

Version
as at 28 October 2021



Weights and Measures Act 1987

Public Act 1987 No 15
Date of assent 16 March 1987
Commencement see section 1(2)

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Business, Innovation, and Employment.

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Title *[Repealed]*

Title: repealed, on 18 December 2013, by section 4 of the Weights and Measures Amendment Act 2013 (2013 No 145).

1 Short Title and commencement

- (1) This Act may be cited as the Weights and Measures Act 1987.
- (2) Subject to sections 17(2) and 18(4), this Act shall come into force on 1 April 1987.

1A Purpose

- (1) The purpose of this Act is to contribute to a trading environment in which—
 - (a) the interests of consumers are protected; and
 - (b) businesses compete effectively; and
 - (c) consumers and businesses participate confidently.
- (2) To this end, the Act—
 - (a) establishes a system of weights and measures to be used for trade; and
 - (b) regulates the use of weights and measures for trade.

Section 1A: inserted, on 18 December 2013, by section 5 of the Weights and Measures Amendment Act 2013 (2013 No 145).

2 Interpretation

In this Act, unless the context otherwise requires,—

accredited person means a person accredited pursuant to section 30A

approved overseas country means any country outside New Zealand that is declared by notice to be an approved overseas country for the purposes of section 5(3)(b)

automatic volumetric liquid dispensing machine means an instrument in which self-acting machinery automatically dispenses liquids in measured quantities but which instrument is not itself a calibrated measure or calibrated measuring instrument

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

catch weight goods means goods that—

- (a) are enclosed in a package; and
- (b) cannot be portioned to a predetermined quantity because of their nature; and
- (c) are usually sold in varying quantities

certificate of accuracy means a certificate of accuracy issued pursuant to section 22A

departmental standards means the standards of weights and measures provided pursuant to section 5

desiccating goods means any goods made up in a package that lose weight or volume solely through evaporation when the package is made up

document has the meaning given to it by section 2(1) of the Official Information Act 1982

food means anything that is used or represented for use as food or drink for human beings; and includes—

- (a) any ingredient or nutrient or other constituent of any food or drink, whether that ingredient or nutrient or other constituent is consumed or represented for consumption by human beings by itself or when used in the preparation of or mixed with or added to any food or drink; and
- (b) anything that is or is intended to be mixed with or added to any food or drink; and
- (c) chewing gum, and any ingredient of chewing gum, and anything that is or is intended to be mixed with or added to chewing gum

goods means all kinds of movable personal property, including animals

inadequate package means a package enclosing goods that contains less than the quantity stated on the package or a label attached to it, where the deficiency is more than twice the amount of error specified for the purpose in regulations made under section 41A

infringement fee means the amount prescribed by regulations made under section 41B as the amount payable in respect of an infringement offence for which an infringement notice has been issued

infringement notice means a notice, in the form prescribed by regulations made under section 41B and issued under section 32A(1)(b), in respect of an infringement offence

infringement offence means—

- (a) an offence against any of sections 8, 10, 14, 15, 15A, 16, 16A, 17, 18, 21, 22B, and 24;
- (b) a breach of any regulation made under this Act that is prescribed as an infringement offence

Inspector means an Inspector of Weights and Measures appointed pursuant to section 26

Inspectors' working standards means the standards of weights and measures provided pursuant to section 7

lot of packages means a collection of packages enclosing goods that—

- (a) are of the same kind; and
- (b) are of the same stated weight, measure, or number; and
- (c) are available for inspection at the same time and place

measuring instrument means any instrument or machine used for measuring any article, thing, liquid, or substance

metric system means the international system of units which uses as its base units of weight, length, area, and volume the units described in Schedule 1

Minister means the Minister of the Crown who is for the time being responsible for the administration of this Act, under the authority of any warrant or with the authority of the Prime Minister

non-standard package means a package enclosing goods that contains less than the quantity stated on the package or a label attached to it, where the deficiency is more than the amount of error specified for the purpose in regulations made under section 41A but not more than twice that specified amount of error

package includes anything in or by which goods are cased, covered, contained, or packed

public weighing instrument means any weighing instrument available for use by the public, or for the use of which a charge is made

reference standards means the standards of weights and measures maintained under section 6

sale by retail does not include a sale of goods to any person who is a dealer in goods of that kind and who buys those goods to sell again

Secretary means the chief executive of the department for the time being responsible for the administration of this Act

trainee Inspector means a trainee Inspector of Weights and Measures appointed pursuant to section 26

use for trade, in relation to any weight, measure, or weighing or measuring instrument,—

- (a) means the use of any weight, measure, or weighing or measuring instrument in connection with, or with a view to, a transaction for—
 - (i) the transferring or rendering of money or money's worth in consideration of money or money's worth; or
 - (ii) the making of a payment in respect of any toll or duty—
where—

- (iii) the transaction is by reference to quantity or is a transaction for the purposes of which there is made or implied a statement of the quantity of goods to which the transaction relates; and
 - (iv) the use is for the purpose of the determination or statement of that quantity; but
- (b) does not include such use of any weight, measure, or weighing or measuring instrument where the determination or statement of quantity referred to in paragraph (a)(iv) is a determination or statement of the quantity of goods required for despatch to a destination outside New Zealand—

and **have in possession for use for trade** has a corresponding meaning

weighing instrument means any instrument or machine used for weighing any article, thing, liquid, or substance; and includes weights used in connection with it

weight or measure of the metric system means a unit of weight, length, area, or volume described in Schedule 1; and includes any weight or measure derived from any such unit.

Compare: 1925 No 26 s 2; 1976 No 162 s 2

Section 2 **accredited person**: inserted, on 1 July 1991, by section 2(1) of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 2 **approved overseas country**: inserted, on 1 July 1991, by section 2(1) of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 2 **approved overseas country**: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 2 **catch weight goods**: inserted, on 14 November 2001, by section 6(1) of the Weights and Measures Amendment Act 2000 (2000 No 86).

Section 2 **certificate of accuracy**: inserted, on 1 July 1991, by section 2(1) of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 2 **Chief Inspector**: repealed, on 1 July 1991, by section 9(2) of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 2 **Deputy Chief Inspector**: repealed, on 1 July 1991, by section 9(2) of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 2 **desiccating goods**: inserted, on 14 November 2001, by section 6(1) of the Weights and Measures Amendment Act 2000 (2000 No 86).

Section 2 **district standards**: repealed, on 18 December 2013, by section 6(1) of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 2 **document**: inserted, on 1 July 1991, by section 2(1) of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 2 **food**: inserted, on 27 September 2001, by section 3 of the Weights and Measures Amendment Act 2001 (2001 No 81).

Section 2 **inadequate package**: inserted, on 14 November 2001, by section 6(1) of the Weights and Measures Amendment Act 2000 (2000 No 86).

Section 2 **infringement fee**: replaced, on 18 December 2013, by section 6(2) of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 2 **infringement notice**: inserted, on 18 December 2013, by section 6(4) of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 2 **infringement offence**: substituted, on 4 June 1999, by section 2 of the Weights and Measures Amendment Act 1999 (1999 No 51).

Section 2 **infringement offence** paragraph (a): amended, on 18 December 2013, by section 6(3) of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 2 **Inspector**: amended, on 1 July 1991, by section 9(2) of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 2 **lot of packages**: inserted, on 14 November 2001, by section 6(1) of the Weights and Measures Amendment Act 2000 (2000 No 86).

Section 2 **Minister**: substituted, on 14 November 2001, by section 6(1) of the Weights and Measures Amendment Act 2000 (2000 No 86).

Section 2 **non-standard package**: inserted, on 14 November 2001, by section 6(1) of the Weights and Measures Amendment Act 2000 (2000 No 86).

Section 2 **reference standards**: inserted, on 18 December 2013, by section 6(4) of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 2 **Secretary**: inserted, on 1 July 1991, by section 2(1) of the Weights and Measures Amendment Act 1991 (1991 No 9).

3 Act to bind the Crown

This Act binds the Crown.

Part 1

System of weights and measures and standards

Metric system to be used for trade in New Zealand

4 Metric standards of weights and measures

- (1) Weights and measures of the metric system shall, except as expressly provided in this Act, be the only weights and measures used for trade in New Zealand.
- (2) For the purposes of this Act the kilogram and the metre shall be the source from which all weights and measures are derived.

Compare: 1925 No 26 s 5

Standards of weights and measures

5 Departmental standards

- (1) The Secretary shall provide such standards of the weights and measures specified in Schedule 2 as are necessary for the purposes of this Act.
- (2) Such standards shall be known as the departmental standards, and shall be maintained in the custody of such person as the Secretary from time to time directs.
- (3) The Secretary shall ensure that the departmental standards are verified from time to time, at intervals not exceeding 5 years, by reference to—

- (a) the New Zealand standards for the metre and the kilogram maintained pursuant to the Measurement Standards Act 1992; or
 - (b) any national standards of measurement maintained by any approved overseas country.
- (4) The Minister of the Crown who is for the time being charged with the administration of the Measurement Standards Act 1992 may from time to time, by notice, declare any country outside New Zealand to be an approved overseas country for the purposes of subsection (3)(b) where the Minister is satisfied that the national standards of measurement maintained by that country are of sufficient accuracy to be used for the purpose of verifying the departmental standards.
- (5) Any notice under subsection (4) may be in like manner amended or revoked at any time.
- (6) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must publish it in the <i>Gazette</i>	LA19 ss 73, 74(1)(a), Sch 1 cl 14
	The Ministry of Foreign Affairs and Trade considers that the secondary legislation may have international transparency obligations under the CPTPP. As a result the maker may also have to comply with s 75 of the Legislation Act 2019	LA19 ss 74(2), 75
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 5: substituted, on 1 July 1991, by section 3 of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 5(3)(a): amended, on 1 July 1992, by section 6(a) of the Measurement Standards Act 1992 (1992 No 52).

Section 5(4): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 5(4): amended, on 1 July 1992, by section 6(b) of the Measurement Standards Act 1992 (1992 No 52).

