ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER W10

WEIGHTS AND MEASURES ACT

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition revises Act 7/2010, in force 1 November 2010

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WEIGHTS AND MEASURES ACT

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WEIGHTS AND MEASURES ACT

Interpretation

1. In this Act, "weighing instrument" means scales with the weights belonging thereto, scale-beams, balances, spring balances, steelyards, weighing machines and other instruments for weighing, and any weighing instrument constructed also to calculate and indicate the price in money.

Standards of weights and measures to be the same as those of United Kingdom

2. The standard measure of length, the standard measure of weight and the standard measure of capacity for liquids as well as for dry goods usually sold by such measure, shall be the same as the "Imperial standards" for weights and measures in the United Kingdom fixed by the Weights and Measures Act, 1878, but the standard measure of capacity of a barrel used in buying or selling limes shall be 26 gallons.

Accountant General to keep authorised standards

3. The Accountant General shall import, or otherwise provide, one of each of the several weights and measures mentioned in Schedule 1, such several weights and measures to be authorised copies or models of the Imperial standard weights and measures at present in use in the United Kingdom, and the same shall be kept in the custody of the Accountant General, and shall be the authorised standards from which all weights and measures used in Anguilla shall be derived.

Inspectors to be provided with verified copies

4. Every Inspector of Weights and Measures shall be provided with copies of the standard weights and measures verified by the Accountant General or of such of them as may be requisite for the due performance of his duties.

How articles shall be sold by weight

5. All articles sold by weight shall be sold by avoirdupois weight of 16 ounces to the pound, or the various multiples or parts thereof, except gold, silver, platinum, diamonds or other precious stones, which may be sold by troy weight, and drugs, which, when sold by retail, may be sold by apothecaries' weight; and, whereas confusion has arisen as to the exact meaning of certain multiples of the pound weight, the weight denominated a stone shall consist of 14 standard pounds avoirdupois, the weight denominated a hundredweight shall consist of 8 such stones or 112 pounds, and the weight denominated a ton shall consist of 20 such hundredweights.

How articles shall be sold by measure

6. (1) All liquids usually sold by measure shall be sold by the "Imperial standard gallon" or the various aliquot parts thereof, but this shall not be construed so as to prevent the sale of wines, malt and other fermented liquors by the cask or any liquors by the ordinary quart or half quart bottle. In the sale of such try goods as are usually sold by measure of capacity, 2 Imperial standard gallons shall constitute a peck, 8 such gallons a bushel, and 8 such bushels a quarter.

(2) In the case of spirits or other liquids chargeable by measure contained in casks, it shall be lawful to ascertain the capacity and contents of such cask by gauge, according to the standard of the Imperial gallon fixed by this Act; and for the settlement of disputes or differences on the sale of rum

and other spirits, the instrument to be used for ascertaining the strength of such spirits shall be the hydrometer called "Syke's hydrometer", but, in the case of any such spirits chargeable by measure contained in casks, it shall be lawful for the Governor in Council by order to direct that the capacity and contents of any such casks, for the purpose of ascertaining the amount to be charged thereon for excise or other duty, shall be ascertained by means of callipers with head and bung rods, and all other usual and necessary adjuncts, according to the standard of the Imperial gallon fixed by this Act, and, upon such order being made, the use of the gauging rod shall be deemed, for the purposes aforesaid, to be abolished.

Accountant General shall keep calliper standards when order made

7. Whenever the Governor in Council shall have directed the use of callipers, as mentioned in section 6(2), the Accountant General shall then import and keep in his custody one or more pairs of callipers, head and bung rods, and all other usual and necessary adjuncts, which shall be authorised copies or models of the instruments at present in use in the United Kingdom.

Standard of length

8. The standard of length shall be the "Imperial standard yard", whereby all other measures of extension, whether the same be lineal, superficial, or solid shall be derived, computed and ascertained, and one-third part of the yard shall be a foot, and the twelfth part of such foot an inch.

Contracts, etc., by weight or measure to be in accordance with this Act

9. All contracts, bargains, sales and dealings which shall be made, for any work to be done, or for any goods, wares, merchandise, or other thing to be sold, delivered, done or agreed for by weight or measure, shall be deemed, taken, and construed to be made according to the standard weights and measures ascertained by this Act.

Weights and measures to be stamped

10. All weights of the weight of one-fourth of a pound or upwards, shall have the weight of the same stamped or cast on the top or side thereof in legible figures and letters, and all measures of capacity shall have their contents denominated, stamped, or marked on the outside of such measures in legible figures and letters.

Prohibition of weights of lead, etc., being used

11. Whereas the use of weights made of soft materials affords facilities for fraud, no weight made of lead or pewter shall be stamped or used, but nothing herein contained shall prevent the use of lead or pewter in the manufacture of weights, if they be wholly and substantially cased with brass, copper, or iron, or shall prevent the insertion of such a plug of lead or pewter into weights, as shall be *bona fide* necessary for the purpose of adjusting them, and of affixing thereon the stamp hereinafter mentioned.

