



Number 27 of 1996

METROLOGY ACT, 1996

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A
LEGAL METROLOGY SERVICE AND FOR RELATED
MATTERS. [31st July, 1996]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

PRELIMINARY

1.—(1) This Act may be cited as the Metrology Act, 1996.

Short title,
commencement and
scope.

(2) Except as otherwise provided, this Act shall come into operation on such day as the Minister shall by order appoint.

(3) The Packaged Goods (Quantity Control) Act, 1980, and this Act may be cited together as the Metrology Acts, 1980 to 1996, and shall be construed together as one Act.

(4) Without prejudice to *section 18*, this Act applies to measurements made and to instruments used for the purpose of trade and any other use which the Minister prescribes.

2.—(1) In this Act, except where the context otherwise requires— Interpretation.

“container” means a container in which goods are exposed, packed, offered for sale or sold, including, in particular, a bag, case, carton, bottle, glass, box, can, envelope, net, sack or wrapper (whether or not such wrapper fully encloses its contents or portion of its contents are exposed);

“conformity assessment procedures” has the meaning assigned to it by *section 14*;

“the Director” means the holder of the office of Director of Legal Metrology established by *section 7*;

“the establishment day” has the meaning assigned to it by *section 7 (2)*;

“Forfás” means the body established in that name by section 5 of the Industrial Development Act, 1993;

“Forbairt” means the agency established in that name by section 5 of the Industrial Development Act, 1993;

“functions” includes powers and duties;

“goods” means anything which is the subject of trade, manufacture or merchandise;

“inspector” means a person authorised or appointed under *section 8* or *section 9* to be an inspector for the purposes of this Act;

“instrument” means a measuring instrument in use for a prescribed purpose under this Act;

“the Legal Metrology Service” means the Service established under *section 7*;

“mark” or “marking”, unless otherwise stated in this Act, includes any inscription, stamp or label signifying conformity of an instrument, or otherwise, with this Act and the regulations made thereunder whether applied by impressing, casting, engraving, etching, branding or otherwise;

“the Minister” means the Minister for Enterprise and Employment;

“standard” is a material measure, measuring instrument, reference material or measuring system intended to define, realize, conserve or reproduce a unit or one or more values of a quantity to serve as a reference;

“prescribed” means prescribed by regulation under this Act;

“reference material” means a material or substance one or more of whose property values are sufficiently homogeneous and well established to be used for the calibration of an apparatus, the assessment of a measurement method or the assignment of values to materials, and a “certified reference material” is a reference material accompanied by a certificate pursuant to *subsection (2)*;

“sell” includes agree or offer to sell or expose for sale whether by rent, lease or other agreement or invite an offer to buy and cognate words shall be construed accordingly;

“the Service” has the meaning assigned to it by *section 7*;

“SI System” has the meaning assigned to it by *section 19*;

“stamp” means a device used to apply a mark under this Act;

“traceability” is a property of the result of a measurement or the value of a standard whereby it can be related to stated references, usually national or international standards, through an unbroken chain of comparisons all having stated uncertainties;

“type approval” means the examination, including testing in accordance with international practices, and approval of a particular design of instrument to show that it is suitable for use for a prescribed purpose and is capable of achieving the accuracies required;

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“unit verification” means the examination of an instrument, generally of a unique design and intended for a specific application, to establish that it satisfies legal metrological requirements; Pr.I S.2

“used for the purpose of trade” means any use in connection with or with a view to any contract, bargain, sale, dealing or transaction, the collection of tolls, taxes and duties, or the computation of salaries, wages or allowances which has been or has to be done, sold, delivered, carried or agreed by weight, number or other measure;

“user” means the person or organisation responsible for use of the instrument for the purposes of this Act;

“verification” means the examination of an instrument being generally of an approved type to establish that it conforms to that type and that it meets legal metrological requirements and includes re-verification.

(2) A reference material, one or more of whose property values are certified by a competent authority by a procedure which establishes traceability to an accurate realization of the unit in which the property values are expressed, and for which each certified value is accompanied by an uncertainty at a stated level of confidence, is in this Act referred to as a certified reference material.

(3) A reference in this Act to a Part, section or Schedule is to a Part, section or Schedule of this Act unless it is indicated that reference to some other Act is intended.

(4) A reference in this Act to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

3.—(1) The Minister may make regulations for the purposes of this Act, or for the purpose of giving effect to European Union legislation in the field of measurement or amending such legislation made under the European Communities Act, 1972, or for any matter that may be prescribed by this Act. Regulations.

(2) Every regulation made under any provision of this Act shall be laid before each House of the Oireachtas as soon as possible after it is made and, if a resolution annulling the regulation is passed by either such House within the next subsequent 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done under the regulation.

4.—(1) Under the powers conferred by section 38 of the Industrial Research and Standards Act, 1961, Forbairt may, with the consent of the Minister, charge fees for type examination, approval, verification, inspection, certification, hiring of standards and other services provided by the Service under this Act. Fees.

(2) On the coming into effect of the fees under *subsection (1)* the enactments listed in *Part IV* of the *First Schedule* shall stand repealed.

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(3) Where a person fails to pay any fee payable under this Act within 21 days of issue of a request for payment, an inspector may attach seals, or any other prescribed device, to prevent the use of the instrument in respect of which the fee is payable until such fee is paid.

(4) Any person who fails to pay the fee referred to in subsection (3) within 90 days of issue of a request for payment shall be guilty of an offence.

Expenses.

5.—Expenses incurred by the Minister or by Forbairt in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Repeals and amendments.

6.—(1) The enactments and statutory instruments mentioned in Parts I and II of the *First Schedule* are hereby repealed or amended to the extent specified in the *third column*.

