	14.48	15.46	14.46	15.42	14.42
20	20.57	19.37	20.54	19.34	20.50	19.30
30	30.75	29.15	30.72	29.12	30.64	29.04
40	40.90	38.90	40.90	38.90	40.80	38.80
50	50.90	48.90	50.90	48.90	50.70	48.70
60	61.40	58.40	61.30	58.30	61.20	58.20
70	71.40	68.40	71.30	68.30	71.10	68.10
80	81.40	78.40	81.30	78.30	81.10	78.10
90	91.40	88.40	91.20	88.20	91.00	88.00
100	101.80	97.80	101.70	97.70	101.50	97.50
120	121.80	117.80	121.70	117.70	121.40	117.40
140	141.80	137.80	141.60	137.60	141.30	137.30
160	162.80	156.80	162.60	156.60	162.20	156.20
180	182.70	176.70	182.50	176.50	182.10	176.10
200	202.70	196.70	202.40	196.40	202.00	196.00

**Table 5**  
**Graduated liquid measures (50 ml (squat) conical type)**

r 35(4)

Graduation (ml)	Permitted range of results (expressed in weight of water)					
	At 10°C		At 20°C		At 30°C	
	Max (g)	Min (g)	Max (g)	Min (g)	Max (g)	Min (g)
10	10.58	9.38	10.57	9.37	10.55	9.35
20	20.77	19.17	20.74	19.14	20.70	19.10
30	31.00	29.00	30.90	28.90	30.80	28.80
40	40.90	38.90	40.90	38.90	40.80	38.80
50	50.90	48.90	50.90	48.90	50.70	48.70

**Table 6**  
**Graduated liquid measures (500 ml beaker type)**

r 35(4)

Graduation (ml)	Permitted range of results (expressed in weight of water)					
	At 10°C		At 20°C		At 30°C	
	Max (g)	Min (g)	Max (g)	Min (g)	Max (g)	Min (g)
100	104.8	94.8	104.7	94.7	104.4	94.4
150	154.7	144.7	154.5	144.5	154.2	144.2
200	204.7	194.7	204.4	194.4	203.9	193.9
250	254.6	244.6	254.3	244.3	253.7	243.7
300	304.5	294.5	304.1	294.1	303.4	293.4
350	354.4	344.4	354.0	344.0	353.1	343.1
400	404.3	394.3	403.8	393.8	402.9	392.9
450	454.3	444.3	453.7	443.7	452.6	442.6
500	504.2	494.2	503.5	493.5	502.4	492.4

**Table 7**  
**Graduated liquid measures (1 000 ml beaker type)**

r 35(4)

Graduation (ml)	Permitted range of results (expressed in weight of water)					
	At 10°C		At 20°C		At 30°C	
	Max (g)	Min (g)	Max (g)	Min (g)	Max (g)	Min (g)
200	206.7	192.7	206.4	192.4	205.9	191.9
300	306.5	292.5	306.1	292.1	305.4	291.4
400	406.3	392.3	405.8	391.8	404.9	390.9
500	506.2	492.2	505.5	491.5	504.4	490.4
600	606.0	592.0	605.3	591.3	603.8	589.8
700	705.9	691.9	705.0	691.0	703.3	689.3
800	805.7	791.7	804.7	790.7	802.8	788.8
900	905.6	891.6	904.4	890.4	902.3	888.3
1 000	1 005.4	991.4	1 004.1	990.1	1 001.8	987.8

**Table 8**  
**Beer delivery measures**

r 46

Purported volume of measure (L)	Required error (in excess only)	
	Min (L)	Max (L)
500 up to 1 000	0.5	1.5
Over 1 000 up to 1 500	1.0	2.5
Over 1 500 up to 2 500	1.5	4.0
Over 2 500 up to 3 500	2.0	5.5
Over 3 500 up to 4 500	2.5	7.0

**Table 9**  
**Weighing instruments**

r 54

Class of weighing instrument	Load (e)	Error (in excess or deficiency)	
		On verification (e)	On inspection (e)
Class I	0 to 50 000	0.5	1
	Over 50 000 up to 200 000	1.0	2
	Over 200 000	1.5	3
Class II	0 to 5 000	0.5	1
	Over 5 000 up to 20 000	1.0	2
	Over 20 000	1.5	3
Class III	0 to 500	0.5	1
	Over 500 up to 2 000	1.0	2
	Over 2 000	1.5	3
Class IIII	0 to 50	0.5	1
	Over 50 up to 200	1.0	2
	Over 200	1.5	3

e = verification scale interval

**Notes to table 9**

- (1) For the purposes of table 9, the weighing instrument is assumed to have been adjusted to zero, plus or minus 0.25 of a scale interval, at no load.
- (2) Where a weighing instrument has digital indication or digital printing, the maximum permissible errors shown in table 9 do not include the positive or negative error resulting from rounding up or down to the nearest scale interval.

**Table 10**  
**Belt weighers**

r 65

Class of belt weigher	Column 1	Column 2	Column 3	
	<b>Error of zero indication (in excess or deficiency) expressed as a percentage of load totalised at maximum flow rate for a time equal to the duration of the test</b>  <b>On verification or inspection (%)</b>	<b>Maximum variation of zero reading during zero load test expressed as a percentage of load totalised at maximum flow rate for a time equal to the duration of the test</b>  <b>On verification or inspection (%)</b>	<b>Error (in excess or deficiency) of totalised load expressed as a percentage of the totalised load</b>  <b>On verification</b> <b>On inspection</b> <b>(%)</b> <b>(%)</b>	
Class 0.5	0.05	0.18	0.25	0.5
Class 1	0.10	0.35	0.50	1.0
Class 2	0.20	0.70	1.00	2.0

**Table 11**  
**Fixed liquid fuel measuring instruments—price indicators**

r 69

<b>Unit price (per litre)</b>	<b>Money value division (cents)</b>	<b>Error (in excess or deficiency) (cents)</b>
\$0.00 up to \$0.25	1	1
Over \$0.25 up to \$0.75	1 or 2	2
Over \$0.75 up to \$2.00	1 or 2	2
Over \$2.00 up to \$5.00	5	5
Over \$5.00 up to \$10.00	10	10

**Table 12**  
**Liquid measuring instruments**

r 73(2)(a), (3)

