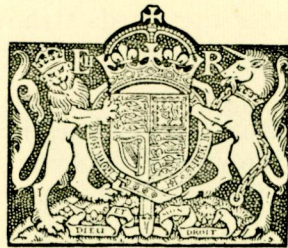


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 18 October, 1956.*

New South Wales



ANNO QUINTO

ELIZABETHÆ II REGINÆ

Act No. , 1956.

An Act to amend the law relating to weights and measures; for this purpose to amend the Weights and Measures Act, 1915, as amended by subsequent Acts; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. (1) This Act may be cited as the "Weights and Measures (Amendment) Act, 1956." Short title and citation.

Weights and Measures (Amendment).

(2) The Weights and Measures Act, 1915, as amended by subsequent Acts and by this Act, may be cited as the Weights and Measures Act, 1915-1956.

2. The Weights and Measures Act, 1915, as amended
5 by subsequent Acts, is amended—

Amendment
of Act No.
10, 1915.

(a) (i) by inserting in subsection two of section
twenty-five after the words "showing the"
the word "correct";

Sec. 25 (2).
(Invoices
and
delivery
notes.)

10 (ii) by omitting from subsection three of the
same section the words "or expose" and by
inserting in lieu thereof the words "
expose or keep";

Sec. 25 (3).
(Package of
goods to
have weight
or measure
printed
thereon.)

(iii) by omitting from the same subsection the
word "enclosed";

15 (iv) by inserting in the same subsection after
the words "unless the" the word "correct";

(v) by omitting from paragraph (b) of subsec-
tion four of the same section the word
"exposed" and by inserting in lieu thereof
20 the words "offered, exposed or kept";

(b) by inserting next after section twenty-five the
following new section:—

New sec.
25A.

25 25A. (1) Where any person is prosecuted for
a contravention of subsection three of section
twenty-five of this Act he shall not be convicted
for such contravention by reason only of the fact
that the net weight or measure legibly written
or printed upon the outside of the package
referred to in the charge against him, or upon
30 a label firmly attached to that package, was not
the

Guarantee,
when a
defence.

Weights and Measures (Amendment).

the correct net weight or measure of the article in the package if he proves—

(a) (i) that—

- 5 (a) the net weight or measure so written or printed was so written or printed before he purchased the article; and
- 10 (b) he has received from the person from whom he purchased the article or that person's duly authorised agent a guarantee in writing that the net weight or measure so written or printed is the correct net weight or measure of the article; or
- 15

(ii) that—

- 20 (a) the net weight or measure so written or printed was so written or printed after he purchased the article and was the same net weight or measure as that stated in the invoice or delivery note hereinafter referred to to be the net weight or measure of the article or of articles of the same description or included in the same class as that article; and
- 25
- 30 (b) he has received from the person from whom he purchased the article or that person's duly authorised agent a guarantee in writing that the net weight or measure of
- 35

Weights and Measures (Amendment).

- 5 of the article stated in the invoice or delivery note that relates to the article and was received by him from that person, is the correct net weight or measure of the article;
- 10 (b) that he had no reason to believe that the net weight or measure so written or printed was not the correct net weight or measure of such article; and
- 15 (c) that when he sold or offered, exposed or kept for sale, as the case may be, the article in the package the article was in the same state as when he received it,
- subject however to the following conditions:—
- 20 (i) The person giving the guarantee must be resident in New South Wales, or, if a company, must have a registered office in New South Wales, or, if a firm, must have a place of business in New South Wales.
- 25 (ii) The guarantee must state the name and the place of business of the guarantor, and the name under which he trades.
- 30 (iii) A guarantee may be general or specific.
- (iv) A general guarantee shall apply to any article of the description of articles or included in a class of articles named in the guarantee.
- 35 (v) A specific guarantee shall apply to specific articles and shall refer to an invoice or delivery note describing the articles and the net weight or measure of the articles.
- (vi)

Weights and Measures (Amendment).

5 (vi) A guarantee, general or specific, shall
not be available as a defence unless the
defendant has, within seven days after
service of the summons, sent to the in-
formant a copy of the guarantee with
a written notice stating that he intends
to rely on it as a defence, and specifying
the name and place of business of the
10 person giving the guarantee, and the
name under which he trades, and has
also sent a like notice of his intention
to the person giving the guarantee.

15 The person by whom any guarantee is alleged
to have been given under this section shall be
entitled to offer evidence at the hearing, and the
court may, if it thinks fit, adjourn the hearing
to enable him to do so.

The form of any guarantee under this section
may be prescribed.

