

# THE WEIGHTS AND MEASURES ORDINANCE, 1961

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In Her Majesty's name I assent to this Ordinance this 26th day of April, 1961.

MAURICE H. DORMAN,  
Governor.

LS

PN. 37/63

38/63

No. 22



1961

Sierra Leone

**An Ordinance to Regulate Weights and Measures in Sierra Leone**

[ 6 July, 1961.]

Date of commencement.

PN. 129/61

**BE** IT ENACTED by the Legislature of Sierra Leone, as follows:—

1. This Ordinance may be cited as the **Weights and Measures Ordinance, 1961**, and shall come into operation on such day as the Minister may by Order appoint: **Short title and commencement.**

Provided that the Minister may, if he considers it necessary or expedient, either by one Order or different Orders, appoint different days for the coming into operation of different provisions hereof.

## PART I—PRELIMINARY

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

- “capacity” in reference to an instrument or measure means the maximum which it is constructed to weigh or measure;
- “certificate” or “certificate of justness” means a certificate issued by an Inspector under section 17 of this Ordinance;
- “cubic yard” means a volume equal to a cube each edge of which measures one yard;
- “dry produce” means palm kernels, husked rice, unhusked rice, peppers, ground-nuts, guinea corn, bulrush millet, fundi, maize, benniseed, egusi, and beans of various kinds;
- “food” means and includes every article used for food or drink by man, and any article which ordinarily enters into or is used in the composition or preparation of human food; and also includes flavouring matters and condiments;
- “gallon” means a measure of capacity equal to the Imperial standard gallon as defined in the Act of the Imperial Parliament intituled the Weights and Measures Act, 1878;
- “Imperial standard pound” means the Imperial standard pound as defined in the said Act;
- “inspection” means periodical or surprise visits to ascertain the accuracy of a verified weight, measure and instrument or to detect fraud in their use and short weight, measure or number in the sale of food or any other goods or merchandise;
- “Inspector” means any person appointed by the Governor under section 14 of this Ordinance;
- “instrument” means a weighing or measuring instrument and includes a beam scale, platform scale, weigh-bridge, spring balance, counter scale, self indicating and semi-self indicating scale, steel-yard, deadweight scale, automatic scale, personal weighing machine, liquid measuring instrument, and every other machine or instrument for determining weight, volume or capacity, and any such machine or instrument constructed also to calculate and indicate the price in money;
- “market-authority” means the authority empowered by any legislation for the time being in force to collect market or slaughterhouse fees;
- “Minister” means the Minister charged for the time being with responsibility for the subject of Trade and Industry;
- “pound avoirdupois” means a weight equal to the Imperial standard pound;
- “sale by retail” means a sale to a person buying otherwise than for the purpose of resale, and cognate expressions shall be construed accordingly;

41 and 42  
Vict c. 49.

“square yard” means a square each of whose sides is one yard in length;

“verification” means the examination and test for accuracy with working standards of all weights, measures and instruments in use for trade, and collection of the prescribed fees and the issue of a certificate of justness;

“yard” means a length equal to the Imperial standard yard.

#### PART II—LEGAL WEIGHTS AND MEASURES

3. A pound avoirdupois shall be the primary weight. The weights specified in the first column of Schedule A to this Ordinance are hereby declared to be such parts or multiples of a pound avoirdupois as are respectively specified in the second column of the said Schedule A. Those weights are hereby declared to be avoirdupois weights.

*Avoirdupois weights.  
Sched. A.*

4. (1) The weights specified in the first column of Schedule B to this Ordinance are hereby declared to be such parts or multiples of a pound avoirdupois as are respectively specified in the second column of the said Schedule B. Those weights are hereby declared to be troy weights.

*Troy weights.  
Sched. B.*

(2) Any weight which is any decimal part or any multiple of an ounce troy may be used as a troy weight.

5. (1) A gallon shall be the primary measure of capacity. The measures of capacity specified in the first column of Schedule C to this Ordinance are hereby declared to be such parts or multiples of a gallon as are respectively specified in the second column of the said Schedule C. Those measures are in this Ordinance referred to as Imperial measures of capacity.

*Measures of capacity.  
Sched. C.*

(2) A cubic yard shall be the primary cubic measure. The cubic measures specified in the first column of Schedule D to this Ordinance are hereby declared to be such parts of a cubic yard as are respectively specified in the second column of the said Schedule D. Those measures are in this Ordinance referred to as measures of volume.

*Measures of volume.*

6. A yard shall be the primary measure of length. The measures of length specified in the first column of Schedule E to this Ordinance are hereby declared to be such parts or multiples of a yard as are respectively specified in the second column of the said Schedule E. Those measures are in this Ordinance referred to as Imperial measures of length.

*Measures of length.  
Sched. E.*

7. A square yard shall be the primary measure of area. The measures of area specified in the first column of Schedule F to this Ordinance are hereby declared to be such parts or multiples of a square yard as are respectively specified in the second column of the said Schedule F. Those measures are in this Ordinance referred to as Imperial measures of area.

