

Malawi

## Metrication Act

Chapter 48:08

Legislation as at 31 December 2014

FRBR URI: /akn/mw/act/1981/9/eng@2014-12-31

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PDF created on 17 March 2023 at 08:28.

*Collection last checked for updates: 31 December 2014.*

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# Malawi

## Metrication Act

### Chapter 48:08

Assented to on 8 May 1981

Commenced on 26 June 1981

*[This is the version of this document at 31 December 2014.]*

*[Note: This version of the Act was revised and consolidated in the Forth Revised Edition of the Laws of Malawi (L.R.O. 1/2015), by the Solicitor General and Secretary for Justice under the authority of the Revision of the Laws Act.]*

**An Act to introduce the units of the metric system in Malawi, to enable necessary modification of legislation to be effected, to provide that the metric system of weights and measures shall be the only permitted system in trade transactions and for matters incidental thereto**

### Part I – Preliminary

#### 1. Short title

- (1) This Act may be cited as the Metrication Act.
- (2) This Act shall be construed as one with the Weights and Measures Act (hereinafter called the principal Act) so however that, in the case of any conflict between the provisions of this Act and the principal Act, the provisions of this Act shall prevail.

### Part II – Introduction of the metric system

#### 2. Metric units

On and after the commencement of this Act the units of the metric system shall have legal force and validity in Malawi and the units of the metric system shall consist of—

- (a) the base units set out in Part I of First Schedule (including their multiples and sub-multiples);
- (b) the supplementary and derived units set out in Part II of the First Schedule; and
- (c) the additional units set out in Part III of the First Schedule.

#### 3. Power of Minister to adapt, alter, convert and modify

The Minister responsible for the administration, of an Act may, in respect of that Act, by Order provide for the adaptation, alteration, conversion or modification of any of the provisions of that Act for the purpose of replacing references to units other than metric units which are either equivalent to such provisions or such approximations thereto as appear to the Minister to be desirable to ensure that, as so adapted, altered, converted or modified, they are expressed in convenient terms.

#### 4. Conversion of Imperial standard units to metric units

The values expressed in terms of any units of the Imperial standard relating to measures of extension whether lineal, superficial or solid, or weight or capacity, may be converted into values expressed in terms of the units of the metric system in accordance with the Second Schedule.

## 5. Power of Minister to add to vary or amend Schedules

The Minister may from time to time, by Order, add to, vary or amend the Schedules to this Act as he may think fit.

## 6. Saving

- (1) No Act or thing done prior to the making of any Order pursuant to [section 3](#) shall be challenged only on the ground that such act or thing done was in a unit other than a unit of the metric system.
- (2) Nothing in this Part shall affect the legal force and validity of any other system of units lawfully used in Malawi.

## Part III – Weights, measures and instruments used in trade

## 7. Interpretation of Part

In this Part—

“**instrument**” means a weighing or measuring instrument;

“**licensed repairer**” means a person licensed pursuant to the principal Act to repair or overhaul instruments;

“**measure**” means any device for the measurement of length area, capacity or volume;

“**weight**” means a mass piece, of a kind ordinarily used in association with a weighing instrument, for the determination of quantity according to weight.

## 8. Power of Minister to prohibit non-metric systems

- (1) The Minister may, by Order, specify any area, industry, trade or transaction to be an area, industry, trade or transaction in which—
  - (a) all weights and measures possessed or used in trade and denominated in units other than metric units shall be surrendered to an assizer on such date and in such circumstances as may be specified in the Order;
  - (b) all instruments possessed or used in trade and indicating in units other than metric units shall be converted to indicate in metric units within such period and in such circumstances as may be specified in the Order.
- (2) When an Order is made under subsection (1) the Minister may, by the same or a subsequent Order, specify a date after which the possession or use in trade in the area, industry, trade or transaction concerned of any weights, measures or instruments which indicate in units other than metric units shall be prohibited.

