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ORDER NO. 22 OF 1970

The Weights and Measures (Metrication) Order 1970**ORDER**

To provide for the uniformity of measures of weight, length and capacity, to make provision for the application of the metric system of weights and measures and for related matters.

[Date of commencement. see sec. 1]

Made by the Council of Ministers

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| Citation | 1. This Order may be cited as the Weights and Measures (Metrication) Order 1970 and shall come into operation on a date to be fixed by the Minister by notice in the <i>Gazette</i> , provided that different provisions of this Order may be so brought into operation on different dates. |
| Interpretation | 2. In this Order, unless the context otherwise indicates —
“assize” or “re-assize”, in relation to an instrument, weight and measure, means to examine, verify, test in the prescribed manner and when found correct stamp with the stamp of assize and provide with seal of assize, where prescribed, in accordance with the provisions of this Order, and cognate expressions shall be construed accordingly;
“assizer” means a person appointed as an assizer in terms of section 3;
“Minister” means the Minister for the time being responsible for the administration of this Order;
“this Order” includes a regulation, notice or order made or issued hereunder;
“weighing instrument”, “measuring instrument”, “weight” or “measure” means any equipment for the determination of quantity according to weight, length, area, capacity, volume or number, whether such equipment indicates quantity directly or furnishes other information in connection therewith. |
| Appointment of assizers | 3. The Minister may from time to time, subject to the laws relating to the public service, appoint assizers to assize and re-assize any or any particular kind of weighing or measuring instrument, weight or measure in accordance with the provisions of this Order, and to perform such other functions as may be assigned to assizers by this Order. |
| Appointment of inspectors | 4. The Minister may from time to time, subject to the laws relating to the public service, appoint inspectors to exercise functions prescribed under this Order. |
| Mechanics | 5. There shall be a register of all mechanics who have been certified competent to repair weighing and measuring instruments. |

6. (1) Notwithstanding anything to the contrary contained in this Order or any other law, the Minister may by notice in the Gazette restrict or prohibit the use or possession of weighing and measuring instruments, weights, measures and containers to such extent as he deems necessary for achieving the object of effecting the application of the metric system of weights and measures in Lesotho to the exclusion of any other system of weights and measures.

Restriction or prohibition of use or possession of certain instruments, weights, measures and containers

(2) A restriction or prohibition contemplated in subsection (1) may apply —

- (a) either in the whole of Lesotho or any specified portion thereof;
- (b) in respect of the use of the instrument, weight, measure or container in question in connection with all goods or specified classes or kinds of goods;
- (c) in respect of a specified class or kind of weighing or measuring instrument, weight, measure or container or such an instrument, weight, measure or container of a specified make, or in respect of such an instrument, weight, measure or container possessed for use in trade or intended to be used in trade, or possessed or used for any other purpose.

7. (1) No person shall use troy weights in trade except for weighing precious metals.

Use of certain weights and measures for particular purposes

(2) No person shall use metric carat weights in trade except for weighing precious stones.

(3) No person shall use apothecaries' weights in trade except in the dispensing of poisons, drugs or medicines.

- (4) (a) Measure of capacity or cubic content or measure of weight may be applied in selling fluids, unless otherwise provided by regulation;
- (b) No person shall sell any fluid in any container unless the actual liquid contents is indicated on the container in such manner as may be prescribed by regulation;
- (c) The provisions of paragraph (b) shall not apply —
 - (i) in respect of the sale of a liquid exempted by regulation from the provisions of that paragraph;
 - (ii) in respect of any container used only as a vessel for the keeping of fluid in bulk for sale in quantities measured otherwise than in or by means of such container.

(5) No person shall, save in so far as may be otherwise prescribed by regulation, apply measure of capacity in selling anything other than a liquid:

Provided that in the application of this Order a bag of a commodity or goods shall mean such weight of the com-

modity or goods in question as may be determined by the Minister by notice in the Gazette.

(6) No person shall use Cape measures, geodetic Cape measures or any other geodetic measures of length or area, except for measuring land, and then only for so long as, and to the extent to which, the survey laws in any portion of Lesotho admit of the use of those measures for land survey in that portion.

Regulations

8. (1) The Minister may by regulation, order or notice prescribe all matters which by this Order are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Order.

(2) Without derogation from the generality of the provisions of subsection (1), the Minister may in regulations, orders or notices made in terms of that subsection provide for —

- (a) the manner in which the process of assizing or re-assizing shall be carried out;
- (b) the curriculum and the examination of candidates for appointment as appointment as assizers, and the fees for such examination;
- (c) regulating the manner in which any assizer, inspector, [District Administrator], any police officer or mechanic shall carry out his duties under this Order;
- (d) the circumstances in which a person may be issued with an assizers certificate or a mechanics certificate by the Minister;
- (e) defining the limits of error or sensitiveness which may be allowed in any weighing or measuring instrument, weight or measure and the limits of error which may be allowed in the weight or quantity or any commodity in any container;
- (f) regulating and controlling the sale or importation for sale by standardweight or measure or where permissible by this Order, by other weight or measure, of any commodity largely used by the public, and requiring that any such commodity shall be sold in or by means of assized or re-assized measures or by weight, measure or number only and according to a prescribed scale of quantities;
- (g) the manner in which the competency of any person applying to be registered as a mechanic under section 5 may be tested and providing for written or other tests which any such person may be required to pass before being so registered and for fees payable by such person in respect of such tests;
- (h) prescribing and approving the material, design and construction of weighing or measuring instruments, weights or measures for trade use, or specified models, classes or kinds of such instruments, weights or measures, and

