

Weights and Measures (Amendment) Bill

Bill No. 20/2005.

Read the first time on 18th July 2005.

A BILL

i n t i t u l e d

An Act to amend the Weights and Measures Act (Chapter 349 of the 1985 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Weights and Measures (Amendment) Act 2005 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 2

2. Section 2 of the Weights and Measures Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately before the definition of “check-weighed” in subsection (1), the following definitions:

10 ““Accuracy Label” means a mark referred to in section 7(2)(ii)(B) for use as evidence of the passing of any weighing or measuring instrument as fit for use for trade;

15 “Authorised Verifier” means any person appointed by the Board under section 29A;

“Board” means the Standards, Productivity and Innovation Board established under section 3 of the Standards, Productivity and Innovation Board Act (Cap. 303A);

“catch weight goods” means goods that —

20 (a) are enclosed in a package;

(b) cannot be portioned to a predetermined quantity because of their nature; and

(c) are usually sold in varying quantities;”;

25 (b) by deleting the words “weighing equipment” wherever they appear in the definition of “check-weighed” in subsection (1) and substituting in each case the words “weighing instrument”;

(c) by inserting, immediately after the definition of “Controller” in subsection (1), the following definition:

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

(d) by inserting, immediately after the definition of “gross weight” in subsection (1), the following definition:

““inadequate package” means a package enclosing goods that contain less than the quantity stated on the package or a label attached to the package, where the deficiency is more than twice the amount of error prescribed for the purpose of this definition;”;

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(e) by inserting, immediately after the definition of “intoxicating liquor” in subsection (1), the following definition:

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

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(a) are of the same kind;

(b) are of the same stated weight, measure or number; and

(c) are available for inspection at the same time and place;”;

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(f) by inserting, immediately after the definition of “mark” in subsection (1), the following definition:

““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 prescribed for the purpose of this definition but not more than twice that prescribed amount of error;”;

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(g) by deleting the definitions of “stamp” and “weighing or measuring equipment” in subsection (1) and substituting the following definitions:

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““stamp” means a mark referred to in section 7(2)(ii)(A) for use as evidence of the passing of any weighing or measuring instrument as fit for use for trade;

“supply”, in relation to a weighing or measuring instrument, includes —

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(a) selling the weighing or measuring instrument, whether by wholesale or retail or otherwise;

(b) supplying the weighing or measuring instrument by way of exchange, lease, loan, hire or hire-purchase;

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(c) supplying the weighing or measuring instrument, whether with or without charge, by way of sample or otherwise;

5 (d) offering or exposing the weighing or measuring instrument for sale or supply; and

(e) keeping or having the weighing or measuring instrument for the purpose of selling or supplying it to someone else;

10 “weighing or measuring instrument” means an instrument for measuring in terms of length, area, volume, capacity, weight or number, whether or not the instrument is constructed to give an indication of the measurement made or other information determined by reference to that measurement, and includes any article
15 used as a weighing or measuring instrument.”; and

(h) by deleting the words “an inspector” in subsection (2) and substituting the words “an Authorised Verifier or inspector”.

Amendment of section 3

3. Section 3 of the principal Act is amended —

20 (a) by deleting subsection (1) and substituting the following subsection:

25 “(1) The metre shall be the unit of measurement of length and the kilogram shall be the unit of measurement of mass by reference to which any measurement involving a measurement of length or mass shall be made in Singapore.”; and

(b) by deleting subsection (3).

Amendment of section 4

4. Section 4 of the principal Act is amended —

30 (a) by deleting subsection (1) and substituting the following subsection:

“(1) There shall be maintained by the Board the standards of the metre and kilogram (referred to in this Act as the Singapore standards) by reference to which all other standards of —

- (a) those units; and
 - (b) any other unit of measurement derived wholly or partly from any of those units,
are maintained.”;
- 5 (b) by deleting subsections (3), (4) and (5) and substituting the following subsection:
- “(3) The reference standards shall consist of standards of all the measures set out in Parts I and II, and the weights set out in Part III, of the Second Schedule other than capacity measures
10 of more than 10 litres; and any such standard shall be constructed and, while it remains in use, from time to time have its value or values redetermined by reference to one or more of the Singapore standards maintained by the Board.”;
and
- 15 (c) by deleting the words “testing and stamping equipment” in subsection (7) and substituting the words “instruments for testing and the affixing of stamps and Accuracy Labels”.

Amendment of section 5

5. Section 5 of the principal Act is amended —

- 20 (a) by inserting, at the end of subsection (2)(a), the word “and”;
- (b) by deleting paragraph (b) of subsection (2); and
- (c) by deleting the words “weighing or measuring equipment” wherever they appear in subsection (3) and substituting in each case the words “weighing or measuring instrument”.

Amendment of section 6

6. Section 6 of the principal Act is amended —

- (a) by deleting subsections (2) and (3) and substituting the following subsection:
30 “(2) No person shall use the carat (metric) for trade except for the purposes of transactions in precious stones or pearls.”;
and
- (b) by deleting the words “subsection (1), (2) or (3)” in subsection (4) and substituting the words “subsection (1) or (2)”.

Repeal and re-enactment of section 7 and new sections 7A and 7B

7. Section 7 of the principal Act is repealed and the following sections substituted therefor:

“Weighing or measuring instruments for use for trade

5 7.—(1) This section shall apply to weighing or measuring instruments of such class or description as may be prescribed.

(2) No person shall —

(a) supply for use for trade; or

(b) use for trade, or have in his possession for use for trade,

10 any weighing or measuring instrument to which this section applies unless —

(i) the instrument has been submitted to and passed as being fit for such use by an Authorised Verifier under section 7A or an inspector under section 7B; and

15 (ii) except as otherwise expressly provided under this Act or by regulations made under section 10, the instrument has been affixed with —

(A) a stamp; and

(B) an Accuracy Label,

20 indicating that it has been so passed, and both the stamp and Accuracy Label remain undefaced otherwise than by reason of fair wear and tear.