*Measures of area.  
Sched. F.*

8. (1) The avoirdupois weights specified in Schedule A to this Ordinance, and any weight being any part or multiple of any of the said avoirdupois weights, may be used in selling or computing the weight of any article whatever, and shall be the only weights that may lawfully be used in the sale of any article, or in any computation of weight for the purpose of any contract or bargain relating to, or of any dealing in, any article:

*General use of avoirdupois weights except for precious stones and metals.*

Provided that gold and silver and articles made thereof, including gold and silver thread, lace, or fringe, and also platinum, diamonds, and other precious metals or stones, may be sold or dealt in by the troy weight referred to in section 4 of this Ordinance:

Provided further that the Minister may from time to time authorise the use in particular trades or for special purposes of weights and measures of the metric system, and may for this purpose provide additional Schedules to this Ordinance.

(2) Every person who acts in contravention of this section shall be guilty of an offence, and such sale, contract, or bargain or dealing shall be void.

Presump-  
tions as to  
expressions  
denoting  
weight used  
in contracts.

9. Subject to the provisions of this Ordinance, any weight mentioned, or referred to, in any enactment of Sierra Leone, or in any sale, contract, bargain, or dealing, if the article in question be of the class of article which, according to this Ordinance, may be sold, or dealt in, by troy weight shall be deemed to be troy weight and if the article be not of that class shall be deemed to be avoirdupois weight, unless, in either case, the contrary is expressed or implied.

Measures of  
capacity,  
length, area  
and volume  
to be used.

10. (1) The measures specified in Schedules C, D, E and F to this Ordinance and parts or multiples of any of them shall be the only measures that may, in any sale, contract, bargain, or dealing, be lawfully used for computing or expressing the quantity of anything to be measured.

(2) Every person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence, and such sale, contract, bargain or dealing shall be void.

Sale of any  
produce by  
measure to  
be only in  
prescribed  
measures.

11. When dry produce is bought by measure for the purpose of trade, whether export, wholesale, or retail trade, it shall be bought only in measures containing either one bushel or a half-bushel, and such measures shall be of the shape and dimensions prescribed by rules made under this Ordinance.

### PART III—STANDARDS OF WEIGHTS AND MEASURES

Provision of  
standards of  
weight and  
measure.  
*Sched. G.*

12: The Minister shall from time to time as occasion may require procure copies of the Imperial standards of weight, capacity and length representing and corresponding to, the several weights and measures mentioned in Schedule G to this Ordinance, and every copy so procured shall be verified at the Standards Department of the Board of Trade in England before being brought into use. The copies so procured shall be the Reference Standards of Weight and Measure and for all purposes be conclusively deemed to be true and accurate copies of the respective Imperial Standards:

Provided that once at least in every five years, every such Reference Standard of weight shall be compared by the standards department of the Board of Trade with the parliamentary copies of the imperial standards and be adjusted or renewed, if requisite.

Provision of  
secondary  
and working  
standards.

13. (1) The Minister shall procure such copies of the Reference Standards, or of any of them as he may think fit, and shall provide for verifying the same, and shall cause such copies to be authenticated as secondary and working standards.

(2) An Inspector shall at intervals of not more than six months verify the working standards with the secondary standards and he shall, when necessary, correct and adjust the working standards to agree with the secondary standards. A record of such verification shall be entered in a "Record of Standards" book in the presence of a witness in the form set out in Schedule H to this Ordinance. *Sched. H.*

(3) Every secondary and working standard shall, until the contrary is proved, be deemed to be true and accurate.

PART IV—GENERAL ADMINISTRATION

14. The Governor may by writing under his hand, appoint a Chief Inspector of Weights and Measures under this Ordinance and may also by writing under his hand from time to time appoint such persons as he may think fit to be Inspectors and Assistant Inspectors of Weights and Measures under this Ordinance. *Appointment of Inspectors of Weights and Measures.*

15. An Inspector shall from time to time with the working standards in his custody examine for the purpose of verification every weight, measure, measuring or weighing instrument in use or in possession for use in trade, and if he shall find the same correct shall stamp it with a stamp of verification in such manner as best to prevent fraud. *Verification by Inspectors.*

16. An Inspector shall examine every weight and every measure which is of the same denomination as one of his working standards, and is brought to him for the purpose of verification, shall compare the same with such working standard; and, if he shall find the same to be just, and not already stamped or marked, he shall stamp or mark the same in such manner as the Minister may prescribe. *Comparison with standards of same denomination.*

17. (1) Where an Inspector stamps, marks, or verifies any weight or measure, he shall deliver to the person bringing to him such weight or measure a certificate of justness in respect of the same, in the form set out in Schedule I to this Ordinance, or to the like effect, and such certificate shall remain in force from the day on which the same was given for a period of one year unless such weight or measure is found to be false or unjust during such period. *Certificates of justness. Sched. I.*

Provided that where an Inspector is unable to make examination as soon as possible after the expiration of the period of one year, the Minister may, by notice published in the *Gazette*, extend the life of a certificate of justness until such examination can take place.

(2) Every Inspector who shall neglect or refuse to deliver a certificate of justness as hereby required, shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds for each such offence.

18. Every Inspector may at all reasonable times enter any shop, store, warehouse, stall, yard, or other place wherein he has reasonable cause to believe that any pre-packed articles of food are bought, sold, exposed, or kept for sale, or weighed or measured for conveyance or carriage and may require the production of and examine and check such prepacked articles of food under the provisions of this Ordinance. *Power of Inspectors to enter premises and check pre-packed articles of food.*

Power of  
Inspectors  
to enter  
premises and  
inspect  
weights,  
measures, or  
instruments.