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- prescribing the manner in which the denominations of standard weights or measures or any multiples or parts thereof may be represented on or by such instruments;
- (i) the placing, erection and protection of instruments, weights and measures;
 - (j) instruments, weights or measures which, or circumstances in which, an assizer shall refuse to assize or re-assize;
 - (k) prohibiting the use in trade of instruments, weights and measures which in his opinion are liable easily to become incorrect or generally unsuitable for use in trade;
 - (l) limiting the purposes of trade for which certain instruments, weights or measures may be used and restricting, or imposing conditions upon the use in trade of instruments, weights and measures;
 - (m) the conditions upon which any fluids may be sold by weight only or by capacity only;
 - (n) the manner in which the weight, measure or number of an article shall be marked on packages or containers;
 - (o) tables showing the equivalents which may be used in trade of one authorised measure in terms of another authorised measure;
 - (p) the forms to be used in connexion with this Order;
 - (q) the quality and tolerance and the conditions for the supply, custody, care and verification of standards and associated equipment;
 - (r) exempting classes of instruments, weights or measures from all or any provisions of this Order;
 - (s) exempting, subject to such conditions as may be prescribed, any area or article or class of articles from all or any provisions of this Order;
 - (t) fees in respect of the assizing, re-assizing and rejection of instruments, weights and measures;
 - (u) the examination, testing, verification and stamping of any instrument, weight or measure belonging to or in use by the Government;
 - (v) a list of articles which, by reason of their being subject to variation in weight owing to climatic influences, or which by reason of weight being used to designate grade or class only, or which for any other reason, are exempted from the provisions of this Order relating to the sale of goods by net weight, and prescribing the size of the letters or the manner of stating the net weight of the contents of containers at the time of packing;
 - (w) tables giving the permissible equivalents of the denominations of one standard weight or measure expressed in terms of denominations of another standard weight or measure;

- (x) the establishment of a board to be known as the Metrication Advisory Board, appointments thereto and its duties and functions;
- (y) particulars to be specified in an invoice or delivery note relating to any article or class of articles;
- (z) tables giving the denominations of weights and measures which may be used in trade, measures of capacity and measures of length;
- (aa) prohibiting the importation into Lesotho of any weighing instrument, measuring instrument, weight or measure he deems necessary to give effect to the purposes of this Order;
- (bb) penalties, not exceeding those in this Order, that may be imposed on a person on conviction of an offence constituted in a regulation;
- (cc) certification of suitability of weighing or measuring instruments, weights or measures;
- (dd) notices in connection with assizing and re-assizing of weighing and measuring instruments, weights and measures;
- (ee) the standard measures of weight, length and capacity to be used in Lesotho.

Offences and penalties

9. Any person who contravenes any provision of this Order shall be guilty of an offence and shall, where no penalty is specially provided, be liable on a first conviction, to a fine not exceeding five hundred rands or, in default of payment of such fine, imprisonment for a period not exceeding six months, and on a second or subsequent conviction to such fine or, in default of payment thereof, such imprisonment or to such imprisonment without the option of a fine.

Acts or omissions of managers, agents, or employees

10. (1) Whenever any manager, agent or employee of any person does or omits to do any act which it would be an offence under this Order for such person to do or omit to do, then, unless it is proved that —

in doing or omitting to do that act, the manager, agent or employee was acting without the connivance or the permission of such person; and all reasonable steps were taken by such person to prevent any act or omission of the kind in question; and it was not within the scope of the authority or in the course of the employment of manager, agent or employee to do or omit to do an act, whether lawful or unlawful, of the character of the act or omission charged, such person shall be presumed himself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof.

(2) Whenever any manager, agent or employee of any person does or omits to do any act which it would be an offence under this Order for such person to do or omit to do, the

manager, agent or employee shall be liable to be convicted and sentenced in respect thereof as if he were such person.

11. (1) The court convicting any person of an offence under this Order, may order the confiscation of any forged or counterfeited stamp or die any weighing or measuring instrument, weight or measure or any other article in connection with which such offence has been committed. **Confiscation of certain articles**

(2) Any article confiscated under subsection (1) shall be disposed of as the Court may direct.

12. A document purporting to be signed by an Assizer and certifying that an instrument, weight or measure specified therein was inspected or examined and compared with standards by him on a specified date and the finding of his inspection or examination shall be received in any court on production by any person and without further proof as prima facie evidence of the facts therein stated. **Documents to be prima facie evidence**

13. The Weights and Measures Proclamation (No. 9 of Repeal 1955) is hereby repealed.