

Foundation Agreement
Annex III, Attachment 17

**Federal Law to Provide for the Establishment
of Standards of Weight and Measures based on
the Metric System and to Provide for Matters
Connected therewith or Incidental thereto**

The text of this Law is as provisionally agreed (subject to agreement of the political leaders) in the Technical Committee on Laws, save for highlighted parts which represent the suggestions of the United Nations to resolve outstanding issues.

Having in mind the necessity for harmonisation with the *acquis communautaire*, in particular with the Community acts referred to in the Regulations or Orders appended hereto;

It is hereby provided as follows:

Part I. PRELIMINARY

Section 1 Short title

This Law may be cited as the “Federal Law on Weights and Measures”.

Section 2 Interpretation

In this Law, unless the context otherwise requires -

“authorised person” means the Controller, the Deputy Controller and any public officer acting pursuant to the duties of his/her post under the relevant scheme of service of the federal government or a constituent state;

“commodity” means any article of trade or product;

“commodity in packaged form” means commodity packaged in units, in term of weight, measure or numeration, suitable for sale, whether wholesale or retail;

“Controller” means the Controller of Weights and Measures provided for by subsection (2) of section 3;

“counterfeit” in relation to a seal or stamp, means a seal or stamp which is so made as to resemble an authorised seal or stamp, as the case may be, intending by that resemblance to practise deception, or knowing it to be likely that deception will thereby be practised;

“Court” means the Supreme Court of Cyprus;

“Deputy Controller” means the Deputy Controller of Weights and Measures provided by subsection (3) of section 3;

“EEC type approval” and “EEC initial verification” means, respectively, the procedures for type approval and initial verification of weights and measures, which are prescribed;

“false weight or measure” means -

- a) any weight or measure which does not conform to the standards established by or under this Law in relation to that weight or measure; or
- b) any packaged commodity which does not conform to the provisions of this Law or any public instrument made there under in relation to such packaged commodity;

“Gazette” means the federal Official Gazette;

“General Conference of Weights and Measures” means the Conférence Générale des Poids et Mesures, established under the Convention du Mètre, at Sèvres in France;

“Government” means the federal Government;

“heap” means any unit of a commodity for sale where such sale is intended to be made without any unit of measurement or where the sale is made by number, without counting the number;

“International Bureau of Weights and Measures” means the Bureau International des Poids et Mesures, established under the Convention du Mètre, at Sèvres in France;

“International Organisation of Legal Metrology” means the Organisation Internationale de Métrologie Légale, established under the Convention Instituant Une Organisation Internationale de Métrologie Légale;

“International Prototype of the Kilogram” means the prototype sanctioned by the First General Conference of Weights and Measures held in Paris in 1889, and deposited at the International Bureau of Weights and Measures;

“label” means any written, marked, stamped, printed or graphic matter affixed to, or appearing upon, any commodity or package containing any commodity;

“manufacturer” in relation to any weight or measure, means a person who -

- a) makes or manufactures such weight or measure;
- b) makes or manufactures one or more parts, and acquires the other parts, of such weight or measure and, after assembling those parts, claims the end product to be a weight or measure manufactured by himself/herself or itself, as the case may be;
- c) assembles parts thereof made or manufactured by others and claims the end product to be a weight or measure manufactured by himself/herself or itself, as the case may be;
- d) puts or causes to be put, his/her own mark on a complete weight or measure made or manufactured by any other person and claims such product to be a weight or measure made or manufactured by himself/herself or itself, as the case may be:

Provided that where any manufacturer dispatches any weight or measure or any part thereof to any branch office maintained by him/her or it, such branch office shall not be deemed to be a manufacturer even though the parts so dispatched to it are assembled at such branch office;

“Minister” means the member of the Presidential Council, responsible for the federal Department, having, for the time being, responsibility in respect of Weights and Measures;

“notification” means a notification published in the Gazette;

“package” includes a tin, wrapper and other thing, made of any material, which is used for containing or packing any commodity;

“person” includes any Government department or office and any company, partnership, association, society, authority, organisation, institution or body of persons, corporate or unincorporated;

“place” includes a vehicle or vessel or any other mobile device, with the help of which any trade or business is carried on, and also includes any measuring instrument mounted on a vehicle, vessel or other mobile device;

“premises” includes -

- a) a place where any business, industry, production or trade is carried on by a person, whether by himself/herself or through an agent, by whatever name called;
- b) a warehouse or other place where any weight, measure or other goods are stored or exhibited;
- c) a place where any books of account or other documents pertaining to any trade or transaction are kept;
- d) a dwelling house, if any part thereof is used for the purpose of carrying on of any business, industry, production or trade;

“prescribed” means prescribed by a public instrument;

“public instrument” includes Regulations, Orders, Rules and any other instrument made or issued under this Law;

“public weighbridge” means a weighbridge which is offered for use by the public or for the use of which a toll is charged;

“reference standard” means the set of standard weights or measures which is made or manufactured by or on behalf of the Government for the verification of any secondary standard;

“Regulations” means Regulations made under section 65 or annexed hereto;

“repairer” includes a person who adjusts, cleans, lubricates or paints any weight or measure or renders any other service to such weight or measure to ensure that such weight or measure conforms to the standards established by or under this Law;

“sale” with its grammatical variations and cognate expressions, means transfer of property in any weight, measure or other goods by one person to another for cash or for deferred payment or for any other valuable consideration, and includes a transfer of any weight, measure or other goods on the hire-purchase or other system of payment by instalments, but does not include a mortgage or hypothecation of, or a charge or pledge on, such weight, measure or other goods;

“seal” means a device or process by which a stamp is made, and includes any wire or other accessory which is used for ensuring the integrity of any stamp;