(3) Any person who contravenes subsection (2) shall be guilty of an offence and any weighing or measuring instrument in respect of
25 which the offence was committed shall be liable to be forfeited.

(4) Where —

(a) in accordance with regulations made under section 10, any weighing or measuring instrument is passed as fit for use for trade and affixed with a stamp and an Accuracy Label only
30 after it has been installed at the place where it is used for trade; and

- (b) the instrument is subsequently dismantled and re-installed, whether in the same or some other place,

the instrument shall not be used for trade after being so re-installed until it has been retested by an Authorised Verifier or inspector.

5 (5) Any person who —

- (a) knowingly uses any weighing or measuring instrument in contravention of subsection (4);
- (b) knowingly causes or permits any other person so to use it; or
- (c) knowing that the instrument is required under subsection (4) to be retested disposes of it to some other person without
- 10 informing him of that requirement,

shall be guilty of an offence and the instrument shall be liable to be forfeited.

Inspection and testing by Authorised Verifier

15 **7A.**—(1) Any person requiring any weighing or measuring instrument to which section 7 applies to be tested for its fitness for use for trade by an Authorised Verifier shall submit the instrument to the Authorised Verifier in such manner as the Authorised Verifier may require.

20 (2) An Authorised Verifier may charge such fee as he may determine for the testing of any weighing or measuring instrument submitted to him under subsection (1).

(3) On payment of such a fee, the Authorised Verifier shall inspect the weighing or measuring instrument and —

- 25 (a) test the instrument for its fitness for use for trade by means of such method of testing, working standard and testing instrument as may be specified by the Controller; and
- (b) subject to the provisions of this Act and any regulations made under section 10, if the instrument being tested falls
- 30 within the prescribed maximum permissible error, pass the instrument as being fit for use for trade and affix the instrument with a stamp and an Accuracy Label.

(4) If any difference arises between an Authorised Verifier and the person who submitted the weighing or measuring instrument being

5 tested with respect to any method of testing, working standard or testing instrument used under subsection (3)(a), that difference may with the consent of that other person, and shall at the request of that other person, be referred to the Controller whose decision shall be final.

10 (5) Unless the Board otherwise allows, no Authorised Verifier shall pass, or affix a stamp or an Accuracy Label on, any weighing or measuring instrument submitted to him under subsection (1) unless a letter of pattern approval in respect of the pattern of that instrument has been issued by the Controller under section 8.

15 (6) Where any weighing or measuring instrument submitted to an Authorised Verifier under subsection (1) is of a pattern in respect of which a letter of pattern approval granted under section 8 is for the time being in force, or of such a pattern modified only in a manner for the time being authorised by the Controller under that section, the Authorised Verifier shall not refuse to pass, or affix a stamp or an Accuracy Label on, the instrument on the ground that it is not suitable for use for trade.

20 (7) For the purposes of subsection (6), if the Authorised Verifier is of the opinion that the weighing or measuring instrument is intended for use for trade for a particular purpose for which it is not suitable, he may refuse to pass it as fit for use for trade, or affix a stamp or an Accuracy Label on it, until the matter has been referred to the Controller whose decision shall be final.

25 (8) Where an Authorised Verifier refuses to pass as fit for use for trade any weighing or measuring instrument, the Authorised Verifier shall —

- 30 (a) immediately give to the person in charge of that instrument notice in writing of his refusal in such form as the Controller may require; and
- (b) as soon as practicable, send a copy of the notice to the Controller.

35 (9) Where it is not possible or practicable to give a notice under subsection (8)(a), the Authorised Verifier shall attach the notice to the weighing or measuring instrument to which the notice relates.

(10) Every Authorised Verifier shall —

(a) keep a record of —

(i) every inspection and test carried out by him under subsection (3); and

5 (ii) every instance in which the Authorised Verifier breaks any stamp affixed on any weighing or measuring instrument; and

(b) submit to the Controller, in such form, comprising such information and within such time as the Controller may require, together with such fee as may be prescribed —

10 (i) a report on every inspection and test carried out by him under subsection (3); and

15 (ii) a report on every instance in which the Authorised Verifier breaks any stamp affixed on any weighing or measuring instrument.

(11) Any Authorised Verifier who fails to keep any record referred to in subsection (10)(a) shall be guilty of an offence.

Inspection and testing by inspector

20 **7B.**—(1) Any person requiring any weighing or measuring instrument to which section 7 applies to be tested for its fitness for use for trade by an inspector shall submit the instrument to the inspector in such manner as the Controller may direct.

25 (2) On payment by the person referred to in subsection (1) of the prescribed fee, the inspector shall inspect the weighing or measuring instrument and —

30 (a) test the instrument by means of such method of testing, working standard and testing instrument as he considers appropriate or, subject to any condition which may be prescribed, by means of any other instrument which has already been tested and which the inspector considers suitable for the purpose; and

(b) subject to the provisions of this Act and any regulations made under section 10, if the instrument submitted falls within the prescribed maximum permissible error, pass the

instrument as being fit for use for trade and affix the instrument with a stamp and an Accuracy Label.

5 (3) If any difference arises between an inspector and the person who submitted the weighing or measuring instrument for testing with respect to any method of testing, working standard or testing instrument used under subsection (2)(a), that difference may with the consent of that other person, and shall at the request of that other person, be referred to the Controller whose decision shall be final.

10 (4) Unless the Board otherwise allows, no inspector shall pass, or affix a stamp or an Accuracy Label on, any weighing or measuring instrument submitted to him under subsection (1) unless a letter of pattern approval in respect of the pattern of that instrument has been issued by the Controller under section 8.

15 (5) Where any weighing or measuring instrument submitted to an inspector under subsection (1) is of a pattern in respect of which a letter of pattern approval granted under section 8 is for the time being in force, or of such a pattern modified only in a manner for the time being authorised by the Controller under that section, the inspector shall not refuse to pass, or affix a stamp or an Accuracy Label on, the instrument on the ground that it is not suitable for use for trade.

