

Second Session Eighth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 18 of 2004

[L.S.]

AN ACT to re-enact and revise the laws respecting
Weights and Measures and to give effect to the
International System of Units (SI units).

[Assented to 25th June, 2004]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. (1) This Act may be cited as the Metrology Short title and
commencement
Act, 2004.

(2) This Act shall come into force on a date to be fixed by the President by proclamation.

Interpretation

2. (1) In this Act—

“accuracy” means the degree of conformity with one or more Working, Secondary, National Reference or International Standards as the context demands;

“article” includes a portion of goods;

“Bureau” means the Trinidad and Tobago Bureau of Standards established by section 3 of the Standards Act, 1997;

Act No. 18 of 1997

“buyer” includes a person acting on behalf of a buyer;

“container” includes any form of packaging of goods for sale as a single item, whether by way of wholly or partly enclosing the goods or by way of attaching the goods to, or winding the goods round, some other object, and in particular includes a wrapper or confining band;

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“forgery” has the meaning assigned to it by section 3(1) of the Forgery Act, and “seals and dies” as mentioned in that section shall be deemed to include stamps;

“General Conference of Weights and Measures” means the Conference Generale des Poids et Mesures established under the Convention du Metre and serviced by the International Bureau of Weights and Measures;

“Inspector of Metrology” means any person appointed as an Inspector of Metrology under section 6 and includes the Chief Inspector of Metrology;

“International Bureau of Weights and Measures” means the Bureau International des Poids et Mesures, established under the Convention du Metre, at Sevres in France;

“International System of Units” means the Metric system of units as defined by the General Conference of Weights and Measures and modified by the Minister for the purposes of this Act;

“measuring device” means an instrument or object for use in the measurement of any physical attribute and includes instruments or objects for use in the measurement of weight, volume, capacity, area, length, dimension, gauge, number, time, electrical current, temperature, light intensity and combinations thereof;

“Minister” means the Minister to whom responsibility for the administration of Metrology is assigned;

“National Reference Standard” means an object which—

- (a) represents or reproduces a unit of measurement referred to in section 3;
- (b) has been calibrated and certified to the satisfaction of the Bureau by reference to appropriate standards held, issued or certified by the International Bureau of Weights and Measures; and
- (c) is or is to be used as a standard for determining the accuracy of a Secondary Standard;

“net quantity” means the quantity of a commodity excluding any materials, substances, or items not considered to be part of the commodity;

“Permanent Secretary” means the Permanent Secretary of the Ministry responsible for administering matters relating to Metrology;

“premises” includes any place, stall, vehicle, ship or aircraft;

“pre-packed” means made up in advance and ready for retail sale in or on a container; and on any premises where articles of any description are so made up, or are kept or stored for sale after being so made up, any article of that description found made up in or on a container shall be deemed to be pre-packed unless the contrary is proved;

“public measuring device” means a prescribed measuring device, other than a person weight or person height measure, which is made available for use by the public whether on payment or not;

“public officer” means the holder of any office of emolument in the public service and includes a person appointed to act in such a post;

“Secondary Standard” means an object being a copy of, or object equivalent to, a National Reference Standard which—

(a) has been calibrated and certified to the satisfaction of the Bureau by reference to a National Reference Standard; and

(b) is or is to be used as a standard for the purpose of determining the accuracy of a Working Standard;

“stamp” means a mark, applied by an Inspector of Metrology, for use as evidence that a measuring device is in conformity with the regulations, whether applied by impressing, casting, engraving, etching, branding, transfer or by any other means approved by the Bureau;

“trade” means the selling, purchasing, exchanging, leasing, rendering, consigning or providing of any goods, land, facility, service or work on the basis of measurement and includes the collecting of tolls, duties and taxes on the basis of measurement and the business of providing facilities for measuring by means of a prescribed measuring device;

“trader” means any person who carries on trade in the course of business;

“weight” means net weight namely the weight of an article excluding any materials, substances, or items not considered to be part of the article including containers, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments and coupons;

“weight” and “mass” have the same meaning;

“Working Standard” means an object being a copy of, or object equivalent to, a Secondary Standard which—

(a) has been calibrated and certified to the satisfaction of the Bureau by reference to one or more Secondary Standards; and

(b) is or is to be used as a standard for the purpose of determining the accuracy of measuring devices other than National Reference or Secondary Standards.

(2) The abbreviation “SI” shall be recognized as a legal reference to the International System of Units.

Units of
measurement

3. (1) The International System of Units shall be the primary system of measurement in Trinidad and Tobago and all units of measurement shall be determined on the basis of the International System of Units.

First, Second and
Third Schedules

(2) For the purposes of this Act, the base, derived and permitted units of measurement of the International System of Units referred to in subsection (1) and the symbols therefor, are as set out and defined in the First, Second and Third Schedules.

Fourth Schedule

(3) For the purposes of this Act, the multiples and submultiples of the units of measurement referred to in subsection (2) are determined by the application of the prefixes set out and defined in the Fourth Schedule.

Fifth Schedule

(4) In addition to the units of measurement otherwise referred to in this section, the customary units of measurement and the symbols therefore set out and defined in the Fifth Schedule shall be deemed for the purposes of this Act to have been determined on the basis of the International System of Units referred to in subsection (2).

(5) The Minister may, on the advice of the Bureau, from time to time, by Order published in the *Gazette* add to, vary or amend the First to the Fifth Schedules inclusive.

(6) A Minister to whom responsibility for particular subject is assigned, in consultation with the Minister, may by Order published in the *Gazette* provide for the adaptation, alteration, conversion or modification of any provisions in any enactment relating to the subject

under his control for the purpose of replacing references to units other than SI metric units by references to dimensionally equivalent units of the International System of Units or other permitted units which are either arithmetically equivalent thereto or such approximations thereto as appear to that Minister desirable for securing that the enactments as adapted, altered, converted or modified are expressed in convenient terms.