“secondary standard” means the set of standard weight or measure which is made or manufactured by or on behalf of the Government for the verification of any working standard;

“stamp” means a mark which is made on, or in relation to, any weight or measure with a view to certifying that such weight or measure conforms to the standards specified by or under this Law and may be made by impressing, casting, engraving, etching, branding or any other process;

“standard weight or measure” means any weight or measure which conforms to the standard unit of such weight or measure which is specified in Part IV;

“supplementary indication” means one or more indications of quantity expressed in units of weight, measure or numeration other than the standard units of weight, measure or numeration;

“trade” means the carrying on, either directly or indirectly, of the business of importing, buying, selling, supplying or distributing, whether wholesale or retail, any weight or measure, whether for cash or for deferred payment, or for commission or for remuneration or for other valuable consideration;

“transaction means any agreement or contract, whether for sale, purchase, exchange or any other purpose and includes the assessment of royalty, toll, duty or other dues, or the assessment of any work done, wages due or services rendered;

“type in relation to weights and measures production, means a weight and measure on the basis of which the weights and measures produced have identical metrological and technical characteristics;

“unverified weight or measure” means a weight or measure which, being required to be verified and stamped under this Law, has not been so verified and stamped;

“verification” means -

- a) the comparison of a weight or measure with another weight or measure which conforms to the standards established by or under this Law, to detect, correlate, report or eliminate by adjustment, any variation in the accuracy of the first-mentioned weight or measure;
- b) the determination of the capacity of a measure or denomination of a weight, or making the graduations on a weight or measure, and the rectification of such capacity, denomination or graduations where necessary;

“weighing or measuring instrument” means any object, instrument, apparatus or device, or any combination thereof, which is, or intended to be, used, exclusively or additionally, for the purpose of weighing or measuring, and includes any appliance, accessory or part associated with any such object, instrument, apparatus or device;

“weight or measure” means a weight or measure specified by or under this Law and includes a weighing or measuring instrument;

“working standard” means the set of standard weight or measure which is made or manufactured by or on behalf of the Government for the verification of any standard weight or measure, other than a national prototype or national reference or secondary standard.

Part II. CONTROLLER AND DEPUTY CONTROLLER OF WEIGHTS AND MEASURES AND THE POWERS AND DUTIES OF ANY AUTHORISED PERSON

Section 1 Office of Weights and Measures, functions, powers and supervision

- 1) The Office of Weights and Measures shall be established under the federal Department for the time being responsible for Weights and Measures.

- 2) The competence of the Office shall relate to the establishment and application of weights and measures according to the International Metric System, use and custody of such national prototypes, the approval of types of weights and measures, the verification and stamping and inspection of weights and measures, the specification of provisions relating to commodities in packaged form as prescribed in Parts III to VII of this Law, and shall also include any other powers and duties under this Law.
- 3) The head of the Office of Weights and Measures shall be the Controller, who will be assisted by the Deputy Controller, hailing from a different constituent state. In case of absence or temporary incapacity of the Controller, the Deputy Controller shall act for the Controller.
- 4) There shall be a consultative committee on Weights and Measures, comprising four members. Two shall be members of the federal Public Service and two shall represent the constituent states. The Presidential Council shall appoint the members of the committee, acting in the case of the members hailing from the constituent states, on the nominations of the constituent states. In addition the committee may, as necessary, invite public officers from the federal government and the constituent states and also experts to attend the committee.

Section 2 General powers and duties of any authorised person

- 1) Subject to subsection (4), any authorised person may-
 - a) enter, at all reasonable times, into any premises where he has reason to believe that any weight or measure is used or kept, or any commodity is manufactured, packed, sold, distributed, exhibited or kept for sale;
 - b) inspect, check, adjust, test, verify and stamp any such weight or measure as referred to in paragraph (a);
 - c) inspect, verify or stamp the weight, measure or number of the contents of any package or container;
 - d) examine any document or other record in relation to any commodity, weight or measure referred to in paragraphs (a) to (c);
 - e) seize any weight or measure or goods or any document or object, relating to such weight or measure or goods, which he has reasonable cause to believe is subject to seizure under the provisions of this Law;
 - f) exercise any other power necessary for the enforcement of the provisions of this Law or specified in any other law.
- 2) Any person in possession of any premises or any person having under his/her control or management such premises and the agents or servants of any such person shall provide any authorised person with every facility and information and produce to him/her for inspection any commodity or document which he may, on reasonable grounds, require.
- 3) Any authorised person shall, when required to enter into any premises for the purposes of this Law, be provided with a certificate of his/her appointment or any other document or identity card certifying such appointment, as may be prescribed, which he shall produce if required to do so.

- 4) There shall be no entry in any dwelling house or any search therein except on a judicial warrant or when the entry is made with the written consent of the occupant.

Section 3 *Power of any authorised person to inspect or in relation to inspection of weights and measures*

- 1) Any authorised person may, at all reasonable times, inspect and test any weight or measure which is used, is intended to be used or is in the possession, custody or control of any other person and require any such other person to produce before him/her for inspection and test every such weight or measure.
- 2) For the purposes of inspecting, testing or ascertaining the correctness or accuracy of any such weight or measure, any authorised person may -
 - a) test the weight or measure or check the quantity of any goods sold or delivered to any person in the course of any transaction or contract;
 - b) require the production of any document or other article in relation to such weight or measure.