Section 5(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

6 Reference standards

- (1) The Secretary must nominate 1 or more Inspectors, and may nominate 1 or more accredited persons, to maintain, as reference standards for the purposes of this Act,—
- (a) copies of the departmental standards; or

- (b) standards that are of the same or greater accuracy as the departmental standards.
- (2) Reference standards must be verified from time to time, at intervals not exceeding 5 years, by reference to—
 - (a) the departmental standards; or
 - (b) the standards referred to in section 5(3)(a) or (b).
- (3) Unless it is impracticable to do so, a reference standard must be marked with all of the following:
 - (a) a Crown and the letters NZ;
 - (b) figures indicating the unit of the weight or measure and the numerical value of that unit;
 - (c) any other symbols, letters, or figures prescribed by regulations made under section 41(ab).
- (4) The marks must, where practicable, appear on the reference standard,—
 - (a) in the case of the marks described in subsection (3)(a), in close proximity to each other; and
 - (b) in the case of the marks described in subsection (3)(c), in the form and manner (if any) prescribed by regulations made under section 41(ac).

Section 6: replaced, on 18 December 2013, by section 7 of the Weights and Measures Amendment Act 2013 (2013 No 145).

7 Inspectors' working standards

- (1) The Secretary shall provide, for the purposes of this Act, copies of the reference standards to be known as Inspectors' working standards, which shall be issued to Inspectors and shall be—
 - (a) maintained in the custody and control of the Inspectors to whom they are issued; and
 - (b) used by them for the purposes of this Act.
- (2) Inspectors' working standards, except those that are used to determine a measure of volume and are constructed of glass, shall be verified from time to time by comparison with the reference standards at intervals not exceeding 12 months.
- (2A) Inspectors' working standards that are used to determine a measure of volume and are constructed of glass must be verified by comparison with the reference standards at intervals not exceeding 10 years.
- (3) Unless it is impracticable to do so, an Inspectors' working standard must be marked with all of the following:
 - (a) a Crown and either—
 - (i) the letters NZ; or

- (ii) the letters SW (signifying standard weight) in the case of a weight or SM (signifying standard measure) in the case of a measure:
 - (b) figures indicating the unit of the weight or measure and the numerical value of that unit:
 - (c) any other symbols, letters, or figures prescribed by regulations made under section 41(ab).
- (4) The marks must, where practicable, appear on the Inspectors' working standard,—
- (a) in the case of the marks described in subsection (3)(a), in close proximity to each other; and
 - (b) in the case of the marks described in subsection (3)(c), in the form and manner (if any) prescribed by regulations made under section 41(ac).

Section 7(1): amended, on 18 December 2013, by section 8(1) of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 7(1): amended, on 1 July 1991, by section 9(2) of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 7(2): amended, on 18 December 2013, by section 8(1) of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 7(2): amended, on 15 December 2005 (applying only to Inspectors' working standards verified after that date), by section 3(1) of the Weights and Measures Amendment Act 2005 (2005 No 118).

Section 7(2A): inserted, on 15 December 2005 (applying only to Inspectors' working standards verified after that date), by section 3(2) of the Weights and Measures Amendment Act 2005 (2005 No 118).

Section 7(2A): amended, on 18 December 2013, by section 8(1) of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 7(3): replaced, on 18 December 2013, by section 8(2) of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 7(4): inserted, on 18 December 2013, by section 8(2) of the Weights and Measures Amendment Act 2013 (2013 No 145).

7A Accredited persons' working standards

- (1) Every accredited person shall maintain such standards of measurement as the Secretary considers necessary to enable the accredited person to exercise or perform that accredited person's functions, duties, and powers under this Act.
- (2) Every accredited person shall from time to time, at intervals not exceeding 12 months, cause the standards maintained by that person pursuant to subsection (1), except those that are used to determine a measure of volume and are constructed of glass, to be verified by reference to—
 - (a) the departmental standards; or
 - (b) any reference standards; or
 - (c) the standards referred to in paragraph (a) or paragraph (b) of section 5(3).

- (3) Every accredited person must, at intervals not exceeding 10 years, cause the standards maintained by that person under subsection (1) that are used to determine a measure of volume and are constructed of glass to be verified by reference to—
- (a) the departmental standards; or
 - (b) any reference standards; or
 - (c) the standards referred to in section 5(3)(a) or (b).

Section 7A: inserted, on 1 July 1991, by section 5 of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 7A(2): amended, on 15 December 2005 (applying only to standards maintained by an accredited person that are verified after that date), by section 4(1) of the Weights and Measures Amendment Act 2005 (2005 No 118).

Section 7A(2)(b): amended, on 18 December 2013, by section 9 of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 7A(3): added, on 15 December 2005 (applying only to standards maintained by an accredited person that are verified after that date), by section 4(2) of the Weights and Measures Amendment Act 2005 (2005 No 118).

Section 7A(3)(b): amended, on 18 December 2013, by section 9 of the Weights and Measures Amendment Act 2013 (2013 No 145).

Part 2

Use of weights and measures for trade

8 Obligations to use metric system of weights and measures

Subject to section 9, every person commits an offence who—

- (a) in relation to any matter, work, goods, or other thing, makes or enters into any contract, or engages in any dealing or transaction, by reference to any weight or measure other than a weight or measure of the metric system; or
- (b) uses for trade any weight or measure other than a weight or measure of the metric system; or
- (c) uses for trade any weighing or measuring instrument other than a weighing or measuring instrument which weighs or measures only by reference to weights or measures of the metric system.

Compare: 1925 No 26 ss 14(1), 15, 16

9 Exceptions to obligations to use metric system of weights and measures

Nothing in section 8 applies to—

- (a) any contract, dealing, or transaction in connection with the export of goods to, or the importation of goods from, a country where a system of weights and measures other than the metric system is used; or
- (b) the weighing or measuring of goods or the doing of any other act for the purposes of any contract, dealing, or transaction in connection with the

export of goods to, or the importation of goods from, a country where a system of weights and measures other than the metric system is used.

Compare: 1925 No 26 s 14(2)

10 Obligation to use metric system in advertising goods for sale

Subject to section 11, every person commits an offence who, in the course of, or for the purposes of, any trade or business, uses, whether on any package or price ticket, or in any price list or advertisement or otherwise howsoever, any unit of a weight or measure other than a weight or measure of the metric system in advertising, displaying, or exposing goods for sale.

Compare: 1976 No 162 s 4

11 Exceptions to obligation to use metric weights and measures in advertising goods for sale

Nothing in section 10 applies to the use by any person of any unit of a weight or measure which is not a unit of a weight or measure of the metric system on any goods displayed or exposed for sale by retail or on the package of any such goods or on both if—

- (a) that unit is additional to a unit of a weight or measure of the metric system and that unit and the figures in which that unit and the numerical value of that unit are marked are no larger than those of that metric weight or measure; and
- (b) the goods—
 - (i) have been imported into New Zealand; or
 - (ii) are part of a line of goods intended for sale by retail both in New Zealand and another country or were, when marked with the unit of a weight or measure of a system which is not the metric system, intended for sale by retail in another country; and
- (c) in the case of the goods referred to in paragraph (b)(ii), those goods were required, by the law of that other country or pursuant to the terms of any contract relating to the import of those goods into that other country, to be marked with that non-metric unit.

Compare: 1976 No 162 s 4A; 1980 No 154 s 2

Part 3

Sale of goods by weight, measure, or number

12 Obligation to sell goods by net weight or measure

- (1) Subject to subsection (2), all goods sold or offered or exposed for sale by weight or measure by any person shall be sold or offered or exposed for sale by net weight or measure.

- (2) Nothing in subsection (1) applies to goods exempted from the provisions of this section by regulations made under section 41.

Compare: 1925 No 26 s 18(1), (4); 1968 No 118 s 3

13 Obligation in respect of invoice or delivery note

- (1) This section applies to a person who delivers to a purchaser at a place other than the premises of the seller any goods sold by weight or measure other than goods that are—
- (a) weighed or measured at the premises of the purchaser in the purchaser's presence; or
 - (b) enclosed in a package that is marked or labelled with a statement of the net weight or measure of the goods; or
 - (c) exempted from the provisions of this section by regulations made under section 41(x).
- (2) The person must, as soon as practicable, deliver or send to the purchaser an invoice or delivery note that shows, in the form and manner (if any) prescribed by regulations made under section 41(xaa),—
- (a) the true net weight or measure of those goods; and
 - (b) the address, telephone numbers, and email address (if any) of the seller.

Section 13: replaced, on 18 December 2013, by section 10 of the Weights and Measures Amendment Act 2013 (2013 No 145).

14 Offences

- (1) Every person who contravenes section 12 or section 13 commits an offence.
- (2) It shall be a defence to a charge under this section if, where the charge relates to the contravention of section 13, the person charged proves that—
- (a) that person was not the seller of the goods delivered to the purchaser; and
 - (b) that person 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.

Compare: 1925 No 26 s 18(5)

15 Counting of goods sold by retail

- (1) This section applies if a person offers or exposes goods for retail sale by number.
- (2) If the goods are not prepackaged when offered or exposed for sale, the person must ensure that the goods are counted—
- (a) before or at the time of sale; and
 - (b) by or in the presence of the purchaser.

(3) If the goods are prepackaged and counted at the premises or place where they are offered or exposed for sale before they are offered or exposed for sale, the person must, at the request of the purchaser, count the goods in the presence of the purchaser.

(4) A person who contravenes this section commits an offence.

Section 15: replaced, on 18 December 2013, by section 11 of the Weights and Measures Amendment Act 2013 (2013 No 145).

15A Weighing and measuring of goods sold by retail

(1) This section applies if a person offers or exposes goods for retail sale by weight or measure.

(2) If the goods are not prepackaged when offered or exposed for sale, the person must ensure that the goods are weighed or measured, by or in the presence of the purchaser, in accordance with subsection (4).

(3) If the goods are prepackaged and weighed or measured at the premises or place where they are offered or exposed for sale before they are offered or exposed for sale, the person must, at the request of the purchaser, weigh or measure the goods in the presence of the purchaser in accordance with subsection (4).

(4) For the purposes of subsections (2) and (3), the goods must be weighed or measured—

(a) before or at the time of sale; and

(b) using a weighing or measuring instrument that is situated where the purchaser can easily see that instrument, any necessary weights or measures, and the recorded or indicated weight or measurement of the goods.

(5) A person who contravenes this section commits an offence.

