



ANNO VICESIMO SECUNDO

GEORGII V REGIS.

A.D. 1931.

No. 2063.

An Act to amend the Weights and Measures Act, 1885,
and for other purposes.

[Assented to, December 9th, 1931.]

BE it Enacted by the Governor of the State of South Australia,
with the advice and consent of the Parliament thereof, as
follows:

1. (1) This Act may be cited as the "Weights and Measures Act, 1931". Short Titles.

(2) The Weights and Measures Act, 1885 (which is hereinafter referred to as "the principal Act") and this Act may be cited together as the "Weights and Measures Acts, 1885 and 1931". No. 349 of 1885.

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

4. Section 3 of the principal Act is amended by inserting therein the following definitions:— Amendment of
principal Act, s. 3—
Definitions.

"Measuring instrument" means any instrument or machine, other than standard measures of extension or capacity, used for measuring any article or any liquid, but does not include a dip-stick or measuring-stick when used for measuring petrol:

"Package" includes anything in or by which articles are cased, covered, enclosed, contained, or packed:

"Purchaser" includes person purchasing as agent for any other person:

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“ Weighing instrument ” means weighbridge, weighing machine, scales, balance, steelyard, or other instrument for weighing and includes the weights belonging thereto.

Amendment of
principal Act—

5. The principal Act is amended by inserting therein after section 6 the following section :—

Application of Act
to railways.

6A. The South Australian Railways Commissioner shall cause all weighing instruments, measuring instruments, weights, and measures of the South Australian Railways Commissioner to be adjusted according to the standards under this Act, but no fees shall be payable by the South Australian Railways Commissioner in respect of the adjusting of any such weighing instruments, measuring instruments, weights, or measures.

Amendment of
principal Act, s. 6—
Deposit of standards.

6. Section 6 of the principal Act is amended by striking out the word “ Surveyor-General ” in the fourth line thereof and by inserting in lieu thereof the words “ Director of Lands ”.

Amendment of
principal Act, s. 7—
Restoration of
standards.

7. Section 7 of the principal Act is amended by striking out the word “ Surveyor-General ” in the last line thereof and by inserting in lieu thereof the words “ Director of Lands ”.

Amendment of
principal Act, s. 8—
Government
standards.

8. Section 8 of the principal Act is amended by striking out the word “ Surveyor-General ” in the fourth and eleventh lines thereof and by inserting in lieu thereof in each case the words “ Director of Lands ”.

Amendment of
principal Act,
s. 19—
Trade to be in
standard weights.

9. Section 19 of the principal Act is amended—

(a) by inserting after the word “ sale ” in the first, eleventh, and twentieth lines thereof in every case the word “ purchase ”; and

(b) by inserting after the word “ sold ” in the third line thereof the word “ purchased ”.

Amendment of
principal Act, s. 20
Sale by avoirdupois
weight.

10. Section 20 of the principal Act is amended by inserting after the word “ sales ” in the seventh line thereof the word “ purchases ”.

Amendment of
principal Act,
s. 23—

11. Section 23 of the principal Act is amended—

Penalty on use of
unjust measures, etc.

(a) by striking out the words “ any weight ” in the second line thereof and by inserting in lieu thereof the words “ or for the purpose of or in connection with any contract, bargain, sale, purchase, or dealing, any weighing instrument, measuring instrument, weight, or ”;

(b) by

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- (b) by striking out the words “ scale, balance, steelyard, or weighing machine ” in the second and third lines thereof ;
- (c) by inserting after the word “ sale ” in the fifth line thereof the word “ purchase ” ; and
- (d) by striking out the words “ weight, measure, scale, balance, or steelyard ” in the sixth line thereof and by inserting in lieu thereof the words “ weighing instrument, measuring instrument, weight, or measure ”.

12. Section 24 of the principal Act is amended—

Amendment of
principal Act,
s. 24—
Penalty for fraud.

- (a) by striking out the word “ wilfully ” in the first line thereof ;
- (b) by striking out the word “ weight ” in the second line thereof and by inserting in lieu thereof the words “ weighing instrument, measuring instrument, weight, or ” ;
- (c) by striking out the words “ scale, balance, steelyard, or weighing machine ” in the second line thereof ; and
- (d) by striking out the words “ weight, measure, scale, balance, or steelyard ” in the fifth and sixth lines thereof and by inserting in lieu thereof the words “ weighing instrument, measuring instrument, weight, or measure ”.

