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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2026

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Bill for Introduction into the National Assembly —

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REPUBLIC OF KENYA



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KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILL NO. 20

WATKINS (No. 1) Bill

1963

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THE LEGAL METROLOGY BILL, 2026
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THE LEGAL METROLOGY BILL 2026

A Bill for

AN ACT of Parliament to make provisions for the manufacture, sale and use of weighing or measuring equipment in trade, health, safety, law enforcement, environmental protection and the sale of goods; and for connected purposes

ENACTED by Parliament of Kenya, as follows —

PART I—PRELIMINARY PROVISIONS

1. This Act may be cited as the Legal Metrology Act, 2026. Short title.

2. In this Act, unless the context otherwise requires — Interpretation.
“base unit” means one of the International System units of measurement listed in the First Schedule;

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to legal metrology;

“calibration” means —

(a) an operation performed on a measuring instrument or measuring system that, under specified conditions, establishes a relation between the values with measurement uncertainties provided by measurement standards and corresponding indications with associated measurement uncertainties and uses this information to establish a relation for obtaining a measurement result from an indication; and

(b) in relation to measures of capacity and bulk measures including fixed storage tanks, a set of operations carried out to establish, under specified conditions, the relationship between the liquid level in the tank and the volume of that liquid;

“certificate of qualification” means a certificate granted by the School to any person who passes the final examination of the School, being an examination held for the purposes of ascertaining whether the person possesses sufficient skill and knowledge for the proper performance of the functions and duties of an inspector;

“certificate of verification” means a certificate issued by an inspector after examination and testing of a weighing or measuring equipment in regards to its performance in a prescribed format and printed by the Government Printer;

“container” includes any form of packaging of goods for sale as a single item, whether by completely or partly enclosing the goods or by attaching the goods to, or winding the goods round some other article and includes a wrapper or confining band;

“County Director” means a director in charge of legal metrology services in a county appointed under section 60(2) of this Act;

“County Executive” means a County Executive Committee Member for the time being responsible for matters relating to legal metrology;

“custodian” means the custodian of Kenya Legal Metrology Standards referred to in section 13;

“Director” means the Director of Legal Metrology Services appointed under section 60(1) of this Act;

“error” means a measure of the difference between the observed or calculated value of a quantity and its true value;

“goods” means products that are bought and sold in business and includes ships and aircraft, things attached to land and growing crops;

“initial verification” in relation to weighing or measuring equipment, means verification carried out by an inspector on submitted weighing or measuring equipment for the first time;

“inspector” means a person appointed under section 59(1) of this Act;

“inspection” means—

- (a) the surveillance activities carried out by an inspector on goods and weighing or measuring equipment to confirm the correct use and, accuracy of the equipment or that of the statements on goods in relation to the requirements of the Act; and

- (b) in relation to sale of goods or test-purchase, the general surveillance in trade premises for the examination of prepacked goods and the general transactions in goods for conformity with the provisions of this Act;

“international definition”, in relation to any unit of measurement, means the definition of that unit recognized by the General Conference of Weights and Measures from time to time convened by the International Bureau of Weights and Measures;

“Kenya Legal Metrology Standards” means standards procured and maintained under section 13;

“Kenya Legal Metrology Reference Standards” means copies of the Kenya primary legal metrology standards which the Cabinet Secretary has procured and caused to be verified and authenticated as such under section 14 of this Act;

“legal metrology” means the application of legal requirements to measurements and measuring instruments;

“maximum permissible error” means the extreme value of an error as specified in these Regulations for weighing or measuring equipment;

“measuring instrument” means a device used for making measurements, alone or in conjunction with one or more supplementary devices and it includes an indicating device, material measure and every instrument for the measurement of time, length, area, volume, capacity and gauge;

“measuring system” means a system incorporating, a measuring instrument for the measurement of liquids or gas including, its auxiliary equipment, ancillary devices, control systems, pumps, gas, indicator or sight glass, filter, devices used for the transfer point, anti- swirl device, valves and hoses;

“pre-packed” means packaged or made up in advance, ready for sale in or on a container;

“quantity” includes length, width, height, area, size, volume, capacity, weight and number;

“sale” includes wholesale, bargain, sale, and sale and delivery;

“School” means the Kenya School of Legal Metrology established under section 61(1);

“Secondary Standards” means copies of Kenya Legal Metrology Primary Reference Standards procured by the Cabinet Secretary which the Cabinet Secretary has caused to be verified and authenticated under section 15;

“testing equipment” means equipment maintained under section 17;

“type approved”, with respect to a pattern of weighing or measuring equipment, means approved by the Director for use in Kenya in accordance with section 34;

“valid stamp” means a stamp that has not lasted for more than twelve months from the date of application;

“vehicle” means any means of conveyance or transport and shall include road vehicles, rail, aircraft and ship;

“verification” in relation to weighing or measuring equipment, means the operation carried out by an inspector having the object of ascertaining and confirming that such weighing or measuring equipment entirely satisfies the requirements of this Act;

“weighing or measuring equipment” includes weights, measures or a weighing or measuring instrument; and

“Working Standards” means standards provided for under section 17.

3. The purpose and object of the Act is to establish a legal and administrative framework for the use of legal metrology standards in trade, health, safety, law enforcement, environmental protection and the sale of goods.

Purpose and
object of the Act.

PART II—UNITS OF MEASUREMENT FOR LEGAL METROLOGY

4. (1) Each unit of weight and measure used in Kenya shall be based upon the units of the International System of Units specified in the First Schedule.

Units of
measurement.

(2) The Second Schedule shall have effect for defining the units of measurement specified in that Schedule for all purposes in Kenya.

5. (1) The kilogram shall be the base unit of measurement of mass by reference to which any measurement of weight shall be made in Kenya.

Measurement of weight.

(2) The measurement of the weight of an item may be expressed in the same terms as its mass by reference to the units of measurement set out in Part I of the Second Schedule.

6. (1) The metre shall be the base unit of measurement of length by reference to which any measurement of length shall be made in Kenya.

Measurement of length.

(2) The measurement of the length of an item may be expressed by reference to the units of measurement set out in Part II of the Second Schedule.

7. The second shall —

Measurement of time.

- (a) be the base unit of measurement of time by reference to which any measurement of time shall be made in Kenya; and
- (b) have the meaning assigned by an order made by the Cabinet Secretary, being the meaning appearing to the Cabinet Secretary to reproduce in English the international definition of the second in force at the date of the making of the order.

8. The ampere shall —

Measurement of electric current.

- (a) be the base unit of measurement of electric current by reference to which any measurement of electric current shall be made in Kenya; and
- (b) have the meaning assigned by an order made by the Cabinet Secretary, being the meaning appearing to the Cabinet Secretary to reproduce in English the international definition of the ampere at the date of the making of the order.

9. The kelvin shall —

Measurement of thermodynamic temperature.

- (a) be the base unit of measurement of thermodynamic temperature by reference to which

any measurement of thermodynamic temperature shall be made in Kenya; and

- (b) have the meaning assigned by an order made by the Cabinet Secretary, being the meaning appearing to the Cabinet Secretary to reproduce in English the international definition of the kelvin at the date of the making of the order.

10. The candela shall —

Measurement of
luminous
intensity.

- (a) be the base unit of measurement of luminous intensity by reference to which any measurement of luminous intensity shall be made in Kenya; and
- (b) have the meaning assigned by an order made by the Cabinet Secretary, being the meaning appearing to the Cabinet Secretary to reproduce in English the international definition of the candela at the date of the making of the order.

11. The mole shall —

Measurement of
amount of
substance.

- (a) be the base unit of measurement of the amount of substance by reference to which any measurement of the amount of substance shall be made in Kenya; and
- (b) have the meaning assigned by an order made by the Cabinet Secretary, being the meaning appearing to the Cabinet Secretary to reproduce in English the international definition of the mole at the date of making of the order.

12. Any person who uses for trade any unit of measurement which is not authorised by this Act commits an offence.

Offence to use
unauthorised unit
of measurement.

**PART III— KENYA LEGAL METROLOGY
STANDARDS**

13. (1) The Cabinet Secretary shall procure and cause to be maintained standards of the metre, the ampere, the second, the candela, the kelvin, the mole and the kilogram which shall be the Kenya Legal Metrology Standards by reference to which the accuracy of all other standards of those units and of any other unit of measurement directly related to any of those units shall be maintained.

Kenya Legal
Metrology
Standards.

(2) Every standard procured under subsection (1) shall—

- (a) before being brought into use, be calibrated by the National Metrology Institute in Kenya or any other National Metrology Institute outside Kenya that is recognised by the International Bureau; and
- (b) after being brought into use, shall be calibrated by the National Metrology Institute in Kenya or any other National Metrology Institute outside Kenya that is recognised by the International Bureau within five years from the previous calibration and in such manner as may be prescribed, and the certificate of calibration or re-calibration issued by the National Metrology Institute in respect thereof shall be kept in the custody of the Director.

(3) On production of the certificate of calibration or re-calibration kept under subsection (2) in respect of a Kenya Legal Metrology Standard, the standard shall be conclusively presumed for all purposes to be true and accurate:

Provided that the certificate is dated not earlier than five years prior to the date of production thereof

(4) The Kenya Legal Metrology Standard shall be kept at such place and under such conditions as the Cabinet Secretary may prescribe.

(5) Judicial notice shall be taken of every Kenya Legal Metrology Standard.

(6) In this section, “International Bureau” means the International Bureau of Weights and Measures or *Bureau International des Poids et Mesures* established under the Convention du Metre, being the body responsible for the conservation of the prototypes of the international standards of weights and measures.

14.(1) The Cabinet Secretary shall procure and cause to be maintained copies of the Kenya Legal Metrology Standard and the copies, together with other standards of such of the weights and measures set out in Part I of the Third Schedule, other than capacity measures of more than ten litres, shall be designated the Kenya Legal Metrology Reference Standards.

Kenya Legal
Metrology
Reference
Standards.

(2) The Cabinet Secretary shall—

- (a) cause every standard procured under subsection (1) to be examined, calibrated and authenticated by such authority as he or she shall direct before the standard is brought into use; and
- (b) after being brought into use, to be re-calibrated every three years or renewed as requisite from time to time as may appear to the Cabinet Secretary expedient and the certificate of calibration or re-calibration in respect thereof shall be kept in the custody of the Director.

(3) Before any of the Kenya Legal Metrology Standards are examined and re-calibrated in accordance with section 13(2), the Director shall cause the Kenya Legal Metrology Reference Standards to be verified against the Kenya Legal Metrology Standards, and such Kenya Legal Metrology Reference Standards shall be deemed to be the Kenya Legal Metrology Standards during such time as the Kenya Legal Metrology Standards are undergoing calibration.

(4) The Kenya Legal Metrology Reference Standards shall be kept at such place and under such conditions as the Cabinet Secretary shall direct.

