

Bread Act 1974

Chapter 283.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Bread Act 1974,

Being an Act to fix the size and weight of loaves of bread, and for related purposes.

1. INTERPRETATION.

(1) In this Act, unless the contrary intention appears—

“kind of loaf” means a 225g loaf, a 340g loaf, a 450g loaf, a 560g loaf, a 680g loaf, a 900g loaf or a 1,800g loaf as those loaves are described in Section 3(1) and (2);

“loaf” means a loaf of bread weighing more than 170g, and includes sliced bread weighing more than 170g contained in a package;

“this Act” includes the regulations.

(2) For the purposes of this Act—

(a) a loaf that is labelled or formed in accordance with Section 3(2) shall be deemed to purport to be the kind of loaf that it is, by the label or form, stated to be; and

(b) subject to Paragraph (a), a loaf that weighs—

(i) not more than 270g—shall be deemed to purport to be a 225g loaf; and

(ii) more than 270g but not more than 400g—shall be deemed to purport to be a 340g loaf; and

(iii) more than 400g but not more than 500g—shall be deemed to purport to be a 450g loaf; and

(iv) more than 500g but not more than 600g—shall be deemed to purport to be a 560g loaf; and

(v) more than 600g but not more than 800g—shall be deemed to purport to be a 680g loaf; and

(vi) more than 800g but not more than 1,070g—shall be deemed to purport to be a 900g loaf; and

(vii) more than 1,070g—shall be deemed to purport to be a 1,800g loaf.

2. APPLICATION.

(1) This Act applies in declared towns and declared areas.

(2) The Head of State, acting on advice, may, by notice in the National Gazette, declare a town or area to be a declared town or declared area, as the case may be, for the purposes of this Act.

3. SIZE OF LOAVES, ETC.

(1) Subject to Subsections (2) and (3), bread for sale shall be in loaves weighing approximately (but not less than) 450g, 560g, 900g or 1,800g (called “450g loaf”, “560g loaf”, “900g loaf” and “1,800g loaf”, respectively).

(2) Bread for sale may be made into loaves weighing approximately (but not less than) 225g, 340g or 680g (called “225g loaf”, “340g loaf” and “680g loaf”, respectively), if each loaf is so labelled or formed that a statement of the kind of loaf that it purports to be appears prominently on it in the prescribed manner.

(3) Bread may be made up into rolls weighing not more than 170g.

(4) Subject to Subsection (5), a person who makes for sale, sells or delivers any bread, or causes any bread to be made for sale, sold or delivered, otherwise than in accordance with Subsections (1), (2) and (3) is guilty of an offence.

Penalty: For a first offence—a fine not exceeding K200.00.

For a second or subsequent offence—a fine not exceeding K400.00.

(5) If a loaf of bread is found in a bakehouse and, when found, conforms to the requirements of a kind of loaf referred to in Subsection (2) except that it was not labelled or formed as required by that subsection, it is a defence to a charge of an offence against Subsection (4) in relation to the loaf if the defendant proves that it—

(a) was intended to be labelled in accordance with Subsection (2); and

(b) has not reached the stage of manufacture at which in normal circumstances it would be labelled.

4. SELLING UNDERWEIGHT BREAD.

Subject to the succeeding provisions of this Act, a person who makes for sale, sells or delivers a loaf, or causes a loaf to be made for sale, sold or delivered, that is below the minimum weight prescribed by Section 3 for the kind of loaf that it purports to be is guilty of an offence.

Penalty: For a first offence—a fine not exceeding K200.00.

For a second or subsequent offence—a fine not exceeding K400.00.

5. AVERAGING OF WEIGHTS OF LOAVES.

(1) Subject to Section 6, a person shall not be convicted of an offence against Section 4 in relation to bread found in a bakehouse unless at least 25 loaves purporting to be of the same kind are found at the same time in the bakehouse and—

(a) where not less than 25 loaves purporting to be of the same kind are found—the average weight per loaf of not less than 25 loaves is below the minimum weight prescribed by Section 3 for the kind of loaf that they purport to be; or

(b) where less than 25 but not less than five loaves purporting to be of the same kind are found—the average weight per loaf of all of those loaves is below that minimum.

(2) Subject to Section 6, a person shall not be convicted of an offence against Section 4 in relation to bread found in a shop or on a vehicle unless at least 10 loaves purporting to be of the same kind are found at the same time in the shop or on the vehicle and—

(a) where not less than 10 loaves purporting to be of the same kind are found—the average weight per loaf of not less than 10 loaves is below the minimum weight prescribed by Section 3 for the kind of loaf that they purport to be; or

(b) where less than 10 but not less than five loaves purporting to be of the same kind are found—the average weight per loaf of all of those loaves is below that minimum.

6. NO AVERAGING IN CERTAIN CASES.

Section 5 does not apply where the loaf the subject of the charge is below the minimum weight prescribed by Section 3 for the kind of loaf that it purports to be by—

(a) 14g or more, in the case of a 225g loaf; or

(b) 21g or more, in the case of a 340g loaf; or

(c) 28g or more, in the case of a 450g loaf; or

(d) 35g or more, in the case of a 560g loaf; or

(e) 42g or more, in the case of a 680g loaf; or

- (f) 56g or more, in the case of a 900g loaf; or
- (g) 113g or more, in the case of a 1,800g loaf.

7. MARKING OF PACKAGED LOAVES.

A person who sells or delivers a loaf in a package that is not clearly marked in the prescribed manner with a statement of the kind of loaf contained in it is guilty of an offence.

Penalty: For a first offence—a fine not exceeding K200.00.

For a second or subsequent offence—a fine not exceeding K400.00.

8. 24-HOUR BREAD.

It is a defence to a charge of an offence against Section 4 if the defendant proves that any deficiency in the weight of the loaf, and in the average weight of other loaves taken into account for the purposes of Section 5 in connection with the charge, was due to it or them (or some of them) having been kept for more than 24 hours after baking.

9. EVIDENCE.

For the purposes of this Act, all bread found in a bakehouse or shop or on a vehicle shall be deemed, until the contrary is proved, to have been baked for sale and to be in possession for sale.

10. POWERS OF AUTHORIZED OFFICERS.

(1) In this section, “**authorized officer**” means the Chief Inspector of Weights and Measures, a Deputy Chief Inspector of Weights and Measures or an inspector appointed under the *Trade Measurement Act 1973*.

(2) An authorized officer may, at any reasonable hour of the day or night—

(a) enter and inspect any bakehouse, or any shop or vehicle in or on which he has reasonable grounds for suspecting that there may be bread intended for sale; and

(b) seize, detain and weigh, or remove for weighing, any bread in respect of which he has reasonable grounds for suspecting that an offence against this Act has been committed; and

(c) seize or weigh, or remove for weighing, any bread for the purposes of Section 7.

(3) For the purposes of Section 5, an authorized officer need not take account of any loaf that is in an oven, or that is drawn from an oven, in a bakehouse or shop after his entry on to the premises.

(4) A person who hinders or obstructs an authorized officer in the exercise of his powers or the performance of his functions under this Act is guilty of an offence.

Penalty: A fine not exceeding K100.00.

11. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Office of Legislative Counsel, PNG