**Error (in excess or deficiency) on verification or inspection for quantities  
above the minimum delivery**

<b>Quantity indicated</b>	<b>Class 0.3</b>	<b>Class 0.5</b>	<b>Class 1.0</b>	<b>Class 1.5</b>	<b>Class 2.5</b>
Less than 0.1 L	–	2 ml	4 ml	6 ml	–
From 0.1 L to 0.2 L	–	2% of the measured volume	4% of the measured volume	6% of the measured volume	–
Over 0.2 L to 0.4 L	–	4 ml	8 ml	12 ml	–
Over 0.4 L to 1 L	–	1% of the measured volume	2% of the measured volume	3% of the measured volume	–
Over 1 L to 2 L	–	10 ml	20 ml	30 ml	–
Over 2 L	0.3% of the measured volume	0.5% of the measured volume	1.0% of the measured volume	1.5% of the measured volume	2.5% of the measured volume

**Table 13**  
**Liquid measuring instruments**

r 73(2)(b)

<b>Error (in excess or deficiency) on verification or inspection for quantities equal to the minimum delivery</b>					
<b>Quantity indicated</b>	<b>Class 0.3</b>	<b>Class 0.5</b>	<b>Class 1.0</b>	<b>Class 1.5</b>	<b>Class 2.5</b>
Less than 0.1 L	–	4 ml	8 ml	12 ml	–
From 0.1 L to 0.2 L	–	4% of the measured volume	8% of the measured volume	12% of the measured volume	–
Over 0.2 L to 0.4 L	–	8 ml	16 ml	24 ml	–
Over 0.4 L to 1 L	–	2% of the measured volume	4% of the measured volume	6% of the measured volume	–
Over 1 L to 2 L	–	20 ml	40 ml	60 ml	–
Over 2 L	0.6% of the measured volume	1% of the measured volume	2% of the measured volume	3% of the measured volume	5% of the measured volume

**Table 14**  
**Length measuring instruments**

r 75(4)

<b>Accuracy class</b>	<b>Error (in excess or deficiency) expressed as a percentage of the measured length</b>	
	<b>On verification (%)</b>	<b>On inspection (%)</b>
I	0.125	0.25
II	0.250	0.50
III	0.500	1.00

**Note to table 14**

Regardless of anything in table 14, the absolute value of the maximum error permitted for any length measuring instrument must be not less than—

- (a) for class I instruments,  $0.005 L_m$ ; or
- (b) for class II instruments,  $0.01 L_m$ ; or
- (c) for class III instruments,  $0.02 L_m$ .

In this note,  $L_m$  is the minimum measurable length permitted for that instrument in its certificate of approval.

## Schedule 4

### Weighing instruments: Scale intervals

r 53

Class of instrument	Number of verification scale intervals required		Minimum capacity (in verification scale intervals)
	Minimum	Maximum	
<i>Class I</i>			
1 mg and over	50 000	–	100
<i>Class II</i>			
1 mg to 50 mg	100	100 000	20
100 mg and over	5 000	100 000	50
<i>Class III</i>			
100 mg to 2 g	100	10 000	20
5 g and over	500	10 000	20
<i>Class IIII</i>			
5 g and over	100	1 000	10



## Schedule 4A Infringement fees

r 86A

Schedule 4A: inserted, on 23 May 2014, by regulation 7 of the Weights and Measures Amendment Regulations 2014 (LI 2014/136).

### Part 1 Offences in Act

Section	Description of offence	Fee (\$)
8	Failing to comply with prescribed obligation to use metric system of weights and measures	500
10	Failing to comply with prescribed obligation to use metric system in advertising goods for sale	200
14	Failing to comply with prescribed requirement to— <ul style="list-style-type: none"><li>• sell, offer, or expose goods for sale by net weight or measure</li><li>• send or deliver prescribed invoice or delivery note</li></ul>	200
15	Failing to comply with prescribed requirement to count goods offered or exposed for retail sale	200
15A	Failing to comply with prescribed requirement to weigh or measure goods offered or exposed for retail sale	200
16	Delivering lesser quantity of goods than purchased where goods sold by weight, measure, or number	500
16A	Supplying packaged goods where weight, measure, or number is less than that stated on the package or label	500
17	Purchaser incorrectly determining weight, measure, or number	500
18	Failing to provide seller with statement of true weight, measure, or number	500
21	Using for trade, or possessing for use for trade, any weight, measure, or weighing or measuring instrument that is not stamped with prescribed verification mark	200
22B	Using for trade, or possessing for use for trade, any specified weighing or measuring instrument without current certificate of accuracy	500
24	Using for trade, or possessing for use for trade, any false or unjust weight, measure, or weighing or measuring instrument	500

### Part 2 Offences in regulations

Regulation	Description of offence	Fee (\$)
7	Failing to comply with condition or limitation prescribed in certificate of approval	200
80	Selling or exposing for sale any goods or package of food that is not marked as prescribed	200
84	Failing to comply with prescribed requirement relating to solid fuel	200
85	Using or having in any abattoir a weighing instrument that does not indicate and record the true weight of goods weighed	200

## Schedule 5

### Forms

#### Contents

		Page
1	Ticket for solid fuel delivered in bulk	67
2	Certificate of appointment as Inspector of Weights and Measures	68
3	Warrant to enter dwellinghouse <i>[Revoked]</i>	69
4	Letter of accreditation	70
5	Notice of non-compliance with Weights and Measures Act 1987	72
6	Certificate of accuracy (in label form) issued by an Inspector of Weights and Measures	74
7	Certificate of accuracy (in label form) issued by an accredited person	75
8	Certificate of accuracy (not in label form) issued by an Inspector of Weights and Measures	76
9	Certificate of accuracy (not in label form) issued by an accredited person	77
10	Infringement notice	78
11	Reminder notice in respect of infringement offence	83

Form 1  
Ticket for solid fuel delivered in bulk

r 83

Seller—

Name: [*insert name*]

Address: [*insert address*]

Date: [*insert date*]

Purchaser—

Name: [*insert name*]

Address: [*insert address*]

Please receive with this ticket [*insert description of solid fuel delivered*] as follows:

Tonnes (or  
kilograms)

Gross weight (vehicle and load)

Tare weight (vehicle and bags)

Net weight

\_\_\_\_\_  
\_\_\_\_\_

Form 2  
Certificate of appointment as Inspector of Weights and Measures

r 87

**(Front)**

Ministry of Business, Innovation, and  
Employment [*Logo*]\*

[*Photograph of appointee*]

Certificate of appointment issued under  
section 27, Weights and Measures Act  
1987

Signature: [*signature of appointee*]

Name: [*insert full name of appointee*]

as Inspector (*or* Trainee Inspector) of Weights and Measures.