(5) Judicial notice shall be taken of every Kenya Legal Metrology Reference Standard.

15.(1) The Cabinet Secretary shall procure such copies of the Kenya Legal Metrology Reference Standards, and shall provide for verification of the same, and shall cause such copies to be authenticated as secondary standards in such manner as the Cabinet Secretary may think proper.

Secondary
standards to be
procured.

(2) The Cabinet Secretary shall cause the Secondary Standards to be compared with the Kenya Legal Metrology Reference Standards at least once in every two years in the presence of the custodians of the Kenya Legal Metrology Reference Standards and, when necessary, the Standards shall be corrected and adjusted.

(3) The secondary standards shall not be used elsewhere other than at the premises approved by the

Director for their custody and the Director shall issue a Laboratory Approval certificate for such premises.

(4) The custodians of the Kenya Legal Metrology Reference Standards shall—

- (a) cause every weight or measure submitted to them for certification under this section to be compared with such one or more of the Kenya Legal Metrology Reference Standards as may appear to them to be appropriate; and
- (b) if the weight or measure is found correct and satisfies any other requirements of this Act, issue a certificate to that effect which may include a statement of any error therein.

(5) No weight or measure shall be used as a secondary standard unless there is, for the time being, in force a certificate of its fitness for the purpose.

(6) A certificate issued under subsection (4) shall cease to have effect at the expiration of the period from the date of issue specified therein in accordance with the provisions of this Act.

(7) The Director shall keep a record of all certificates issued under subsection (4).

(8) The Cabinet Secretary may, at any time, cancel any secondary standard and direct that the secondary standard shall no longer be used as a Secondary Standard.

(9) Judicial notice shall be taken of every Secondary Standard.

16.(1) The Cabinet Secretary shall provide Secondary Reference Standards of such of the measures and weights set out in Part I of the Third Schedule as the Director may recommend as being proper and sufficient for the purposes of this Act.

Secondary
Reference
Standards.

(2) The Director shall ascertain the accuracy of Secondary Reference Standards against Secondary Standards at least once in every year and issue a certificate of calibration.

(3) The Secondary Reference Standards shall not be stored elsewhere other than the premises approved by the Director for their custody.

(4) Secondary Reference Standards may be replaced as may appear to the Cabinet Secretary to be necessary or expedient.

(5) Every standard provided under this section shall, until the contrary is proved, be deemed to be true and accurate.

17.(1) The Cabinet Secretary or County Executive Committee member, upon request by the Director, shall provide for use by an Inspector and cause to be maintained Working Standards of such of the measures and weights set out in Part I of the Third Schedule, such testing equipment, and such stamping equipment as the Director may recommend as being proper and sufficient for the efficient discharge by an Inspector of his or her duties under this Act.

Working
Standards and
testing equipment.

(2) The County Executive shall cause to be compared working standards under his or her custody against higher accuracy legal metrology standards in the traceability chain as may be recommended by the Director.

(3) Working Standards and testing equipment shall be maintained in such manner as the Cabinet Secretary may prescribe.

(4) The Cabinet Secretary may, by order, vary the Third Schedule by adding to or replacing any of the weighing or measuring equipment specified therein as the Cabinet Secretary may deem necessary.

(5) The Director shall ascertain the accuracy of Working Standards by comparing to Secondary Reference Standards, at least twice every year and issue a certificate of calibration.

(6) Every working standard provided under this section shall until the contrary is proved, be deemed to be true and accurate.

18. The Cabinet Secretary shall prescribe the accuracy classes and technical specifications for the hierarchy of legal metrology standards and testing equipment to be used in Kenya as recommended by the Director.

Accuracy classes
and technical
specifications for
standards and
testing equipment

19. The Director or County Director may, on the application of any person, government or institution, accept

Testing of
standards and
equipment of

for testing as to accuracy or compliance with any specifications and for report — other institutions.

- (a) any article used or proposed to be used as a standard of a unit of measurement of mass, length, capacity, area or volume;
- (b) any weighing or measuring equipment;
- (c) any other metrological equipment; and
- (d) any article for use in the manner specified in paragraph (b) or (c),

submitted by that person, government or institution for the purpose at such place as the Director or County Director may direct.

(2) The Director or County Director may charge a fee equivalent to the prescribed fee for similar category of weighing or measuring equipment for the testing conducted under subsection (1).

PART IV — WEIGHING AND MEASURING FOR TRADE

20. (1) For the purpose of this Part, “use for trade” means use in connection with or with a view to a transaction falling within the meaning of subsection (2) where—

Meaning of “use for trade”

- (a) the transaction is by reference to quantity or is a transaction for the purposes of which there is made or implied a statement of the quantity of goods to which the transaction relates; and
- (b) the use is for the purpose of the determination or statement of that quantity.

(2) A transaction shall be deemed to fall within the meaning of this section if it is a transaction —

- (a) for the transferring or rendering of money or money’s worth in consideration of money or money’s worth; or
- (b) for the making of a payment in respect of a toll or duty or other dues; or
- (c) for the assessment of any work done, wages due or services rendered.

(3) Use for trade shall not include use in a case where no transfer or rendering of money or money's worth is involved other than the passing of the title to the goods and the consideration for them.

(4) Any equipment—

- (a) for weighing or measuring and which is made available in Kenya for use by the public, whether on payment or otherwise; or
- (b) which is used in Kenya for the grading by reference to their weight, for the purpose of trading transaction by reference to that grading of hen's eggs in shell which are intended for human consumption; or
- (c) for weighing or measuring used for determining whether or not any step is required to be taken to safeguard the well-being of human beings, including road safety or animals or to protect any commodity, vegetation or thing,

shall be treated for the purposes of this Act as weighing or measuring equipment in use for trade, whether or not it would apart from this subsection be so treated.

21. (1) A person shall not—

- (a) use for trade any weight or measure which is not authorised by this Act; or
- (b) use for trade, or have in his possession or control for use for trade any weight or measure of a denomination other than those specified in Part I of the Third schedule; or
- (c) use for trade or have in possession or control for use for trade any weighing or measuring equipment unless the same bears a valid stamp of verification.

(2) A person shall not use the carat (metric) for trade except for the purposes of transactions in precious stones, pearls, precious metals or articles made there from.

(3) Except as may be prescribed and subject to any rules made under section 36, no capacity measure specified

Units of
measurement,
measures and
weights lawful for
use for trade.

in Part I of the Third Schedule shall be used for trade by means of any division or subdivision marked thereon as a capacity measure of any lesser quantity.

(4) Any person who contravenes the provisions of this section commits an offence and in addition to any penalty provided under this Act, any weighing or measuring equipment used or in the possession of any person or control for use for trade in contravention of any of those provisions shall be forfeited.

22. Any person who uses or has in his or her possession or control for use for trade a weighing or measuring equipment not constructed to indicate in terms of a weight or measure authorised by this Act commits an offence and, in addition to any penalty provided under this Act, the weighing or measuring equipment shall be forfeited.

Offences for use or possession of certain weighing or measuring equipment.

23. Any person who uses or has in his or her possession or control for use for trade any weighing or measuring equipment which is false or unjust commits an offence and, in addition to any penalty provided under this Act, the weighing or measuring equipment shall be forfeited.

Offences relating to false or unjust weighing or measuring equipment.

24. Where a fraud is committed in the use of any weighing or measuring equipment, the person committing the fraud commits an offence and, in addition to any penalty under this Act, the weighing or measuring equipment shall be forfeited, but where the court finds that the weighing or measuring equipment is the property of a person other than the person committing the offence, or a person who is a party to the commission of, the fraud, the court may waive the forfeiture.

Offences relating to fraud in the use of weighing or measuring equipment.

25. A weighing or measuring equipment which has a greater error than the maximum permissible error prescribed under this Act shall be deemed to be false or unjust for the purposes of this Act.

Unjust weighing or measuring equipment.

26. (1) A person shall not —

Offences for sale of incorrect weighing or measuring equipment.

- (a) make for sale or cause to be made for sale or sell or cause to be sold, any false or unjust weighing or measuring equipment; or

- (b) sell or expose for sale any weighing or measuring equipment, intended for use for trade unless the equipment bears a valid stamp of verification.

(2) This section shall not apply to—

- (a) a weighing or measuring equipment of a type which when made was not intended or designed for use for trade and which was then marked with the words “Not Legal for Trade Use” permanently and clearly on some conspicuous part thereof; or
- (b) a weighing or measuring equipment which is required by this Act to be permanently installed at the place where it is to be used before it is verified.

(3) Any person who contravenes the provisions of this section commits an offence and, in addition to any penalty provided under this Act, the weighing or measuring equipment in respect of which the offence is committed shall be forfeited.

27.(1) Any person who, in the case of any weight, measure, weighing or measuring equipment or measuring system used or intended to be used for trade—

Offences in connection with stamping of weighing or measuring equipment.

- (a) not being an inspector or a person acting under the instructions of an inspector, defaces, severs or, in any way, destroys a stamp of verification, or marks or changes in any manner any plug or seal used or designed for use for the reception of a stamp;
- (b) forges, counterfeits or, except as permitted by or under this Act, in any way alters or defaces any stamp;
- (c) removes any stamped plug and inserts it into any other weighing or measuring equipment;
- (d) makes any alterations in the weighing or measuring equipment or measuring system after it has been stamped such as to make it false or unjust or such as to make it possible to by-pass the embedded measuring instrument;
- (e) severs or otherwise tampers with any wire, cord or other thing by means of which a stamp is attached to the weighing or measuring equipment or measuring system;

- (f) has in his or her possession a pre-stamped plug;
- (g) forges or counterfeits or in any way alters a certificate of verification or certificate of calibration;
- (h) has in his or her possession a forged or counterfeited or altered certificate of verification or certificate of calibration; or
- (i) has in possession such weighing or measuring equipment or measuring system whose seal or stamp of verification has been destroyed or whose wire, chord or other thing by means of which a stamp of verification is attached to the weighing or measuring equipment or measuring system has been severed or otherwise tampered with,

commits an offence.

(2) A person who has in his or her possession a weighing or measuring equipment for use for trade shall not sell, expose or offer for sale or in any manner dispose of that weighing or measuring equipment if it—

- (a) bears a forged or counterfeited stamp or which has been transferred from another weighing or measuring equipment, or which has been altered or adjusted otherwise than as permitted by or under this Act; or
- (b) is false or unjust as a result of an alteration in the weighing or measuring equipment after it has been stamped; or
- (c) is without a valid certificate of verification; or
- (d) does not bear a valid stamp of verification.

(3) A person who contravenes the provisions of subsection (2) commits an offence.

(4) In addition to any penalty provided under this Act, any weighing or measuring equipment in respect of which an offence under this section is committed and any stamp or stamping instrument used in the commission of the offence shall be forfeited.

(5) In this section, “valid certificate of verification” means a certificate of verification that is within twelve months of its issuance.

28.(1) The Authority responsible for legal metrology services shall be the competent entity to provide calibration services for weighing or measuring equipment for use for trade, either by itself or through licensed service companies.

Verification,
calibration of
weighing or
measuring
equipment.

(2) An inspector shall, at least once in every year, call upon persons in any area having weighing or measuring equipment in use for trade to produce the same for the purpose of their being examined, verified, stamped or re-stamped at such time and place within that area as the inspector may appoint.

(3) For the purposes of subsection (1), there shall be published a notice in the *Gazette* and—

- (a) in a newspaper circulating within such area; or
- (b) posters in the format set out in Part III of the Third schedule; or
- (c) any other medium circulating within such area,

stating the time and the place so appointed, such time not being earlier than fourteen days after the publication of the notice.

(4) Where a weighing or measuring equipment—

- (a) by reason of it being permanently fixed or of its heavy weight or delicate construction, cannot be conveniently moved, or
- (b) by reason of its placement, is situated at a distance exceeding five kilometres from the nearest place appointed in pursuance of subsection (1),

it shall be sufficient for the purpose of this section if the person who has the same for use for trade notifies in writing its location to the inspector or some other officer authorized by the inspector to receive the notification at least three days in advance of the date the verification falls due.

(5) An inspector shall attend with the Working Standards and testing equipment in his or her custody at the time and place notified under subsection (2) and shall examine each weighing and measuring equipment brought

or submitted to him or her which is of a denomination or a pattern authorised by or under this Act.

(6) In the process of examining any weighing or measuring equipment under subsection (4), an inspector shall compare or test the equipment with the Working Standards and testing equipment and—

- (a) if he or she finds the weighing or measuring equipment to be accurate and correct, and upon payment of the prescribed fee, the inspector shall stamp it with a stamp of verification in the prescribed manner; or
- (b) if he or she finds the weighing or measuring equipment to be inaccurate or incorrect, and upon payment of appropriate prescribed fee, the inspector shall obliterate the stamp of verification in the prescribed manner.

(7) Where a notification has been given under subsection (3) an inspector shall, upon payment of the prescribed fee by the person having weighing or measuring equipment in use for trade, attend with the Working Standards and testing equipment in the inspector's custody at the place notified and shall test or examine and stamp any weighing or measuring equipment so notified in the same manner as if such weighing or measuring equipment had been brought or submitted to him or her.

(8) In case of any weighing or measuring equipment which is required by this Act to be verified only after it has been installed at the place where it is to be used for trade, if, after the same has been so verified and stamped it is dismantled and re-installed, whether in the same place or another place, the equipment shall not be used for trade after being so re-installed until it has been verified and stamped by an inspector.

(9) If any person knowingly uses, causes or permits any other person to use any weighing or measuring equipment in contravention of subsection (7) or knowing that the equipment is required by virtue of subsection (7) to be re-verified, disposes of it to some other person without informing him or her of that requirement, that person commits an offence.

(10) Whenever an inspector calibrates or verifies a weighing or measuring equipment submitted to him or her, subject to subsection (5), the inspector shall issue to the person submitting the equipment a certificate of calibration or certificate of verification indicating the status of the equipment so verified or calibrated in such form as prescribed.

(11) Subject to subsection (3), any person who fails to comply with the provisions of this section commits an offence.

29. (1) All weighing or measuring equipment in use for trade shall be submitted for verification and stamping as fit for such use at least once every year.

Responsibility and frequency of verification of weighing or measuring equipment

(2) It shall be the responsibility of a person who uses, or has in possession for use for trade a weighing or measuring equipment, to submit the said equipment to an inspector for verification and stamping.

(3) Any person who fails to comply with the provisions of this section commits an offence.

30. Subject to section 34, all weighing or measuring equipment intended to be used in Kenya for trade, health, safety or environmental measurements shall be submitted to the Director for initial verification before being sold, offered for sale or used for trade, health, safety or environmental measurements.

Initial verification of weighing or measuring equipment

31. (1) Subject to section 34, all weighing or measuring equipment at a national installation intended to be used for trade, health, safety or environmental measurements shall be submitted to the Director for initial verification and subsequent verification.

Verification of weighing or measuring equipment at National Installations

(2) The Director shall cause the verification of weighing or measuring equipment installed or in use in a national installation as may be necessary.

(3) In this section, "national installation" means an installation of the National Government used for transactions affecting the economic and social welfare of the country and implementation of Kenya's international obligations and includes excise control premises and oil depots.

32. Any person who—

Offences in connection with obstruction of inspector

- (a) refuses or fails to produce to an inspector any weighing or measuring equipment in that person's possession, custody or control for use for trade;
- (b) refuses or fails to produce to an inspector any document whereof the inspector requires the production under this Act;
- (c) obstructs or hinders or assaults an inspector in the performance of any duty or act imposed or authorised by this Act; or
- (d) who fails to comply with any reasonable request made by an inspector in the course of his duty under this Act,

commits an offence.

33. Where any weighing or measuring equipment is found in the possession or control of any person carrying out trade or is found on any premises, whether in a building or not and whether open or enclosed, which are used for trade, that person shall be deemed for the purposes of this Act to have the weighing or measuring equipment in his possession for use for trade and the burden of proving the contrary shall be upon that person.

Presumption concerning possession.

34.(1) Any patterns of weighing or measuring equipment intended to be used in Kenya for trade, health, safety, law enforcement or environmental measurements shall be submitted to the Director for type approval before being sold, exposed for sale or used for trade, health, safety, law enforcement or environmental measurements.

Approval of patterns of weighing or measuring equipment.

(2) Where any pattern of weighing or measuring equipment is submitted to the Director for type approval in the manner prescribed by the Cabinet Secretary, the Director, upon payment of the prescribed fees by the person submitting the equipment—

- (a) shall cause the equipment to be examined and tested for suitability for use for trade of the equipment of that pattern, having regard in particular to the principles, materials and methods used or proposed to be used in its construction; and

- (b) if satisfied that such equipment is suitable for use as such, then the Director shall issue a certificate of type approval of that pattern and may thereafter authorise such modifications thereof as may be necessary.

(3) Where a person submits a pattern of a weighing or measuring equipment to the Director under subsection (2), the Director may require the person to also deposit the weighing or measuring equipment or parts of that pattern or model of such weighing or measuring equipment together with drawings of such weighing or measuring equipment or parts thereof.

(4) A certificate of type approval granted under this section may be granted subject to such conditions as the Director may specify in the certificate, and if any person, knowing that such a condition has been imposed with respect to any weighing or measuring equipment, uses, causes or permits any other person to use the same in contravention of that condition, he or she commits an offence, and in addition to any penalty under this Act, the weighing or measuring equipment in question shall be liable to be forfeited.

(5) The Director, after consultation with such interested persons, may revoke any certificate of type approval granted under this section, and shall cause notice of any such revocation to be published in the *Gazette*.

(6) Any person who, in respect of any weighing or measuring equipment of the pattern or incorporating the modification for which the certificate of type approval has been revoked, and except as may be permitted by any fresh certificate of type approval granted in respect thereof—

- (a) uses for trade or has in his possession or control for such use, or causes or permits any other person so to use such equipment; or
- (b) disposes of any weighing or measuring equipment to any other person in a state in which it could be so used without informing that other person of the revocation,

commits an offence, and in addition to any other penalty under this Act, the weighing or measuring equipment in question shall be liable to be forfeited.

(7) The Director may accept and adopt, with or without modifications, a type approval issued by a competent authority in another country of any pattern of weighing or measuring equipment.

(8) If any difference arises between an inspector and any other person as to the interpretation of any specification of the construction of prescribed weighing or measuring equipment under this Act, that difference shall be referred to the Director whose decision thereon shall be final.

(9) All patterns of weighing or measuring equipment type approved in accordance with this section shall be submitted to the Director for review at least once in five years.

(10) Any person who sells, exposes for sale, uses or has in his or her possession or control for use for trade any weighing or measuring equipment which is not of a pattern type approved by the Director commits an offence, and in addition to any other penalty under this Act, the weighing or measuring equipment shall be forfeited.

(11) Any person who fails to comply with the provisions of this section commits an offence.

35.(1) A person shall not use any article for trade as weighing or measuring equipment or have any article in his or her possession for such use unless—

Prescribed
weighing or
measuring
equipment, etc.

(a) that article, or weighing or measuring equipment in which that article is incorporated or to the operation of which the use of that article is incidental, has been verified by an inspector as fit for such use; and

(b) except as otherwise expressly provided by or under this Act, bears a valid stamp of verification indicating that it has been so passed.

(2) A person who contravenes subsection (1) commits an offence, and in addition to any penalty under this Act, any article in respect of which the offence was committed shall be liable to be forfeited.

(3) Where a person submits any weighing or measuring equipment of a pattern in respect of which a

certificate of type approval granted under section 34 is in force, and an inspector is of the opinion that the weighing or measuring equipment is intended for trade for a particular purpose for which it is not suitable, the inspector may refuse to verify or stamp it.

36. The requirements of this Act in respect of marking and stamping shall not apply to any weighing or measuring equipment which is of delicate construction or too small to be marked or stamped in accordance with those requirements.

Exemptions from marking or stamping.

37.(1) The Cabinet Secretary may, on the recommendation of the Director, by notice in the *Gazette* and subject to an agreement entered into in accordance with the Public Procurement and Asset Disposal Act, authorise a qualified person to undertake specified activities under this Act.

Authorisation of qualified persons to undertake activities under the Act.
Cap. 412C.

(2) A person authorised under subsection (1) shall undertake the activities under the oversight of the Director.

(3) A person authorised under subsection (1) shall not exercise the powers of an inspector with respect to verification, stamping, sealing, certification, entry into premises, inspection, arrest, or seizure.

(4) The agreement entered into under subsection (1) shall provide for—

- (a) the activities under this Act that a person authorised under subsection (1) may undertake;
- (b) the proportion of fees charged by the person authorised under subsection (1) that shall be remitted to the Director; and
- (c) any other relevant matter.

38.(1) The Cabinet Secretary may make regulations generally for the better carrying out of the provisions of this Part, and in particular, may make regulations in respect to—

Regulations relating to weighing or measuring for use for trade.

- (a) the material and principles of construction of weighing or measuring equipment for use for trade;

- (b) the approval, examination, calibration and verification for use for trade and stamping of weighing or measuring equipment;
- (c) the prohibition of the stamping of weighing or measuring equipment in such circumstances as may be specified in the Regulations;
- (d) the circumstances in which an inspector may remove or detain any weighing or measuring equipment for examination or verification;
- (e) the marking of any weighing or measuring equipment found unfit for use for trade;
- (f) the circumstances, conditions and manner in which stamps may be destroyed, obliterated or defaced;
- (g) the purpose for which particular types of weighing or measuring equipment may be used for trade;
- (h) the manner of erection or use of weighing or measuring equipment used for trade;
- (i) the condition and the manner in which weighing or measuring equipment shall be submitted for verification;
- (j) the standards of measure or weight of denomination other than those prescribed under this Act;
- (k) the maximum permissible error to be allowed on verification either generally or in respect of any trade;
- (l) the fees to be charged in respect of pattern approval, verification, calibration and adjusting of weighing or measuring equipment, cartage and carriage of standards and other related activities;
- (m) the examination and licensing of persons engaging in or proposing to engage in the repairing or overhauling of weighing or measuring equipment whether or not for profit, and the fees to be charged for such examination and licenses;
- (n) the importation, manufacture, assembly, sale and maintenance of weighing or measuring equipment whether or not for profit and the fees charged thereof;

- (o) the inspection and approval of premises to be used for manufacturing, repairing or overhauling of weighing or measuring equipment and the fees charged for such inspection and approval;
- (p) the manner in which the gross or tare weight or axle loads of road vehicles, or of road vehicles of any particular class or description is to be determined;
- (q) the identification of equipment or type approved patterns;
- (r) the prescribing of any weighing or measuring equipment;
- (s) the form of certificates, licenses, notices or other documents to be used or issued for the purposes of this Act;
- (t) the examination, verification and stamping of weighing and measuring equipment used or in possession for use by any public or private institutions for the purposes of, or in connection with, the fixing of tolls, rates, taxes, or payment of any description;
- (u) the declaration, in relation to the specified base units, such other supplementary units, derived units and other units, as he may consider expedient for use in Kenya;
- (v) the declaration of such equivalents, multiples or fractions or any unit of measurement in use in Kenya;
- (w) the abbreviations of or symbols for the units of measurement in use in Kenya, as he may consider expedient; and
- (x) the material, principle of construction and metrological control of weighing or measuring equipment other than those covered by paragraph (a) as the Director may from time to time recommend.

(2) Notwithstanding subsection (1), the Cabinet Secretary may make regulations generally for the weighing

or measuring equipment used for trade, health, safety or environmental measurements in line with international standards.

(3) The County Executive Committee Member, in consultation with the Cabinet Secretary, may make regulations generally for the better carrying out of the provision of this Act where no such regulations exist and which are necessary to address specific weighing and measuring issues peculiar to the county.

(4) In compliance with subsection (3), due diligence shall be made to avoid the making of regulations that may be in conflict with the provisions of this Act or of any other Regulations made by any other county pursuant to subsection (3).

(5) In this section, “derived unit” means a unit derived from a base unit.

PART V – TRANSACTIONS IN GOODS

39.(1) The Cabinet Secretary may make regulations generally to regulate certain transactions in goods and in particular with respect to any goods specified in the regulations for all or any of the following purposes, and to ensure that, except in such cases or in such circumstances as may be so specified, the goods in question—

Regulations
relating to
transactions in
particular goods.

- (a) are sold only by quantity expressed in such manner as may be so specified;
- (b) are pre-packed or are otherwise made up in or on a container for sale or for delivery after sale, only if the container is marked with such information as to the quantity of the goods as may be so specified;
- (c) are pre-packed, or are otherwise made up for sale or for delivery after sale, only in or on a container of a size or capacity so specified;
- (d) are sold, or are pre-packed, or are otherwise made up in or on a container for sale or for delivery after sale, or are made for sale, only in such quantities as may be so specified;
- (e) are not sold without the quantity sold expressed in such manner as may be so specified being made

known to the buyer at or before such time as may be so specified;

- (f) are sold by means of, or are offered or exposed for sale in, a vending machine only if there is displayed on or in the machine—
- (i) such information as to the quantity of the goods in question comprised in each item for sale by means of that machine as may be so specified; and
- (ii) a statement of the name and address of the seller;
- (g) are carried for reward only in pursuance of an agreement made by reference to the quantity of the goods in question expressed in such manner as may be so specified;
- (h) in such circumstances as may be so specified have associated with them in such manner as may be so specified a document containing a statement of the quantity of the goods in question expressed in such manner, and a statement of such other particulars, if any, as may be so specified; or
- (i) when carried on a road vehicle along a highway are accompanied by a document containing such particulars determined in such manner as may be so specified as to the weight of the vehicle and its load apart from the goods in question.

(2) Without prejudice to the generality of the powers conferred by paragraph (c) of subsection (1), regulations made by virtue of that paragraph—

- (a) may require a container to be marked with such information concerning it or its contents as is specified in the regulations; and
- (b) in order to prevent size or capacity from giving a false impression of the quantity of the goods in a container, may prescribe a minimum quantity for the goods in a container of a given capacity.

(3) The minimum quantity referred to in subsection (2) (b) may be expressed in the regulations by weight or volume, by percentage of the capacity of the container or in any other manner.

40. (1) The Cabinet Secretary may make regulations—

Regulations as to
information.

- (a) as to the manner in which any container required by regulations made under section 37(1) to be marked with information (including information as to quantity or capacity) is to be so marked;
- (b) as to the manner in which any information required by any such provision to be displayed on or in a vending machine is to be so displayed;
- (c) as to the conditions which shall be satisfied in marking with information as to the quantity of goods made up in the container or on which any goods are made up for sale (whether by way of pre-packing or otherwise) where those goods are goods on sale of which (whether any sale or sale of any particular description) the quantity of the goods sold is required by any such provision to be made known to the buyer as or before a particular time;
- (d) as to the units of measurement to be used in marking any such container or machine with any information;
- (e) for securing, in the case of pre-packed goods, that the container is so marked as to enable the packer to be identified;
- (f) as to the method by which and conditions under which quantity is to be determined in connection with any information relating to quantity required by or under section 37;
- (g) permitting, in the case of such goods and in such circumstances as may be specified in the regulations, the weight of such articles used in making up the goods for sale as may be so specified to be included in the net weight of the goods for the purposes of this Act;
- (h) requiring persons who sell, make, possess or carry for sale goods which they are prohibited from selling otherwise than by net weight or measure to provide for use of persons buying or proposing to buy such goods from them, the means of verifying

or checking the net weight or measure of the goods; and

- (i) prohibiting the importation of made-up packages or vessels for sale in Kenya which do not comply with the requirements of any regulations made under section 37.

(2) Any person who contravenes any regulation made under subsection (1) commits an offence.

41. The Cabinet Secretary may, by order in writing grant, with respect of goods or sales of such descriptions as may be specified in the order, an exemption, either generally or in such circumstances as may be specified, from all or any of the requirements imposed by or under section 39 or section 40.

Exemptions from requirements imposed under section 38 or 39.

42. (1) Subject to section 55, where any goods are required, when not pre-packed, to be sold only by quantity expressed in a particular manner or only in a particular quantity, a person commits an offence if that person —

Offences relating to transactions in goods.

- (a) whether on his or her own behalf or on behalf of another person, offers or exposes for sale, sells or agrees to sell; or
- (b) causes or suffers any other person to offer or expose for sale, sell or agree to sell on his or her behalf,

those goods otherwise than by quantity expressed in that manner or, as the case may be, otherwise than in that quantity.

(2) A person commits an offence if that person —

- (a) whether on his or her own behalf or on behalf of another person, has in his or her possession for sale, sells or agrees to sell;
- (b) except in the course of carriage of the goods for reward, has in possession for delivery after sale; or
- (c) causes or suffers any other person to have in his possession for sale or for delivery after sale, sell or agree to sell on behalf of the first-mentioned person,

any goods to which subsection (3) applies, whether the sale is or is to be, by retail or otherwise.

(3) This subsection applies to any goods—

- (a) which are required to be pre-packed only in particular quantities but are not so pre-packed;
- (b) which are required to be otherwise made up in or on a container for sale or for delivery after sale only in particular quantities but are not so made up;
- (c) which are required to be made for sale only in particular quantities but are not so made;
- (d) which are required to be pre-packed only if the container is marked with particular information but are pre-packed otherwise than in or on a container so marked;
- (e) which are required to be otherwise made up in or on a container for sale or for delivery after sale only if the container is marked with particular information but are so made up otherwise than in or on a container so marked;
- (f) which are required to be pre-packed only in or on a container of a particular description but are not pre-packed in or on a container of that description; or
- (g) which are required to be otherwise made up in or on a container for sale or delivery after sale only in or on a container of a particular description but are not so made up in or on a container of that description.

(4) In the case of any sale where the quantity of the goods sold expressed in a particular manner is required to be made known to the buyer at or before a particular time and that quantity is not so made known, the person by whom and any other person on whose behalf, the goods were sold commits an offence.

(5) Where any goods required to be sold by means of, or to be offered or exposed for sale in a vending machine only if certain requirements are complied with, are sold,

offered or exposed for sale without those requirements being complied with, the seller or person causing the goods to be offered or exposed for sale commits an offence.

(6) In this section "required" means required under this Act.

43.(1) Subject to section 43, this section shall have effect on any sale of goods—

Quantity to be stated in writing in certain cases.

- (a) which is required under this Act to be a sale by quantity expressed in a particular manner;
- (b) in the case of which the quantity of the goods sold expressed in a particular manner is so required to be made known to the buyer at or before a particular time; or
- (c) which, being a sale by retail not falling within paragraph (a) or (b), is, or purports to be, a sale by quantity expressed in a particular manner other than by number.

(2) Subject to subsections (4), (5) and (6), unless the quantity of the goods sold expressed in the manner in question is made known to the buyer at the premises of the seller and the goods are delivered to the buyer at those premises on the same occasion as, and at or after the time when, that quantity is so made known to him or her, a statement in writing of that quantity shall be delivered to the consignee at or before delivery of the goods to him.

(3) If subsection (2) is contravened then, subject to sections 51, 52, 53 and 54, the person by whom and any other person on whose behalf, the goods were sold commits an offence.

(4) If at the time when the goods are delivered the consignee is absent, it shall be sufficient compliance with subsection (2) if the statement is left at some suitable place at the premises at which the goods are delivered.

(5) Subsection (2) shall not apply to any sale otherwise than by retail where, by agreement with the buyer, the quantity of the goods sold is to be determined after their delivery to the consignee.

(6) Where any liquid goods are sold by capacity measurement and the quantity sold is measured at the time of delivery and elsewhere than at the premises of the seller, subsection (2) shall not apply but, unless the quantity by capacity measurement of the goods sold is measured in the presence of the buyer, the person by whom the goods are delivered shall immediately after the delivery, hand to the buyer, or if the buyer is not present, leave at some suitable place at the premises at which the goods are delivered, a statement in writing of the quantity by capacity measurement delivered, and if without reasonable cause he fails to do so, he or she commits an offence.

44. The Cabinet Secretary may, by order in writing, grant with respect to goods or sales of such descriptions as may be specified in the order, an exemption, either generally or in such circumstances as may be so specified, from any or all of the requirements of section 43.

Exemption from requirements of section 42

45. (1) Subject to sections 51, 52, 53 and 54, a person commits an offence if that person, in selling or purporting to sell any goods by weight or other measurement, or by number, delivers or causes to be delivered to the buyer—

Short weight.

- (a) a lesser quantity than that purported to be sold; or
- (b) a lesser quantity than the quantity that corresponds with the price charged.

(2) For the purposes of this section, any statement, whether oral or in writing, as to the weight of any goods shall be taken, unless otherwise expressed, to be a statement as to the net quantity of the goods.

46. (1) Subject to sections 51, 52, 53 and 54, any person who—

Misrepresentation.

- (a) on or in connection with the sale or purchase of any goods;
 - (b) in exposing or offering any goods for sale;
 - (c) in purporting to make known to the buyer the quantity of any goods sold; or
 - (d) in offering to purchase any goods,
- makes any misrepresentation, whether oral or otherwise as to the quantity of the goods, or does any other act

calculated to mislead a person buying or selling the goods as to the quantity of the goods, commits an offence.

(2) Section 45(2) shall have effect for the purposes of this section as it has effect for the purposes of that section.

47. (1) If, in the case of any goods pre-packed in or on a container marked with a statement in writing with respect to the quantity of the goods, the quantity of the goods is at any time found to be less than that stated, then, subject to sections 51, 52, 53 and 54—

Quantity less than
stated; adulterated
products

- (a) any person who has those goods in his or her possession for sale; or
- (b) if it is shown that the deficiency cannot be accounted for by anything occurring after the goods had been sold by retail and delivered to, or to a person nominated in that behalf by the buyer, any person by whom or on whose behalf those goods have been sold or agreed to be sold at any time while they were pre-packed in or on the container in question,

commits an offence.

(2) If—

- (a) in the case of a sale of or agreement to sell any goods which, not being pre-packed, are made up for sale or for delivery after sale in or on a container marked with a statement in writing with respect to the quantity of the goods; or
- (b) in the case of any goods which, in connection with their sale or an agreement for their sale, have associated with them a document containing such a statement,

the quantity of the goods is at any time found to be less than that stated, then, if it is shown that the deficiency cannot be accounted for by anything occurring after the goods had been delivered to, or to a person nominated in that behalf by the buyer, and subject to sections 51, 52, 53 and 54, the person by whom, and any other person on whose behalf, the goods were sold or agreed to be sold commits an offence.

(3) Subsections (1) and (2) shall apply notwithstanding that the quantity stated is expressed to be the quantity of the goods at a specified time falling before that time in question, or is expressed with some other qualification of whatever description, except where—

- (a) that quantity is so expressed in pursuance of an express requirement of this Act; or
- (b) the goods, although falling within subsection (1) or subsection (2)(a) of this section—
 - (i) are not required by or under this Act to be pre-packed as mentioned in subsection (1) or, as the case may be, to be made up for sale or for delivery after sale in or on a container only if the container is marked as mentioned in subsection (2)(a) of this section; and
 - (ii) are not goods on a sale of which (whether any sale or a sale of any particular description) the quantity sold is required under any provision of this Act other than section 43, to be made known to the buyer at or before a particular time; or
- (c) the goods, although falling within subsection (2)(b) of this section are not required under this Act to have associated with them such a document as is mentioned in that provision.

(4) In any case to which, by virtue of subsection (3)(a), (b) or (c), the provisions of subsections (1) or (2) of this section do not apply, if it is found at any time that the quantity of the goods in question is less than that stated and it is shown that the deficiency is greater than what can be reasonably justified on the grounds justifying the qualification in question, then, subject to section 51, 52, 53 and 54—

- (a) in the case of goods contemplated in subsection (1), if it is further shown as mentioned in that subsection, then—
 - (i) where the container in question was marked in Kenya, the person by whom, and any other person on whose behalf, the container was marked; or

- (ii) where the container in question was marked outside Kenya, the person by whom, and any other person on whose behalf, the goods were first sold in Kenya,

commits an offence; or

- (b) in the case of goods such as are mentioned in subsection (2) of this section, the person by whom, and any other person on whose behalf, the goods were sold or agreed to be sold commits an offence if, he or she would, but for paragraph (a), (b) or (c) of subsection (3) have committed an offence under subsection (2) of this section.

(5) Any person who has in his or her possession, offers, stores, conveys goods for sale which are adulterated commits an offence.

(6) Section 45(2) shall have effect for the purposes of this section as it has effect for the purposes of that section.

(7) In this section, "adulterate" means to intentionally make a product impure, weaker, or lower in quality by adding inferior substances, substituting ingredients, or removing valuable components.

48. (1) Notwithstanding section 47(2), (3) and (4), if, in the case of any goods required under this Act to have associated with them a document containing particular statements, that document is found to contain any statement which is materially incorrect, any person who, knowing or having reasonable cause to suspect that statement to be materially incorrect, inserted it or caused it to be inserted in the document, or used the document for the purposes of this Act while that statement was contained in the document, commits an offence.

Incorrect
statements

(2) Section 45(2) shall apply, with the necessary modifications, for the purposes of this section.

49. Where the commission by any person of an offence in respect of any goods is due to the act or default of some other person not being a person under the control of the first mentioned person, the other person commits an offence and may be tried for the offence whether or not proceedings are taken against the first mentioned person.

Offences due to
default of third
person

50. In any proceedings under this Act, the description of any goods in any charge shall be *prima facie* evidence that the goods were at the time of the offence and subsequently as so described.

Presumption concerning the nature of goods

51. (1) In any proceedings for an offence under this Act, being an offence relating to the quantity or pre-packing of any goods, it shall be a defence for the person charged to prove—

Defence of warranty

(a) that he or she bought the goods from some other person—

(i) as being of the quantity which the person charged purported to sell or represented, or which was marked on any container or stated in any document to which the proceedings relate; or

(ii) as conforming with the statement marked on any container to which the proceedings relate;

(b) that he or she bought the goods with a written warranty from that other person that they were of that quantity or, as the case may be, did conform;

(c) that at the time of the commission of the offence, he or she believed the statement contained in the warranty to be accurate and had no reason to believe it to be inaccurate;

(d) if the warranty was given by a person who at the time he or she gave it was resident outside Kenya, that the person charged had taken reasonable steps to check the accuracy of the statement contained in the warranty; or

(e) in the case of proceedings relating to the quantity of any goods, that he or she took all reasonable steps to ensure that, while in his or her possession, the quantity of the goods remained unchanged and in the case of such or any other proceedings, that apart from any change in their quantity the goods were at the time of the commission of the offence in the same state as when he or she bought them.

(2) A warranty shall not be a defence in any proceedings under subsection (1), unless, not later than

seven days before the date of the hearing, the person charged has sent to the prosecutor a copy of the warranty with a notice stating that he or she intends to rely on it and specifying the name and address of the person from whom the warranty was received, and has also sent a like notice to that person.

(3) Where the person charged is the employee of a person who, if he or she had been charged, would have been entitled to plead a warranty as a defence under subsection (1), subsection (1) shall apply —

- (a) with the substitution, for any reference (however expressed) in paragraphs (a), (b), (d) and (e) to the person charged, of a reference to his or her employer; and
- (b) with the substitution for paragraph (c) of the following paragraph—

“(c) that at the time of the commission of the offence his or her employer believed the statement contained in the warranty to be accurate and the person charged had no reason to believe it to be inaccurate”.

(4) The person by whom the warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence.

(5) If the person charged in any such proceedings as are mentioned in subsection (1) wilfully attributes to any goods a warranty given in relation to any other goods, he or she commits an offence.

(6) A person who, in respect of any goods sold by him or her in respect of which a warranty might be pleaded under this section, gives to the buyer a false warranty in writing commits an offence unless he or she proves that when he or she gave the warranty he or she took all reasonable steps to ensure that the statements contained in it were, and would continue at all relevant times to be, accurate.

(7) For the purposes of this section, any statement with respect to any goods which is contained in any document required under this Act to be associated with the goods or

in any invoice, and, in the case of goods made up in or on a container for sale or for delivery after sale, any statement with respect to those goods with which that container is marked, shall be taken to be a written warranty of the accuracy of that statement.

52. (1) In any proceedings for an offence under this Act, it shall be a defence for the person charged to prove that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Reasonable precautions and due diligence.

(2) If, in any case, the defence provided by subsection (1) involves an allegation that the commission of the offence in question was due to the act or default of another person (not being a person under the control of the person charged) or due to reliance on information supplied by another person not being a person under his or her control, the person charged shall not, without the leave of the court, be entitled to rely on the defence unless, before the beginning of the period of seven days ending with the date when the hearing of the charge began, he or she served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his or her possession.

53. (1) This section applies to any proceedings for an offence under this Act, by reason of quantity —

Subsequent deficiency.

- (a) of any goods made up for sale or for delivery after sale (whether by way of pre-packing or otherwise) in or on a container marked with an indication of quantity;
- (b) of any goods which, in connection with their sale or an agreement for their sale, have associated with them a document purporting to state the quantity of the goods; or
- (c) of any goods required under this Act to be pre-packed, or to be otherwise made up in or on a container for sale or for delivery after sale, or to be made for sale, only in particular quantities, being less than that marked on the container or stated in the document in question or being less than the relevant particular quantity, as the case may be.

(2) In any proceedings to which subsection (1) applies, it shall be a defence for the person charged to prove that the deficiency arose—

- (a) in a case falling within paragraph (1)(a), after the making up of the goods and the marking of the container;
- (b) in a case falling within paragraph (1)(b), after the preparation of the goods for delivery in pursuance of the sale or agreement and after the completion of the document;
- (c) in a case falling within paragraph (1)(c), after the making up or marking, as the case may be, of the goods for sale,

and was attributable wholly to factors for which reasonable allowance was made in stating the quantity of the goods in the marking of the document or in making up or marking the goods for sale, as the case may be.

(3) If, in any proceedings for an offence under this Act, being an offence in respect of any deficiency in the quantity of any goods sold, it is shown that between the sale and the discovery of the deficiency the goods were, with the consent of the buyer, subjected to treatment which could result in a reduction in the quantity of those goods for delivery to, or to any person nominated in that behalf by, the buyer, the person charged shall not be deemed to have committed the offence unless it is shown that the deficiency cannot be accounted for by the subjecting of the goods to that treatment.

54. (1) If proceedings for an offence under this Act, in respect of any deficiency in the quantity—

Provisions as to testing.

- (a) of any goods made up for sale (whether by way of pre-packing or otherwise) in or on a container marked with an indication of quantity; or
- (b) of any goods which have been pre-packed or otherwise made up in or on a container for sale or for delivery after sale, or which have been made for sale, and which are required by this Act to be pre-packed, or to be otherwise so made up, or to be so made as the case may be, only in particular quantities,

are brought with respect to any article, and it is proved that, at the time and place at which that article was tested, other articles of the same kind and of the same nominal quantity, being articles which, or articles containing goods which, had been sold by the person charged or were in that person's possession for sale or for delivery after sale, were available for testing, the person charged shall not be convicted of such an offence with respect to that article unless a reasonable number of those other articles were also tested.