19. Every Inspector may, at all reasonable times inspect or examine all weights, measures, or instruments which are used or in the possession of any person or on any premises for use for trade, and if, on such inspection or examination, he has reasonable cause to believe that any one of such weights, measures, or instruments are made or used contrary to any of the provisions of this Ordinance, he may seize, carry away, and detain the same for the purpose of comparison thereof with a working standard; and may for the purpose of such inspection or examination enter any place, whether a building or in the open air, whether open or enclosed where he has reasonable cause to believe that there is any weight, measure, or instruments which he is authorised by this Ordinance to inspect or examine.

Inspector  
may not  
repair or  
alter, but  
may adjust  
weights.

20. (1) No Inspector shall repair or alter any weight, measure, or instrument examined by him.

(2) An Inspector may adjust any weights brought to him for the purpose of verification and may for any such adjustment make such charges as the Minister may prescribe and shall account for any money received in respect of such charges in such manner as the Minister may direct.

(3) An Inspector during verification may give technical advice and may demonstrate to an owner of a weighing instrument the use of an adjusting device where such a device is an integral part of the weighing instrument.

#### PART V—STAMPING AND VERIFICATION OF WEIGHTS, MEASURES AND OTHER INSTRUMENTS

General  
requirements  
as to  
weights and  
measures.

21. No weight or measure shall be used for trade or for the purpose of any sale, contract, bargain or dealing, unless it be stamped or marked by an Inspector under this Ordinance, and any weight or measure so stamped or marked may, unless it is unjust, be used, so long as the certificate of justness in respect thereof remains in force and no longer.

Marks  
required  
on weights.

22. Every weight exceeding one-quarter of an ounce avoirdupois shall have its denomination as one of the weights specified in Schedules A and B to this Ordinance, or as a part or multiple of one of such weights, expressed in legible figures and letters on the top or side thereof.

Marks  
required on  
counter-  
poises.

23. Every counterpoise used with any weighing instrument shall, unless the weight of which it purports to be the equivalent is less than four ounces avoirdupois, have conspicuously and legibly stamped or marked thereon the letter C and the denomination of the weight of which it purports to be the equivalent.

Restriction  
of use of  
lead and  
pewter.

24. No weight or counterpoise made of lead or pewter, or any mixture thereof, shall be used unless the same be wholly and substantially cased with brass, copper, or iron and legibly stamped or marked "cased":

Provided that this section shall not prevent the insertion of such a plug of lead or pewter into any weight or counterpoise as may be required for the purpose of adjusting the same or affixing thereon any stamp or mark required by this Ordinance.

25. Any Inspector may refuse to stamp any iron weight, or any weight cased with iron, unless the same shall have a plug of softer metal upon which to impress or affix the stamp.

Soft plugs for stamping on iron weights.

26. Every measure, whether of capacity or length, shall have its denomination as one of the measures specified in Schedules C and E to this Ordinance, or as a part or multiple of one of such measures expressed in legible figures and letters thereon, and, in the case of a measure of capacity, on the outside thereof.

Marks required on measures.

27. (1) A measure of capacity constructed as follows, that is to say, having a portion made of metal or other suitable material, and sufficient to bear the stamps or marks required by this Ordinance, extending from the lower end, and the upper portion made wholly or partially of glass, or other transparent material, so that the level of the surface of the contents may be clearly seen, and with the level line distinctly marked upon the transparent portion, may be used for measuring liquids, and shall be filled to the level of the line so marked. All measures used for measuring liquids, not constructed as aforesaid, shall be filled to the level of the brim.

Mode of filling measures of capacity.

(2) All measures of capacity used for any other purpose than measuring liquids, either shall be stricken with a round stick or roller, straight and of the same diameter from end to end, or, if the article sold cannot, from its size and shape, conveniently be stricken, shall be filled in all parts as nearly to the level of the brim as the size and shape of the article will admit.

28. Every instrument used for trade, or for the purpose of any sale, contract, bargain or dealing, shall be verified by an Inspector who shall issue a certificate of justness in respect thereof and any instrument so verified may, unless it is found subsequently to be unjust, be used so long as such certificate of justness remains in force and no longer.

Verification of instruments.

29. (1) No instrument shall be stamped or issued with a certificate of justness which is not in the opinion of the Inspector examining the same sufficiently strong to withstand the wear and tear of ordinary use in trade.

Weighing instrument of insufficient strength, etc.

(2) The Minister may prescribe suitable types of instruments that may be used for the purpose of trade and in sales, contracts, bargains or dealings in different items of commodities.

(3) When the Minister has prescribed any types of instruments under subsection (2), any person who uses or has in his possession for use in trade any type of instrument not in accordance with the prescribed type shall be guilty of an offence.

30. An Inspector may refuse to stamp a weighing instrument unless the same is provided with a plug or stud of soft metal on which to place the stamp, such plug or stud being made irremovable by undercutting or in some other suitable manner.

Power of Inspector to refuse to stamp weighing instrument not provided with stud of soft material.

