# CHAPTER 28.

An Act to amend the Law relating to Weights and Measures. [15th August 1904.]

WHEREAS it is expedient to amend the Weights and Measures Acts, 1878 and 1889:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the Weights and Measures Act, 1904.

Construction. 41 & 42 Vict. c. 49. 52 & 53 Vict. c. 21.

**2.** This Act shall be construed as one with the Weights and Measures Acts, 1878 and 1889, and the Weights and Measures Acts, 1878 to 1897, and this Act may be cited collectively as the Weights and Measures Acts, 1878 to 1904.

Definitions.

**3.** In this Act, unless the context otherwise requires—

The expression "the Weights and Measures Acts" means the Weights and Measures Acts, 1878 and 1889, and this Act:

The expression "the principal Act" means the Weights and Measures Act, 1878:

The expression "the Act of 1889" means the Weights and Measures Act, 1889.

Commencement.

**4.** This Act shall come into operation on the first day of January one thousand nine hundred and five.

Powers of Board of Trade as to general regulations.

**5.**—(1) The Board of Trade may make general regulations (herein-after referred to as "the Board of Trade regulations") with respect to—

(*a*) the verification and stamping of weights and measures and weighing and measuring instruments, including the prohibition of stamping in cases where the nature, denomination, material or principle of construction of the weight, measure or instrument appears likely to facilitate the perpetration of fraud; and

(*b*) the circumstances and conditions under which and the manner in which stamps may be obliterated or defaced; and

(*c*) the tests to be applied for the purpose of ascertaining the accuracy and efficiency of weights and measures and weighing and measuring instruments; and

(*d*) the limits of error to be allowed on verification and to be tolerated on inspection either generally or as respects any trade;

and generally for the guidance of local authorities in the execution and performance of their powers and duties under the Weights and Measures Acts.

(2) Any such regulations may confer on local authorities power to make special regulations as respects their areas in relation to the inspection of weights and measures and weighing instruments and to other matters which, having due regard to uniformity of administration, appear to the Board of Trade to be matters which can be better regulated by special regulations.

(3) The Board of Trade regulations shall, as soon as may be after they are made, be laid before Parliament and shall have effect as if enacted in this Act.

(4) If any inspector refuses or wilfully neglects to act in compliance with the Board of Trade regulations, he shall be guilty of an offence under section forty-nine of the principal Act.

(5) As from the date when the Board of Trade regulations first made under this section come into force, the enactments mentioned in Part I. of the schedule to this Act shall be repealed to the extent specified in the third column of that schedule, and any general regulations and byelaws made thereunder shall cease to have effect.

Power of Board of Trade to grant certificates of suitability for use of appliances, &c.

*6.* It shall be the duty of the Board of Trade to examine and test, with reference to the material of which and the principle on which they are constructed, all such patterns of weights and measures and weighing or measuring instruments for use for trade as may be submitted to them by local authorities or manufacturers of or dealers in weights, measures or weighing or measuring instruments. If upon such examination any such pattern is found not to be such as to facilitate the perpetration of fraud, the Board of Trade shall give a certificate to that effect and shall cause such pattern to be stamped with an appropriate mark, and from and after the granting of such certificate an inspector shall not refuse to verify or stamp any weight or measure or weighing or measuring instrument made in accordance with that pattern on the ground that the material or principle of construction is such as to facilitate the perpetration of fraud. If upon such examination the Board of Trade decline to give such a certificate as aforesaid, no weight or measure or weighing or measuring instrument made in accordance with such pattern shall be deemed legal, and no inspector shall verify or stamp any such weight, measure or instrument.

The power to take fees conferred by section eight of the Act of 1889 shall extend to the taking of fees for examinations and tests made under this section.

Powers of Board of Trade to determine question.

*7.*—(1) If any difference arises between any inspector of weights and measures and any other person as to the meaning or construction of the Board of Trade regulations or as to the method of testing or verifying any weight, measure, weighing or measuring instrument, such difference shall, on the request of either party, be determined by the Board of Trade, whose decision shall be final.

(2) The court before whom any proceedings under the Weights and Measures Acts are being taken shall, at the request of either party, and may, if they think fit to do so, without any such request, refer to the Board of Trade the question of the accuracy

or efficiency of any weight, measure or weighing or measuring instrument, the accuracy or efficiency of which is in dispute, and the decision of the Board of Trade shall be final; and any expenses incurred by the Board of Trade in making any test for the purpose shall be paid by the complainant or defendant as the court may by order direct.

37 & 38 Vict. c. 40.

(3) The Board of Trade Arbitrations, &c. Act, 1874, shall apply as if this Act were a special Act within the meaning of the first-mentioned Act

Qualification for appointment as inspector of weights and measures.

**8.**—(1) The Board of Trade shall provide for the holding of examinations, for the purpose of ascertaining whether applicants for the post of inspector under a local authority nominated by that authority possess sufficient practical knowledge for the proper performance of the duties of inspectors of weights and measures, and for the grant of certificates to persons who satisfactorily pass such examinations.

(2) A person shall not be appointed to act as an inspector of weights and measures unless he has obtained such a certificate as aforesaid, and the appointment of any person as inspector made after the commencement of the Act of 1889 but before the commencement of this Act shall, unless before the commencement of this Act he has obtained a certificate under section eleven of the Act of 1889, be null and void.