20 (6) For the purposes of subsection (5), if the inspector is of the opinion that the weighing or measuring instrument is intended for use for trade for a particular purpose for which it is not suitable, he may refuse to pass it as fit for use for trade, or affix a stamp or an Accuracy Label on it, until the matter has been referred to the Controller whose decision shall be final.

(7) Every inspector shall keep a record of every inspection and test carried out by him under subsection (2).

25 (8) Nothing in this section or section 7 shall require any inspector to inspect, test or pass any weighing or measuring instrument as fit for use for the purpose of section 7 unless there is no Authorised Verifier able to do so without unreasonable delay.”.

Repeal and re-enactment of section 8

35 **8.** Section 8 of the principal Act is repealed and the following section substituted therefor:

“Approved patterns of instruments for use for trade

8.—(1) Any importer or manufacturer who intends, in the course of any trade or business, to supply in Singapore any weighing or measuring instrument to which section 7 applies shall —

- 5 (a) submit in such manner as the Controller may require the pattern of that instrument to the Controller for examination, together with such fee as may be prescribed; and
- (b) obtain from the Controller a letter of pattern approval signifying the suitability of that instrument for use for trade.

10 (2) Any importer or manufacturer who, in the course of any trade or business, supplies in Singapore any weighing or measuring instrument in respect of which a letter of pattern approval from the Controller has not been obtained shall be guilty of an offence.

15 (3) Upon receipt of the pattern of a weighing or measuring instrument and any prescribed fee under subsection (1), the Controller shall, in such manner as may be prescribed, examine the suitability for use for trade of the pattern of the weighing or measuring instrument, having regard in particular to the principle, materials and methods used or proposed to be used in its construction.

20 (4) If, upon completion of the examination under subsection (3), the Controller is satisfied that the weighing or measuring instrument examined is suitable for use for trade, then, subject to section 9(2), he —

- 25 (a) shall issue a letter of pattern approval of that pattern and cause particulars thereof to be published; and
- (b) may from time to time thereafter authorise such minor modifications thereof as he thinks fit and cause particulars of those modifications to be published.

30 (5) The requirements of subsection (4) as to the publication of the particulars of any pattern or modification shall not apply where the letter of pattern approval is issued subject to such a condition as is referred to in subsection (6).

35 (6) A letter of pattern approval issued under subsection (4) may be granted subject to a condition that, except with the consent of the Controller, the weighing or measuring instrument of the pattern

approval in question shall be used for trade only for a specified period or a specified purpose.

5 (7) Any person who, knowing that a condition referred to in subsection (6) has been imposed with respect to any weighing or measuring instrument —

(a) uses, or causes or permits any other person to use, that instrument in contravention of that condition; or

10 (b) disposes of that instrument to any other person in a state in which it could be used for trade without informing that other person of that condition,

shall be guilty of an offence and the instrument shall be liable to be forfeited.

15 (8) The Controller, after consultation with such person appearing to him to be interested as he thinks fit, may at any time revoke any letter of pattern approval or authorisation granted under this section, and shall cause notice of any such revocation to be published.

20 (9) Where the Controller has revoked any letter of pattern approval or authorisation under subsection (8), any person who, knowing that the letter of pattern approval or authorisation has been revoked, and except as may be permitted by any fresh letter of pattern approval or authorisation granted in respect thereof —

25 (a) uses for trade, or has in his possession for such use, or causes or permits any other person so to use, any weighing or measuring instrument of the pattern or incorporating the modification in question; or

(b) disposes of any such instrument to any other person in a state in which it could be so used without informing that other person of the revocation,

30 shall be guilty of an offence and the instrument shall be liable to be forfeited.

35 (10) Any weighing or measuring instrument of a pattern in respect of which a letter of pattern approval has been granted under this section may, and in such cases as may be prescribed, shall, be marked in such manner as may be prescribed so as to identify it with the pattern in question.”.

Amendment of section 9

9. Section 9 of the principal Act is amended —

(a) by deleting subsections (1) and (2) and substituting the following subsections:

5 “(1) The Minister may by regulations prescribe general specifications for the construction of weighing or measuring instruments to which section 7 applies.

10 (2) Subject to subsection (4), where any general specification is for the time being prescribed under subsection (1), no letter of pattern approval shall be issued under section 8 in respect of the pattern of any weighing or measuring instrument unless the pattern complies with the prescribed general specifications.”;

15 (b) by deleting the word “equipment” wherever it appears in subsections (3) and (4) and substituting in each case the word “instrument”;

(c) by deleting subsection (5); and

(d) by deleting the word “equipment” in the marginal note and substituting the word “instruments”.

Amendment of section 10

20 **10.** Section 10 of the principal Act is amended —

(a) by deleting subsections (1) and (2) and substituting the following subsections:

“(1) The Minister may make regulations with respect to —

25 (a) the materials and principles of construction of weighing or measuring instruments for use for trade;

(b) the inspection, testing and passing as fit for use for trade of weighing or measuring instruments, and stamps and Accuracy Labels and the affixing thereof, including —

30 (i) the circumstances in which the affixing of stamps and Accuracy Labels on such instruments are prohibited or are not necessary;

- (ii) prohibiting the affixing of stamps or Accuracy Labels or both on prescribed instruments and requiring them to be affixed elsewhere;
- (iii) the period for which stamps and Accuracy Labels are to remain in force;
- (iv) the circumstances in which an inspector may remove or detain any such instrument for inspection or testing; and
- (v) the marking of any such instrument found unfit for use for trade;
- (c) the circumstances in which, conditions under which and manner in which stamps may be obliterated or defaced and Accuracy Labels cancelled;
- (d) the retesting of weighing or measuring instruments passed as fit for use for trade;
- (e) the purposes for which particular types of weighing or measuring instruments may be used for trade;
- (f) the manner of erection or use of weighing or measuring instruments used for trade;
- (g) the abbreviations of or symbols for units of measurement which may be used for trade; and
- (h) the manner in which the tare weight of road vehicles, or of road vehicles of any particular class or description, is to be determined.
- (2) The regulations made under subsection (1) may provide that any contravention thereof is an offence punishable with a fine not exceeding \$2,000, and that any weighing or measuring instrument in respect of which the contravention was committed shall be liable to be forfeited.”;
- (b) by deleting the word “equipment” wherever it appears in subsection (3) and substituting in each case the word “instrument”; and
- (c) by inserting, immediately after the words “or measuring” in the marginal note, the word “instruments”.

