



MONTSERRAT

CHAPTER 15.25

WEIGHTS AND MEASURES ACT and Subsidiary Legislation

Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

WEIGHTS AND MEASURES ACT

Act 1 of 1917 .. in force 19 February 1917

Amended by S.R.O. 15/1956

Amended by Acts: 7 of 1966

8 of 1966

23 of 1973

9 of 1986

4 of 2003

9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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WEIGHTS AND MEASURES ACT

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CHAPTER 15.25

WEIGHTS AND MEASURES ACT

*(Acts 1 of 1917, S.R.O. 15/1956,
Acts 7 of 1966, 8 of 1966, 23 of 1973, 9 of 1986, 4 of 2003 and 9 of 2011)*

Commencement

[19 February 1917]

Short title

1. This Act may be cited as the Weights and Measures Act.

Interpretation

2. In this Act—

“**weighing instrument**” means scales with the weights belonging thereto, scale-beams, balances, spring balances, steelyards, weighing machines and other instruments for weighing, and any weighing instrument constructed also to calculate and indicate the price in money.

Standards of weights and measures to be the same as those of United Kingdom

3. The standard measure of length, the standard measure of weight and the standard measure of capacity for liquids as well as for dry goods usually sold by such measure, shall be the same as the “**Imperial standards**” for weights and measures in the United Kingdom fixed by the Weights and Measures Act, 1878:

Provided that, the standard measure of capacity of a barrel used in buying or selling limes shall be twenty six gallons.

Comptroller of Customs to keep authorised standards

4. The Comptroller of Customs shall import, or otherwise provide, one of each of the several weights and measures mentioned in the First Schedule, such several weights and measures to be authorised copies or models of the imperial standard weights and measures at present in use in the United Kingdom, and the same shall be kept in the custody of the Comptroller of Customs, and shall be the authorised standards from which all weights and measures used in Montserrat shall be derived.

(Amended by Act 8 of 1966)

Inspectors to be provided with verified copies

5. Every Inspector of Weights and Measures shall be provided with copies of the standard weights and measures, verified by the Comptroller of Customs or of such of them as may be requisite for the due performance of his duties.

How articles shall be sold by weight

6. All articles sold by weight shall be sold by avoirdupois weight of sixteen ounces to the pound, or the various multiples or parts thereof, except gold, silver, platinum, diamonds or other precious stones, which may be sold by troy weight, and drugs, which, when sold by retail, may be sold by apothecaries' weight; and, whereas confusion has arisen as to the exact meaning of certain multiples of the pound weight, the weight denominated a stone shall consist of fourteen standard pounds avoirdupois, the weight denominated a hundred weight shall consist of eight such stones or 112 pounds, and the weight denominated a ton shall consist of twenty such hundred weights.

How articles shall be sold by measure

7. (1) All liquids usually sold by measure shall be sold by the **“Imperial standard gallon”** or the various aliquot parts thereof, but this shall not be construed so as to prevent the sale of wines, malt and other fermented liquors by the cask or any liquors by the ordinary quart or half quart bottle. In the sale of such dry goods as are usually sold by measure of capacity, two Imperial standard gallons shall constitute a peck, eight such gallons a bushel, and eight such bushels a quarter.

(2) In the case of spirits or other liquids chargeable by measure contained in casks, it shall be lawful to ascertain the capacity and contents of such cask by gauge, according to the standard of the Imperial gallon fixed by this Act; and for the settlement of disputes or differences on the sale of rum and other spirits, the instrument to be used for ascertaining the strength of such spirits shall be the hydrometer called **“Syke’s hydrometer”**:

Provided that, in the case of any such spirits chargeable by measure contained in casks, it shall be lawful for the Governor acting on the advice of Cabinet by order to direct, that the capacity and contents of any such casks, for the purpose of ascertaining the amount to be charged thereon for excise or other duty, shall be ascertained by means of callipers with head and bung rods, and all other usual and necessary adjuncts, according to the standard of the Imperial gallon fixed by this Act, and, upon such order being made, the use of the gauging rod shall be deemed, for the purposes aforesaid, to be abolished. (*Amended by Act 9 of 2011*)

Comptroller of Customs shall keep calliper standards when order made

8. Whenever the Governor acting on the advice of Cabinet shall have directed the use of callipers, as in the said proviso mentioned, the Comptroller of Customs shall then import and keep in his custody one or more pairs of callipers, head and bung rods, and all other usual and necessary adjuncts, which shall be authorised copies or models of the instruments at present in use in the United Kingdom. (*Amended by Act 9 of 2011*)

Standard of length

9. The standard of length shall be the “**Imperial standard yard**”, whereby all other measures of extension, whether the same be lineal, superficial, or solid shall be derived, computed and ascertained, and one-third part of the said yard shall be a foot, and the twelfth part of such foot an inch.