Section 4 *Obstruction of any authorised person and failure to comply with an order or request of any authorised person*

No person -

- a) shall refuse or fail to produce, if required to do so, before any authorised person, any record or register of weight or measure or any document or article relating thereto for inspection or fail to comply with any lawful request or demand made by any authorised person;
- b) obstruct the entry of any authorised person into any premises for the inspection or testing of any weight or measure or document or record relating thereto or for the inspection or verification of the contents of any commodity in packaged form or for any other purpose;
- c) prevent any authorised person from searching any premises or from making any seizure of any weight, measure, package, container, document, record or any other article or goods;
- d) in any way obstruct any authorised person in the exercise of his/her duties under this Law or under any public instrument.

Part III. ESTABLISHMENT OF STANDARDS OF WEIGHTS AND MEASURES ACCORDING TO THE INTERNATIONAL METRIC SYSTEM

Section 1 *Units of weights and measures to be based on metric system*

- 1) Every unit of weight or measure shall be based on the units of the metric system and shall include any other unit specified in the Regulations.

- 2) For the purposes of subsection (1), the units of the metric system shall be the International System of Units as recommended by the General Conference of Weights and Measures.

Section 2 *Legal units of weight, measure or numeration*

- 1) The base units of weight, measure and numeration, specified in sections 9 to 16, both inclusive, and the supplementary and other units as may be specified in the Regulations, shall be the standard units of weight, measure or numeration.
- 2) The standard units of weight, measure or numeration shall be the only legal units.

Section 3 *Base unit of mass*

- 1) The base unit of mass shall be the kilogram.
- 2) The kilogram is equal to the mass of the International Prototype of the Kilogram which was adopted by the First General Conference of Weights and Measures, held in Paris in 1889, and deposited at the International Bureau of Weights and Measures.
- 3) The base unit of weight at any place shall be the weight of the base unit of mass at that place.

Section 4 *Base unit of length*

- 1) The base unit of length shall be the metre.
- 2) The metre is the length of the path travelled in a vacuum by light during $1/299\,792\,458$ seconds.

Section 5 *Base unit of time*

- 1) The base unit of time shall be the second.
- 2) The second is the duration of 9 192 631 770 periods of the radiation corresponding to the transition between the two hyperfine levels of the ground state of the caesium -133 atom.

Section 6 *Base unit of electric current*

- 1) The base unit of electric current shall be the ampere.
- 2) The ampere is that constant current which, if maintained in two straight parallel conductors of infinite length, of negligible circular cross-section, and placed 1 metre apart in vacuum, would produce between these conductors a force equal to 2×10^{-7} newton per metre of length.

Section 7 *Base unit of thermodynamic temperature*

- 1) The base unit of thermodynamic temperature shall be the kelvin.
- 2) The kelvin is the fraction $1/273,16$ of the thermodynamic temperature of the triple point of water.
- 3) The kelvin shall also be used for expressing the interval of temperature.
- 4) The degree Celsius of the International Practical Scale of Temperature, the zero degree of which corresponds to 273.15 kelvin, shall be equal to the kelvin.

Section 8 *Base unit of luminous intensity*

- 1) The base unit of luminous intensity shall be the candela.
- 2) The candela is the luminous intensity, in a given direction, of a source that emits monochromatic radiation of frequency of 540×10^{12} hertz and that has a radiant intensity in that direction of $1/683$ watt per steradian.

Section 9 *Base unit of amount of substance*

- 1) The base unit of amount of substance shall be the mole.
- 2) The mole is the amount of substance of a system which contains as many elementary entities as there are atoms in 0,012 kilogram of carbon 12.
- 3) When the mole is used, the elementary entities shall be specified and may be atoms, molecules, ions, electrons, other particles or specified groups of such particles.

Section 10 *Base unit of numeration*

- 1) The base unit of numeration shall be the unit of the inter- national form of numerals.
- 2) Every numeration shall be made in accordance with the decimal system.
- 3) The decimal multiples and sub-multiples of the numerals shall be of such denominations and be written in such manner as may be specified by Regulations.

Section 11 *Supplementary, etc. units*

Without prejudice to other provisions of this Part, Regulations may specify -

- a) supplementary, derived, or other units or standard symbols or definitions in relation to the base units of weight or measure.

For the purposes of this paragraph "derived unit" means a unit which is derived from the base, or supplementary, unit or both;

- b) multiples and sub-multiples of, and physical constants, ratios or coefficients in relation to, units of weight or measure.

Section 12 *Prohibition of quotation or use in transactions otherwise than in terms of standard units of weights or measures*

- 1) No person shall refer to, or use in relation to, any transaction made within Cyprus:
- a) any unit other than the standard unit of weight, measure or numeration; or
 - b) any weight, measure or numeral other than the standard weight, measure or numeral,
- and any transaction made in contravention of this subsection shall be void.
- 2) No person shall, in relation to any goods sold, transferred, distributed, delivered or kept, possessed or offered for sale or for services rendered within Cyprus -
- a) quote, or make announcement of, whether by word of mouth or otherwise, any price or charge;
 - b) issue or exhibit any price list, invoice, cash memo or other document;
 - c) prepare or publish any advertisement, poster or other similar document;
 - d) indicate the contents of any package either on itself or on any label, carton, or other thing;
 - e) indicate the weight, measure or number of the contents of any package or container; or
 - f) express, in relation to any transaction or for use in any industrial production, any quantity or dimension,
- otherwise than in accordance with the standard units of weight, measure or numeration.
- 3) No unit of weight, measure or numeration shall be quoted in any enactment, notification, regulation, provision, contract, deed or any instrument in terms of any unit of weight, measure or numeration other than that of a standard unit of weight, measure or numeration.
- 4) Notwithstanding anything contained in this section or in any other section of this Law and subject to section 68, the use of any supplementary indication shall not be prevented, exempting the weights and the weighing or measuring devices where the indication of the measured quantity is expressed exclusively in standard units of weight, measure or numeration, provided that -
- a) the supplementary indication is accompanying an indication of a quantity expressed in a standard unit of weight, measure or numeration; and
 - b) the indication expressed in a legal unit of weight, measure or numeration shall predominate. In particular, the supplementary indications shall be expressed in characters no larger than those of the corresponding indication in standard units of weight, measure or numeration.

