

# Measurement Units, Standards And Service

## **Measurement Units, Standards And Service**

AN ACT TO REVISE AND CONSOLIDATE THE LAW RELATING TO WEIGHTS AND MEASURES; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH FOR INCIDENTAL THERETO

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows;-

[21<sup>st</sup> December  
, 1995 ]

Short title and date of operation. **1.** This Act may be cited as the Measurement Units, Standards and Services Act, No. 35 of 1995 and shall come into operation, on such date (hereinafter referred to as the “appointed date”) as the Minister may appoint by Order published in the Gazette.

### PART I UNITS OF MEASUREMENT

Units of measurement. **2.** The International System of Units (SI) and the definitions of those units as specified by the General Conference of Weights and Measures and as set out in the First Schedule hereto shall constitute the units of measurement for all purposes in Sri Lanka:

Provided that such units of measurement as set out in the Second Schedule hereto as defined in terms of the Corresponding International Units of Measurement shall be permitted to be used for such periods of time as may be prescribed.

### PART II ESTABLISHMENT OF THE MEASUREMENT UNITS, STANDARDS AND SERVICES DEPARTMENT AND THE NATIONAL MEASUREMENT LABORATORY

Establishment of Measurement Units, Standard and Service Department and National Measurement Laboratory. **3.** There shall be established for the purpose of this Act-

- (a) a Department or a Division of a Department to be known as the Measurement Units, Standards and Services Department; and
- (b) a laboratory within that Department to be known as the National Measurement

Laboratory (hereinafter referred to as “the laboratory”),

Appointment of 4.  
Director &c.

- (1) There may, for the purpose of this Act, to be appointed-
  - (a) a person by name or by office to be the Director of Measurement Units, Standards and Services (herein after referred to as the “Director”)
  - (b) a person by name or by office to be the Deputy Director of Measurement Units, Standards and Services ;
  - (c) such number of persons as may be necessary to be Assistant Directors of Measurement Units Standards and Services ;
  - (d) such number of persons as may be necessary to be Superintendents of Measurement Units, Standards and Services ;
  - (e) such number of persons as may be necessary to be Superintendents of Measurement Units, and Services; and
  - (f) such number of officers as may be necessary for the purpose of giving effect to the principles and of this Act.
- (2) The Deputy Director of Measurement Units Standards and Services appointed under paragraph (b) it subsection (1), may subject to the general direction and control of the Director, exercise, perform and discharge all or any of the powers, duties and functions conferred or Imposed on, or assigned to, the Director by or under this Act.
- (3) The Assistant Superintendents of Measurement Units, Standards and Services appointed under paragraph (e) of subsection (1) may, subject to the genera direction and control of the Superintendents of Measurement Units, Standards and Services, exercise, perform and discharge is at say of the powers, duties and functions conferred or Imposed on, or assigned to, such Superintendents under this Act.

### PART III STANDARDS OF UNITS OF MEASUREMENT

Sri Lanka 5.  
Standards.

- (1) For the purposes of this Act, the Minister may, from time to time, procure such standards of the unite of as he may consider necessary.
- (2) Every standard of any unit of measurement procured subsection (1) shall be an equivalent of a unit of as defined In the First Schedule hereto, or any or submultiples of any such units of measurement

(3) A description of every standard of any unit of procured under subsection (1) shall be in the Gazette on a direction by the Director.

(4) Every standard of any unit of measurement procured under subsection (1) shall be calibrated and certified at the Laboratory of the International Bureau of Weights and Measures or at any other National Laboratory of any other country or calibrated by a standard method before such a standard is brought into use in Sri Lanka:

Provided that such calibration shall not be necessary to the case of any standard or instrument which by virtue of its nature is itself a fundamental standard.

(5) The Minister may, by notification published in the Gazette, declare that a standard of any unit of measurement, which has been procured and published under this section, shall be brought into use in Sri Lanka and such standard shall upon publication become a Sri Lanka standard and shall for all purposes whatsoever be deemed to be true and accurate.

Sri Lanka  
Standards to be in  
the custody of the  
Director.      **6.**

(1) The Laboratory shall be under the control of the Director, and it shall maintain the Sri Lanka Standards and disseminate the value of such standards to any other Laboratory or Institution and carry out research relevant to these functions.

(2) Every Sri Lanka Standard shall be kept and preserved in the Laboratory under the custody of the Director in such manner as may be prescribed for that purpose.