20 (2) Any person who gives any such
guarantee which is false shall, in addition to
any other penalty to which he may be liable
under this Act, be guilty of an offence against
this Act, unless he proves that when he gave the
25 guarantee he had reasonable grounds for
believing and did in fact believe that the state-
ments contained therein were true.

30 A prosecution of any person for an offence
under this subsection may be commenced at any
time after the giving of such guarantee notwith-
standing any limit of time prescribed by any
Act for instituting prosecutions.

(c) by omitting section twenty-six and by inserting Subst.
sec. 26.
in lieu thereof the following section:—

35 26. Where an article is sold by wholesale and
a statement of the net weight or measure of the
article is written or printed on the package in
which it is sold or upon a label firmly attached
thereto Wholesalers
not to make
incorrect
statements
of net
weight or
measure.

Weights and Measures (Amendment).

- 5 thereto or is contained in the invoice or delivery note given by the seller to the purchaser of the article, and the net weight or measure so written, printed or contained is not the correct net weight or measure of the article, the seller of the article shall be guilty of an offence against this Act.
- 10 (d) by omitting from subsection one of section twenty-seven the words "or exposes" and by inserting in lieu thereof the words ", exposes or keeps"; Sec. 27. (Provision for weighing or measuring.)
- (e) by omitting from paragraph (e) of section thirty-nine the word "ten" and by inserting in lieu thereof the word "twenty"; Sec. 39. (Regulations.)
- 15 (f) by omitting section forty-one and by inserting in lieu thereof the following section:— Subst. sec. 41.
41. (1) Any inspector may at all reasonable times— Inspection of articles in packages.
- 20 (a) enter any building or place where any article is bought or sold or packed, offered, exposed or kept for sale or delivered in the course of a sale;
- 25 (b) stop and inspect any vehicle, or inspect any pack, basket, or other receptacle and any article therein offered, exposed or kept for sale or any article carried for delivery in the course of a sale;
- 30 and may inspect and weigh or measure or cause to be weighed or measured any such article for the purpose of ascertaining whether or not the provisions of this Act or the regulations are being or have been complied with.
- (2)

Weights and Measures (Amendment).

(2) Any article in respect of which a contravention of or an offence against this Act has been committed may be seized by an inspector.

- 5 (g) by omitting from section forty-four the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 44. (Penalties.)
- (h) by omitting from paragraph (s) of section fifty-seven the word "ten" and by inserting in lieu thereof the word "twenty". Sec. 57. (Regulations.)
- 10
- 3.** (1) The Weights and Measures Act, 1915, as amended by subsequent Acts, is further amended— Further amendment of Act No. 10, 1915.
- (a) (i) by omitting from the proviso to section eleven the words "in Schedule A"; Sec. 11. (Superintendent or inspector not to derive profit from making, adjusting, or selling weights or measures.)
- 15 (ii) by inserting next after the same proviso the following new proviso:—
- 20 Provided further that an inspector may, on payment to him of the prescribed fee, adjust any weight or measure submitted to him for standardisation so that it corresponds with the appropriate departmental or local standard.
- (b) by omitting from section thirty-four the words "in Schedule D"; Sec. 34. (Fees for verifying and stamping.)
- 25 (c) (i) by inserting in paragraph (j1) of section fifty-seven after the word "stamping" the words "weights and measures and weighing and"; Sec. 57. (Regulations.)
- (ii)

Weights and Measures (Amendment).

(ii) by inserting next after the same paragraph the following new paragraph:—

(j2) Prescribing fees chargeable for adjusting—

5

(i) any weight submitted to an inspector for verification; and

10

(ii) any weight or measure submitted to an inspector for standardisation.

(d) by omitting Schedules A and D.

Schedules
A and D.

(2) The amendments made by subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in 15 the Gazette.

No. , 1956.

A BILL

To amend the law relating to weights and measures; for this purpose to amend the Weights and Measures Act, 1915, as amended by subsequent Acts; and for purposes connected therewith.

[MR. KELLY;—3 October, 1956.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Weights and Measures (Amendment) Act, 1956."

Short title
and
citation.

Weights and Measures (Amendment).

(2) The Weights and Measures Act, 1915, as amended by subsequent Acts and by this Act, may be cited as the Weights and Measures Act, 1915-1956.

2. The Weights and Measures Act, 1915, as amended
5 by subsequent Acts, is amended— Amendment
of Act No.
10, 1915.

- (a) (i) by inserting in subsection two of section Sec. 25 (2).
twenty-five after the words "showing the" (Invoices
and
delivery
notes.)
the word "correct";
- 10 (ii) by omitting from subsection three of the Sec. 25 (3).
same section the words "or expose" and by (Package of
goods to
'have weight
or measure
printed
thereon.)
inserting in lieu thereof the words "expose or keep";
- (iii) by omitting from the same subsection the
word "enclosed";
- 15 (iv) by inserting in the same subsection after
the words "unless the" the word "correct";
- (v) by omitting from paragraph (b) of subsec-
tion four of the same section the word
"exposed" and by inserting in lieu thereof
20 the words "offered, exposed or kept";

(b) by inserting next after section twenty-five the
following new section:— New sec.
25A.