\*Optional

**(Back)**

**Inspectors' powers**

Section 28 of the Weights and Measures Act 1987 empowers Inspectors of Weights and Measures to exercise certain powers to enable them to carry out their duties. In summary, that section provides that, for the purposes of ensuring compliance with the Weights and Measures Act 1987 and any regulations made under that Act, an Inspector may—

- (a) enter any place, premises, or building:
- (b) stop any vehicle:
- (c) examine and test weights, measures, and weighing or measuring instruments used for trade, and goods kept or available for sale:
- (d) seize and detain—
  - (i) weights, measures, and weighing or measuring instruments that do not comply with, or are used in contravention of, the Weights and Measures Act 1987:
  - (ii) goods in respect of which an offence against the Weights and Measures Act 1987 has been committed.

Schedule 5 form 2: amended, on 23 May 2014, by regulation 8(1) of the Weights and Measures Amendment Regulations 2014 (LI 2014/136).

Form 3  
Warrant to enter dwellinghouse  
*[Revoked]*

r 88

Schedule 5 form 3: revoked, on 1 October 2012, by regulation 5 of the Weights and Measures Amendment Regulations 2012 (SR 2012/246).

Form 4  
Letter of accreditation

r 18

*Section 30A, Weights and Measures Act 1987*

File No:

Under section 30A of the Weights and Measures Act 1987, [*insert full name*] of [*insert address*] is accredited to act as an accredited person for the purposes of that Act.

**Identifier**

The identifier of the above-mentioned person is [*insert identifier*].

**Conditions of accreditation\***

The following conditions apply in respect of the accreditation of the above-mentioned person:

\*1 This letter of accreditation relates to the following class (or classes) of weights, measures, or weighing or measuring instruments:

- (a)
- (b)
- (c)

\*2

\*Delete if inapplicable

**Natural persons to act on accredited person's behalf**

The following natural persons will exercise or perform the powers, duties, and functions of an accredited person on behalf of the above-mentioned person:

Name	Personal identifier
1	
2	

**Expiry of letter of accreditation**

Unless sooner revoked under section 30D of the Weights and Measures Act 1987, or renewed under section 30C of that Act, this letter of accreditation will expire on [*insert date*].

.....  
Chief Executive of the  
Ministry of Business, Innovation, and Employment

.....  
**Date**

Schedule 5 form 4: amended, on 23 May 2014, by regulation 8(2) of the Weights and Measures Amendment Regulations 2014 (LI 2014/136).

Schedule 5 form 4: amended, on 7 September 2000, by section 8(2) of the Ministry of Economic Development Act 2000 (2000 No 28).

Form 5  
Notice of non-compliance with Weights and Measures Act 1987

r 89

Name of accredited person\*:

Identifier of accredited person:

Address of accredited person:

\*The name may not occupy more than 1/6 of the notice

**To** [*insert name of person in charge of non-complying weight, measure, or weighing or measuring instrument*] of [*insert address*].

I examined and tested the weight (*or measure or weighing or measuring instrument*) listed in the Schedule of this notice at [*insert address*] on [*insert date*] at [*insert approximate time*] am (pm).

I declined to stamp\*/issue a certificate of accuracy in respect of\* that weight (*or measure or weighing or measuring instrument*) on the grounds that it does not comply with the requirements of the Weights and Measures Act 1987 (*or the Weights and Measures Regulations 1999*) in the respects listed in the Schedule of this notice.

\*Delete if inapplicable

***Schedule***

**Description of non-complying equipment**

[*Insert description of weight, measure, or weighing or measuring instrument, including any serial number or other identifying feature*]

**Particulars of non-compliance**

[*Insert particulars of non-compliance, including details of the place and approximate time of non-compliance*]

Signature of accredited person issuing the notice:

Personal identifier:

Date:

**Warning**

The use for trade, or the possession for use for trade, of weights, measures, or weighing or measuring instruments that do not comply with the requirements of the Weights and Measures Act 1987 or the Weights and Measures Regulations 1999 may lead to a prosecution under that Act.

**Notes\***

- 1 This notice must be given immediately to the person in charge of the weight, measure, or weighing or measuring instrument that is found not to be in compliance with the Weights and Measures Act 1987 or the Weights and Measures



Regulations 1999. If it is not possible or practicable to give the notice to that person, this notice must be attached to the non-complying weight, measure, or weighing or measuring instrument.

- 2 A copy of this notice must be sent to the chief executive of the Ministry of Business, Innovation, and Employment as soon as practicable.

\*These notes are for information only and are not to be included in a notice of non-compliance.

Schedule 5 form 5: amended, on 23 May 2014, by regulation 8(2) of the Weights and Measures Amendment Regulations 2014 (LI 2014/136).

Schedule 5 form 5: amended, on 7 September 2000, by section 8(2) of the Ministry of Economic Development Act 2000 (2000 No 28).

Form 6  
Certificate of accuracy (in label form) issued by an Inspector of Weights and  
Measures

r 22(1)(d)

Ministry of Business, Innovation, and  
Employment

[Logo]\*

\*Optional

[Note: The above material may occupy not more than 30% of the label.]

**Examined and tested by an Inspector of Weights and Measures. Complies with the requirements of regulation 20 of the Weights and Measures Regulations 1999.**

This certificate of accuracy expires on [*insert date*].

[Note: The statement of the expiry date of the certificate of accuracy must occupy at least 40% of the label.]

Identification number of Inspector issuing the certificate:

[Note: The identification number of the Inspector issuing the certificate of accuracy may occupy not more than 10% of the label.]

**Note\*\***

A certificate of accuracy in label form may not be issued in respect of—

- (a) any weight; or
- (b) any measure of length that is not fixed within any case or other container to which the certificate might be affixed.

\*\*This note is for information only and is not to be included in a certificate of accuracy.

Schedule 5 form 6: amended, on 23 May 2014, by regulation 8(1) of the Weights and Measures Amendment Regulations 2014 (LI 2014/136).

Schedule 5 form 6: amended, on 1 April 2010, by regulation 16(1) of the Weights and Measures Amendment Regulations 2009 (SR 2009/377).

