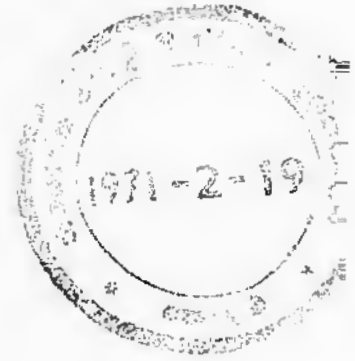


PARLIAMENT OF CEYLON

1st Session 1970-71



Weights and Measures (Amendment) Act, No. 7 of 1971

Date of Assent : February 1, 1971

Printed on the Orders of Government

Printed at the DEPARTMENT OF GOVERNMENT PRINTING, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO.

Annual Subscription (including Bills) : Rs. 30 (Local), Rs. 40 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, P. O. Box 500, COLOMBO 1, before 20th December each year in respect of the year following. Late subscriptions will be accepted on the condition that Bills issued before the date of payment will not be supplied.

Price : 60 cents

Postage : 10 cents

*Weights and Measures (Amendment)
Act, No. 7 of 1971*

L. D.—O. 6/69.

AN ACT TO AMEND THE WEIGHTS AND MEASURES
ORDINANCE.

[Date of Assent: February 1, 1971]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Weights and Measures (Amendment) Act, No. 7 of 1971.

Short title.

2. Section 2 of the Weights and Measures Ordinance, hereinafter referred to as the "principal enactment", is hereby amended, in sub-section (1) of that section, by the substitution, for paragraph (c) of that sub-section, of the following new paragraph:—

Amendment of section 2 of Chapter 158.

"(c) such number of persons, by name or by office, to be or to act as Examiners of the Standards as may be necessary; "

3. Section 3 of the principal enactment is hereby repealed and the following new section is substituted therefor:—

Replacement of section 3 of the principal enactment.

" Local authorities.

3. The Minister may by Order published in the *Gazette*—

(a) declare that—

(i) any Municipal Council, Urban Council, Town Council or Village Council, or where such Council has been dissolved, the Special Commissioner or Special Commissioners appointed under section 277 of the

Municipal Councils Ordinance or section 184 of the Urban Councils Ordinance or section 183 of the Town Councils Ordinance or the public officer appointed under section 54 or section 54A of the Village Councils Ordinance shall be the local authority for the purposes of the administration of this Ordinance in the area within the administrative limits of such Council, or

- (ii) the Anuradhapura Preservation Board shall be the local authority for the purposes of the administration of this Ordinance within such part of the Area of Authority of that Board as forms the Controlled Area,

in relation to all weights, measures and weighing and measuring instruments or in relation to such weights or measures or weighing or measuring instruments as may be specified in such Order; or

- (b) where any Council, Special Commissioner, public officer or Board so declared to be a local authority has failed or is unable to exercise or perform the powers or duties conferred or imposed on a local authority by this Ordinance, declare that such Council, Special Commissioner, public officer or Board shall cease to be a local authority for the purposes of this Ordinance."

4. Section 4 of the principal enactment is hereby amended as follows:—

Amendment of section 4 of the principal enactment.

(1) by the insertion, immediately after sub-section (3), of the following new sub-section:—

“(3A) A certificate issued under sub-section (3) or a copy thereof purporting to be signed and certified as a true copy by the Warden shall, without further proof, be admissible in evidence in any legal proceeding and shall in such proceeding be sufficient prima facie evidence of the fact stated therein.”; and

(2) by the insertion, immediately after sub-section (4), of the following new sub-section:—

“(5) In any legal proceeding any inspector or superintendent who has exercised or discharged in any place any power or duty conferred or imposed on him by or under this Ordinance shall, until the contrary is proved, be deemed to have been duly authorized under this Ordinance to exercise or discharge such power or duty in that place.”

5. Section 8 of the principal enactment is hereby amended, in sub-section (1) of that section, by the substitution, for the figures “3.08646974”, of the figures “3.08647167”.

Amendment of section 8 of the principal enactment.

6. Section 13 of the principal enactment is hereby amended by the addition, at the end of that section, of the following new sub-section:—

Amendment of section 13 of the principal enactment.

“(4) The Minister may, by Order published in the *Gazette*, amend any Schedule to this Ordinance by the omission from such Schedule of any weight or measure or any denomination of weight or measure specified therein.”

7. Section 14 of the principal enactment is hereby amended in sub-section (3) of that section, by the substitution, for the expression “stamped at the Standards Department of the Board of Trade in England”, of the expression “stamped at the specified standards laboratory”.

Amendment of section 14 of the principal enactment.

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Amendment of
section 15 of
the principal
enactment.

8. Section 15 of the principal enactment is hereby amended in sub-section (2) of that section, by the substitution, for the expression "adjusted or renewed, at the Standards Department of the Board of Trade in England:", of the expression "adjusted or renewed, at the specified standards laboratory:".

Amendment of
section 16 of
the principal
enactment.

9. Section 16 of the principal enactment is hereby amended in sub-section (2) of that section, by the substitution, for the expression "verified at the Standards Department of the Board of Trade in England,", of the expression "verified at the specified standards laboratory,".