25 25A. (1) Where any person is prosecuted for
a contravention of subsection three of section
twenty-five of this Act he shall not be convicted
for such contravention by reason only of the fact
that the net weight or measure legibly written
or printed upon the outside of the package
referred to in the charge against him, or upon
30 a label firmly attached to that package, was not
the

Weights and Measures (Amendment).

the correct net weight or measure of the article
in the package if he proves—

(a) (i) that—

5

(a) the net weight or measure so
written or printed was so
written or printed before he
purchased the article; and

10

(b) he has received from the
person from whom he pur-
chased the article or that
person's duly authorised agent
a guarantee in writing that
the net weight or measure
so written or printed is the
correct net weight or measure
of the article; or

15

(ii) that—

20

(a) the net weight or measure so
written or printed was so
written or printed after he
purchased the article and was
the same net weight or
measure as that stated in the
invoice or delivery note
hereinafter referred to to be
the net weight or measure of
the article or of articles of
the same description or
included in the same class as
that article; and

25

30

(b) he has received from the
person from whom he pur-
chased the article or that
person's duly authorised
agent a guarantee in writing
that the net weight or measure
of

35

Weights and Measures (Amendment).

5 of the article stated in the invoice or delivery note that relates to the article and was received by him from that person, is the correct net weight or measure of the article;

10 (b) that he had no reason to believe that the net weight or measure so written or printed was not the correct net weight or measure of such article; and

15 (c) that when he sold or offered, exposed or kept for sale, as the case may be, the article in the package the article was in the same state as when he received it,

subject however to the following conditions:—

20 (i) The person giving the guarantee must be resident in New South Wales, or, if a company, must have a registered office in New South Wales, or, if a firm, must have a place of business in New South Wales.

25 (ii) The guarantee must state the name and the place of business of the guarantor, and the name under which he trades.

(iii) A guarantee may be general or specific.

30 (iv) A general guarantee shall apply to any article of the description of articles or included in a class of articles named in the guarantee.

35 (v) A specific guarantee shall apply to specific articles and shall refer to an invoice or delivery note describing the articles and the net weight or measure of the articles.

(vi)

Weights and Measures (Amendment).

5 (vi) A guarantee, general or specific, shall not be available as a defence unless the defendant has, within seven days after service of the summons, sent to the informant a copy of the guarantee with a written notice stating that he intends to rely on it as a defence, and specifying the name and place of business of the person giving the guarantee, and the name under which he trades, and has also sent a like notice of his intention to the person giving the guarantee.

10
15 The person by whom any guarantee is alleged to have been given under this section shall be entitled to offer evidence at the hearing, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

The form of any guarantee under this section may be prescribed.

20 (2) Any person who gives any such guarantee which is false shall, in addition to any other penalty to which he may be liable under this Act, be guilty of an offence against this Act, unless he proves that when he gave the guarantee he had reasonable grounds for believing and did in fact believe that the statements contained therein were true.

25
30 A prosecution of any person for an offence under this subsection may be commenced at any time after the giving of such guarantee notwithstanding any limit of time prescribed by any Act for instituting prosecutions.

(c) by omitting section twenty-six and by inserting in lieu thereof the following section:— Subst. sec. 26.

35 26. Where an article is sold by wholesale and a statement of the net weight or measure of the article is written or printed on the package in which it is sold or upon a label firmly attached thereto Wholesalers not to make incorrect statements of net weight or measure.

Weights and Measures (Amendment).

5 thereto or is contained in the invoice or delivery note given by the seller to the purchaser of the article, and the net weight or measure so written, printed or contained is not the correct net weight or measure of the article, the seller of the article shall be guilty of an offence against this Act.

10 (d) by omitting from subsection one of section twenty-seven the words "or exposes" and by inserting in lieu thereof the words ", exposes or keeps";

Sec. 27.
(Provision for weighing or measuring.)

(e) by omitting from paragraph (e) of section thirty-nine the word "ten" and by inserting in lieu thereof the word "twenty";

Sec. 39.
(Regulations.)

15 (f) by omitting section forty-one and by inserting in lieu thereof the following section:—

Subst. sec. 41.

41. (1) Any inspector may at all reasonable times—

Inspection of articles in packages.

