



**BERMUDA
1975 : 17**

WEIGHTS AND MEASURES ACT 1975

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FIRST SCHEDULE

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[27 March 1975]

[preamble and words of enactment omitted]

Interpretation

- 1 In this Act, unless the context otherwise requires—
- "authorized repairer" means a person designated under section 28;
 - "device" means any weight, weighing machine, static measure or measuring machine and includes any equipment and accessories attached to or used in conjunction with the device that have or can have an effect on the accuracy of the device;
 - "the International System of Units" has the meaning assigned in section 2;
 - "inspector" means a person designated as an inspector under section 8;
 - "measure", when used as a verb, includes weigh and when used as a noun, includes weight;

"measuring machine" means any machine that measures length, area, volume or capacity, temperature or time and has a moving or moveable part that has or can have an effect on the accuracy of the machine;

"metric units" mean units of the International System of Units;

"Minister" means the Minister charged with responsibility for the administration of this Act under the Constitution;

"standards" means the reference standards maintained under section 5;

"static measure" means any measure that measures length or measures volume or capacity, and does not have a moving or moveable part that has or can have an effect on the accuracy of the measure;

"trade" means the selling, purchasing, exchanging, consigning, leasing or providing of any commodity, right, facility or service on the basis of measure and includes the business of providing facilities for measuring;

"trader" means any person who trades in the course of business; and

"weighing machine" means any machine that measures mass or weight and has a moving or moveable part that has or can have an effect on the accuracy of the machine.

UNITS AND STANDARDS OF MEASUREMENT

International system of units; abbreviation "SI"

2 (1) On and after 1 April 1975 the use of the International System of Units, also known by the abbreviation "SI", established by the General Conference on Weights and Measures, shall have legal force and validity in Bermuda.

(2) The International System of Units means the metric system of units of measurement consisting of—

- (a) the basic units set out and defined in Part I of the First Schedule;
- (b) the supplementary and derived units set out and defined in Part II of the First Schedule; and
- (c) the customary units set out and defined in Part III of the First Schedule which are commonly used with the basic and supplementary and derived units.

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(3) The prefixes for multiples and sub-multiples of the units of measurement set out in Parts I and II of the First Schedule are set out in Part IV of the First Schedule.

Imperial and customary US units of measurement

3 Subject to sections 4 and 21, the use of the imperial and United States customary units of measure set out and defined in the Second Schedule shall be or continue to be of legal force and validity in Bermuda until such date as the Minister may specify by order published in the Gazette.

Minister may make order for conversion of Imperial and US customary units to SI units

4 (1) Subject to subsection (2), the Minister may by order published in the Gazette provide for the adaptation, alteration, conversion or modification of any enactment relating to any department or subject as may appear to him appropriate for the purpose of replacing references to units other than metric units contained therein by references to metric units which are either equivalent thereto or such approximations thereto as appear to the Minister desirable for the purpose of securing that the enactments as adapted, altered, converted or modified are expressed in convenient terms.

(2) Subsection (1) shall not be taken to authorize the adaptation, alteration, conversion or modification of any enactment in such manner as to increase the amount of any fee or tax payable thereunder.

(3) Values expressed in terms of the imperial and United States customary units of measurements may be converted into values expressed in terms of metric units in accordance with the Third Schedule.

Reference standards

5 (1) The Minister shall maintain reference standards of those units of measurement set out in the Fourth Schedule which shall be the standards by reference to which, in Bermuda, all measures and units derived wholly or partly from any of those units shall be calibrated.

(2) One set of reference standards calibrated and certified as accurate by reference to an internationally recognized reference standard shall be deposited with the Secretary to the Cabinet and kept in safe custody by him.

(3) Any unit of measurement certified by the Secretary to the Cabinet to be one of the standards produced from his custody under subsection (2) shall for the purpose of any proceedings in Bermuda be taken to be the true and correct standard of that unit.

(4) Working standards for the use of inspectors shall be tested and certified as accurate by reference to the reference standards deposited under subsection (2).

WEIGHING AND MEASURING FOR TRADE

Weighing and measuring for trade to be done in the units of measurement set out in First and Second Schedules

6 No person shall, in trade, use or provide for the use of a unit of measurement other than those set out and defined in the First and Second Schedules.

Marking of goods for sale

7 No trader shall sell or offer for sale any goods the quantity of which has been determined on the basis of number or measure, unless the quantity of the goods is stated accurately within prescribed limits of error in terms of number or units of measurement of length, area, volume or capacity, or mass or weight—

- (a) on the goods;
- (b) on the package containing the goods; or
- (c) on a shipping bill, bill of lading or other document accompanying the goods:

Provided that it shall be sufficient compliance with this section if—

- (i) the goods are packaged in such manner that the quantity thereof is apparent; or
- (ii) the goods are weighed on a device in view of the purchaser or otherwise measured or counted in his presence.

DUTIES AND POWERS OF INSPECTORS

Inspectors

8 (1) The Minister may designate any fit and proper person to be an inspector for the purpose of enforcement of this Act.

(2) An inspector shall periodically inspect every device that is used, or held in possession for use, in trade and shall test the device by reference to the standards.

(3) In addition to a periodical inspection under subsection (2), an inspector may inspect and test any device at the request of the owner or person in possession thereof or at the request of the trader or other person referred to in section 13.

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Inspector may adjust devices with consent

9 When an inspector tests any device, he may, with the consent of the owner or person in possession thereof, make such adjustments or alterations to that device as he may deem necessary.

Inspector may enter premises

- 10 (1) An inspector may at any reasonable time—
- (a) enter the premises of a trader or any other place in which he reasonably believes there are—
 - (i) devices that are or are to be used in trade;
 - (ii) any goods that have been or are being packaged or marked on the basis of measure for sale; or
 - (iii) any goods, owned by a trader, that are for sale and have been packaged or marked on the basis of measure;
 - (b) inspect any device, goods or packaging and labelling material found in such place; and
 - (c) examine any books, reports, records, shipping bills, bills of lading or other documents or papers that on reasonable grounds he believes contain any information relevant to the enforcement of this Act and make copies thereof or extracts therefrom.
- (2) An inspector shall be furnished with a certificate of his designation as an inspector and on entering any place described in subsection (1) shall, if so required, produce the certificate to the person in charge thereof.
- (3) The owner or the person in charge of a place entered by an inspector pursuant to subsection (1) and every person employed therein shall give the inspector all reasonable assistance in his power to enable the inspector to carry out his functions under this Act.

Certification and stamping of devices

- 11 (1) Where an inspector inspects and tests any device he shall, if he is satisfied that the device is accurate, issue a certificate to that effect and, where appropriate, shall stamp the device accordingly and attach a seal to the device to prevent the making of adjustments thereto.
- (2) Where an inspector finds any device, on being inspected and tested by him, to be incorrect or inaccurate he shall, without prejudice to his powers to seize and remove such device, attach thereto such seals as he may deem necessary to prevent the use of that device.

Fees

12 (1) Fees of such amount as may be prescribed by regulations made under the Government Fees Act 1965 [*title 15 item 18*] shall be paid in respect of any inspection or other service performed by an inspector under this Act.

(2) The appropriate fee shall, except in the case of an inspection pursuant to section 13, be paid to an inspector at the time the service is performed.

(3) Where any person refuses to pay the appropriate fee, the inspector may attach such seals as he may deem necessary to prevent the use of the device in respect of which the inspection or other service was performed:

Provided that this subsection shall not apply in the case of an inspection pursuant to section 13 where the device in question is found to meet the requirements of this Act.

Payment of fee where dispute arises

13 Where a dispute arises between a trader and any other person with respect to the accuracy of a device that is used by the trader in trade and an inspector makes an inspection of the device at the request of the trader or other person, the fee for the inspection shall be paid—

- (a) by the trader, where the device is found not to meet the requirements of this Act; and
- (b) by the other person, where the device is found to meet the requirements of this Act.

OFFENCES AND PENALTIES

Device must measure within prescribed limits of error

14 Every trader commits an offence who uses, or has in his possession for use, in trade any device that does not measure units of measurement within the prescribed limits of error.

Short measure on sale

15 Every person who sells or offers for sale any goods, by number or unit of measurement, commits an offence if the quantity of the goods that he delivers or offers for sale is, subject to prescribed limits of error, less than the quantity that—

- (a) he purports to sell or offer for sale; or
- (b) he should deliver or offer for sale on the basis of—
 - (i) the total price paid or to be paid for the goods; and

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- (ii) the stated price per number or unit of measurement used to determine the total price.