Section 13 *Prohibition of use of non-standard weight or measure*

- 1) No weight or measure shall be used or kept in any premises in such circumstances as to indicate that such weight or measure is intended, or is likely,

to be used for unit of measurement, in relation to any transaction or for the purpose of being used in any industrial production unless it conforms to the standard weight or measure.

- 2) No weight or measure shall bear thereon any inscription or indication of weight, measure or number except in accordance with the standard unit of such weight, measure or numeration.
- 3) Where any weight or measure is found in any premises, the possessor or the owner of such premises, as the case may be, shall be presumed, until the contrary is proved, that he possessed such weight or measure for use in trade.

Part IV. FEDERAL PROTOTYPES AND STANDARDS AND THE USE AND CUSTODY THEREOF

Section 14 Federal prototypes

For the purpose of deriving the value of the kilogram and the metre, the Presidential Council shall cause to be prepared corresponding federal prototypes thereof and shall cause their accuracy to be certified by the International Bureau of Weights and Measures.

Section 15 Federal standards

- 1) For the purpose of deriving the value of the base units, other than the base unit of mass, and the value of any supplementary or other units, as may be prescribed by Regulations (in this Law referred to as "Federal Standards"), the Presidential Council shall cause to be prepared such objects or equipments, as may be necessary for the purpose.
- 2) The accuracy of such objects or equipments shall be subject to periodical certification by the International Bureau of Weights and Measures, or such other authority as may be deemed appropriate by any authorised person.

Section 16 Reference secondary and working standards

- 1) The Presidential Council shall cause to be prepared or made as many reference, secondary and working standards as may be necessary, which shall be verified and authenticated by such authority, in such manner and at such periodical intervals as may be prescribed by Regulations.
- 2) No reference, secondary or working standard shall be used as such unless it has been authenticated in the prescribed manner.

Section 17 Use and custody of federal prototypes, etc.

The federal prototypes and standards, which are prepared and authenticated in accordance with the provisions of this Part, as well as the reference, secondary and

working standards, shall be deposited and kept in such a manner and at such a place as may be prescribed by Regulations.

Section 18 *Power of the Presidential Council to prescribe characteristics, etc. of standard weights and measures*

The Presidential Council may, in relation to any standard weight or measure, by Regulations prescribe the physical characteristics, configuration, constructional details, materials, equipment, performance, tolerances and methods or procedures of tests and the permissible margins of errors or discrepancies in the accuracy thereof.

Part V. APPROVAL OF TYPES OF WEIGHTS AND MEASURES

Section 19 *Weight or measure type approval a pre-requisite for the verification of weights and measures*

- 1) The categories of weights or measures for which a type approval is required shall be prescribed by Regulations.
- 2) Subject to subsection (3), no weight or measure, of a type which falls in the category for which an approval is required under subsection (1), shall be verified and stamped in accordance with the provisions of Part VI, unless the type of the said weight or measure has been approved by any authorised person in accordance with the provisions of this Part.
- 3) Any weight or measure, which bears a valid sign that certifies EEC type approval or a valid mark certifying EEC initial verification, is exempted from verification and stamping under the provisions of Part VI.

Section 20 *Procedure for type approval of a weight or measure*

- 1) A weight or measure, which is intended for use in relation to any transaction or industrial production and for which type approval is required, shall be submitted to any authorised person by the manufacturer or his/her authorised representative accompanied by an application in the prescribed form, and the prescribed examination fee.
- 2) Any authorised person shall examine the submitted application in accordance with the procedure prescribed by Regulations for the purpose of assessing the suitability of the aforementioned weight or measure for use in relation to the said transaction or industrial production.
- 3) In the course of the examination of the application for type approval of a weight or measure, any authorised person may require the manufacturer or his/her authorised representative to provide such assistance or to submit such supplementary information, including construction drawings or other relevant information, which are deemed necessary for the carrying out of the examination.

Section 21 Issue of approval certificate

- 1) In case where any authorised person, after the examination of the relevant application, is satisfied that a weight or measure, the type of which has been submitted for approval under section 26, is suitable for use in relation to any transaction or for the purpose of use in any industrial production, shall issue a certificate of approval for the said weight or measure to the name of the manufacturer and, at the same time, shall cause this certificate to be published in the Gazette.
- 2) The approval certificate shall be issued in the prescribed form, after depositing the prescribed fee, and may be subject to such conditions as any authorised person may deem necessary.
- 3) Where any authorised person has refused to grant the requested approval certificate, he shall inform the applicant in writing, of the reasons for such refusal.

Section 22 Periods of certificate validity

- 1) Notwithstanding any other provisions of this section, a valid type approval certificate, shall cease to be valid at the end of a ten year period from the date of issue of the certificate, unless the certificate provides for a lesser period.
- 2) A type approval certificate may, after application in the prescribed form, which is submitted at least six months before the expected date of expiry of the certificate, be extended by any authorised person for a period not exceeding ten years:

Provided that, in the case of extension of a type approval certificate, any authorised person may impose, in addition to the initial conditions, any new conditions he may deem necessary.
- 3) In a case, where an application for the extension of a type approval certificate is submitted to any authorised person in time in accordance with subsection (2) and any authorised person does not inform the applicant of his/her decision by the expected date of expiry of the validity of the certificate, the lapse of this date shall not in any way affect the validity of that certificate, until such time as any authorised person informs the applicant of his/her decision in relation to the application.

