

BARBADOS METROLOGY BILL, 2021

EXPLANATORY MEMORANDUM

The Bill would aline the practice of metrology in Barbados with international standards and international developments in the area. This will in part be achieved by ensuring that all measurements in Barbados are regulated and in compliance with the International System of Units. This Act will implement a system of regulation which will ensure fairness in the domestic market and also ensure safety and protection of human life and health by ensuring the accuracy of the measurement equipment used in every area of human life.

PART I PRELIMINARY

- Clause 1:** This provides a short title for the citation of the Act.
- Clause 2:** This provides for the definition of certain specialized terms to guide the interpretation of the Act.

PART II ADMINISTRATION

- Clause 3:** makes it clear that the Barbados National Standards Institution will assist Barbados in meeting the standards necessary to ensure compliance with the *Convention du Metre*. This is in compliance with functions of the Barbados National Standards Institution as specified in the *Standards Act*, Cap. 326A.
- Clause 4:** designates the Barbados National Standards Institution as the National Metrology Institute of Barbados. This Institute is responsible for ensuring good measurement practice to enable

businesses in the process of making accurate and traceable measurements for the benefit of commercial trade. The Institute will disseminate the required information in respect of measurement matters, and have the necessary calibration equipment or facilities for the benefit of ensuring measurement accuracy.

Clause 5: designates the Department of Commerce and Consumer Affairs as the National Legal Metrology Authority of Barbados. This Authority is responsible for maintaining uniformity and accuracy in all weights and measures used in weighing and measuring instruments used by traders in areas of business and commerce in Barbados.

Clause 6: provides for the Minister to call the Institute and the Authority to meet together as the National Metrology Committee, where the combined expertise is required.

Clause 7: states the responsibility and functions of the Director of the Department of Commerce.

Clause 8: provides for the Minister to give directions in the public interest to the Institute, Authority or Director, who is also the Chief Inspector.

PART III
LEGAL METROLOGY INSPECTORS

Clause 9: states the functions of the Chief Inspector.

Clause 10: states the functions of the inspectors.

Clause 11: grants critical powers to inspectors so they may enter and search and perform their functions for the enforcement of the Act.

- Clause 12:** requires an inspector to keep in strict confidence the details of a business place's manufacturing process or trade secrets where such information is disclosed in the discharge of their duties.
- Clause 13:** makes it an offence to obstruct an inspector in the discharge of his duty
- Clause 14:** makes it an offence to impersonate an inspector.

PART IV
LEGAL UNITS OF MEASUREMENT

- Clause 15:** makes the International System of Units the primary system of measurement in Barbados and lists the required units in the *Schedule* to the Act. It also provides for the Minister to amend the *Schedules* by order to facilitate rapid amendment where required.
- Clause 16:** requires the Barbados National Standards Institution to advise the Minister so Barbados may procure the measurement standards and the required facilities, equipment, measuring instruments and reference materials, as are necessary to facilitate the implementation and dissemination of the International System of Units.
- Clause 17:** provides for the establishment and safe keeping of the National Measurement Standard of Barbados and for its systematic calibration to ensure the National Measurement Standard is always accurate with the limits of error.
- Clause 18:** provides for the establishment and safe keeping of the National Reference Standard of Barbados and for its

systematic calibration to ensure the National Reference Standard is always accurate with the limits of error.

- Clause 19:** provides for the Working Standard which is calibrated annually for the daily use for the purposes of the Act.
- Clause 20:** provides for the limited use of Temporary National Measurement Standard where the national measurement is not available.
- Clause 21:** makes it an offence use a Working Standard or measuring device which is not calibrated in according with the Act.
- Clause 22:** ensures that no person uses a measuring instrument which is outside the appropriate limits of error.
- Clause 23:** outlines the procedure which will be used to determine the accuracy of a measuring instrument.
- Clause 24:** makes provision for the Minister to restrict certain areas of trade to certain units of measurement.
- Clause 25:** provides the official numeric system in Barbados to be the Arabic system of numerals as well for such figures to also be acceptable where expressed in words. The *Fourth Schedule* speaks to unit of metric carat for precious stones. The *Second Schedule* also provides for the unit of the troy ounce for precious metals.
- Clause 26:** makes it an offence to provide less the contracted or specified quantity of a good.

PART V
LEGAL METROLOGY CONTROLS

- Clause 27:** requires measuring instruments used in the trades specified in the section to be regulated in accordance with the Act.
- Clause 28:** makes provision for the legal assumption of possession unless the contrary is proved.
- Clause 29:** outlines the process for the verification of measuring instruments which are subject to the provision of the Act.
- Clause 30:** provides for a verification mark to be affixed and for a verification certificate to be issued where measuring instrument is in compliance with the Act.
- Clause 31:** states the effect of verification under the Act and makes further provision that a verification mark or certificate on a measuring instrument shall not be cause for legal action against the Crown where the measuring instrument is later found to be inaccurate.
- Clause 32:** requires that measuring instruments subject to the Act are subject to type approval in accordance with the required specifications and limits of error.
- Clause 33:** requires a person to obtain a licence in order to do any business which involves selling or repairing measuring instruments.
- Clause 34:** provides for the Chief Inspector to keep a register of persons doing business in measuring instruments and to publish the same in the *Official Gazette*.
- Clause 35:** makes net quantity the required standard for sale by weight, and makes it offence to make a statement or declaration of net quantity which is more than the actual net quantity.

- Clause 36:* creates a duty to measure goods sold by weight in the presence of the purchaser.
- Clause 37:* stipulates the standard and offences for pre-packaged goods.
- Clause 38:* provides for the certification of servicemen by the Chief Inspector.

PART VI
OFFENCES AND PROCEEDINGS

- Clause 39:* provides for private prosecution and for limitation of action for certain offences.
- Clause 40:* provides for the offence of forgery with respect to measuring instruments.
- Clause 41:* makes it an offence to use or sell unverified measuring instruments.
- Clause 42:* makes it an offence to tamper with a measuring instrument.
- Clause 43:* makes it an offence to remove or deface official markings placed on a measuring instrument.
- Clause 44:* makes it an offence to damage the standards.
- Clause 45:* provides for the Chief Inspector and inspector to certify matters of fact for evidential purposes.
- Clause 46:* provides for a general penalty provision to cover offences for which no penalty is provided.
- Clause 47:* makes provision for certain statutory defences for offences under the Act.

- Clause 48:** makes disposal of seized articles.
- Clause 49:** provides for the Minister to make regulations.
- Clause 50:** makes the Crown subject to the provisions of the Act.
- Clause 51:** provides for the Minister to amend the *Schedule* to the Act.
- Clause 52:** provides for the subsidiary instruments under the former Act to remain valid until replaced in accordance with this Act.
- Clause 53:** provides for a transitional period for certificates and licences issued under the former Act.
- Clause 54:** repeals the *Weights and Measures Act, Cap. 331*.