Repeal and re-enactment of section 11

11. Section 11 of the principal Act is repealed and the following section substituted therefor:

“Offences in connection with affixing of stamps and Accuracy Labels on instruments

11.—(1) Any person who, in the case of any weighing or measuring instrument used or intended to be used for trade —

(a) not being an Authorised Verifier or an inspector or a person acting under the instructions of an Authorised Verifier or inspector —

(i) inspects, tests or passes as fit for use for trade such instrument for the purposes of this Act;

(ii) affixes any stamp or Accuracy Label on such instrument; or

(iii) marks in any manner any plug or seal used or designed for use for the reception of a stamp;

(b) forges, counterfeits or, except as permitted under this Act, in any way alters or defaces any stamp or Accuracy Label;

(c) removes any stamp or Accuracy Label and inserts it onto any other such instrument; or

(d) makes any alteration in the instrument after it has been affixed with a stamp or an Accuracy Label such as to make it false or unjust,

shall be guilty of an offence.

(2) Subsection (1)(a)(iii) and (b) shall not apply to the destruction or obliteration of any stamp, plug, seal or Accuracy Label in the course of the adjustment or repair of any weighing or measuring instrument by, or by the duly authorised agent of, a person who is a manufacturer of, or regularly engaged in the business of repairing, such instrument.

(3) Any person who uses for trade or supplies any weighing or measuring instrument which to his knowledge —

(a) bears a stamp or an Accuracy Label which is a forgery or counterfeit, or which has been transferred from another

instrument, or which has been altered or defaced otherwise than as permitted under this Act; or

- (b) is false or unjust as the result of an alteration made in the instrument after it has been affixed with a stamp or an Accuracy Label,

shall be guilty of an offence.

(4) Any weighing or measuring instrument in respect of which an offence under this section is committed, and any stamp or instrument for the affixing of stamps and Accuracy Labels used in the commission of the offence, shall be liable to be forfeited.”.

Amendment of section 12

12. Section 12 of the principal Act is amended —

- (a) by deleting the words “weighing or measuring equipment” wherever they appear in subsections (1) and (2) and substituting in each case the words “weighing or measuring instrument”;
- (b) by deleting the word “equipment” in subsection (2) and substituting the word “instrument”; and
- (c) by deleting the words “weighing or measuring equipment” in the marginal note and substituting the words “weighing or measuring instrument”.

Repeal of section 13

13. Section 13 of the principal Act is repealed.

Amendment of section 14

14. Section 14 of the principal Act is amended —

- (a) by deleting the words “weighing or measuring equipment” in subsections (1) and (3) and substituting in each case the words “weighing or measuring instrument”;
- (b) by deleting the word “equipment” in subsections (1) and (3) and substituting in each case the word “instrument”;
- (c) by deleting subsection (2) and substituting the following subsection:

“(2) Without prejudice to the liability of any weighing or measuring instrument to be forfeited, it shall be a defence for any person charged with an offence under subsection (1) to show —

- 5 (a) in respect of the use for trade of the weighing or measuring instrument, that —
- (i) he used the instrument only in the course of his employment by some other person; and
- (ii) he neither knew, nor had any reason to suspect, that the instrument was false or unjust; or
- 10 (b) in respect of the use for trade or the possession for use for trade of the weighing or measuring instrument, that —
- (i) the use or possession of the instrument took place during a period of 12 months immediately following the month in which an Accuracy Label for the instrument was issued; and
- (ii) he neither knew, nor had any reason to suspect, that the instrument was false or unjust.”; and
- 20 (d) by deleting the word “equipment” in the marginal note and substituting the word “instruments”.

Amendment of section 15

15. Section 15 of the principal Act is amended —

- 25 (a) by deleting the words “weighing or measuring equipment” and substituting the words “weighing or measuring instrument”;
- (b) by deleting the word “equipment” and substituting the word “instrument”; and
- (c) by deleting the word “equipment” in the marginal note and substituting the word “instruments”.

Amendment of section 16

16. Section 16 of the principal Act is amended —

- (a) by deleting the words “, after consultation with the Minister charged with the responsibility for trade and industry,” in subsections (1) and (4); and
- (b) by deleting the words “, after consultation with the Minister in charge of trade and industry,” in subsection (3).

Repeal and re-enactment of section 18

17. Section 18 of the principal Act is repealed and the following section substituted therefor:

“Sale of goods in metric units

18.—(1) Subject to the provisions of this Part, any person 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;
- (b) uses for trade any weight or measure other than a weight or measure of the metric system;
- (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 other than weights or measures of the metric system; or
- (d) in the course of or for the purposes of any trade or business, uses, whether on any package, or in any price list or advertisement or otherwise, 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,

shall be guilty of an offence.

(2) Nothing in subsection (1)(d) shall apply 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

- (b) that unit, the figures in which that unit and the numerical value of that unit are marked no larger than those of that metric weight or measure.”.

Amendment of section 19

5 **18.** Section 19 of the principal Act is amended by deleting subsections (2) to (7) and substituting the following subsections:

“(2) Subject to the provisions of this Part, any person who —

- (a) on or in connection with the sale or purchase of any goods;
- (b) in exposing or offering any goods for sale;
- 10 (c) in purporting to make known to the buyer thereof the quantity of any goods sold; or
- (d) in offering to purchase any goods,

15 makes any misrepresentation either by word of mouth or otherwise as to the quantity of the goods, or does any other act calculated to mislead a person buying or selling the goods as to the quantity thereof, shall be guilty of an offence.