**Obliteration of stamp and cancellation of certificate of justness on weighing instruments.** 31. (1) Where an Inspector finds that an instrument which has been stamped or issued with a certificate of justness under section 28 of this Ordinance is no longer true he shall obliterate the stamp with such a mark as the Minister may prescribe and cancel such certificate, and thereupon such instrument shall be deemed not to have been stamped or issued with a certificate, within the meaning of the said section:

Provided that where in the opinion of the Inspector the circumstances are not such as to require the immediate obliteration of the stamp or cancellation of the certificate, he may withdraw the certificate and give the person who has the instrument a written notice calling on him to correct the same within a stated period, and he shall obliterate the stamp and cancel the certificate if the correction has not been made within such period.

(2) No weight or measure which has been repaired or re-adjusted shall be used for trade, or for the purpose of any sale, contract, bargain or dealing unless and until it has been re-examined and re-stamped.

(3) Any person who contravenes the provisions of subsection (2) of this section shall be guilty of an offence.

#### PART VI—SALE OF FOOD AND INTOXICATING SPIRITS

**Prohibition of giving of short weight, measure or number.** 32. A person shall not, in selling any article of food by weight, measure or number, deliver or cause to be delivered to the purchaser a less weight, measure or number, as the case may be, than is purported to be sold.

**Provisions applicable to sale of certain articles of common consumption Sched. J** 33. A person shall not sell any article of any of the kinds of foods set forth in Schedule J to this Ordinance otherwise than by net weight except that, in the case of articles specified in Part II and Part III of that Schedule, where the article is weighed for sale in a wrapper or container the weight purported to be sold may include the weight of the wrapper or container if the weight of the wrapper or container does not exceed—

(a) in the case of an article specified in Part II of the Schedule two-and-a-half drams; and

(b) in the case of an article specified in Part III of the Schedule for a parcel not exceeding three pounds in weight four-and-a-half drams, for a parcel exceeding three pounds but not exceeding seven pounds in weight three-and-a-half drams, and for a parcel exceeding seven pounds in weight three drams,

per pound of the article sold.

**Statements as to weight or measure on pre-packed articles.** 34. A statement as to the weight or measure of a pre-packed article of food shall be deemed to be a statement as to the net weight or measure thereof unless otherwise specified.

**Misrepresentation.** 35. A person shall not on or in connection with the sale of any article of food, or in exposing or offering any article of food for sale, make any misrepresentation either by word of mouth or otherwise, or commit any other act calculated to mislead the purchaser or prospective purchaser, as to the weight or measure of the article or, if any articles are being sold or offered for sale by number, as to the number of articles sold or offered for sale.

36. (1) A person shall not sell or offer for sale any butchers' meat otherwise than by net weight.

Provisions applicable to the sale of butchers' meat.

(2) A person shall not deliver or cause to be delivered to a purchaser any butchers' meat without a legible statement of the net weight on which the purchase price is based unless delivery is made to the purchaser on or at the premises of the seller immediately after the meat has been weighed in the presence of the purchaser:

Provided that where at the request of the purchaser the meat is boned, trimmed, or subjected to any other process involving loss of weight before delivery, and the bones or other material thus removed are not delivered with the meat, or where at the request of the purchaser delivery of the meat is deferred, such statement as aforesaid shall include a statement of the net weight of the meat as sent out for delivery as well as the net weight on which the purchase price is based.

37. (1) A person shall not sell or offer for sale any bread otherwise than by net weight.

Provisions applicable to the sale of bread.

(2) A person shall not sell or have in his possession for sale or delivery under a contract of sale any loaf of bread unless its net weight is one pound or an integral number of pounds or the net weight prescribed from time to time by the Minister:

Provided that this subsection shall not apply to loaves supplied under contract where the contract provides for the supply for consumption on the premises of the purchaser of not less than half a hundred-weight of bread at a time, and for the weighing of the bread on delivery.

(3) The foregoing provisions of this section shall not apply to fancy bread.

(4) Every person selling bread, or having in his possession any bread for the purpose of sale, shall provide and keep in some conspicuous part of his shop or premises a correct weighing instrument of a pattern suitable for weighing bread, and shall, if so required by the purchaser, or by an Inspector, weigh the bread in the presence of the person so requiring, or, if the person so requiring is such an Inspector as aforesaid, shall permit the Inspector to weigh the bread.

(5) Every person carrying bread for sale or delivery to a purchaser shall, if so required by an Inspector, permit the Inspector to weigh the bread.

38. (1) Where any person has in his possession for sale or delivery on sale any pre-packed article of food of any kind which is required by or under this Ordinance to be sold by weight or measure, or any article of food in respect of which any representation of weight or measure is made, he shall, if so requested by an Inspector, weigh or measure such article in the Inspector's presence or permit the Inspector to weigh or measure it, and, if necessary for this purpose, shall break open, or allow the Inspector to break open, any wrapper or container in which such article is packed, and shall also, if so requested by the Inspector, sell the article to him.

Powers of inspection of any pre-packed articles of food.

(2) Where any wrapper or container in which any pre-packed article is held for retail sale, or is being delivered on retail sale, is broken open by or at the request of an Inspector for the purpose of ascertaining the weight or measure of its contents and is found to comply with the requirements of this Ordinance then, where the wrapper or container can be re-sealed without injury to the contents, the Inspector shall re-seal the wrapper or container with a label certifying that the weight or measure of the contents has been proved to be correct, and if the Inspector does not so re-seal the wrapper or container the retailer may if he so desires require the said Inspector to purchase the article.

