

LEGAL NOTICE NO. 106

THE WEIGHTS AND MEASURES ACT  
(Cap. 513)

IN EXERCISE of the powers conferred by section 34 of the Weights and Measures Act, the Minister for Trade makes the following Rules:-

THE WEIGHTS AND MEASURES (SALE AND LABELLING OF  
GOODS) (AMENDMENT) RULES, 1999.

1. These Rules might be cited as the Weights and Measures (Sale and Labeling) (Amendment) Rules, 1999.

2. The Weights and Measures (Sale and Labeling of Goods) Rules L. N. 24/1999. are amended—

(a) in rule 2 by deleting the definition of “net quantity” and inserting the following new definition—

“net weight or measure” in relation to goods in a package means the weight or measure of such goods exclusive of the wrappers and any other materials packed with them”;

(b) in rule 3 (3), by deleting the words “Rules” and “and” and inserting the words “Rule” and “an”, respectively;

(c) in rule 4 (1), by deleting the words “quantity” wherever it appears and inserting the words “weight or measure”;

(d) in rule 7—

(i) by deleting paragraph (c) and inserting the following new sub-paragraph—

(c) the number or net weight or measure of the goods contained in the package.

(ii) in rule paragraph (1) (d) by deleting the whole sub-paragraph and inserting the following new sub-paragraph—

(d) in the case of pre-packed goods specified in the twelfth schedule a date marking showing the last day, month and year by which such goods may be sold.

(iii) in paragraph (1) (e) by deleting the word “these” appearing in the first line and inserting the numbers “8, 9 and 10” after the word “Rules”.

(iv) in paragraph (2) by—

(a) inserting the following new paragraph—

(a) be either in English or Kiswahili or in both English and Kiswahili;

(b) re-numbering paragraphs “a”, “b” and “c” as paragraphs “b”, “c” and “d”, respectively;

(v) in paragraph (5) by deleting the words “these rules” and inserting the words “this rule”;

(e) in rule 8 in paragraph (3) by deleting the word “instrctions” and inserting the word “instructions”;

(ii) in paragraph 4 (b) by deleting the proviso thereto and inserting the following new proviso—

“Provided that where a package contains a number of small items each of which is separately wrapped and it is not reasonably practical to exclude the weight of such immediate wrappers from the weight of the items, the net weight declared on the package of such items or on the label thereof may include the weight of the immediate wrappers, if the total weight of such individual wrappers does not exceed—

(a) eight per cent, where the immediate wrapper is waxed paper or any other paper with wax or aluminium foil under strip; or

- (b) six per cent, where the immediate wrapper is any other type of paper, of the total weight of all the items contained in the package minus the weight of the wrappers;
- (iii) by inserting the following new paragraph—
- “(5) any person who contravenes any of the provision of this rule commits an offence”.
- (f) in rule 9—
- (i) by deleting the word “kilogramme” and inserting the word “kilogram”; wherever it appears in paragraphs 2 (a) and 3 (a);
- (ii) by deleting the word “milligramm” and inserting the word “milligram” in paragraph 4 (a);
- (iii) by inserting the following new paragraph—
- (6) any person who contravenes any of the provision of this rule commits an offence.
- (g) in rule 11 by deleting the words “and shall be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three years or to both”.
- (h) in rule 12 by deleting the words “and shall be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three years or to both”.
- (i) in rule 15 by deleting the rule and inserting the following new rule—
15. Any person who commits an offence under these rules shall be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three years or to both.
- (j) in the Third Schedule by deleting the figure “4” appearing in the annotation of the schedule and inserting the letter “v”
- (k) in the Sixth Schedule, in item 20 by—
- (i) deleting the words “125 cm. square ” and inserting the words “125 square cm.”;
- (ii) deleting the words “140 cm. square” and inserting the words “140 square cm.”.
- (l) in the Seventh Schedule by inserting the words “EGGS GRADE” immediately under the title “SEVENTH SCHEDULE”;

(m) in the Tenth Schedule—

(i) by deleting the figures “2 (1)” in paragraph 2 ( b) and inserting the figures “2 (a)”.