(7) No act or thing done prior to the making of an Order under subsection (6) shall be challenged by reason only that the act or thing was done in a unit other than a unit of the International System of Units or other permitted units.

4. (1) The unit of the metric carat included in the Third Schedule shall be used only in connection with trade in precious stones and pearls, and no other unit of measurement of weight shall be used in connection with such trade.

Use of units of
measurement in
connection with
trade

(2) The unit of the troy ounce included in the Fifth Schedule shall be used only in connection with trade in gold, silver or other precious metals including gold or silver thread, lace or fringe, and no unit of measurement of weight other than the troy ounce or the gram shall be used in connection with such trade.

(3) Without prejudice to the legality of the use of metric units of measurement, the barrel referred to in the Fifth Schedule shall be used only in connection with trade in petroleum.

(4) The Minister may by Order published in the *Gazette* declare that certain units of measurement and no others shall be used in connection with any one or more of the following:

- (a) specified classes of undertakings;
- (b) specified classes of trades;

- (c) specified classes of goods;
- (d) specified classes of services;
- (e) specified classes of measuring devices; and
- (f) specified classes of users of measuring devices.

(5) An order published under subsection (4) may appoint different dates of commencement in respect of—

- (a) different areas of Trinidad and Tobago;
- (b) different parts of the Order; or
- (c) both (a) and (b).

(6) A person is guilty of an offence who, in connection with trade, uses or provides for use a unit of measurement other than one of the units of measurement set out and defined in the First to the Fifth Schedules or uses or provides for use a unit of measurement contrary to the provisions of subsection (1), (2) or (3) or of any Order made under subsection (4).

(7) For avoidance of doubt it is hereby declared that unless such use is expressly prohibited by the Regulations it shall always be legal to use a unit of count or number in connection with trade if the numerals used for the expression of count or number are those of the internationally used Arabic system of numerals expressed either in figures or English words.

Representation units
of measurement

5. (1) The Minister shall procure and may, by Order published in the *Gazette*, designate such National Reference Standards as are necessary for the proper administration of this Act and a standard existing at the time of the coming into force of this Act may, by such an Order be designated a National Reference Standard.

(2) A National Reference Standard or a Secondary Standard representing a unit of measurement of length or capacity or volume may be provided either as a separate standard or by means of divisions marked on a standard representing larger units of measurements.

(3) The accuracy of every National Reference Standard shall at least once in every ten years be redetermined to the satisfaction of the Bureau by reference to appropriate standards held, issued or certified by the International Bureau of Weights and Measures and the results of such redetermination shall be announced by the Minister by Notice published in the *Gazette*.

(4) Before any National Reference Standard is sent out of Trinidad and Tobago for the purpose of redetermining its accuracy, or in any case where a National Reference Standard has been lost, damaged or destroyed and replacement is necessary, an appropriate Secondary Standard shall be designated by the Minister by Order published in the *Gazette* as a temporary National Reference Standard until that redetermination or replacement has been done.

(5) Every National Reference Standard and Secondary Standard shall be kept in the custody of the Executive Director of the Bureau at such place and under such conditions as the Minister may, from time to time, direct.

(6) The Minister shall, from time to time, cause to be procured such Secondary Standards as are necessary for the proper administration of this Act.

(7) The accuracy of every Secondary Standard shall at least once in every five years be redetermined by the Bureau by reference to one or more of the National Reference Standards.

(8) The Minister shall, from time to time, cause to be procured and maintained such Working Standards and such testing equipment as may be necessary for use by the Bureau and by Inspectors for the proper performance of their respective duties under this Act.

(9) Working Standards and testing equipment shall be of a material and form approved by the Bureau.

(10) The accuracy of every Working Standard and item of testing equipment shall at least once in every year be redetermined by the Bureau by reference to one or more Secondary Standards and the Bureau shall issue a certificate in respect of such redetermination.

(11) Where the accuracy of a Working Standard is found not to be within such limits of error as may be prescribed, it shall be adjusted or replaced.

(12) Every National Reference, Secondary and Working Standard established and maintained in pursuance of this section shall, until the contrary is proved, be deemed to be accurate, and judicial notice shall be taken of every standard so established and maintained.

Appointment of
Inspector of
Metrology

6. (1) There shall be appointed by the Bureau a Chief Inspector of Metrology and such number of Inspectors of Metrology as are necessary for the proper administration of this Act, and the Chief Inspector shall generally supervise and direct the Inspectorate for the purposes of this Act.

(2) A person appointed under subsection (1) shall not engage in or be associated with any business of selling, manufacturing, assembling, importing, repairing or adjusting of measuring devices, except as authorized in writing by the Executive Director of the Bureau.

(3) Every person appointed under subsection (1) shall be provided with credentials in the prescribed form signed by or on behalf of the Executive Director of the Bureau.

(4) The Chief Inspector of Metrology and Inspectors of Metrology appointed under subsection (1) above shall be deemed for all purposes, staff of the Bureau and the provisions of Part III of the Standards Act shall apply *mutatis mutandis* for appointment and related matters.

7. (1) Subject to subsection (2) and on production of his credentials if so requested, an Inspector may at any reasonable time—

- (a) subject to subsection (5), enter the premises of any trader or any other place in which he has reasonable cause to believe there are—
 - (i) measuring devices or documents that are or are to be used in connection with trade;
 - (ii) goods that are subject to control by virtue of this Act;
- (b) require the production of, and examine and determine the accuracy of a measuring device which is subject to control by virtue of this Act;
- (c) subject to subsection (2)(b), seize and detain a measuring device or goods by means of or in relation to which he reasonably believes this Act has been violated;
- (d) obliterate, in the circumstances and manner prescribed, the stamp on a measuring device and cancel the certificate issued in respect thereof;