Section 15A: inserted, on 18 December 2013, by section 11 of the Weights and Measures Amendment Act 2013 (2013 No 145).

16 Offence to supply short weight, measure, or number

(1) Every person commits an offence who, in selling any goods by weight, measure, or number, delivers or causes to be delivered to the purchaser a lesser quantity than corresponds with the price charged.

(2) Every person commits an offence who, in purporting to sell any goods by weight, measure, or number, delivers or causes to be delivered to the purchaser a lesser quantity than that purported to be sold.

Section 16: substituted, on 14 November 2001, by section 7 of the Weights and Measures Amendment Act 2000 (2000 No 86).

16A Offence to supply weight, measure, or number not in accordance with stated quantity

(1) The following definitions apply in this section:

- (a) in subsection (2), **person** means every person who sells or offers or exposes for sale, or has in that person's possession for sale, by weight, measure, or number, any goods enclosed in a package that states the quantity of the goods or that has a label attached to it stating the quantity of the goods:
 - (b) in subsection (2), **goods** includes catch weight goods:
 - (c) in subsection (3), **goods** does not include catch weight goods:
 - (d) in subsections (4) and (5), **required period** means the period beginning at the time when the package was made up and ending on the seventh day after the day the package was made up.
- (2) Every person commits an offence if the weight, measure, or number of the goods in the package is less than that stated on the package or label.
- (3) However, the weight, measure, or number of the goods in the package is deemed to be the same as that stated on the package or label if—
- (a) the package meets the conditions prescribed by regulations made under section 41A(1)(a); or
 - (b) the package is 1 package in a lot of packages that meets the conditions prescribed by regulations made under section 41A(1)(b).
- (4) A person charged with an offence against this section in respect of a package from a lot of packages containing desiccating goods has a defence if the person proves that—
- (a) the weighted average quantity of any sample taken from the lot of packages, as determined in accordance with regulations made under section 41A, was, at all times during the required period, equal to or exceeded the quantity stated on the package or a label attached to it; and
 - (b) the number of non-standard packages in any sample taken from the lot of packages was, at all times during the required period, equal to or less than the appropriate number specified for the purpose in regulations made under section 41A; and
 - (c) there were no inadequate packages, at any time during the required period, in any sample taken from the lot of packages.
- (5) A person charged with an offence against this section in respect of a lot of packages containing desiccating goods also has a defence if the person proves that, at any time after the close of the required period, a sample taken from the lot contained no inadequate packages.
- (6) *[Repealed]*

Section 16A: inserted, on 14 November 2001, by section 7 of the Weights and Measures Amendment Act 2000 (2000 No 86).

Section 16A(1)(d): added, on 15 December 2005, by section 5(1) of the Weights and Measures Amendment Act 2005 (2005 No 118).

Section 16A(4): amended, on 15 December 2005, by section 5(2)(a) of the Weights and Measures Amendment Act 2005 (2005 No 118).

Section 16A(4)(a): amended, on 15 December 2005, by section 5(2)(b) of the Weights and Measures Amendment Act 2005 (2005 No 118).

Section 16A(4)(b): amended, on 15 December 2005, by section 5(2)(c) of the Weights and Measures Amendment Act 2005 (2005 No 118).

Section 16A(4)(c): amended, on 15 December 2005, by section 5(2)(d) of the Weights and Measures Amendment Act 2005 (2005 No 118).

Section 16A(5): amended, on 15 December 2005, by section 5(3) of the Weights and Measures Amendment Act 2005 (2005 No 118).

Section 16A(6): repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

17 Offence for purchaser to state incorrect weight, measure, or number

- (1) Every person commits an offence who, in the course of that person's business, purchases any goods by weight or measure or number where the weight or measure or number of those goods—
 - (a) is determined by that person and not by the seller of those goods for the purposes of the purchase; and
 - (b) is not the true weight or measure or the correct number of those goods.
- (2) This section, so far as it applies in respect of the purchase by weight of carcasses or half-carcasses of meat which, at the time of purchase, are intended for export, shall come into force on 1 October 1987, but shall otherwise come into force on 1 April 1987.

18 Statement of true weight, etc, to be supplied to seller

- (1) Where any person sells any goods by weight or measure or number, and the weight or measure or number of those goods is determined, for the purposes of that sale, by someone other than the seller of those goods, the person who makes that determination shall forthwith deliver or send to the seller a written statement of the true net weight, measure, or number of those goods.
- (2) Nothing in subsection (1) applies to any goods weighed, measured, or counted at the premises of the seller in the seller's presence.
- (3) Every person who contravenes subsection (1) commits an offence.
- (4) This section, so far as it applies in respect of the sale by weight of carcasses or half-carcasses of meat which, at the time of sale, are intended for export, shall come into force on 1 October 1987, but shall otherwise come into force on 1 April 1987.

Part 4

Stamping, verification, and approval of weights and measures

19 Weights and measures to have contents marked

- (1) Subject to any regulations made under this Act, all weights used for trade shall have their weight marked on the top or side in legible figures and letters.
- (2) All measures of volume used for trade shall have their unit of measurement of volume marked on the outside in legible figures and letters.
- (3) The markings on all measures of length used for trade shall be clear and legible.
- (4) Any weight or measure not in conformity with this section shall not be verified under this Act.

Compare: 1925 No 26 s 25

20 Approval of appliances

Subject to section 22, no weight or measure and no weighing or measuring instrument shall be stamped with a mark of verification under this Act unless it is of a type approved by the Secretary in accordance with regulations made under this Act.

Section 20: amended, on 1 July 1991, by section 9(2) of the Weights and Measures Amendment Act 1991 (1991 No 9).

21 Weights and measures to be stamped with mark of verification

- (1) Subject to any regulations made under this Act, no person shall use for trade, or have in that person's possession for use for trade, any weight or measure or any weighing or measuring instrument which has not been stamped with a mark of verification in accordance with regulations made under this Act.
- (2) Subject to section 22, every person commits an offence who uses for trade, or has in that person's possession for use for trade, any weight, measure, or weighing or measuring instrument which is not stamped with a mark of verification as required by this Act.

Compare: 1925 No 26 ss 26, 27

22 Sections 20 and 21 not to apply to automatic weighing or dispensing machines

Nothing in section 20 and section 21 shall apply to any automatic weighing machine or any automatic volumetric liquid dispensing machine.

22A Certificate of accuracy

- (1) Any accredited person or any Inspector may from time to time, in accordance with regulations made under this Act, issue a certificate of accuracy in respect of any weight, measure, or weighing or measuring instrument.

- (2) Every certificate of accuracy shall be in the prescribed form, and shall state, in relation to the weight, measure, or weighing or measuring instrument in respect of which the certificate is issued,—
 - (a) that it has been examined and tested by an accredited person or an Inspector; and
 - (b) that it complies with such requirements as are prescribed for the purpose by regulations made under this Act.
- (3) Different forms of certificates of accuracy may be prescribed for different purposes, including certificates in the form of labels to be attached to weights, measures, or weighing or measuring instruments.
- (4) Unless it is sooner cancelled, every certificate of accuracy shall be in force for such period as is prescribed by regulations made under this Act.
- (5) Nothing in this section applies to any automatic weighing machine or any automatic volumetric liquid dispensing machine.

Section 22A: inserted, on 1 July 1991, by section 6 of the Weights and Measures Amendment Act 1991 (1991 No 9).

22B Certificate of accuracy required for certain weighing or measuring instruments

- (1) A person who uses for trade, or has in that person's possession for use for trade, a specified weighing or measuring instrument must have a current certificate of accuracy for that instrument.
- (2) A person who contravenes subsection (1) commits an offence.
- (3) In this section, **specified weighing or measuring instrument** means an instrument specified in regulations made under section 41(ba) as a weighing or measuring instrument to which this section applies.

Section 22B: inserted, on 18 December 2013, by section 12 of the Weights and Measures Amendment Act 2013 (2013 No 145).

23 Notification of non-compliance

- (1) Where an accredited person declines to stamp with a mark of verification, or to issue a certificate of accuracy in respect of, any weight, measure, or weighing or measuring instrument on the grounds that the weight, measure, or weighing or measuring instrument does not comply with the requirements of this Act or of any regulations made under this Act, the accredited person shall—
 - (a) forthwith give to the person in charge of that weight, measure, or weighing or measuring instrument a notice of non-compliance; and
 - (b) as soon as practicable send to the Secretary a copy of the notice.
- (2) Where it is not possible or practicable to give a notice of non-compliance in accordance with subsection (1)(a), the accredited person shall attach the notice to the weight, measure, or weighing or measuring instrument.

- (3) Every notice of non-compliance shall be in the prescribed form, and shall contain—
- (a) such information as is sufficient to identify the weight, measure, or weighing or measuring instrument in respect of which it is issued, including any serial number or other identifying feature; and
 - (b) particulars of the respects in which the weight, measure, or weighing or measuring instrument does not comply with the requirements of this Act or of any regulations made under this Act, including details of the time and place of the non-compliance.

Section 23: substituted, on 1 July 1991, by section 7 of the Weights and Measures Amendment Act 1991 (1991 No 9).

24 Offence to use or possess false or unjust weight or measure

- (1) Subject to subsection (2), every person commits an offence who uses for trade, or has in that person's possession for use for trade, any weight, measure, or weighing or measuring instrument which is false or unjust, notwithstanding that it is stamped with a mark of verification as required by this Act.
- (2) It shall be a defence to a charge under subsection (1) if the person charged proves—
 - (a) that at the time of the offence there was in force in respect of the weight, measure, or weighing or measuring instrument a certificate of accuracy; and
 - (b) that that person neither knew, nor had any reason to suspect, that the weight, measure, or weighing or measuring instrument was false or unjust.

Section 24(2): substituted, on 1 July 1991, by section 8 of the Weights and Measures Amendment Act 1991 (1991 No 9).

Part 5 Administration

Appointment and powers of Inspectors

25 Chief Inspector and Deputy Chief Inspector of Weights and Measures

[Repealed]

Section 25: repealed, on 1 July 1991, by section 9(1) of the Weights and Measures Amendment Act 1991 (1991 No 9).