(2) In any proceedings for an offence under subsection (1), the court—

- (a) if the proceedings are with respect to one or more of a number of articles tested on the same occasion, shall have regard to the average quantity in all the articles tested;
- (b) if the proceedings are with respect to a single article, shall disregard any inconsiderable deficiency; and
- (c) shall have regard generally to all the circumstances of the case.

(3) Subsections (1) and (2) shall apply with the necessary modifications to proceedings for an offence in respect of the size, capacity or contents of a container as they apply to proceedings for an offence in respect of the deficiency in the quantity of certain goods.

(4) Where, by virtue of section 49, a person charged with an offence with which some other person might have been charged, the reference in subsection (1) to articles or goods sold by or in the possession of the person charged shall be construed as a reference to articles or goods sold by or in the possession of that other person.

55. Where any goods are required under this Act to be sold only by quantity expressed in a particular manner—

Selling by
quantity.

- (a) it shall be a sufficient compliance with that requirement in the case of any sale of, or agreement to sell, any such goods if the quantity of the goods expressed in the manner in question is made known to the buyer before the purchase price is agreed; and

- (b) a person shall not be deemed to have committed an offence under section 42(1) by reason of the exposing or offering for sale of such goods at any time if both the quantity of the goods expressed in the manner in question and the price at which they are exposed or offered for sale are made known at that time to any prospective buyer.

56.(1) For the purposes of this Act and without prejudice to any other method of making known to a person the quantity of any goods expressed in a particular manner, that quantity shall be deemed to be made known to that person—

Making quantity known to a person.

- (a) if the goods are weighed or otherwise measured or counted, as the case may require, in the presence of that person;
- (b) if the goods are made up in or on a container marked with a statement in writing of the quantity of the goods expressed in the manner in question and the container is readily available for inspection by that person; or
- (c) upon such a statement in writing is delivered to that person.

(2) The Cabinet Secretary may, by notice in the *Gazette*, provide that subsection (3) shall apply, in the case of such goods in such circumstances as are specified in the notice, to any requirement so specified under this Act with respect to the making known to the buyer of the quantity by weight of the goods sold by retail.

(3) In any case to which this subsection applies, the requirement specified in the notice under subsection (2) shall be deemed to be satisfied if the goods are bought at the premises at which the weighing equipment of such description as may be prescribed—

- (a) is kept available by the occupier of those premises for use without charge by any prospective buyer of such goods for the purposes of weighing for himself or herself any such goods offered or exposed for sale by retail on those premises;

- (b) is so kept available in a position on those premises which is suitable and convenient for such use of the weighing equipment; and
- (c) is reserved for use for that purpose at all times while those premises are open for retail transactions, and a notice of the availability of the weighing equipment for such use is displayed in a position on the premises where it may be readily seen by any prospective buyer.

57. For the purposes of this Act, a person shall not be deemed to weigh or otherwise measure or count any goods in the presence of any other person unless he or she causes any weighing equipment used for the purpose to be placed or conducts the operation of weighing or otherwise measuring or counting the goods, as to permit that person a clear and unobstructed view of the weighing or measuring equipment, if any, and of the operation, and of any indication of quantity given by any such equipment as the result of that operation.

Quantity determination in presence of a person.

58. In ascertaining the quantity of any beer or cider for the purposes of section 42 or section 46, 47 and 48, the gas comprised in any foam on the beer or cider shall be disregarded.

Ascertaining quantity of beer or cider.

PART VI—ADMINISTRATIVE PROVISIONS

59. (1) The Cabinet Secretary may, for the purposes of this Act, and by notice on the *Gazette*, appoint inspectors from among persons holding certificates of qualification for the efficient discharge of the functions conferred or imposed upon inspectors by this Act.

Appointment of inspectors.

(2) A certificate of appointment signed by the Director shall be issued to every inspector appointed and shall be evidence of his or her appointment under this Act subject to any directives by the Director.

(3) Where for any reason the Cabinet Secretary revokes the appointment of a person as an inspector, the Cabinet Secretary shall publish a notice in the *Gazette* of the revocation.

(4) The Director shall, upon the publication of the notice under subsection (2), withdraw the certificate of

appointment issued to the inspector and that person shall cease to perform any of the functions or exercise any of the powers of an inspector under this Act.

(5) Pursuant to subsections (3) and (4), a person who ceases to hold office of an inspector shall immediately cease the performance of the duties of an inspector and shall within one month from the date of degazettement surrender to the Director all documents and tools issued for the discharge of his or her duties.

60. (1) There shall be, for the purposes of this Act, a Director of Legal Metrology Services, who shall be appointed by the Public Service Commission from among persons appointed under section 59(1).

Appointment of
and county
directors.

(2) There shall be, for the purposes of this Act, in respect of each county, a County Director of Legal Metrology Services, who shall be appointed by the County Public Service Board from among persons appointed under section 59(1).

(3) The Director may delegate in writing any or all of his or her powers, duties or functions under this Act, either generally or in any area in Kenya, or for such periods or purposes as he or she may specify, to any inspector or county director, and may at any time revoke or vary such delegation.

(4) The Director shall be responsible—

- (a) to the Cabinet Secretary for the custody and maintenance of standards provided under sections 13, 14, 15, 16 and 17;
- (b) generally, for the operation of the arrangements made to give effect to the purposes of this Act; and
- (c) the general supervision of inspectors appointed under this Act.

(5) The arrangements made to give effect to the purposes of this Act may include the provision, under the supervision of the County Director of Legal Metrology, of a service for the verification of weighing or measuring equipment and where such a service is so provided, an

inspector shall charge such fee in connection therewith as the Cabinet Secretary may, by notice in the *Gazette*, prescribe.

(6) Without prejudice to the powers and duties of an inspector under any other provisions of this Act, the Director may make arrangements whereby an inspector may, at the request of any person and upon payment of the prescribed fee, carry out and submit to the person a report on—

- (a) verifying the weight or measurement of any goods or article submitted by the person; or
- (b) a test of the accuracy of any weighing or measuring equipment submitted by the person.

PART VII—KENYA SCHOOL OF LEGAL METROLOGY

61. (1) There is established a school of legal metrology known as the Kenya School of Legal Metrology.

Establishment of the School.

(2) The School shall establish structures of training and administration of professional examinations that lead to the award of the —

- (a) certificate of qualification referred to under section 59(1); and
- (b) certificate of merit to the international legal metrology fraternity.

(3) The School shall establish structures of training and administration of competency examinations that lead to the issuance of the technicians' licences pursuant to section 37(1)(m).

(4) The School shall develop and organise continuous professional development courses for inspectors and technicians, both local and international.

(5) The Cabinet Secretary may make regulations to provide for the manner, structures and procedures for the management of training affairs and examinations so offered by the School.

(6) In this section—

“technician” means a person licensed to engage in the repair or overhauling of weighing or measuring equipment.

62.(1) The Institute of Trade Standards Administration existing at the commencement of this Act shall be the professional body for legal metrology practitioners in Kenya.

Institute of Trade
Standards
Administration

(2) The Institute shall be responsible for the issuance of annual practicing licences to legal metrology inspectors.

(3) The Cabinet Secretary shall, in consultation with the governing body of the Institute, make regulations for the better carrying out of the provisions of this section.

(4) In this section, “legal metrology practitioner” means a person working in the legal metrology field as specified by the Cabinet Secretary in accordance with section 62(3) of this Act.

PART IX—OFFENCES AND PENALTIES

63. Any person who, not being an inspector, purports to act as such under this Act commits an offence.

Impersonation of
inspector.

64. Any person who employs in his or her shop, store, or other place of business any agent, servant, or other person shall be answerable for the acts or omissions of the agent, servant, or other person in so far as they concern the business of the employer and if such agent, servant or other person commits any act or makes any omission which is an offence if committed or made by such employer, such employer and his or her agent, servant or other person shall each commit an offence and shall be jointly and severally liable to the penalties provided by this Act.

Employer
answerable for
acts of servant,
etc.

65. Any partner in any firm shall be answerable for the acts or omissions of any other partner in the same firm in so far as they concern that firm, and if any partner commits any act or makes any omission which is an offence under this Act, every partner in the firm shall be jointly and severally liable to the penalties provided by this Act.

Liability of
partners in a firm.

66. Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent and connivance of or to be attributable to any manager, secretary or other similar officer of the body corporate, or any other person who was purporting to act in any such capacity, he or she as well as the body corporate commits that offence and shall be liable to be proceeded against and punished accordingly.

Offences by
bodies corporate.

67.(1) Where any vehicle, equipment, goods or money has been seized under this Act, the same may be retained for a period not exceeding three months or, if within that period, proceedings are commenced for any offence under this Act, until the final determination of those proceedings.

Disposal of seized
goods.

(2) Where any goods are seized and detained under this Act, they shall be returned, less any portion which has been reasonably utilized for the purpose of any tests, to the person from whom they were seized within a period of three months after the date of the seizure, unless within such period some person is charged with an offence under this Act and such offence was committed in relation to or in connection with such goods.

(3) Where any perishable goods have been seized under any provision of this Act, the inspector who has seized the goods shall forthwith report to a magistrate the fact of the seizure and if the magistrate is satisfied that the goods are perishable, he or she may authorize the inspector to dispose of the goods as the magistrate may find appropriate.

(4) Where any proceedings are instituted for any offence under this Act, the court by or before which the alleged offender is tried may make such order as to the forfeiture of the goods in respect of which such offence was committed or as to the disposal of any goods or money seized in connection therewith as the court shall find appropriate.

(5) In this section "goods" shall be construed as including the proceeds of the sale of any goods, where such goods have been sold under subsection (3).

(6) Where the owner of seized goods cannot reasonably be traced either during proceedings and before conclusion of the case or before court proceedings are commenced, upon sworn information in writing before a magistrate by the investigating officer, the magistrate may order forfeiture of the goods and give appropriate orders for disposal.

68.(1) Except as otherwise provided for under this Act, a person who commits an offence under this Act for which no other punishment is given, that person shall be liable on conviction to a fine not less than ten thousand shillings and not exceeding five million shillings or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment.

General penalty.

(2) Where any person has been convicted of an offence under this Act, the court convicting the person may, in addition to any other penalty to which the convicted person may be liable, make such order as the court thinks fit to prevent that person from continuing to deal with or in the same goods or articles in respect of which the offence was committed.

(3) Where any person, pursuant to subsection (2), has had two previous convictions of similar offences under this Act, in addition to any other penalty to which the convicted person may be liable, the person shall be prohibited from continuing to deal with or in the same goods or business.

69.(1) Where an act is attributable to the failure of an inspector in the execution of his or her duties under this Act, an inspector shall be liable to prosecution.