- (e) in the circumstances referred to in section 23(1)(e), attach a mark or label bearing the words “not for use in trade” to a measuring device the use of which in trade has been prohibited;
- (f) require the production of, examine and measure any goods which are subject to control by virtue of this Act and for the purpose of such measurement open any container;
- (g) purchase, with public funds allocated for that purpose, any goods which, being subject to control by virtue of this Act are offered for sale or exposed or advertised in such a manner as to constitute an invitation to treat;
- (h) require the production of and examine any book, document or other record kept in any premises or place mentioned in this subsection which on reasonable grounds he believes contains or is likely to contain any information relevant to the enforcement of this Act and make copies thereof or extracts therefrom; and such copies or extracts shall without more, be admissible in evidence in any proceedings for an offence under this Act as proof of the facts stated therein unless and until the contrary is proved;
- (i) examine any vehicle which he has reasonable cause to believe is being used in connection with trade and require the driver in charge to proceed to the nearest measuring device suitable for measuring the vehicle or its contents or both; and

(j) give to any person who has for use in connection with trade, goods, label or other article which does not comply with this Act, directions in writing requiring him to take such steps as shall be specified in these directions to secure compliance with those provisions.

(2) The powers of an Inspector under this section shall in no case include the power to—

- (a) enter premises or any part of the premises, as the case may be, used solely as a dwelling house;
- (b) detain any measuring device or goods referred to in subsection (1)(c) except pursuant to a warrant issued by a Magistrate who, upon receiving sworn written information, is satisfied that there are reasonable grounds to believe that such measuring device or goods are on the premises;
- (c) purchase goods at a price other than that marked or advertised; and
- (d) stop a vehicle on a highway or require its driver to travel more than such distance as may be prescribed for the purpose of proceeding to a measuring device.

(3) An Inspector entering any premises in exercise of his powers under subsection (1) may take with him such other public officers, authorized persons and such equipment as may be reasonable in the circumstances.

(4) Any measuring device or goods seized by an Inspector pursuant to subsection (1) may be kept or stored in the building or place where seized or may be removed to any other appropriate place by or at the direction of the Inspector who, in the case of goods seized shall take all reasonable steps to ensure that such goods do not alter in quality or quantity before the conclusion of the proceedings arising out of seizure.

(5) Where a Magistrate or Justice of the Peace upon receiving sworn written information is satisfied that there are reasonable grounds to believe that any measuring device, goods or documents referred to in subsection (1)(a) are on any premises, or that any offence under this Act has been, is being or is about to be committed on any premises, and is also satisfied that—

- (a) admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or
- (b) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier is temporarily absent,

the Magistrate may, by warrant under his hand authorize any Inspector to enter the premises, if need be by force, and to exercise any or all of the powers granted to him by virtue of this Act.

(6) Where entry has been made by an Inspector into any unoccupied premises by virtue of a warrant in the circumstances referred to in subsection (5), he shall on leaving the premises ensure that they are as effectively secured against trespassers as he found them.

(7) An Inspector who in the exercise of his powers under this Act obtains information with regard to any manufacturing process or trade secret and who, otherwise than in the performance of his duties, communicates such information to any person is guilty of an offence.

(8) An Inspector who in the course of his duties knowingly exercises or attempts to exercise any power otherwise than in accordance with this Act is guilty of an offence.

(9) A person who wilfully obstructs or hinders, or wilfully attempts to obstruct or hinder an Inspector exercising any of his powers under this Act is guilty of an offence.

(10) A person who, following a lawful request by an Inspector, wilfully fails to produce any measuring device, goods, books, document, or record which the Inspector is entitled to examine by virtue of his powers under subsection (1), is guilty of an offence.

(11) Any person who, not being an Inspector, acts or purports to act as an Inspector, is guilty of an offence.

8. (1) The Chief Inspector shall appoint, and give public notice of, the times and places at which members of the Inspectorate shall attend with the necessary Working Standards, testing and other equipment for the purposes of examining and determining the accuracy of all prescribed measuring devices submitted to them. Stamping by
Inspectors

(2) Where upon such examination and determination of the accuracy referred to in subsection (1) an Inspector finds that a prescribed measuring device satisfies the requirements of the appropriate regulations made under section 23, he shall stamp it in a manner prescribed and issue such certificate as may be prescribed but a stamp applied in pursuance of this section shall be valid only so long as the certificate referred to remains in force, and has not been cancelled by an Inspector acting in pursuance of section 7(1)(d).

(3) Where a prescribed measuring device is in the opinion of the Inspector, too small or too delicate to be stamped but nevertheless satisfies the requirements of the appropriate Regulations made under this Act, he shall issue a certificate endorsed to this effect.

(4) Where any prescribed measuring device cannot reasonably be brought to the Inspector, he shall, if requested to do so, attend at the premises where the measuring device is and there deal with it in the manner referred to in subsection (2).

(5) An Inspector is guilty of an offence who—

- (a) knowingly stamps a measuring device or issues a certificate in respect thereof otherwise than in accordance with the provisions of this Act;
- (b) knowingly stamps or issues a certificate in respect of a measuring device submitted to him without collecting the prescribed fee; and
- (c) acts in contravention of section 6(2) by engaging in or being associated with any business of selling, manufacturing, assembling, importing, repairing or adjusting of measuring devices except as authorized in writing by the Bureau.

Measuring devices
used for trade

9. (1) A person is guilty of an offence who in connection with trade uses or has in his possession for use, any—

- (a) measuring device giving indications, results, readings or information in or based on a unit of measurement other than a unit referred to in section 3;
- (b) prescribed measuring device which does not bear a stamp or which bears a stamp that is no longer valid having regard to the provisions of section (2), or which has been obliterated by an Inspector acting in pursuance of section 7(1)(d);
- (c) measuring device which is false or fraudulent; or
- (d) prescribed measuring device which, since last stamping, has been altered or adjusted in such a manner that could not be re-stamped.

(2) Where a person is charged with an offence under subsection (1) it shall be a defence to prove—

(a) that a stamp properly applied on a measuring device has become defaced through fair wear and tear, and a certificate issued in pursuance of section 8(2) remains in force; or

(b) that a certificate issued in pursuance of section 8(3) remains in force.