13. Section 25 of the principal Act is amended by striking out the words “ weight, measure, scale, balance, steelyard or weighing machine ” in the second and third lines thereof and by inserting in lieu thereof the words “ weighing instrument, measuring instrument, weight, or measure ”.

Amendment of
principal Act,
s. 25—
Penalty on sale
of false weights, etc.

14. Section 27 of the principal Act is amended so as to read as follows:—

Amendment of
principal Act,
s. 27—

27. (1) Every weighing instrument, measuring instrument, weight, and measure used for trade shall be verified and stamped at least once in every two years by an Inspector with a stamp of verification under this Act: Provided that any weight of brass or iron which is verified and stamped at any time after the passing of the Weights and Measures Act, 1931, shall not thereafter be required pursuant to this subsection to be verified and stamped.

Stamping of veri-
fication of weights,
etc.

(2) Every person who uses or has in his possession for use for trade any weighing instrument, measuring instrument, weight, or measure shall, unless the same has been verified
and

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and stamped during the preceding two years as required by this section, be liable to a fine not exceeding Five Pounds and in the case of a second offence Ten Pounds, and shall be liable to forfeit the said weighing instrument, measuring instrument, weight, or measure; any contract, bargain, sale, purchase, or dealing made by any such weighing instrument, measuring instrument, weight, or measure shall be void: Provided that this subsection shall not apply to any weight of brass or iron which is verified and stamped at any time after the passing of the Weights and Measures Act, 1931.

(3) For the purposes of this section a weighing instrument, measuring instrument, weight, or measure duly verified and stamped pursuant to this Act before the commencement of the Weights and Measures Act, 1931, shall be deemed to comply with the provisions of subsections (1) and (2) hereof for the period of two years from the said commencement.

(4) The Governor may, by regulation, exempt from the operation of this section, subject to such conditions as may be prescribed—

- (a) any prescribed weighing instruments, measuring instruments, weights, or measures;
- (b) weighing instruments, measuring instruments, weights, or measures at any places named therein which are situated at a greater distance than twenty miles from the office of an inspector.

(5) In the case of a weighing instrument or measuring instrument which, by reason of its being fixed or of its being so heavy that it cannot conveniently be moved, it shall be a sufficient compliance with this section if arrangements are made to the satisfaction of an inspector for the verification and stamping of the instrument within the period fixed as aforesaid.

Amendment of
principal Act, s. 28—
Lead or pewter
weights.

15. Section 28 of the principal Act is amended by striking out all the words in the third and fourth lines thereof.

Amendment of
principal Act, s. 30—
Forging, etc., of
stamps.

16. Section 30 of the principal Act is amended—

- (a) by inserting after the word “any” in the second and eighth lines thereof in each case the words “weighing instrument, measuring instrument”;
- (b) by striking out the word “wilfully” in the fourth line thereof; and
- (c) by inserting after the word “All” in the penultimate line thereof the words “weighing instruments, measuring instruments”.

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17. Part I. of the principal Act is amended by inserting therein the following sections :—

Amendment of principal Act, Part I.—

30A. (1) When any person offers or exposes for sale by retail, by weight or measure, any article, in a shop or other place or in any vehicle, pack, basket, or other receptacle, he shall have in a convenient place, capable of being easily seen by the purchaser, a suitable weighing instrument, measuring instrument, or measure, with the necessary weights for weighing the article ; and shall, at the request of a purchaser of any article sold by retail, by weight or measure, weigh or measure it in the presence of the purchaser.

Provision for weighing or measuring.

(2) If the article is less than the due weight or measure the person selling the same shall be liable to a fine not exceeding Five Pounds or, in the case of a second offence, Ten Pounds.

30B. Any person who by means of words, description or other indication, direct or indirect, makes any false declaration or statement, or wilfully misleads any person as to the number, quantity, measure, gauge, or weight of any article sold or delivered by him shall be liable to a fine not exceeding Five Pounds or, in the case of a second offence, Ten Pounds.

False declaration as to weights, etc.