Form 7

Certificate of accuracy (in label form) issued by an accredited person

r 22(1)(e)

Name of accredited person:

Logo of accredited person\*:

\*Optional

[Note: The name and logo (if any) of the accredited person may occupy not more than 30% of the label.]

**Examined and tested by an accredited person. Complies with the requirements of regulation 20 of the Weights and Measures Regulations 1999.**

This certificate of accuracy expires on [*insert date*].

[Note: The statement of the expiry date of the certificate of accuracy must occupy at least 40% of the label.]

Personal identifier of person issuing the certificate:

[Note: The personal identifier of the person issuing the certificate of accuracy may occupy not more than 10% of the label.]

**Note\*\***

A certificate of accuracy in label form may not be issued in respect of—

- (a) any weight; or
- (b) any measure of length that is not fixed within any case or other container to which the certificate might be affixed.

\*\*This note is for information only and is not to be included in a certificate of accuracy.

Form 8  
Certificate of accuracy (not in label form) issued by an Inspector of Weights  
and Measures

r 22(3)(a)

Ministry of Business, Innovation, and  
Employment

[Logo]\*

\*Optional

The weight(s) (*or* measure(s) *or* weighing or measuring instrument(s)) specified in the Schedule of this certificate has/have been examined and tested by an Inspector of Weights and Measures and found to comply with the requirements of regulation 20 of the Weights and Measures Regulations 1999.

This certificate of accuracy expires on [*insert date*].

[Note: The statement relating to the expiry date of the certificate of accuracy must occupy at least 15% of the certificate.]

**Schedule of equipment to which this certificate relates**

[*Insert description of weight, measure, or weighing or measuring instrument*]

[*Insert any serial number or other identifying feature of the weight, measure, or weighing or measuring instrument*]

.....  
Inspector of Weights and Measures

.....  
Date

Schedule 5 form 8: amended, on 23 May 2014, by regulation 8(1) of the Weights and Measures Amendment Regulations 2014 (LI 2014/136).

Schedule 5 form 8: amended, on 1 April 2010, by regulation 16(2) of the Weights and Measures Amendment Regulations 2009 (SR 2009/377).

Form 9

Certificate of accuracy (not in label form) issued by an accredited person

r 22(3)(b)

Name of accredited person:

Identifier of accredited person:

Logo of accredited person\*:

\*Optional

The weight(s) (*or* measure(s) *or* weighing or measuring instrument(s)) specified in the Schedule of this Certificate has/have been examined and tested by an accredited person and found to comply with the requirements of regulation 20 of the Weights and Measures Regulations 1999.

This certificate of accuracy expires on [*insert date*].

[Note: The statement relating to the expiry date of the certificate of accuracy must occupy at least 15% of the certificate.]

**Schedule of equipment to which this certificate relates**

[*Insert description of weight, measure, or weighing or measuring instrument*]

[*Insert any serial number or other identifying feature of the weight, measure, or weighing or measuring instrument*]

This certificate of accuracy is issued by [*insert full name of accredited person issuing the certificate*].

Personal identifier [*insert personal identifier of person issuing the certificate*].

.....  
Signature of accredited  
person issuing the certificate

.....  
Date

Form 10  
Infringement notice

r 90

*Section 32A(1), Weights and Measures Act 1987*

(Front page)

Weights and Measures Infringement Notice No:

To *[full name, full address]*

Date of birth (if known):\*

Gender (if known):\*

Occupation (if known):\*

Telephone number (if known):\*

\*Not required if the notice is served on a company.

**Enforcement authority**

Ministry of Business, Innovation, and Employment

*[Specify address of enforcement authority]*

**Alleged infringement offence**

You are alleged to have committed an infringement offence against *[specify provision]* of the Weights and Measures Act 1987/Weights and Measures Regulations 1999\*.

\*Select one.

**Details of alleged infringement offence**

Name or number of inspector who issued notice: *[specify]*

Nature of infringement:

Location:

Date:

Approximate time:

The fee for this infringement is \$200/\$500\*.

\*Select one.

**Payment of infringement fee**

The infringement fee is payable to the Ministry of Business, Innovation, and Employment within 28 days after *[date notice served]*.

Payment is to be made by any of the following methods: *[specify payment methods and address(es) or place(s) at which fee may be paid or, alternatively, refer to accompanying letter]*.

Please quote the infringement notice number shown above when making payment.

Payments by cheque or money order must be made payable to the Ministry of Business, Innovation, and Employment and marked “a/c payee”.

**Important:** Please read the summary of rights printed overleaf.

*(Back page)*

### *Summary of rights*

#### **Important information**

- 1 If, after reading these notes, you do not understand anything in the notes, you should consult a lawyer immediately.
- 2 This notice sets out 1 alleged infringement offence. If you have received a notice for other alleged infringement offences, you may act in the same way in respect of all alleged offences or in different ways in respect of different alleged offences, as set out below.

If you wish to deny the alleged offence, request the cancellation of this notice, request the transfer of this notice to another person, or have a court consider submissions as to penalty or otherwise, follow the directions in paragraph 8.

**Note:** If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into a time-to-pay arrangement with the Ministry of Business, Innovation, and Employment in respect of an infringement fee payable by you, paragraphs 8(b), 8(c), 9, and 10 do not apply and you are not entitled either to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

#### **Payment of infringement fee**

- 3 If you pay the infringement fee within 28 days of the service of this notice, no further action will be taken. Payment may be made as specified on the front page of this notice.

**Note:** Payment of the infringement fee is not a personal admission of guilt and will not result in the establishment of a criminal record.

#### **Defences**

- 4 You will have a complete defence against proceedings if the infringement fee has been paid to the Ministry of Business, Innovation, and Employment by any of the methods, or at any of the place(s) for payment, indicated on the front

page of this notice within 28 days after you have been served with a reminder notice.

**Note:** Late payment, or payment made at any other place, will not constitute a defence to proceedings in respect of the alleged offence.