20 (3) Any person who sells or offers or exposes for sale, or has in his 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 shall be guilty of an offence if the weight, measure or number of the goods in the package is less than that stated on the package or label.

(4) In subsection (3), “goods” includes catch weight goods.

25 (5) For the purposes of subsection (3), the weight, measure or number of the goods (other than catch weight goods) in a package shall be deemed to be the same as that stated on the package or label on the package if —

- (a) the package meets the conditions prescribed by regulations made under section 37; or
- 30 (b) the package is one package in a lot of packages that meets the conditions prescribed by regulations made under section 37.

(6) It shall be a defence for any person charged with an offence under this section in respect of a package from a lot of packages containing desiccating goods to prove that —

5 (a) at any time on the day the package was made up or during a period of 7 days beginning on the day after the day the package was made up —

10 (i) the weighed average quantity of any sample taken from the lot of packages, as determined in accordance with regulations made under section 37, was equal to or exceeded the quantity stated on the package or a label attached to it;

15 (ii) the number of non-standard packages in any sample taken from the lot of packages was equal to or less than the appropriate number specified for the purpose in regulations made under section 37; and

(iii) there were no inadequate packages in any sample taken from the lot of packages; or

20 (b) at any time, after the close of the period specified in paragraph (a), a sample taken from the lot of packages contained no inadequate packages.”.

New section 21A

19. The principal Act is amended by inserting, immediately after section 21, the following section:

“Offence relating to document containing particular statements

25 **21A.** If, in the case of any goods required by this Act to have associated therewith a document containing particular statements, that document is found to contain any such statement which is materially incorrect, any person who, knowing or having reasonable cause to suspect that statement to be materially incorrect, inserted it or caused
30 it to be inserted in the document, or used the document for the purposes of this Act or any subsidiary legislation made thereunder while that statement was contained therein, shall be guilty of an offence.”.

Amendment of section 24

20. Section 24 of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

5 “(2) Where the container or package of any pre-packed goods is broken open under subsection (1), the inspector shall not be under any obligation to re-seal the container or package or pay for the goods, whether on behalf of the Controller or otherwise.”.

Amendment of section 25

10 **21.** Section 25(3) of the principal Act is amended by deleting the words “weighing or measuring equipment” in paragraph (b) and substituting the words “weighing or measuring instrument”.

Amendment of section 28

22. Section 28 of the principal Act is amended —

15 (a) by deleting the words “weighing equipment” in the 9th line of subsection (3) and substituting the words “any weighing instrument”; and

(b) by deleting the word “equipment” wherever it appears in subsections (3) and (4) and substituting in each case the word “instrument”.

20 New section 28A

23. The principal Act is amended by inserting, immediately after section 28, the following section:

“Selling by retail by weight, measure or number

25 **28A.**—(1) Any person who offers or exposes for sale by retail by weight, measure or number goods which are not pre-packaged when so offered or exposed for sale shall weigh, measure or count the goods —

(a) at the time of sale;

(b) in the presence of the buyer; and

30 (c) in the case of goods sold by weight or measure, by means of a suitable weighing or measuring instrument.

(2) Any person who offers or exposes for sale by retail by weight, measure or number goods which are pre-packaged and weighed, measured or counted before they are so offered or exposed for sale at the premises or place where they are so offered or exposed for sale shall, at the request of the buyer, weigh, measure or count the goods —

(a) in the presence of the buyer; and

(b) in the case of goods sold by weight or measure, by means of a suitable weighing or measuring instrument.

(3) Every weighing or measuring instrument used to weigh or measure goods for the purposes of this section and any necessary weights or measures shall be so situated that the weighing or measuring of the goods and the recorded or indicated weight or measurement of the goods can be easily seen by the buyer.

(4) Any person who contravenes this section shall be guilty of an offence.”.

Repeal and re-enactment of section 29 and new section 29A

24. Section 29 of the principal Act is repealed and the following sections substituted therefor:

“Administration of Act

29.—(1) The Board shall be responsible for the administration of this Act subject to the general and special directions of the Minister.

(2) The Board may appoint a Controller of Weights and Measures and such other number of inspectors of weights and measures and other officers as it thinks necessary (under whatever title the Board may from time to time determine) for the purposes of this Act, who shall discharge their functions and duties, and exercise their powers, subject to the direction and control of the Board.

(3) All officers appointed under this Act shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224).

Appointment of Authorised Verifiers

29A.—(1) The Board may appoint any person to be an Authorised Verifier for the purposes of this Act and any subsidiary legislation made thereunder.

(2) Any person who desires to be appointed as an Authorised Verifier shall make an application for appointment to the Board in accordance with regulations made under this Act.

(3) No person shall —

5 (a) engage in any work of an Authorised Verifier specified in this Act or any subsidiary legislation made thereunder; or

 (b) advertise or hold himself out or conduct himself in any way or by any means as a person who is authorised to act as an Authorised Verifier for any purpose under this Act or any
10 subsidiary legislation made thereunder,

unless he has been appointed by the Board under subsection (1) as an Authorised Verifier.

(4) No Authorised Verifier shall, for the purposes of section 7A(3)(a), use any working standard or testing instrument which he
15 knows or has reason to suspect is false or unjust.

(5) Any person who contravenes subsection (3) or (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

20 (6) Without prejudice to section 30, for the purposes of ensuring compliance by an Authorised Verifier with this Act or any subsidiary legislation made thereunder, an inspector may —

 (a) require the Authorised Verifier to produce within such period as the inspector may specify —

25 (i) any working standard or testing instrument used by that Authorised Verifier for the purposes of section 7A(3)(a), and may examine and test such standard and instrument; and

 (ii) any document in the possession or under the control of that Authorised Verifier, and may take copies of or
30 extracts from any such document;

 (b) require the Authorised Verifier to furnish, within such period as the inspector may specify, such information or particulars as the inspector may require; and

(c) enter and inspect any premises at which the Authorised Verifier carries out any inspection or testing of any weighing or measuring instrument or the affixing of any stamp or Accuracy Label on such instrument.