30C. (1) If any article sold by weight, measure, or number is upon sale or for the purpose of sale (whether by wholesale or retail), delivered to the purchaser or to some person on behalf of the purchaser, short of the weight, measure, or number purporting to be sold, the person selling the article or causing the same to be delivered shall be guilty of a contravention of this section.

Sale by weight or measure.

(2) No person shall sell, offer, expose, or have in his possession for sale by retail in a package any article of any kind prescribed by regulation, unless the net weight, measure, or number of the article is legibly written or printed on the outside of the package.

This subsection shall not apply to any article weighed, measured, or counted in the presence of the purchaser.

(3) No person shall sell by wholesale any article in a package of a size or description ordinarily sold by retail unless the net weight, measure, or number of such article is legibly written or printed on the outside of the package.

(4) This section shall not apply to any article—

(a) exempted by regulation from the requirements of this section ;

(b) exposed for sale or sold by weight in a package if the weight of such article is subject to variation by reason of climatic influences, and the package bears a conspicuous label or inscription showing the words "Net weight when packed", together with such weight.

(5) This

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(5) This section shall be deemed to be complied with if the actual weight, measure, or number of the article closely approximates the weight, measure, or number shown on the package as aforesaid to such extent as is prescribed by regulation either generally or with respect to particular articles.

(6) Any person guilty of any contravention of this section shall be liable to a fine not exceeding Five Pounds or, if for a second offence, Ten Pounds.

Where net weight or measure is not correctly stated.

30D. When the weight, measure, or number of an article in a package is stated on such package, and is not correctly so stated, the seller or the person offering or exposing such article for sale, or having such article in his possession for sale, either wholesale or retail, shall be liable to a fine not exceeding Five Pounds or, if for a second offence, Ten Pounds, and any such article found in the possession of any person manufacturing or trading in such article shall be deemed to be in possession of such person for sale until the contrary is proved :

Provided that in any prosecution for a contravention of this section it shall be sufficient defence if the seller—

- (a) proves that he purchased the article from some person resident in South Australia or, if a company, with a registered office in South Australia ;
- (b) proves that he sold such article in the same state as when purchased by him ; and
- (c) proves, that having taken all reasonable precautions against committing a contravention of this section he had, at the time of the contravention of this section, no reason to suspect that the weight, measure, or number of the article was not correctly stated.

Amendment of principal Act, Part II.—

Warden of Standards and Government Inspector.

18. Part II. of the principal Act is amended by inserting therein the following section :—

31A. (1) Subject to subsection (2) of this section, the Governor may appoint a person to be the Warden of Standards.

(2) The person holding the office of Warden of Standards at the commencement of the Weights and Measures Act, 1931, shall continue to hold such office as if specifically appointed under this section.

(3) The Governor may appoint a person to be the Government Inspector of Weights and Measures. The Commissioner of Crown Lands may appoint any person to be the assistant of the said Inspector, and such person shall have and may exercise such of the powers and duties of the said Inspector as the said Commissioner may appoint.

19. Section

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19. Section 33 of the principal Act is amended by striking out the word "Surveyor-General" in the third and fourth lines thereof and by inserting in lieu thereof the words "Director of Lands".

Amendment of principal Act, s. 33—
Custody of Government standards.

20. Section 34 of the principal Act is amended—

(a) by striking out the words "such person as he shall appoint" in the sixteenth line thereof and by inserting in lieu thereof the words "the Warden of Standards"; and

(b) by striking out the word "No" in the nineteenth line thereof and by inserting in lieu thereof the words "The prescribed".

Amendment of principal Act, s. 34—
Verification of local standards.

21. Section 35 of the principal Act is amended by striking out the word "without" in the first line thereof and by inserting in lieu thereof the words "on payment of the prescribed".

Amendment of principal Act, s. 35—
Verification of coin weights.

22. Section 36 of the principal Act is amended—

(a) by striking out the words "on application and" in the third line thereof;

(b) by striking out the words "such local authority deem" in the sixth line thereof and by inserting in lieu thereof the word "are"; and

(c) by striking out the words "scales and books" in the eighth and ninth lines thereof and by inserting in lieu thereof the words "and scales".

Amendment of principal Act, s. 36—
Issue of local standards.