(3) The Minister shall, in the case of any Sri Lanka Standard which requires any recalibration, cause such standard to be recalibrated once at least in ten years:

Provided, however, that where any Sri Lanka standard of any unit of measurement has to be sent out of Sri Lanka for such purposes, the Minister may cause a reference standard for that unit of measurement to be verified by comparison with such Sri Lanka standard or to be calibrated by a standard method and certified and placed in the custody of the Director and such reference standard shall, during such time as the Sri Lanka standard is out of Sri Lanka, be deemed to be a Sri Lanka standard.

Reference  
Standards.      **7.**

(1) The Minister may, for the purposes of procure such derivative standards of the Sri Lanka standard, to be known as reference standards and place such standards in the custody of the Director, Every such reference standard shall be calibrated by comparison with a Sri Lanka standard or at a specified standard laboratory by a standard method.

(2) Every reference standard shall be calibrated In the laboratory at least once in every five years, after its first calibration, on a direction issued by the Director.

(3) The Minister may by notification published in the Gazette, declare that a reference standard of any unit of measurement procured under subsection (1), shall be brought into use in Sri Lanka and such reference standard shall be deemed to be true and accurate until the contrary is proved.

Secondary standards. **8.**

(1) The Director may procure from time to time, such other secondary and tertiary standards which are derived from the Sri Lanka standards and the reference standards, as may he necessary for the of this Act.

(2) The Director shall cause every such secondary and tertiary standard to be verified or calibrated, and authenticated or certified. Every standard so authenticated or certified shall be deemed to be true and accurate until the contrary is proved.

(3) Every secondary or tertiary standard shall be verified or calibrated at such periods, as may be determined by the Director, by a notification published in the Gazette.

Measurements of physical quantities. **9.** All measurements of physical quantities based directly or indirectly on a unit of measurement for which a Sri Lanka standard, reference standard or secondary or tertiary standard has been established, shall be traceable to any such standard.

Certification of calibration. **10.** Every person authorised by this Act to carry out any calibration or test or who is directed by the Praetor to carry out any calibration or test shall issue a certificate of calibration signed by him in the prescribed form.

Judicial notice of standards. **11.** A court shall take judicial notice of-

(a) every Sri Lanka standard, reference standards secondary or tertiary standard ;

(b) every certificate of calibration issued under section 18.

#### PART IV

#### MEASUREMENTS FOR TRADE

All contracts sales &c and collection of fees or duties to be in terms of authorised units of measurement. **12.**

(1) Save as otherwise provided in section 34 every contract, bargain, sale or dealing made or had in Sri Lanka Whereby any work, goods, wares, merchandise or other things is or are to be done sold, delivered, carried, measured, computed, paid for, or agreed for, by a unit of measurement shall be made and had according to any one

of the units of measurement specified in Part I of the Third Schedule.

(2) All fees and duties whatsoever charged or collected to Sri Lanka according to any unit of measurement shall be Charged and collected according to any one of the units of measurement specified in Part I of the Third Schedule.

(3) The packing in Sri Lanka of any article in a container for the purpose of sale shall be according to any one of the authorised units of measurement, specified in Part I of the Third Schedule.

(4) Every contract, bargain, sale or dealing which is not made or had in accordance with the provisions of subsection (1) shall be void:

Provided, however, that notwithstanding the provisions of this section, a court may. in any case where any person has derived or received any advantage from or under any contract, bargain, sale or dealing, make such order as the court may deem expedient for the purpose of compensating the person from whom or on account of whose act such advantage was derived or received.

Weights and measures in Part II at Third Schedule declared to be authorised weights and authorised measures.

**13.** All the weights and measures specified in Part II of the Third Schedule hereto are declared to be and are referred to in this Act as authorised weights and authorised measures respectively; and every denomination of weight and measure specified in such Part II of the Third Schedule is hereby declared to be, and referred to in this Act as an authorised denomination of weight or measure.

Appointment of **14.**  
Inspectors

(1) The Director shall appoint such number of Inspectors of Measurement Services and Devices (hereinafter referred to as ‘Inspectors’) and other officers as he may consider necessary for the administration of this Act.

(2) The Director shall assign every such Inspector appointed under subsection (1) an area, (hereinafter referred to as a ” division “) in which he shall exercise the powers and discharge the duties conferred or imposed on as Inspector by or under this Act.

(3) No person shall be appointed under this section to be an Inspector unless he holds a certificate in the prescribed form signed by the Director of his competency to be an Inspector. No such certificate shall be issued to any person unless he has been examined by, and passed the prescribed tests to the satisfaction, of, the Director.

Tertiary standards. **15.** The Director shall provide such number of tertiary Standards as he' may deem necessary for the use by Inspectors appointed under subsection (1) of section 14, Such standards shall be kept in the Secretariat of each administrative district.