20 (a) enter any building or place where any article is bought or sold or packed, offered, exposed or kept for sale or delivered in the course of a sale;

25 (b) stop and inspect any vehicle, or inspect any pack, basket, or other receptacle and any article therein offered, exposed or kept for sale or any article carried for delivery in the course of a sale;

30 and may inspect and weigh or measure or cause to be weighed or measured any such article for the purpose of ascertaining whether or not the provisions of this Act or the regulations are being or have been complied with.

(2)

Weights and Measures (Amendment).

(2) Any article in respect of which a contravention of or an offence against this Act has been committed may be seized by an inspector.

- 5 (g) by omitting from section forty-four the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 44.
(Penalties.)
- 10 (h) by omitting from paragraph (s) of section fifty-seven the word "ten" and by inserting in lieu thereof the word "twenty". Sec. 57.
(Regulations.)
- 3.** (1) The Weights and Measures Act, 1915, as amended by subsequent Acts, is further amended— Further amendment of Act No. 10, 1915.
- (a) (i) by omitting from the proviso to section eleven the words "in Schedule A"; Sec. 11.
(Superintendent or inspector not to derive profit from making, adjusting, or selling weights or measures.)
- 15 (ii) by inserting next after the same proviso the following new proviso:—
- Provided further that an inspector may, on payment to him of the prescribed fee, adjust any weight or measure submitted to him for standardisation so that it corresponds with the appropriate departmental or local standard.
- 20
- (b) by omitting from section thirty-four the words "in Schedule D"; Sec. 34.
(Fees for verifying and stamping.)
- 25 (c) (i) by inserting in paragraph (j1) of section fifty-seven after the word "stamping" the words "weights and measures and weighing and"; Sec. 57.
(Regulations.)
- (ii)

Weights and Measures (Amendment).

(ii) by inserting next after the same paragraph the following new paragraph:—

(j2) Prescribing fees chargeable for adjusting—

- 5 (i) any weight submitted to an inspector for verification; and
- 10 (ii) any weight or measure submitted to an inspector for standardisation.

(d) by omitting Schedules A and D.

Schedules
A and D.

(2) The amendments made by subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in 15 the Gazette.

WEIGHTS AND MEASURES (AMENDMENT) BILL, 1956.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (1) to clarify the requirements of the Weights and Measures Act, 1915, as amended, with respect to the sale by retail of articles in packages;
- (2) to alter the circumstances in which a guarantee is available as a defence to a retailer charged with an offence against the Act, and to make different provision with respect to such guarantees;
- (3) to extend the powers of inspectors appointed under the Weights and Measures Act, 1915, as amended, with respect to the inspection of articles for the purpose of ascertaining whether or not the provisions of the Act or regulations made under the Act are being or have been complied with;
- (4) to increase the maximum pecuniary penalties which may be imposed for offences against the Act or under the regulations;
- (5) to authorise inspectors, on payment of the prescribed fee, to adjust any weight or measure so that it corresponds with the appropriate departmental or local standard;
- (6) to make other provisions consequent upon and ancillary to the foregoing.

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CHICAGO, ILLINOIS

1958

No. , 1956.

A BILL

To amend the law relating to weights and measures; for this purpose to amend the Weights and Measures Act, 1915, as amended by subsequent Acts; and for purposes connected therewith.

[MR. KELLY;—3 October, 1956.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. (1) This Act may be cited as the "Weights and Measures (Amendment) Act, 1956." Short title and citation.

Weights and Measures (Amendment).

(2) The Weights and Measures Act, 1915, as amended by subsequent Acts and by this Act, may be cited as the Weights and Measures Act, 1915-1956.

2. The Weights and Measures Act, 1915, as amended
5 by subsequent Acts, is amended—

Amendment
of Act No.
10, 1915.

(a) (i) by inserting in subsection two of section
twenty-five after the words "showing the"
the word "correct";

Sec. 25 (2).
(Invoices
and
delivery
notes.)

10 (ii) by omitting from subsection three of the
same section the words "or expose" and by
inserting in lieu thereof the words "
expose or keep";

Sec. 25 (3).
(Package of
goods to
have weight
or measure
printed
thereon.)

(iii) by omitting from the same subsection the
word "enclosed";

15 (iv) by inserting in the same subsection after
the words "unless the" the word "correct";

20 (v) by omitting from paragraph (b) of subsec-
tion four of the same section the word
"exposed" and by inserting in lieu thereof
the words "offered, exposed or kept";

(b) by inserting next after section twenty-five the
following new section:—

New sec.
25A.

25 25A. (1) Where any person is prosecuted for
a contravention of subsection three of section
twenty-five of this Act he shall not be convicted
for such contravention by reason only of the fact
that the net weight or measure legibly written
or printed upon the outside of the package
referred to in the charge against him, or upon
30 a label firmly attached to that package, was not
the

Guarantee,
when a
defence.

Weights and Measures (Amendment).

the correct net weight or measure of the article in the package if he proves—

(a) (i) that—

5

(a) the net weight or measure so written or printed was so written or printed before he purchased the article; and

10

(b) he has received from the person from whom he purchased the article or that person's duly authorised agent a guarantee in writing that the net weight or measure so written or printed is the correct net weight or measure of the article; or

15

(ii) that—

20

(a) the net weight or measure so written or printed was so written or printed after he purchased the article and was the same net weight or measure as that stated in the invoice or delivery note hereinafter referred to to be the net weight or measure of the article or of articles of the same description or included in the same class as that article; and

25

30

(b) he has received from the person from whom he purchased the article or that person's duly authorised agent a guarantee in writing that the net weight or measure of

35

Weights and Measures (Amendment).

5 of the article stated in the invoice or delivery note that relates to the article and was received by him from that person, is the correct net weight or measure of the article;

10 (b) that he had no reason to believe that the net weight or measure so written or printed was not the correct net weight or measure of such article; and

15 (c) that when he sold or offered, exposed or kept for sale, as the case may be, the article in the package the article was in the same state as when he received it,

subject however to the following conditions:—

20 (i) The person giving the guarantee must be resident in New South Wales, or, if a company, must have a registered office in New South Wales, or, if a firm, must have a place of business in New South Wales.

25 (ii) The guarantee must state the name and the place of business of the guarantor, and the name under which he trades.

(iii) A guarantee may be general or specific.

30 (iv) A general guarantee shall apply to any article of the description of articles or included in a class of articles named in the guarantee.

35 (v) A specific guarantee shall apply to specific articles and shall refer to an invoice or delivery note describing the articles and the net weight or measure of the articles.

(vi)

Weights and Measures (Amendment).

5 (vi) A guarantee, general or specific, shall not be available as a defence unless the defendant has, within seven days after service of the summons, sent to the informant a copy of the guarantee with a written notice stating that he intends to rely on it as a defence, and specifying the name and place of business of the person giving the guarantee, and the name under which he trades, and has also sent a like notice of his intention to the person giving the guarantee.

10 The person by whom any guarantee is alleged to have been given under this section shall be entitled to offer evidence at the hearing, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

15 The form of any guarantee under this section may be prescribed.

20 (2) Any person who gives any such guarantee which is false shall, in addition to any other penalty to which he may be liable under this Act, be guilty of an offence against this Act, unless he proves that when he gave the guarantee he had reasonable grounds for believing and did in fact believe that the statements contained therein were true.

25 A prosecution of any person for an offence under this subsection may be commenced at any time after the giving of such guarantee notwithstanding any limit of time prescribed by any Act for instituting prosecutions.

30 (c) by omitting section twenty-six and by inserting in lieu thereof the following section:—

35 26. Where an article is sold by wholesale and a statement of the net weight or measure of the article is written or printed on the package in which it is sold or upon a label firmly attached thereto

Subst.
sec. 26.

Wholesalers
not to make
incorrect
statements
of net
weight or
measure.

Weights and Measures (Amendment).

- 5 thereto or is contained in the invoice or delivery note given by the seller to the purchaser of the article, and the net weight or measure so written, printed or contained is not the correct net weight or measure of the article, the seller of the article shall be guilty of an offence against this Act.
- 10 (d) by omitting from subsection one of section twenty-seven the words "or exposes" and by inserting in lieu thereof the words ", exposes or keeps"; Sec. 27. (Provision for weighing or measuring.)
- (e) by omitting from paragraph (e) of section thirty-nine the word "ten" and by inserting in lieu thereof the word "twenty"; Sec. 39. (Regulations.)
- 15 (f) by omitting section forty-one and by inserting in lieu thereof the following section:— Subst. sec. 41.
41. (1) Any inspector may at all reasonable times— Inspection of articles in packages.
- 20 (a) enter any building or place where any article is bought or sold or packed, offered, exposed or kept for sale or delivered in the course of a sale;
- 25 (b) stop and inspect any vehicle, or inspect any pack, basket, or other receptacle and any article therein offered, exposed or kept for sale or any article carried for delivery in the course of a sale;
- 30 and may inspect and weigh or measure or cause to be weighed or measured any such article for the purpose of ascertaining whether or not the provisions of this Act or the regulations are being or have been complied with.
- (2)

Weights and Measures (Amendment).

(2) Any article in respect of which a contravention of or an offence against this Act has been committed may be seized by an inspector.

- 5 (g) by omitting from section forty-four the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 44. (Penalties.)
- 10 (h) by omitting from paragraph (s) of section fifty-seven the word "ten" and by inserting in lieu thereof the word "twenty". Sec. 57. (Regulations.)
- 3.** (1) The Weights and Measures Act, 1915, as amended by subsequent Acts, is further amended— Further amendment of Act No. 10, 1915.
- (a) (i) by omitting from the proviso to section eleven the words "in Schedule A"; Sec. 11. (Superintendent or inspector not to derive profit from making, adjusting, or selling weights or measures.)
- 15 (ii) by inserting next after the same proviso the following new proviso:—
- 20 Provided further that an inspector may, on payment to him of the prescribed fee, adjust any weight or measure submitted to him for standardisation so that it corresponds with the appropriate departmental or local standard.
- (b) by omitting from section thirty-four the words "in Schedule D"; Sec. 34. (Fees for verifying and stamping.)
- 25 (c) (i) by inserting in paragraph (j1) of section fifty-seven after the word "stamping" the words "weights and measures and weighing and"; Sec. 57. (Regulations.)
- (ii)

Weights and Measures (Amendment).

(ii) by inserting next after the same paragraph the following new paragraph:—

(j2) Prescribing fees chargeable for adjusting—

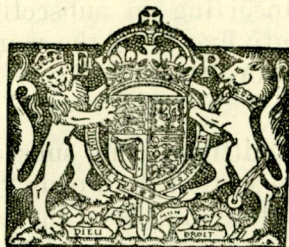
- 5 (i) any weight submitted to an inspector for verification; and
- 10 (ii) any weight or measure submitted to an inspector for standardisation.

(d) by omitting Schedules A and D.

Schedules
A and D.

(2) The amendments made by subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in 15 the Gazette.

New South Wales



ANNO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 39, 1956.

An Act to amend the law relating to weights and measures; for this purpose to amend the Weights and Measures Act, 1915, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 9th November, 1956.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Weights and Measures (Amendment) Act, 1956."

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[4d.]

(2)

Short title
and
citation.

Weights and Measures (Amendment).

(2) The Weights and Measures Act, 1915, as amended by subsequent Acts and by this Act, may be cited as the Weights and Measures Act, 1915-1956.

Amendment
of Act No.
10, 1915.

2. The Weights and Measures Act, 1915, as amended by subsequent Acts, is amended—

Sec. 25 (2).
(Invoices
and
delivery
notes.)

(a) (i) by inserting in subsection two of section twenty-five after the words “showing the” the word “correct”;

Sec. 25 (3).
(Package of
goods to
have weight
or measure
printed
thereon.)

(ii) by omitting from subsection three of the same section the words “or expose” and by inserting in lieu thereof the words “, expose or keep”;

(iii) by omitting from the same subsection the word “enclosed”;

(iv) by inserting in the same subsection after the words “unless the” the word “correct”;

(v) by omitting from paragraph (b) of subsection four of the same section the word “exposed” and by inserting in lieu thereof the words “offered, exposed or kept”;

New sec.
25A.

(b) by inserting next after section twenty-five the following new section:—

Guarantee,
when a
defence.

25A. (1) Where any person is prosecuted for a contravention of subsection three of section twenty-five of this Act he shall not be convicted for such contravention by reason only of the fact that the net weight or measure legibly written or printed upon the outside of the package referred to in the charge against him, or upon a label firmly attached to that package, was not
the

Weights and Measures (Amendment).

the correct net weight or measure of the article in the package if he proves—

(a) (i) that—

- (a) the net weight or measure so written or printed was so written or printed before he purchased the article; and
- (b) he has received from the person from whom he purchased the article or that person's duly authorised agent a guarantee in writing that the net weight or measure so written or printed is the correct net weight or measure of the article; or

(ii) that—

- (a) the net weight or measure so written or printed was so written or printed after he purchased the article and was the same net weight or measure as that stated in the invoice or delivery note hereinafter referred to to be the net weight or measure of the article or of articles of the same description or included in the same class as that article; and
- (b) he has received from the person from whom he purchased the article or that person's duly authorised agent a guarantee in writing that the net weight or measure
of

Weights and Measures (Amendment).

of the article stated in the invoice or delivery note that relates to the article and was received by him from that person, is the correct net weight or measure of the article;

- (b) that he had no reason to believe that the net weight or measure so written or printed was not the correct net weight or measure of such article; and
- (c) that when he sold or offered, exposed or kept for sale, as the case may be, the article in the package the article was in the same state as when he received it,

subject however to the following conditions:—

- (i) The person giving the guarantee must be resident in New South Wales, or, if a company, must have a registered office in New South Wales, or, if a firm, must have a place of business in New South Wales.
- (ii) The guarantee must state the name and the place of business of the guarantor, and the name under which he trades.
- (iii) A guarantee may be general or specific.
- (iv) A general guarantee shall apply to any article of the description of articles or included in a class of articles named in the guarantee.
- (v) A specific guarantee shall apply to specific articles and shall refer to an invoice or delivery note describing the articles and the net weight or measure of the articles.