Section 23 Revocation of certificate

- 1) Any authorised person may, for any of the reasons mentioned in subsection (2), by notification to the person on whose name the type approval certificate was issued, revoke that certificate and at the same time cause the aforementioned notification to be published in the Gazette.
- 2) The reasons for revocation of an approval certificate shall be-
 - a) the submission of false information in relation to the application for type approval of a weight or measure, which is submitted by the manufacturer of the weight or measure or his/her authorised representative;

- b) the violation of any of the conditions included in the type approval certificate issued;
 - c) the manufacture of false weights or measures or weights or measures of which any of the technical or metrological characteristics are not identical to the corresponding characteristics of the type of the weight or measure that was submitted, on the basis of which a type approval certificate was issued; or
 - d) the conviction of any holder of a type approval certificate for commission of any offence under this Law.
- 3) No revocation shall be decided, unless any authorised person first informs the person, on whose name the certificate under revocation was issued, of his/her intention to revoke the certificate and give to that person reasonable opportunity to submit in writing any objections within one month from the date of communication he may have in relation to the intended revocation.

Section 24 *Weights and measures in use, not influenced from subsequent expiry of validity or revocation of a certificate*

Despite the expiry of validity of any type approval certificate or its revocation by any authorised person, the said certificate shall be deemed to remain valid with regard to any weight or measure of that type, provided the aforementioned weight or measure was in use in any transaction or for the purpose of any industrial production at the time when the certificate was valid in accordance with any provision other than that of this section.

Section 25 *Manufacturer's obligation to identify weights or measures with the approved type*

Every weight or measure, which is manufactured according to a type for which a certificate of approval has been issued, shall be marked by its manufacturer in the prescribed manner so that the said weight or measure is identified with that approved type.

Section 26 *Offences in relation to approved types of weights and measures*

- 1) No person shall, knowing that any type approval certificate has ceased to be valid or has been revoked by any authorised person -
- a) use, or have in his/her possession for such use, cause, tolerate or allow to be used by any other person, in any transaction or for the purpose of any industrial production, any weight or measure of the said type, with the exception of weights and measures which fall in the category referred to in section 30; or
 - b) dispose or supply any such weight or measure to any other person in a manner that could be used in any transaction or for the purpose of any industrial production, without informing that other person of the expiry of the validity or of the revocation of the relevant type approval certificate.

- 2) No person knowing the existence of any condition imposed for the granting or renewal of any type approval certificate shall -
 - a) use, cause, tolerate or allow so that any other person to use, any weight or measure of the said type in contravention of the aforesaid condition; or
 - b) dispose or supply any such weight or measure to any other person in a manner that could be used in any transaction or for the purpose of any industrial production, without informing that other person of the existence of the aforesaid condition.

Part VI. VERIFICATION, STAMPING AND INSPECTION OF WEIGHTS AND MEASURES

Section 27 Prohibition of use of unverified and unstamped weights and measures

- 1) No weight or measure shall be exposed for sale or used or kept for use in any premises or for any industrial production unless it has been verified and stamped in accordance with the provisions of this Law:

Provided that this subsection shall not apply in the case where the aforesaid weight or measure bears any sign and or mark as prescribed in subsection (3) of section 25:

Provided further that, the verification of a weight or measure may be carried out by a method other than unit checking, if it is so specified for the said weight or measure by Regulations.

- 2) Every weight and measure shall be re-verified and re-stamped in such manner and at such periodical intervals as may be prescribed.
- 3) A person having any weight or measure in his/her possession, custody or control shall produce such weight or measure for verification at the specified place and time and any authorised person shall, if satisfied that such weight or measure conforms to the standard weight or measure, put his/her stamp thereon.
- 4) Where any weight or measure is such that it cannot, or should not, be moved from its location, any authorised person shall take such steps for the verification and stamping of such weight or measure as any authorised person may consider necessary.

Section 28 Certification instead of stamping

Where any authorised person is of opinion that, by reason of the size or nature of any weight or measure, it is not desirable to put a stamp thereon, he may direct that, instead of stamping such weight or measure, a certificate in the prescribed form may be issued by any authorised person to the effect that such weight or measure conforms to the standards established by or under this Law and every weight or measure so certified shall be deemed to have been duly verified and stamped under this Law.

Section 29 *Validity of weights or measures duly verified and stamped*

Every weight or measure which is, or is deemed to be, duly verified and stamped under this Law shall be deemed to conform to the legal standards, unless it is found, on inspection or verification, that such weight or measure does not conform to the legal standards.

Section 30 *Display of certificate of verification*

Every certificate granted under section 27 shall be displayed in a conspicuous place in the premises where such weight or measure is being, or it is intended to be, used in any transaction or for any industrial production.

Section 31 *Power of any authorised person to obliterate stamp or cancel certificate*

On inspection any authorised person may, if not satisfied that any weight or measure:

- a) conforms to the legal standards; or
- b) is adjusted or can be adjusted to the legal standards; or
- c) has been verified within the specified time,

obliterate the stamp on any such weight or measure or cancel any certificate granted under section 34 in relation to such weight or measure.

Section 32 *Power of any authorised person to seize weights or measures or good*

- 1) Any authorised person may seize any weight or measure in relation to which an offence under this Law appears to have been committed or which is likely to be used in the commission of such offence, and may also seize any goods sold or delivered by the use of such weight or measure:

Provided that, where any goods seized under this section are subject to speedy or natural decay, any authorised person may dispose of such goods in such manner as may be prescribed.

- 2) Where any weight or measure or any article is seized under subsection (1), any authorised person may also seize any document or other record relating to such weight, measure or article.