- 5 If this infringement notice relates to an offence against section 14(1) of the Weights and Measures Act 1987 in respect of delivery to the purchaser of an invoice or a delivery note showing the true net weight or measure of goods purchased, it is a defence to the proceedings for that offence if you are able to prove that—
- (a) you were not the seller of the goods delivered to the purchaser; and
  - (b) you neither knew, nor might reasonably have been expected to know, nor had any reason to suspect, that the weight or measure stated on the invoice or delivery note was not the true weight or measure of the goods.
- 6 If this infringement notice relates to an offence against section 16A of the Weights and Measures Act 1987 in relation to a package from a lot of packages containing desiccating goods, it is a defence to proceedings for that offence if you are able to prove that,—
- (a) at all times during the period beginning at the time when the package was made up and ending on the 7th day after the day the package was made up,—
    - (i) the weighted average quantity of any sample taken from the lot of packages, as determined in accordance with the Weights and Measures Regulations 1999, was equal to or exceeded the quantity stated on the package or a label attached to it; and
    - (ii) the number of non-standard packages in any sample taken from the lot of packages was equal to or less than the appropriate number specified for the purpose by those regulations; and
    - (iii) there were no inadequate packages in any sample taken from the lot of packages; or
  - (b) at any time after the close of the period specified in subparagraph (a), a sample taken from the lot contained no inadequate packages.
- 7 If this infringement notice relates to an offence against section 24 of the Weights and Measures Act 1987 (which makes it an offence to use for trade, or have in possession for use in trade, any weight, measure, or weighing or measuring instrument that is false or unjust, even if it is stamped with a verification mark), you have a defence to proceedings for that offence if you are able to prove that—
- (a) there was a certificate of accuracy in force at the time of the offence in respect of the weight, measure, or weighing or measuring instrument; and



- (b) you neither knew nor had any reason to suspect that the weight, measure, or weighing or measuring instrument was false or unjust.

**Further action**

8 You should write to the Ministry of Business, Innovation, and Employment at the address indicated on the front page of this notice if you wish to—

- (a) raise any matter relating to the alleged offence for consideration by the Ministry of Business, Innovation, and Employment (including cancellation of this notice or request for transfer of the notice to another person); or
- (b) deny liability for the offence and request a court hearing (refer to paragraph 9); or
- (c) admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise (refer to paragraph 10).

You must ensure that your request is received on or before the last day for payment. Any such letter should be personally signed.

9 If you deny liability for the offence and request a hearing, the Ministry of Business, Innovation, and Employment will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court (unless the Ministry decides not to commence court proceedings).

**Note:** If the court finds you guilty of the offence, costs will be imposed in addition to any penalty.

10 If you admit liability for the offence but want the court to consider your submissions as to penalty or otherwise, you should in your letter—

- (a) ask for a hearing; and
- (b) admit the offence; and
- (c) set out the written submissions you wish the court to consider.

The Ministry of Business, Innovation, and Employment will then file your letter with the court (unless the Ministry decides not to commence court proceedings). There is no provision for an oral hearing before the court if you follow this course of action.

**Note:** Costs will be imposed in addition to any penalty.

**Consequences of taking no action**

11 If you do not pay the infringement fee and do not request a hearing within 28 days after the service of this notice, you will be served with a reminder notice (unless the Ministry of Business, Innovation, and Employment decides otherwise).

12 If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice, you will become liable to pay

costs **in addition to the infringement fee** (unless the Ministry of Business, Innovation, and Employment decides not to commence proceedings against you).

### Queries/correspondence

- 13 When writing or making payment, please include—
- (a) the date of the infringement; and
  - (b) the infringement notice number; and
  - (c) your address for replies.

**Note:** All queries and correspondence regarding this infringement must be directed to the Ministry of Business, Innovation, and Employment at [*specify address for correspondence or refer to accompanying letter*].

### Further information

- 14 Further information about infringement offences and fees is contained in section 21 of the Summary Proceedings Act 1957 and section 375 of the Criminal Procedure Act 2011. If there is anything in this notice that you do not understand, you should contact a lawyer.

Schedule 5 form 10: replaced, on 23 May 2014, by regulation 8(3) of the Weights and Measures Amendment Regulations 2014 (LI 2014/136).

Form 11  
Reminder notice in respect of infringement offence

r 90

*Section 32B(4), Weights and Measures Act 1987*

(Front page)

Reminder notice No:

**Details of person to whom infringement notice issued**

To *[full name, full address]*

Date of birth (if known):\*

Gender (if known):\*

Occupation (if known):\*

Telephone number (if known):\*

\*Not required if the notice is served on a company.

**Enforcement authority**

Ministry of Business, Innovation, and Employment

*[Specify address of enforcement authority]*

**Alleged infringement offence**

You are alleged to have committed an infringement offence against *[specify provision]* of the Weights and Measures Act 1987/Weights and Measures Regulations 1999\*.

\*Select one.

**Details of alleged infringement offence**

Name or number of inspector who issued notice: *[specify name or number]*

Nature of infringement:

Location:

Date:

Approximate time:

The fee for this infringement is \$200/\$500\*.

\*Select one.

**Service details**

*(To be provided for filing in court.)*

Infringement notice served by *[method of service]* on *[date of service]*

Reminder notice served by *[method of service]* on *[date of service]*

Address at which reminder notice served: *[insert full address or, if notice sent electronically, electronic address at which notice served]*

The last date for payment is *[date]*, being 28 days after the date of service recorded on this notice.

### **Infringement fee**

The infringement fee for this offence is \$200/\$500\*.

\*Select one.

Amount of infringement fee unpaid: \$*[amount]*

**Total payable:** \$*[amount]*

### **Procedure for payment of infringement fee**

Payment is to be made to the Ministry of Business, Innovation, and Employment by any of the following methods: *[specify payment methods and address(es) or place(s) at which fee may be paid or, alternatively, refer to accompanying letter]*.

Please quote the infringement notice number shown above when making payment.

Payments by cheque or money order should be made payable to the Ministry of Business, Innovation, and Employment and marked “a/c payee”.

**Important:** Please read the notes to defendant printed overleaf.

***(Back page)***

### ***Notes to defendant***

#### **Important information**

- 1 If, after reading these notes, you do not understand anything in the notes, you should consult a lawyer immediately.
- 2 If you wish to deny the alleged offence, request the cancellation of this notice, request the transfer of this notice to another person, or have a court consider submissions as to penalty or otherwise, follow the directions in paragraph 10.

**Note:** If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into a time-to-pay arrangement with the Ministry of Business, Innovation, and Employment in respect of an infringement fee payable by you, paragraphs 10(b), 10(c), 11, and 12 do not apply and you are not entitled either to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

### Final due date

- 3 The due date for payment of the infringement fee was [*specify date*]. By that date, payment was not received (or payment was not received in full) and you had not requested a hearing.
- 4 The final due date is now [*specify date*], which is 28 days after the day on which this notice was served on you.

