



ST HELENA

REVISED EDITION OF THE LAWS, 2017

**EMPLOYMENT & COMMERCE**

**WEIGHTS AND MEASURES ORDINANCE, 1905<sup>1</sup>**

*Ordinance 6 of 1905*

*In force 1 January 1906*

*Amended by Ordinance 5 of 1906, 2 of 2001, 14 of 2017*

*Subsidiary legislation:*

**WEIGHTS AND MEASURES (FEES) REGULATIONS, 1997**

*Legal Notice 11 of 1997*

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**WEIGHTS AND MEASURES ORDINANCE, 1905**

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AN ORDINANCE relating to weights and measures.

**Short title**

1. This Ordinance may be cited as the Weights and Measures Ordinance, 1905.

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<sup>1</sup> Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

### **Imperial and metric**

2. (1) Imperial and metric weights are to be used in St Helena.

(2) Any authorised imperial or metric standard principal measure may be lawfully used for trade in St Helena.

### **Copies of imperial standards to be local standards**

3. Copies of the imperial and metric standards of weight and measure, and of any secondary standards of weight and measure derived from the imperial and metric standards that the Governor directs, must be kept at the police station, Jamestown, and are the standards of weight and measure of St Helena.

### **Comparison of weights and measures**

4. (1) Any person is entitled to have any weight or measure or instrument for weighing compared with the standards mentioned in section 3, on making application at the police station during the hours and upon payment of a fee the Governor in Council prescribes by regulation made under this Ordinance.

(2) A comparison under subsection (1) must be made in the presence of a Justice of the Peace or any other person the Governor appoints for the purpose.

### **Stamping of weights and measures**

5. On being satisfied that the weight or measure or instrument for weighing brought for comparison corresponds truly with the standards mentioned in section 3, the Justice of the Peace or other person appointed by the Governor under section 4 must stamp or mark the weight or measure or instrument for weighing in a manner the Governor in Council prescribes to show that the weight or measure has been compared and approved.

### **Comparison elsewhere than at police station**

6. (1) If any weight or measure or instrument for weighing for trade cannot conveniently be brought to the police station, a Justice of the Peace or other officer appointed under section 4 may-

- (a) test the weight or measure or instrument elsewhere than at the police station; and
- (b) if satisfied of the correctness of the weight or measure or instrument may mark or stamp it in the manner prescribed by section 5.

(2) For every comparison of any weight or measure or instrument elsewhere than at the police station there must be paid any further fee, in addition to the fee prescribed for comparison at the police station, that the Governor in Council prescribes by regulation made under this Ordinance.

### **Weights, measures, etc., to be stamped before customs clearance**

7. (1) Every weight, measure, or instrument for weighing for trade imported

into St Helena must be stamped or marked in accordance with this Ordinance, at the expense of the importer, before it receives customs clearance.

(2) Any weight, measure, or instrument for weighing for trade which does not correspond with the standards mentioned in section 3, whether it already bears a stamp or mark purporting to show that it corresponds with the imperial standards or not, is liable to be forfeited and broken up by order of the Governor.

### **Unstamped weights, etc. not to be used**

8. (1) It is not lawful to use for trade any weight or measure (not being a glass or earthenware principal measure already bearing the stamp or mark of a recognised authority of weights and measures in England) or instrument for weighing which has not been stamped or marked as provided in sections 5 and 6.

(2) Any person using or having in the person's possession for use for trade any weight or measure or instrument for weighing not stamped or marked as required by subsection (1) commits an offence.

Penalty: A fine of £10.

### **Forgery of stamps on weights or measures**

9. (1) It is an offence for a person -  
 (a) to make, forge or counterfeit, or cause or procure to be made, forged or counterfeited; or  
 (b) knowingly to act or assist in the making, forging or counterfeiting of,  
 any stamp or mark used for the stamping or marking of any weights, measures and instruments under this Ordinance.

Penalty: A fine of £50.

(2) A person who knowingly sells, utters, disposes of or exposes for sale any weight or measure or instrument with such a forged or counterfeit stamp or mark on it commits an offence.

Penalty: A fine of £50.