(2) The enactments and statutory instruments mentioned in Part III of the *First Schedule* are hereby amended by the substitution of “Director” for “Minister” where any such reference is intended to refer to the Minister for Enterprise and Employment to the extent specified in the *third column*.

(3) Regulations made under any enactment repealed by this Act shall continue in force as if made under the corresponding provision of this Act and may be amended or revoked accordingly by regulations made by the Minister or by the Director.

(4) A reference in any other enactment or statutory instrument to the Weights and Measures Acts, 1878 to 1961, shall be construed as a reference to this Act.

(5) The provisions of the Weights and Measures (Taximeter: Section 136 of the Road Traffic Act, 1933) Regulations, 1938, shall remain in force for the purposes of this Act until amended or revoked. Subject thereto, all references to the Commissioner and the Minister contained in those Regulations shall be construed as a reference to the Director.

PART II

LEGAL METROLOGY SERVICE

Establishment of Legal Metrology Service and Office of Director of Legal Metrology.

7.—(1) The Minister shall by order appoint a day to be the establishment day for the purposes of this Part.

(2) On the establishment day there shall stand established a body to be known as the Legal Metrology Service (“the Service”) within Forbairt, and the First and Second Schedules to the Industrial Development Act, 1993, shall have effect accordingly.

(3) The staff of Forfás shall include a chief officer for the Service who shall be known as the Director of Legal Metrology.

(4) Forbairt shall exercise its functions under this Act through the Director who shall be appointed by the Board of Forbairt with the approval of the Minister and shall hold office on such terms and conditions (including remuneration) as that Board, with the concurrence of the Minister and the Minister for Finance, may approve. The first Director shall be appointed to hold office from the establishment day.

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(5) The Director shall carry out such functions as are assigned to the officer by this Act or by regulations thereunder. Pr.II S.7

(6) The Director shall furnish to the Minister such information regarding the performance of his or her functions as the Minister may from time to time request.

8.—(1) With effect from the establishment day, Forfás shall accept into its employment every person who, immediately before that day, was— Transfer of personnel.

(a) a member of the staff of the Department of Enterprise and Employment, or

(b) a member of the staff of a local authority, or

(c) an inspector for the purposes of the Weights and Measures Acts, 1878 to 1961,

and is designated by the Minister of the Government or the local authority concerned for, and accepts, employment by Forfás.

(2) A person who, being a member of the Garda Síochána, accepts employment in Forfás under *subsection (1)* may, with the consent of the Minister for Justice, be appointed and enrolled as a member of the Garda Síochána within a period of 18 months from the date of enactment of this Act and thereupon such employment shall cease.

(3) Save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, a person referred to in *subsection (1)* shall not, while in the service of Forfás, be brought to less beneficial conditions of service (including conditions in relation to tenure of office) or of remuneration than the conditions to which he was subject immediately before the establishment day.

(4) In relation to persons transferring to Forfás under *subsection (1)*, previous service in the Garda Síochána, local authorities or the Civil Service shall be reckonable for the purposes of, but subject to any exceptions or exclusions in, the Redundancy Payments Acts, 1967 to 1991, the Holidays (Employees) Acts, 1973 and 1991, the Minimum Notice and Terms of Employment Acts, 1973 to 1991, and the Unfair Dismissals Acts, 1977 to 1993.

(5) Such persons specified in *subsection (1)* as being inspectors appointed under the Weights and Measures Acts, 1878 to 1961, and the Packaged Goods (Quantity Control) Act, 1980, shall, from the establishment day, be inspectors for the purposes of this Act until such time as the provisions of *section 9* come into effect.

(6) Forfás shall prepare and submit to the Minister a scheme or schemes of superannuation in accordance with paragraph 3 of the Second Schedule to the Industrial Development Act, 1993, which shall provide for membership of persons transferred under *subsection (1)*.

(7) Every scheme prepared under *subsection (6)* shall provide for not less favourable conditions in respect of persons who, immediately before the establishment day, were members of the staff of a local authority or the Civil Service, than those to which they were entitled immediately before the establishment day.

(8) Disbursement of pensions and gratuities and other allowances which may be granted to or in respect of persons who, immediately before the establishment day, were members of the staff of a local

authority or the Civil Service or were members of the Garda Síochána, shall not be less favourable than would apply if the benefits referred to had continued to be paid out of moneys provided by a local authority or by the Oireachtas as the case may be.

(9) Subject to *subsection (10)*, every scheme prepared under *subsection (6)* shall provide that in the case of a person who immediately before the establishment day, was a member of the Garda Síochána, the time and conditions of retirement, the calculation and payment of superannuation allowance by Forfás, and other conditions relating to superannuation, shall be in accordance with such superannuation scheme or such enactments in relation to superannuation and time and conditions of retirement as applied to such person immediately before the establishment day and, for that purpose, his or her pensionable service with Forfás shall be aggregated with his or her previous pensionable service.

(10) *Subsection (9)* shall not apply in the case of a person who immediately before the establishment day was a member of the Garda Síochána and who at a date subsequent to transfer accepts promotion or transfer to another post on the staff of Forfás, and the time and conditions of retirement, the calculation and payment of superannuation allowance by Forfás and other conditions relating to superannuation in relation to such a person shall be in accordance with the provisions applicable as if the person was an employee of Forfás who was not transferred under *subsection (1)* and, for that purpose, his or her pensionable service with the Garda Síochána shall be aggregated with his or her pensionable service.

(11) Where a superannuation allowance falls due for payment to or in respect of a person referred to in *subsection (1)* in the period beginning on the establishment day and ending immediately before the coming into operation of a scheme submitted by Forfás and approved under this section, the allowance shall be calculated and paid by Forfás in accordance with such superannuation scheme or such enactments in relation to superannuation, as applied to such a person immediately before the establishment day and, for that purpose, his or her pensionable service with Forfás shall be aggregated with his or her previous pensionable service.

Appointment of inspectors.

9.—(1) Forbairt may appoint any person being—

- (a) an officer of Forfás, or
- (b) a person who for the time being stands appointed under the Weights and Measures Acts, 1878 to 1961, as an inspector of Weights and Measures, or
- (c) a person who for the time being stands appointed under the Packaged Goods (Quantity Control) Act, 1980, as an inspector for the purposes of that Act,

to be an inspector for the purposes of this Act.

(2) Every person appointed under *subsection (1)* to be an inspector shall be furnished with a certificate by the Director of his or her appointment.

(3) Forbairt may, at any time, revoke an appointment under this section, and in such case, the person whose appointment is so revoked shall surrender to the Director the certificate furnished under this section.

10.—(1) An inspector, subject to the production, if so required, of his or her certificate of appointment, may:

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Powers of
inspectors.

- (a) at all reasonable times, enter any premises, or any other place, including a vehicle or vessel in which he or she reasonably believes there are for the time being any instruments in use for any prescribed purpose,
- (b) at all reasonable times enter any premises or any other place, including a vehicle or vessel, in which any activity in connection with the manufacturing, processing, supplying, distributing, importing or retail selling of goods is carried on,
- (c) on entering any place by virtue of this section be accompanied by any such other persons and take with him or her any such equipment as may appear to be necessary,
- (d) inspect such premises and examine and test any such instruments or goods found thereon for the purposes of establishing conformity with the provisions of this Act and the Packaged Goods (Quantity Control) Act, 1980,
- (e) if following any such inspection or testing an instrument is found not to be in conformity with the provisions of this Act, apply non-conformity marks to the instrument,
- (f) take away from the premises for examination, testing and measuring any such instrument or goods,
- (g) require the owner, person in charge or any employee of the place entered to provide all reasonable assistance including personal assistance, books, records or other documents to enable the inspector to carry out functions under this Act,
- (h) inspect and copy or take extracts from any such books, records or other documents,
- (i) in the case of any vehicle or vessel referred to in *paragraph (a)*, request the owner or operator thereof to bring the vehicle or vessel to the nearest location at which appropriate test facilities are available and at which an inspection may be carried out.

(2) An inspector who takes away an instrument or goods pursuant to *subsection (1) (f)* shall notify forthwith, and issue a receipt to, the person on whose premises the instrument or goods are taken, or that person's authorised representative, indicating that the instrument or goods as the case may be are taken in pursuance of this Act.

(3) An inspector who takes away any goods in pursuance of *subsection (1) (f)* shall, if the owner of the goods so requests, buy the goods on behalf of the Director.

(4) An inspector may seize and retain—

- (a) any article, instrument, stamp or goods which he or she reasonably believes to be in contravention of this Act or the Packaged Goods (Quantity Control) Act, 1980,

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(b) any document relating to an instrument or any document displayed with any goods offered or exposed for sale which relates to the price or quantity of the goods, and which the inspector reasonably believes may be required as evidence in any proceedings.

(5) The provisions of this section together with the provisions relating to powers of inspectors set out in section 14 of the Packaged Goods (Quantity Control) Act, 1980, shall apply for the purposes of this Act.

(6) The provisions of this section shall apply in respect of the European Communities (Non-Automatic Weighing Instruments) Regulations, 1992 (S.I. No. 424 of 1992).

(7) A person who—

(a) obstructs or impedes an inspector in the exercise of a function, or does not comply with a requirement made by an inspector in carrying out a function, under this Act, or

(b) fails, without reasonable cause to give an inspector any such assistance and/or information which the inspector may reasonably request for the purpose of the performance by the inspector of functions under this Act, or

(c) knowingly or recklessly makes a false or misleading statement, either verbally or in writing, to an inspector who is engaged in carrying out functions under this Act,

shall be guilty of an offence.

Offences in connection with the Service.

11.—(1) Subject to *section 22*, any person employed by Forfás in the Service who has a personal financial interest in the making, adjusting or selling of metrological instruments is guilty of an offence if he or she fails to declare that interest to the Chief Executive Officer of Forbairt.

(2) Subject to *section 12*, any person who is not an inspector, who acts or purports to act as an inspector, shall be guilty of an offence.

Special bodies.

12.—(1) The Director, with the consent of the Minister, and subject to such conditions as are considered appropriate, may authorise such bodies as the Director thinks fit to carry out prescribed functions in relation to the enforcement of this Act.

(2) The Director shall ensure that bodies so authorised continue to meet the conditions laid down in accordance with *subsection (1)*.

(3) The Director shall withdraw the authorisation in respect of any authorised body if that body fails to meet the conditions stipulated under *subsection (1)* and shall forthwith inform the Minister thereof.

(4) Subject to the provisions of *subsections (1), (2) and (3)*, neither the Minister nor Forbairt shall incur any liability for any act or default in the discharge or purported discharge of any of the prescribed functions by a body authorised under this Act.

PART III

CONTROL PROCEDURES

13.—(1) Every person who makes, sells, imports or causes to be made or sold, any instrument intended for use for trade or any prescribed purpose, or who uses or has in his or her possession for use any instrument for any such purpose, shall ensure that the relevant conformity assessment procedure referred to in *section 14* has been applied to it.

Sale, distribution and use of metrological instruments.

(2) A person who knowingly fails or neglects to comply with *subsection (1)* shall be guilty of an offence.

(3) Where in the special circumstances of any particular case it appears to be impracticable or unnecessary that a particular requirement of this Act in regard to approval and stamping of instruments be complied with, the Director may, by an authorisation in writing, dispense with the observance of that requirement. The Director shall apply conditions, including a time limit, to any such authorisation and any person who knowingly contravenes any condition imposed by the authorisation shall be guilty of an offence.