(3) A person is guilty of an offence who sells, agrees to sell, offers for sale or exposes or advertises in such a manner as to constitute an invitation to treat, any measuring device for use in connection with trade which is false or fraudulent or which is not in conformity with the Regulations made under section 23.

10. (1) A person is guilty of an offence who, in the course of the business of—

Prohibition of false weight measure or number in connection with trade

(a) selling goods by quantity expressed in units of measurement sells any goods the quantity of which, subject to the prescribed limits of error, is less than the quantity contracted to be sold or less than the quantity corresponding with the price paid or to be paid;

(b) selling goods by quantity expressed in units of measurement—

(i) sells or agrees to sell;

(ii) has in his possession for sale; or

(iii) exposes or advertises in such a manner as to constitute an invitation to treat,

any goods of a quantity, subject to the prescribed limits of error, less than the quantity declared, purported or implied;

(c) rendering a service or providing the use of a facility on the basis of a measurement, renders that service or provides that facility on the basis of a lesser measurement than the measurement on which the underlying contract is based or less than that corresponding with the price paid or to be paid; or

(d) carrying, removing, repairing, handling, cleaning, cropping or otherwise processing any goods, land or building on the basis of quantity expressed in units of measurement—

(i) makes a misrepresentation; or

(ii) commits any other act calculated to mislead any person,

as to the quantity of the goods, land or building purported to be carried, removed, repaired, handled, cleaned, cropped or otherwise processed.

(2) Subject to the provisions of subsection (3) and subject to any limits of error, a statement or declaration of the quantity of a pre-packed article shall be deemed to be a statement as to the net quantity of that article at the time of exposure for sale.

(3) Notwithstanding subsection (2), unless expressly prohibited by the Regulations, it shall be lawful for a statement or declaration of quantity made in respect of a pre-packed article to contain qualifying words purporting to specify that the quantity declared was the net quantity at the time of pre-packing.

(4) Where a statement or declaration of quantity in respect of a pre-packed article contains qualifying words as mentioned in subsection (3), a person—

(a) selling or agreeing to sell that article;

(b) having that article in his possession for sale; or

(c) exposing or advertising that article in such a manner as to constitute an invitation to treat,

is guilty of offence if it is shown that the quantity at the time of packing was, or must have been, less than the quantity stated or declared.

(5) Unless otherwise agreed, where there is an agreement to sell goods, not being a pre-packed article, any statement or declaration as to the quantity of those goods shall be deemed to be a statement or declaration of the net quantity at the time when the seller is ready and willing to deliver those goods to the buyer.

(6) Where a dispute arises as to whether or not goods are pre-packed, the absence of any markings on the container, in accordance with this Act, shall not be conclusive proof that the goods are not pre-packed.

11. Where a measuring device, subject to control by virtue of the provisions of this Act is found in the possession of any person carrying on trade or at any place or on any premises which are used in connection with trade, that person or, as the case may be, the occupier of those premises or that place shall be deemed for the purposes of this Act, unless the contrary is proved, to have that measuring device in possession for use in connection with trade. Evidence of possession

12. (1) The Bureau shall maintain and publish annually a register of public measuring devices in Trinidad and Tobago. Register of public measuring devices

(2) The Minister may cause to be provided and maintained at public expense such public measuring devices as appear to him to be necessary for the purposes of this Act.

(3) The Minister may by Regulation prescribe the fees, if any, to be paid for the use of public measuring devices provided under this section and the circumstances under which such fees shall be paid.

(4) No person shall operate a public measuring device unless he holds a certificate from the Bureau.

(5) A person who contravenes or who causes or permits another to contravene subsection (4) is guilty of an offence.

Register of
manufacturers, etc.,
of measuring
devices

13. (1) The Bureau shall maintain and publish annually a register of the names of persons carrying on the business in Trinidad and Tobago of selling, manufacturing, assembling, importing, exporting, repairing or adjusting prescribed measuring devices for use in trade.

(2) No person carrying on the business of selling, manufacturing, assembling, importing, exporting, repairing or adjusting prescribed measuring devices for use in trade shall be eligible for inclusion in the register mentioned in subsection (1) unless he holds a certificate from the Bureau certifying his fitness to carry on such a business.

(3) A person employed in the business of repairing or adjusting prescribed measuring devices as a person directly responsible for such repair or adjustment, shall hold a certificate from the Bureau, certifying his fitness for such employment.

(4) A person referred to in subsections (2) and (3) who engages in business without having the certificate from the Bureau is guilty of an offence.

(5) A person is guilty of an offence who knowingly manufactures, assembles, imports or knowingly causes to be manufactured, assembled or imported a measuring device for use in connection with trade other than a prescribed measuring device.

(6) A person who, being a person carrying on the business of repairing or adjusting prescribed measuring devices, employs any other person to be directly responsible for such repair or adjustment is guilty of an offence unless that other person so employed holds a certificate referred to in subsection (3).

14. A person is guilty of an offence who—

Forgery

- (a) forges or counterfeits or causes to be forged or counterfeited or is party to the forging or counterfeiting of any stamp or certificate used under this Act;
- (b) knowingly sells, imports, exports, utters or disposes of or is party to the selling, importing, exporting, uttering or disposing of any measuring device bearing a forged or counterfeit stamp or having a forged or counterfeit certificate associated therewith; and
- (c) removes or causes to be removed a stamp from a measuring device and affixes or applies that stamp to another measuring device.

15. (1) Where a fraud is committed in the use of a measuring device, the person committing the fraud and any person who is a party thereto is guilty of an offence.

Fraud in
connection with
measuring devices

(2) A person is guilty of an offence who—

- (a) being a person employed to operate a measuring device and in connection with trade, with intent to deceive, either delivers a false statement of a measurement made by him, or makes a false record of any such measurement; or
- (b) with intent to deceive the buyer or prospective buyer of a motor vehicle in which an odometer is installed, alters, adjusts or replaces that odometer in such a manner that as a result of such alteration, adjustment or replacement the total distance indicated on the odometer is other than the total distance travelled by the vehicle.