Provisions  
for selling  
fresh fish by  
weight.

39. (1) A person shall not sell or offer for sale any fresh fish otherwise than by net weight.

(2) A person shall not deliver or cause to be delivered to a purchaser any fresh fish without a legible statement of the net weight on which the purchase price is based unless delivery is made to the purchaser on or at the premises of the seller immediately after the fish has been weighed in the presence of the purchaser:

Provided that this section shall not apply to the sale or offer for sale of any fresh fish on any beach.

Provided further that this section shall not apply to shell fish.

Provisions  
for retail  
sale of  
intoxicating  
spirit.

40. (1) All intoxicating spirits which are sold by retail and not by cask or bottle shall be sold by the measuring instrument prescribed.

(2) Any person having in his possession intoxicating spirits for retail sale or being in charge of a liquor licensed premises where intoxicating spirits are kept or exposed for sale shall keep on such premises the measuring instrument prescribed under subsection (1) of this section.

(3) If any person sells or suffers any person under his control or in his employment to sell any intoxicating spirits contrary to subsection (1) of this section or if any person fails to comply with the provisions of subsection (2) of this section, he shall be guilty of an offence.

Power to  
inspect  
measuring  
instruments  
on licensed  
premises.

41. Any Inspector may at all times examine, inspect and test any measuring instrument in any licensed premises when opened to the public with the intoxicating spirit that is being sold and may seize and detain any such measuring instrument which there is reasonable cause to believe may be liable to be forfeited, and any person who neglects or refuses to produce for such examination, inspection and test, any such measuring instrument together with the spirit in his possession or custody or on his licensed premises or refuses to permit any such Inspector to examine, inspect and test the same or obstructs the entry of such Inspector or otherwise obstructs or hinders him from acting under this section shall be guilty of an offence.

Provision  
of weights,  
measures  
and instru-  
ments.

42. A market-authority shall provide sufficient scales, weights, measures and instruments for weighing or measuring articles sold in the market, and shall appoint officers to attend to the weighing and measuring of such articles.

43. (1) In or near to every cattle market or slaughterhouse, as the Minister may from time to time by Order appoint the market-authority shall provide and maintain sufficient weighing instruments and weights for the purpose of weighing cattle, and shall appoint proper persons to have charge of such instruments and weights and to afford the use of such instruments and weights to the public for weighing cattle as may be from time to time required.

Accommodation for weighing cattle to be provided.

(2) The market-authority shall have the accuracy of such weighing instruments and weights verified once in every year by an Inspector, and the cost of such verification shall be borne by such market-authority.

(3) If the market-authority fail to comply with the provisions of this section, it shall not be lawful for such market-authority to demand, receive or recover any market or slaughterhouse fees in respect of any cattle brought to the market or slaughterhouse for sale, so long as such failure continues.

44. (1) In this Part of this Ordinance—

Definitions.

(a) the expression "purchaser" includes any person acting on behalf of the purchaser;

(b) the expression "pre-packed article" means any article which is packed or made up in advance ready for retail sale in a wrapper or container, and where any article packed or made up in a wrapper or container is found on any premises where such articles are packed, kept or stored for sale, the article shall be deemed to be packed or made up in advance ready for retail sale unless the contrary is proved;

(c) the expression "butchers' meat" means beef, mutton, veal, lamb or pork, whether fresh, chilled, frozen or salted, and includes livers, but does not include heads, feet, hearts, lights, kidneys or sweetbreads, bacon, ham, pressed beef or any meat so treated as to be fit for human consumption without further preparation or cooking.

(2) For the purposes of this Ordinance, a person shall not be deemed to weigh or measure any article in the presence of the purchaser or an Inspector, as the case may be, unless he causes the weighing or measuring appliance or appliances used for the purpose to be so placed, and so conducts the operation of weighing or measuring the article, as to permit the purchaser or Inspector a clear and unobstructed view of the said appliance or appliances and of the said operation and of all the indications of weight or measure pertaining to such operation.

(3) For the purpose of this Part of this Ordinance, the sale of food shall apply only to retail dealings.

#### PART VII—OTHER OFFENCES AS TO WEIGHTS AND MEASURES

45. (1) Subject to the provisions of section 37 every person selling goods retail, whether on his own behalf or on behalf of another, by weight, measure or number, in any warehouse, shop, market or public place, shall before the goods are delivered to the purchaser, and in the presence of the last mentioned person—

Seller to weigh, measure or count before delivery to purchaser.

- (a) if the goods are sold by weight, weigh the same; or  
 (b) if the goods are sold by measure, measure the same; or  
 (c) if the goods are sold by number, count the same.

(2) Any person who fails to comply with the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds.

Use of unauthorised denomination.

**46.** Any person using for the purpose of any sale, contract, bargain or dealing, or having in his possession, for use in or for trade, any denomination of weight or measure, or any measure of shape or dimensions, not authorised by this Ordinance for such purpose or use, shall be guilty of an offence, and be liable on summary conviction to a fine not exceeding twenty-five pounds.

Use of illegal weight, etc.