(3) If any person not being an inspector duly appointed under the Weights and Measures Acts acts as such inspector, or if any person having been appointed an inspector after the commencement of the Act of 1889 acts as an inspector without having obtained a certificate either under section eleven of that Act or under this section, he shall be liable to a fine not exceeding ten pounds, or in the case of a second or subsequent offence twenty pounds.

(4) Subsection three of section eleven of the Act of 1889 shall apply to the charging and application of fees in respect of examinations under this section, and subsections one and two of the said section eleven shall be repealed.

Fees for verification and stamping.

**9.** It shall be lawful for His Majesty, by Order in Council, to specify new fees to be paid in respect of the verification and stamping of weights, measures and weighing and measuring instruments in substitution for the fees specified in the First Schedule to the Act of 1889, and, as from the date on which the Order in Council comes into operation, the enactment mentioned in Part II. of the Schedule to this Act shall be repealed to the extent specified in the third column to that schedule. Any Order in Council so made may be varied or revoked by a subsequent Order in Council.

Forging of stamps.

**10.**—(1) Any person who removes a stamp from any weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument shall be deemed to forge or counterfeit a stamp within the meaning of section thirty-two of the principal Act.

(2) Such of the provisions of the said section as impose penalties on any person who wilfully increases or diminishes a weight after it has been stamped, or who knowingly uses, sells, utters, disposes of or exposes for sale a weight so increased or diminished, shall apply to measures in like manner as they apply to weights.

Explanation of the law as to bakers.

**11.** Nothing in the enactments referred to in the Fourth Schedule to the Act of 1889 shall render any baker or seller of bread, or journeyman servant or other person employed by such baker or seller of bread, liable to any forfeiture or penalty for weighing any bread conveyed or carried out in any cart or other carriage by means of any of the instruments for weighing included in the definition "weighing instrument" in section thirty-five of the Act of 1889.

Verification and stamping by local inspectors of weights and measures.

**12.** The provisions of section forty-four of the principal Act shall apply to the verification and stamping, in accordance with the Board of Trade regulations, of weighing instruments used for trade in like manner as they apply to the verification and stamping of weights and measures, and for the purposes of those provisions as so amended any person having his principal place of business within any district shall be deemed to reside in that district, although he in fact is not resident there.

Amendments.

**13.**—(1) Section twenty-eight of the principal Act shall have effect as if in the second paragraph thereof the words "length or" were inserted before the word "capacity."

(2) Subsection four of section fifty-seven of the principal Act shall have effect as if the words "unless such informer is an inspector of weights and measures" were inserted after the word "informer."

(3) In section four of the Act of 1889 the word "any" shall be substituted for the words "second or subsequent."

(4) Section seven of the Act of 1889 shall have effect as if before the words "provide for" there were inserted the words "and "if so directed by the Board of Trade shall."

(5) In section thirteen of the Act of 1889 for the words "no "discount shall be allowed" there shall be substituted the words "no discount commission or rebate of any kind shall be given nor "any allowance made by such inspector or by the local authority "for the use of tools, premises, machinery or instruments or assist- "ance rendered for the purposes of such verification and stamping, "except when such verification and stamping take place on the "premises of a glass or earthenware manufacturer, in which case "such adequate and reasonable allowance as may be agreed upon "by the local authority, with the consent of the Board of Trade, "may be made in respect of such use or assistance as aforesaid."

Power for inspectors to prosecute.

**14.** An inspector of weights and measures may, with the consent of the local authority, prosecute before a court of summary jurisdiction or justices any information, complaint or proceeding arising under the Weights and Measures Acts or in the discharge of his duties as such inspector.

Amendment of 41 & 42 Vict. c. 49. s. 45, as to weighing instruments.

**15.** Section forty-five of the principal Act shall apply to weighing instruments in like manner as it applies to weights and measures.

Amendment of s. 35 of 52 & 53 Vict. c. 21.

**16.** The definition of "weighing instrument" in section thirty-five of the Act of 1889 shall include a weighing instrument constructed to also calculate and indicate the price in money.

## SCHEDULE.

Section 5.

### PART I.

ENACTMENTS REPEALED AS FROM THE DATE WHEN BOARD OF TRADE REGULATIONS FIRST MADE COME INTO FORCE.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---|---|---|
| 41 & 42 Vict. c. 49. | The Weights and Measures Act, 1878. | Section thirty.<br>In section forty-three the words<br>" and where they appoint<br>" more than one such inspector<br>" shall allot to each inspector,<br>" subject to any arrangement<br>" made for a chief inspector or<br>" inspectors, a separate district<br>" to be distinguished by some<br>" name, number or mark."<br>Section fifty-three. |
| 52 & 53 Vict. c. 21. | The Weights and Measures Act, 1889. | Section nine. |

Section 9.

### PART II.

ENACTMENT REPEALED AS FROM THE DATE WHEN ORDER IN COUNCIL FIXING NEW FEES COMES INTO FORCE.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---|---|---|
| 52 & 53 Vict. c. 21. | The Weights and Measures Act, 1889. | First Schedule. |

# CHAPTER 29.

## An Act to continue various Expiring Laws.

[15th August 1904.]

WHEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December nineteen hundred and four: