

ABILL

ENTITLED

AN ACT to Amend the Weights and Measures Act.

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BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Weights and Measures (Amendment) Act, 2015, and shall be read and construed as one with the Weights and Measures Act (hereinafter referred to as the “principal Act”) and all amendments thereto.

Short title
and
construction.

2. Section 22 of the principal Act is amended by deleting subsection (3) and inserting next after subsection (2) the following subsections—

Amendment
of section 22
of principal
Act.

“ (3) Regulations made under this Act may provide in respect of the breach of any of the provisions thereof that the offender

shall be liable to a fine not exceeding one million dollars or to imprisonment for a term not exceeding twelve months.

(3A) The Minister may, after consultation with the Bureau, vary the amount of the maximum fine specified in subsection (3), by order subject to affirmative resolution.”.

Amendment
of section 23
of principal
Act.

3. Section 23 of the principal Act is amended by deleting sub-section (5) and inserting next after subsection (4) the following subsection—

“ (5) A person who commits an offence under this Act shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one million dollars or to imprisonment for a term not exceeding twelve months.”.

Insertion of
new section
23A in
principal
Act.

4. The principal Act is amended by inserting next after section 23 the following as section 23A—

“Minister
may vary
monetary
penalties.

23A.—(1) Subject to subsection (2), the Minister may, by order, vary any monetary penalties under this Act.

(2) An order under subsection (1) shall be subject to affirmative resolution.”.

Amendment
of
Regulations.

5.—(1) The Weights and Measures (Prohibition of Non-Metric Measuring Equipment for Trade) Regulations, 1998, are amended by deleting regulation 4 and substituting therefor the following—

“ 4. A person who contravenes regulation 2 or 3 commits an offence and is liable on conviction before a Resident Magistrate to a fine not exceeding one million dollars or to imprisonment for a term not exceeding twelve months.”.

(2) The Weights and Measures (Testing) Regulations, 1986, are amended in regulation 6 by deleting the words “two thousand dollars” and substituting therefor the words “one million dollars”.

(3) The Weights and Measures (Measurement of Petroleum and Oil Fuel for Trade) Regulations, 2004, are amended in regulation 15 by—

- (a) deleting the figure “(1)” appearing before the words “Any person”;
- (b) deleting the words “Two Thousand dollars (\$2,000.00)” and substituting therefor the words “one million dollars”.

Passed in the House of Representatives this 8th day of September, 2015.

MICHAEL A. PEART
Speaker.

Passed in the Senate this 25th day of September, 2015 with two (2) amendments.

FLOYD E. MORRIS
President.

MEMORANDUM OF OBJECTS AND REASONS

The Weights and Measures Act (hereinafter referred to as "the Act") was enacted to regulate the use of weighing and measuring equipment. The Act, among other things, establishes mechanisms for the standardization of weighing and measuring equipment and imposes penalties for non-conformity with the provisions of the Act.

Currently, the fines imposed under the Act are not sufficiently punitive to act as a deterrent for offenders. The fines range from one hundred dollars to two thousand dollars.

This Bill seeks, therefore, to amend the Act to provide for an increase in fines to a maximum of one million dollars in respect of offences under the Act or regulations made thereunder, and to empower the Minister, by order, subject to affirmative resolution, to vary the monetary penalties specified in the Act. Provision is also made for the Minister to vary, by order subject to affirmative resolution, the maximum fine which may be imposed for offences under the regulations.

Consequential amendments are also made in respect of regulations under the Act.

ANTHONY HYLTON
Minister of Industry, Investment
and Commerce

A BILL

ENTITLED

AN ACT to Amend the Weights and
Measures Act.

As passed in the Honourable House of Representatives.

As passed in the Honourable Senate.

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SECTIONS 22 AND 23 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

22.—(1)

(2) Regulations made under this Act may contain—

- (a) different provisions for different types of weighing or measuring equipment and for different classes or descriptions of goods;
- (b) exemptions from any of the provisions of those regulations.

... ..

(3) Regulations made under this Act may provide in respect of the breach of any of the provisions thereof that the offender shall be liable to a fine not exceeding two thousand dollars and in default of payment to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

... ..

23.—(1)

(4) Any person who supplies to any other person for use for trade any weighing or measuring equipment—

- (a) which is false or unjust; or
- (b) which does not comply with any requirement of this Act or of any regulations made thereunder,

shall be guilty of an offence.

... ..

(5) Any person guilty of an offence under this Act shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two thousand dollars and in default of payment to imprisonment for a term not exceeding twelve months and in the case of a continuing offence, to a further fine not exceeding one hundred dollars for every day on which the offence continues after conviction.

... ..

REGULATION 4 OF THE WEIGHTS AND MEASURES (PROHIBITION
OF NON-METRIC MEASURING EQUIPMENT FOR TRADE)
REGULATIONS, 1998 WHICH IT IS PROPOSED TO REPEAL AND
REPLACE

4. A person who contravenes regulation 2 or 3 commits an offence and is liable on conviction in a Resident Magistrate's Court to a fine not exceeding two thousand dollars and in default of payment to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

REGULATION 6 OF THE WEIGHTS AND MEASURES (TESTING)
REGULATIONS, 1986 WHICH IT IS PROPOSED TO AMEND

6. Any person who—

- (a) contravenes the provisions of regulation 4; or
- (b) forges, alters or defaces a statement in writing referred to in subparagraph (b) of paragraph (2) of regulation 5,

shall be guilty of an offence and be liable on summary conviction before a Resident Magistrate to a fine not exceeding two thousand dollar and in default of payment to imprisonment for a term not exceeding twelve months.

REGULATION 15 OF THE WEIGHTS AND MEASURES
(MEASUREMENT OF PETROLEUM AND OIL FUEL FOR
TRADE) REGULATIONS, 2004 WHICH IT IS
PROPOSED TO AMEND

15.—(1) Any person who violates any provision of this Act or Regulations promulgated pursuant thereto shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than Two Thousand Dollars (\$2,000.00) or imprisonment for not more than twelve (12) months or both.