**47.** (1) Any person using for the purpose of any sale, contract, bargain or dealing, or having in his possession, for use in or for trade, any weight, measure or instrument which is false or unjust or which, if required by this Ordinance to be stamped or marked by an Inspector or otherwise, is not so stamped or marked, or in respect of which, if a certificate of justness is required by this Ordinance, no such certificate is in force, shall be guilty of an offence and liable on summary conviction, in respect of a first offence, to a fine not exceeding seventy-five pounds and, in respect of a second or subsequent offence, to a fine not exceeding one hundred pounds.

(2) Where any weight, measure or instrument is found in the possession of any person carrying on trade within the meaning of this Ordinance or in or upon the premises of any person which, whether a building or in the open air and whether open or enclosed, are used for trade, such person shall be deemed for the purposes of this Ordinance until the contrary is proved to have such weight, measure or instrument in his possession for use in and for trade.

Fraud in use of weights, etc.

**48.** Where any fraud is wilfully committed in the use of any weight, measure or instrument, the person committing such fraud, and every person party to such fraud, shall be guilty of an offence and liable on summary conviction, in respect of a first offence, to a fine not exceeding seventy-five pounds and, in respect of a second or subsequent offence, to a fine not exceeding one hundred pounds.

Refusing production of weights, etc., and obstructing Inspector.

**49.** Any person who refuses to produce to an Inspector any weight, measure or instrument in his possession or custody whereof such Inspector requires the production under this Ordinance, or who obstructs or hinders any Inspector in any examination under this Ordinance of any weight, measure or instrument, shall be guilty of an offence and liable on summary conviction to a fine not exceeding seventy-five pounds.

Inspector stamping without verification.

**50.** Any Inspector who stamps or marks any weight or measure without duly verifying the same by comparison with the proper working standard in his possession, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five pounds.

51. Every person who knowingly makes or sells, or knowingly causes to be made or sold, any false or unjust weight, measure or instrument, shall be guilty of an offence and liable on summary conviction, in respect of a first offence, to a fine not exceeding fifty pounds, and, in respect of a second or subsequent offence, to a fine not exceeding seventy-five pounds.

Dealing in unjust weights, etc.

52. Every person who forges or counterfeits, or causes or procures to be forged or counterfeited, or knowingly assists in forging or counterfeiting, any stamp or mark used for stamping or marking any weight, measure or instrument under this Ordinance, shall be guilty of an offence and liable on summary conviction to a fine not exceeding seventy-five pounds.

Forging marks, etc.

53. Every person who knowingly sells, alters, disposes of, or exposes for sale any weight or measure with any forged or counterfeited stamp or mark thereon resembling or intended to resemble any stamp or mark used under this Ordinance shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

Dealing in counterfeit weights, etc.

54. Every weight or measure having thereon any forged or counterfeited stamp or mark resembling, or intended to resemble, any stamp or mark used under this Ordinance, shall be forfeited to Her Majesty, and may at any time be seized by any Inspector.

Forfeiture of counterfeit weights, etc.

55. Every person who, with intent to defraud—

Alteration of weights and measures.

(a) alters any weight or measure stamped or marked according to this Ordinance; and

(b) uses in any sale, contract, bargain or other dealing any weight or measure altered as aforesaid,

shall be guilty of an offence and liable on summary conviction, in respect of a first offence, to a fine not exceeding fifty pounds and, in respect of a subsequent offence, to a fine not exceeding seventy-five pounds.

56. (1) Any person who refuses to comply with a request made by a purchaser or an Inspector as the case may be under subsections (4) or (5) of section 37 or under subsection (1) of section 38 shall be guilty of an offence and, liable on summary conviction, in respect of a first offence, to a fine not exceeding twenty pounds, and, in respect of a second or subsequent offence, to a fine not exceeding forty pounds.

Penalty for refusal.

(2) Any person who fails to provide or keep a suitable weighing instrument for weighing bread as required by subsection (4) of section 37 shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten pounds.

57. (1) Any person who, without the written permission of the Chief Inspector of Weights and Measures—

Prohibition of the importation, etc of an instrument graded otherwise than in avoirdupois or troy weights.

(a) imports or causes to be imported; or

(b) uses or has in his possession for use for trade any instrument which is graded with any denomination of weights other than avoirdupois or troy weights shall be guilty of an offence and liable on summary conviction to a fine not exceeding forty pounds.

(2) Any permission granted by the Chief Inspector of Weights and Measures under this section may be subject to such conditions as he may think fit.

Penalty in general.

58. Any person who is guilty of an offence under this Ordinance for which no special penalty is provided shall be liable on summary conviction, in respect of a first offence, to a fine not exceeding fifty pounds, and, in respect of a second or subsequent offence, to a fine not exceeding seventy-five pounds.

Procedure.

59. (1) Every offence against this Ordinance may be heard and determined by a Magistrate.

(2) A prosecution for any offence against this Ordinance, Rules or Regulations may be instituted and conducted by an Inspector.

Appropriation of penalties.

60. All penalties imposed under this Ordinance shall, when recovered, be paid into the general revenue of Sierra Leone.

Liability to imprisonment in cases of fraud.

61. Where a person is convicted under any section of this Ordinance of any offence, and the court by which he is convicted is of opinion that such offence was committed with intent to defraud, he may be sentenced, in addition to or in lieu of any fine, to be imprisoned with or without hard labour for a term not exceeding six months.

Publication of convictions.