Short service

16 Every person who provides a service on the basis of any unit of measurement or the use of a facility on the basis of a unit of measurement of time commits an offence if the amount of service that he provides or the time for which he provides the use of the facility is, subject to prescribed limits of error, less than—

- (a) the amount of service that he purports to provide or the time for which he purports to provide the use of the facility; or
- (b) the amount of service that he should provide or the time for which he should provide the use of the facility on the basis of—
 - (i) the total price charged or demanded for the service or the use of the facility; and
 - (ii) the stated price per unit of measurement used to determine the total price.

Offences by inspectors

17 Every inspector commits an offence who—

- (a) marks a device to indicate that it has been inspected by him; or
- (b) issues a certificate showing a device meets the requirements of this Act,

without making an inspection of that device and testing its accuracy by reference to the standards.

Removing mark or breaking seal an offence

18 (1) Subject to subsection (2), every person who removes any mark or wilfully breaks any seal which an inspector has placed on or attached to a device that is or is to be used in trade commits an offence.

(2) Subsection (1) shall not apply to an authorized repairer who removes any mark or breaks any seal referred to in that subsection for the purpose of converting, altering, adjusting or repairing a device.

Various offences

19 (1) Every person who obstructs or hinders an inspector in carrying out his functions under this Act commits an offence.

(2) Every person who knowingly makes any false or misleading statement, either verbally or in writing, to an inspector who is engaged in carrying out his functions under this Act commits an offence.

(3) Every person who, without the permission of an inspector, removes, alters or interferes in any way with any device, goods or other thing seized and detained by an inspector commits an offence.

Punishment

20 (1) Where a person commits an offence under any of the provisions of sections 14 to 19:

Punishment on summary conviction: imprisonment for 6 months or a fine of \$1,000 or both such imprisonment and fine.

TRANSITIONAL ARRANGEMENTS FOR CONVERSION
TO METRIC SYSTEM

Minister may prohibit non-metric devices

21 (1) The Minister may, by order published in the Gazette, specify any industry, trade, professional or commercial activity to be an industry, trade, professional or commercial activity in which all devices indicating in units other than metric units shall be converted to indicate in metric units within such period as may be specified in the order.

(2) An order under subsection (1) may specify a date after which the possession or use of any device which does not indicate in metric units shall in that industry, trade or activity be unlawful.

(3) Where the Minister is satisfied that suitable arrangements have been made for ultimate compliance with an order under this section he may, on the application of any person, grant an exemption from compliance with the order for such period and subject to such conditions as he may determine.

Conversion of devices

22 Any device which, pursuant to an order under section 21, is to be converted to indicate in metric units shall be converted by an authorized repairer and, when so converted, shall before being used in respect of any industry, trade or activity be inspected and tested by an inspector.

Offences where section 21 applied

23 Any person who—

- (a) after the date specified in an order under section 21 has in his possession for use or uses in connection with the industry, trade or activity to which the order relates any device which is unlawful; or
- (b) not being an authorized repairer, converts or purports to convert any device,

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commits an offence:

Punishment on summary conviction: a fine of \$500.

Inspector may seize devices and materials used for contravention of Act

24 Where an inspector believes on reasonable grounds that any provision of this Act has been contravened, he may seize and detain any device, goods or packaging and labelling material by means of or in relation to which he reasonably believes the contravention occurred.

Forfeiture of things seized under section 24

25 Where any person is convicted of an offence under this Act the court may, in addition to any punishment imposed for the offence, order that any device, goods or other thing seized under section 24 by means of or in relation to which the offence was committed shall be forfeited to the Crown and disposed of in such manner as the court may direct.

Offences by corporate bodies

26 Where a corporation commits an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and commits the offence and is liable on conviction to the punishment provided for the offence, whether or not the corporation has been prosecuted or convicted.

Minister may prescribe limits of error

27 The Minister may by regulations prescribe limits of error within which any device or any device of a particular description shall be deemed to be accurate and for such other purposes of this Act as he may determine.

Authorized repairers

28 The Minister may, by notice published in the Gazette designate any person appearing to him to be qualified to service, overhaul, repair and correct devices to be an authorized repairer for the purposes of this Act.

Minister may amend Schedules

29 The Minister may by order add to, vary or amend the Schedules as he may think fit.

Savings

30 No act or thing done prior to the making of any order under section 4 shall be challenged only on the ground that such act or thing done was done in a unit other than a unit of the International System of Units.