Appointment of Inspectors and their duty

12. (1) The Governor shall appoint one or more Inspectors of Weights and Measures for Anguilla, whose duty shall be to examine all weights and measures whatsoever which are used for the purpose of buying and selling, or for the making of any charges on goods or merchandise.

(2) An Inspector appointed under subsection (1) shall—

(a) compare the weights and measures that he examines with one or more copies of the Imperial standard weights and measures provided under the authority of this Act, and, when found to correspond with such copies, he shall stamp the same as correct in such a manner as best to prevent fraud; and

(b) verify and stamp as correct all weighing instruments which are used for the purposes referred to in subsection (1).

(3) The fees to be paid to the Inspectors for examination and stamping under this section are set out in Schedule 2.

(4) The stamps referred to in this section shall be such as directed or approved by the Governor and a copy of the same shall be placed in custody of the Accountant General along with the standard weights and measures, the cost of procuring such stamp to be paid out of the Consolidated Fund.

(5) Nothing contained in this Act or in Schedule 2 shall enure to entitle any Inspector to payment of any fee for examining, or for examining, comparing and stamping any weighing instrument, weight or measure, where he shall not have both examined, compared and stamped such weighing instrument, weight or measure, or where he shall have stamped such weighing instrument, weight or measure unnecessarily.

(6) The Governor may at any time suspend or revoke any appointment made under this Act.

(Act 7/2010, s. 26, as am. in L.R. 15/12/2010)

Rules for attendance of Inspectors for verification of weights and measures

13. The Governor, with the advice and consent of the Executive Council, shall fix the times and places at which the Inspectors of Weights and Measures appointed under this Act are to attend to examine, verify and stamp all weights and measures and weighing instruments, and one of the Inspectors shall attend, with his copies of the standard weights and measures, at each time and place fixed, and shall examine every measure or weight which is of the same denomination as one of such standards, and is brought to him for the purpose of verification. The Inspector shall also enter in a book to be kept by him minutes of every such verification.

Rules for regulating Inspectors' duties

14. The Governor, with the advice and consent of the Executive Council, may make rules for regulating the comparison with the standards and the verification and stamping of weights and measures and weighing instruments in use in Anguilla, and generally for regulating the duties under this Act of the Inspectors appointed for Anguilla. Such rules may impose fines of $192 for the breach of any rule, to be recovered on summary conviction, but such rules shall have no operation until they have been duly published, in such manner as the Governor, with the advice and consent of the Executive Council, shall think sufficient for giving notice thereof to all persons interested, and shall so direct on the face of such rules.

Weights and measures to be brought to Inspector at appointed place for verification

15. Every person keeping a shop, store, stall, yard, or other place wherein goods are sold, exposed, or kept for sale, by weight or measure, shall bring to the Inspector at the times and places appointed

by the Governor, with the advice and consent of the Executive Council, for verification, all weights and measures and weighing instruments used by such person, in such shop, store, yard, or other place as aforesaid, in the sale of goods, but, in cases where a weighing instrument shall be attached to the premises, it shall not be incumbent on the owner to detach the same, or bring the same to the Inspector, but, in that case, the owner shall give a notice in writing to the Inspector, at such time and place as aforesaid, specifying in detail the situation of such weighing instrument and the nature thereof; and thereupon the Inspector shall visit such shop, store, yard, stall, or other place, with a view to verifying the instrument. Any person neglecting to comply with the provisions of this section is liable to the same penalties, recoverable in the same manner, as is provided by section 20, in the case of persons wilfully obstructing persons authorised to examine weights and measures.

When Inspector required to attend at premises of applicant to verify weights and measures

16. An Inspector of Weights and Measures, upon the application of any person who may so require him, shall attend at the premises of such person for the purpose of examining and verifying the weights and measures and weighing instruments belonging to such applicant, but the Inspector shall not be bound to attend as aforesaid, except on payment to him of such reasonable expenses as shall be allowed in such case by the rules to be made under this Act.

Inspector to attend without fee

17. It shall be the duty of every Inspector of Weights and Measures to attend, without fee, for the purpose of examining, verifying and stamping weights and measures and weighing instruments at such places and at such times as the Governor in Council shall by order appoint, or, in any particular instance, as the Governor may by order under his hand direct.

Power to enter premises and examine and seize weights and measures

18. It shall be lawful for any Justice of the Peace, or any officer of the Police Force, or any Inspector of Weights and Measures, at all reasonable times, to enter any shop, store, stall, yard or place whatsoever, wherein goods shall be exposed or kept for sale, and there to examine all weights, measures and weighing instruments, and to compare and try the same with the copies of the standard weights and measures required to be provided under this Act, and also to examine, and to compare and try, the weights and measures and weighing instruments used by any huckster, and forthwith to seize and detain any weight or measure or weighing instrument which they may find to be incorrect.