62. Where a person is convicted before any court of any offence under this Ordinance, the court may, if it thinks fit, cause the conviction to be published in such manner as it thinks desirable.

Forfeiture on conviction.

63. Where an Inspector shall have reasonable and probable cause to believe that an offence against this Ordinance has been committed in respect of any weight, measure or instrument, he may seize such weight, measure or instrument and upon conviction of any person of an offence in relation thereto, such weight, measure or instrument shall be liable, at the discretion of the convicting Magistrate, to be forfeited to Her Majesty.

Imprisonment in default of payment of fines.

64. In default of payment of any fine imposed for a breach of any of the provisions of this Ordinance, the convicting Magistrate may order that the person making the default shall be imprisoned with or without hard labour, where the fine does not exceed fifty pounds for any term not exceeding three months and where the fine exceeds fifty pounds for any term not exceeding six months.

#### PART VIII—GENERAL

Determination by Minister of difference between Inspector and any other person

65. If any difference arises between any Inspector and any other person as to the method of testing or verifying, any weight, measure, weighing or measuring instrument, such difference shall, on the request of either party, be determined by the Minister whose decision shall be final.

**66.** (1) All actions or other proceedings for anything done by any Inspector under this Ordinance shall be commenced within four months after the matter complained of was done, and not later, and notice in writing of such action or other proceeding, with full particulars of the cause thereof, shall be given to the defendant one month at least before the commencement of such action or proceeding. Limitation  
of actions.

(2) In every such action the defendant may plead the general issue and give this Ordinance and the special matter in evidence at the trial. No plaintiff shall recover in any such action, if tender of sufficient amends was made before such action was commenced, or if a sufficient sum of money is paid into Court after such action is commenced, together with costs incurred up to the time of such payment into Court. If the plaintiff becomes nonsuit or discontinues the action, or if in any way judgment is given against the plaintiff, the defendant shall be entitled to full costs as between solicitor and client.

**67.** All weights, measures, strikers and instruments declared by any Magistrate to be forfeited to Her Majesty under this Ordinance shall be destroyed by or under the authority of an Inspector. Destruction  
of forfeited  
weights, etc.

**68.** In any proceedings under this Ordinance in respect of an alleged deficiency of weight or measure of any pre-packed article or of bread, the court shall disregard any inconsiderable variation in the weight or measure of a single article, and shall have regard to the average weight or measure of a reasonable number of other articles of the same kind (if any) sold or delivered by the defendant, or in his possession for the purpose of sale or delivery, on the same occasion, and generally to all the circumstances of the case. Safeguards  
to traders.

**69.** (1) The Minister may make Rules prescribing anything that may be prescribed under this Ordinance. Power of  
Minister to  
make Rules. P.N. 37/63

(2) Without prejudice to the generality of the foregoing the Minister may make Rules—

(a) prescribing fees to be taken by Inspectors for stamping, marking or verifying weights and measures and instruments; and

(b) prescribing the shape and dimension of any measure of capacity authorised by this Ordinance to be used.

(3) After the coming into operation of any such rule made under subsection (2) (b) of this section no measure of any denomination therein shall be deemed to be just within the meaning of section 16 of this Ordinance or shall be stamped, marked or verified unless it shall conform with such Rule.

(4) No Rule made under this section shall affect the validity of any certificate of justness previously given, so long as such certificate remains in force.

**70.** (1) The Governor may make Regulations generally the better carrying out of the provisions of this Ordinance. Regulations.

(2) Without prejudice to the generality of the power conferred by subsection (1) of this section, the Governor may make regulations with respect to—

- (a) the verification and stamping of weights and measures and weighing and measuring instruments, including the prohibition of stamping in cases where the nature, denomination, material or principle of construction of the weight, measure or instrument appears likely to facilitate the perpetration of fraud; and
- (b) the circumstances and conditions under which and the manner in which stamps may be obliterated or defaced; and
- (c) the tests to be applied for the purpose of ascertaining the accuracy and efficiency of weights and measures and weighing and measuring instruments; and
- (d) the limits of error to be allowed on verification and to be tolerated on inspection either generally or as respects any trade; and
- (e) the penalties for the breach of any regulation or rule made under this Ordinance:

Provided that no such penalty shall exceed imprisonment with or without hard labour for a term of six months or a fine of one hundred pounds or both such fine and such imprisonment.

**Repeal of  
Cap. 262  
and saving.**

71. (1) The Weights and Measures Ordinance is hereby repealed:

Provided that the existing rules shall continue in force until such time as the Governor exercises the power to make Regulations under section 70 of this Ordinance.

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(2) In this section "the existing rules" means the Weights and Measures Rules.

SCHEDULE A  
AVOIRDUPOIS WEIGHTS

(Secs. 3 &amp; 8)

Denominations	Parts or Multiples of a Pound Avoirdupois
Grain .. ..	One seven-thousandth
Dram .. ..	One two-hundred-and-fifty-sixth
Ounce .. ..	One-sixteenth
Stone .. ..	Fourteen
Quarter .. ..	Twenty-eight
Hundredweight .. ..	One hundred and twelve
Ton .. ..	Two thousand two hundred and forty

## SCHEDULE B

(Secs. 4 &amp; 8)

## TROY WEIGHTS

Denominations	Parts or Multiples of a Pound Avoirdupois
Grain .. ..	One seven-thousandth.
Pennyweight .. ..	Twenty-four seven-thousandths.
Ounce .. ..	Four hundred and eighty seven-thousandths.
Pound .. ..	Five thousand seven hundred and sixty-seven thousandths.