Use of any weight or measure the denomination of which is marked thereon. **16.** No person, shall use for the purpose of any trade, or have in his possession for the use of. any trade-

(a) any weight which purports to be of a denomination equivalent to a denomination specified in Part II of the Third Schedule hereto unless the denomination is marked on the top or side thereof in legible figures and letters ; or

(b) any measure of length or volume which purports to be of a denomination equivalent to a denomination specified in Part II of the Third Schedule hereto unless the denomination is marked on the outside thereof in the case of a measure of volume, or on the front face in the case of a measure of length\* in legible figures and letters:

Provided that nothing in this section shall be deemed to require the marking of a denomination of any weight, if the small size of such weight render such marking Impracticable.

Use of tertiary standards after expiry of period specified and use of instruments not verified. **17.**

(1) No Inspector shall use any tertiary standard for the purpose of testing any weight or measure at any time after the expiry of the period specified in the direction made under subsection (3) of section 8 calculated from the date on which that standard was last authenticated as correct

(2) No Inspector shall use for the purpose of this Act any Weighing or measuring instrument which is Provided for his use unless that instrument has been verified in the prescribed manner.

Inspectors not be derive profit from making or selling of weights and measures. **18.** No Inspector shall derive any profit from or be employed in the making, selling or repairing of weights or measures or weighing or measuring instruments.

Sale of weight or measure which has not been verified or certified. **19.** No person shall sell or expose for sale any weight or measure or weighing or measuring instrument for use in a trade, which has not been verified and stamped by an Inspector with a prescribed mark of verification, or has been certified in the prescribed manner.

All weights measures to be approved by the Director. **20.**

(1) From and after the appointed date, no weight, measure or weighing or measuring instrument shall be-

(a) used for the purpose of any trade or be in the possession of any person for use in any trade ;

(b) manufactured or be imported for use or be sold for use in any trade,

unless the pattern of such weight, measure or weighing or measuring instrument has been examined and approved by the Director in accordance with the specifications and limit of error, as may be specified by regulations made under this Act, for such purpose. The fee to be charged for any such examination shall be as prescribed.

(2) Where on a subsequent examination of any weight, measure or weighing or measuring instrument which has been approved earlier by the Director it is found to be defective, the Director shall have the power to cancel such earlier approval and also notify any person of such cancellation.

Persons who sell repair or manufacture weights instruments &c. to be registered. **21.**

(1) Every person who sells, repairs or manufactures or intends to sell, repair or manufactures any weight, measure or weighing or measuring instrument shall register himself with the Director.

(2) A fee shall be charged on such registration and the Amount of such fee shall be as prescribed.

(3) Every person who seeks to register himself under subsection (1)-

(a) to repair any weight, measure or weighing or measuring instrument shall-

(i) demonstrate to the satisfaction of the Director, his ability or the ability of persons employed by him, to repair the type of weight, measure or weighing or measuring instrument which he seeks to repair ; and

(ii) be in possession of. such equipment, tools and other facilities as May be required for the proper execution of such repair ;

(b) to manufacture any weight, measure or weighing or measuring instrument shall-

(i) demonstrate to the satisfaction of the Director, his ability or the ability of persons employed by him to manufacture the type of weight, measure or weighing or measuring instrument which he seeks to manufacture;

(ii) be in possession of such equipment, tools and other facilities as may be required for the manufacture or assembly of such a “Weight, treasure or weighing or measuring instrument ; and

(iii) send to the Director such drawings and samples as may be required of such weight, measure or weighing or measuring instrument which he intends to manufacture, for patters approval.

(4) Every person registered under this section, shall be subject to the condition that any weight, measure or weighing or measuring instrument repaired or manufactured by him shall be tested and verified by an Inspector at calibrated by the Director, after such manufacture or repair as the case my be. The Director may, where a person fails to fulfill this condition, cancel his registration.

(5) A person whose registration has been cancelled by the Director under subsection (4) may within one month of such cancellation appeal against such cancellation to the Secretary to the Ministry of the Minister.

Periodical examination of weights or measures or weighing or measuring instruments. **22.**

(1) The Superintendent for each district or area shall fix the dates and the places within such district or area at which each Inspector snail examine and verify weights or measures or weighing or measuring instruments.

(2) Notice of the date avid the place fixed under subsection (1) for the examination and verification of weights or measures or weighing or measuring instruments, shall be given by the Superintendent for the district. The mode and manner in which notice snail be given shall he determined by the Director.

(3) Every Inspector shall at the time and place under this section, examine all equipment namely, weights at measures or weighing or measuring instruments produced before him, and test such equipment by means of such tertiary standards and testing equipment which he considers suitable for the purpose and subject to any condition which may be prescribed or by means of other equipment which has already been tested and which he considers suitable for this purpose.