Penalty for counterfeiting stamp

19. Any person who shall make, forge, or counterfeit, or knowingly aid or assist in counterfeiting, any stamp or mark which shall be used for the stamping or marking of any weight or measure or weighing instrument under this Act is liable on summary conviction to a penalty of $4,000.

Penalty for obstructing examination, etc.

20. Any person who shall wilfully obstruct, hinder, resist, or in any way oppose any of the persons hereby authorised to examine such weights and measures and weighing instruments, in the execution of his office, or any person selling or retailing by measure who shall refuse to produce his weights or measures or weighing instruments to be examined is liable on summary conviction to a penalty of $1,000.

Penalty for using unstamped weights or measures

21. Any person who shall, in selling, use any weight or measure, or any aliquot part thereof, or any weighing instrument other than those authorised by this Act, or which has not been stamped as

aforesaid, except as hereinafter excepted, or which shall be found light or otherwise unjust, or who shall have in his possession any such light or unjust weighing instrument, weight or measure, for the purpose of use, or who shall have in his possession any weighing instrument which shall be incorrect or otherwise unjust, is liable on summary conviction to a penalty of $3,000; and every such light, or unjust weighing instrument, weight or measure shall, on being discovered by any such Justice of the Peace, police officer or Inspector of Weights and Measures, as aforesaid, be seized, and, on conviction of the person using or possessing the same, shall be forfeited and destroyed, but nothing herein contained shall extend to require any wooden or wicker measure used in the sale of lime or other articles of the like nature, or any glass, tin, or earthenware jug or drinking cup to be stamped, but any person buying by any vessel represented as containing the amount of any Imperial measure, or of any multiple or part thereof, is hereby authorised to require the contents of such vessel to be ascertained by a comparison with a stamped measure, such stamped measure to be found and provided by the person who shall use such wooden or wicker measure, jug or cup as aforesaid, and, in case the person who shall use such last-mentioned measure or vessel shall refuse to make such comparison, or if, upon such comparison being made, such wooden or wicker measure, glass, tin or earthenware jug, or drinking cup shall be found deficient in quantity, the person who shall use the same shall, on conviction as aforesaid, be subject to the forfeiture and penalties hereinbefore imposed on any person using light, or unjust, weights or measures, to be in like manner recovered and enforced.

False or unjust weights

22. Every person who uses or has in his possession for use for trade any weight, measure or weighing instrument which is false or unjust is liable on summary conviction to a penalty of $3,000, and any contract, bargain, sale or dealing made by him shall be void and the weight, measure or weighing instrument is liable to be forfeited.

Time limited for information

23. No conviction under this Act shall take place unless information of the offence charged shall be given within 30 days of the offence being committed.

Citation

24. This Act may be cited as the Weights and Measures Act, Revised Statutes of Anguilla, Chapter W10.

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SCHEDULE 1

(Section 3)

STANDARD WEIGHTS AND MEASURES

Measure of Length

"Imperial Standard yard", graduated to parts of one-eighth part of an inch

Measures of Weight—"Avoirdupois"

56 lbs., or half a hundredweight.	Half pound.
28 lbs., or one quarter of a hundredweight.	One-fourth pound.
14 lbs. or one stone.	Ounce.
7 lbs.	Half ounce.
4 lbs.	One-fourth ounce.
2 lbs.	Dram.
One pound.	

Measures of Troy Weight

One pound.	Pennyweight.
One ounce.	Grain.

Measures of Capacity

Bushel.	Pint.
Half bushel.	Half Pint.
Peck.	One-fourth of pint, or gill.
Gallon.	One-eighth of pint, or half gill.
Half gallon.	One rod for gauging according to
Quart.	Imperial standard gallon.

Measure of Specific Gravity

"Syke's hydrometer".

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SCHEDULE 2

(Section 12)

FEES TO BE TAKEN BY INSPECTORS OF WEIGHTS AND MEASURES

	$
For examining, comparing and stamping all weights:	
Each weight	.05
For examining, comparing and stamping all wooden measures:	
Each measure	.15
For examining, comparing and stamping all measures of capacity of liquids made of copper or other metal:	
Each measure of 1 gallon or less	.20
Each measure exceeding 1 gallon for each extra gallon or part thereof	.15
For verifying and stamping all weighing instruments:	
10 tons and over	5.00
Under 10 tons and above 1 ton	2.50
1 ton and above 5 cwt.	1.25
5 cwt. and above 1 cwt.	.50
1 cwt. and above 56 lbs.	.25
(This is exclusive of cost of carriage and lifting standards in each of above cases.)	
56 lbs. and under	.15
Notwithstanding anything hereinbefore contained, the fees payable to the Inspector of Weights and Measures for examining the scales, known as Fairbanks Platform Scales, with a weighing capacity of over three hundred pounds, or other similar machines, and for comparing the weights thereof with the Imperial Standard weights provided under the authority of this Act, and for stamping such weights shall be according to the following scale, that is to say:	
For each separate weight belonging to any such scale examined, the sum of	.25