### Payment of infringement fee

- 5 If you pay the infringement fee within 28 days after the service of this notice, no further action will be taken against you. Payments may be made as indicated on the front page of this notice and must be received on or before the final due date.

**Note:** Payment of the infringement fee is not a personal admission of guilt and will not result in the establishment of a criminal record.

### Defences

- 6 You will have a complete defence against proceedings if you can show the infringement fee has been paid to the Ministry of Business, Innovation, and Employment at any of the place(s) for payment indicated on the front page of this notice before or within 28 days after you were served with this reminder notice.  
**Note:** Late payment, or payment made at any other place, will not constitute a defence to proceedings in respect of the alleged offence.
- 7 If this reminder notice relates to an offence against section 14(1) of the Weights and Measures Act 1987 in respect of delivery to the purchaser of an invoice or a delivery note showing the true net weight or measure of goods purchased, it is a defence to the proceedings for that offence if you are able to prove that—
  - (a) you were not the seller of the goods delivered to the purchaser; and
  - (b) you neither knew nor might reasonably have been expected to know, nor had any reason to suspect, that the weight or measure stated on the invoice or delivery note was not the true weight or measure of the goods.
- 8 If this reminder notice relates to an offence against section 16A of the Weights and Measures Act 1987 in relation to a package from a lot of packages containing desiccating goods, it is a defence to proceedings for that offence if you are able to prove that,—
  - (a) at all times during the period beginning at the time when the package was made up and ending on the 7th day after the day the package was made up,—
    - (i) the weighted average quantity of any sample taken from the lot of packages, as determined in accordance with the Weights and Measures Regulations 1999, was equal to or exceeded the quantity stated on the package or a label attached to it; and

- (ii) the number of non-standard packages in any sample taken from the lot of packages was equal to or less than the appropriate number specified for the purpose by those regulations; and
    - (iii) there were no inadequate packages in any sample taken from the lot of packages; or
  - (b) at any time after the close of the period specified in subparagraph (a), a sample taken from the lot contained no inadequate packages.
- 9 If this reminder notice relates to an offence against section 24 of the Weights and Measures Act 1987 (which makes it an offence to use for trade, or have in possession for use in trade, any weight, measure, or weighing or measuring instrument that is false or unjust, even if it is stamped with a verification mark), you have a defence to proceedings for that offence if you are able to prove that—
- (a) there was a certificate of accuracy in force at the time of the offence in respect of the weight, measure, or weighing or measuring instrument; and
  - (b) you neither knew nor had any reason to suspect that the weight, measure, or weighing or measuring instrument was false or unjust.

**Further action**

- 10 You should write to the Ministry of Business, Innovation, and Employment at the address indicated on the front page of this notice if you wish to—
- (a) raise any matter relating to the alleged offence for consideration by the Ministry of Business, Innovation, and Employment (including cancellation of this notice or request for transfer of the notice to another person); or
  - (b) deny liability for the offence and request a court hearing (refer to paragraph 11); or
  - (c) admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise (refer to paragraph 12).

You must ensure that your request is received on or before the last day for payment. Any such letter should be personally signed.

- 11 If you deny liability for the offence and request a hearing, the Ministry of Business, Innovation, and Employment will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court (unless the Ministry decides not to commence court proceedings).

**Note:** If the court finds you guilty of the offence, costs will be imposed in addition to any penalty.

- 12 If you admit liability for the offence but want the court to consider your submissions as to penalty or otherwise, you should in your letter—
- (a) ask for a hearing; and

- (b) admit the offence; and
- (c) set out the written submissions you wish the court to consider.

The Ministry of Business, Innovation, and Employment will then file your letter with the court (unless the Ministry decides not to commence court proceedings). There is no provision for an oral hearing before the court if you follow this course of action.

**Note:** Costs will be imposed in addition to any penalty.

### Consequences of taking no action

- 13 If you do not pay the infringement fee and do not request a hearing within 28 days after the service of this notice, you will become liable to pay costs **in addition to the infringement fee** (unless the Ministry of Business, Innovation, and Employment decides not to commence proceedings against you).

### Queries/correspondence

- 14 When writing or making payment, please include—
- (a) the date of the infringement; and
  - (b) the infringement notice number; and
  - (c) your address for replies.

**Note:** All queries and correspondence regarding this infringement must be directed to the Ministry of Business, Innovation, and Employment [*specify address for correspondence or refer to accompanying letter*].

### Further information

- 15 Further information about infringement offences and fees is contained in section 21 of the Summary Proceedings Act 1957 and section 375 of the Criminal Procedure Act 2011. If there is anything in this notice that you do not understand, you should contact a lawyer.

Schedule 5 form 11: replaced, on 23 May 2014, by regulation 8(3) of the Weights and Measures Amendment Regulations 2014 (LI 2014/136).

**Schedule 6**  
**Shape of weights of 1 g or less**

r 27(4)

<b>Nominal values (mg)</b>	<b>Shape</b>	
	<b>Polygonal sheets</b>	<b>Wires</b>
5, 50, or 500	pentagon	pentagon or 5 segments
2, 20, or 200	square	square or 2 segments
1, 10, 100, or 1 000	triangle	triangle or 1 segment



## Schedule 7

### Requirements for quality management system to be operated by accredited persons

r 17

#### *Interpretation*

#### 1 Interpretation

- (1) In this schedule, unless the context otherwise requires,—

**certification work** means—

- (a) the examination and testing of measuring equipment:
- (b) the stamping of measuring equipment:
- (c) the issuing of certificates of accuracy

**management representative** means the person nominated in accordance with clause 4

**measuring equipment** means weights, measures, and weighing or measuring instruments

**non-compliance**, in relation to any measuring equipment, means the failure of that equipment to comply with the requirements of the Act or of these regulations; and **non-complying** has a corresponding meaning

**operations**, in relation to an accredited person, means the operations of that accredited person as they relate to the exercise or performance, by that accredited person, of the powers, duties, and functions of an accredited person under the Act or these regulations

**quality management system** means a system of operation for exercising or performing the powers, functions, and duties of an accredited person.

- (2) An accredited person who adopts a document (the **ISO QMS document**) containing a quality management system approved by the International Organization for Standardization and operates that system throughout the person's operations is to be treated, for the purposes of this schedule, as complying with any requirement in this schedule to define or outline matters in a written document if the matters are contained in the ISO QMS document.

