

ACT

Supplement to the Sierra Leone Gazette Vol. CXLI, No. 53

dated 29th July, 2010

WEIGHTS AND MEASURES ACT, 2010

ARRANGEMENT OF SECTIONS

Section

Part I—PRELIMINARY

1. Interpretation and construction.

Part II – UNITS OF MEASUREMENT

2. International System of Units.
3. Measurements to be made in International System of Units.
4. Primary standards.
5. Secondary standards.
6. Tertiary standards.
7. Working standards.
8. Verification of standards.
9. Keeping of standards.

Part III – Weights and Measures for Trade and Industry

10. Weights and measures for use in trade and industry.
11. Marking of weights and measures with denomination.
12. Stamping, verification and issue of certificates.
13. Lead, pewter and iron weights.
14. Mode of filling measures of capacity.

Part IV—ADMINISTRATION

15. Custodian of weights and measures.
16. Inspectors of weights and measures.
17. Duties of Inspectors.
18. Powers of entry and seizure.

No. 5

Weights and Measures Act

2010

ii

Part V—OFFENCES

19. Offences relating to trade and industry.
20. Offences relating to packaged goods.
21. Failure of seller to weigh or measure.
22. Trading without required weights, measures, etc.
23. Fraud, forgery, etc.
24. Obstruction, etc., of Inspectors.
25. Offences by Inspectors.
26. Offences by bodies of persons.
27. Seizure and forfeiture.
28. Evidence as to possession.

Part VI—GENERAL

29. Permissible margin of error.
30. Conversion.
31. References to units in other enactments.
32. Vessels not represented as authorized measures, etc.
33. Regulations.
34. Repeal and savings

SCHEDULES

SIGNED this 22nd day of July, 2010

DR. ERNEST BAI KOROMA,
President.



No. 5



Sierra Leone

2010

THE WEIGHTS AND MEASURES ACT, 2010

Short title.

Being an Act to repeal and replace the Weights and Measures Act, 1961, to authorise and validate the use of the metric system of measurements based on the International System of Units, to provide for the comparison and verification of weights and measures and to provide for other related matters.

[

] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I—PRELIMINARY

Interpretation
and construc-
tion.

1. (1) In this Act, unless the context otherwise requires—
 - “Inspector” includes the Chief Inspector of Weights and Measures;
 - “instrument for weighing” includes a balance scale, beam, steel meter, counterpoise and every machine for determining weight;
 - “measure” includes any instrument for the measurement of length, area, volume, capacity, temperature, pressure or gravity;
 - “Minister” means the Minister responsible for trade;
 - “prescribed” means prescribed by regulations made under section 33;
 - “Standards Bureau” means the Standards Bureau established by section 3 of the Standards Act, 1996 (Act No. 2 of 1996.);
 - “trade” means any contract, bargain, sale or dealing made or had in Sierra Leone for any work, goods, wares or merchandise or thing which has been or is to be done, sold, delivered, carried or agreed for by weight or measure and the collection of tolls or duties charged or collected according to weight or measure.

(2) This Act shall be read and construed together, and accordingly every expression and word used in this Act to which a particular meaning is given by the Standards Act, 1996 for the purposes of this Act has the meaning so given.

PART II—UNITS OF MEASUREMENT

International
System of
Units.

2. (1) The units of measurement to be used throughout Sierra Leone shall be the units known as the International System of Units.
- (2) The International System of Units shall comprise—
 - (a) the basic units set out in Part I of the First Schedule;

- (b) the supplementary and derived units set out in Part 2 of the First Schedule; and
- (c) the units which may be used in conjunction with the basic, supplementary and derived units as set out in Part 3 of the First Schedule.

(3) Multiples and sub-multiples of each of the units of the International System of Units shall be an integral power of ten (positive or negative) as set out in Part 4 of the First Schedule.

3. (1) All measurements shall be made by reference to the International System of Units or their multiples or sub-multiples.

Measurements
to be made in
International
System of
Units.

(2) No other units of measurement or their multiples or sub-multiples shall be used.

4. (1) The Minister may, authorise the Standards Bureau, as the circumstances may require, to procure or cause to be prepared and maintained a national prototype standards of weights and measure of the units of the International System of Units set out in Part I of the First Schedule.

Primary
standards.

(2) The national prototype standards of mass and measure shall be verified and certified in terms of the international prototype standards of mass and measure, maintained and kept by the International Bureau of Weights and Measures, by such means and in such manner as the Minister may determine.

(3) When so verified and certified the national prototype standards shall be the Sierra Leonean Primary Standards of mass and measure by reference to which all standards of mass and measure shall be maintained in Sierra Leone.

(4) The Sierra Leonean Primary Standards of mass and measure shall be in such form and of such material as the Minister may direct and the form, material and place of keeping shall be such as to be, as far as practicable, proof against mechanical and atmospheric agencies and all other sources of error.

(5) The Minister shall also cause to be maintained such weighing machines and other articles as appear to him necessary for giving effect to this section.

Secondary standards.

5. The Minister shall authorise the Standards Bureau to procure or cause to be prepared and maintained, as he thinks fit, secondary standards of mass and measure consisting of all the weights and measures set out in the Second Schedule, and shall cause such secondary standards to be verified from the Sierra Leonean primary standards.

Tertiary standards.