Misconduct of an Inspector

(2) Pursuant to subsection (1) and subject to section 59(3), the Director shall cause an investigation to be carried out regarding the execution of the inspector's duties.

(3) During an investigation under subsection (1), the Director shall—

- (a) notify the inspector, in writing, of the investigation specifying in the notification the reason for the investigation and the consequences therefrom in case of an adverse finding;

- (b) afford the inspector a reasonable opportunity to make any representations regarding the subject of the investigation;
- (c) collect and review all relevant facts and information, including facts and information that is likely to be of benefit to the inspector;
- (d) act in a transparent and impartial manner; and
- (e) notify the inspector, in writing, of the findings of the investigation and the action the Director intends to take as consequence thereof.

(4) Where, as a consequence of an investigation under subsection (2), the Director makes adverse finding against the inspector, the Director shall notify the Cabinet Secretary, in writing, of the findings and recommend such administrative sanctions as may be appropriate in the circumstances, including the degazettement of the inspector.

(5) An investigation under subsection (2) shall not preclude a prosecution under subsection (1).

PART VIII—MISCELLANEOUS PROVISIONS

70. (1) An inspector may—

Powers of entry
and seizure.

- (a) at all reasonable hours and on production, if required, of his or her credentials, inspect and test any weighing or measuring equipment which is used or is in any person's possession, or upon any premises for the purposes of trade, and
- (b) cause such weighing or measuring equipment to be compared with the Working Standards and apply such test as may be necessary to determine the accuracy thereof, and may seize and detain such of them as are offending under this Act.

(2) For the purposes of subsection (1), an inspector may enter any shop, factory, store or warehouse, stall, yard or other premises wherein he or she has reasonable cause to believe—

(a) that there is any weighing or measuring equipment which he or she is authorised under this Act to inspect; or

(b) that goods are bought, sold, exposed, pre-packed or kept for sale, or weighed or measured for sale or for conveyance or carriage or for any other trade purposes in those premises.

(3) An inspector may —

(a) inspect and weigh or otherwise measure or count any goods on any premises or at any place where goods are bought, sold or exposed for sale; and

(b) stop any vehicle or person carrying goods for sale or delivery to a purchaser and may enter any premises where goods have been delivered to a purchaser in order to ascertain that the provisions of this Act have been complied with.

(4) For the purposes of subsection (3), an inspector may —

(a) use any weighing or measuring equipment which complies with the provisions of this Act and which may be upon such premises; and

(b) require the production of any documents or records appertaining to the quantity or gauge of such goods and such reasonable assistance from any person present and having an interest in those goods as may be necessary.

(5) An inspector may weigh or otherwise measure any container in or on which any goods are made up and may do anything else as respects the goods or container which is reasonably necessary, and which does not damage or depreciate the goods or containers to ascertain whether the requirements of this Act are complied with.

(6) For the purposes of subsection (5), an inspector may, where necessary, break open any container of goods or open any vending machine in which goods are offered or exposed for sale.

71.(1) In case of goods stored on premises used only as a dwelling, an inspector shall apply for a search warrant for purposes of the performance of duties imposed by this Act.

Search warrants.

(2) If a magistrate, on sworn information by an inspector in writing—

(a) is satisfied that there is reasonable ground to believe either—

(i) that any equipment or goods, books or documents which an inspector has power under this section to inspect are on any premises and that their inspection is likely to disclose evidence of the commission of an offence under this Act; or

(ii) that any offence under this Act has been, is being, or is about to be committed on any premises; and

(b) is also satisfied that—

(i) admission to the premises has been or is likely to be refused and that notice of intention to apply for a warrant under this section has been given to the occupier; or

(ii) an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the premises are unoccupied, or that the occupier is temporarily absent and it might defeat the object of the entry to await his or her return,

the magistrate may, by warrant under his or her hand, which shall continue in force for a period of one month, authorize an inspector to enter the premises, if need be, by force.

72. An inspector seizing any goods and or documents under this Act shall complete a seizure notice of the prescribed form as set out in the Fourth Schedule and leave a copy with the person from whom the goods and documents are seized:

Seizure notices.

Provided that where it is impracticable to leave the copy with the person from whom the goods and documents are seized, the inspector shall leave the copy at a conspicuous place within the premises.

73. An inspector entering any premises by virtue of section 63 or section 64 may take with him or her such other person and such equipment or item as may be necessary, take still photos or video and oral recording that shall be used as evidence in any proceedings.

Photos, videos or oral recordings by inspectors.

74. If any person discloses to any other person any information with respect to any secret manufacturing process or trade secret obtained by him in premises where he or she has entered by virtue of this section or any information obtained by him or her in pursuance of this Act he or she commits an offence, unless the disclosure was made in or for the purposes of the performance by him or her or any other person of the functions under this Act.

Unauthorised disclosures.

75. (1) For the purposes of sections 63 and 64, the powers of an inspector shall include the power to require the person in charge of any vehicle carrying goods for sale or, for delivery after sale, by weight or measure to a purchaser to have the goods check-weighed.

Power to require goods to be check-weighed.

(2) In this section, "check-weighed", in relation to any vehicle, means weighed with its load by means of a suitable and accurate weighing instrument and weighed again after it has been unloaded by means of the same weighing instrument.

(3) In this section, "weighing instrument" includes all instruments constructed to sense and indicate weight, calculate and indicate prices, compute wages and count or grade articles by use of weighing principles, together with all weights and counterpoises belonging thereto.

76. (1) An inspector may make such test purchases of goods as may appear expedient for the purposes of determining whether or not the provisions of this Act are being complied with, and the expenses incurred in making any such purchase shall be met from public funds.

Power to make test purchase.

(2) An inspector may, in connection with the investigation of any alleged offence arising out of a test purchase involving payment with money, search any

person for the money, or enter and search premises, or search any box or receptacle and the contents thereof at the place at which such test purchase has been made, and may seize the money so found and retain any change received for the purchase as evidence of the transaction.

(3) Any goods purchased in pursuance of subsection (1) in respect of which no court proceedings are instituted shall be disposed of in such a manner as the Cabinet Secretary, subject to the provisions of the Public Procurement and Asset Disposal Act, prescribe.

Cap. 412C.

77.(1) In addition to any other powers conferred by this Act, an inspector may —

Powers of arrest, search and seizure.

- (a) stop and detain, or may arrest without warrant, any person suspected of an offence under this Act or being in possession of any goods, or weighing or measuring equipment in respect of which he or she has reason to believe that such an offence has been committed and may search any person so stopped and detained or arrested; or
- (b) seize and detain any goods or thing, or weighing or measuring equipment in respect of which he or she has reason to believe that an offence under this Act has been committed or which he or she has reason to believe to be evidence of such an offence:

Provided that no person shall be arrested under this subsection unless —

- (i) he or she obstructs or hinders the inspector;
- (ii) it appears to the inspector that such a person is likely to fail to answer to a summons;
- (iii) he or she refuses to give his or her name and address to the inspector and to produce to the inspector satisfactory evidence of his or her identity; or
- (iv) such person gives a name and address which the inspector has reason to believe to be false.

(2) No suit, prosecution or other legal proceedings shall lie against the Director, any inspector or any other

officer authorized to perform any duty by or under this Act in respect of anything which is done in good faith under this Act or any rule or order made thereunder.

PART X—REPEAL, SAVINGS AND TRANSITION PROVISIONS

78. In this Part —

“former Director” means the Director of Weights and Measures appointed under section 55(1) of the repealed Act;

“repealed Act” means the Weights and Measures Act”.

Interpretation
of Part.

Cap. 513.

79. (1) The Weights and Measures Act, is repealed.

Repeal.
Cap. 513.

(2) Despite subsection (1) —

(a) any proceedings taken against or pending against any person immediately before the commencement of this Act may be continued as if instituted under this Act;

Provided that criminal proceedings shall be regarded as pending if the person concerned had pleaded to the charge in question;

(b) any administrative investigation or inquiry instituted in terms of the repealed Act which was pending before the commencement of this Act shall be continued or disposed of as if instituted under this Act;

(c) all disciplinary proceedings which immediately before the commencement of this Act were pending shall be continued or concluded as if instituted under this Act; and

(d) all appeal processes, which immediately before the commencement of this Act were pending, shall proceed as if instituted under this Act.

80. (1) Any person who was appointed as the Director, or a Deputy Director or Assistant Director of Weights and Measures under section 51(1) of the repealed Act shall, subject to the provisions of this Act, continue in office as if that person has been appointed as the Director, Deputy Director or Assistant Director of Legal Metrology Services under this Act.

Director,
Deputy
Directors and
Assistant
Directors of
Weights and
Measures.

(2) Any delegation made by the Director of Weights and Measures under section 51(2) of the repealed Act to a Deputy Director or Assistant Director of Weights and Measures shall, subject to the provisions of this Act, to be a delegation to a Deputy Director or Assistant Director of Legal Metrology Services under this Act.

81. (1) Any person who was appointed as an inspector under section 54(1) of the repealed Act shall, subject to the provisions of this Act, continue in office as if that person has been appointed as an inspector under this Act.

Inspectors.

(2) A certificate of appointment issued to an inspector under section 54(3) of the repealed Act shall, subject to the provisions of this Act, be deemed to be a certificate of appointment issued by the Director under this Act.

82. All certifications issued by the Institute of Trade Standards Administration prior to the enactment of this Act, shall be deemed to satisfy the requirements of this Act.

Preservation
of
certification
by Institute
of Trade
Standards
Administrati
ON
Training and
capacity
building

83. The training and capacity building function undertaken by the Department of Weights and Measures prior to the enactment of this Act, shall be discharged by the Kenya School of Legal Metrology.

FIRST SCHEDULE

(s. 4)

International system of units (SI) and their symbols

The names and symbols of the base units are respectively as follows:

<i>S/No.</i>	<i>Quantity</i>	<i>Unit</i>	<i>Symbol</i>
1.	Mass	kilogramme	kg
2.	Length	metre	m
3.	Time	second	s
4.	Thermodynamic temperature*	kelvin	K
5.	Electric current	ampere	A
6.	Luminous intensity	candela	cd
7.	Amount of substance	mole	mol

*Temperature is in general expressed in degrees Celsius.