23. Part II. of the principal Act is amended by inserting therein the following sections:—

Amendment of principal Act, Part II.—

37A. (1) If any local authority fails to procure local standards as provided by section 36 or fails to have any local standards verified or re-verified as provided by section 37, the Commissioner of Crown Lands may give notice in writing to the local authority requiring the local authority to procure such local standards or to have the local standards verified or re-verified, as the case may be; and the local authority shall comply with the provisions of any such notice within any time fixed therein.

Powers of Commissioner of Crown Lands.

(2) Any local authority failing to comply with a notice under subsection (1) of this section shall be liable to a penalty not exceeding Twenty Pounds for a first offence and not exceeding Fifty Pounds for any subsequent offence.

37B. (1) If the Commissioner of Crown Lands is satisfied that any local authority has failed or is failing to enforce strictly within its city, town, or district the provisions of this Act, he may

Failure of local authority to enforce Act.

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may give notice to the local authority requiring the local authority within one month after the giving of the notice to enforce strictly the said provisions.

(2) If any such local authority fails to comply with any such notice to the satisfaction of the Commissioner, the Commissioner may himself enforce within its city, town, or district the provisions of this Act and may recover from the local authority by action in any Court of competent jurisdiction, the costs of so doing, or may deduct the said costs from any subsidy payable to the local authority pursuant to any Act.

(3) For the purposes of this section the Commissioner may exercise all the powers of the local authority and may appoint any inspectors or other persons necessary to enforce as aforesaid the provisions of this Act.

Amendment of
principal Act, s. 40—
Appointment of
inspectors.

24. Section 40 of the principal Act is amended—

- (a) by striking out the words “scales or balances” in the fifteenth and sixteenth lines thereof and by inserting in lieu thereof the words “weighing instruments or measuring instruments”.
- (b) by inserting after the word “Act” in the eighteenth line thereof the words “Nothing in this section shall be deemed to debar the Government Inspector of Weights and Measures from repairing any weighbridge or petrol pump as provided by this Act”; and
- (c) by striking out all the portion of the said section including and after the nineteenth line thereof.

Amendment of
principal Act, s. 41—
Verification by
inspector.

25. Section 41 of the principal Act is amended—

- (a) by inserting after the word “of” second occurring in the third line thereof the words “weighing instruments, measuring instruments”; and
- (b) by striking out the last paragraph thereof and by inserting in lieu thereof the following paragraph:—

Subject to section 43, all weighing instruments, measuring instruments, weights, and measures shall be verified and stamped by the inspector of the district in which is situated any place of business of the person keeping or using the same. If an inspector knowingly stamps a weighing instrument, measuring instrument, weight, or measure of any person whose place of business is not situated within the district of the inspector the inspector shall be liable to a fine of Twenty Shillings for every weighing instrument, measuring instrument, weight, or measure which he so stamps.

26. Section

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26. Section 42 of the principal Act is amended by inserting after the word “any” in the first line thereof and the word “such” in the sixth line thereof in each case the words “weighing instrument, measuring instrument”.

Amendment of principal Act, s. 42—
Verification where no inspector.

27. Section 43 of the principal Act is repealed and the following section is enacted in lieu thereof:—

Amendment of principal Act, s. 43—

43. (1) Subject to subsection (2) hereof, a weighing instrument, measuring instrument, weight, or measure duly stamped by an inspector under this Act shall for the period of two years after the stamping thereof, be a legal weighing instrument, measuring instrument, weight, or measure, as the case may be, throughout South Australia unless found to be false or unjust, and shall not be liable to be re-stamped within the said period because used in any place other than that in which it was originally stamped.

Validity of weights, etc.

(2) If any weight of brass or iron is duly stamped as aforesaid after the passing of the Weights and Measures Act, 1931, subsection (1) hereof shall be deemed to apply to such weight without limitation to a period of two years as hereinbefore provided, but if any inspector on inspection and comparison of any such weight ascertains that the weight is false or unjust he may, without limitation of any other powers conferred by this Act, obliterate or remove from the weight any stamp of verification thereon and thereupon the weight shall for all purposes of this Act be deemed not to be stamped by an inspector under this Act.

28. Section 44 of the principal Act is amended by inserting before the word “Where” in the first line thereof the words “Subject in all cases to any regulations made pursuant to section 47B”.

Amendment of principal Act, s. 44—
Measures partly made of glass.