Repeal

31 [omitted]

Parliamentary scrutiny

31A Regulations under section 27, notices under section 29 and orders made under sections 3, 4 and 21 shall be subject to the negative resolution procedure.

Commencement

32 [omitted]

[this Act was brought into operation on 1 April 1975]

[Schedules temporarily omitted.]

FIRST SCHEDULE
THE INTERNATIONAL SYSTEM OF UNITS

PART I
Basic Units of Measurement

Quantity	Unit	Symbol
length	metre	m
mass	kilogram	kg
time	second	s
electric current	ampere	A
thermodynamic temperature	Kelvin	K
amount of substance	mole	mol
luminous intensity	candela	cd

Definitions of SI base units:—

The metre is the length equal to 1 650 763.73 wavelengths in vacuum of the radiation corresponding to the transition between the levels $2p_{10}$ and $5d_5$ of the krypton-86 atom.

The kilogram is equal to the mass of the international prototype of the kilogram.

The second is the duration of 9 192 631 770 periods of the radiation corresponding to the transition between the two hyperfine levels of the ground state of the caesium 133-atom.

The ampere is that constant electric current which, if maintained in two straight parallel conductors of infinite length, of negligible circular

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cross-section, and placed 1 metre apart in vacuum, would produce between these conductors a force equal to 2×10^{-7} newton per metre of length.

The Kelvin is the fraction $1/273.16$ of the thermodynamic temperature of the triple point of water.

Note: — In addition to the thermodynamic temperature (symbol T) expressed in Kelvins, use may be also made of Celsius temperature (symbol t) defined by the equation $t = T - T_0$, where $T_0 = 273.16\text{K}$ by definition.

The mole is that amount of substance of a system which contains as many elementary entities as there are atoms in 0.012 kilogram of carbon-12. When the mole is used, the elementary entities must be specified and may be atoms, molecules, ions, electrons, other particles, or specified groups of such particles.

The candela is the luminous intensity, in the perpendicular direction, of a surface of $1/600\,000$ square metre of a black body at the temperature of freezing platinum under a pressure of 101 325 newtons per square metre.

PART II

Supplementary and Derived Units of Measurement

Units derived coherently from SI base units are given as algebraic expressions in the form of products of powers of the SI base units.

Quantity	Name	Symbol	Derived Expression
plane angle	radian	rad	m/m
solid angle	steradian	sr	m^2/m^2
frequency	hertz	Hz	s^{-1}
force	newton	N	$\text{kg}\cdot\text{m}/\text{s}^2$
pressure, stress	Pascal	Pa	N/m^2
energy, work, quantity of heat	joule	J	N.m
power	watt	W	J/s
electric charge, quantity of electricity	coulomb	C	A.s

Electric potential or tension, potential difference, electromotive force	volt	V	J/C
electric capacitance	farad	F	C/V
electric resistance	ohm	omega	V/A
electric conductance	siemens	S	omega ⁻¹
flux of magnetic induction, magnetic flux	weber	Wb	V.s
magnetic flux density, magnetic induction	tesla	T	Wb/m ²
electric inductance	henry	H	Wb/A
luminous flux	lumen	lm	cd.sr
illuminance	lux	lx	lm/m ²

PART III

Customary Units Used with SI Units

Quantity	Name	Symbol	Definition
Volume	litre	<i>l</i>	1 <i>l</i> = 1 dm ³
mass	tonne	t	1 t = 10 ³ kg
pressure and stress	bar	bar	1 bar = 10 ⁵ Pa
area of land	are [<i>sic</i>]	a	1 a = 10 ² m ²
mass of precious stones	metric carat	—	= 2x 10 ⁻⁴ kg
vergency of optical systems	dioptr	—	= 1 m ⁻¹
time	minute	min	1 min = 60s
	hour	h	1 h = 3 600 s
	day	d	1 d = 86 400s
plane angle	degree	°	1° = (pi/180) rad

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minute	'	$1' = (\pi/10\ 800) \text{ rad}$
second	"	$1'' = (\pi/648\ 000)\text{rad}$

PART IV**Prefixes for Multiples and Submultiples of SI Units**

NOTE:

The prefixes given in the table below are used to form names and symbols of decimal multiples and submultiples of SI units. These are combined with the unit names and symbols to form a single word and new symbols. As the base unit, kilogram already contains a prefix, the other prefixes are not applicable to it, rather they are used with the word "gram" itself to designate the multiples and submultiples of the unit of mass. The prefixes may also be used with the base units of volume and area of land.