## SCHEDULE C

(Secs. 5 (1) &amp; 10)

## IMPERIAL MEASURES OF CAPACITY

Denominations	Parts or Multiples of a Gallon
Pint .. ..	One-eighth
Quart .. ..	One-fourth
Peck .. ..	Two
Bushel .. ..	Eight
Quarter .. ..	Sixty-four
Chaldron .. ..	Two hundred and eighty-eight.

SCHEDULE D (Secs. 5 (2) & 10)  
MEASURES OF VOLUME

Denominations	Parts of a Cubic Yard
Cubic inch .. .. .	One forty-six hundred and fifty-six thousandth.
Cubic foot .. .. .	One twenty-seventh

SCHEDULE E (Secs. 6 & 10)  
IMPERIAL MEASURES OF LENGTH

Denominations	Parts or Multiples of a Yard
Inch .. .. .	One thirty-sixth
Foot .. .. .	One-third
Pole or perch .. .. .	Five-and-a-half
Chain .. .. .	Twenty-two
Furlong .. .. .	Two hundred and twenty
Mile .. .. .	One thousand seven hundred and sixty.

SCHEDULE F (Secs. 7 & 10)  
IMPERIAL MEASURES OF AREA

Denominations	Parts or Multiples of a Square Yard
Square inch .. .. .	One one-thousand-two-hundred-and-ninety-sixth
Square foot .. .. .	One-ninth
Square pole or perch .. .. .	Thirty and a quarter
Rood .. .. .	One thousand eight hundred and forty
Acre .. .. .	Four thousand eight hundred and forty.

SCHEDULE G (Sec. 12)  
MEASURE OF LENGTH

An imperial standard yard graduated to parts of one-eighth part of an inch.

MEASURES OF AVOIRDUPOIS WEIGHT

One hundred and twelve pounds, or a hundred weight. Fifty-six pounds, or half a hundredweight. Twenty-eight pounds, or a quarter. Fourteen pounds or a stone. Seven pounds. Four pounds. Two pounds. One pound. Half a pound. One-fourth of a pound. An ounce. Half an ounce. One-fourth of an ounce.

MEASURES OF CAPACITY

A bushel. Half a bushel. A peck. A gallon. Half a gallon. A quart. A pint. Half a pint. One-fourth of a pint or gill.

SCHEDULE H

(Sec. 13)

FORM OF ENTRY FOR "RECORD OF STANDARDS BOOK" ON THE VERIFICATION OF WORKING STANDARDS

I HEREBY CERTIFY that the several

viz:—One each of

have been this day duly verified in my presence at by comparison with the Secondary Standards numbered belonging to the and Measures Ordinance, 1960, in terms of section 13 of the Weights agree with the corresponding Secondary Standards. (where necessary) to

Inspector of Weights and Measures. Sierra Leone

Witness .....

SCHEDULE I

(Sec. 17)

FORM OF CERTIFICATE OF JUSTNESS

I HEREBY CERTIFY that the following weights and measures, namely brought to me by were this day stamped (or marked, or verified) by me, the same having been examined and found correct by me.

DATED at this day of 19 (Signed)

Inspector of Weights and Measures.

SCHEDULE J

(Sec. 33)

PART I

ARTICLES REQUIRED TO BE SOLD BY NET WEIGHT

Tea, Coffee beans, ground coffee, including chicory mixtures, cocoa, cocoa powder, chocolate powder, potatoes.

PART II

ARTICLES REQUIRED TO BE SOLD BY NET WEIGHT, EXCEPT WHEN WEIGHED FOR SALE IN A WRAPPER OR CONTAINER AND THE WEIGHT OF THE WRAPPER OR CONTAINER DOES NOT EXCEED TWO AND A HALF DRAMS PER POUND OF THE ARTICLES SOLD

Bacon, ham, butter, lard, suet, margarine.

PART III

ARTICLES REQUIRED TO BE SOLD BY NET WEIGHT, EXCEPT WHEN WEIGHED FOR SALE IN A WRAPPER OR CONTAINER AND THE WEIGHT OF THE WRAPPER OR CONTAINER DOES NOT EXCEED THE SPECIFIED NUMBER OF DRAMS PER POUND OF THE ARTICLE SOLD

Flour, including self-raising flour and cake flour, cornflour, sago, tapioca, sugar, dried beans, dried peas, oatmeal, rolled oats, dried currants, dried raisins, dried sultanas, rice.

Specified number of drams per pound of above articles

A parcel not exceeding three pounds in weight	..	..	4½ drams
A parcel exceeding three pounds but not exceeding seven pounds in weight	..	..	3½ drams
A parcel exceeding seven pounds in weight	..	..	3 drams

Passed in the House of Representatives this 9th day of *March*, in the year of our Lord one thousand nine hundred and sixty-one.

S. V. WRIGHT,  
*Clerk of the House of Representatives.*

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed the House of Representatives and found by me to be a true and correct copy of the said Bill.

S. V. WRIGHT,  
*Clerk of the House of Representatives.*

M.P. 12365/6.