Schedule 7 clause 1(2): added, on 1 April 2010, by regulation 17(1) of the Weights and Measures Amendment Regulations 2009 (SR 2009/377).

#### *Management of accredited persons*

#### 2 Quality policy

- (1) Every accredited person must define, in a written document, the policy of that accredited person in relation to quality as it relates to the operations of that accredited person.

- (2) Without limiting subclause (1), every written policy on quality must define—
  - (a) the accredited person's commitment to quality; and
  - (b) the objectives of the accredited person as they relate to the attainment of quality.
- (3) Every accredited person must ensure that the accredited person's policy on quality is understood, implemented, and maintained at all levels of that accredited person's operations.

### **3 Responsibility and authority**

Every accredited person must define, in a written document,—

- (a) the responsibilities and authority of each person who is employed or engaged by that accredited person to carry out any duties in relation to the operations of that accredited person; and
- (b) the relationship between each such person and every other person so employed or engaged by that accredited person.

### **4 Management representation**

- (1) Every accredited person must nominate a member of that accredited person's staff to be that accredited person's management representative.
- (2) The management representative's responsibilities must include responsibility for ensuring that the requirements of the Act and these regulations, as they relate to the operations of the accredited person, are complied with.

### **5 Resources and personnel**

Every accredited person must define, in a written document,—

- (a) the resources that will be used in the accredited person's operations; and
- (b) the procedures to be followed to ensure that those operations are carried out by competent personnel.

### **6 Review of quality management system**

- (1) Every accredited person must ensure that the quality management system of that accredited person is reviewed, at regular intervals, in order to ensure its continuing suitability and effectiveness.
- (2) Every accredited person must ensure that adequate records are maintained of every review carried out in accordance with subclause (1) in relation to that accredited person's quality management system.

### **7 Quality assurance systems**

- (1) Every accredited person must establish and maintain an effective quality assurance system in relation to—
  - (a) certification work; and

- (b) the checking of certification work.
- (2) Every such quality assurance system must include the maintenance of a written document outlining—
  - (a) the procedures to be followed in carrying out certification work; and
  - (b) the standard of workmanship to be attained; and
  - (c) the records to be kept by personnel carrying out certification work.
- (3) The procedures referred to in subclause (2)(a)—
  - (a) must be approved by the management representative before they are implemented by the accredited person; and
  - (b) must be reviewed from time to time by the management representative in order to ensure their continuing suitability and effectiveness.
- (4) Every accredited person must establish document control procedures sufficient to ensure that personnel carrying out certification work do so in accordance with the written document referred to in subclause (2) that is for the time being in force in relation to that accredited person's operations.

## **8 Corrective action**

- (1) Every accredited person must establish and maintain procedures—
  - (a) for investigating the cause of the non-compliance of any measuring equipment, where that non-compliance occurs during the currency of any certificate of accuracy issued, in respect of that equipment, by or on behalf of that accredited person; and
  - (b) for formulating and implementing any corrective action necessary to prevent the recurrence of any such non-compliance; and
  - (c) for the application of controls to ensure—
    - (i) that such corrective action is taken; and
    - (ii) that such corrective action is effective; and
  - (d) for implementing and documenting any changes to certification work procedures, where those changes result from such corrective action; and
  - (e) for analysing the operations of the accredited person (including certification work procedures, quality assurance records, and service reports), and customer complaints, in order to detect and eliminate potential causes of such non-compliance.
- (2) Every accredited person must ensure that the procedures referred to in subclause (1) are defined in a written document.

## **9 Internal quality audits**

- (1) Every accredited person must establish and maintain procedures for the carrying out of internal quality audits—

- (a) to determine whether or not the operations of the accredited person are being carried out in accordance with the requirements laid down by that accredited person; and
  - (b) to determine whether or not the quality assurance system established by that accredited person is effective.
- (2) Every accredited person must ensure that the procedures referred to in subclause (1) are defined in a written document.
- (3) Where an internal quality audit is carried out in respect of any of the operations of any accredited person, that accredited person must ensure—
- (a) that the findings of that audit are recorded in writing and brought to the attention of the personnel responsible for those operations; and
  - (b) that timely corrective action is taken to remedy any deficiencies revealed by the audit.

## **10 Training**

- (1) Every accredited person must ensure that personnel undertaking certification work have appropriate training and experience.
- (2) Every accredited person must ensure that written records of any training given by that accredited person are made and maintained.

### *Particular requirements in relation to certification work*

## **11 Certification work**

- (1) Every accredited person must ensure that the procedures established by that accredited person for the carrying out of certification work are followed by that accredited person's personnel.
- (2) Every accredited person must ensure that adequate records are made and maintained in relation to certification work carried out by that accredited person's personnel.
- (3) Without limiting the generality of subclause (2),—
- (a) the records referred to in that subclause must include, in relation to each stage of the examination and testing process undertaken in respect of any measuring equipment, the results of the examination and testing at each such stage; and
  - (b) where any measuring equipment is examined and tested over a period of more than 1 day, the results of the examination and testing undertaken on each separate day in that period must be recorded on that day; and
  - (c) the records referred to in that subclause must be legible and be readily identifiable with the measuring equipment to which they relate; and

- (d) all records relating to certification work carried out in relation to any particular measuring equipment must be retained by an accredited person for a period of not less than 5 years.

Schedule 7 clause 11(3)(d): amended, on 1 April 2010, by regulation 17(2) of the Weights and Measures Amendment Regulations 2009 (SR 2009/377).

## **12 Working standards and test equipment**

- (1) Every accredited person—
  - (a) must establish and maintain procedures for ensuring that the standards of measurement and other equipment used in certification work carried out by that accredited person's personnel are sufficiently accurate to enable that work to be carried out satisfactorily; and
  - (b) must ensure that records are maintained of the verification of such standards of measurement and such equipment, and of the results of that verification.
- (2) Every accredited person must ensure that the procedures referred to in sub-clause (1)(a) are defined in a written document.