Part VII. PROVISIONS RELATING TO COMMODITIES IN PACKAGED FORM

Section 33 Use of prescribed weights and measures in certain cases

- 1) The Minister may, by Order, direct that in respect of a class of goods, undertakings or users specified therein, no transaction shall take place except by such weight, measure or number as may be specified in the said Order.
- 2) Any Order made under subsection (1) shall take effect in such area, from such future date and subject to such conditions as may be specified therein.

Section 34 Obligation to declare quantity of commodities in packaged form

- 1) No person shall make, manufacture, pack, import, sell, distribute, deliver or offer, expose or possess for sale, any commodity in packaged form, unless such package or container bears thereon, or on a label securely attached thereto, a definite, plain and conspicuous declaration, made in the prescribed manner, of -
 - a) the identity of the commodity in the package;
 - b) the net weight, measure or number of the commodity in such package, expressed in terms of the standard unit of weight, measure or numeration; and
 - c) the full name and the full address of the manufacturer or packer or importer of such commodity.
- 2) The declaration referred to in subsection (1) shall not include any word or expression which tends or may tend to qualify such weight, measure or number.
- 3) Where the retail price of any commodity in packaged form is stated in any advertisement, announcement, price list or other similar document, such advertisement, announcement, price list or document shall include a conspicuous declaration as to the weight, measure or number contained in the package.

Section 35 Commodities in packaged form

- 1) Any commodity in packaged form which does not conform to the provisions of this Law shall be subject to seizure:

Provided that, where any commodity seized under this section is subject to speedy or natural decay, any authorised person may dispose of such commodity in such manner as may be prescribed.
- 2) Any commodity in packaged form which is kept in any premises, shall be presumed to have been kept for sale or for disposal on the market.

Section 36 *Power of the Presidential Council to prescribe tolerable limits of variations in the net contents of commodities in packaged form*

The Presidential Council may, by Regulations, specify tolerable limits of variations in the net contents of commodities in packaged form as may be deemed necessary, taking into consideration the method of packing or the ordinary exposure which may be undergone, by such commodities after they enter the trade.

Section 37 *Power of the Minister to prescribe standard quantities, etc.*

Where the Minister is of the opinion that any commodity or any other commodity similar or comparable to it is being sold, packed, distributed, delivered, offered or exposed for sale in such weight, measure or number as to prevent the ability of the consumer to make a definite comparison of the prices, he may, by Order, direct every manufacturer, packer or trader to manufacture, pack, import, sell, distribute or deliver such commodities in such standard weights, measures, or numbers as may be prescribed in the Order.

Section 38 *Inspection of commodities in packaged form*

- 1) Any authorised person may, for the inspection for any commodity in packaged form which is kept, possessed or offered for sale or delivery -
 - a) weigh, measure or count the number of the commodity contained in any package.
 - b) open any such package, if deemed necessary for the purposes of paragraph (a);
 - c) demand the purchase of such commodity in packaged form.
- 2) If, during the inspection, it is found that such package does not contain the net quantity or number of the commodity, as specified on it or on the label thereon, or does not conform to the provision of this Law, any authorised person may-
 - a) seize such package, container or commodity;
 - b) prohibit, by Order made in the prescribed form and manner, the sale of each package or container which is similar to the packages seized;
 - c) mark or seal such package or container in such manner as to indicate that the sale or delivery thereof has been prohibited or demand from the seller to do so.
- 3) No package or container, in relation to which an order has been made under paragraph (b) of subsection (2) shall be sold, offered or exposed for sale unless-
 - a) the contents of such package have been brought into conformity with the provisions of this Law or any Regulation or Order made under this Law; or
 - b) the disposal thereof has been authorised by the Controller.
- 4) If, on verification of any commodity in packaged form, the weight, measure or number thereof is found to agree with the statement on the package, container or label thereon, any authorised person may-
 - a) allow such commodity to be re-packed and, in such case, to cause the package or container to be sealed; or

- b) acquire the package or container together with the commodity on payment of the market price thereof.

Section 39 Sale of commodities by number

- 1) Where the sale of any commodity is made by number and the number of the commodity delivered to the purchaser in pursuance of such sale is less than the number paid for, the seller shall be deemed to have used a false measure.
- 2) Where, in relation to any commodity sold by number, there is a custom or usage of delivering a fixed number in addition to the number paid for, such custom or usage shall cease as from the commencement of this Law.

Section 40 Sale of commodities by heap

Where any commodity is sold by heaps, the approximate weight, measure or number of the commodity contained in each heap shall be distinctly declared either orally or by a written notice placed on each heap:

Provided that no such announcement shall be necessary in the case of a heap the market price of the contents of which does not exceed fifty cents.

Section 41 Prohibition of import of goods, etc. not in accordance with the metric system

No person shall import or attempt to import any goods in packaged form or otherwise, or any machinery or any part or component of such machinery, unless they conform to the provisions of this Law:

Provided that the Presidential Council may by Order, exempt from the operation of this section such goods or class of goods for such period and under such conditions and limitations as may be prescribed in the Order.

Section 42 Certain exceptions regarding commodities destined for export

Where any commodities are manufactured or packed exclusively for export -

- a) a declaration of the weight, measure or number of such commodity; and
- b) a quotation of the price or quantity in any register, price list, invoice, receipt or any document in relation to the export or sale of such commodities,

may, under such conditions as may be prescribed, be made in accordance with the legal system of units of the country to which such commodity is exported or any other system approved by the Minister for this purpose.

Section 43 Prohibition of certain usages, etc.