Contracts, etc., by weight or measure to be in accordance with this Act

10. All contracts, bargains, sales and dealings which shall be made after this Act comes in force, for any work to be done, or for any goods, wares, merchandise, or other thing to be sold, delivered, done or agreed for by weight or measure, shall be deemed, taken, and construed to be made according to the standard weights and measures ascertained by this Act.

Weights and measures to be stamped

11. All weights, which shall be used after this Act comes into force, of the weight of one-fourth of a pound or upwards, shall have the weight of the same stamped or cast, on the top or side thereof in legible figures and letters, and all measures of capacity shall have their contents denominated, stamped, or marked on the outside of such measures in legible figures and letters.

Prohibition of weights of lead, etc., being used

12. And whereas the use of weights made of soft materials affords facilities for fraud, no weight made of lead or pewter shall be stamped or used:

Provided that, nothing herein contained shall prevent the use of lead or pewter in the manufacture of weights, if they be wholly and substantially cased with brass, copper, or iron, or shall prevent the insertion of such a plug of lead or pewter into weights, as shall be *bona fide* necessary for the purpose of adjusting them, and of affixing thereon the stamp hereinafter mentioned.

Appointment of Inspectors and their duty

13. (1) The Governor shall appoint one or more Inspectors of Weights and Measures for Montserrat, whose duty it shall be to examine all weights and measures whatsoever which shall be used for the purpose of buying and selling, or for the making of any charges on goods or merchandise, and who shall compare such weights and measures with one or more copies of the Imperial standard weights and measures provided under the authority of this Act, and, when found to correspond with such copies, shall stamp the same as correct in such a manner as best to prevent fraud; and to verify and stamp as correct all weighing instruments which shall be used for the like purpose; and the fees to be paid to the Inspectors for such examination and stamping shall be according to the scale contained in the Second Schedule; the stamp above mentioned shall be such as directed or approved by the Governor and a copy of the same shall be placed in custody of the Comptroller of Customs along with the standard weights and measures, the cost of procuring such stamp to be defrayed by the Treasury.

(2) Nothing contained in this Act or in the Second Schedule shall entitle any Inspector to payment of any fee for examining, or for examining, comparing and stamping any weighing instrument, weight or measure, where he shall not have both examined, compared and stamped such weighing instrument, weight or measure, or where he shall have stamped such weighing instrument, weight or measure unnecessarily.

(3) The Governor may at any time suspend or revoke any appointment made under this Act.

Rules for attendance of Inspectors for verification of weights and measures

14. The Governor with the advice and consent of the Cabinet shall fix the times and places at which the Inspectors of Weights and Measures appointed under this Act are to attend to examine, verify and stamp all weights and measures and weighing instruments, and one of the Inspectors shall attend, with his copies of the standard weights and measures, at each time and place fixed, and shall examine every measure or weight which is of the same denomination as one of such standards, and is brought to him for the purpose of verification. The Inspector shall also enter in a book to be kept by him minutes of every such verification. *(Amended by Act 9 of 2011)*

Rules for regulating Inspectors' duties

15. The Governor, with the advice and consent of the Cabinet may make rules for regulating the comparison with the standards and the verification and stamping of weights and measures and weighing instruments in use in Montserrat, and generally for regulating the duties under this Act of the Inspectors appointed for Montserrat. Such rules may impose fines not exceeding \$200 for the breach of any rule, to be recovered on summary conviction:

Provided that, such rules shall have no operation until they have been duly published, in such manner as the Governor, with the advice and consent of the Cabinet, shall think sufficient for giving notice thereof to all persons interested, and shall so direct on the face of such rules.