5 (7) Any Authorised Verifier who fails to comply with any requirement under subsection (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.”.

Amendment of section 30

10 **25.** Section 30 of the principal Act is amended —

(a) by deleting the words “weighing or measuring equipment” in subsection (1)(a) and substituting the words “weighing or measuring instrument”; and

15 (b) by deleting the word “equipment” in subsections (1)(c) and (3) and substituting in each case the word “instrument”.

New section 31A

26. The principal Act is amended by inserting, immediately after section 31, the following section:

“Power to require recall of weighing or measuring instrument supplied

20 **31A.**—(1) Where any person has supplied any weighing or measuring instrument which is, or which the Controller has reason to believe is, in contravention of this Act or any subsidiary legislation made thereunder, the Controller may require the person to effect a recall of any weighing or measuring instrument supplied by him.

25 (2) Any person who fails to comply with a requirement of the Controller made under subsection (1) shall be guilty of an offence.”.

New sections 36A and 36B

30 **27.** The principal Act is amended by inserting, immediately after section 36, the following sections:

“Fees, etc., collected by Board

36A. All fees, charges and moneys collected under this Act, other than composition sums, shall be paid to the Board.

Exemption

5 **36B.** The Board may, subject to the general or special directions of the Minister, and by order published in the *Gazette*, exempt —

- (a) any person or class of persons; and
- (b) any weighing or measuring instrument or class of weighing or measuring instruments,

10 from all or any of the provisions of this Act or any subsidiary legislation made thereunder, subject to such terms and conditions as the Board may impose.”.

Repeal and re-enactment of section 37

15 **28.** Section 37 of the principal Act is repealed and the following section substituted therefor:

“Regulations

37. The Minister may make regulations generally for carrying out the purposes and provisions of this Act and, in particular, may make regulations —

- 20 (a) to provide for the form and manner of the application for appointment as an Authorised Verifier;
- (b) to provide for the qualifications and other requirements for Authorised Verifiers;
- 25 (c) to provide for the conditions and duration of appointment of Authorised Verifiers;
- (d) to provide for the practice and conduct of Authorised Verifiers, including the carrying out of any work of Authorised Verifiers specified in this Act or any subsidiary legislation made thereunder, the use of any means of giving
- 30 publicity to their practice and the use of titles and qualifications;

- 5 (e) to prohibit absolutely or conditionally, or to regulate the manufacture, import or supply of any weighing or measuring instrument, whether in all cases or in any specified case or class of cases and subject to such exceptions as may be made by the regulations;
- (f) to require the registration of —
- (i) any weighing or measuring instrument; and
 - (ii) any person involved in the manufacture, import or supply of any weighing or measuring instrument,
- 10 whether in all cases or in any specified case or class of cases and subject to such exceptions as may be made by the regulations;
- (g) to provide for the determination of the weighed average quantity of goods for the purposes of section 19, including —
- 15
- (i) the statistical basis or method by which packages are to be selected for counting, examining, measuring or weighing;
 - (ii) the statistical basis or method by which the minimum number of packages to be selected is to be set;
 - (iii) the circumstances, if any, in which the minimum number of packages to be selected may be varied;
 - (iv) the maximum amount of error allowed in the weight, measure or number of goods in a single selected package; and
 - (v) the maximum amount of error allowed in the weight, measure or number of goods in a group of selected packages examined at one time;
- 25
- (h) to prescribe fees and charges for any purpose of this Act or any subsidiary legislation made thereunder; and
- 30 (i) to prescribe anything which is to be or may be prescribed under this Act.”.

Repeal and re-enactment of section 40

29. Section 40 of the principal Act is repealed and the following section substituted therefor:

“Savings

5 **40.**—(1) The Minister may by regulations prescribe the transactions in which, notwithstanding anything in this Act, it shall be lawful to use any unit of the local customary weights and measures as may be specified in the Third Schedule and having the values defined therein.

10 (2) The Minister may, from time to time, by order amend the Third Schedule by removing any unit of measurement of length, of area, of volume, of capacity, or of mass or weight, as the case may be.

15 (3) Where any weighing or measuring instrument was being used for trade immediately before the date of commencement of the Weights and Measures (Amendment) Act 2005 in compliance with this Act in force immediately before that date —

 (a) nothing in section 7 shall prevent the continued use for trade of that weighing or measuring instrument notwithstanding that it does not have an Accuracy Label affixed to it; and

20 (b) subject to subsection (4), nothing in section 7A or 7B shall prevent the weighing or measuring instrument from being affixed with a stamp or Accuracy Label notwithstanding that no letter of pattern approval has been issued in respect of that weighing or measuring instrument.

25 (4) Subsection (3)(b) shall not apply to any weighing or measuring instrument specified by the Board in a notification published in the *Gazette*.”.

Repeal and re-enactment of First, Second and Third Schedules

30. The First, Second and Third Schedules to the principal Act are repealed and the following Schedules substituted therefor:

“FIRST SCHEDULE

Sections 3(2) and 6(1), (5), (6) and (7)

DEFINITIONS OF UNITS OF MEASUREMENT (METRIC UNITS)

PART I

Measurement of Length

Kilometre	=	1000 metres
Metre	=	The metre as defined under the Convention of the Metre 1875
Decimetre	=	1/10 metre
Centimetre	=	1/100 metre
Millimetre	=	1/1000 metre.