Any custom, usage, practice or method of whatever nature which allows a person to demand or receive any quantity of goods or service in excess of, or less than, the quantity specified by the weight or measure in the contract or other agreement shall be void.

Part VIII. OFFENCES AND PENALTIES

Offences

Section 44 General offences

A person commits an offence if he contravenes any of sections 6, 18, 19, 32, 33 or 40 or contravenes any public instrument made under this Law or annexed hereto.

Section 45 Counterfeiting of seals, weights and measures, stamps, etc.

- 1) A person commits an offence if he-
 - a) counterfeits any seal specified by or under this Law;
 - b) sells or otherwise disposes of, any counterfeit seal;
 - c) possesses any counterfeit seal;
 - d) counterfeits any stamp made under this Law or any Regulation;
 - e) removes any stamp made under this Law or any Regulation, or tampers with any stamp so made;
 - f) removes any stamp made under this Law or any Regulation and affixes the stamp so removed, on, or inserts the same into, any other weight or measure; or
 - g) wilfully increases or diminishes or alters, in any way, any weight or measure, with a view to deceiving any person or knowing or having reasonable cause to believe that any person is likely to be deceived thereby.
- 2) Any person who by unlawful means obtains possession of any seal specified by or under this Law and uses, or causes to be used, any such seal for making any stamp on any weight or measure with a view to representing that the stamp made by such seal is authorised by or under this Law, commits an offence.
- 3) Any person who, being in lawful possession of a seal specified by or under this Law, uses, or causes to be used, such seal without lawful authority for such use, shall be guilty of an offence.
- 4) Any person who sells, offers or exposes for sale or otherwise disposes of any weight or measure which he knows or has reason to believe to bear thereon a counterfeit stamp shall be guilty of an offence.

Section 46 Offences committed by persons exercising powers under this Law

Any person exercising powers under this Law or any public instrument made under this Law or annexed hereto, commits an offence if he-

- a) wilfully verifies or stamps any weight or measure in contravention of the provisions of this Law;
- b) wilfully discloses, except, in the performance of his/her duties, to any person any information obtained by him/her with regard to any trade secret or any secret in relation to any manufacturing process of any weight or measure;

- c) knowing that there are no reasonable grounds for so doing, searches any premises, means of conveyance or place or seizes any weight or measure or any movable property; or
- d) causes the doing of any act referred to above.

Section 47 *Sale of rejected weights and measures*

A person commits an offence if he sells, distributes, delivers or offers, or causes to be sold, distributed, delivered or offered, any weight or measure which has been rejected on verification under this Law or any public instrument made under this Law or annexed hereto:

Provided that nothing in this section shall apply to the sale, as scrap, of any rejected weight or measure which has been defaced in the prescribed manner.

Section 48 *Personating any authorised person*

A person commits an offence if he personates in any way any authorised person.

Section 49 *Giving false information*

A person commits an offence if he gives information to any authorised person, which he may require or ask for in the exercise of his/her duties and which such person either knows or has reason to believe to be false.

Section 50 *Giving false information required under this Law*

A person commits an offence if, being required by or under this Law or any public instrument made under this Law or annexed hereto so to do, he submits a return which is false in material particulars.

Section 51 *Manufacture, etc. of false weights or measures*

A person who manufactures, packs, imports, sells, distributes, delivers, offers for sale or uses any false weight or measure commits an offence.

Section 52 *Imputed knowledge in certain cases*

1) If any person -

- a) manufactures, packs, imports, sells, distributes, delivers or offers for sale, or causes to be manufactured, packed, imported, sold, distributed, delivered or offered for sale, any false weight or measure; or
- b) uses, or causes to be used, any false weight or measure in any transaction or for any industrial production,
s/he shall be presumed, until the contrary is proved, to have so acted knowing that the weight or measure was false.

- 2) If any person has in his/her possession, custody or control any false weight or measure in such circumstances as to indicate that such weight or measure is likely to be used in any transaction or for any industrial production, it shall be presumed, until the contrary is proved, that such false weight or measure was possessed, held or controlled by such person with the intention of being used in any transaction or for any industrial production.

Section 53 *Liability of employer*

- 1) An employer who knows or has reason to believe that any person employed by him/her has, in the course of such employment, contravened any provision of this Law or any public instrument made under this Law or annexed hereto, shall be deemed to have abetted the contravention of such provision:

Provided that no such abetment shall be deemed to have taken place if such employer has, before the expiry of seven days from the date-

- a) on which he has knowledge of the contravention; or
 - b) has reason to believe that a contravention has taken place, notified any authorised person of the name of the person by whom such contravention was made and the date and other particulars of such contravention.
- 2) Any person who is deemed by virtue of subsection (1) to have abetted the commission of an offence in contravention of this Law or any public instrument made under this Law or annexed hereto shall be liable to the same penalties as if he had contravened the relevant provision.

Section 54 *Offences by companies and liability of officers*

- 1) Where an offence under this Law or any public instrument made under this Law or annexed hereto is committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, shall be deemed to have committed the said offence:

Provided that nothing contained in this subsection shall render any person liable to punishment if he proves that the offence was committed without his/her knowledge or that he has exercised all due diligence to prevent the commission of such offence.

- 2) Notwithstanding anything contained in subsection (1), where an offence under this Law or any public instrument made under this Law or annexed hereto has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any Director, Secretary or other officer of such company, he shall also be deemed to be guilty of that offence.
- 3) For the purposes of this section -
 - a) "company" means any body corporate or unincorporated and includes a firm or other association of individuals;

b) "director", in relation to a firm, includes a partner in the firm.