6. The Minister shall authorise the Standards Bureau to procure or cause to be prepared and maintained, such copies of the secondary standards, as he may think fit, and shall cause such copies to be verified as tertiary standards of mass and measure.

Working standards.

7. (1) The Minister may, authorise the Standards Bureau, as he thinks fit, to procure or cause to be prepared and maintained, working standards of weights and measure in such form as may be recommended by the Sierra Leone Standards Bureau, which shall be the Custodian of Weights and Measures and shall verify the working standards by reference to the tertiary standards and cause an indelible mark to be made on such working standards.

(2) The working standards shall be used for the inspection, verification and authentication of all weights and measures as required by this Act, and for such other purposes as the Minister may direct.

Verification to be of standards.

8. (1) The Minister shall cause the primary standards verified at least once in every ten years at the International Bureau of Weights and Measures.

(2) Where the Primary Standards are to be sent out for such verification, the Minister shall cause to be deposited with the Sierra Leone Standards Bureau such secondary standards, as he may consider necessary, after having provided for them to be compared and verified with the primary standards in such manner as he may direct and such secondary standards shall be deemed to be the primary standards during such time as the primary standards are out of Sierra Leone.

(3) The secondary, tertiary and working standards shall be compared and verified by the Sierra Leone Standards Bureau at such intervals and in such manner as the Minister may determine.

(4) On being satisfied of the accuracy of the secondary, tertiary or working standards, as the case may be, the Sierra Leone Standards Bureau shall issue certificates of verification and such certificates shall be retained by the persons who have custody of the relevant standards.

(5) All secondary, tertiary and working standards which have been duly verified and certified shall, for all purposes, be conclusively deemed to be true and accurate and judicial notice shall be taken of every such standard.

(6) The Minister may at any time cancel any secondary, tertiary or working standard and shall by notification in the *Gazette* direct that such cancelled standard shall no longer be used for the purposes of this Act.

9. (1) The primary and secondary standards shall be kept in such place as the Minister may determine in the custody and under the control of the Sierra Leone Standards Bureau, which shall ensure their security in such manner as the Minister may direct. Keeping of standards.

(2) The tertiary standards shall be kept in the custody of the Sierra Leone Standards Bureau and in such manner as the Minister may direct.

(3) The working standards shall be kept in the custody of the Sierra Leone Standards Bureau and such other persons as the Minister may direct.

PART III—WEIGHTS AND MEASURES FOR TRADE AND INDUSTRY

10. (1) No person shall—

- (a) use for trade or industry any unit of measurement of length, area, volume, or mass or weight, which is not included in the First Schedule; or
- (b) use for trade or industry, or have in his possession for use for trade or industry, any linear, square or cubic measure which is not included in the Second Schedule or any weight which is not so included.

Weights and measures for use in trade and industry.

(2) Except as may be prescribed and subject to any regulations made under section 33 –

- (a) a linear measure specified in Part I of the Second Schedule may be marked in whole or in part with divisions and subdivisions representing any shorter length or lengths;
- (b) no cubic measure specified in Part 3 of the Second Schedule shall be used for trade or industry by means of any division or subdivision marked thereon as a cubic measure of any lesser quantity.

Marking of weights and measures with denomination.

11. (1) Every weight for use for trade or industry shall have the denomination of such weight marked on the top or side thereof in legible figures and letters by the manufacturer:

Provided that where the small size of a weight renders it impracticable to mark such a weight, a certificate shall be supplied by the manufacturer in respect of such weight and the certificate shall be produced to an Inspector on his request and shall contain sufficient particulars to enable the identification and denomination of such weight to be established.

(2) Every measure of capacity for use in trade or industry shall have the denomination thereof marked on the outside of such measure in legible figures and letters by the manufacturer.

(3) A weight or measure not in conformity with this section shall not be stamped with a stamp of verification under section 12.

Stamping, verification and issue of certificates.

12. (1) Subject to the provisions of this section, every weight, measure and instrument for weighing or measuring for use in trade or industry shall be verified and stamped by an Inspector with a stamp of verification, and the Inspector shall issue a certificate of verification at the time of stamping:

Provided that where the small size of a weight renders it impracticable for the Inspector to stamp it with his stamp of verification, he may on being satisfied with the identity and denomination of such weight, dispense with stamping and issue a certificate of verification.

(2) A certificate of verification issued under subsection (1), shall remain in force for such period as may be prescribed and shall during that period authorize the use of the weight, measure or instrument for weighing or measuring in any part of Sierra Leone unless it is unjust.

(3) Every person who has in his possession for use for trade or industry any weight, measure or instrument for weighing or measuring shall retain in his possession the certificate of verification issued in respect thereof and shall produce the certificate for inspection whenever required to do so by an Inspector.

(4) Every weight, measure and instrument for weighing or measuring which has been stamped and verified under subsection (1), shall be authenticated within such intervals as the Minister may prescribe.

(5) The verification and stamping or authentication under this section shall be made by reference to a Working Standard.

(6) Where any weight, measure or instrument for weighing or measuring is of such a character as not to be capable of being readily or conveniently brought to an Inspector for the purpose of examination, such Inspector shall upon the written request of the person in possession of the weight, measure or instrument, and on payment by him of the prescribed fees, attend at the premises where it is located and there examine it.

(7) An Inspector shall not verify, stamp, certify or authenticate any weight, measure or instrument for weighing or measuring where–

- (a) it is not in conformity with subsection (1) of section 10 or subsection (2) of section 10; or