PART II

Measurement of Area

Hectare	=	100 ares
Dekare	=	10 ares
Are	=	100 square metres
Square metre	=	A superficial area equal to that of a square each side of which measures one metre
Square decimeter	=	1/100 square metre
Square centimeter	=	1/100 square decimeter
Square millimeter	=	1/100 square centimetre.

PART III

Measurement of Volume

Cubic metre	=	A volume equal to that of a cube each edge of which measures one metre
Cubic decimeter	=	1/1000 cubic metre
Cubic centimeter	=	1/1000 cubic decimeter

PART IV

Measurement of Capacity

Hectolitre	=	100 litres
Litre	=	1/1000 cubic metre
Decilitre	=	1/10 litre
Centilitre	=	1/100 litre
Millilitre	=	1/1000 litre.

PART V

Measurement of Mass or Weight

Metric ton	=	1000 kilograms
Quintal	=	100 kilograms
Kilogram	=	The kilogram as defined under the Convention of the Metre 1875
Hectogram	=	1/10 kilogram
Gram	=	1/1000 kilogram
Carat (metric)	=	1/5 gram
Milligram	=	1/1000 gram.

SECOND SCHEDULE

Section 4(3), (6) and (7)

MEASURES AND WEIGHTS (METRIC SYSTEM)

PART I

Linear Measure

Measures of —

20 metres	100 millimetres
10 metres	50 millimetres
2 metres	20 millimetres
1 metre	10 millimetres
500 millimetres	1 decimetre
200 millimetres	1 centimetre.

PART II

Measures of Volume

Measures of —

any multiple of 1 cubic decimetre in cubic form	100 millilitres
10 litres	50 millilitres
5 litres	20 millilitres
2 litres	10 millilitres
1 litre	5 millilitres
500 millilitres	2 millilitres
200 millilitres	1 millilitre.

PART III

Weights

1. Weights of —

1000 kilograms	4 grams
500 kilograms	3 grams
250 kilograms	2 grams
100 kilograms	1 gram
50 kilograms	500 milligrams
20 kilograms	400 milligrams
15 kilograms	300 milligrams
10 kilograms	200 milligrams
5 kilograms	150 milligrams
2 kilograms	0.5 milligrams
1 kilogram	0.2 milligrams
15 grams	0.1 milligrams.

2. Weights of —

500 carats (metric)	1 carat (metric)
200 carats (metric)	0.5 carat (metric)
100 carats (metric)	0.25 carat (metric)
50 carats (metric)	0.2 carat (metric)
20 carats (metric)	0.1 carat (metric)
10 carats (metric)	0.05 carat (metric)
5 carats (metric)	0.02 carat (metric)
2 carats (metric)	0.01 carat (metric).

THIRD SCHEDULE

Section 40

CUSTOMARY WEIGHTS

1 Hoon	=	1/10 Chee	=	...	=	0.377994 grams
1 Chee	=	1/10 Tahil	=	...	=	3.77994 grams
1 Tahil	=	...	=	1 1/3 ozs	=	37.7994 grams
16 Tahils	=	1 Kati	=	1 1/3 lbs	=	0.6048 kilogram.”.

Transitional and savings provisions

31. The Minister may, by regulations, prescribe such transitional and savings provisions as the Minister may consider necessary or expedient within 2 years of the date of commencement of this Act.

EXPLANATORY STATEMENT

This Bill seeks to amend the Weights and Measures Act (Cap. 349) for the following main purposes:

- (a) to establish the metric system of weights and measures as the system of measurement involving length, volume and mass for trade transactions in Singapore;
- (b) to provide for the appointment of persons as Authorised Verifiers to undertake the inspection, testing and passing as fit for use for trade of weighing and measuring instruments;
- (c) to require the affixing of an Accuracy Label, in addition to a stamp, on weighing and measuring instruments as evidence of the passing of such weighing and measuring instruments as fit for use for trade;
- (d) to adopt the Average Quantity System which determines whether the average net quantity of pre-packed goods in a batch meets the stated nominal quantity; and
- (e) to create various new offences.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) to insert various new definitions and to make technical amendments to other definitions. The clause also makes a technical amendment to section 2(2) arising from the introduction of Authorised Verifiers.

Clause 3 amends section 3(1) to provide that the metre will be the unit of measurement of length and the kilogram the unit of measurement of mass by reference to which measurements involving length or mass are to be made in Singapore. The clause also deletes subsection (3) of section 3 which is no longer required.

Clause 4 amends section 4(1) to provide that the Standards, Productivity and Innovation Board (the Board) will be the custodian of the physical standards of the metre and kilogram. The clause also deletes subsections (3), (4) and (5) of section 4. The existing subsections (4) and (5) are no longer required, and the new subsection (3) provides for matters relating to the reference standards of weights and measures. The clause further makes a technical amendment to subsection (7).

Clauses 5 and 6 make technical amendments to sections 5 and 6, respectively.

Clause 7 repeals and re-enacts section 7 and introduces new sections 7A and 7B.

The new section 7 prohibits certain measuring and weighing instruments to be supplied for or used for trade or kept in any person's possession for such purposes (when read with the definition of "supply") unless the instruments have been passed as being fit for use for trade by an Authorised Verifier or inspector, and have been affixed with a stamp and an Accuracy Label.

The new section 7A provides for the testing and passing as fit for use for trade by an Authorised Verifier of weighing and measuring instruments to which the new section 7 applies.

The new section 7B provides for the testing and passing as fit for use for trade by an inspector of weighing and measuring instruments to which the new section 7 applies.

Clause 8 repeals and re-enacts section 8 with various drafting changes. In addition, the new section 8 now refers to letters of pattern approval instead of certificates of approval, and requires importers and manufacturers to ensure that certain weighing or measuring instrument supplied by them are of a pattern approved by the Controller of Weights and Measures (the Controller).

Clause 9 deletes and substitutes subsections (1) and (2) of section 9. The new subsection (2) provides that no letter of pattern approval may be issued under section 8 in respect of the pattern of a weighing or measuring instrument which does not comply with any general specifications that have been prescribed by the Minister under the new subsection (1). The clause also makes technical amendments to section 9.