Penalties and Powers of the Court

Section 55 Penalties

- 1) Subject to the provisions of subsections (2) and (3), a person who commits an offence under this Law or any public instrument made under this Law or annexed hereto, is liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding one thousand pounds or to both such penalties.
- 2) A person who commits an offence under section 54 is liable to imprisonment for a term not exceeding three years or to a fine not exceeding five thousand pounds or to both such penalties.
- 3) A person who commits an offence under section 56 is liable to a fine not exceeding five hundred pounds.

Section 56 Additional powers of the Court

Where a person is convicted of an offence under this Law, or any public instrument made under this Law or annexed hereto the Court may in its discretion, in addition to any other penalty, order the seizure of any weight or measure in relation to which the offence has been committed.

Part IX. MISCELLANEOUS

Section 57 Hierarchical recourse

- 1) A person aggrieved by a decision, act or omission of any authorised person, made under the provision of this Law, may have recourse to the Minister.
- 2) The recourse shall be made in writing within a period of thirty days from the day of notification of the decision or act of any authorised person or, in case of omission or no such notification, from the date on which the act, decision or omission came to the knowledge of the aggrieved person.
- 3) The Minister shall examine the recourse and, after hearing the interested parties or affording them the opportunity to state their case in writing, as he may deem proper, decide in accordance with paragraph (4).
- 4) The Minister may -
 - a) confirm or annul the challenged decision, act or omission;
 - b) amend the challenged decision, act or omission or issue a new decision, substituting the challenged decision, act or omission;
 - c) send back the case to any authorised person for review in the light of any instructions or comments.

Section 58 Recourse to the Court

Any person who is not satisfied with a decision of the Minister or, if no recourse to the Minister is made within the period specified in section 63, with a decision, act or omission of any authorised person, may have recourse to the Court.

Section 59 Regulations

- 1) The Presidential Council may make Regulations to be published in the Gazette for the better carrying out of the provisions of this Law.
- 2) In particular, and without prejudice to the generality of subsection (1), such regulations may provide for all or any of the following matters:
 - a) supplementary, derived, special or other units of weights or measures, standard symbols or definitions;
 - b) multiples and sub-multiples of units of weights and measures and physical constants, ratios or coefficients in relation to such units of weight or measure;
 - c) denominations of decimal multiples and sub-multiples of numerals and the manner in which they shall be written;
 - d) periodical intervals at which the accuracy of the objects or equipment referred to in section 21 shall be kept;
 - e) the manner in which and the conditions under which every federal prototype, referred to in section 20, and any object or equipment, referred to in section 21, shall be kept;
 - f) the places at which, the manner in which and the conditions under which every reference, secondary and working standard shall be kept;
 - g) the place at which, the authority by which, the manner in which and the periodical intervals at which, every reference, secondary and working standard shall be verified and authenticated;
 - h) the custody in which every reference, secondary or working standard shall be kept;
 - i) the physical characteristics, configuration, constructional, details, materials, equipment, tolerances, performance, methods or procedures of test, in relation to standard weights or measures;
 - j) the manner of disposal of any commodity which is subject to speedy or natural decay;
 - k) the manner of declaration of the contents of a package;
 - l) the capacity up to which a package shall be filled;
 - m) the reasonable variations in the net content of a commodity in packaged form which may be caused by the method of packing or ordinary exposure;
 - n) the form and the manner in which an application shall be made for the issue of a weight or measure type approval certificate or a certificate of registration of repairers of weights and measures, of public weighbridges and of units of measurement of public weighbridges, as well as the form in which and the conditions subject to which such a certificate may be issued;
 - o) the period within which weights and measures shall be verified;

- p) the form in which a certificate of verification of any weight or measure shall be granted;
 - q) the steps to be taken for verifying any weight or measure which cannot be moved from its location;
 - r) the manner of defacement of rejected weights or measures;
 - s) the form in which appeals may be drawn up and the procedure for the hearing of appeals;
 - t) the manner of payment and collection of the fees or charges which may be levied under this Law;
 - u) the powers and duties of any authorised person, other than those specified in this Law; and
 - v) any other matter which is required to be or may be prescribed by regulations made in accordance with this section.
- 3) The Presidential Council may by Regulations prescribe any fees and charges for -
- a) the examination and issue of a weights and measures type approval certificate;
 - b) the registration of repairers of weights and measures, public weighbridges and units of measurement of public weighbridges;
 - c) the verification of any weight or measure;
 - d) the issue of copies of any certificate or of any document, not being a document of a confidential nature; and
 - e) a hierarchical recourse under section 61.
- 4) In exercising its powers under this section the Presidential Council may -
- a) provide for the transposition and implementation of the provisions of any Regulation, Directive or other relevant act of the European Community which is related to metrology; and
 - b) take into consideration any recommendations or decisions of the International Organisation of Legal Metrology or of the General Conference of weights and Measures.

Section 60 Regulations and Orders set out in the Annexes

- 1) The Regulations set out in Annexes... shall be deemed to be Regulations made under section 65.
- 2) The Orders set out in Annexes... shall be deemed to be Orders made under sections 39,43,44 and 47.
- 3) The Presidential Council or the Minister, as the case may be, may at any time, amend, repeal or substitute, in whole or in part, the Regulations or Orders set out in the Annexes hereto.

Section 61 Savings

Any weight or measure verified and stamped by any authority in Cyprus shall be deemed to be a weight or measure verified and stamped under this Law, if the said

verification and stamping are recognised as valid under Article 12 of the Foundation Agreement

Section 62 *Transitional provisions*

- 1) The use of supplementary indications shall be authorised until 31 December 2009.
- 2) Any application, procedure or proceeding submitted or instituted prior to this Law shall be instituted, continued or enforced, as the case may be, pursuant to this Law and any public instrument made under this law or annexed hereto.