(4) Nothing in subsection (1) shall be deemed to prevent an Inspector from examining, comparing, or testing any weight



or measure or weighing or measuring instrument Which is produced before him for examination, at any time or place other than a time or place fixed under this section.

(5) No Inspector shall examine any weight or measure or weighing and measuring instrument under this section, except. upon the payment of the prescribed fee for such examination.

Stamping of mark of verification. **23.**

(1) An Inspector who, upon examination finds any weight or measure or weighing or measuring instrument to be correct and otherwise complying in all respects with the provisions of this Act and of the regulations made thereunder, shall stamp such weight or meet or Weighing or measuring instrument in the prescribed manner with the prescribed mark of verification, as well as any other mark as may be prescribed, except that where the weight or measure or weighing or measuring instrument is either too small in size or made of a material which cannot be stamped, the Inspector shall issue a certificate to this effect

(2) No Inspector shall stamp with a mark of verification any weight or measure or weighing or measuring instrument which is not correct or which does not comply with any provision of this Act or any regulation which is applicable in the case of such weight or measure or weighing of measuring instrument, as the case may be.

(3) No Inspector shall stamp any weight or measure with a mark of verification-

(a) unless such weight or measure is of an authorised denomination; and

(b) unless he has tested it by comparison with a tertiary standard of that weight or measure.

Power of inspector to enter into any premises and inspect weights & c. **24.**

(1) An Inspector may at any reasonable time enter any factory, shop, store, go down, shed, land, premises or vehicle which is in his division and in which any weight or measure or weighing or measuring instrument is or is suspected to be kept or used for the purpose of any trade, or any article that is packaged and is kept or is suspected to be kept for the purpose of any trade and may-

(a) search for, or require the person for the time being in charge thereof to produce for inspection, all of any of the weights and measures and weighing and measuring instruments kept therein;

(b) inspect any weight or measure which is found thereto or produced for examination, and compare it with a tertiary standard of that weight or measure;

(c) inspect and test any weighing or measuring instrument which is found therein or produced for examination ;

(d) seize and detain for the purpose of a prosecution for an offence under this Act or any other law, any weight or measure or weighing or measuring instrument it which is found upon comparison or test to be not correct or false, or which appears to the Inspector to have been or be likely to be used in contravention of any provision of this Act; and

(e) inspect and weigh, or inspect and measure, any article which is kept therein, offered or exposed for sale in order to ascertain whether the provisions of this Act are being complied with in respect of such article, and seize and detain any article in respect of which or in relation to which a contravention of any provision of this Act has been or is suspected to have been committed.

Weight or measure &c stamped by Inspectors to be used in Sri Lanka. **25.** Every weight or measure or weighing or measuring instrument which has been duly stamped by an Inspector stamped by under section 23 of this Act, with the prescribed mark of verification may, unless it is found thereafter to be false or not correct, be used in any part of Sri Lanka.

Fees levied to be credited to the Fund. **26.** All fees to be levied by the Director for the calibration of any measuring instrument, under the provisions of this Act, shall be credited to the Fund.

Registers to be kept by Inspectors. **27.** Every Inspector shall keep such registers relating to the performance of his duties under this Act as may be required by a direction issued by the Director and shall transmit such registers to the Director for examination at such times as may be stated in the direction.

Inspectors to give security. **28.**

(1) Every person appointed to be an Inspector shall forthwith on his appointment give security in such sum as may be prescribed, for the due discharge of the duties of his office, for the due payment of all fees received by him under the Act, and for the safety of the tertiary standards, and other equipment entrusted to him for the purpose of this Act.

(2) Where an Inspector is appointed by the Director, the security required under subsection (1) to be give by that Inspector, shall be

given under the Public Officers' (Security) Ordinance, and the provisions of that Ordinance shall apply accordingly.

Power of police officers or Price Control Inspectors to enter any premises to check any weighing or measuring of goods. **29.** Any police officer not below the rank of Sub-Inspector or any Price Control Inspector shall have the power to-

(a) enter any premises used for the purpose of any trade in any place or area in Sri Lanka and check any weighing or measuring which is being or which has been done for the purpose of delivering goods to a purchaser;

(b) seize or detain where necessary for the purpose of any prosecution in respect of an offence under section 42 of this Act, any goods which have been so delivered in contravention of the said section.

#### PART V

#### OTHER STATUTORY MEASUREMENTS

Minister to direct the periodical certification or certification of any measure at measuring instrument. **30.**

(1) The Minister may, from time to time, by a directive published, in the Gazette, require that any measure of measuring instrument used in the protection of health, the safety of any person, the control of pollution, the protection of the environment or any measurement used in industry or quality control, be submitted for periodical verification or certification in such manner as set out in the directive. A fee may be charged as prescribed for the carrying out of any such periodical verification or certification.