14.—(1) Instruments intended for use for any prescribed purpose, including public weighing and measuring equipment referred to in *section 26*, shall be subject to the procedures (“conformity assessment procedures”) prescribed by the Director.

Conformity assessment procedures.

(2) Conformity assessment procedures, including any conditions applicable thereto, together with the types of instruments subject to the various elements of the procedure, may include type approval, verification and unit verification and may contain such provisions as are considered necessary relating to revocation of any certification.

(3) All type approval certificates and verifications which are valid immediately before the establishment date shall continue to be valid on or after that date for such period as may be prescribed under *subsection (1)*.

(4) On the written request of the supplier or user, any instrument not intended for use for a prescribed purpose, may, at the discretion of the Director, be subject to any or all of the conformity assessment procedures.

15.—(1) Instruments conforming to the conformity assessment procedures and in use for a prescribed purpose shall be subject to inspection from time to time as prescribed by the Director.

In-Service inspection.

(2) Any person who uses an instrument for a prescribed purpose or has in his or her possession for such use and the instrument fails to comply with the terms prescribed under *subsection (1)* shall be guilty of an offence.

16.—(1) Instruments which have been subject to the conformity assessment and inspection procedures shall have set thereon marks signifying their conformity to the relevant procedure. These marks, their form, design, application or obliteration together with facilities for receiving such marks shall be prescribed by the Director.

Marking of instruments.

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(2) If application of the marks presents any technical difficulty, exceptions may be made by the Director.

(3) Stamps shall be made of such material as is determined by the Director.

(4) Unless otherwise prescribed by the Director, any instrument which has been duly marked before the commencement of this section shall be treated for the purposes of this Act as if it had been duly marked under this Act.

Sealing and securing instruments.

17.—(1) The calibration device on the instrument shall, on verification, be secured in such a manner as to enable an adjustment to be detected so far as possible.

(2) Facilities for providing such security shall be provided by the manufacturer, supplier or user of the instrument.

(3) The Director may prescribe specific requirements on sealing or securing instruments.

PART IV

AUTHORISED UNITS AND STANDARDS

Legal units of measurement.

18.—(1) The units of measurement which are authorised for the purposes of this Act are those provided for in the European Communities (Units of Measurement) Regulations, 1992 (S.I. No. 255 of 1992) and any amendment thereto, and all the provisions of those Regulations shall apply in relation to those units.

(2) The Minister may, by regulation, provide for the alteration, by addition, deletion, restriction or amendment of the units authorised by *subsection (1)*.

(3) Any regulation under *subsection (2)* may contain such transitional or other supplemental or incidental provisions as appear to the Minister to be expedient.

Definition of other units.

19.—(1) The definitions of other units relative to units of the SI System of Units shall be those listed in the *Third Schedule*.

(2) The Minister may, by regulation, amend the *Third Schedule*.

(3) The “SI System of Units” means the International System of Units, SI, namely, the coherent system of units adopted and recommended by the General Conference on Weights and Measures (Conférence Générale des Poids et Mesures).

Denominations of standard.

20.—(1) Where permitted under the European Communities (Units of Measurement) Regulations, 1992, and subject to the provisions of this section, no person shall have in his or her possession for a prescribed use any linear or capacity standard measure which is not of a denomination shown in the *Second Schedule* or any weight which is not so included.

(2) *Subsection (1)* does not apply to capacity measures over 10 litres or 1 gallon.

(3) A person who contravenes *subsection (1)* shall be guilty of an offence. Pr.IV S.20

(4) The Director may, with the consent of the Minister, specify new denominations of standard which are either multiple or aliquot parts of existing denominations of standards.

21.—(1) Forbairt shall, with the approval of the Minister, provide, maintain or cause to be maintained such standards including facilities, equipment and reference materials as are considered necessary from time to time to facilitate the realisation and dissemination of the SI System of Units of measurement. Standards.

(2) For the purpose of *subsection (1)* Forbairt may, with the consent of the Minister, designate other organisations to be responsible bodies for the purpose of *subsection (1)* in specialised fields of measurement.

(3) The Director may prescribe the standards maintained under *subsection (1)* or (2) and the conditions of their maintenance, including traceability, custody and the intervals within which the values of standards shall be determined.

(4) Where any doubt arises as to the continued conformity of a standard with the appropriate permissible limits of error, the standard shall not be used until its value has been redetermined or it has been replaced by a standard conforming to the appropriate permissible limits of error. An up-to-date certificate of traceability shall be maintained in respect of every standard or set of standards maintained by the Legal Metrology Service or any organisation designated under *subsection (2)*. In addition, where feasible, the standard shall be sealed to denote the calibration reference.

(5) For the purposes of this section, Forbairt may, with the consent of the Minister, declare that any standard shall cease to be such a standard, and the Director shall amend any regulation made under *subsection (3)* accordingly.

PART V

GENERAL

22.—(1) The Director may determine the circumstances under which any instrument or particular type of instrument may be adjusted by an inspector. Adjustment of instruments.

(2) Where, on examination by an inspector, adjustment of an instrument is necessary in order to render it metrologically accurate, the inspector shall notify the owner of the instrument or the owner's authorised representative, on detailing the results of the examination, that the owner (or representative) may elect to carry out the work personally, have it carried out by a third party or empower the inspector to make the necessary adjustment. The owner or representative shall be liable for any costs arising from such adjustment.

23.—A person who—

(a) forges or counterfeits any mark of a type used on any instrument for the purposes of this Act, or

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(b) applies to any instrument a mark which he or she knows to be forged or counterfeit, or

(c) knowingly uses, sells, utters or disposes of any instrument with such forged or counterfeit mark thereon, or any mark liable to be confused with marks authorised under the provisions of this Act,

shall be guilty of an offence.

Tampering with marks and instruments.