26 Inspectors of Weights and Measures

- (1) Subject to subsection (2), there shall be appointed from time to time under the Public Service Act 2020 such number of persons to be Inspectors of Weights and Measures as may be necessary for the purposes of this Act.

- (2) No person shall be appointed to be an Inspector unless that person has passed such examinations to test that person's knowledge of the provisions of this Act and any regulations made under this Act and the powers, duties, and functions of Inspectors as the Secretary requires.
- (3) There may from time to time be appointed under the Public Service Act 2020, for periods not exceeding 2 years from the date of their appointment, such number of persons to be trainee Inspectors of Weights and Measures as may be necessary for the purposes of this Act.
- (4) It shall not be necessary for any person to pass the examinations referred to in subsection (2) to be appointed to be a trainee Inspector.
- (5) For the purposes of this Act, a trainee Inspector acting under the supervision of an Inspector (other than a trainee Inspector) is deemed to be an Inspector.
- (6) Every person holding an appointment as an Inspector of Weights and Measures pursuant to the Weights and Measures Act 1925 immediately before the commencement of this Act shall be deemed to have been appointed as an Inspector under this section.

(7) *[Repealed]*

Compare: 1925 No 26 s 3

Section 26(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 26(2): amended, on 1 July 1991, by section 10(a) of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 26(3): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 26(7): repealed, on 1 July 1991, by section 10(b) of the Weights and Measures Amendment Act 1991 (1991 No 9).

27 Certificates of appointment

- (1) Every Inspector, and every trainee Inspector, shall be furnished with a certificate in the prescribed form of that person's appointment pursuant to this Act.
- (2) Every such certificate shall contain—
 - (a) a reference to this section; and
 - (b) the full name of the appointee; and
 - (c) a reference to the powers conferred on the appointee by section 28.
- (3) Every Inspector or trainee Inspector, as the case may be, shall produce the certificate—
 - (a) when entering any place, premises, or building, and at any other time when required to do so by the owner or occupier of the place, premises, or building, or by that person's representative, agent, or employee; or
 - (b) as soon as practicable after stopping any vehicle, and at any other time when required to do so by the owner or driver of the vehicle.

28 Powers of Inspectors

- (1) Subject to subsections (2) and (3), any Inspector, accompanied if that Inspector thinks fit by a constable, may, for the purposes of ensuring compliance with this Act and with any regulations made under this Act, at all reasonable times,—
- (a) enter any place, premises, or building in which that Inspector has reasonable cause to believe—
 - (i) weights, measures, or weighing or measuring instruments are used for trade; or
 - (ii) goods are kept, displayed, or available for sale:
 - (b) stop any vehicle in which that Inspector has reasonable cause to believe—
 - (i) weights, measures, or weighing or measuring instruments are used for trade or are carried for use for trade; or
 - (ii) goods are carried for delivery pursuant to or in connection with a contract of sale:
 - (c) require any person to make available for inspection by an Inspector any goods for sale in that person's possession:
 - (d) require any person to make available for inspection by an Inspector any weights, measures, or weighing or measuring instruments in that person's possession for use in connection with the sale of goods:
 - (e) examine and test any weights, measures, and weighing or measuring instruments used for trade:
 - (f) stamp any weight, measure, or weighing or measuring instrument used for trade with a mark of verification or a mark of obliteration:
 - (fa) issue a certificate of accuracy in respect of any weight, measure, or weighing or measuring instrument, or cancel any such certificate:
 - (g) examine, weigh, measure, or count, or cause to be weighed, measured, or counted, any goods kept, displayed, offered, or exposed for sale:
 - (h) require the production for examination by that Inspector, and take copies of, any book, record, contract, invoice, note, or other document in the possession of any person relating to—
 - (i) any goods sold, or currently kept, displayed, offered, or exposed for sale; or
 - (ii) any weights, measures, or weighing or measuring instruments used for trade:
 - (i) require any person by whom any goods are carried for delivery pursuant to or in connection with a contract of sale to state the name and address of—

- (i) that person; and
 - (ii) that person's employer (if any); and
 - (iii) the owner of the goods, if known.
- (2) An Inspector shall not enter any dwellinghouse for the purpose of exercising any of the powers conferred under subsection (1) except—
 - (a) with the consent of the occupier of that dwellinghouse; or
 - (b) pursuant to a warrant issued in accordance with subsection (3).
- (3) An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who, on an application made in the manner provided for an application for a search warrant in subpart 3 of Part 4 of the Search and Surveillance Act 2012, is satisfied that there is reasonable ground for believing that it is necessary for the purpose of exercising the powers conferred under subsection (1) that an Inspector enter a dwellinghouse, may issue a warrant authorising an Inspector to enter that dwellinghouse for the purpose of exercising those powers.
- (4) Every warrant shall continue in force for 1 month from the date on which it was issued or until the purpose for which it was granted has been satisfied, whichever occurs first.
- (5) If, in any case, it is not practicable to examine, weigh, measure, or count, or cause to be weighed, measured, or counted, any goods referred to in subsection (1) without damaging those goods or any package or container in which those goods are kept, the Inspector may retain those goods on payment to the owner or person having custody of them of the normal selling price of those goods.
- (6) An Inspector may seize and detain—
 - (a) any weight or measure that does not comply with or is used in contravention of this Act or any regulations made under this Act; or
 - (b) any weighing or measuring instrument that does not comply with or is used in contravention of this Act or any regulations made under this Act, or any part of any such instrument the removal of which makes that instrument inoperative; or
 - (c) any goods referred to in subsection (1)(a), (b), (c), or (g) where the Inspector is satisfied on reasonable grounds that an offence against this Act or any regulations made under this Act has been committed.
- (7) The provisions of subparts 1, 3, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply.

Compare: 1925 No 26 s 4

Section 28(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 28(1)(fa): inserted, on 1 July 1991, by section 11 of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 28(1)(h)(i): replaced, on 13 January 2020, by section 138 of the Regulatory Systems (Economic Development) Amendment Act 2019 (2019 No 62).

Section 28(3): amended, on 1 October 2012, by section 322(2)(a) of the Search and Surveillance Act 2012 (2012 No 24).

Section 28(3): amended, on 1 October 2012, by section 322(2)(b) of the Search and Surveillance Act 2012 (2012 No 24).

Section 28(7): inserted, on 1 October 2012, by section 322(3) of the Search and Surveillance Act 2012 (2012 No 24).

29 Privilege against self-incrimination

Notwithstanding anything in section 28, no person shall be required, pursuant to any provision of that section, to produce any book, record, contract, invoice, note, or other document if the production of that book, record, contract, invoice, note, or other document would or could tend to incriminate that person, and that person shall be informed of that right before any Inspector exercises the power conferred by any provision of that section to require the production of any book, record, contract, invoice, note, or other document.

30 Inspector may inspect weights, measures, etc, not used for trade

[Repealed]

Section 30: repealed, on 1 July 1991, by section 12 of the Weights and Measures Amendment Act 1991 (1991 No 9).

Accredited persons

Heading: inserted, on 1 July 1991, by section 13 of the Weights and Measures Amendment Act 1991 (1991 No 9).

30A Appointment of accredited persons

- (1) The Secretary may from time to time, by letter of accreditation in the prescribed form (if any), accredit any person to act as an accredited person under this Act for the purposes of—
 - (a) stamping with a mark of verification any weight, measure, or weighing or measuring instrument; and
 - (b) issuing certificates of accuracy in respect of any weight, measure, or weighing or measuring instrument.
- (2) Where a person other than a natural person is accredited under subsection (1), the letter of accreditation shall specify the name of every natural person who is to exercise or perform the powers, duties, and functions of an accredited person on behalf of that person, and this Act shall apply in respect of every person so specified as if that person had been accredited by that letter of accreditation.
- (3) The Secretary may impose in respect of the accreditation of any person under subsection (1) such conditions as the Secretary thinks fit, including conditions limiting or restricting the class or classes of weights, measures, or weighing or measuring instruments to which the accreditation relates.

- (4) Where a letter of accreditation to which subsection (2) applies is issued to any person, the Secretary may from time to time, at the request of that person, and on payment of the prescribed fee (if any), amend the letter of accreditation by omitting or adding the name of any natural person who is to exercise or perform the powers, duties, and functions of an accredited person on behalf of that person.

Section 30A: inserted, on 1 July 1991, by section 13 of the Weights and Measures Amendment Act 1991 (1991 No 9).

30B Application for accreditation

- (1) Any person who wishes to be accredited under section 30A as an accredited person shall apply in writing, in the prescribed form (if any), to the Secretary.
- (2) Every application shall be accompanied by the prescribed fee (if any).
- (3) The Secretary shall not accredit any person under section 30A unless the applicant satisfies the Secretary that the applicant meets the requirements for accreditation prescribed by regulations made under this Act.
- (4) The Secretary shall not decline an application for accreditation under this section without first giving the applicant—
- (a) a copy of any information on which the Secretary relies in proposing to decline the application; and
 - (b) a reasonable opportunity to make written submissions to the Secretary in relation to that information.

Section 30B: inserted, on 1 July 1991, by section 13 of the Weights and Measures Amendment Act 1991 (1991 No 9).

30C Duration and renewal of accreditation

- (1) Subject to this section and to sections 30D and 30DA, every letter of accreditation issued under section 30A shall be in force for a period of 3 years beginning on the date of its issue.
- (2) Every letter of accreditation, unless it has been revoked pursuant to section 30D or is, at the time of application for its renewal, suspended under section 30DA, may from time to time be renewed in accordance with this section.
- (3) An application for the renewal of a letter of accreditation shall be made in writing, in the prescribed form (if any), to the Secretary, and shall be accompanied by the prescribed fee (if any).
- (4) The Secretary must renew a letter of accreditation for a period of 3 years if the Secretary—
- (a) receives an application for the renewal of that letter of accreditation under subsection (3); and
 - (b) receives payment of the prescribed fee (if any); and
 - (c) is satisfied that the applicant continues to meet the requirements for accreditation prescribed by regulations made under this Act.

- (5) Where an application for the renewal of a letter of accreditation has been made but not dealt with before the letter of accreditation expires, the letter of accreditation shall continue in force until the application is dealt with by the Secretary.