(2) Where a directive is give under subsection (1) the specifications for such measures and measuring instruments, the tolerance permitted and the methods of testing them, shall be as prescribed.

Measuring or measuring instruments used by Government Departments or corporations to be calibrated at the Laboratory. **31.**

Every Government department or corporation which uses a measure or measuring instrument for testing or checking any measuring instrument for the purpose of certification or calibration or for the purpose of checking any measurement for any legal purpose, shall have such measure or measuring instrument calibrated at the laboratory at such intervals as may be specified by a directive published in the Gazette for the purpose.

Units of measurement to be used in transactions relating to land. **32.** In all transactions relating to the transfer of land the measurement of every extent of land shall be according to the units of measurements specified in the Second and Third Schedules hereto:

Provided that, when the transfer relates to the land which has been either surveyed or has its boundaries described in a deed on a date prior to January 1, 1983, reference could be made to the

unit of measurement so used in the deed, subject to the condition that reference should not be made to the equivalent extent in an authorised unit specified in the Second and Third Schedules hereto, each conversion being arrived at by using the conversion factors prescribed for that purpose by regulation :

Provided further, that where the extent of land is described in those traditional units as may be prescribed, such conversion shall not be required for such period as may be prescribed.

#### PART VI

##### MEASUREMENT FOR INDUSTRY ETC.

Director to provide facilities for calibration of measuring instruments and measuring devices. **33.** The Director shall provide such facilities as he may consider necessary, for the calibration of weights or measures or weighing or measuring instruments used in Industry, engineering or in any other field. All such calibration should be traceable to a Sri Lanka standard or to a reference standard maintained by the laboratory.

Weights, Measures &c. used in trade or industry to have their pattern approved by the Laboratory. **34.** All weights, measures or weighing or measuring instruments used for industry shall have their pattern approved by the laboratory before manufacture or import. The Minister shall have the power to impose requirements have for pattern approval with regard to measuring instruments used for any ether purpose.

#### PART VII

##### Fund

Fund. **35.**

(1) For the purpose of this Act, there shall be established a Fund which shall be maintained in such manner as the Secretary to the Ministry of the Minute may direct.

(2) There shall be paid into the Fund two-thirds of each and every fee charged and prescribed. The balance one-third of each and every fee shall be paid into the Consolidated Fund.

(3) There shall be paid out of the Fund-

(a) all sums of money paid an annual dues and other payments as a member state of the International Organisation of Legal Metrology and the expenses incurred in the participation at its meetings;

(b) all expenses incurred in the calibration of Sri Lanka reference, secondary and tertiary standards including expenses incurred in the participation in any international or regional programme for the inter comparison of such standards;

(c) all expenses incurred in the cost of maintenance of the Measurement Units, Standards and Services Department and the laboratory, and all other offices where standards are maintained;

(d) all sums of money paid as rewards to any person or persons under section 57;

(e) all expenses incurred in the maintenance of machinery, equipment and vehicles used in the Measurement Units Standards and Services Department and the laboratory;

(f) all expenses incurred in providing facilities for testing and verifying weights and measures and weighing and measuring instruments under section 24;

(g) all expenses incurred in providing calibration serviced under Parts V and VI of this Act, and examination of the pattern of any weight, measure and weighing or measuring instrument under section 20; and

(h) all expenses incidental to the proper management and administration of the Measurement Units, Standards and Services Department and the laboratory.

(4) The Secretary to the Ministry of the Minister shall, as soon as possible, after the end of each financial year, prepare a report of the administration of the Fund and shall cause to be "maintained a full and appropriate account of the Fund in respect of each financial year.

(5) The Auditor-General shall audit the accounts of the Fund in accordance with Article 154 of the Constitution.

(6) The financial year of the land shall be the calendar year.

#### PART VIII OFFENCES AND PENALTIES

Sale or exposing for sale any unstamped weight &c. **36.** Any person who sells or exposes for sale any weighing or measuring instrument which has not been stamped by an inspector with the prescribed mark of verification shall be of an offence and shall on conviction after summary trial before a Magistrate for liable to a fine not exceeding live hundred rupees or to both such fine and imprisonment.

Use and Possession of unstamped weights &c. **37.** Any person who uses for the purposes of any trade or has in his possession for use in any trade, any weight or measure or weighing or measuring, instrument which has weights km. not, in the period of twelve months immediately preceding such time, been stamped by an inspector with the prescribes mark of verification shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding one thousand rupees or to terrorizing for a Period not exceeding six months or to both such line and imprisonment.