Prosecutions

16. (1) Proceedings for offences under this Act may be instituted by or on behalf of an Inspector who may prosecute before a court of summary jurisdiction in respect of any proceedings instituted.

(2) No proceedings for an offence under section 9 or 10 may be instituted after the expiration of the period of twelve months beginning with the date of the alleged offence.

(3) For the purposes of this section the date of the alleged offence is the date when the offence was detected.

Penalties for offences

17. (1) A person guilty of an offence under section 14 or 15 is liable—

(a) on summary conviction to a fine of five thousand dollars or imprisonment for six months or to both such fine and imprisonment; and in the case of a subsequent offence, to a fine of ten thousand dollars or imprisonment for six months or to both such fine and imprisonment; and

(b) on conviction on indictment, to a fine of twenty thousand dollars or to imprisonment for two years or to both such fine and imprisonment.

(2) A person found guilty of an offence under this Act or regulations made hereunder, for which no penalty is expressly provided by this Act, is liable on summary conviction to a fine of two thousand dollars and in the case of a subsequent offence to a fine of four thousand dollars.

(3) Where an offence under this Act which has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer, or any person purporting to act in any such capacity, such officer or other person also commits an offence.

(4) A person or body corporate found guilty of an offence under subsection (3) is liable upon conviction—

- (a) in the case of a person, to a fine of fifty thousand dollars; and
- (b) in the case of a body corporate, to a fine of one hundred thousand dollars.

(5) In this section “director” in relation to any body corporate established by or under any enactment for the purpose of carrying on, under national ownership, any industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

18. (1) In any proceedings for an offence under this Act it shall be a defence, subject to subsection (2), for a person charged to prove—

Defences

- (a) that the commission of the offence was due to a mistake or to reliance on information supplied by another person whom he reasonably believed to have had knowledge of or experience in the particular subject or to reliance on the act or default of another person, or to an accident or some other cause beyond his control; and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or any person under his control.

(2) Where the defence provided by subsection (1) involves the allegation that the commission of the offence was due to the act or default of another person or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within the period ended fourteen clear days before the hearing, he has served on the Chief Inspector notice in writing giving information identifying or assisting in

the identification of that other person together with copies of any warranties or other relevant written information supplied by that other person.

(3) Where it appears to the Chief Inspector that an offence has been committed by some person, and the Chief Inspector is reasonably satisfied that the offence was due to an act or default of some other person and that the first-mentioned person would establish a defence under subsection (1), the Chief Inspector may authorize the taking of proceedings against that other person without first taking or authorizing the taking of proceedings against the first-mentioned person; and in any such proceedings that other person may be charged with, and, on proof that the commission of the offence was due to his act or default, be convicted of, the offence with which the first-mentioned person might have been charged.

(4) In any proceedings under this Act in respect of any alleged excess or deficiency in the quantity of any goods, the court shall, *inter alia*, have regard to—

- (a) the average excess or deficiency, as the case may be, in any goods of the same kind tested by an Inspector following a prescribed procedure for sampling and testing, on the occasion of the alleged offence;
- (b) the number of articles tested by the Inspector by comparison with the number of articles available for testing on the occasion of the alleged offence, where there is no prescribed procedure for the sampling of the goods; and
- (c) any relevant methods of examination and measurement and any relevant prescribed limits of error.

19. Where a person is convicted of an offence in respect of any measuring device seized or any goods seized and detained by an Inspector in pursuance of his powers under section 7, that measuring device or those goods, as the case may be, shall be liable to be forfeited and disposed of in such a manner as the Court may direct.

Disposal of seized articles

20. In any legal proceedings for an alleged offence under this Act a certificate of the Chief Inspector of Metrology shall be received as *prima facie* evidence as to—

Certificate of Chief Inspector to be *prima facie* evidence

- (a) the accuracy of any measuring device;
- (b) the quantity of any goods; or
- (c) the accuracy of any measurement.

21. Without prejudice to its powers and duties under the Standards Act, the Bureau may—

Functions of the Bureau

- (a) establish a Metrology Laboratory equipped with such metrological testing equipment as it may require to carry out its functions under this Act;
- (b) provide services for the calibration and determination of accuracy of measuring devices other than prescribed measuring devices and to charge fees for such services;
- (c) examine persons seeking certificates in pursuance of the requirements of sections 12 and 13, and issue such certificates to persons satisfying the Bureau as to their fitness for the proper performance of the duties, business or employment concerned;
- (d) examine patterns of measuring devices with a view to certifying—
 - (i) whether or not they comply with the appropriate Regulations made under section 23(1)(h); or

- (ii) whether or not they are suitable for use in connection with any particular class or classes of trade,
and may charge fees as may be prescribed for such examination; and
- (e) do all things as are necessary and expedient to secure the proper execution of its functions under this Act.

Advisory Committee
on Metrology

22. (1) There shall be established an Advisory Committee on Metrology comprising the Permanent Secretary, or his representative, the Chief Inspector of Metrology or his representative, the Executive Director of the Bureau or his representative, a representative from the Ministry responsible for Consumer Affairs and not more than four other persons with knowledge in metrology as the Minister may direct.

(2) The Advisory Committee on Metrology established in pursuance of subsection (1) may from time to time, and shall, if directed by the Minister to do so, make recommendations concerning any matter relating to—

- (a) Regulations, Orders or technical specifications to be made under this Act;
- (b) the provision, maintenance, custody, methods of storage or use of any National Reference Standard, Secondary Standard or Working Standard; and
- (c) any other matter respecting the administration, operation or enforcement of this Act.

(3) The members of the Committee referred to in this section, one of whom shall be named by the Minister as Chairman of the Committee, shall be appointed to serve for a period of two years and shall be eligible for reappointment.

23. (1) The Minister may make Regulations which he ^{Regulations} considers necessary for giving effect to this Act and may, in particular, make Regulations with respect to—

- (a) the circumstances in which, the conditions under which and the manner in which stamps may be obliterated with a view to the cancellation of their validity;
- (b) the devices and forms of devices to be included in classes of prescribed measuring devices;
- (c) the fees to be collected by Inspectors on the stamping or issuing of certificates in respect of measuring devices;
- (d) the design of the stamps to be used for the purposes of this Act;
- (e) the form of the certificate to be issued by Inspectors pursuant to the examination and determination of accuracy of a measuring device, and the circumstances under which such certificates shall be cancelled;
- (f) the materials and principles of construction of prescribed measuring devices;
- (g) the methods of inspection, testing and stamping of prescribed measuring devices including the limits of error to be permitted and methods of sampling and testing of goods;
- (h) the patterns of measuring devices that are approved for manufacture, assembly, importation or exportation, and those that are prohibited for use in trades;
- (i) the methods to be used and limits of error to be allowed by Inspectors exercising their powers under section 7 in relation to the examination and measurement of goods;

- (j) the manner of performance by the Bureau and by Inspectors of their respective functions under this Act; and
- (k) any matter that is necessary to be prescribed under this Act.

(2) The Minister may also make Regulations in respect of certain classes of transactions and in particular may by such Regulations provide that—

- (a) certain classes of goods shall be sold, agreed to be sold or offered for sale or exposed or advertised in such a manner as to constitute an invitation to treat only by quantity, expressed in a manner prescribed;
- (b) certain classes of goods when pre-packed shall be marked with a statement of quantity expressed in a manner prescribed;
- (c) certain classes of goods shall be pre-packed only in quantities prescribed;
- (d) certain classes of goods made up in or on a container for sale or delivery after sale shall be marked with such information as to quantity as may be prescribed;
- (e) certain classes of goods shall be made up in or on a container for sale or delivery after sale, only in quantities prescribed;
- (f) certain classes of goods shall be made for sale only in quantities prescribed;
- (g) certain classes of goods shall not be sold, agreed to be sold or offered for sale or exposed or advertised in such a manner as to constitute an invitation to treat, unless the quantity of the goods, expressed in a manner prescribed, is made known to the buyer or prospective buyer at or before such time as may be prescribed;

(h) when a vending machine is used in connection with the sale of certain classes of goods the following information shall be prominently displayed on that machine:

(i) the name and address of the seller of the goods; and

(ii) a statement as to the net quantity comprised in each item of the goods;

(i) when a coin-operated machine is used in connection with the provision of a service or facility on the basis of measurement, the following information shall be prominently displayed on that machine:

(i) the name and address of the person providing the service or facility; and

(ii) a statement as to the measurement on the basis of which the service or facility is offered.

(3) Regulations made under this section shall be subject to negative resolution of Parliament.

(4) A person who contravenes this Act or Regulations made under this section is guilty of an offence.

24. (1) Nothing in this Act shall operate to create an Limitations offence—

(a) in respect of, or in connection with goods (other than a measuring device) where it is shown that they are intended exclusively and specifically for export to a destination in a country outside Trinidad and Tobago; and that they comply with the relevant legal requirements in force in that country; and

(b) in respect of the importation or exportation of a measuring device by a person for his own use and not for sale or use in connection with trade.

(2) Where goods intended specifically and exclusively for export to a destination outside Trinidad and Tobago subsequently are found not to have been exported, this Act and the Regulations shall apply to such goods.

Appeals

25. Any person who is refused a certificate after an examination conducted by the Bureau in pursuance of its powers under section 21 may, within twenty-one days appeal in writing against the refusal to the Minister.

Conversion
measurement

26. A reference in any enactment to Imperial measurements shall be read and construed as a reference to the metric equivalent and a reference to the Weights and Measures Ordinance shall be read and construed as a reference to this Act.

Application of the
Act to the Weights
and Measures
Inspectors

27. (1) Notwithstanding the repeal of the Weights and Measures Ordinance, this Act shall apply to the persons who held the positions of Inspector of Weights and Measures as if they were appointed under it except that their powers and functions shall be as prescribed by Regulations made under this Act and their positions shall be Assistant Inspectors of Metrology.

(2) The Minister may make Regulations prescribing the powers and functions of the Assistant Inspectors of Metrology.

(3) Until Regulations referred to in subsection (2) are made, the Inspectors appointed under the Weights and Measures Ordinance shall continue to exercise the powers and functions assigned to them under that Ordinance as if that Ordinance had not been repealed.

(4) For the purpose of this section the word "Inspectors" shall include Principal and Senior Inspectors of Weights and Measures.

Repeals

Sixth Schedule

28. The enactments set out in the first column of the Sixth Schedule are repealed to the extent indicated in the second column of that Schedule.

FIRST SCHEDULE

BASE UNITS

[Section 3(2)]

Physical Quantity	Name of Unit	Unit Symbol	Definitions
Length	Metre	m	The distance travelled by light in a vacuum during 1/299 792 458 of a second.
Mass	kilogram	kg	The unit for the measurement of mass, being a mass of the international prototype of the kilogram established in the year 1889 by the First General Conference of Weights and Measures deposited as the International Bureau of Weights and Measures.
Time	second	s	The unit for the measurement of time, being 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.
Electric current	ampere	A	The unit for the measurement of electric current, being that constant current, which, if maintained in two straight parallel conductors of infinite length, of negligible circular cross-section and placed one metre apart in vacuum, would produce between these conductors a force equal to 2×10^{-7} newtons per metre of length.
Thermodynamic temperature	kelvin	K	The unit for the measurement of thermodynamic temperature, being the fraction 1/273.16 of the thermodynamic temperature of the triple point of water.

FIRST SCHEDULE
BASE UNITS—*Continued*

Physical Quantity	Name of Unit	Unit Symbol	Definitions
Luminous intensity	candela	cd	The unit for the measurement of luminous intensity, in a given direction of a source which emits monochromatic radiation of frequency 540×10^{12} hertz having a power flux in that direction of 1/683 watt per steradian.
Amount of substance	mole	mol	The unit for the measurement of the amount of substance of a system which contains as many elementary entities as there are atoms in 0.012 kilograms 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.

