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GOVERNMENT OF FIJI
 (DECREE NO. 46 OF 2010)

NATIONAL AND TRADE MEASUREMENT (AMENDMENT) DECREE 2010

ARRANGEMENT OF SECTIONS

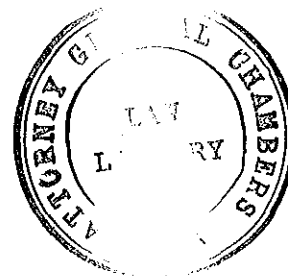
SECTION

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NATIONAL AND TRADE MEASUREMENT (AMENDMENT) DECREE 2010
 (DECREE NO. 46 OF 2010)

IN exercise of the powers vested in me as President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority Decree 2009, I hereby make the following Decrees—

PART 1—PRELIMINARY

Short title and Commencement

1. This Decree is the National and Trade Measurement (Amendment) Decree 2010 and shall come into force on the same day as the Commerce Commission Decree comes into force.

Interpretation

2. The National and Trade Measurement (Amendment) Decree 2010 is referred to as the Decree.

PART 2—AMENDMENTS

Interpretation

3. Section (3) (1) is amended by—
 - (i) deleting the word “Chief Inspector” and its definition;
 - (ii) inserting after the word “component” the following words—“Director” shall refer to the Director appointed under the National and Trade Measurement Decree;
 - (iii) Inserting the word “principal Inspector” after the word “Primary standard of measurement” with the following words—“principal inspector” refers to a principal inspector of Trade Measurement appointed or deemed to have been appointed under and for the purposes of this Decree;

- (iv) By removing the word "Chief inspector" in the definition of "inspector" and replacing with the words "Director of Trade Measurement and the principal inspector"
- (v) By removing the word "Chief Inspector" and replacing with the term Director of Trade Measurement in the following definitions of—
 - "primary standard of measurement"
 - "secondary standard of measurement"

Establishment of the office

4.—(1) Subsection (1) of Section 5 is amended by—

- (i) By deleting the word "Chief Inspector of Trade Measurement" and replacing the word with "Director of Trade Measurement" in paragraph (a);
- (2) Subsection (3) of Section 5 is amended by deleting the word "Chief Inspector" and replacing it with the word "Director of Trade Measurement";

New insertion

5. A new section 5A is inserted after section 5 as follows—

"National and Trade Measurement office

5A.—(1) There shall be established a National and Trade Measurement Office comprised of the Director, Principal Inspector and the other Inspectors and officers appointed to assist him.

(2) The office shall discharge its functions subject to the directions and control of the Minister."

Section 11 is amended

6. Section 11 (1) and (2) (b) are amended by deleting the word "Chief Inspector" and substituting with "Director".

Section 12 is amended

7. Section 12 is amended by deleting the word "Chief Inspector" and substituting with "Director".

Section 13 is amended

8. Section 13 is amended by deleting the word "Chief Inspector" and substituting with "Director".

Section 14 is amended

9. Section 14 (1) and (2) are amended by deleting the word "Chief Inspector" and substituting with "Director".

Section 16 is amended

10. Section 16 (2) is amended by deleting the word "Chief Inspector" and substituting with "Director".

Section 17 is amended

11. Section 17 is amended by deleting the word "Chief Inspector" and substituting with "Director".

Section 19 is amended

12. Section 19 (6), (7) and (8) are amended by deleting the word "Chief Inspector" and substituting with "Director".

Section 22 is amended

13. Section 22 (1) is amended by deleting the word "Chief Inspector" and substituting with "Director".

Section 26 is amended

14. Section 26 (4) is amended by deleting the word "Chief Inspector" and substituting with "Director".

Section 30 is amended

15. Section 30 (1) is amended by deleting the word "Chief Inspector" and substituting with "Director".

Section 31 is amended

16. Sections 31(1), (2), (5), (6), (7), (8), (9), and (11) are amended by deleting the word "Chief Inspector" and substituting with "Director".

Section 46 is amended

17. Section 46 (7) is amended by deleting the word "Chief Inspector" and substituting with "Director".

Section 57 is amended

18. Section 57 is amended by deleting the word "Chief Inspector" and substituting with "Director".

Section 62 is amended

19. Sections 62 (1) (a) & (b) (e) and section 62 (2) (e) & (f) are amended by deleting the word "Chief Inspector" and substituting with "Director".

Section 63 amended

20. Section 63 (1) is amended by deleting the word "Chief Inspector" and substituting with "Director".

Section 64 is amended

21. Section 64 (1) and (2) are amended by deleting the word "Chief Inspector" and substituting with "Director".

New Section

22. Section 54 is amended by inserting an additional section 54A as follows—

"On spot penalties

54A.—(1) Notwithstanding the provisions in section 54 as well as other provisions in the Decree for which penalties are stipulated for those who are guilty of an offence, an inspector may charge an on spot penalty if he finds that the offender is in breach of the Decree and—

- (a) it is a first time offence;
 - (b) that there is a likelihood of the offender pleading guilty to the offence.
- (2) Where the inspector is to issue an on spot penalty, the inspector must—
- (i) inform the person in breach of the offence of the maximum penalties;
 - (ii) issue a prescribed form requiring the offender to plead guilty and the fine to be paid.

(3) A person issued with an on spot penalty is liable to a fine not exceeding \$1000.

(4) A person who fails to comply with sub section (3) within 21 days is liable to further legal proceedings in accordance with section 54 and other provisions of the Decree which holds a person liable in breach of those provisions."

Given under my hand this 10th day of September 2010.

EPELI NAILATIKAU
President of the Republic of Fiji