24.—(1) Any person who—

(a) knowingly renders an instrument inaccurate, or

(b) knowingly uses, supplies, sells, utters or disposes of an instrument so rendered inaccurate, or

(c) (not being an inspector authorised under this Act) knowingly marks any plug or plate intended for use for the reception of a mark or removes any mark, plug or plate from an instrument or inserts such mark, plug or plate into an instrument other than the instrument on which the mark was legally inscribed,

shall be guilty of an offence.

(2) Any person who falsely represents—

(a) that an instrument is in all respects in accordance with the type approved in accordance with *section 14*, or

(b) that an instrument in use is so type approved,

shall be guilty of an offence.

Removing or breaking tags, seals and devices.

25.—(1) Subject to *subsection (2)*, every person who removes, defaces or obliterates any marking or tag or wilfully breaks any seal or device that has been placed on or attached to an instrument that is or is to be used for some prescribed purpose is guilty of an offence if that marking, tag, seal or device has been placed on or attached to the instrument by an inspector or by a body under *section 12*.

(2) No person is guilty of an offence under *subsection (1)* if he or she removes any marking or tag or breaks any seal or device referred to in that subsection for the purpose of altering, adjusting or repairing an instrument, and so informs the user.

(3) The user of the instrument shall, as soon as practicable after being so informed, arrange to have the instrument reverified in accordance with the procedures referred to in *section 14*.

Public equipment for weighing or measuring.

26.—(1) No person shall attend to any weighing or measuring of any article, vehicle, vessel or animal by means of weighing or measuring equipment available for use by the public, being a weighing or measuring demanded by a member of the public and for which a charge is made, unless that person holds a certificate of competency to do so from the Director.

(2) Any person who contravenes, or who causes or permits any other person to contravene *subsection (1)* shall be guilty of an offence.

(3) Without prejudice to any functions conferred or imposed by any other enactment, a local authority, being a County Council or County Borough Corporation, may provide and maintain within their area for use by the public such weighing or measuring equipment as may appear to the authority to be expedient.

(4) Without prejudice to the provisions of any other Act, and subject to *subsection (1)*, a local authority may employ persons to attend to any weighing or measuring by means of equipment provided by that authority for use by the public.

(5) Except in the case of a weighing or measuring for which the charge falls to be regulated from time to time by some other person, a local authority or any other person by whom any weighing or measuring equipment is provided for use by the public may make appropriate charges for any weighing or measuring by means of that equipment.

(6) *Subsection (7)* shall apply where any article, vehicle (unloaded or loaded) or animal has been brought for weighing or measuring by means of weighing or measuring equipment which is available for use by the public and is provided for the purpose of weighing or measuring articles, vehicles or animals of the description in question.

(7) Any person appointed to attend to weighing or measuring by means of public weighing or measuring equipment who—

- (a) without reasonable cause fails to carry out the weighing or measuring on demand, or
- (b) carries out the weighing or measuring unfairly, or
- (c) fails to deliver to the person demanding the weighing or measuring or to his or her agent a statement in writing of the weight or other measurement found, or
- (d) fails to make a record of the weighing or measuring including the time and date thereof and, in the case of the weighing of a vehicle or vessel, such particulars of the vehicle or vessel and of any load thereon as will identify it and its load,

shall be guilty of an offence.

(8) If in connection with any such equipment any person—

- (a) appointed to attend to weighing or measuring by means of the equipment delivers a false statement of any weight or other measurement found or makes a false record of any weighing or measuring, or
- (b) commits any fraud in connection with any, or any purported, weighing or measuring by means of that equipment,

shall be guilty of an offence.

(9) If in the case of a weighing or measuring of any article, vehicle, vessel or animal carried out by means of such equipment as aforesaid, the person bringing it for weighing or measuring, on being required by the person attending to the weighing or measuring, to give his or her name and address fails to do so, or gives a name or address which is incorrect, shall be guilty of an offence.

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(10) (a) The person making any such weighing or measuring equipment available for use by the public shall retain for a period of not less than one year any record of any weighing or measuring by means of that equipment made by any person appointed to attend thereto, and the Director or any inspector appointed under this Act subject to the production if so requested of his or her certificate of appointment, may require the first-mentioned person to produce any such record for inspection at any time while it is so retained;

(b) a person who fails so to retain or produce any such record, or wilfully destroys or defaces any such record before the expiration of one year from the date when it was made, shall be guilty of an offence.

Solid fuel.

27.—(1) All solid fuel, except peat and wood whose basic characteristics have not been altered by any industrial process and which do not form an admixture with other solid fuels, shall be sold by weight, except where by written consent of the purchaser another means of determining the quantity for sale is agreed.

(2) A container containing such solid fuel which has in the course of carrying on a business either been made up in the State or imported and which—

(a) has been made up other than in the presence of the person purchasing the container, and

(b) is a container the contents of which, or any part of such contents, cannot be removed without opening it,

shall have expressed thereon in units of mass the quantity of the goods contained in such container.

(3) A seller of such solid fuel sold loose or in a container other than that described in *subsection (2)*, shall give to the purchaser at the time of sale a document which must, at least, contain a statement of the quantity sold.

(4) Any person who sells such solid fuel otherwise than is provided for in *subsections (1), (2) and (3)*, shall be guilty of an offence.

(5) The provisions of *subsection (2)* shall not have effect until 6 months after the commencement of this Act.

Short measure on sale.

28.—(1) Subject to *subsection (2)*, any person who sells, or exposes for sale or offers for sale any product by weight, measure or number shall be guilty of an offence if the quantity of goods sold, exposed for sale or offered for sale is less than that purported to be sold, exposed for sale or offered for sale or than corresponds with the price charged on the basis of—

(a) the total price to be paid for the goods, or

(b) the stated price per number or unit of measurement, as the case may be, used to determine the total price.