Prefix	Symbol	Quantity
tera	T	10^{12}
giga	G	10^9
mega	M	10^6
kilo	k	10^3
hecto	h	10^2
deca	da	10^1
deci	d	10^{-1}
centi	c	10^{-2}
milli	m	10^{-3}
micro	[Greek] mu	10^{-6}
nano	n	10^{-9}
pico	p	10^{-12}
femto	f	10^{-15}
atto	a	10^{-18}

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SECOND SCHEDULE

Imperial and U.S. Customary Units of Measurement

Measurements of Length

Unit of Measurement	Definition
mile	1 750 yards
furlong	220 yards
chain	22 yards
rod, pole or perch	5 1/2 yards
yard	0.914 4 metre
foot	1/3 yard
inch	1/36 yard

Measurement of Area

Unit of Measurement	Definition
square mile	640 acres
acre	4 840 square yards
rood	1 210 square yards
square rod or perch	30 1/4 yards
square yard	a superficial area equal to that of a square each side of which measures one yard.
square foot	1/9 square yard
square inch	1/144 square foot

Measurement of Volume or Capacity

Unit of Measurement	Definition
cubic yard	a volume equal to that of a cube each side of which measures one yard.
cubic foot	1/27 cubic yard
cubic inch	1/1728 cubic foot
bushel	8 gallons
peck	2 gallons
gallon	0.004 546 09 cubic metre
quart	1/4 gallon
pint	1/8 gallon
gill	1/32 gallon
fluid ounce	1/160 gallon
fluid dram	1/8 fluid ounce

U.S. Customary Measure

gallon	0.003 785 41 cubic metre
quart	1/4 gallon
pint	1/8 gallon
fluid ounce	1/128 gallon

Measurement of Mass or Weight

Unit of Measurement	Definition
long ton (Imperial)	2 240 pounds
short ton (U.S.)	2 000 pounds
hundredweight	112 pounds
cental (also U.S. hundredweight)	100 pounds
pound	0.453 529 37 kilogram
ounce	1/16 pound or 437 1/2 grains
dram	1/256 pound
grain	1/7000 pound

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**Measurement of Mass or Weight of Precious Metals
and Precious Stones**

Unit of Measurement	Definition
troy pound	12 troy ounces
troy ounce	480 grains

THIRD SCHEDULE**Conversion Table**

The following table gives the conversion factors for the commonly used imperial and U.S. customary units of measurement to their metric equivalents.

Unit of Measurement	Metric Equivalent
mile	1.609 34 km
yard	0.914 4 m
foot	0.304 8 m
inch	25.4 mm
square mile	2.589 99 km ²
acre	4 046.86 m ²
square yard	0.836 127 m ²
square foot	0.092 903 0 m ²
square inch	645.16 mm ²
cubic yard	0.764 555 m ³
cubic foot	0.028 316 8 m ³
cubic inch	16 387.1 mm ³
gallon (Imp.)	4.546 09 litres
gallon (U.S.)	3.785 41 litres
quart (Imp.)	1.136 52 litre
quart (U.S.)	0.946 35 litre

fluid ounce (Imp.)	28.413 1 ml
fluid ounce (U.S.)	29.573 5 ml
long ton (2240 lb.)	1016.05 kg
short ton (2000 lb.)	907.185 kg
pound	0.453 592 37 kg
ounce	28.349 5 g

FOURTH SCHEDULE

Reference Standards

For Measurement of Length

- 30 metre steel tape
- 1 metre steel tape or rule

For Measurement of Mass

Metric Weights	Avoirdupois Weights
20 kilograms	56 pounds
10 kilograms	28 pounds
5 kilograms	14 pounds
2 kilograms	7 pounds
2 kilograms	4 pounds
1 kilogram	2 pounds
500 grams	1 pound
200 grams	8 ounces
100 grams	2 ounces
50 grams	1 ounce
20 grams	1/2 ounce
10 grams	1/4 ounce
10 grams	
5 grams	
2 grams	
2 grams	
1 gram	

One metric ton consisting of fifty (50) 20kg iron weights

For Measurement of Capacity

- 20 litres
- 5 litres
- 2 litres

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[Amended by
1977 : 35]