

GOVERNMENT NOTICE NO. 223 published on 19/07/2013

THE WEIGHTS AND MEASURES ACT
(CAP. 340)

REGULATIONS

PART I
PRERIMINARY PROVISIONS

<i>Section</i>	<i>Title</i>
1.	Citation.
2.	Interpretation.

PART II
BALLAST

3.	Prescribed ballast.
4.	Prohibition for trade and other services use.

PART III
BRIM MEASURES

5.	Construction form and sizes of brim measures.
----	---

PART IV
PRESCRIBED MEASURES OTHER THAN BREAM MEASURES OF
AN APPROVED PARTTERN

6.	Application.
7.	Construction form, etc. of other measures.
8.	Calibration of brim measures.
9.	Calibration of a measure forming part of a vehicle.

PART V
MARKING

10. Marking.

PART VI
TESTING AND CERTIFICATION

11. Prescribed measures and Testing.
12. Prescribed limits of error.
13. Calibration certificate.
14. Certification of a measure.
15. Stamping and Obliteration of stamps.
16. Penalty.
17. Repeal.

S C H E D U L E S

THE WEIGHTS AND MEASURES ACT
(CAP. 340)

REGULATIONS

(Made under section 54(1))

WEIGHTS AND MEASURES (SAND AND OTHER BALLAST)
REGULATIONS, 2013

PART I
PRELIMINARY PROVISIONS

Citation

1. These Regulations may be cited as the Weights and Measures (Sand and Other Ballast) Regulations, 2013.

Interpretation

2. In these Regulations, the expression unless the context require otherwise-

“ballast” means-

- (a) gravel, shingle, ashes and clinker of any description
- (b) broken slag, slag chippings, granite chippings, limestone chipping slate chippings and other stone chippings including materials which have been coated with tar, bitumen or cement;
- (c) any other material commonly used in building and civil engineering industries as a hardcore or an aggregate;
- (d) any other material commonly known as ballast;

“brim measure” means a measuring instrument which is intended to measure the content of the commodity to highest material plane or level of its capacity;

“certification means” the issuing of a written statement based on a decision following review, that products, processes, systems or persons have fulfilled specific requirements;

“denomination” means the stated maximum allowable volume of a measure or vessel it can contain or deliver;

“inspection” means the examination of a product design, product, process or installation, and determination of their conformity with specific requirements or, on the basis of professional judgment, with general requirements;

“m³” means a symbol representing cubic metre;

“mm” means a symbol representing millimetre;

“prescribed measure” means a measure which is used or intended to be used in trade or other services which has been made in accordance with metrological requirements;

“presented measure” means a measure intended to be used in trade or other services which has no definite metrological properties upon its manufacture or make.

PART II BALLAST

Prescribed ballast

3. Subject to regulation 4, ballast shall be sold only by volume in a multiple of 0.2 cubic meters:
Provided that sales below 0.2 m³ should be in multiples of 0.02m³.

Prohibition for trade and other services use

4. Without prejudice to section 12 of the Act, no article shall be used for trade as a cubic measure of ballast other than a receptacle which may, if so desired, form part of a vehicle, which conforms with such requirements as to form, capacity, calibration and other matters prescribed.

PART III
BRIM MEASURES

Construction form and sizes of brim measures

5.-(1) Prescribed brim measures shall be constructed to measure only one of the following quantities, namely-

- (a) 0.02 m^3 or multiples thereof not exceeding 0.2m^3 ;
- (b) 0.2 m^3 , a multiple thereof not exceeding 1m^3 ; or
- (c) 0.5 m^3 .

(2) Unless made in accordance with an approved pattern, any prescribed brim measure shall-

- (a) have a smooth and level floor and sides with smooth interiors perpendicular to the floor;
- (b) be constructed of durable materials and be of sufficient thickness or so reinforced as to remain rigid when in use;
- (c) have its adjacent sides set at right angles to each other;
- (d) if made of a hard metal, have a soft metal plug on the exterior immediately below the brim to accommodate stamp.

(3) A prescribed brim measure shall, if it has detachable sides-

- (a) have on all the component parts a common mark intended to ensure that the correct parts are employed in assembling the measure;

- (b) have a base which projects at least 2.5cm beyond the sides and is in contact with the lower edges of the sides at all points; and
- (c) be so designed as to preclude incorrect assembly.

**PART IV
PRESCRIBED MEASURES OTHER THAN BRIM MEASURE OF
AN APPROVED PATTERN**

Application

6. This Part shall apply to prescribed measures other than brim measures or measures of an approved pattern.

Construction form,
etc. of other
measures

7. –(1) A measure to which this Part of these Regulations applies shall be sufficiently strong to stand the wear and tear of use and to remain rigid when in use and shall not-

- (a) have a false bottom;
- (b) have an internal surface, or projections there from which impede its ready discharge;
- (c) be constructed in a manner which facilitates fraud.

(2) A measure shall have four sides and the angles between the sides and the base and between the adjoining sides shall all be 90 degrees except that a measure which has one pair of sides longer than the other may-

- (a) taper in width by up to 10 percent;

(b) have its longer sides curved into the base, and the corners of the other side's rounded accordingly Provided that the effect is not to reduce the width of the base to less than three-quarters of the width at the top.