## 9. Seizure and destruction of prohibited weights and measures

- (1) After the date specified in an Order made under [section 8 \(2\)](#) an assizer or inspector may seize and detain any weight or measure which he has reason to believe is prohibited by the Order.
- (2) Unless, within 90 days after the date of seizure, the owner or other person found in possession of such weight or measure institutes proceedings for the recovery thereof on the ground that the same was not prohibited by the Order, giving notice in writing to the Minister of the institution of such proceedings, the weight or measure shall be destroyed.

- (3) Proceedings under subsection (2) shall be heard and determined before a court of a Resident Magistrate.

## 10. Surrender of instruments, seizure, etc.

- (1) After the commencement of any period specified in an Order made under [section 8](#) (1) (b), the Government Assizer may, by General Notice published in the *Gazette* and in such other manner, if any, as he may consider expedient, require any person in the area, industry or trade, or engaged in the transaction, to which the Order relates, who has in his possession for use in trade any instrument to which the Order applies, to surrender such instrument to an assizer on such date and at such place as is specified in the Notice being a date within the period specified in the Order.
- (2) After the date specified in an Order made under [section 8](#) (2) an assizer or inspector may seize and detain any instrument which he has reason to believe is prohibited by the Order.
- (3) This section does not apply with respect to any instrument which is—
  - (a) in the possession of a licensed repairer for the purpose of conversion to indicate in metric units;
  - (b) *bona fide* possessed or being used for the purposes of any person, industry, trade or transaction for the time being exempted by an Order made under [section 11](#).

## 11. Power of Minister to exempt

Where the Minister is satisfied that suitable arrangements exist for ultimate compliance with this Part he may, by Order, exempt any person, industry, trade or transaction from the provisions of any Order made under [section 8](#) for such period and subject to such conditions as may be specified in the Order made under this section.

## 12. Conversion of instruments

- (1) Any instrument which is to be converted to indicate in metric units in pursuance of this Part shall be so converted by a licensed repairer.
- (2) After completing such conversion, the licensed repairer concerned shall submit the instrument for assize before the same is returned to the possession of any person.
- (3) Notwithstanding subsection (2), where an instrument is so fixed, or by reason of its heavy weight or delicate construction, it cannot conveniently be moved, the requirement of that subsection shall be deemed to have been complied with if—
  - (a) the licensed repairer concerned, in writing, has notified the fact of such conversion and the location of the instrument to an assizer and certified that to the best of his ability and belief such instrument has been rendered by him correct and assizable; and
  - (b) an assizer, having received a fee of K2, has issued a written authority stating that the instrument, as so converted, may be used in trade.

## 13. Power of Minister to prohibit importation, sale or manufacture of non-metric instruments

The Minister may, by Order, prohibit the importation, sale or manufacture of instruments intended for use in trade which do not indicate in metric units, and an assizer shall not accept for assize any such instrument so prohibited.

## 14. Offences and penalties

- (1) Any person who—
  - (a) after the date specified in an Order made under [section 8](#), has in his possession for use, or uses, in trade any weight, measure or instrument, prohibited by that Order;
  - (b) not being an assizer or a licensed repairer, converts or purports to convert any instrument for the purposes of this Part;
  - (c) being a licensed repairer, fails to comply with the requirement of [section 12](#) (2);
  - (d) imports, sells or manufactures any instrument in contravention of an Order made under [section 13](#); or
  - (e) fails to comply with a requirement made under [section 10](#)(1), shall be guilty of an offence and liable to a fine of K500 and every instrument in respect of which an offence under paragraph (a), (d) or (e) was committed shall be forfeited unless the owner or some person acting on his behalf or having a right in such instrument shows cause to the contrary to the satisfaction of the court in accordance with subsection (3).
- (2) Paragraphs (a), (d) and (e) of subsection (1) do not apply with respect to any instrument which is—
  - (a) in the possession of a licensed repairer for the purpose of conversion to indicate in metric units; or
  - (b) *bona fide* possessed or being used for the purposes of any person, industry, trade or transaction for the time being exempted by an Order made under [section 11](#).
- (3) Where a person is convicted of an offence under paragraph (a), (d) or (e) of subsection (1) the court, unless it considers, for reasons to be recorded by the court, that suitable arrangements can be made for the conversion of the instrument concerned to indicate in metric units, shall order that the instrument be forfeited.
- (4) Where an instrument has been seized under [section 10](#) (2) and a person charged with an offence in relation thereto under paragraph (a), (d) or (e) of subsection (1) has not within six months of the date thereof appeared to answer such charge, the Government Assizer may apply to a court of a Resident Magistrate for an order that such instrument shall be forfeited, and the court may make such order in relation to such application as it thinks just.
- (5) Where a court other than the High Court fails or refuses to make an order for forfeiture under this section the Government Assizer may appeal against such failure or refusal to the High Court which may make such order, or may dismiss the appeal, and the decision of the High Court shall be final.
- (6) Every instrument forfeited under this section shall be destroyed.