(2) This section shall not apply to goods which are packed in accordance with the provisions of the Packaged Goods (Quantity Control) Act, 1980.

29.—Any person who—

Pt. V
Misrepresentation.

- (a) on or in connection with the sale or purchase of any goods,
- (b) in exposing or offering any goods for sale,
- (c) in purporting to make known to the buyer the quantity of any goods sold, or
- (d) in offering to purchase any goods,

makes any misrepresentation whether oral or otherwise as to the quantity of the goods, or does any other act calculated to mislead a person buying or selling the goods as to the quantity of the goods, shall be guilty of an offence.

30.—Any person who is aggrieved by a seizure and retention under *section 10* may appeal to a Judge of the District Court and in determining the appeal, the Judge may—

Appeal against seizures.

- (a) if satisfied that a seizure under *section 10 (4)* was properly carried out, confirm the seizure and retention, and
- (b) if not so satisfied, order the inspector who made the seizure to return to the person the thing or things seized and order the Director to pay to the person such compensation (if any), costs (if any) and expenses (if any) as the Judge considers reasonable having regard to any loss, costs and expenses incurred by the person by reason of the seizure and retention.

31.—Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent of, or to be attributable to any neglect on the part of, any person being a director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, that person as well as the body corporate shall be deemed to be guilty of that offence.

Offences by bodies corporate.

32.—(1) Summary proceedings for offences under this Act may be brought and prosecuted by the Director.

Prosecution of offences.

(2) Notwithstanding *section 10 (4)* of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under this Act may be instituted within 12 months from the date of the offence.

(3) In any prosecution for an offence under this Act it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.

(4) All courts shall take judicial notice of the signature of the Director and every document purporting to be a warrant or authority signed by the Director shall be received in evidence and shall be deemed to be such warrant or authority without further proof until the contrary is shown.

Pr.V
Penalties.

33.—(1) A person guilty of an offence under *section 11, 23 or 24 (1) (a), (b) or (c)* shall be liable on conviction on indictment to a fine not exceeding £10,000 or, at the discretion of the court, to imprisonment for a term not exceeding 2 years or to both the fine and the imprisonment and to forfeiture of the goods or instruments.

(2) A person guilty of an offence under this Act, other than an offence listed in *subsection (1)* shall be liable on summary conviction to a fine not exceeding £1,500 or, at the discretion of the court, to imprisonment for a term not exceeding 12 months or to both the fine and the imprisonment, and to forfeiture of the goods or instruments.

(3) If the contravention in respect of which the person was convicted is continued after the conviction that person shall be guilty of a further offence and shall be liable on conviction on indictment to a fine not exceeding £100 for each day on which the contravention is so continued.

(4) The court shall determine how goods or instruments declared forfeit should be disposed of.

Transfer of
property.

34.—(1) On the establishment day all such property as is agreed between the Minister and Forbairt, including choses in action, which immediately before that day was the property of the Minister shall stand vested in Forbairt without assignment.

(2) On the establishment day, all such equipment as is agreed between the Minister and the local authorities involved, which immediately before that day was the property of those local authorities, shall, on such conditions as are agreed by the parties, stand vested in Forbairt without any assignment.

(3) On the establishment day all rights and liabilities of the Minister in relation to the property and equipment referred to in *subsections (1) and (2)* arising by virtue of any contract or commitment (expressed or implied) entered into by or on behalf of the Minister before the establishment day, shall on that day stand transferred to Forbairt.

(4) Section 12 of the Finance Act, 1895, shall not apply to the vesting of any property or rights transferred by this Act.

[1996.]

Metrology Act, 1996.

[No. 27.]

FIRST SCHEDULE

Section 6 (1).

REPEALS AND AMENDMENTS

PART I

STATUTES REPEALED OR AMENDED

Chapter and Session or Number and Year	Short Title	Extent of Repeal or Amendment
4 Anne c. 14	Weights and Measures Act, 1705	The Whole Act.
22 and 23 Vict. c. 66	Sale of Gas Act, 1859	The Whole Act.
23 and 24 Vict. c. 146	Sale of Gas Act, 1860	The Whole Act.
41 and 42 Vict. c. 49	Weights and Measures Act, 1878	The Whole Act.
50 and 51 Vict. c. 58	Coal Mines (Regulations) Act, 1887	Section 15.
52 and 53 Vict. c. 21	Weights and Measures Act, 1889	The Whole Act.
56 and 57 Vict. c. 19	Weights and Measures Act, 1893	The Whole Act.
60 and 61 Vict. c. 46	Weights and Measures Act, 1897	The Whole Act.
4 Edw. 7 c. 28	Weights and Measures Act, 1904	The Whole Act.
9 and 10 Geo. 5 c. 29	Weights and Measures Act, 1919	The Whole Act.
10 and 11 Geo. 5 c. 28	Gas Regulation Act, 1920	Sections 11, 12, 13 and 14.
No. 25 of 1924	Gárda Síochána Act, 1924	Section 18 (<i>d</i>).
No. 62 of 1924	Intoxicating Liquor (General) Act, 1924	Section 9.
No. 27 of 1927	Electricity (Supply) Act, 1927	Section 107.
No. 3 of 1928	Weights and Measures Act, 1928	The Whole Act.
No. 24 of 1928	Gas Regulation Act, 1928	Sections 4, 5, 6, 7, 8, 9 and 10.
No. 2 of 1936	Conditions of Employment Act, 1936	Section 23.
No. 8 of 1936	Weights and Measures Act, 1936	The Whole Act.
No. 18 of 1960	Intoxicating Liquor Act, 1960	Sections 39 and 40.
No. 24 of 1961	Road Traffic Act, 1961	Section 83.
No. 11 of 1980	Packaged Goods (Quantity Control) Act, 1980	Section 3 (1) delete from "provided that" to "Minister for Finance". Section 3 (2) (<i>e</i>). Section 3 (2) (<i>f</i>) (ii), delete "to the Minister". Section 7. Section 13. Section 16 (8) replace "the Minister" by "Forbairt".
No. 31 of 1987	Restrictive Practices (Amendment) Act, 1987	Section 39.
No. 31 of 1993	Local Government (Dublin) Act, 1993	Section 30.