(3) A measure shall be assembled in a permanent manner so that neither its form nor its volume may be changed in the course of trade and other services, but this requirement shall not preclude any side or sides being so hinged as to swing outwards to facilitate discharge.

Calibration of brim
measures

8. No measure to which this Part of these Regulations applies shall be calibrated to indicate any quantity other than 0.2 m^3 or a multiple thereof, and such measures shall be calibrated to indicate quantities up to and including the maximum purported content as follows-

- (a) measures of a maximum purported content of less than 4 m^3 as respects 0.2 m^3 and every multiple thereof;
- (b) measures of a maximum purported content which exceeds 4 m^3 but is not a whole number of cubic meter as respects every multiple of 0.2 m^3 which exceeds the greatest number of whole cubic meter which the measure will contain

Calibration of a
measure forming
part of a vehicle

9.-(1) Where the measure forms part of a vehicle or not, mathematical computation method shall be employed when calibrating the measure.

(2) Where the measure is or below 0.2m^3 mathematical computation method shall be employed when calibrating the measure

PART V
MARKING

Marking

10.-(1) Every prescribed measure shall have its purported maximum content a durable and conspicuous marking upon the exterior of one of its sides and where the measures forms part of a vehicle the marking shall be on both left and right sides of the measure from the rear side.

(2) The denomination shall be upon a plain background in a color which is in distinct contrast to the background and shall comprise the number of units expressed in figures and an indication of the units of measurement.

(3) Units of measurement shall be denominated in full or by the symbol " m^3 ".

(4) The characters employed in denominating shall be at least 25mm high and 10mm wide, but the symbol " m^3 " shall not be regarded for the purpose of this sub-regulation as forming more than one character.

(5) Where a measure forms part of a vehicle the characters shall be at least 100mm high and 50mm wide.

(6) The thickness of the characters of the denomination shall not be less than 10mm.

PART V
TESTING AND CERTIFICATION

Prescribed measure
and Testing

11.-(1) A prescribed measure shall be tested if it is clean and complete-

(a) a prescribed measure shall be tested by calculation based on the internal measurements;

(b) by volumetric method where applicable;

(c) by a combination of these methods;

(2) The accuracy of all calibrations done by authorized calibrators shall be tested for approval.

(3) A presented measure shall not be passed as fit for use for trade and other services if-

(a) it bears any mark which might erroneously be regarded as a calibration mark or as an Inspectors' stamp;

(b) it does not comply with any other relevant requirement of these Regulations;

(c) in the case of a measure of an approved pattern, it does not conform with the pattern; or

(d) it is not within the prescribed limits of error.

Prescribed limits of
error

12. The prescribed limits of error of measure shall be not less than 2.5% of the prescribed quantity and in excess only.

Calibration
certificate

13. Upon certification of a measure which forms part of a vehicle the owner shall be provided with a calibration certificate in a form of a sticker as prescribed in the First Schedule.

(2) The calibration certificate shall be fixed on the windscreen of a vehicle.

Certification of a Measure

14.-(1) A prescribed measure of an approved pattern shall be stamped in any manner envisaged in the pattern.

(2) A prescribed measure shall be stamped on the lead filling of each of the counter sunk hole or shall be stamped or branded as appropriate on the outside near the brim above or below the indication of content.

Stamping and Obliteration of stamps

15.-(1) Where a prescribed brim measure-

- (a) upon testing fails to fall within the prescribed limits of error; or
- (b) appears to have been so altered, adjusted or repaired that its accuracy is likely to have been affected;
- (c) does not comply with the relevant requirements of these Regulations;
- (d) by reason of any alteration or addition since it was last stamped is in such that it could not be passed as fit for use for trade; an Inspector shall obliterate the stamp on the measure by superimposing thereon with pincers or punch a design in the form of a six-pointed star or, if the nature or degree of non-compliance does not warrant this course, serve on the person using the measure for trade a notice in the form prescribed in the Second Schedule requiring him to take steps to ensure that it does comply before the expiry of such period, not exceeding 28 days, as may be specified in the notice.

(2) Where any notice given under sub-regulation (1) is not duly complied with, the Inspector shall obliterate the stamp on the relevant measure.

Penalty

16. Any person who contravenes the provisions of these regulations shall be guilty of an offence and shall be liable to a penalty as provided for in the Act.

Repeal
GN. No.
534/1998

17. The Weights and Measures (Sand and Other Ballast) Regulations, 1998 are hereby repealed.

—
FIRST SCHEDULE
—

CONTENT OF A STICKER

(Made under Regulation 13(1))

—

Registration Details

-Name

Vehicle Reg. No

-Make

-Model

Calibration Details

-Calibration Number

-Calibration Date

-Maximum Volume

-Calibrated by

-Office of

Sticker Details

-Sticker Number

-Date Issued

-Expiry Date

-Office

-Issued by

Inspector of Weights and Measures.

—————
SECOND SCHEDULE

—————
NOTICE OF NONCOMPLIANCE

—————
(Made under Regulation 15)
—————

Name:.....

Address.....

Trade/Other service.....

Measuring Instrument(s) having purported capacity ofhas/have been examined and tested and found not comply with Sand and Ballast Regulations as regards to

You are required to rectify this issue or otherwise within 28 days

....., 2013

.....
Inspector of Weights and Measures

Dar es Salaam,
....., 2013

ABDALLAH O. KIGODA
Minister for Ministry of Industry and Trade