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SECOND SCHEDULE

[Section 3(2)]

PART I

SI Derived Units expressed in terms of base units

Quantity	SI Unit Name	Symbol
area	square metre	m ²
volume	cubic metre	m ³
speed, velocity	metre per second	m/s, ms ⁻¹
acceleration	metre per second squared	m/s ² , ms ⁻²
wave number	1 per metre	m ⁻¹
density, mass density	kilogram per cubic metre	kg/m ³ , kgm ⁻³
current density	ampere per square metre	A/m ² , A/m ⁻²
magnetic field strength	ampere per metre	A/m, A/m ⁻¹
concentration (of amount of substance)	mole per cubic metre	mol/m ³ , mol m ⁻³
specific volume	cubic metre per kilogram	m ³ /kg, m ³ kg ⁻¹
luminance	candela per square metre	cd/m ² , cd m ⁻²

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SECOND SCHEDULE—CONTINUED

PART II

SI Derived Units with Special Names

Quantity	SI Unit Name	Symbol	Expression in terms of other units	Expression in terms of SI base units
frequency	Hertz	Hz	—	s^{-1}
force	Newton	N	—	$mkgs^{-2}$
pressure, stress	Pascal	Pa	N/m^2	$m^{-1}kgs^{-2}$
energy, work quantity of heat	Joule	J	Nm	m^2kgs^{-2}
power	Watt	W	J/s	m^2kgs^{-3}
quantity of electricity charge	Coulomb	C	—	As
electric potential, volt, potential difference, electromotive force	Volt	V	W/A	$m^2kgs^{-3}A^{-1}$
capacitance	Farad	F	C/V	$m^{-2}kg^{-1}s^4A^2$
electric resistance	Ohm		V/A	$m^2kgs^{-3}A^{-2}$
conductance	siemens	S	A/V	$m^{-2}kg^{-1}s^3A^2$
magnetic flux	Weber	Wb	Vs	$m^2kgs^{-2}A^{-1}$
angle, plane	Radian	rad	—	$m/m=1$
angle, solid	Steradian	sr	—	$m^2/m^2=1$
magnetic flux density	Tesla	T	Wb/m ²	$kgs^{-2}A^{-1}$
inductance	henry	H	Wb/A	$m^2kgs^{-2}A^{-2}$
luminous flux	lumen	lm	—	cdsr
illuminance	lux	lx	lm/m ²	$m^{-2}cdsr$
absorbed dose, specific energy imparted, kerma absorbed dose index	Gray	Gy	J/kg	m^2s^{-2}
celsius temperature	Degree Celsius	°C	—	K

SECOND SCHEDULE—CONTINUED

PART III

Examples of SI Derived Units Expressed by Means of Special Names and Base Units

Quantity	SI Unit Name	Symbol	Expression in terms of SI base units
dynamic viscosity	pascal second	Pas	$\text{m}^{-1}\text{kg}\text{s}^{-1}$
moment of force	metre newton	Nm	$\text{m}^2\text{kg}\text{s}^{-2}$
surface tension	newton per metre	N/m	kgs^{-2}
power density, heat flux density, irradiance	watt per square metre	W/m^2	kgs^{-3}
heat capacity, entropy	joule per kelvin	J/K	$\text{m}^2\text{kg}\text{s}^{-2}\text{K}^{-1}$
specific heat capacity specific entropy	joule per kilogram kelvin	$\text{J}/(\text{kg}\cdot\text{K})$	$\text{m}^2\text{s}^{-2}\text{K}^{-1}$
specific energy	joule per kilogram	J/kg	m^2s^{-2}
thermal conductivity	watt per square metre kelvin	$\text{W}/(\text{m}\cdot\text{K})$	$\text{mkg}\text{s}^{-3}\text{K}$
energy density	joule per cubic metre	J/m^3	$\text{m}^{-1}\text{kg}\text{s}^{-2}$
electric field strength	volt per metre	V/m	$\text{mkg}\text{s}^{-3}\text{A}^{-1}$
electric charge density	coulomb per cubic metre	C/m^3	m^{-3}sA
electric flux density	coulomb per square metre	C/m^2	m^{-2}sA
permittivity	farad per metre	F/m	$\text{m}^{-3}\text{kg}^{-1}\text{s}^4\text{A}^2$
permeability	henry per metre	H/m	$\text{mkg}\text{s}^{-2}\text{A}^{-2}$
molar energy	joule per mole	J/mol	$\text{m}^2\text{kg}\text{s}^{-2}\text{mol}^{-1}$
molar entropy, molar heat capacity	joule per mole kelvin	$\text{J}/(\text{mol}\cdot\text{K})$	$\text{m}^2\text{kg}\text{s}^2\text{K}^{-1}\text{mol}^{-1}$
exposure (X and Y rays)	coulomb per kilogram	C/kg	kg^{-1}sA
absorbed dose rate	gray per second	Gy/s	m^2s^{-3}

THIRD SCHEDULE

[Section 3(2)]

PART I

Permitted Units

Physical Quantity	Name of Unit	Unit Symbol	Definition
time	Minute	Min	1 min = 60s
	Hour	H	1 h = 60 min
	Day	D	1 d = 24h
	Week	Wk	1 wk = 7d
	calendar year	Yr	1 yr = 365d or 366d (leap year)
plane angular measure	degree	°	$1^{\circ} = \frac{1}{180}$ radian
	Minute	'	$1' = \frac{1^{\circ}}{60}$
	Second	"	$1'' = \frac{1'}{60}$
volume of capacity	Litre	L	1 L = 1 dm ³ = 10 ⁻³ m ³
mass	Tonne	T	1 t = 1000 kg
pressure	Bar	bar	1 bar = 100 000Pa
	Standard Atmosphere	Atm	1 atm = 101 325Pa
area	Are	A	1 are = 100m ²
	Hectare	Ha	1 hectare = 10 000 m ²
temperature	degree Celsius	°C	1°C = 1 K
marine and aerial	nautical mile	nautical mile	1 nautical mile = 1852m
navigation	knot	knot	1 knot = 1 nautical mile per hour

NOTE—Permitted units are internationally-agreed units which are deviations from strict SI. They are permitted either because of their practical importance or because of their use in specialised scientific fields.

