



Weights and Measures Amendment Regulations 2009

Anand Satyanand, Governor-General

Order in Council

At Wellington this 30th day of November 2009

Present:

His Excellency the Governor-General in Council

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

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal regulations amended	2
4 Interpretation	2
5 Grant of approval	2
6 Withdrawal of approval	3
7 General requirements	3
8 Interpretation	3
9 Requirements for accreditation	3
10 General requirements for weights other than carat metric weights	4
11 Verification scale interval	4

12	New regulation 76 substituted	5
	76 Leather measuring instruments	5
13	Schedule 1 amended	5
14	Schedule 2 amended	5
15	Schedule 3 amended	5
16	Schedule 5 amended	5
17	Schedule 7 amended	6
	Schedule 1	6
	Schedule 3 amended	
	Schedule 2	7
	Schedule 3 amended	

Regulations

- 1 Title**
These regulations are the Weights and Measures Amendment Regulations 2009.
- 2 Commencement**
These regulations come into force on 1 April 2010.
- 3 Principal regulations amended**
These regulations amend the Weights and Measures Regulations 1999.
- 4 Interpretation**
Regulation 2(1) is amended by revoking the definition of **scale interval** and substituting the following definition:
“**scale interval** means, in relation to a weighing or measuring instrument,—
“(a) in analogue indication, the difference between the values corresponding to 2 consecutive scale marks:
“(b) in digital indication, the difference between 2 consecutive indicated values”.
- 5 Grant of approval**
Regulation 5 is amended by inserting the following subclause after subclause (1):

“(1A) For the purpose of deciding under subclause (1) whether a type of weight, measure, or weighing or measuring instrument is suitable for use for trade and will not facilitate fraud, the Secretary may have regard to the International Recommendations of the O.I.M.L.”

6 Withdrawal of approval

Regulation 8 is amended by inserting the following subclause after subclause (1):

“(1A) For the purpose of deciding under subclause (1) whether a type of weight, measure, or weighing or measuring instrument is not suitable for use for trade or will facilitate fraud, the Secretary may have regard to the International Recommendations of the O.I.M.L.”

7 General requirements

- (1) Regulation 9(2) is amended by omitting “new”.
- (2) Regulation 9(3) is amended by omitting “new”.

8 Interpretation

Paragraph (d) of the definition of **competent organisation** in regulation 16 is amended by omitting “The Trading Standards Service of”.

9 Requirements for accreditation

Regulation 17(2) is amended by adding “; and” and also by adding the following paragraph:

- “(c) details of every conviction (if any) under the Act or these regulations of the applicant and, where the applicant is not a natural person, of every natural person whom the applicant proposes will exercise or perform the powers, duties, and functions of an accredited person on behalf of the applicant, including—
- “(i) the offence of which the person was convicted; and
 - “(ii) the date and place of the conviction; and
 - “(iii) the penalty imposed.”

10 General requirements for weights other than carat metric weights

Regulation 27(2) and (3) are revoked and the following sub-clauses substituted:

- “(2) The weights must be classified into 1 of the following accuracy classes:
- “(a) class M1 for weights intended to be used with class II weighing instruments:
 - “(b) class M1–2 for weights intended to be used with class III weighing instruments:
 - “(c) class M2 for weights intended to be used with class III weighing instruments:
 - “(d) class M2–3 for weights intended to be used with class III and class IIII weighing instruments:
 - “(e) class M3 for weights intended to be used with class III and class IIII weighing instruments.
- “(3) A weight, other than the weights specified in subclauses (4) and (5), must be marked as follows:
- “(a) class M1 weights must be marked with their nominal value and with the sign M1 or the sign M:
 - “(b) class M1–2 weights must be marked with their nominal value and with the sign M1–2:
 - “(c) class M2 weights must be marked with their nominal value (and may be marked with the sign M2):
 - “(d) class M2–3 weights must be marked with their nominal value and with the sign M2–3:
 - “(e) class M3 weights must be marked with their nominal value and with the sign M3 or the sign X.”

11 Verification scale interval

Regulation 53(2) is revoked and the following subclause substituted:

- “(2) Despite subclause (1), the scale interval used for the verification of weighing instruments with auxiliary indicating devices and which are classified as class I or class II weighing instruments must be determined in accordance with both the following formulas:

e is more than d but not more than 10d

$$e = 10^k \text{ kg}$$

where—

- e is the verification scale interval
- d is the actual scale interval on the weighing instrument being verified
- k is a whole number, whether positive, negative, or zero.

