

A BILL

*i n t i t u l e d*

An Act to amend the Weights and Measures Act 1972.

[ ]

**ENACTED** by the Parliament of Malaysia as follows:

**Short title and commencement**

**1.** (1) This Act may be cited as the Weights and Measures (Amendment) Act 2017.

(2) Except for paragraphs 2(*a*) and 11(*b*) and sections 12 and 13, this Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

**Amendment of section 12**

**2.** The Weights and Measures Act 1972 [*Act 71*], which is referred to as the “principal Act” in this Act, is amended in section 12—

(*a*) by inserting after subsection (2) the following subsection:

“(2A) The Minister may, by order published in the *Gazette*, amend the Second Schedule.”; and

(*b*) in subsection (3), by substituting for the word “four” the word “forty”.

**Amendment of section 14**

3. Subsection 14(6) of the principal Act is amended by substituting for the word “four” the word “forty”.

**Amendment of section 14B**

4. Section 14B of the principal Act is amended—

- (a) in subsection (3), by substituting for the word “one” the word “ten”;
- (b) in subsection (5), by substituting for the word “three” the words “twenty-five”;
- (c) in subsection (6), by substituting for the words “five hundred” the words “five thousand”;
- (d) in subsection (9), by substituting for the word “one” the word “ten”; and
- (e) in subsection (10), by substituting for the word “three” the words “twenty-five”.

**Amendment of section 16**

5. Section 16 of the principal Act is amended by substituting for the word “four” the word “forty”.

**Amendment of section 17**

6. Section 17 of the principal Act is amended by substituting for the word “five” the word “fifty”.

**Amendment of section 18**

7. Section 18 of the principal Act is amended—

- (a) in subsection (2), by substituting for the word “four” the word “forty”; and

- (b) in subsection (3), by substituting for the word “five” the word “fifty”.

**Amendment of section 19**

8. Section 19 of the principal Act is amended by substituting for the words “five hundred” the words “five thousand”.

**Amendment of section 20**

9. Section 20 of the principal Act is amended, in subsections (1) and (3), by substituting for the word “five” the word “fifty”.

**Amendment of section 20A**

10. Subsection 20A(1) of the principal Act is amended by substituting for the word “four” the word “forty”.

**Amendment of section 28**

11. Section 28 of the principal Act is amended—

- (a) in subsection (2), by substituting for the word “four” the word “forty”; and

- (b) by inserting after subsection (2) the following subsection:

“(3) For the purpose of subsection (1), any person who fails to disclose or omits to give any relevant information, document or evidence, or provides, as true, any information, document or evidence that he knows or has reason to believe to be false or misleading shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or imprisonment for a term not exceeding four years or to both.”.

**Amendment of section 29**

12. Subsection 29(2) of the principal Act is amended by inserting after paragraph (gi) the following paragraph:

“(gj) prescribing a penalty of a fine not exceeding twenty-five thousand ringgit for the contravention of or failure to comply with any of the provisions of any regulations made under this Act;”.

**Amendment of section 30**

13. Section 30 of the principal Act is amended—

(a) by substituting for the shoulder note the following shoulder note:

“**Maximum permissible errors**”; and

(b) in subsections (1) and (2), by substituting for the words “limits of error” the words “maximum permissible errors”.

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**EXPLANATORY STATEMENT**

The Bill seeks to amend the Weights and Measures Act 1972 (“Act 71”).

2. *Clause 1* contains the short title and provision on the commencement of the proposed Act.

3. *Subclause 2(a)* seeks to empower the Minister to amend the Second Schedule to Act 71 on linear measures by order published in the *Gazette* for practical reasons.

4. *Subclauses 2(b)* and *11(a)* and *clauses 3, 4, 5, 6, 7, 8, 9* and *10* seek to amend subsections 12(3) and 28(2) and sections 14, 14B, 16, 17, 18, 19, 20 and 20A of Act 71, to increase the fine imposed for offences under those sections, respectively.

The increase in fines ranging from five thousand ringgit to fifty thousand ringgit seek to prevent businesses that engage in fraud or unfair practices from gaining an advantage over consumers as well as to protect the rights of consumers, to prevent the use of inappropriate weighing or measuring

equipment for trading and to ensure that all traders conduct their businesses by using weighing or measuring equipment that comply with the standard approved by the Government.

5. *Subclause 11(b)* seeks to amend section 28 of Act 71 to insert a new subsection (3). The proposed subsection (3) seeks to make it an offence for any person who fails to disclose or omits to give any relevant information, document or evidence, or provides, as true, any information, document or evidence that he knows or has reason to believe is false or misleading for the purpose of an inspection of weights and measures, *etc.*, under subsection (1) of the same section.

6. *Clause 12* seeks to amend section 29 of Act 71 to insert a new paragraph (2)(*gj*). The proposed paragraph (2)(*gj*) seeks to provide for the penalty for any offence committed under any regulations made under Act 71.

7. *Clause 13* seeks to amend section 30 of Act 71 to change the term of “limits of errors” to “maximum permissible errors” to be in line with current international standard.

*FINANCIAL IMPLICATIONS*

This Bill will not involve the Government in any extra financial expenditure.

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