Section 30C: inserted, on 1 July 1991, by section 13 of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 30C(1): amended, on 15 December 2005, by section 6(1)(a) of the Weights and Measures Amendment Act 2005 (2005 No 118).

Section 30C(1): amended, on 15 December 2005 (applying only to a letter of accreditation issued after that date), by section 6(1)(b) of the Weights and Measures Amendment Act 2005 (2005 No 118).

Section 30C(2): amended, on 15 December 2005, by section 6(3) of the Weights and Measures Amendment Act 2005 (2005 No 118).

Section 30C(4): substituted, on 15 December 2005 (applying only to an application for the renewal of a letter of accreditation received by the Secretary after that date), by section 6(4) of the Weights and Measures Amendment Act 2005 (2005 No 118).

30D Revocation of accreditation

- (1) Subject to subsection (3), the Secretary may at any time revoke the accreditation of any person as an accredited person if the Secretary is satisfied that the person—
- (a) no longer meets all the requirements for accreditation prescribed by regulations made under this Act; or
 - (b) has failed to comply with any condition imposed by the Secretary in respect of that person's accreditation; or
 - (c) has failed to exercise or perform the powers, functions, and duties of an accredited person to a satisfactory standard; or
 - (d) has been convicted of an offence against section 32(fa).
- (2) Subject to subsection (3), where the Secretary is satisfied that any person whose name is specified in a letter of accreditation pursuant to section 30A(2)—
- (a) has failed to comply with any condition imposed by the Secretary in respect of that letter of accreditation; or
 - (b) has failed to exercise or perform the powers, functions, and duties of an accredited person to a satisfactory standard; or
 - (c) has been convicted of an offence against section 32(fa),—
- the Secretary may remove that person's name from that letter of accreditation.
- (3) The Secretary shall not revoke the accreditation of any person pursuant to subsection (1), or remove the name of any person from a letter of accreditation pursuant to subsection (2), unless the Secretary has first given that person an opportunity to be heard.

- (4) Where the Secretary revokes the accreditation of any person pursuant to subsection (1), or removes the name of any person from a letter of accreditation pursuant to subsection (2), that person shall be deemed, from the date of that revocation or removal, not to be an accredited person for the purposes of this Act.

Section 30D: inserted, on 1 July 1991, by section 13 of the Weights and Measures Amendment Act 1991 (1991 No 9).

30DA Suspension of accreditation

- (1) The Secretary may suspend the accreditation of any person as an accredited person if the Secretary is satisfied that the person—
- (a) no longer meets all the requirements for accreditation prescribed by regulations made under this Act; or
 - (b) has failed to comply with any condition imposed by the Secretary in respect of that person's accreditation; or
 - (c) has failed to exercise or perform the powers, functions, and duties of an accredited person to a satisfactory standard; or
 - (d) has been convicted of an offence against section 32(fa).
- (2) The Secretary may suspend the accreditation of any person whose name is specified in a letter of accreditation under section 30A(2) if the Secretary is satisfied that the person—
- (a) has failed to comply with any condition imposed by the Secretary in respect of that letter of accreditation; or
 - (b) has failed to exercise or perform the powers, functions, and duties of an accredited person to a satisfactory standard; or
 - (c) has been convicted of an offence against section 32(fa).
- (3) The Secretary may make a suspension under subsection (1) or subsection (2) for a period of no more than 28 days.
- (4) The Secretary may at any time, of his or her own motion, revoke a suspension made under subsection (1) or subsection (2).
- (5) Every suspension under subsection (1) or subsection (2) must be communicated to the person concerned by notice in writing, which must state—
- (a) the effect of the suspension; and
 - (b) the reasons for the suspension; and
 - (c) the date on which the suspension begins, which must be no earlier than the date on which the notice is deemed to have been received by that person; and
 - (d) the period of the suspension.

- (6) The Secretary is not obliged to give a person an opportunity to be heard before the Secretary suspends the accreditation of that person under subsection (1) or subsection (2).
- (7) For the purposes of subsection (5),—
- (a) a notice that is posted to a person's last known business or residential address is deemed to be received by that person 3 working days after the date on which it is posted:
 - (b) a notice that is sent to a person at a fax number or electronic address is deemed to be received by that person on the working day following the day on which it is sent:
 - (c) a notice that is personally delivered to a person is deemed to be received by that person on the day on which it is delivered.
- (8) Despite subsection (7), a notice is not deemed to have been received if the person to whom it is posted or sent proves that it was not received, otherwise than through fault on that person's part.

Section 30DA: inserted, on 15 December 2005, by section 7 of the Weights and Measures Amendment Act 2005 (2005 No 118).

30DB Effect of suspension of accreditation

- (1) A person is not an accredited person, for the purposes of this Act, for the period for which his or her accreditation is suspended.
- (2) At the end of the period of suspension, the person's accreditation is immediately revived unless—
- (a) the accreditation has, during the period of suspension, expired, in which case that person may apply for the renewal of his or her letter of accreditation under section 30C; or
 - (b) the accreditation has been revoked under section 30D(1); or
 - (c) that person's name has been removed from the letter of accreditation under section 30D(2).

Section 30DB: inserted, on 15 December 2005, by section 7 of the Weights and Measures Amendment Act 2005 (2005 No 118).

30E Revocation, etc, of conditions

The Secretary may, at any time, revoke, amend, or add to any condition imposed under section 30A(3).

Section 30E: inserted, on 1 July 1991, by section 13 of the Weights and Measures Amendment Act 1991 (1991 No 9).

30F Appeals against decisions of Secretary

- (1) Any person who is prejudicially affected by any decision of the Secretary under section 30D or section 30DA or section 30E may appeal to the District Court against the decision.

- (2) An appeal under subsection (1) shall be brought within 28 days after notice of the decision is communicated to the appellant, or within such further time as a District Court Judge may allow on application made before or after the expiration of that period.
- (3) Subject to any order of a District Court Judge, every decision of the Secretary against which an appeal is lodged shall continue in force and have effect according to its tenor pending the determination of the appeal.

Section 30F: inserted, on 1 July 1991, by section 13 of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 30F(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 30F(1): amended, on 15 December 2005, by section 8 of the Weights and Measures Amendment Act 2005 (2005 No 118).

30G Procedure on appeals

- (1) On the hearing of an appeal under section 30F, the District Court Judge may confirm, reverse, or modify the decision appealed against, or may give any decision that the Secretary could have given in respect of the matter.
- (2) The decision of the District Court Judge on any appeal under section 30F shall be final.

Section 30G: inserted, on 1 July 1991, by section 13 of the Weights and Measures Amendment Act 1991 (1991 No 9).

30H Court may refer appeals back for reconsideration

- (1) Notwithstanding anything in section 30G, a District Court Judge may, in any case, instead of determining any appeal under that section, direct the Secretary to reconsider, either generally or in respect of any specified matters, the whole or any part of the matter to which the appeal relates.
- (2) In giving any direction under this section, the District Court Judge shall—
 - (a) advise the Secretary of the Judge’s reasons for doing so; and
 - (b) give to the Secretary such directions as the Judge thinks just concerning the reconsideration or otherwise of the whole or any part of the matter that is referred back for reconsideration.
- (3) In reconsidering the matter so referred back, the Secretary shall have regard to the District Court Judge’s reasons for giving a direction under subsection (1), and to the Judge’s directions under subsection (2).

Section 30H: inserted, on 1 July 1991, by section 13 of the Weights and Measures Amendment Act 1991 (1991 No 9).

30I Powers of inspection

- (1) There shall be deemed to be imposed in respect of the accreditation of every accredited person the condition that any Inspector may, for the purpose of ensuring compliance with this Act or any regulations made under this Act,—

- (a) require any accredited person to produce for inspection, within such reasonable period as the Inspector may specify,—
 - (i) any weight, measure, or weighing or measuring instrument in the possession of that accredited person, and may examine and test that weight, measure, or weighing or measuring instrument:
 - (ii) any document in the possession or under the control of that accredited person, and may take copies of or extracts from any such document:
 - (b) require any accredited person to furnish, within such reasonable period as the Inspector may specify, such information or particulars as the Inspector may require.
- (2) If any accredited person breaches a condition expressed in subsection (1), the Secretary may revoke the accreditation of that person pursuant to subsection (1) of section 30D or, as the case may require, remove the name of that person from a letter of accreditation pursuant to subsection (2) of that section.

Section 30I: inserted, on 1 July 1991, by section 13 of the Weights and Measures Amendment Act 1991 (1991 No 9).

30J Application of certain Acts to accredited persons

No person shall be deemed to be employed in the service of the Crown for the purposes of the Public Service Act 2020 or the Government Superannuation Fund Act 1956 by reason only of that person's accreditation under section 30A as an accredited person.

Section 30J: inserted, on 1 July 1991, by section 13 of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 30J: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Part 6 Offences and penalties

31 Liability of principal for acts of agents, etc

- (1) Where an offence is committed against this Act or against any regulations made under this Act by any person acting as the agent or employee of another person, that other person shall, without prejudice to the liability of the first-mentioned person, be liable under this Act in the same manner and to the same extent as if that other person had personally committed the offence.
- (2) Notwithstanding anything in subsection (1), where any proceedings are brought by virtue of that subsection for any offence against this Act, it shall be a good defence to the charge if the defendant proves that the offence was committed without the defendant's knowledge and that the defendant took reasonable precautions and exercised due diligence to prevent the commission of the offence.

- (3) Where any body corporate is convicted of an offence against this Act or against any regulations made under this Act, every director and every person concerned in the management of the body corporate shall be guilty of a like offence unless that director or that person proves that the offence was committed without that director's or that person's knowledge and that that director or that person took reasonable precautions and exercised due diligence to prevent the commission of the offence.