PART II

REGULATIONS REPEALED OR AMENDED

Number and Year	Short Title	Extent of Repeal or Amendment
S.R. & O. 285 of 1938	Special Inspectors (Taximeters) (Grant of Certificate) Regulations, 1937	Repeal in full.
S.I. No. 67 of 1973	European Communities (Measuring Instruments) Regulations, 1973	Regulations 12 & 13. Schedule 1, paragraph 3, replace "the Minister for Industry and Commerce" with "the Director".
S.I. No. 110 of 1976	European Communities (Calibration of Tanks of Vessels) Regulations, 1976	Regulation 5.
S.I. No. 111 of 1976	European Communities (Standard Mass Per Storage Volume of Grain) Regulations, 1976	Regulation 6 (3), replace from "an Inspector" to "approve" with "the Director". Regulation 10.
S.I. No. 237 of 1977	European Communities (Measuring Container Bottles) Regulations, 1977	Regulation 5 (2), delete from "to the authority" to "Acts". Regulation 6.
S.I. No. 128 of 1979	European Communities (Non-Automatic Weighing Machines) Regulations, 1979	Regulation 4 (1), delete "and officers of the Institute for Industrial Research and Standards". Regulation 5.
S.I. No. 187 of 1979	European Communities (Measurement of Alcoholic Strength) Regulations, 1979	Regulation 4 (1), delete "and officers of the Institute for Industrial Research and Standards". Regulation 7.
S.I. No. 39 of 1981	Packaged Goods (Quantity Control) Regulations, 1981	Regulation 21, delete "to the Minister".
S.I. No. 150 of 1981	European Communities (Automatic Checkweighing and Weight Grading Machines) Regulations, 1981	Regulation 4 (1), delete "and officers of the Institute for Industrial Research and Standards". Regulation 5.
S.I. No. 172 of 1981	European Communities (Hot Water Meters) Regulations, 1981	Regulation 4 (1), delete "and officers of the Institute for Industrial Research and Standards". Regulation 5.

Number and Year	Short Title	Extent of Repeal or Amendment
S.I. No. 305 of 1986	European Communities (Chemical Mercury-in-Glass Maximum Reading Thermometers) Regulations, 1986	Regulation 4 (1), delete "and officers of the Institute for Industrial Research and Standards".
S.I. No. 175 of 1988	European Communities (Tyre Pressure Gauges for Motor Vehicles) Regulations, 1988	Regulation 4 (1), delete "and officers of Eolas-The Irish Science and Technology Agency".
S.I. No. 424 of 1992	European Communities (Non-Automatic Weighing Instruments) Regulations, 1992	Regulation 4 (a) (vi), replace "Quantity Control Act, 1980" with "Packaged Goods (Quantity Control) Act, 1980". Regulation 6 (6), replace from "an inspector" to "24" with "the Director". Regulation 6 (7). Regulation 10 (1), replace "Minister thereof" by "Director who shall in turn consult the Minister". Regulation 10 (2), substitute "Director" for "Inspector". Regulations 12 (10) (a) and (b), 14 (4) (a), (5) and (7), delete references to "Minister". Regulation 23 (10) substitute "Director" for "Minister". Regulation 24 (2).

PART III

Section 6 (2).

ENACTMENTS AND REGULATIONS AMENDED

Number and Year	Short Title	Extent of Amendment
No. 11 of 1980	Packaged Goods (Quantity Control) Act, 1980	Section 10 (2) (a). Section 11 (3). Section 14 (4). Section 15 (b). Section 16 (6) (d). Section 17 (7).
S.I. No. 110 of 1976	European Communities (Calibration of Tanks of Vessels) Regulations, 1976	Regulation 4.
S.I. No. 111 of 1976	European Communities (Standard Mass per Storage Volume of Grain) Regulations, 1976	Regulation 9.

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Number and Year	Short Title	Extent of Amendment
S.I. No. 237 of 1977	European Communities (Measuring Container Bottles) Regulations, 1977	Regulation 3 (1), (2) and (3). Regulation 5 (2). Second Schedule paragraph 1. Third Schedule (all references).
S.I. No. 39 of 1981	Packaged Goods (Quantity Control) Regulations, 1981	Regulation 3 (2). Regulation 4 (4) (b). Regulation 8 (3). Regulation 9 (5). Regulation 21, first reference. Regulation 21 (c). Fourth Schedule paragraph 4 (1) (a).
S.I. No. 18 of 1992	Weights and Measures (Verification and Stamping Fees) Order, 1992	Schedule, paragraph 6.
S.I. No. 424 of 1992	European Communities (Non-Automatic Weighing Instruments) Regulations, 1992	Regulation 10 (3).

Section 4 (2).

PART IV

ENACTMENTS REPEALED

Number and Year	Short Title	Extent of Repeal
No. 18 of 1992	Weights and Measures (Verification and Stamping Fees) Order, 1992	In full.
No. 261 of 1992	Taximeter (Fees on Verification and Stamping by Special Inspector) (No. 2) Regulations, 1992	In full.

Section 20.