**First Schedule (Section 2)****Part I - Basic units**

<b>Quantity</b>	<b>Name</b>	<b>Symbol</b>
length	metre	m
mass	kilogram	kg
time	second	s
intensity of electric current	ampere	A
thermodynamic temperature	kelvin	K
luminous intensity	candela	cd
amount of substance	mole	mol

**Part II - Supplementary units**

<b>Quantity</b>	<b>Name</b>	<b>Symbol</b>
plane angle	radian	rad
solid angle	steradian	sr

### Derived units

Quantity	Name	Symbol
area	square metre	m <sup>2</sup>
volume	cubic metre	m <sup>3</sup>
frequency	hertz	Hz
density (mass density)	kilogram per cubic metre	kg/m <sup>3</sup>
velocity	metre per second	m/s
angular velocity	radian per second	rad/s
acceleration	metre per second squared	m/s <sup>2</sup>
angular acceleration	radian per second squared	rad/s <sup>2</sup>
force	newton	N
pressure (stress)	pascal	Pa
dynamic viscosity	pascal second	Pa.s
kinematic viscosity	square metre per second	m <sup>2</sup> /s
work, energy, quantity of heat	joule	J
power	watt	W
quantity of electricity	coulomb	C
electric potential	volt	v
potential difference		
electromotive force		
electric field strength		
electric field strength	volt per metre	V/m
electric resistance	ohm	Ω
electric capacitance	farad	F
conductance	siemens	S
magnetic flux	weber	Wb

inductance	henry	H
magnetic flux density	tesla	T
magnetic field strength	ampere per meter	A/m
luminous flux	lumen	lm
luminance	candela per square metre	cd/m <sup>2</sup>
illuminance	lux	lx
wave number	1 per metre	m <sup>#1</sup>
heat capacity, entropy	joule per kelvin	J/K
specific heat capacity	joule per kilogram kelvin	J/kgK
thermal conductivity	watt per metre kelvin	W/mK
radiant intensity	watt per steradian	W/sr
activity (of a radio-active source)	1 per second	s <sup>#1</sup>
torque, moment of force	newton metre	Nm
surface tension	newton per metre	N/m
specific energy	joule per kilogram	J/kg
energy density	joule per cubic metre	J/m <sup>3</sup>
current density	ampère per square metre	A/m <sup>2</sup>
molar energy	joule per mole	J/mol
moment of inertia	kilogram square metre	kgm <sup>2</sup>
momentum	kilogram metre per second	kgm/s

### Part III - Additional units

Quantity	Name	Symbol
time	minute	min = 60s
	hour	h = 60 min
	day	d = 24h
angle	degree	# = $\pi/180$
	minute	' = 1#/60
	second	" = 1/60
volume	litre	l = dm <sup>3</sup>
mass	tonne	t = 1,000 kg
temperature	degree Celsius	#C(0#C = 273.15K)
temperature interval		
distance	nautical mile	n mile = 1 852m
speed	knot	kn = 1 nautical mile per hour
area	are	a = 100m <sup>2</sup>
	hectare	ha = 10 000m <sup>2</sup>
pressure	bar	b = 10#Pa
	standard atmosphere	atm = 101.325 kPa

### Second Schedule (Section 4)

#### Conversion of imperial standard units to equivalent metric units

Imperial Standard Units	Metric Units
1 yard	= 0.9144 metre exactly
1 pound	= 0.453 592 37 kilogram exactly
1 gallon	= 4.546 09 cubic decimetres approximately