Forgery of stamp or mark used by inspector. **38.** Any person who-

(a) forges or counterfeits any stamp or mark provided under this Act for the use of inspectors in stamping weights or measures or weighing or measuring instruments; or

(b) makes, uses, sells, exposes for sale, utters for sale or keeps in the premises for use in trade or otherwise disposes of any weight or measure or weighing or measuring instrument which is false or which bears any stamp or mark which he knows to be false, forged or counterfeited ; or

(c) removes any mark which has been stamped by an Inspector on any weight or measure or weighing or measuring instrument and inserts such mark on any other weight or measure or weighing or measuring instrument ; or

(d) increases or diminishes a weight or measure which has been stamped or certified by an inspector under this Act, or tampers with a weighing or measuring instrument stamped or certified by an inspector under this Act or uses, sells, exposes for sale, utters for sale, keeps in his possession for use in a trade or otherwise disposes of any weight or measure which he knows to be diminished or false or a weighing or measuring instrument which he knows to be tampered with,

shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding ten thousand rupees or to imprisonment for a term not exceeding two years or both such fine and imprisonment.

Use of false weight or measure of length or capacity.

**39.** Whoever uses any false weight or false measures of length or capacity, or uses any weight or any measure of length or capacity representing it to be a different weight or measure from what it is, shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be punished with a fine not exceeding five thousand rupees or with imprisonment for a term not exceeding one year, or with both such fine and imprisonment.

Repair or manufacture of any weight or measure &c. without being registered.

**40.** Any person who, not being registered by the Director under the provisions of section 2, repairs or manufacture any weight, measure or weighing or measuring instrument, shall, be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment for a term not exceeding six months or to- both such fine and imprisonment.

Refusal to produce weights &c. for Inspection.

**41.** Any person who refuses to produce any weight measure or weighing or measuring instrument when required to do so by an inspector in the exercise of the powers conferred upon her. by section 24 shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding two thousand five hundred rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

False, incorrect or untrue declaration or statement &c. **42.** Any person who, in any place or area, by any means whatsoever, whether direct or indirect, makes any false, incorrect or declaration or statement as to the number, quantity, measure, gauge or weight of any goods or things in connection with their purchase, sale, weighing or measurement, or in the computation of any charges for services rendered on the basis of weight or measure, or who sells, or causes to be told, or delivers or causes to be delivered to a purchaser anything by weight or measures short of the quantity demanded of or represented by the seller, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate be liable to a fine not exceeding two thousand five hundred rupees or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Use or possession of any weights or measure which it set correct. **43.** Any person who uses for the purposes of any trade or has in his possession for use in any trade, any weight or measure or weighing or measuring instrument which is not correct, shall be guilty of an offences and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding two thousand five hundred rupees or to imprisonment for a term not exceeding in months or to both such fine and imprisonment.

Breach by inspectors. **44.** Any inspector who commits a breach of any provision of Part IV or of any regulation relating to the examination, verification or stamping of any weight measure or weighing or measuring instrument shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding two thousand five hundred rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Failure to obey directive issued under section 30. **45.** Any person who fails to have a measure or measuring instrument calibrated in terms of directive issued by the Minister under section 30, shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding five thousand rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

General Powers. **46.** Any person who commits a breach of any provision of this Act or of any relations made thereunder for which no punishment is expressly provided for shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding five hundred rupees.

Forfeiture of weights &c. **47.** Any court may on the conviction of any person of an offence under this Act relating to any weight or measure or weighing or measuring instrument, make order dealing that such weight or measure or weighing or measuring instrument shall be forfeited to the State; and every weight or measure or weighing or measuring instrument which is so forfeited shall be disposed of in such manner as may be prescribed.

Evidence of possession. **48.** For the purpose of this Act any weight or measure or weighing or measuring instrument which is found in the possession of any person who carries on any trade, or an any premises used by any person for the purposes of any trade, shall, until the contrary is proved, be deemed to be in the possession of that person for use in trade.

Sanction for prosecution. **49.** No prosecution shall be instituted against any person for any offence under this Act except by or with the written sanction of the Superintendent of Measurement Units, Standards and Services for the District or area within which such offence is alleged to have been committed.

PART IX  
GENERAL

Board registered by Assistant Director and superindenant. **50.**

(1) The Director may from time to time direct any Assistant Director of Measurement Units, Standards and Services to hold an inquiry with respect to the administration of this Act in any area in Sri Lanka.

(2) Where any such Assistant Director or any such Superintendent is directed to hold an inquiry under subsection (1) in any area, he shall-

(a) inspect the tertiary standards and the weighing and measuring instruments provided for use by the Inspector appointed for such area or for any division forming part thereof ;

(b) inquire into the procedure observed in the inspection and verification of weights and measures and weighing and measuring instruments in that area ; and

(c) make such other investigations as the Director may direct.