Compare: 1925 No 26 s 32; 1981 No 45 s 29

32 Offences

Every person commits an offence who—

- (a) not being an Inspector or trainee Inspector, pretends to be an Inspector or trainee Inspector; or
- (aa) not being an accredited person, pretends to be an accredited person; or
- (b) refuses to allow any Inspector to exercise or prevents an Inspector from exercising any of that Inspector's powers under this Act; or
- (c) obstructs or without reasonable excuse delays any Inspector in the exercise or attempted exercise of that Inspector's powers under this Act; or
- (d) without lawful excuse fails or refuses to comply with any requirement of an Inspector under this Act; or
- (e) forges or counterfeits any stamp or mark used for the stamping or marking of any weight, measure, or weighing or measuring instrument under this Act; or
- (f) not being an Inspector or a trainee Inspector or an accredited person,—
 - (i) has in that person's possession any stamp or mark, or anything that purports to be a stamp or mark, used for the stamping or marking of weights, measures, or weighing or measuring instruments under this Act; or
 - (ii) makes on any weight, measure, or weighing or measuring instrument any impression purporting to be the impression of any stamp or mark used for the stamping or marking of weights, measures, or weighing or measuring instruments under this Act; or
- (fa) being an accredited person, except as permitted by or under this Act, stamps with a mark of verification, or issues a certificate of accuracy in respect of, any weight, measure, or weighing or measuring instrument; or
- (g) except as permitted by or under this Act, alters, defaces, or obliterates any stamp or mark lawfully impressed on any weight, measure, or weighing or measuring instrument under this Act; or

- (h) alters or tampers with any stamped or marked weight, measure, or weighing or measuring instrument so as to cause it to weigh or measure falsely or unjustly; or
- (i) uses, sells, leases, or offers or exposes for sale or lease any weight, measure, or weighing or measuring instrument that—
 - (i) contains any forged or unauthorised mark or stamp; or
 - (ii) has been altered or tampered with after it has been stamped or marked under this Act; or
- (j) for the purposes of use for trade, makes, sells, or leases any weight, measure, or weighing or measuring instrument that is incorrect or that does not comply with this Act or with any regulations made under this Act; or
- (k) without lawful excuse—
 - (i) increases or diminishes any stamped weight or measure; or
 - (ii) uses, sells, leases, or offers or exposes for sale or lease any stamped weight or measure that has been increased or diminished; or
- (l) inserts in any weight, measure, or weighing or measuring instrument any stamp or mark that has been removed from any other weight, measure, or weighing or measuring instrument.

Compare: 1925 No 26 s 33(1); 1968 No 118 s 2; 1981 No 25 s 61(1)(a)–(c)

Section 32(aa): inserted, on 1 July 1991, by section 14(1) of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 32(f): amended, on 1 July 1991, by section 14(2) of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 32(fa): inserted, on 1 July 1991, by section 14(3) of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 32(i): amended, on 13 January 2020, by section 139(1) of the Regulatory Systems (Economic Development) Amendment Act 2019 (2019 No 62).

Section 32(j): amended, on 13 January 2020, by section 139(2) of the Regulatory Systems (Economic Development) Amendment Act 2019 (2019 No 62).

Section 32(k): replaced, on 13 January 2020, by section 139(3) of the Regulatory Systems (Economic Development) Amendment Act 2019 (2019 No 62).

32A Infringement offences

- (1) Where an Inspector has reason to believe that a person has committed an infringement offence,—
 - (a) that person may be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or
 - (b) the Inspector may issue an infringement notice in respect of the alleged offence.
- (1A) Despite section 21(1)(a) of the Summary Proceedings Act 1957, leave of a District Court Judge or Registrar to file a charging document is not necessary if the

Secretary commences proceedings for an infringement offence by filing a charging document under the Criminal Procedure Act 2011.

- (2) Any Inspector (not necessarily the Inspector who issued the infringement notice) may do any 1 or more of the following things:
 - (a) attach an infringement notice, or a copy of an infringement notice, to the weight, measure, weighing or measuring instrument, or goods to which the notice relates:
 - (b) deliver an infringement notice, or a copy of an infringement notice, personally to a person:
 - (c) send an infringement notice, or a copy of an infringement notice, to a person by post addressed to the person at the person's last known place of residence or business.
- (3) If an infringement notice, or a copy of an infringement notice, is—
 - (a) attached to the weight, measure, weighing or measuring instrument, or goods to which the notice relates pursuant to subsection (2)(a), the notice or copy is deemed to have been served on every person liable in respect of the alleged offence and to have been served when the notice or copy was attached to the weight, measure, weighing or measuring instrument, or goods:
 - (b) sent to a person by post addressed to the person at the person's last known place of residence or business pursuant to subsection (2)(c), the notice or copy is deemed to have been served on the person when it was so posted.
- (4) The Secretary may revoke an infringement notice before the infringement fee is paid, or before an order for payment of a fine is made or deemed to be made by a court under section 21 of the Summary Proceedings Act 1957.
- (5) An infringement notice is revoked by giving written notice to the person to whom it was issued that the notice is revoked.

Section 32A: inserted, on 1 July 1991, by section 15 of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 32A(1)(a): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 32A(1A): inserted, on 18 December 2013, by section 13(1) of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 32A(3): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 32A(4): inserted, on 18 December 2013, by section 13(2) of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 32A(5): inserted, on 18 December 2013, by section 13(2) of the Weights and Measures Amendment Act 2013 (2013 No 145).

32B Procedural requirements relating to infringement notices

- (1) Every infringement notice shall be in a form prescribed by regulations made under this Act, and shall contain the following particulars:
 - (a) such details of the alleged infringement offence as are sufficient fairly to inform a person of the time, place, and nature of the alleged offence; and
 - (b) the amount of the infringement fee prescribed in respect of that offence; and
 - (c) the address of the place at which the infringement fee may be paid; and
 - (d) the time within which the infringement fee may be paid; and
 - (e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and
 - (f) a statement of the right of the person served with the notice to request a hearing; and
 - (g) a statement of the consequences if the person served with the notice does not pay the infringement fee and does not make a request for a hearing; and
 - (h) such other particulars as are prescribed.
- (2) Different forms of infringement notice may be prescribed in respect of different kinds of infringement offences.
- (3) If an infringement notice has been issued, proceedings in respect of the infringement offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957; and in that case, section 21 of the Summary Proceedings Act 1957 applies, with all necessary modifications.
- (4) Reminder notices must be prescribed by regulations made under section 41B and must contain the information referred to in subsection (1).

Section 32B: inserted, on 1 July 1991, by section 15 of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 32B heading: replaced, on 18 December 2013, by section 14(1) of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 32B(1)(b): amended, on 18 December 2013, by section 14(2) of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 32B(3): inserted, on 18 December 2013, by section 14(3) of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 32B(4): inserted, on 18 December 2013, by section 14(3) of the Weights and Measures Amendment Act 2013 (2013 No 145).

32BA Effect of infringement notice

If an infringement notice is issued, a criminal record must not be created in respect of the infringement offence.

Section 32BA: inserted, on 18 December 2013, by section 15 of the Weights and Measures Amendment Act 2013 (2013 No 145).

32C Payment of infringement fees

All infringement fees shall be payable to the Secretary, and all such fees received by the Secretary shall be paid into a Crown Bank Account.

Section 32C: inserted, on 1 July 1991, by section 15 of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 32C: amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

33 Penalties

- (1) Every person who commits an infringement offence is, on being found guilty of, or on pleading guilty to, the offence, liable to a fine not exceeding \$10,000.
- (2) Every person who commits an offence against section 32(a) is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$10,000.
- (3) Every person who commits any other offence against this Act is liable on conviction,—
 - (a) in the case of an individual, to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day on which the offence has continued; and
 - (b) in the case of a body corporate, to a fine not exceeding \$30,000 and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part of a day on which the offence has continued.

Section 33: replaced, on 18 December 2013, by section 16 of the Weights and Measures Amendment Act 2013 (2013 No 145).

33A Infringement fee

[Repealed]

Section 33A: repealed, on 18 December 2013, by section 17 of the Weights and Measures Amendment Act 2013 (2013 No 145).

34 Forfeitures

- (1) Where any person is convicted of an offence against this Act or any regulations made under this Act, the convicting court may, in addition to, or instead of, imposing any other sentence or making any other order, order that any weight, measure, weighing or measuring instrument, or goods in respect of which the offence was committed shall be forfeited to the Crown.
- (2) Any weight, measure, weighing or measuring instrument, or goods ordered, under subsection (1), to be forfeited to the Crown—
 - (a) shall thereupon become forfeited to the Crown accordingly; and
 - (b) may be disposed of in such manner as the Secretary directs.

Compare: 1983 No 44 s 69

Section 34(2)(b): amended, on 1 July 1991, by section 9(2) of the Weights and Measures Amendment Act 1991 (1991 No 9).

35 Court may order offender to make good any deficiency

Where any person is convicted of any offence against section 16 or section 16A or section 17, the convicting court, in addition to, or instead of, imposing any other sentence or making any other order, may order the convicted person,—

- (a) if the offence was committed against section 16, to make good to the person in respect of whom the offence was committed (other than an Inspector), either in goods or in money, the deficiency between the quantity of goods actually delivered and that charged for or purported to be sold; or
- (aa) if the offence was committed against section 16A, to make good to the person in respect of whom the offence was committed (other than an Inspector), either in goods or in money, the deficiency between the quantity of goods actually delivered and that stated on the package or label; or
- (b) where the offence was committed against section 17, to make good to the person (other than an Inspector) in respect of whom the offence was committed, the deficiency between the quantity of goods actually purchased and that which the convicted person contracted to purchase.

Section 35: amended, on 14 November 2001, by section 9(1) of the Weights and Measures Amendment Act 2000 (2000 No 86).

Section 35(a): substituted, on 14 November 2001, by section 9(2) of the Weights and Measures Amendment Act 2000 (2000 No 86).

Section 35(aa): inserted, on 14 November 2001, by section 9(2) of the Weights and Measures Amendment Act 2000 (2000 No 86).

36 Proceedings in relation to offences

- (1) Proceedings for an offence against this Act—
 - (a) must be commenced by an Inspector; and
 - (b) may be conducted by any barrister or solicitor or Inspector, or, with the leave of a District Court Judge, by any other person.
- (2) In any proceedings for an offence against this Act an Inspector who files a charging document in respect of any offence shall not be called on to prove that the person is an Inspector.

Compare: 1925 No 26 s 34(2)

Section 36(1)(a): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 36(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

37 Presumption as to possession of weights, measures, etc, for use for trade

Where any weight, measure, or weighing or measuring instrument is found in the possession of any person carrying on trade, or on any premises which, whether a building or in the open air, are used by any person for trade, or in or

on any aircraft, ship, hovercraft, carriage, or vehicle used by any person for trade, such person shall, until the contrary is proved, be deemed for the purposes of this Act to have such weight, measure, or instrument in that person's possession for use for trade.