29. Section 45 of the principal Act is amended—

Amendment of principal Act, s. 45—
Fees.

- (a) by inserting after the word “of” in the second line thereof the words “weighing instruments, measuring instruments”;
- (b) by striking out the words “such fees not exceeding those” in the second and third lines thereof and by inserting in lieu thereof the words “such fees as are prescribed by regulation”; and
- (c) by striking out the words “as the authority appointing him from time to time fix” in the third and fourth lines thereof.

30. Section 46 of the principal Act is amended—

Amendment of principal Act, s. 46—
Power to inspect.

- (a) by striking out the words “authorised in writing under the hand of a Justice of the Peace, also every Justice of the Peace”;

(b) by

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- (b) by striking out the words “scales, balances, steelyards, and weighing machines” occurring in the fourth and the fifteenth and sixteenth lines thereof and by inserting in lieu thereof in each case the words “weighing instruments, measuring instruments”;
- (c) by striking out the words “scale, balance or steelyard” in the eighth line thereof and by inserting in lieu thereof the words “weighing instrument or measuring instrument”;
- (d) by striking out the words “scale, balance, steelyard or weighing machine” in the twelfth and thirteenth lines thereof and by inserting in lieu thereof the words “weighing instrument or measuring instrument”;
- (e) by striking out the words “Justice or” wherever occurring in the seventeenth and eighteenth lines thereof; and
- (f) by striking out the words “a Justice or” in the nineteenth line thereof and by inserting in lieu thereof the word “an”.

Amendment of
principal Act, s. 47—
Penalty on
inspection.

31. Section 47 of the principal Act is amended by inserting after the word “a” in the first line thereof the words “weighing instrument, measuring instrument”.

Amendment of
principal Act—

32. (1) The principal Act is amended by inserting therein after section 47 the following section:—

Provision as to
weighbridges.

47A. (1) After the thirtieth day of June, nineteen hundred and thirty-two, no weighbridge shall be used for the purpose of trade or for the purpose of any contract, bargain, sale, purchase, or dealing unless it is licensed pursuant to by-laws made under the Municipal Corporations Act, 1923, or the District Councils Act, 1929, or, if the weighbridge is situated within any area to which any such by-laws do not apply, unless the weighbridge is licensed by the Warden of Standards. Subject to subsection (5) hereof no such licence or any renewal thereof shall continue in force for any period longer than twelve months.

(2) Any person who uses for any purpose as aforesaid any unlicensed weighbridge or the owner of the weighbridge shall be liable to a fine not exceeding Five Pounds or, in the case of a second offence, Ten Pounds.

(3) No weighbridge shall be licensed as aforesaid unless the weighbridge has been tested and certified as correct by the Government Inspector of Weights and Measures for which purpose the prescribed fee shall be payable. The Government Inspector of Weights and Measures may at the request of the
owner

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owner of the weighbridge carry out any alterations and adjustments necessary to be made to the weighbridge, and the Commissioner of Crown Lands may recover from the owner such charges for such services as may be proper. The Government Inspector of Weights and Measures shall not undertake any such work of making alterations or adjustments as aforesaid in any case in which he estimates that the time to be occupied in carrying out such work will exceed six hours.

(4) The Governor may make regulations—

(a) prescribing fees for testing or certifying weighbridges under this section and fixing the fees which may be charged by Municipal Corporations or District Councils or the Warden of Standards for licences under this section:

(b) exempting from the operation of this section, subject to such conditions as he may impose or prescribe, any prescribed weighbridges.

(5) In the case of the renewal of the licence of any weighbridge, if arrangements are made to the satisfaction of the Warden of Standards for the inspection of the weighbridge before the expiration of the current licence, the weighbridge shall be deemed to be licensed until the time arranged for inspection as aforesaid.

(6) In any case where a weighbridge is the property of a Municipal Corporation or District Council the weighbridge shall be deemed to comply with this section if it is tested and certified as correct by the Government Inspector of Weights and Measures. Every such certificate shall continue in force for a period of twelve months and no longer, but if in respect of any weighbridge in respect of which such a certificate is issued, arrangements are made to the satisfaction of the Warden of Standards for the further inspection of the weighbridge, the certificate shall be deemed to continue in force until the time arranged for inspection as aforesaid.