SECOND SCHEDULE (ss. 4(2), 5(2) and 6(2))**Definitions of units of measurements****Part I – Measurement of weight or mass**

1.	Tonne	1,000 kilograms
2.	Kilogram	has the meaning assigned by an order made by the Cabinet Secretary, being the meaning appearing to the Cabinet Secretary to reproduce in English the international definition of the kilogram in force at the date of making the order.
3.	Hectogram	0.1 kilogram
4.	Gram	0.001 kilogram
5.	Carat (metric)	0.2 gram
6.	Milligram	0.001 gram

Part II – Measurement of length

1.	Kilometre	1,000 metres
2.	Metre	has the meaning assigned by an order made by the Cabinet Secretary being the meaning appearing to the Cabinet Secretary to reproduce in English the International definition of the metre in force at the date of the making of the order.
3.	Decimetre	0.1 metre
4.	Centimetre	0.01 metre
5.	Millimetre	0.001 metre

Part III – Measurement of area

1.	Square kilometre	100 hectares
2.	Hectare	100 ares or 10,000 square metres
3.	Decare	10 ares

4.	Are	100 square metres
5.	Square metre	a superficial area equal to that of a square each side of which measures one metre
6.	Square decimetre	0.01 square metre
7.	Square centimetre	0.01 square decimetre
8.	Square millimetre	0.01 square centimetre

Part IV – Measurement of volume

1.	Cubic metre	the volume equal to that of a cube each edge of which measures one metre
2.	Cubic decimetre	0.001 cubic metre
3.	Cubic centimetre	0.001 cubic decimetre

Part V – Measurement of capacity

1.	Hectolitre	100 litres
2.	Litre	a cubic decimetre
3.	Decilitre	0.1 litre
4.	Centilitre	0.01 litre
5.	Millilitre	0.001 litre

THIRD SCHEDULE

(ss. 14 (1), 16(1),
17(1), (4), 20(1)(b)
(3) and 28(2)(b))

Part I

Measures and weights lawful for trade

Measures of Length

Measures of:

1. 50 metres
2. 30 metres
3. 20 metres
4. 10 metres
5. 5 metres
6. 3 metres
7. 2 metres
8. 1 metre
9. 1 decimetre
10. 1 centimetre

which may be marked in whole or in part with divisions or subdivisions representing any of the following, namely metres, decimetres, centimetres and millimetres.

Measures of Volume

Measures of:

1. 100 cubic decimetres
2. 200 cubic decimetres
3. 500 cubic decimetres and multiples thereof

Measures of Capacity

Measures of:

1. Any multiple of 10 litres
2. 10 litres

3. 5 litres
4. 2 litres
5. 1 litre
6. 500 millilitres
7. 300 millilitres
8. 200 millilitres
9. 100 millilitres
10. 60 millilitres
11. 50 millilitres
12. 30 millilitres
13. 20 millilitres
14. 10 millilitres
15. 5 millilitres
16. 2 millilitres
17. 1 millilitre

Weights

1. Weights of:
 - (a) 20 kilograms
 - (b) 10 kilograms
 - (c) 5 kilograms
 - (d) 2 kilograms
 - (e) 1 kilogram
 - (f) 500 grams
 - (g) 200 grams
 - (h) 100 grams
 - (i) 50 grams
 - (j) 20 grams
 - (k) 10 grams
 - (l) 5 grams
 - (m) 2 grams

- (n) 1 gram
- (o) 500 milligrams
- (p) 200 milligrams
- (q) 100 milligrams
- (r) 50 milligrams
- (s) 20 milligrams
- (t) 10 milligrams
- (u) 5 milligrams
- (v) 2 milligrams
- (w) 1 milligram

2. Weights of:

- (a) 500 carats (metric)
- (b) 200 carats (metric)
- (c) 50 carats (metric)
- (d) 20 carats (metric)
- (e) 10 carats (metric)
- (f) 5 carats (metric)
- (g) 2 carats (metric)
- (h) 1 carat (metric)
- (i) 0.5 carat (metric)
- (j) 0.2 carat (metric)
- a. carat (metric)
- (k) 0.05 carat (metric)
- (l) 0.02 carat (metric)
- (m) carat (metric)

PART II

Testing equipment which may be used by inspectors in connection with their duties

Test Weights

Measures of:

1. 1000 kilograms
2. 500 kilograms
3. 200 kilograms
4. 100 kilograms
5. 20 kilograms
6. 10 kilograms
7. 5 kilograms

Other Equipment

1. Balances and beam scales.
2. Egg poises of various denominations.
3. Pipettes, burettes, measuring cylinders and displacement plungers.
4. Check pump measures
5. Callipers, Standard dipping tapes, composite and end measures, Tape measures, micrometers and Airy's gauges
6. Strapping tapes, Electro-Optical Distance Ranging (EODR) equipment
7. Proving tanks of such capacity and design as the Director may approve.
8. Master meters of such pattern as the Director may approve.
9. Flowmeters testing rigs.
10. Electricity meters testing rigs
11. Master meter calibration rigs
12. Digital weighing and measuring equipment
13. Any other equipment that the Director may recommend.

PART III

NOTICE OF ATTENDANCE

Legal Metrology Services

(Pursuant to section 27(2)(b) of Legal Metrology Act, 2024)

I HEREBY GIVE NOTICE THAT on the

I shall, at the times specified below, attend at for the purpose of assizing and where necessary, stamping, such Weights, Measures, Weighing and Measuring instruments within the Township/Trading Centre of and a distance of FIVE KILOMETRES THEREOF, as shall be brought to me for the purpose, and shall charge in respect of the said assizing and stamping, the Fees authorized under the LEGAL METROLOGY RULES.

NOTE:

Every Weight, Measure, Weighing and Measuring instrument used by way of trade (including Scales with the weights belonging thereto, Scale-Beams, Spring Balances, Steel yards, Weighing machines and other instruments for weighing and measuring) must be verified and stamped annually by the Inspector with a stamp of verification under the Legal Metrology Act, 2023.

TIMES OF ATTENDANCE on the above mentioned day(s) will be:-

.....

Signed:

Inspector of Weights and Measures

i/c..... COUNTY

FOURTH SCHEDULE

(s. 71(8))

SEIZURE NOTICE**LEGAL METROLOGY SERVICES****Time: Date:****SEIZURE NOTICE***(Pursuant to sections 61 and 63 of the Legal Metrology Act, 2024)*

This is to certify that, I the undersigned inspector have today the day
of year Visited the
premises of:

.....
...

(Name of Trader)

located at (Town/Market) in
..... Sub-County within
County and have seized the following equipment/goods/documents:

.....
.....
.....
.....
.....

The above equipment/goods have been seized for the purpose of:

.....
.....
.....
.....

The equipment/goods have been weighed/tested/examined in the presence
of the trader/attendant/agent/manager.

Remarks/Observation:

.....
.....
.....
.....

Seizing officers name

.....

Name of

trader/attendant/manager/agent

.....

Designation	Designation
Signature	Signature
Time	Time

Witnesses:

<i>Name</i>	<i>Title</i>	<i>Address</i>	<i>Signature</i>
(i)			
(ii)			
(iii).....			

Notes: If the space/s provided above is not adequate, an attachment hereto shall be deemed to be part of this Seizure Notice.

TO BE COMPLETED IN TRIPLICATE

ORIGINAL – To be retained by seizing officer as evidence of seizure

DUPLICATE – To be left with the person from whom the goods are seized

TRIPLICATE – To be filed

MEMORANDUM OF OBJECTS AND REASONS

Statement of Objects and reasons

The principal object of this Bill is to make provisions for the manufacture, sale and use of weighing or measuring equipment in trade, health, safety, law enforcement, environmental protection and the sale of goods; and for connected purposes. The Bill also repeals the Weights and Measures Act (Cap. 513).

Part I of the Bill (clauses 1 to 3) provides for preliminary matters including the short title, the definitions of key terms used in the Act, and the purpose and object of the Act.

Part II of the Bill (clauses 4 to 12) provides for the units of measurement for legal metrology. Part II provides for the use of standard units of measurement, weight, length, time, electric current, thermodynamic temperature, luminous intensity, and amount of substance. Part II also provides for the offence of the use of an unauthorised unit of measurement for the purposes of trade.

Part III of the Bill (clauses 13 to 19) deals with the establishment and adoption of standards of measurement. Part II provides for the adoption of the Kenya Legal Metrology Standards, and Kenya Legal Metrology Reference Standards; the procurement of secondary standards; the adoption of working standards and testing equipment; the determination of accuracy classes and the technical specifications for standards and testing equipment; and the testing of standards and equipment of other institutions.

Part IV of the Bill (clauses 20 to 38) provides for weighing and measuring for trade. Part IV provides for the meaning of "use for trade" as used in the Act; the requirement to use lawful units of measurement, measures and weights for use for trade. Part IV also provides for offences relating to the use or possession of certain weighing or measuring equipment; offences relating to false or unjust weighing or measuring equipment; offences relating to fraud in the use of weighing or measuring equipment; the description of unjust weighing or measuring equipment; the offence of sale of incorrect weighing or measuring equipment; and offence in connection with the stamping of weighing or measuring equipment.

Part IV also provides for the procedure for the initial and subsequent verification of weighing or measuring equipment; the offence of obstructing an inspector in the performance of his or her duties; the procedure for the approval of patterns of weighing or measuring equipment; exemption from stamping of certain kinds of weighing or

measuring equipment; the authorisation of qualified persons, other than inspectors authorised under the Act, to undertake verification activities; and the making of regulations relating to weighing or measuring equipment for use for trade.

Part V of the Bill (clauses 39 to 58) provides for control of transaction in goods. Part V proposes the making of regulations to provide for transactions in particular goods; information to be provided on particular goods; the manner in which quantities of goods are to be stated; the offence of short-weighting and misrepresentation, packaging a quantity less than what is stated, adulteration of products, and the making of incorrect statements.

Part VI of the Bill (clauses 59 and 60) deal with administrative matters including the appointment of inspectors; and the Director and County Directors of Legal Metrology Services.

Part VII of the Bill (clauses 61 and 62) deals with the establishment of the Kenya School Legal Metrology; and the designation of the Institute of Trade Standards Administration existing at the commencement of the Act as the professional body for legal metrology practitioners in Kenya.

Part VIII of the Bill (clauses 63 to 70) provides for offences and their penalties.

Part IX of the Bill (clauses 71 to 77) deals with miscellaneous matters including the powers of inspectors relating to entry into premises and seizure of weighing and measuring equipment; the issuance of search warrants; the giving of seizure notices; the use of photographs, videos and oral recordings by inspectors; the prohibition of unauthorised disclosure of confidential information; the power to check the weights of goods; and the power of inspectors to make test purchase.

Part X of the Bill (clauses 78 to 80) deals with the repeal of the Weights and Measures Act; and savings and transitional matters relating to the repeal of that Act.

The **First Schedule to the Bill** sets out the International System of Units (SI) and their symbols; the **Second Schedule** provides for the definitions of units of measurement; the **Third Schedule** sets out the measures and weights lawful for trade; and the **Fourth Schedule** sets out the form for the Notice of Attendance issued by an inspector for the purposes of verification of weighing and measuring equipment.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill delegates legislative powers to the Cabinet Secretary but it does not limit fundamental rights and freedoms.

Statement that the Bill concerns county governments

The Bill affects the functions of the county governments pursuant to the Article 110(1) and Fourth Schedule to the Constitution.

Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill may occasion additional expenditure of public funds.

Dated the 4th June, 2026.

KIMANI ICHUNG'WAH,
Leader of the Majority Party.