(3) For the purpose of any inquiry authorised to be held in any area, the officer who is directed under subsection (1) to hold such inquiry shall and may exercise all the powers conferred on an Inspector by or under this Act.

Declaration of specified packaged goods and quantity to be contained in any package. **51.**

(1) The Minister may, by Order published in the Gazette declare any goods, to be specified packaged goods (hereinafter referred to as “specified packaged goods”) for this section.

(2) Where any specified packaged goods are sold by any packer or an importer shall be subject to the provisions of this section (b) to any person who is concerned in the detection of such offence or affecting the seizure and forfeiture of such article. such reward as he may consider reasonable.

(3) The Director may, by Notification published In the (Gazette, declare in respect of certain specified packaged



goods the quantity to be contained in any package and in respect of all other specified packaged Goods, the quantity to be contained in a package shall be as decided upon by a packer or an importer as the case may be.

(4) It shall be the duty of any person who is a packer or an importer of any specified packaged goods to ensure that such package is marked the prescribed manner with –

(a) a statement of the quantity contained in authorised unit either of weight or volume or of length ; and

(b) his name and address or a mark which enables his name and address to be readily ascertained by an Inspector.

(5) The Minister shall by regulations, prescribe the methods and tests that should be adopted to determine the correctness of the quantity contained in any package containing any specified packaged goods whether packed in Sri Lanka.

(6) Any person who is a packer or an importer of any specified packaged goods –

(a) who packs or imports any specified packaged goods, containing less than the quantity as indicated in the statement on the package ; or

(b) fails to mark in authorized units on any package, the quantity it contains,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand rupees or imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.

Sale of packaged goods not marked in authorised units to be an offence. **52.** Any person who sells or expose for sale a package containing any specified packaged goods, the quantity of which is not marked on it in authorised units, shall be guilty of an offence under this Act.

Settlement of disputes. **53.** If any dispute arises between an inspector and any other person as to the methods to be adopted in testing any weight or measure or weighing or measuring instrument, such dispute shall, at the request of such inspector or of such other person, be determined by the Director and the decision of the Director shall be final and conclusive.

Certificate of Director Deputy Director or an Assistant Director to be **54.** A certificate purporting to be issued by the Director, the Deputy Director or an Assistant Director of Measurement Units, Standards and Services regarding the condition of any weight or measure or weighing or measuring instrument expanded by him shall, without

prima facie evidence of facts stated therein. further proof' be admissible in evidence in any court, and shall be prima facie proof of the facts stated therein.

Principal liable for offences of servants and agents. **55.** Where any offence under this Act is committed by an agent or servant of any manufacturer or trader, such offence shall be deemed to have been committed by such manufacturer or trader unless he proves that such offence was committed without his knowledge.

Offences committed by body of persons. **56.** Where an offence under this Act is committed by a body of persons, then,

(a) if the body of persons is body corporate, every person who at the time of the commission of that offence was a director, or officer of that body corporate; or

(b) if the body of persons is a body other than a body corporate, every person who at the time of the commission of the offence was a member of that body,

shall be deemed to be guilty of the offence:

Provided however that such director, officer or member shall not be deemed to be guilty of that offence if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of that offence.

Rewards to certain persons. **57.** Where any person is convicted of any offence under this Act, or where any article is seized and ordered to be forfeited under this Act, the Director may pay-

(a) to the person or persons who provided the information leading to such conviction or the seizure and forfeiture of such article ; and

Repeal of section 257, 258, 259 and 260 of chapter 19 and savings. **58.**

(1) Section, 257, 253, 259 and 260 of the Penal Code (Chapter 19) are hereby repealed.

(2) Notwithstanding the repeal of the aforementioned sections, every action or prosecution already instituted and pending under the repealed sections in any court, original or appellate, on the appointed date shall be continued and proceeded with to final judgment under the said repealed sections.

Repeal of Chapter 158 and savings. **59.**

(1) The Weights and Measures Ordinance (Chapter 158) is hereby repealed.

(2) Notwithstanding the repeal of the aforesaid Ordinance-

(a) any act or thing done by an inspector before the appointed date shall be deemed for all purposes to have

been validly done and shall have effect as though such act or thing was done under the provisions of this Act;

(b) every standard of weight or measure procured and verified under sections 14 and 15 of the repealed Ordinance, shall for all purposes be deemed to be a standard of weight or measure for the purposes of this Act;

(c) every secondary standard of weight or measure verified and authenticated under section 16 of the repealed Ordinance and every working standard authenticated under section 17 of the repealed Ordinance shall, for all purposes be deemed to be a secondary standard or a tertiary standard respectively, for the purposes of this Act; and

(d) every licence issued under section 31 of the repealed Ordinance for the sale, manufacture or repair of any authorized weight or measure or any weighing or measuring instrument shall be deemed to be a licence validly issued under the provisions of this Act.