(vi)

Weights and Measures (Amendment).

(vi) A guarantee, general or specific, shall not be available as a defence unless the defendant has, within seven days after service of the summons, sent to the informant a copy of the guarantee with a written notice stating that he intends to rely on it as a defence, and specifying the name and place of business of the person giving the guarantee, and the name under which he trades, and has also sent a like notice of his intention to the person giving the guarantee.

The person by whom any guarantee is alleged to have been given under this section shall be entitled to offer evidence at the hearing, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

The form of any guarantee under this section may be prescribed.

(2) Any person who gives any such guarantee which is false shall, in addition to any other penalty to which he may be liable under this Act, be guilty of an offence against this Act, unless he proves that when he gave the guarantee he had reasonable grounds for believing and did in fact believe that the statements contained therein were true.

A prosecution of any person for an offence under this subsection may be commenced at any time after the giving of such guarantee notwithstanding any limit of time prescribed by any Act for instituting prosecutions.

(c) by omitting section twenty-six and by inserting in lieu thereof the following section:—

26. Where an article is sold by wholesale and a statement of the net weight or measure of the article is written or printed on the package in which it is sold or upon a label firmly attached thereto

Subst.
sec. 26.

Wholesalers
not to make
incorrect
statements
of net
weight or
measure.

Weights and Measures (Amendment).

thereto or is contained in the invoice or delivery note given by the seller to the purchaser of the article, and the net weight or measure so written, printed or contained is not the correct net weight or measure of the article, the seller of the article shall be guilty of an offence against this Act.

Sec. 27.
(Provision
for
weighing
or
measuring.)

- (d) by omitting from subsection one of section twenty-seven the words "or exposes" and by inserting in lieu thereof the words ", exposes or keeps";

Sec. 39.
(Regula-
tions.)

- (e) by omitting from paragraph (e) of section thirty-nine the word "ten" and by inserting in lieu thereof the word "twenty";

Subst.
sec. 41.

- (f) by omitting section forty-one and by inserting in lieu thereof the following section:—

Inspection
of articles
in packages.

41. (1) Any inspector may at all reasonable times—

- (a) enter any building or place where any article is bought or sold or packed, offered, exposed or kept for sale or delivered in the course of a sale;
- (b) stop and inspect any vehicle, or inspect any pack, basket, or other receptacle and any article therein offered, exposed or kept for sale or any article carried for delivery in the course of a sale;

and may inspect and weigh or measure or cause to be weighed or measured any such article for the purpose of ascertaining whether or not the provisions of this Act or the regulations are being or have been complied with.

Weights and Measures (Amendment).

(2) Any article in respect of which a contravention of or an offence against this Act has been committed may be seized by an inspector.

- (g) by omitting from section forty-four the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 44. (Penalties.)
- (h) by omitting from paragraph (s) of section fifty-seven the word "ten" and by inserting in lieu thereof the word "twenty". Sec. 57. (Regulations.)

3. (1) The Weights and Measures Act, 1915, as amended by subsequent Acts, is further amended— Further amendment of Act No. 10, 1915.

- (a) (i) by omitting from the proviso to section eleven the words "in Schedule A"; Sec. 11. (Superintendent or inspector not to derive profit from making, adjusting, or selling weights or measures.)
- (ii) by inserting next after the same proviso the following new proviso:—

Provided further that an inspector may, on payment to him of the prescribed fee, adjust any weight or measure submitted to him for standardisation so that it corresponds with the appropriate departmental or local standard.

- (b) by omitting from section thirty-four the words "in Schedule D"; Sec. 34. (Fees for verifying and stamping.)
- (c) (i) by inserting in paragraph (j1) of section fifty-seven after the word "stamping" the words "weights and measures and weighing and"; Sec. 57. (Regulations.)

(ii)

Weights and Measures (Amendment).

(ii) by inserting next after the same paragraph the following new paragraph:—

(j2) Prescribing fees chargeable for adjusting—

(i) any weight submitted to an inspector for verification; and

(ii) any weight or measure submitted to an inspector for standardisation.

Schedules
A and D.

(d) by omitting Schedules A and D.

