

**BRIEF FOR MINISTER**  
**IN RESPECT OF**  
**AMENDMENTS TO THE WEIGHTS AND MEASURES ACT, 2015**

**OVERVIEW**

Mr Speaker, the existence of a proper functioning regime for ensuring metrology compliance holds enormous significance for the critical initiatives of Government, that are focused on getting our economy onto a sustained growth path. The metrology regime forms an integral part of our National Quality Infrastructure (NQI) and underpins the entire development of commerce and trade. Needless to say, this is vital to achieving the goals of the country's Growth Agenda.

Simply put, Mr Speaker, there can be no Commerce without reliable instruments for conducting proper Weights and Measures. If there is no Commerce, there can be no Industry and if there is no Industry there is little Investment!

The sales of products or services that are impacted by the Weights and Measures Act account for a significant percent of our Gross Domestic Product. Industry sectors that are potentially affected by our weights and measures regime include retail food sales, other retail sales, petroleum products, transportation, chemicals, and electricity. To repeat, our Speaker, developing and enforcing strong metrology standards is therefore essential to ensuring the vitality of trade and commerce, and is ultimately critical to the development of industry.

**Mr Speaker, we must ensure that our metrology system that promotes uniformity in weights** and measures laws, regulations, and standards achieve equity between buyers and sellers in the marketplace. This enhances consumer confidence, enables our businesses to compete domestically based on fair standards and also effectively participate in overseas markets. It therefore requires that we periodically revisit and update our laws, regulations, and methods of practice.

Ultimately, a properly administered metrology regime brings efficiency and cost savings to our manufacturers and other stakeholders that are engaged in commerce, as well stakeholders doing business overseas. We must therefore promote harmonized international standards and regulatory practices, and put in place the administrative systems to enforce them.

The Weights and Measures Act (hereinafter referred to as "the Act") was enacted to regulate the use of weighing and measuring equipment. The Act, among other things, establishes mechanisms for the standardization of weighing and

measuring equipment and imposes penalties for non- conformity with the provisions of the Act.

Currently, the fines imposed under the Act are not sufficiently punitive to act as a deterrent for offenders. The fines range from one hundred dollars to two thousand dollars.

This Bill seeks, therefore, to amend the Act to provide for an increase in fines to a maximum of one million dollars in respect of offences under the Act or regulations made thereunder and to empower the Minister, by order, subject to affirmative resolution, to vary the monetary penalties specified in the Act. Provision is also made for the Minister to vary, by order subject to affirmative resolution, the maximum fine which may be imposed for offences under the regulations.

Consequential amendments are also made in respect of regulations under the Act.

## **THE BILL**

### **The Content of the Bill**

#### **1. Clause 1: Short Title and Commencement**

The short title of this Bill entitles Amendments to the Weights and Measures Act and Regulations.

#### **The Amendments are as follows:**

#### **2. Clause 2: Amendment of section 22 of the Principal Act**

This amendment seeks to provide for an increase in the fine from two thousand dollars to one million dollars where a person is found in breach of any of the provisions thereof in respect of weighing and measuring equipment used for trade. The Minister may also after consultation with the Bureau of Standard, vary the amount of the maximum fine by Order subject to affirmative resolution.

#### **3. Clause 3: Amendment of section 23 of the Principal Act**

The amendment seeks to provide for an increase in the fine from two thousand dollars to one million dollars where any person who uses for trade, or who is a party thereto, has in his possession any weighing or measuring equipment which is false or defective. The section is also amended to state that the Minister may by Order subject to affirmative resolution vary the amount of the maximum fine.

#### **4. Clause 4: Insertion of new section 23A in Principal Act**

The section provides that the Minister may by Order, vary any monetary penalties under this Act and that the order shall be subject to affirmative resolution.

**5. Clause 5: Amendment of other Regulations**

**(1) Amendment of Regulation 4 of the Weights and Measures (Prohibition of Non-Metric Measuring Equipment for Trade) Regulations, 1998**

The regulation is amended to reflect an increase in the fine from two thousand dollars to one million dollars where a person imports into Jamaica any weighing or measuring equipment without the approval of the Bureau of Standard in writing or where a person has in his possession for use or purpose of trade any weighing or measuring equipment unit that is not specified in the Act.

**(2) Amendment of regulation 6 the Weight (Testing) Regulations, 1986**

The amendment seeks to provide for an increase in the fine from two thousand dollars to one million dollars where a person has any weighing or measuring equipment which is within the scope of the Weights and Measures Act, which he intends to sell or use for trade without giving the Bureau of Standard prior notice in writing of his intention or specifying the equipment and the place at which the equipment is kept.

**(3) Amendment of regulation 15 of the Weight and Measures (Measurement of Petroleum and Oil Fuel for Trade) Regulations, 2004**

This amendment seeks to provide for an increase in the fine from two thousand dollars to one million dollars where a person violates any provisions of this Act or under this regulation dealing with petroleum and oil fuel for trade.

Currently, the fines imposed under the Act are not sufficiently punitive to act as a deterrent for offenders. The amendment to the Bill seeks to deter offenders and ensures that Consumers are protected and are given high standard of consistent service.

Mr. Speaker, these amendments will foster better regulatory practice and strengthened commerce.

Given the substantial uplift increase in the fines, both the Bureau of Standards and the Consumer Affairs Commission will be directed to carry-out an appropriate education campaign aimed at informing the public of these important and significant changes.