(ii) in paragraph 4 by—

(a) deleting the letter “a” appearing immediately before the word “The” in the 2nd line;

(b) deleting the word “with” appearing between the words “sample” and “him” and inserting the words “drawn by”.

(n) in the Eleventh Schedule—

(i) by deleting Form A and inserting the following new Form:

FORM A

WEIGHT CHECKING DATA SHEET

(b) PARTICULARS OF GOODS

(a) Name of seller/manufacturer/packer .....

(b) Postal Address .....

(c) Common or generic name of the goods .....

2. DETAILS OF TESTS

(a) Total number of items available for testing .....

(b) Sample size (i.e total No. tested) .....

(c) Test results:

<i>Item No.</i>	<i>Gross weight</i>	<i>Tare weight of package</i>	<i>Declared net weight</i>	<i>Net weight of goods</i>	<i>Excess (+)/ Deficiency (-)</i>

(d) Average net weight (calculated).....

(e) Declared net weight .....

(f) Excess (+)/Deficiency (-) .....

3. GENERAL COMMENTS

4. SELLER/MANUFACTURER/PACKER

(a) Name of manager.....

(b) Signature .....

(b) Date and time .....

(ii) by deleting Form B and inserting the following new Form B:

FORM B

VOLUME/LENGTH CHECKING DATA SHEET

1. PARTICULARS OF GOODS

(a) Name of seller/manufacturer/packer .....

(b) Postal address .....

(c) Common or generic name of the goods .....

2. DETAILS OF TESTS

(a) Total number of items available for testing .....

(b) Sample size (total number of items tested) .....

(c) Test results:

<i>Item No.</i>	<i>Net Volume/ Length of Goods</i>	<i>Declared Volume/ Length</i>	<i>Excess (+)/ Deficiency (-)</i>
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(d) Average net volume/length (calculated) .....

(e) Declared net volume/length .....

(f) Excess (+)/Deficiency (—) .....

### 3. GENERAL COMMENTS

### 4. SELLER/MANUFACTURER/PACKER

(a) Name of manager .....

(b) Signature .....

(c) Date and time .....

### 5. WEIGHTS AND MEASURES DEPARTMENT

(a) Name of inspector .....

(b) Signature .....

(c) Date and time .....

(r) By inserting the following new schedule:

TWELFTH SCHEDULE [r. 7 (1) (d)]

#### GOODS TO BEAR A DATE MARKING

1. Liquid milk (all types), yoghurt and cream.
2. Evaporated milk.
3. Butter.
4. Condensed milk.
5. Milk powder
6. Ghee.
7. Baby foods.
8. Cereal flours.
9. Pasta products (macaroni, vermicelli and noodles).
10. Biscuits and cookies.
11. Cakes.
12. Breakfast cereals.
13. Floured mixed spices.

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TWELFTH SCHEDULE—(Contd.)

14. Vegetable and fruits.
15. Tomato sauces, ketchup, paste purée, juice or whole tomatoes.
16. Chili sauce, mayonnaise, etc.
17. Dehydrated vegetables and fruits.
18. Fats and oils.
19. Margarine.
20. Drinks, cordial, squash and juices (excluding carbonated soft drinks in bottles).
21. Beer, cider and perry.
22. Non-alcoholic beverages.
23. Meat and fish.
24. Sausages.
25. "Githeri"
26. Chocolate drink, cocoa, sugar mixtures and powdered premix drinks.
27. Chocolate and sweets.
28. Cheese.
29. Jams, marmalades and jellies.
30. Honey.
31. Fried peanuts and crisps.
32. Bread.
33. Tea.
34. Coffee.

Made on the 13<sup>th</sup> July, 1999.

J. J. KAMOTHIO,  
*Minister for Trade.*

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