(7) If during the period of twelve months after the thirtieth day of June, nineteen hundred and thirty-two, an application is made for the licensing of any weighbridge, this section shall be deemed to be complied with from the time of the making of the application until the time when the weighbridge is first tested by the Government Inspector of Weights and Measures.

(2) The proviso to paragraph cxcviii. of subsection (1) of section 504 of the Municipal Corporations Act, 1923 (as enacted by the Municipal Corporations Act Amendment Act, 1925), and the proviso to paragraph xli. of subsection (1) of section 439 of the District Councils Act, 1929, are hereby repealed as and from the thirtieth day of June, nineteen hundred and thirty-two.

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Amendment of
principal Act—

Provision as to
petrol pumps.

33. The principal Act is amended by inserting therein after section 47A the following section :—

47B. (1) After three months after the making of regulations pursuant to this section, no measuring instrument or measure used for the purpose of measuring petrol in connection with any petrol pump shall be used for the purpose of trade or for the purpose of any contract, bargain, sale, purchase, or dealing unless the petrol pump used therewith is licensed pursuant to this Act.

(2) The Governor may make regulations—

(a) providing for the licensing of such petrol pumps :

(b) providing for the testing, modifying, adjusting, and stamping of any such measuring instruments or measures :

(c) regulating the design of petrol pumps used in connection therewith :

(d) providing for any other matters necessary to secure that such measuring instruments, measures, and petrol pumps shall be such to secure to purchasers of petrol the full and fair quantity of petrol sold in connection therewith :

(e) providing for any matter (including the temperature at which petrol shall be measured or be deemed to be measured) for the purpose of regulating the sale of petrol, whether by wholesale or retail, and whether sold by means of a petrol pump or otherwise howsoever, in order to secure to purchasers the full and fair quantity of petrol sold.

The regulations shall provide for the licensing of such petrol pumps by local authorities or by the Warden of Standards or otherwise, and may prescribe fees in connection therewith and the allocation of such fees, but the fees prescribed for testing and licensing any petrol pump shall not exceed in the aggregate Ten Shillings and Six Pence.

(3) Subject to subsection (7) hereof, no such licence or any renewal thereof shall continue in force for any period longer than twelve months.

(4) Any person who uses for any purpose as aforesaid any unlicensed petrol pump or the owner of the petrol pump shall be liable to a fine not exceeding Five Pounds, or, in the case of a second offence, Ten Pounds.

(5) No petrol pump shall be licensed as aforesaid unless the petrol pump has been tested and certified as correct by the Government Inspector of Weights and Measures, for which purpose

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purpose the prescribed fee shall be payable. The Government Inspector of Weights and Measures may at the request of the owner of the petrol pump carry out any alterations and adjustments necessary to be made to the petrol pump and the Commissioner of Crown Lands may recover from the owner such charges for services as may be proper.

(6) The Governor may, by regulation, exempt from the operation of this section, subject to such conditions as he may impose, any prescribed petrol pumps.

(7) In the case of the renewal of the licence of any petrol pump, if arrangements are made to the satisfaction of the Warden of Standards for the inspection of the petrol pump before the expiration of the current licence, the petrol pump shall be deemed to be licensed until the time arranged for inspection as aforesaid.

(8) The licence provided for by this section shall be deemed to be in addition to and not in substitution for any permit required to be obtained in respect of any petrol pump pursuant to section 230c of the Municipal Corporations Act, 1923, or section 356 of the District Councils Act, 1929.

(9) If during the period of twelve months after the making of regulations pursuant to this section, an application is made for the licensing of any petrol pump, this section shall be deemed to be complied with from the time of the making of the application, until the time when the petrol pump is first tested by the Government Inspector of Weights and Measures.

34. The principal Act is amended by inserting therein the following new section:—

Amendment of principal Act—

50A. Every local authority shall once in every twelve months forward to the Commissioner of Crown Lands a statement giving particulars of the administration of this Act by the local authority within its city, town, or district. Every such statement shall contain such particulars as may be required by the Commissioner.

Yearly statement by local authority.

35. Section 51 of the principal Act is hereby repealed.

Repeal of s. 51 of principal Act.

36. Section 53 of the principal Act is amended by striking out the words "scales, balances, and steelyards" in the first line of subsection (4) thereof and by inserting in lieu thereof the words "weighing instruments or measuring instruments".