(Amended by Acts 4 of 2003 and 9 of 2011)

Weights and measures to be brought to Inspector at appointed place for verification

16. Every person keeping a shop, store, stall, yard, or other place wherein goods are sold, or exposed, or kept for sale, by weight or measure, shall bring to the Inspector at the times and places appointed by the Governor, with the advice and consent of the Cabinet, for verification, all weights and measures and weighing instruments used by such person, in such shop, store, yard, or other place as aforesaid, on the sale of goods: Provided that, in cases where a weighing instrument shall be attached to the premises, it shall not be incumbent on the owner to detach the same, or bring the same to the Inspector, but, in that case, the owner shall give a notice in writing to the Inspector, at such time and place as aforesaid, specifying in detail the situation of such weighing instrument and the nature thereof; and thereupon the Inspector shall visit such shop, store, yard, stall, or other place, with a view to verifying the said instrument. Any person neglecting to comply with the provisions of this section shall be liable to the same penalties, recoverable in the same manner, as is provided by section 21, in the case of persons wilfully obstructing persons authorised to examine weights and measures. *(Amended by Act 9 of 2011)*

Inspector when required to attend at premises of applicant to verify weights and measures

17. An Inspector of Weights and Measures, upon the application of any person who may so require him, shall attend at the premises of such person for the purpose of examining and verifying the weights and measures and weighing instruments belonging to such applicant: Provided that, the Inspector shall not be bound to attend as aforesaid, except on payment to him of such reasonable expenses as shall be allowed in such case by the rules to be made under this Act.

Inspector to attend without fee

18. It shall be the duty of every Inspector of Weights and Measures to attend, without fee, for the purpose of examining, verifying and stamping weights and measures and weighing instruments at such places and at such times as the Governor acting on the advice of Cabinet shall by order appoint, or, in any particular instance, as the Governor may by order under his hand direct. *(Amended by Act 9 of 2011)*

Power to enter premises and examine and seize weights and measures

19. It shall be lawful for any Justice of the Peace, or any officer or non-commissioned officer of the police force, or any Inspector of Weights and Measures, at all reasonable times, to enter any shop, store, stall, yard or place whatsoever, wherein goods shall be exposed or kept for sale, and there to examine all weights, measures and weighing instruments, and to compare and try the same with the copies of the standard weights and measures required to be provided under this Act, and also to examine, and to compare and try, the weights and measures and weighing instruments used by any huckster, and forthwith to seize and detain any weight or measure or weighing instrument which they may find to be incorrect.

Penalty for counterfeiting stamp

20. Any person who shall make, forge, or counterfeit, or knowingly aid or assist in counterfeiting, any stamp or mark which shall be used for the stamping or marking of any weight or measure or weighing instrument under this Act, shall be liable on summary conviction, to a penalty of \$1,000.

(Amended by Act 4 of 2003)

Penalty for obstructing examination, etc.

21. Any person who shall wilfully obstruct, hinder, resist, or in any way oppose any of the persons hereby authorised to examine such weights and measures and weighing instruments, in the execution of his office, or any person selling or retailing by measure, who shall refuse to produce his weights or measures or weighing instruments to be examined, shall be liable, on summary conviction, to a penalty of \$500.

(Amended by Act 4 of 2003)

Penalty for using unstamped weights or measures

22. Any person who shall, in selling, use any weight or measure, or any aliquot part thereof, or any weighing instrument other than those authorised by this Act, or which has not been stamped as aforesaid, except as hereinafter excepted, or which shall be found light or otherwise unjust, or who shall have in his possession any such light or unjust weighing instrument, weight or measure, for the purpose of use, or who shall have in his possession any weighing instrument which shall be incorrect or otherwise unjust, shall be liable, on summary conviction, to a penalty of \$48; and every such light, or unjust weighing instrument, weight and measure shall, on being discovered by any such Justice of the Peace, officer or non-commissioned officer of the police force, or Inspector of Weights and Measures, as aforesaid, be seized, and, on conviction of the person using or possessing the same, shall be forfeited and destroyed:

Provided that, nothing herein contained shall extend to require any wooden or wicker measure used in the sale of lime or other articles of the like nature, or any glass, tin, or earthenware jug or drinking cup to be

stamped, but any person buying by any vessel represented as containing the amount of any imperial measure, or of any multiple or part thereof, is hereby authorised to require the contents of such vessel to be ascertained by a comparison with a stamped measure, such stamped measure to be found and provided by the person who shall use such wooden or wicker measure, jug or cup as aforesaid, and, in case the person who shall use such last-mentioned measure or vessel shall refuse to make such comparison, or if, upon such comparison being made, such wooden or wicker measure, glass, tin or earthenware jug, or drinking cup shall be found deficient in quantity, the person who shall use the same shall, on conviction as aforesaid, be subject to the forfeiture and penalties hereinbefore imposed on any person using light, or unjust, weights or measures, to be in like manner recovered and enforced.

False or unjust weights

23. Every person who uses or has in his possession for use for trade any weight, measure or weighing instrument which is false or unjust shall be liable on summary conviction to a penalty of \$750. And any contract, bargain, sale or dealing made by the same shall be void and the weight, measure or weighing instrument shall be liable to be forfeited.

(Amended by Act 4 of 2003)

Time limited for information

24. No conviction under this Act shall take place unless information of the offence charged shall be given within thirty days of the offence being committed.

FIRST SCHEDULE*(Section 4)***STANDARD WEIGHTS AND MEASURES***Measure of Length***“Imperial Standard yard”**, graduated to parts of 1/8 part of an inch.*Measures of Weight—“Avoirdupois.”*

56 lbs., or half a hundredweight.	Half pound.
28 lbs., or one quarter of a hundredweight.	One-fourth pound.
14 lbs. or stone.	Ounce.
7 lbs.	Half ounce.
4 lbs.	One-fourth ounce.
2 lbs.	Dram.
One pound.	

Measures of Troy Weight

One pound.	Pennyweight.
One ounce.	Grain.

Measures of Capacity

Bushel.	Pint.
Half bushel.	Half Pint.
Peck.	One-fourth of pint, or gill.
Gallon.	One-eighth of pint, or half gill.
Half gallon.	One rod for gauging according to Imperial standard gallon.
Quart.	

*Measure of Specific Gravity***“Syke’s hydrometer.”**

SECOND SCHEDULE

(Act 9 of 1986)

**FEES TO BE TAKEN BY INSPECTOR OF WEIGHTS AND MEASURES
UNDER THIS ACT**

	<i>Fees</i>
	\$
1. For examining, comparing and stamping all weights—	
Each half hundred weight	3
Each quarter of hundred weight	2
Each stone	1
Each weight under a stone	1
Each net of weights of a pound and under	2
2. For examining, comparing, and stamping all wooden measures—	
Each bushel	3
Each half bushel	2
Each peck and all under	1
Each yard	1
Each gauging rod	2
3. For examining, comparing, and stamping all measures of capacity of liquids made of copper or other metal—	
Each gallon	3
Each half gallon	2
Each quart and under	1
Each measure above a gallon	1
	for each additional gallon
For verifying and stamping all weighing instruments—	
ten tons and over	30
Less than ten tons and more than one ton	16
one ton and more than five cwt	6
five cwt and more than one cwt	3
<i>(This is exclusive of the cost of carriage and lifting standards in each of the above cases)</i>	
56 lbs and less	2

Notwithstanding anything hereinbefore contained, the fees payable to the Inspector of Weights and Measures for examining the scales, known as Fairbanks Platform Scales, with a weighting capacity of over 300 pounds or other similar machines and for comparing the weights thereof with the Imperial Standard Weights provided under the authority of this Act, and for stamping such weights shall be according to the following scale, that is to say—

For each separate weight belonging to any such examined the sum of

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WEIGHTS AND MEASURES (INSPECTION) ORDER – SECTION 14

(S.R.O. 43/2007)

Short title

1. This Order may be cited as the Weights and Measures (Inspection) Order.

Attendance of Inspector for verification of weights and measures

2. The Inspector of Weights and Measures appointed under the Weights and Measures Act shall attend at Auto Centre Garage in Brades, Montserrat to examine, verify and stamp all weights and measures and weighing instruments on any day or days to be specified by the Inspector during the period from 1 May to 31 July, both days inclusive in each year.
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