Amendment of
section 19 of
the principal
enactment.

10. Section 19 of the principal enactment is hereby amended, in sub-section (2) of that section, by the substitution, for the words "The Examiner", of the words "An Examiner".

Amendment of
section 22 of
the principal
enactment.

11. Section 22 of the principal enactment is hereby amended by the insertion, immediately after sub-section (2) of that section, of the following new sub-section:—

"(2A) The packing in Ceylon of any article in a container for purposes of sale shall be done according to one of the authorized weights or measures."

Amendment of
section 29 of
the principal
enactment.

12. Section 29 of the principal enactment is hereby amended as follows:—

(1) by the renumbering of that section as sub-section (1) of section 29; and

(2) by the insertion, immediately after renumbered sub-section (1), of the following new sub-section:—

"(2) Where in any proceeding in any court it has to be determined whether an Order under sub-section (1) was in force on any day in any place, a certificate under the hand of the Divisional Revenue Officer having jurisdiction over that place to the effect that such Order was in force on that

day in that place shall be received in that proceeding as conclusive evidence of the facts stated therein and such Divisional Revenue Officer shall not be examined or cross-examined in such proceeding with respect to that certificate. ” .

13. Section 31 of the principal enactment is hereby amended as follows:—

Amendment of section 31 of the principal enactment.

(a) in sub-section (1) of that section, by the omission of the words “ or any striker ”;

(b) in sub-section (2) of that section—

(i) by the substitution, for the words “ to manufacture ”, of the words “ to sell, manufacture ”, and

(ii) by the omission of the word “ strikers, ”; and

(c) by the addition, at the end of that section, of the following new sub-section:—

“ (5) The Warden may revoke any licence issued under this section if the holder of the licence is convicted of an offence under this Ordinance. ” .

14. Section 35 of the principal enactment is hereby amended as follows:—

Amendment of section 35 of the principal enactment.

(1) by the substitution, for the words “ land or premises ”, of the words “ land, premises or vehicle ”;

(2) by the substitution, for the words “ for the purpose of any trade, ”, of the words “ for the purpose of any trade or any article is kept, offered or exposed for sale, ”;

(3) by the substitution, in paragraph (c) of that section, for the words “ examination; and ”, of the word “ examination; ”;

(4) in paragraph (d) of that section—

(a) by the substitution, for the words “ under this Ordinance, ”, of the words “ under this Ordinance or any other written law, ”, and

(b) by the substitution, for the words "provision of this Ordinance.", of the words "provision of this Ordinance or such other written law, as the case may be; and"; and

(5) by the insertion, immediately after paragraph (d) of that section, of the following new paragraph:—

"(e) inspect and weigh, or inspect and measure, any article which is therein kept, offered or exposed for sale in order to ascertain whether the provisions of this Ordinance are being complied with in respect of such article and seize and detain any article in respect of which or in relation to which a contravention of any provision of this Ordinance has been or is suspected to have been committed."

Insertion of
new section 35A
in the principal
enactment.

15. The following new section is hereby inserted immediately after section 35, and shall have effect as section 35A, of the principal enactment:—

"Power of
police officers to
enter certain
premises and to
inspect weights,
measures,
weighing and
measuring
instruments.

35A. Any police officer not below the rank of sub-inspector may enter any premises used for the purposes of any trade in any place or area in which an Order under section 29 is in force and may—

(a) inspect any weight or measure or weighing or measuring instrument which is found in such premises; and

(b) seize and detain for the purpose of a prosecution for an offence under this Ordinance, any weight or measure or weighing or measuring instrument which is found in such premises and which has not, in the period of twelve months immediately preceding the date of inspection, been stamped by an inspector with the prescribed mark of verification."

16. Section 36 of the principal enactment is hereby amended by the substitution, for the words "by the Examiner", wherever those words occur in that section, of the words "by an Examiner".

Amendment of section 36 of the principal enactment.

17. Section 41 of the principal enactment is hereby amended by the substitution, for the words "rupees and to", of the words "rupees or to".

Amendment of section 41 of the principal enactment.

18. Section 42 of the principal enactment is hereby amended as follows:—

Amendment of section 42 of the principal enactment.

(1) in paragraph (d) of that section—

(a) by the substitution, for the words "Ordinance, or", of the words "Ordinance, or tampers with a weighing or measuring instrument which has been so stamped, or", and

(b) by the substitution, for the word "diminished," of the words "diminished or any weighing or measuring instrument which he knows to be tampered with,"; and

(2) in the marginal note to that section, by the substitution, for the word "inspectors," of the words "inspectors, and tampering with stamped weighing or measuring instruments."

19. Section 43 of the principal enactment is hereby amended, in paragraph (a) of that section, by the omission of the words "or striker".

Amendment of section 43 of the principal enactment.

20. The following new sections are hereby inserted immediately after section 44, and shall have effect as section 44A, section 44B, section 44C and section 44D, of the principal enactment:—

Insertion of new sections 44A, 44B, 44C and 44D in the principal enactment.

"Containers of certain articles to have weight or measure printed on such containers.