Amendment of principal Act, s. 53—
Summary proceedings.

37. Section 55 of the principal Act is amended by striking out the words "scale, balance, steelyard, or weighing machine" in the first and second and the seventh and eighth lines thereof and by inserting in lieu thereof in each case the words "weighing instrument or measuring instrument".

Amendment of principal Act, s. 55—
Evidence.

38. The

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Amendment of
principal Act—

38. The principal Act is amended by inserting therein the following section :—

Evidentiary
provision.

55A. In any proceedings for an offence against this Act in respect of any weighing instrument, measuring instrument, weight, measure, weighbridge, or petrol pump, the onus shall be on the defendant to prove that the weighing instrument, measuring instrument, weight, measure, weighbridge, or petrol pump was tested, verified, stamped, or licensed as required by this Act.

Amendment of
principal Act, s. 59—

39. Section 59 of the principal Act is amended so as to read as follows :—

Regulations.

59. The Governor may make regulations for any of the subjects following :—

- I. The guidance of inspectors in the performance of their duties :
- II. Prescribing the denominations of weights and measures permissible for use or trade :
- III. Conditions for the supply, custody, care, and verification of local standards and the certifying of such verification :
- IV. The amount of error which may be tolerated in weighing instruments, measuring instruments, weights, or measures :
- V. The shapes, dimensions, and proportions to be required in weighing instruments, measuring instruments, weights, or measures, and the materials of which they shall be made :
- VI. Defining and specifying what weighing instruments, measuring instruments, weights, or measures shall, or shall not be admitted to verification, and the tests to be applied to ascertain their accuracy and efficiency :
- VII. The testing, verifying, and stamping of weighing instruments, measuring instruments, weights, or measures, and the adjusting of weights :
- VIII. The testing, verifying, and stamping of weighbridges ; prescribing the use of weighbridges ; prohibiting or regulating the use of unlicensed weighbridges ; and generally for the supervision and control of weighbridges :
- IX. The issuing by the Warden of Standards to persons possessing such qualifications as may be prescribed of certificates certifying the competence of such persons to maintain or repair weighbridges, petrol pumps, or any other weighing instruments or measuring instruments :
- X. Prescribing

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- x. Prescribing the instruments for testing and verifying weighing instruments, measuring instruments, weights, or measures :
- xI. The marking on weights and measures of their several denominations, and on weighing instruments and measuring instruments of their capacities and other markings. The obliteration of stamps on weighing instruments, measuring instruments, weights, or measures, found to be incorrect or not in accordance with these regulations :
- xII. Prescribing fees, including fees to be charged by local authorities pursuant to this Act :
- xIII. The payment of the fees prescribed for the testing, verifying, adjusting, or stamping of weighing instruments, measuring instruments, weights, or measures :
- xIV. The classes of weights to be used on certain weighing instruments :
- xv. Providing for exemptions in pursuance of this Act :
- xVI. The method of marking upon articles their weight, measure, or number :
- xVII. Generally for other matters for carrying out the provisions of this Act :
- xVIII. For imposing any penalty not exceeding Ten Pounds for any breach of any regulation.

40. Sections 62 and 65 of the principal Act are hereby repealed.

Repeal of principal Act, ss. 62 and 65.

41. Section 64 of the principal Act is amended by striking out the first three lines thereof, and by inserting in lieu thereof the words "All fines and forfeitures for any offence against this Act which are recovered on the complaint of any inspector or officer of a local authority shall be paid to that local authority. All other fines and penalties shall be paid into the General Revenue of the State".

Amendment of principal Act, s. 64—
Fines and forfeitures.

42. The Fourth Schedule to the principal Act is repealed.

Repeal of principal Act, Fourth Schedule—
Fees of Inspector.

43. (1) Paragraphs CCII., CCIII., CCIV., CCV., and CCVa. of subsection (1) of section 504 of the Municipal Corporations Act, 1923, are hereby repealed.

Repeal of certain by-law making powers of local authorities.

(2) Paragraph XL. of subsection (1) of section 439 of the District Councils Act, 1929, is hereby repealed.

(3) All by-laws made by any Municipal Council or District Council pursuant to any of the said provisions repealed by this section are hereby repealed.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

A. HORE-RUTHVEN, Governor.