SECOND SCHEDULE

DENOMINATIONS OF STANDARD

1. SI System

<i>Mass:</i>	20 kg	500 g	10 g	200 mg	5 mg
	10 kg	200 g	5 g	100 mg	2 mg
	5 kg	100 g	2 g	50 mg	1 mg
	2 kg	50 g	1 g	20 mg	
	1 kg	20 g	500 mg	10 mg	
<i>Volume or Capacity:</i>	10 L	200 ml	35.5 ml		
	5 L	125 ml	20 ml		
	2 L	100 ml	10 ml		
	1 L	71 ml	5 ml		
	500 ml	50 ml	2 ml		
<i>Length:</i>			1 ml		
	100 m	10 m	5 dm		
	50 m	5 m	2 dm		
	30 m	2 m	1 dm		
	20 m	1 m	1 cm		

2. *Imperial System*

SCH.2

<i>Mass:</i>	56 lb	4 lb	4 oz	$\frac{1}{4}$ oz
	28 lb	2 lb	2 oz	$\frac{1}{8}$ oz
	14 lb	1 lb	1 oz	$\frac{1}{16}$ oz
	7 lb	8 oz	$\frac{1}{2}$ oz	$\frac{1}{32}$ oz
<i>Volume or Capacity:</i>	1 gal	$\frac{1}{2}$ pt	$\frac{1}{4}$ gill	
	$\frac{1}{2}$ gal	$\frac{1}{3}$ pt		
	1 quart	1 gill		
	1 pt	$\frac{1}{2}$ gill		
<i>Length:</i>	100 ft	8 ft	2 ft	
	50 ft	5 ft	1 ft	
	20 ft	4 ft	6 in	
	10 ft	1 yd	1 in	

THIRD SCHEDULE

Section 19.

DEFINITIONS OF OTHER UNITS

Mass

Pound	=	0.453 592 37 kilogram
Ounce	=	$\frac{1}{16}$ pound
Troy ounce	=	$\frac{1}{17\frac{1}{2}}$ pound
Ton	=	2240 pounds
Hundredweight	=	112 pounds
Cental	=	100 pounds
Quarter	=	28 pounds
Stone	=	14 pounds
Dram	=	$\frac{1}{16}$ ounce
Grain	=	$\frac{1}{7000}$ pound
Pennyweight	=	24 grains
Ounce apothecaries'	=	480 grains
Drachm	=	$\frac{1}{8}$ ounce apothecaries'
Scruple	=	$\frac{1}{3}$ drachm
Metric ton	=	1000 kilograms
Quintal	=	100 kilograms

Length

Mile	=	1760 yards
Furlong	=	220 yards
Chain	=	22 yards
Yard	=	0.9144 metre
Foot	=	$\frac{1}{3}$ yard
Inch	=	$\frac{1}{36}$ yard

Area

Square yard	=	a superficial area equal to that of a square each side of which measures one yard
Acre	=	4840 square yards
Square mile	=	640 acres
Rood	=	1210 square yards
Square foot	=	$\frac{1}{9}$ square yard
Square inch	=	$\frac{1}{1296}$ square yard or $\frac{1}{144}$ square foot

SCH.3

Capacity

Gallon	=	4.54609 litres
Quart	=	$\frac{1}{4}$ gallon
Pint	=	$\frac{1}{8}$ gallon
Gill	=	$\frac{1}{4}$ pint
Fluid ounce	=	$\frac{1}{20}$ pint
Bushel	=	8 gallons
Peck	=	2 gallons
Fluid drachm	=	$\frac{1}{8}$ fluid ounce
Minim	=	$\frac{1}{60}$ fluid drachm

Volume

Cubic yard	=	a volume equal to that of a cube each edge of which measures one yard
Cubic foot	=	$\frac{1}{27}$ cubic yard
Cubic inch	=	$\frac{1}{1728}$ cubic foot

ACTS REFERRED TO

Coal Mines (Regulations) Act, 1887	50 & 51 Vict. c. 58
Conditions of Employment Act, 1936	1936, No. 2
Electricity (Supply) Act, 1927	1927, No. 27
European Communities Act, 1972	1972, No. 20
European Communities (Amendment) Act, 1973	1973, No. 20
Finance Act, 1895	58 Vict. c. 16
Garda Síochána Act, 1924	1924, No. 25
Gas Regulation Act, 1920	10 & 11 Geo. 5. c. 28
Gas Regulation Act, 1928	1928, No. 24
Holidays (Employees) Acts, 1973 and 1991	
Industrial Development Act, 1993	1993, No. 19
Industrial Research & Standards Act, 1961	1961, No. 20
Intoxicating Liquor (General) Act, 1924	1924, No. 62
Intoxicating Liquor Act, 1960	1960, No. 18
Local Government (Dublin) Act, 1993	1993, No. 31
Minimum Notice and Terms of Employment Acts, 1973 to 1991	
Packaged Goods (Quantity Control) Act, 1980	1980, No. 11
Petty Sessions (Ireland) Act, 1851	14 & 15 Vict. c. 93
Redundancy Payments Acts, 1967 to 1991	
Restrictive Practices (Amendment) Act, 1987	1987, No. 31
Road Traffic Act, 1961	1961, No. 24
Sale of Gas Act, 1859	22 & 23 Vict. c. 66
Sale of Gas Act, 1860	23 & 24 Vict. c. 146
Unfair Dismissals Acts, 1977 to 1993	
Weights and Measures Act, 1705	4 Anne c. 14
Weights and Measures Act, 1878	41 & 42 Vict. c. 49
Weights and Measures Act, 1889	52 & 53 Vict. c. 21
Weights and Measures Act, 1893	56 & 57 Vict. c. 19
Weights and Measures Act, 1897	60 & 61 Vict. c. 46
Weights and Measures Act, 1904	4 Edw. 7. c. 28
Weights and Measures Act, 1919	9 & 10 Geo. 5. c. 29
Weights and Measures Act, 1928	1928, No. 3
Weights and Measures Act, 1936	1936, No. 8