44A. (1) The Minister may, by Order published in the *Gazette*, declare any article to be a specified article for the purposes of this section.

(2) No person shall sell, or offer or expose for sale, any specified article packed in a container—

(a) unless the net weight or measure of such article is legibly written or printed on the outside of such container or upon a label firmly attached thereto, or

(b) unless, in a case where such container is cased, enclosed or contained in a package, such net weight or measure, in addition to being legibly written or printed on the outside of such container or upon a label firmly attached thereto, is legibly written or printed on the outside of such package or on a label firmly attached thereto.

(3) A person who contravenes any provision of sub-section (2) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees.

Short weight
or measure.

44B. Any person who in any place or area in which an Order under section 29 is in force, delivers or causes to be delivered to the purchaser of an article or to his agent a quantity less than the quantity represented to be sold shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Use or possession of weights, &c., which are not in conformity with regulations relating to composition, &c.

44C. Any person who uses for the purpose of any trade, or has in his possession for use in any trade, any weight or measure or weighing or measuring instrument or any striker which is not in conformity with the requirements of any regulation relating

to its composition, weight, length or form shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.

Use or possession of any weight or measure which is not just.

44D. Any person who uses for the purpose of any trade, or has in his possession for use in any trade, any weight or measure or weighing or measuring instrument which is not just shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment."

21. Section 52 of the principal enactment is hereby amended as follows:—

Amendment of section 52 of the principal enactment.

- (1) by the substitution, for the words "any superintendent" wherever those words occur in that section, of the words "the Deputy Warden or any superintendent";
- (2) in sub-section (3) of that section, by the substitution, for the words "the superintendent", of the words "the officer"; and
- (3) in the marginal note to that section, by the substitution, for the word "superintendent.", of the words "Deputy Warden or Superintendent."

22. The following new section is hereby inserted immediately after section 54, and shall have effect as section 54A, of the principal enactment:—

Insertion of new section 54A in the principal enactment.

" Certificate of Warden, Deputy Warden or Examiner to be prima facie evidence of facts stated therein.

54A. A certificate purporting to be issued by the Warden, the Deputy Warden or an Examiner regarding the condition of any weight or measure or weighing or measuring instrument, examined by him shall, without further

proof, be admissible in evidence in any court, and shall be prima facie proof of the facts stated therein.”.

Amendment of
section 56 of
the principal
enactment.

23. Section 56 of the principal enactment is hereby amended as follows:—

(1) in sub-section (1) of that section—

(a) by the insertion, immediately before the definition of “division”, of the following new definitions:—

“ “container” includes anything in or by which an article is cased, enclosed, contained or packed;

“ Deputy Warden ” means the Deputy Warden of the Standards appointed under section 2;’;

(b) in the definition of “Examiner”, by the substitution, for the words “the Examiner”, of the words “an Examiner”;

(c) by the substitution, for the definition of “gallon”, of the following new definition:—

“ “gallon” means a measure of capacity equal to the gallon as defined in the Weights and Measures Act, 1963, of the Parliament of the United Kingdom;’;

(d) in the definition of “local authority”, as amended by Act No. 60 of 1961:—

(i) by the substitution, for the words “Village Council which”, of the words “Village Council or the Anuradhapura Preservation Board which”; and

(ii) by the substitution, for the words “Ordinance, the village area”, of the words “Ordinance and

includes any Special Commissioner or public officer who has been so declared; the village area ”;

- (e) by the substitution, for the definition of “pound avoirdupois”, of the following definition:—

“pound avoirdupois”, means a weight equal to the pound as defined in the Weights and Measures Act, 1963, of the Parliament of the United Kingdom;’;

- (f) by the insertion, immediately after the definition of “regulation”, of the following new definition:—

“specified standards laboratory” means the national standards laboratory of any country specified by the Minister for the purpose of this Ordinance by notification published in the *Gazette*;’;

- (g) by the substitution, for the definition of “trade”, of the following new definition:—

“trade”, means any contract, bargain, sale or dealing referred to in sub-section (1) of section 22 and includes the packing in Ceylon of any article in a container for purposes of sale;’; and

- (h) by the substitution, for the definition of “yard”, of the following new definition:—

“yard” means a measure of length equivalent to the yard as defined in the Weights and Measures Act, 1963, of the Parliament of the United Kingdom;’; and

- (2) by the insertion, immediately after sub-section (2) of that section, of the following new sub-section:—

“(2A) For the purposes of this Ordinance, a weighing or measuring instrument shall be deemed to be just—

(a) upon verification, if it has not a greater limit of error than the prescribed limit of error to be allowed on verification; or

(b) upon inspection, if it has not a greater limit of error than the prescribed limit of error to be tolerated on inspection.”.

Saving.

24. Notwithstanding the repeal and replacement by this Act of section 3 of the principal enactment, every Order made under that section and in force on the day immediately preceding the date of commencement of this Act shall, on and after that date, continue in force and be deemed to be an Order made under that enactment as amended by this Act in relation to all weights, measures and weighing and measuring instruments and may accordingly be amended or revoked under that enactment as amended by this Act.