### **Use of false or unjust weights, etc.**

10. (1) A person who uses or has in the person's possession for use for trade any weight, measure, scale, balance, steel-yard or weighing machine which is false or unjust commits an offence.

Penalty: A fine of £5, or in case of a second offence £20.

(2) Any contract, sale, or dealing made by a person convicted of an offence under subsection (1) is void and the weight, measure, scale, balance, steel-yard or weighing machine is forfeited.

### **Penalty for fraud in use of weights, etc.**

11. (1) If any fraud is wilfully committed in the use of any weight, measure, scale, balance, steel-yard or weighing machine, the person committing the fraud and every

person party to the fraud commits an offence.

Penalty: A fine of £5, or in case of a second offence £20.

(2) Any weight, measure, scale, balance, steel-yard or weighing machine used for an offence under subsection (1) is forfeited.

### **Penalty on sale of false weight, etc.**

12. A person who wilfully or knowingly makes or sells or causes to be made or sold any false or unjust weight, measure, scale, balance, steel-yard or weighing machine commits an offence.

Penalty: A fine of £10, or in case of a second offence £50.

### **Sale by avoirdupois weight and exceptions**

13. (1) All articles sold by weight must be sold either by avoirdupois or metric weight; except that—

- (a) gold and silver and articles made of them, including gold and silver thread, lace or fringe, also platinum, diamonds, and other precious metals or stones, may be sold by the ounce troy or by any decimal parts of such an ounce; and all contracts, bargains, sales, and dealings in relation thereto are deemed to be made and had by such weight, and when so made or had are valid; and
- (b) drugs, when sold by retail, may be sold by apothecaries' weight.

(2) A person who acts in contravention of subsection (1) commits an offence.

Penalty: A fine of £5.

### **Inspectors of weights and measures**

14. (1) The Governor may from time to time appoint any person to be an inspector of weights and measures under this Ordinance.

(2) Any Justice of the Peace may exercise the powers of an inspector of weights and measures under this Ordinance as if he or she had been duly appointed by the Governor; but a Justice of the Peace must not adjudicate upon any question arising out of the exercise of his or her powers under this section.

### **Power to inspect weights, etc., and to enter premises**

15. (1) Every inspector under this Ordinance may -

- (a) at all reasonable times inspect all weights, measures, scales, balances, steelyards and weighing machines which are used or are in the possession of any person or on any premises for use for trade;
- (b) remove and compare every such weight and measure with the standards;
- (c) seize and detain any weight, measure, scale, balance, steel-yard or weighing machine which is liable to be forfeited pursuant to this Ordinance; and
- (d) for the purposes of such inspection enter any place, whether a building or in the open air, whether open or enclosed, where the inspector has reasonable cause to believe that there is any weight, measure, scale, balance, steel-yard or weighing machine which the inspector is authorised by this Ordinance to inspect.

- (2) It is an offence for a person to -
- (a) neglect or refuse to produce for such inspection all weights, measures, scales, balances, steel-yards and weighing machines in the person's possession or on the person's premises;
  - (b) refuse to permit an inspector to examine the same or any of them; or
  - (c) obstruct the entry of an inspector or otherwise obstruct or hinder an inspector acting under subsection (1).

Penalty: A fine of £5, or in the case of a second offence £10.

### **Governor in Council may make regulations**

16. The Governor in Council may make regulations in order effectually to carry out the provisions of this Ordinance.

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## **WEIGHTS AND MEASURES ORDINANCE, 1905**

### **WEIGHTS AND MEASURES (FEES) REGULATIONS, 1997**

(Sections 4 and 6)

#### **Citation**

1. These Regulations may be cited as the Weights and Measures (Fees) Regulations, 1997.

#### **Fees**

2. The fee for comparing a weight or measure or instrument for weighing is—
- (a) Weight—
    - (i) at police station £1.21
    - (ii) elsewhere £1.32
  - (b) Measure—
    - (i) at police station £1.21
    - (ii) elsewhere £1.32
  - (c) Instrument for weighing—
    - (i) at police station £1.32
    - (ii) elsewhere £1.48
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