## Regulations.60.

(1) The Minister may make regulations for matters required by the Act to be prescribed and for matters in respect of which regulations are authorized by this Act to be made.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of all or any of the following matters :-

(a) the tests required to be passed by any person in order to be appointed as an inspector under subsection (3) of section 14;

(b) the custody and preservation of the Sri Lanka standards, reference standards, secondary and tertiary standards ;

(c) the manner in which reference standards, secondary and tertiary standards shall be authenticated and verified ;

(d) the specifications for tertiary standards and the manner in which such standards shall be kept and preserved ;

(e) the procedure for the examination and stamping of secondary and tertiary standards, and the periodical identification of weighing and measuring instruments provided for use by inspectors;

(f) the requirements as to the composition, form and specification of weights, measures and weighing and measuring instruments and the prohibition of the

manufacture or use of weights, measuring and weighing and measuring instruments which do not conform to such requirements;

(g) the inspection, verification and stamping by inspectors of weights, measures and weighing and measuring instruments, the tests to be applied for the purpose of ascertaining the accuracy and efficiency of weights and measures, the form and design of stamps to be used by inspectors the manner in which such stamps shall be used and the circumstances in which such stamps shall be used and the circumstances in which such stamping shall be prohibited ;

(h) the limits of error to be allowed on verification and to be tolerated on inspection and on pattern approval of weights, measure and weighing and measuring instruments, either generally or as respects any trade ;

(i) the rules, tests, procedures and inferences permitted in respect of packaged goods, the content of which are marked by long, volume or weight ;

(j) physical contents and their corresponding numbered values that should be used for all purposes ;

(k) methods of determination of the value of such attributes of colour and hardness used for industrial purposes ;

(l) Circumstances and conditions under which the persons by whom and the manner in which marks of verification may be obliterated or defaced ;

(m) the fees to be charged by inspectors for the examination, verification of weights, measures and weighing and measuring instruments and the cost of verification and examination ;

(n) the manner in which the methods for celebrating different instruments should be determined and established ; and

(o) all matters incidental to or connected with the matters or subjects specifically referred to in this subsection ;

(3) Every regulation made by the minister shall be published in the gazette and shall come into operation on the date of such publication or on such later date as may be specified in the regulation

(4) Every regulation made by the minister shall as soon as convenient after its publication in the gazette, be brought before parliament for its approval. Every regulation which is not so approved shall be deemed to

be rescinded as from the date of such disapproval but without prejudice to anything previously done thereunder.

## Interpretation.61.

(1) In this act unless the context otherwise requires –

“measure means a vessel of determined capacity for determining the volume of a liquid or the length of a graduated rod in line ;

“measuring instrument” means any instrument used for the measurement of length area, volume or capacity or any instrument for the measurement of

“tertiary standard ” means a standard procured under section 8 with the specification of accuracy prescribed for such standard and used by an inspector ;

“trade” means any transaction, contract, sale, bargain or dealing referred to in section 12 ;

“unit of measurement means” any unit of measure as set out in the First and Second Schedules ;

“weight” means a body of determinate mass for use with a weighing instrument ; and

“weighing instrument” means an instrument for the measurement of mass or weight.

(2) For the purpose of this Act a weight an instrument for the measure shall be deemed to be correct –

(a) upon verification, if it is in accordance with a tertiary standard of that weight or measure or has not a greater limit of error than the prescribed limit of error to be allowed on verification ; or

(b) upon inspection, if it is in accordance with a tertiary standard of that weight or measure or has not a greater limit of error than the prescribed limit of error to be tolerated on inspection ; or

(c) for the purposes of determining whether an offence has been committed under section 45, the limit of error should not exceed twice the limit of error allowed on inspection.

(3) For the purpose of this Act a weighing or measuring instrument shall be deemed to be correct-

(a) upon verification, if it has not a greater limit of error than the prescribed limit of error to be allowed verification ;  
or

(b) upon inspection, if it has not a greater limit of error than the prescribed limit of error to be allowed verification ; or

(c) for the purpose of determining whether an offence has been committed under section 45 the limit of error should not exceed twice the limit of error allowed on inspection.

Sinhala text to prevail in case of inconsistency. **62.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act the Sinhala text shall prevail.

## Schedules

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Lanka Logistics & Technologies Ltd.