THIRD SCHEDULE—CONTINUED

PART II

Units used with SI in specialized scientific fields

Name of Unit	Unit Symbol	Value in SI Units
Electronvolt	eV	1eV = $1.6021733 \times 10^{-19}$ J
unified atomic mass	u	1 u = $1.6605402 \times 10^{-27}$ kg
astronomical unit	AU	1 AU = 149597.870×10^6 m
parsec	pc	1 pc = 30857×10^{12} m
ångström	Å	1 Å = 10^{-10} m
barn	b	1 b = 10^{-28} m ²
curie	Ci	1 Ci = 3.7×10^{10} s ⁻¹ (Exactly)
gal	Gal	1 Gal = 10^{-2} ms ⁻²
metric carat	CM	1 CM = 2×10^{-4} kg
röntgen	R	1 R = 2.58×10^{-4} Ckg ⁻¹

FOURTH SCHEDULE

[Section 3(3)]

Prefixes for multiples and sub-multiples of base, supplementary
and derived units of measurement*

Prefix	Symbol	Definition
exa	E	10^{18}
peta	P	10^{15}
tera	T	10^{12}
giga	G	10^9
mega	M	10^6
kilo	k	10^3
hecto	h	10^2
deka	da	10^1
deci	d	10^{-1}
centi	c	10^{-2}
milli	m	10^{-3}
micro	u	10^{-6}
nano	n	10^{-9}
pico	p	10^{-12}
femto	f	10^{-15}
atto	a	10^{-18}

NOTE: *SI prefixes are not applicable to the base unit—"kilogram" but applicable to the one-thousandth part thereof, namely the "gram". SI prefixes may be used in conjunction with some of the units provided in the Fourth Schedule.

FIFTH SCHEDULE

Customary Units of measurement deemed to be derived from the International System of Weights and Measures (SI)

[Section 3(4)]

Name of Unit	Abbreviation of Symbol	Base SI Unit from which derived	Value
UNIT OF MASS			
(a) Avoirdupois Series:			
Pound	lb	kilogram (kg)	0.45359237 kilogram
Grain ($\frac{1}{7,000}$ lb)	gr	do.	These units shall have proportional values based on the value of the pound
Ounce ($\frac{1}{16}$ lb)	oz	do.	
Stone (14 lb)	St	do.	
Quarter (28 lb)	Qr	do.	
Hundredweight (112 lb)	Cwt	do.	
Ton (2,240 lb)	—	do.	
(b) Troy Series:			
*Ounce Troy ($\frac{12}{175}$ lb)	oz tr	do.	
UNIT OF LENGTH			
Yard	yd	metre	0.9144 metre
Mile (1,760 yd)	—	do.	These units shall have proportional values based on the value of the yard
Foot ($\frac{1}{3}$ yd)	ft	do.	
Inch ($\frac{1}{36}$ yd)	in	do.	

*For specialised use—see section 4(2).

FIFTH SCHEDULE—CONTINUED

*Customary Units of measurement deemed to be derived from the International System
of Weights and Measures (SI)*

Name of Unit	Abbreviation of Symbol	Base SI Unit from which derived	Value
UNIT OF CAPACITY MEASUREMENT			
Gallon (UK or Imperial)		metre	0.00454609 cubic metre (m ³)
Gallon (US)		metre	0.003785412 cubic metre (m ³)
Minim (¹ / _{76,800} gal)		do.	
Fluid drachm (¹ / _{1,280} gal)	fl dr	do.	These units shall have proportional values based on the value of the gallon
Fluid ounce (¹ / ₁₆₀ gal)	fl oz	do.	
Pint (¹ / ₈ gal)	pt	do.	
Quart (¹ / ₄ gal)	qt	do.	
*Barrel	bbl	met	0.1589873 cubic metre (m ³)
UNITS OF VOLUME			
Cubic yard	cu yd	metre	0.7645548757 cubic metre (m ³)
Cubic foot (¹ / ₂₇ cu yd)	cu ft	do.	The units shall have proportional values based on the value of the cubic yard
Cubic inch (¹ / _{46,656} cu yd)	cu in	do.	

*For specialised use—see section 4(3).

FIFTH SCHEDULE—CONTINUED

*Customary Units of measurement deemed to be derived from the International
System of Weights and Measures (SI)*

Name of Unit	Abbreviation of Symbol	Base SI Unit from which derived	Value
UNIT OF AREA			
Square mile	—	metre	2.5899 square kilometres (km ²)
Acre	—	metre	4046.87 square metres (m ²)
Square yard	sq yd	metre	0.8361 square metre (m ²)
Square foot	sq ft	metre	0.0929 square metre (m ²)
Square inch	sq in	metre	645.16 square millimetres (mm ²)

SIXTH SCHEDULE

(Section 28)

ENACTMENTS REPEALED AS FROM THE COMMENCEMENT OF THIS ACT

Chapter of Enactment	Short Title	Extent of Repeal
Ch. 31, No. 15 Chap. 87:54	The Weights and Measures Ordinance The Spirits and Spirit Compounds Act	The whole Ordinance (a) section 27 (b) in section 30(1) delete “27”

Passed in the House of Representatives this 12th day of March, 2004.

J. SAMPSON-JACENT

Clerk of the House

Passed in the Senate this 1st day of June, 2004.

N. JAGGASSAR

Acting Clerk of the Senate

Senate Amendments agreed to by the House of Representatives this 10th day of June, 2004.

J. SAMPSON-JACENT

Clerk of the House