(2) The amendments made by subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

By Authority:

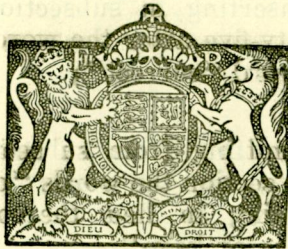
A. H. PETTIFER, Government Printer, Sydney, 1956.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 30 October, 1956.*

New South Wales



ANNO QUINTO

ELIZABETHÆ II REGINÆ

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Weights and Measures (Amendment) Act, 1956." Short title and citation.
- (2)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Weights and Measures (Amendment).

(2) The Weights and Measures Act, 1915, as amended by subsequent Acts and by this Act, may be cited as the Weights and Measures Act, 1915-1956.

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10, 1915.

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(ii) by omitting from subsection three of the same section the words "or expose" and by inserting in lieu thereof the words "expose or keep";

(iii) by omitting from the same subsection the word "enclosed";

(iv) by inserting in the same subsection after the words "unless the" the word "correct";

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Weights and Measures (Amendment).

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(ii) that—

- (a) the net weight or measure so written or printed was so written or printed after he purchased the article and was the same net weight or measure as that stated in the invoice or delivery note hereinafter referred to to be the net weight or measure of the article or of articles of the same description or included in the same class as that article; and
- (b) he has received from the person from whom he purchased the article or that person's duly authorised agent a guarantee in writing that the net weight or measure
of

Weights and Measures (Amendment).

of the article stated in the invoice or delivery note that relates to the article and was received by him from that person, is the correct net weight or measure of the article;

- (b) that he had no reason to believe that the net weight or measure so written or printed was not the correct net weight or measure of such article; and
- (c) that when he sold or offered, exposed or kept for sale, as the case may be, the article in the package the article was in the same state as when he received it,

subject however to the following conditions:—

- (i) The person giving the guarantee must be resident in New South Wales, or, if a company, must have a registered office in New South Wales, or, if a firm, must have a place of business in New South Wales.
- (ii) The guarantee must state the name and the place of business of the guarantor, and the name under which he trades.
- (iii) A guarantee may be general or specific.
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Weights and Measures (Amendment).

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The person by whom any guarantee is alleged to have been given under this section shall be entitled to offer evidence at the hearing, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

The form of any guarantee under this section may be prescribed.

(2) Any person who gives any such guarantee which is false shall, in addition to any other penalty to which he may be liable under this Act, be guilty of an offence against this Act, unless he proves that when he gave the guarantee he had reasonable grounds for believing and did in fact believe that the statements contained therein were true.

A prosecution of any person for an offence under this subsection may be commenced at any time after the giving of such guarantee notwithstanding any limit of time prescribed by any Act for instituting prosecutions.

(c) by omitting section twenty-six and by inserting Subst. sec. 26. in lieu thereof the following section:—

26. Where an article is sold by wholesale and a statement of the net weight or measure of the article is written or printed on the package in which it is sold or upon a label firmly attached thereto Wholesalers not to make incorrect statements of net weight or measure.

Weights and Measures (Amendment).

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- (e) by omitting from paragraph (e) of section thirty-nine the word "ten" and by inserting in lieu thereof the word "twenty";

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- (f) by omitting section forty-one and by inserting in lieu thereof the following section:—

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- (a) enter any building or place where any article is bought or sold or packed, offered, exposed or kept for sale or delivered in the course of a sale;
- (b) stop and inspect any vehicle, or inspect any pack, basket, or other receptacle and any article therein offered, exposed or kept for sale or any article carried for delivery in the course of a sale;

and may inspect and weigh or measure or cause to be weighed or measured any such article for the purpose of ascertaining whether or not the provisions of this Act or the regulations are being or have been complied with.

Weights and Measures (Amendment).

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(Superintendent or inspector not to derive profit from making, adjusting, or selling weights or measures.)
- (ii) by inserting next after the same proviso the following new proviso:—

Provided further that an inspector may, on payment to him of the prescribed fee, adjust any weight or measure submitted to him for standardisation so that it corresponds with the appropriate departmental or local standard.

- (b) by omitting from section thirty-four the words "in Schedule D"; Sec. 34.
(Fees for verifying and stamping.)
- (c) (i) by inserting in paragraph (j1) of section fifty-seven after the word "stamping" the words "weights and measures and weighing and"; Sec. 57.
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Weights and Measures (Amendment).

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(i) any weight submitted to an inspector for verification; and

(ii) any weight or measure submitted to an inspector for standardisation.

Schedules
A and D.

(d) by omitting Schedules A and D.

(2) The amendments made by subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

In the name and on behalf of Her Majesty I assent to this Act.

J. NORTHCOTT,
Governor.

*Government House,
Sydney, 9th November, 1956.*