## **13 Inspection and testing status**

- (1) Every accredited person must ensure that while measuring equipment is under the control of the personnel of that accredited person, adequate procedures are adopted (whether by means of markings, stamps, tags, labels, physical location, or other suitable means) to identify the stage that the equipment has reached in the examination and testing process, in order to ensure that the equipment is stamped or, as the case may be, a certificate of accuracy is issued in respect of the equipment, only on the basis of examination and testing actually carried out on that equipment.
- (2) Every accredited person must ensure that, where measuring equipment is released from the control of the personnel of that accredited person, a record is kept of the identity of the person authorising that release.
- (3) Every accredited person must ensure that non-complying measuring equipment under the control of the personnel of the accredited person is clearly identified as such and, so far as practicable, is kept separate from other measuring equipment.

## **14 Protection of equipment**

Every accredited person must ensure that all measuring equipment under that accredited person's control is adequately protected against loss or damage.

## Schedule 7A

### Average quantity system

rr 84A–84F

Schedule 7A: inserted, on 14 November 2001, by regulation 5 of the Weights and Measures Amendment Regulations 2001 (SR 2001/305).

**Table 1**  
**Lots and sampling characteristics**

Column 1	Column 2	Column 3	Column 4
Number of packages in the lot of packages	Minimum sample size	Sample correction factor ( <i>c</i> )	Number of non-standard packages permitted in a sample
2	2	0	0
3	3	0	0
4	4	0	0
5	5	0	0
6	6	0	0
7	7	0	0
8	8	0	0
9	9	0	0
10	10	0	0
11	11	0	0
12	12	0	0
13–39	12	0.746	0
40–79	12	0.826	1
80–149	12	0.860	2
150–399	32	0.465	3
400–4 000	32	0.483	4
More than 4 000	80	0.295	6

**Table 2**  
**Amounts of error for packages labelled by mass or volume**

Column 1	Column 2	Column 3
Stated quantity (g or ml or cm <sup>3</sup> )	Amount of error (% of stated quantity)	Amount of error (g or ml or cm <sup>3</sup> )
More than 0 to not more than 50	9.0	–

<b>Column 1</b> <b>Stated quantity</b> <b>(g or ml or cm<sup>3</sup>)</b>	<b>Column 2</b> <b>Amount of error</b> <b>(% of stated quantity)</b>	<b>Column 3</b> <b>Amount of error</b> <b>(g or ml or cm<sup>3</sup>)</b>
More than 50 to not more than 100	–	4.5
More than 100 to not more than 200	4.5	–
More than 200 to not more than 300	–	9.0
More than 300 to not more than 500	3.0	–
More than 500 to not more than 1 000	–	15.0
More than 1 000 to not more than 10 000	1.5	–
More than 10 000 to not more than 15 000	–	150.0
More than 15 000	1.0	–

**Note:** For the purposes of this table, if the quantity is stated in units other than grams, millilitres, or cubic centimetres, the quantity must be converted into the equivalent number of grams, millilitres, or cubic centimetres, as appropriate. For example, if the quantity is stated in kilograms, litres, or cubic metres, the quantity must be converted into the equivalent number of grams, millilitres, or cubic centimetres, respectively. The table must then be applied accordingly.

**Table 3**  
**Amounts of error for packages labelled by reference to length,  
width, area, or number**

<b>Column 1</b> <b>Quantity type</b>	<b>Column 2</b> <b>Amount of error</b>
Length or width	2% of stated length or width for all packages
Area	3% of stated area for all packages
Number	For packages stated to contain 50 or less goods, 1 good  For packages stated to contain more than 50 goods, 2% of the number of stated goods rounded up to the nearest whole number

**Table 4**  
**Number of non-standard packages permitted in sample if sample  
size selected is more than minimum sample size**

<b>Column 1</b> <b>Sample size (<i>n</i>)</b>	<b>Column 2</b> <b>Number of non-standard packages permitted in a sample</b>
13–14	2
15–28	3

29–44		4
45–63		5
64–83		6
84–100		7
More than 100	$0.025n + 2.7\sqrt{0.025n}$	

**Note:** For the purposes of the formula set out in column 2 (in the case of a sample size of more than 100),—

- (a)  $n$  is the sample size; and
- (b) the amount calculated in accordance with the formula must be rounded up to the nearest whole number.

**Table 5**  
**Sample correction factor if sample size selected is more than minimum sample size**

Column 1	Column 2
Number of packages in the lot of packages	Sample correction factor ( $c$ )
13–39	$t \sqrt{\frac{39 - n}{39n}}$
40–79	$t \sqrt{\frac{79 - n}{79n}}$
80–149	$t \sqrt{\frac{149 - n}{149n}}$
150–399	$t \sqrt{\frac{399 - n}{399n}}$
400–4 000	$t \sqrt{\frac{4\,000 - n}{4\,000n}}$
More than 4 000	$t \sqrt{\frac{1}{n}}$

**Note:** For the purposes of the formulas included in this table,—

- (a)  $n$  is the sample size; and
- (b)  $t$  is the amount calculated in accordance with the following formula:

$$t = \frac{2.5758n^2 - 5.9801n + 5.2788}{n^2 - 4.2311n + 4.7942}$$

(where  $n$  is the sample size).



**Schedule 8**  
**Regulations revoked**

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**Weights and Measures Regulations 1987 (SR 1987/123)**

**Weights and Measures Regulations 1987, Amendment No 1 (SR 1989/187)**

**Weights and Measures Regulations 1987, Amendment No 2 (SR 1990/17)**

**Weights and Measures Regulations 1987, Amendment No 4 (SR 1991/100)**

**Weights and Measures Amendment Regulations 1998 (SR 1998/30)**

Marie Shroff,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.  
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## Reprints notes

### 1 *General*

This is a reprint of the Weights and Measures Regulations 1999 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### 2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### 3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### 4 *Amendments incorporated in this reprint*

Standards and Accreditation Act 2015 (2015 No 91): section 45(2)

Food Act 2014 (2014 No 32): section 447

Weights and Measures Amendment Regulations 2014 (LI 2014/136)

Weights and Measures Amendment Regulations 2012 (SR 2012/246)

Criminal Procedure Act 2011 (2011 No 81): section 413

Weights and Measures Amendment Regulations 2009 (SR 2009/377)

Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64): section 26(2)

Insolvency Act 2006 (2006 No 55): section 445

Weights and Measures Amendment Regulations 2003 (SR 2003/243)

Weights and Measures Amendment Regulations 2002 (SR 2002/369)

Weights and Measures Amendment Regulations 2001 (SR 2001/305)

Ministry of Economic Development Act 2000 (2000 No 28): section 8(2)