Clause 10 deletes subsection (1) of section 10 and substitutes new subsections (1) and (2) to empower the Minister to make regulations to provide for various matters relating to stamps and Accuracy Labels. The clause also deletes the existing subsection (2) of section 10 so that differences in interpretation of regulations would be referred to a court, and the resolution of differences with respect to the method of testing of weighing or measuring instrument would be dealt with under the new sections 7A(4) and 7B(3). The clause further makes a technical amendment to section 10(3).

Clause 11 repeals and re-enacts section 11. The amended section 11(1)(a) makes it an offence for any person, not being an Authorised Verifier or an inspector or a person acting under the instructions of an Authorised Verifier or inspector, to perform certain functions of an Authorised Verifier or inspector.

Clause 12 makes technical amendments to section 12.

Clause 13 repeals section 13 relating to the power of the Minister to make regulations to provide for the licensing of the manufacture for sale, or of the business of repairing, any weighing or measuring equipment. The power to regulate manufacturers is provided for in the amendments to section 37 made under clause 28.

Clause 14 deletes and substitutes subsection (2) of section 14 which relates to defences to the offence of using for trade or having in possession for use for trade of any weighing or measuring instrument which is false or unjust.

The new subsection (2) introduces a new defence, namely, where the alleged offender uses for trade or has in his possession for use for trade a weighing or measuring instrument within 12 months immediately following the month in which an Accuracy Label was issued for that instrument and he neither knew nor had any reason to suspect that the instrument was false or unjust. The clause further makes technical amendments to section 14.

Clause 15 makes technical amendments to section 15.

Clause 16 makes technical amendments to section 16(1) and (4). The existing provisions enable the Minister to make orders or regulations after he has consulted with the Minister charged with responsibility for trade and industry. As the Act is now under the purview of the Minister charged with responsibility for trade and industry, such consultation is no longer necessary.

Clause 17 repeals and re-enacts section 18. The new section 18 creates offences in respect of the failure to use the metric system in certain circumstances. The existing section 18 being repealed, which makes it an offence for a person to sell or offer to sell goods in particular quantities in metric units if so required by the purchaser, is no longer relevant in light of the establishing of the metric system as the sole system of weights and measures in Singapore.

Clause 18 amends section 19 by deleting subsections (2) to (7) and inserting new subsections (2) to (6). The new subsection (2) incorporates drafting changes to the existing provision. The new subsections (3) to (6) introduce offences in respect of the short-selling of goods by weight, measure or number, and the Average Quantity System.

Clause 19 inserts a new section 21A which provides for offences in relation to documents containing particular statements required under the Act or any subsidiary legislation made thereunder. These offences are set out in the existing section 19(7) (deleted by clause 18) but are now in a separate section as they apply generally to the Act and any subsidiary legislation made thereunder.

Clause 20 amends section 24 by deleting and substituting subsection (2). Under the new subsection (2), an inspector is no longer required to re-seal or pay for any goods whose container or package he has opened in the course of exercising his powers under the Act.

Clauses 21 and 22 make technical amendments to sections 25 and 28, respectively.

Clause 23 inserts a new section 28A. The new section 28A makes it an offence for persons offering or exposing any goods for sale by retail by weight, measure or number to fail to carry out certain obligations.

Clause 24 repeals and re-enacts section 29 and inserts a new section 29A. The new section 29 provides for the administration of the Act by the Board, and for the appointment of the Controller, inspectors and other officers by the Board for the purposes of the Act.

The new section 29A provides for the appointment of Authorised Verifiers by the Board and various offences in relation thereto. The new section also empowers inspectors —

- (a) to require Authorised Verifiers —
 - (i) to produce working standards and testing instruments in their possession for examination and testing, and documents in their possession or under their control; and
 - (ii) to furnish information or particulars,
 - in order to ensure compliance by the Authorised Verifiers with the provisions of the Act and any subsidiary legislation made thereunder; and
- (b) to enter and inspect premises at which the Authorised Verifier carries out inspection or testing of weighing or measuring instrument or the affixing of stamps and Accuracy Labels thereon.

Clause 25 makes technical amendments to section 30.

Clause 26 inserts a new section 31A to empower the Controller to require any person to effect a recall of any weighing or measuring instrument supplied by that person which contravenes any provision of the Act or any subsidiary legislation made thereunder.

Clause 27 inserts new sections 36A and 36B.

The new section 36A provides for fees, charges and moneys (other than composition sums) collected under the Act to be paid to the Board.

The new section 36B enables the Board, subject to the general or special directions of the Minister, to exempt, by order published in the *Gazette* —

- (a) any person or class of persons; and

- (b) any weighing or measuring instrument or class of weighing or measuring instruments,

from all or any of the provisions of the Act or any subsidiary legislation made thereunder.

Clause 28 repeals and re-enacts section 37. The new section 37 empowers the Minister to make regulations for carrying out the provisions of the Act, including —

- (a) prescribing matters relating to Authorised Verifiers;
- (b) prohibiting or regulating the manufacture, import or supply of any weighing or measuring instrument, or for requiring the registration of any weighing or measuring instrument or any person involved in the manufacture, import or supply of any weighing or measuring instrument;
- (c) prescribing matters relating to the Average Quantity System;
- (d) prescribing fees and charges; and
- (e) prescribing anything which is to be or may be prescribed under the Act.

Clause 29 repeals and re-enacts section 40 to provide for various savings provisions necessitated by the Weights and Measures (Amendment) Act 2005.

Clause 30 repeals and re-enacts the First, Second and Third Schedules which is consequential to the amendments to sections 3 and 4 made by clauses 3 and 4, respectively.

Clause 31 empowers the Minister to make regulations to provide for such transitional and savings provisions as the Minister considers necessary or expedient within 2 years of the date of commencement of the Weights and Measures (Amendment) Act 2005.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