Compare: 1925 No 26 s 35

Part 7

Miscellaneous provisions

38 Act not to apply to water, electricity, or gas

Nothing in this Act applies to the measurement or sale of—

- (a) water supplied through pipes; or
- (b) electricity; or
- (c) gas (other than liquefied petroleum gas that is in a liquid form) supplied through pipes.

Compare: 1925 No 26 s 30

Section 38(c): amended, on 20 April 2010, by section 4 of the Weights and Measures Amendment Act 2010 (2010 No 21).

39 Restoration of articles seized

On application by way of originating application, a District Court Judge may make such order as that Judge thinks just and expedient for the restoration of any weight, measure, weighing or measuring instrument, or goods seized and detained pursuant to section 28(6) to the person who, in the court's opinion, is entitled to possession thereof.

Compare: 1983 No 44s 65

40 Disposal of articles seized

- (1) Without limiting the operation of any other provision of this Act as to the disposal of any weight, measure, weighing or measuring instrument, or goods seized and detained pursuant to section 28(6), any such weight, measure, weighing or measuring instrument, or goods that has or have been detained for not less than 12 months may be disposed of in such manner as the Secretary may direct.
- (1A) Notwithstanding anything in subsection (1), any perishable goods seized and detained pursuant to section 28(6) may be disposed of at any time in such manner as the Secretary may direct.
- (2) Nothing in this section limits the authority of a District Court Judge to make an order for the restoration of any such weight, measure, weighing or measuring instrument, or any such goods on application made under section 39.

Compare: 1983 No 44 s 70

Section 40(1A): inserted, on 1 July 1991, by section 17 of the Weights and Measures Amendment Act 1991 (1991 No 9).

40A Compensation for loss of perishable goods

(1) Where—

- (a) any perishable goods are seized and detained pursuant to section 28(6); and
- (b) those goods are disposed of pursuant to section 40(1A); and
- (c) on application by way of originating application, by any person having an interest in the goods, the District Court finds that there were no reasonable grounds for that seizure and detention,—

the court may make such order as the court thinks just and expedient for the payment by the Crown, to the applicant, of reasonable compensation for the loss of those goods.

- (2) The court shall not make any order under subsection (1) for the payment of compensation to any person in respect of any goods unless the court is satisfied that the goods were disposed of before that person had a reasonable opportunity to make an application under section 39 in respect of the goods.

Section 40A: inserted, on 1 July 1991, by section 18 of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 40A(1)(c): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

41 Regulations

- (1) The Governor-General may, from time to time, by Order in Council, make regulations for all or any of the following purposes:
- (a) defining the duties of the Secretary and of Inspectors under this Act:
 - (ab) prescribing symbols, letters, or figures that must be impressed on a reference standard or an Inspectors' working standard:
 - (ac) prescribing the form and manner in which marks must appear on a reference standard or an Inspectors' working standard:
 - (b) regulating the issuing of certificates of accuracy, and the cancellation of such certificates; prescribing the class or classes of weights, measures, and weighing or measuring instruments in respect of which certificates of accuracy may be issued; and prescribing the period for which certificates of accuracy are to be in force (which period may differ for different classes of weights, measures, and weighing or measuring instruments):
 - (ba) specifying the weighing or measuring instruments, or classes of weighing or measuring instruments, that are specified weighing or measuring instruments for the purposes of section 22B:
 - (c) regulating the verifying, inspection, and stamping of weights, measures, and weighing or measuring instruments, and prescribing the manner in

which and the means by which such verification, inspection, and stamping shall be done:

- (d) prescribing the maximum amount of error that may be tolerated in weights, measures, and weighing or measuring instruments:
- (e) prescribing the numerical values of weight or measurement to be adhered to in weights or measures or both:
- (f) prescribing the shapes, dimensions, and proportions to be adhered to in weights, measures, and weighing or measuring instruments, and the materials of which they shall be made:
- (g) exempting or providing for the exemption of weights, measures, and weighing or measuring instruments from the requirements of this Act with regard to stamping with marks of verification:
- (h) providing for the approval by the Secretary of the types of weights, measures, and weighing or measuring instruments which may be stamped with marks of verification under this Act; for the specifying by the Secretary of conditions subject to which such weights, measures, and instruments may be approved, and for the variation or withdrawal of any such approval:
- (i) limiting the purposes for which certain weights, measures, and weighing or measuring instruments may lawfully be used:
- (j) prescribing the accuracy class of certain weights, measures, and weighing or measuring instruments to be used for trade:
- (k) prohibiting the use of any particular kind or kinds of weights, measures, or weighing or measuring instruments, either wholly or except in compliance with the conditions set by the Secretary or set out in the regulations:
- (l) exempting any weights or class of weights from the provisions of section 19(1):
- (m) prescribing the manner in which weights and measures shall be marked with their units of weight or measurement, and the numerical value of that unit, and weighing or measuring instruments with their capacities and other markings:
- (n) regulating the obliteration of stamps on weights, measures, and weighing or measuring instruments found to be incorrect or not in accordance with this Act or regulations made under this Act:
- (o) prescribing the classes of weights to be used on certain kinds of weighing instruments:
- (p) providing for the periodic inspection of public weighing instruments, and generally providing for their supervision and control:

- (q) regulating the taking of tare weights of any vehicle used for the conveyance of goods sold or carried by weight; the issue and production of tickets showing such weight, or the weight of the loading on such vehicle, or the weight of the loading and the vehicle; providing for such weighing by an Inspector, and for preventing frauds in connection with goods conveyed on vehicles and sold or carried by weight:
- (r) regulating the use of liquid measuring instruments and the form and content of tickets showing the volume of any substance that has passed through any such instrument:
- (s) regulating the recording of the weight of any goods at the time those goods are weighed:
- (t) prohibiting the sale or keeping for sale of any class or description of bread, except at the weights specified in and determined in accordance with the regulations, and determining for the purposes of regulations made under this paragraph what is to be treated as selling or keeping for sale:
- (u) with respect to the sale of milk, cream, and oil in bottles and other containers, prescribing—
 - (i) the size and capacity of such containers:
 - (ii) the markings to be made on such containers to indicate their capacity and ownership and otherwise to identify them for any purpose, and how such markings shall be made:
 - (iii) the means and manner of testing the capacity of such containers, including the testing by sample of any glass bottles manufactured in batches; and empowering Inspectors to require the destruction of the whole or any part of any batch of glass bottles so tested where any sample from any batch is found not to comply with the requirements of any regulations made under this paragraph:
- (ua) regulating the marking and labelling of quantity on any food, and on any package containing food, that is for sale:
- (v) prescribing the method of marking on goods their weight or measure:
- (w) prescribing goods or classes of goods to be sold by weight or volume or length and regulating the sale of such goods:
- (x) exempting any goods or class of goods from the provisions of section 12 or section 13:
- (xaa) prescribing the form and manner in which information must appear on an invoice or delivery note for the purposes of section 13(2):
- (xa) prescribing the requirements for accreditation as an accredited person:
- (y) prescribing forms of certificates, notices, and registers, and such other forms as may be required for the purposes of this Act:

- (ya) prescribing infringement offences in respect of the contravention of or non-compliance with any regulations made under this Act:
 - (z) prescribing offences in respect of the contravention of or non-compliance with any regulations made under this Act, and prescribing the amounts of the fines that may be imposed in respect of such offences, which fines shall be an amount not exceeding \$2,000:
 - (za) providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.
- (2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1925 No 26 s 39

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 41(1)(a): amended, on 1 July 1991, by section 9(2) of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 41(1)(ab): inserted, on 18 December 2013, by section 18(1) of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 41(1)(ac): inserted, on 18 December 2013, by section 18(1) of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 41(1)(b): substituted, on 1 July 1991, by section 19(1) of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 41(1)(ba): inserted, on 18 December 2013, by section 18(2) of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 41(1)(h): amended, on 1 July 1991, by section 9(2) of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 41(1)(k): amended, on 1 July 1991, by section 9(2) of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 41(1)(ua): inserted, on 27 September 2001, by section 4 of the Weights and Measures Amendment Act 2001 (2001 No 81).

Section 41(1)(xaa): inserted, on 18 December 2013, by section 18(3) of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 41(1)(xa): inserted, on 1 July 1991, by section 19(2) of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 41(1)(y): amended, on 18 December 2013, by section 18(4) of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 41(1)(y): amended, on 1 July 1991, by section 19(3) of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 41(1)(ya): inserted, on 4 June 1999, by section 3 of the Weights and Measures Amendment Act 1999 (1999 No 51).

Section 41(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

41A Regulations for purposes of section 16A(3)

- (1) The Governor-General may from time to time, on the recommendation of the Minister, by Order in Council, make regulations for the purposes of section 16A(3)—
 - (a) prescribing the conditions that a package must meet in order for the weight, measure, or number of the goods in the package to be deemed to be the same as that stated on the package or on a label attached to the package; or
 - (b) prescribing the conditions that a lot of packages must meet in order for the weight, measure, or number of the goods in each package in the lot to be deemed to be the same as that stated on any package in the lot or on a label attached to any package in the lot.
- (2) Regulations made under subsection (1) may, for the purposes of determining the conditions to be prescribed,—
 - (a) prescribe—
 - (i) the statistical basis or method by which packages must be selected for counting, examining, measuring, or weighing; and
 - (ii) the statistical basis or method by which the minimum number of packages to be selected must be set; and
 - (iii) the circumstances, if any, in which the minimum number of packages to be selected may be varied:
 - (b) prescribe the maximum amount of error allowed in the weight, measure, or number of goods in a single selected package:
 - (c) prescribe the maximum amount of error allowed in the weight, measure, or number of goods in a group of selected packages examined at one time:
 - (d) prescribe formulas to determine the weight, measure, or number, and weighted values, of goods in a group of selected packages taken from a lot of packages. The formulas must be of such a kind as to ensure that all the packages in the lot of packages from which the group is taken contain, on average, the amount stated on any package in the lot or on any label attached to a package in the lot:
 - (e) prescribe the number of packages that makes a group of packages for the purposes of paragraphs (c) and (d). The number may be a specified number or a number within a range of numbers:
 - (f) prescribe, in relation to any specified class of goods sold, or offered or exposed for sale, or in a person's possession for sale, in a package or a lot of packages, any requirements on the goods' weight, measure, or number after the period specified in section 16A(4) has ended.