12 New regulation 76 substituted

Regulation 76 is revoked and the following regulation substituted:

“76 Leather measuring instruments

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

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

13 Schedule 1 amended

Schedule 1 is amended by omitting “CM” in each place where it appears and substituting in each case “ct”.

14 Schedule 2 amended

Schedule 2 is amended by omitting “CM” and substituting “ct”.

15 Schedule 3 amended

- (1) Schedule 3 is amended by revoking table 1 and the heading to table 1 and substituting the table set out in Schedule 1 of these regulations.
- (2) Schedule 3 is amended by revoking table 2 and the heading to table 2 and substituting the table set out in Schedule 2 of these regulations.

16 Schedule 5 amended

- (1) Form 6 of Schedule 5 is amended by omitting “TRADING STANDARDS SERVICE”.

- (2) Form 8 of Schedule 5 is amended by omitting “TRADING STANDARDS SERVICE”.
- (3) Paragraph 4(a) of the summary of rights in form 10 of Schedule 5 is amended by omitting “at any time on the day the package was made up or during the period of 7 days beginning on the day after the day the package was made up” and substituting “at all times during the period beginning at the time when the package was made up and ending on the 7th day after the day the package was made up”.

17 Schedule 7 amended

- (1) Clause 1 of Schedule 7 is amended by inserting the following subclause as subclause (2):
- “(2) An accredited person who adopts a document (the **ISO QMS document**) containing a quality management system approved by the International Organization for Standardization and operates that system throughout the person’s operations is to be treated, for the purposes of this schedule, as complying with any requirement in this schedule to define or outline matters in a written document if the matters are contained in the ISO QMS document.”
- (2) Clause 11(3)(d) of Schedule 7 is amended by omitting “2 years” and substituting “5 years”.

Schedule 1 Schedule 3 amended

r 15(1)

Table 1
Maximum permissible errors

Nominal value (ct)	Error in mg on verification in excess only, on inspection in excess or deficiency
500	1.60
250	1.00
100	0.80
50	0.60

Table 1—*continued*

Nominal value (ct)	Error in mg on verification in excess only, on inspection in excess or deficiency
25	0.50
10	0.40
5	0.30
2.5	0.25
1	0.20
0.5	0.16
0.25	0.12
0.1	0.10
0.05	0.08
0.025	0.06
0.01	0.06
0.005	0.06

Schedule 2

r 15(2)

Schedule 3 amended

Table 2

Maximum permissible errors

Nominal value	Error in mg, in excess or deficiency, on verification or inspection				
	Class M1	Class M1-2	Class M2	Class M2-3	Class M3
1 000 kg	50 000	100 000	160 000	300 000	500 000
500 kg	25 000	50 000	80 000	160 000	250 000
200 kg	10 000	20 000	30 000	60 000	100 000
100 kg	5 000	10 000	16 000	30 000	50 000
50 kg	2 500	5 000	8 000	16 000	25 000
20 kg	1 000		3 000		10 000
10 kg	500		1 600		5 000
5 kg	250		800		2 500
2 kg	100		300		1 000

Table 2—*continued*

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

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 April 2010, amend the Weights and Measures Regulations 1999 (the **principal regulations**).

These regulations make various minor and technical changes to the principal regulations and correct a number of errors. The most significant changes are as follows:

- in approving, or withdrawing approval for, a type of weight, measure, or weighing or measuring instrument, the chief executive of the Ministry of Economic Development may have regard to the International Organisation of Legal Metrology's International Recommendations (*see regulations 5 and 6*):
- an application to be an accredited person must be accompanied by details of convictions under the Weights and Measures Act 1987 and the principal regulations (*see regulation 9*):
- for weights other than carat metric weights, there are 2 new classes of weight, and changes are made to the maximum amounts of error permitted on verification or inspection (*see regulations 10 and 15*):
- the maximum amount of error permitted on the inspection of a leather measuring instrument is $\pm 2\%$ (*see regulation 12*):
- the permitted abbreviation for carat metric is changed to ct (*see regulations 13 and 14*):
- an accredited person who operates a quality management system approved by the International Organization for Standardization does not have to maintain a separate written document for the purposes of Schedule 7 of the principal regulations if the document containing the quality management system contains the elements required by Schedule 7 (*see regulation 17(1)*):
- an accredited person must keep records relating to certification work for 5 years (*see regulation 17(2)*).

**Weights and Measures Amendment
Regulations 2009**

2009/377

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 3 December 2009.
These regulations are administered by the Ministry of Economic Development.