- (3) The Minister must not make a recommendation under subsection (1) without first consulting such individuals or organisations as the Minister thinks fit.
- (4) The validity of any regulations made under this section is not affected if the Minister does not consult a particular individual or organisation or does not consult any individuals or organisations.
- (5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 41A: inserted, on 15 November 2000, by section 10 of the Weights and Measures Amendment Act 2000 (2000 No 86).

Section 41A(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

41B Regulations relating to infringement fees

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for the following purposes:
 - (a) prescribing the form of infringement notices and reminder notices;
 - (b) prescribing any particulars that must be included in those notices;
 - (c) prescribing the amount of an infringement fee, which must not exceed \$2,000, payable in respect of an infringement offence for which an infringement notice has been issued.
- (2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 41B: inserted, on 18 December 2013, by section 19 of the Weights and Measures Amendment Act 2013 (2013 No 145).

Section 41B(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

42 Fees

- (1) The Governor-General may from time to time, by Order in Council, make regulations prescribing the amounts of the fees to be paid in respect of the following matters, or prescribing the method by which any such fee is to be assessed:
 - (a) applications for accreditation as an accredited person:
 - (b) applications for the amendment of letters of accreditation:
 - (c) applications for the renewal of letters of accreditation:
 - (d) applications for approval, by the Secretary, of weights, measures, and weighing or measuring instruments pursuant to regulations made under section 41(h).
- (2) Without limiting the power of an Inspector to charge a fee in any other circumstances, an Inspector may charge a fee in respect of—
 - (a) the stamping of any weight, measure, or weighing or measuring instrument:
 - (b) the issuing of a certificate of accuracy in respect of any weight, measure, or weighing or measuring instrument.
- (3) Any fee charged pursuant to subsection (2) shall not exceed such amount as may be reasonable, having regard to the time spent, and the materials and equipment used, in examining and testing the weight, measure, or weighing or measuring instrument for the purpose of determining whether it should be stamped or, as the case may be, whether a certificate of accuracy should be issued.
- (4) Every fee imposed pursuant to subsection (1), and every fee charged pursuant to subsection (2), shall be recoverable in any court of competent jurisdiction as a debt due to the Crown.
- (5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 42: substituted, on 1 July 1991, by section 20 of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 42(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

43 Repeals, revocations, and consequential amendments

- (1) The enactments specified in Part 1 of Schedule 3 are hereby repealed.
- (2) The regulations and Orders in Council specified in Part 2 of Schedule 3 are hereby revoked.
- (3) The Weights and Measures (Milk Packaging) Notice 1986 (SR 1986/268) is hereby revoked.
- (4) *[Repealed]*
- (5) *Amendment(s) incorporated in the Act(s).*
- (6) *[Repealed]*
- (7) *[Repealed]*

Section 43(4): repealed, on 1 December 1988, by section 4(1) of the Trade and Industry Act Repeal Act 1988 (1988 No 156).

Section 43(6): repealed, on 10 April 1998, by section 48(1) of the Crown Research Institutes Act 1992 (1992 No 47).

Section 43(7): repealed, on 1 April 1993, by section 62(1) of the Health and Safety in Employment Act 1992 (1992 No 96).

Schedule 1

Weights and measures of the metric system

s 2

Measures of length

Unit	Equivalent
Metre (m)	The New Zealand standard of measure of the metre, and compound units derived from it, shall be the same magnitude as the standard of measurement thereof for the time being accepted by the nations adhering to the Convention of the Metre 1875.
<i>Derived units</i>	
Kilometre (km)	1 000 metres
Decimetre (dm)	0.1 metre
Centimetre (cm)	0.01 metre
Millimetre (mm)	0.001 metre

Measures of area

Unit	Equivalent
Square metre (m ²)	An area equal to that of a square each side of which measures 1 metre.
<i>Derived units</i>	
Hectare (ha)	10 000 square metres
Are (a)	100 square metres
Square centimetre (cm ²)	0.0001 square metre
Square millimetre (mm ²)	0.000001 square metre

Measures of volume

Unit	Equivalent
Cubic metre (m ³)	A volume equal to that of a cube each edge of which measures 1 metre.
<i>Derived units</i>	
Cubic decimetre (dm ³)	0.001 cubic metre
Cubic centimetre (cm ³)	0.001 cubic decimetre
Litre (ℓ)	0.001 cubic metre
Hectolitre (hl)	100 litres
Centilitre (cl)	0.01 litre
Millilitre (ml)	0.001 litre

Measures of weight

Unit	Equivalent
Kilogram (kg)	The New Zealand standard of measurement of the kilogram, and compound units derived from it, shall be the same magnitude as the standard of measurement thereof for the time being accepted by the nations adhering to the Convention of the Metre 1875.

Unit	Equivalent
<i>Derived units</i>	
Tonne (t)	1 000 kilograms
Gram (g)	0.001 kilogram
Milligram (mg)	0.001 gram
Metric carat (CM)	0.2 gram

Schedule 1: amended, on 4 June 1999, by section 5 of the Weights and Measures Amendment Act 1999 (1999 No 51).

Schedule 2

Standards of weights and measures

s 5

Measures of length

100 metres	3 metres	200 millimetres
50 metres	2 metres	100 millimetres
20 metres	1 metre	50 millimetres
10 metres	500 millimetres	20 millimetres
5 metres	300 millimetres	10 millimetres

Measures of area

Measures of or any multiple of 1 square decimetre.

Measures of volume

Any multiple of 10 litres above 50 litres.

50 litres	500 millilitres	10 millilitres
20 litres	200 millilitres	5 millilitres
10 litres	100 millilitres	1 millilitre
5 litres	50 millilitres	
2 litres	25 millilitres	
1 litre	20 millilitres	

600 millilitres, 300 millilitres, and 150 millilitres only for use for testing milk and cream bottles.

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

Measures of weight

1 000 kilograms	500 grams	500 milligrams
500 kilograms	200 grams	400 milligrams
200 kilograms	100 grams	300 milligrams
100 kilograms	50 grams	200 milligrams
50 kilograms	20 grams	150 milligrams
20 kilograms	15 grams	100 milligrams
10 kilograms	10 grams	50 milligrams
5 kilograms	5 grams	20 milligrams
2 kilograms	4 grams	10 milligrams
1 kilogram	3 grams	5 milligrams
	2 grams	2 milligrams
	1 gram	1 milligram
		0.5 milligram
		0.2 milligram
		0.1 milligram

500 Carats Metric

1 Carat Metric

200 Carats Metric

0.5 Carat Metric

100 Carats Metric

0.25 Carat Metric

500 Carats Metric
50 Carats Metric
20 Carats Metric
10 Carats Metric
5 Carats Metric
2 Carats Metric

1 Carat Metric
0.2 Carat Metric
0.1 Carat Metric
0.05 Carat Metric
0.02 Carat Metric
0.01 Carat Metric

Schedule 3

s 43

Part 1 Enactments repealed

Statutes Amendment Act 1950 (1950 No 91) (RS Vol 11, p 861)

Amendment(s) incorporated in the Act(s).

Weights and Measures Act 1925 (1925 No 26) (RS Vol 11, p 835)

Weights and Measures Amendment Act 1933 (1933 No 15) (RS Vol 11, p 859)

Weights and Measures Amendment Act 1968 (1968 No 118) (RS Vol 11, p 862)

Weights and Measures Amendment Act 1969 (1969 No 115) (RS Vol 11, p 863)

Weights and Measures Amendment Act 1971 (1971 No 139) (RS Vol 11, p 863)

Weights and Measures Amendment Act 1972 (1972 No 115) (RS Vol 11, p 863)

Weights and Measures Amendment Act 1976 (1976 No 162) (RS Vol 11, p 864)

Weights and Measures Amendment Act 1977 (1977 No 182) (RS Vol 11, p 869)

Weights and Measures Amendment Act 1980 (1980 No 154) (RS Vol 11, p 869)

Part 2 Regulations and Orders in Council revoked

Metrication (Retail Trading) Regulations 1978 (SR 1978/81)

Metrication (Retail Trading) Regulations 1978, Amendment No 1 (SR 1978/266)

Metrication (Retail Trading) Regulations 1978, Amendment No 2 (SR 1980/126)

Metrication (Retail Trading) Regulations 1978, Amendment No 3 (SR 1983/279)

Metrication (Retail Trading) Regulations 1978, Amendment No 6 (SR 1986/92)

Metrication (Retail Trading) Regulations 1978, Amendment No 7 (SR 1986/244)

Weights and Measures Metric Equivalents Order 1972 (SR 1972/186)

Weights and Measures Metric Equivalents Order 1972, Amendment No 1 (SR 1976/259)

Notes

1 *General*

This is a consolidation of the Weights and Measures Act 1987 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Regulatory Systems (Economic Development) Amendment Act 2019 (2019 No 62): Part 14

District Court Act 2016 (2016 No 49): section 261

Weights and Measures Amendment Act 2013 (2013 No 145)

Search and Surveillance Act 2012 (2012 No 24): section 322

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

Weights and Measures Amendment Act 2010 (2010 No 21)

Policing Act 2008 (2008 No 72): section 116(a)(ii)

Weights and Measures Amendment Act 2005 (2005 No 118)

Weights and Measures Amendment Act 2001 (2001 No 81)

Weights and Measures Amendment Act 2000 (2000 No 86)

Weights and Measures Amendment Act 1999 (1999 No 51)

Health and Safety in Employment Act 1992 (1992 No 96): section 62(1)

Measurement Standards Act 1992 (1992 No 52): section 6

Crown Research Institutes Act 1992 (1992 No 47): section 48(1)

Weights and Measures Amendment Act 1991 (1991 No 9)

Public Finance Act 1989 (1989 No 44): section 65R(3)

Trade and Industry Act Repeal Act 1988 (1988 No 156): section 4(1)

