

The Republic of Kiribati



Metrology Act 2021

Transactions in Products Regulations 2026

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PART I - PRELIMINARY

1. Title and commencement

- (1) These regulations may be cited as the Metrology (Transactions in Products) Regulations 2026
- (2) The Weights and Measures Regulations 1997 are hereby revoked.

2. Interpretation

- (1) In these regulations unless the context otherwise requires –
 - ‘Act’ means the Metrology Act 2021
 - ‘Director’ means the person defined in section 5(2) of the Metrology Act, 2021
 - ‘Importer’ means the person who imported the prepackages into Kiribati
 - ‘Inspector’ means the person defined in section 7(1) of the Metrology Act 2021
 - ‘Liquid’ means a liquid product is normally considered to be a product that, at 20 °C, will easily pour. The time taken to empty a container is likely to be less than a minute, with the quantity of product left in the container likely to be less than 1% of the nominal quantity. Where doubt exists over whether a product is a liquid product within the meaning of this definition it shall be considered as being non-liquid
 - ‘Nominal quantity’ means the net quantity marked on the package
 - ‘Non-prepacked product’ is product not in a container
 - ‘Packer’ means the person who placed the product in the prepackage or whom labels a prepack
 - ‘Prepackage’ means the combination of a product and the individual package in which it is packed, provided that –
 - a) The product is placed in the package without the purchaser being present, and
 - b) The quantity of product in the prepackage cannot be altered without the disturbing the integrity of the package
 - ‘Prepacked’ means made up in advance ready for retail sale in or on a container
 - ‘Principal display panel’ means the part of the package that is designed to be visible under normal conditions of display for sale
 - ‘Regulated instrument’ means an instrument defined in Regulation 3(1) of The Weighing and Measuring Instruments Regulations 2026.
 - ‘Secretary’ means the Secretary responsible for commerce
 - ‘Supplementary indication’ means a quantity expressed in non-SI units, e.g., pound, ounce, foot, pint, millilitre, gram
- (2) Unless the context otherwise requires, a reference to a numbered regulation or schedule is a reference to the regulation or schedule so numbered in these regulations.

PART II – GENERAL

3. Scope

- (1) Subject to (2) below, all transactions in product and prepackages in Kiribati, whether in prepackages, prepacked or non-prepacked and regardless of whether the goods are sold by retail or otherwise

- (2) Exempt from these regulations are transactions where the product is –
- (a) to be exported
 - (b) served as a meal or drink (except intoxicating liquor) for immediate consumption
 - (c) not a retail transaction where all parties to the transaction document to agree otherwise

4. Unit of measurement

- (1) Except for product normally sold by length, area or number –
- (a) Liquids shall be transacted by reference to volume
 - (b) All other products shall be transacted by reference to weight.

5. Determination of quantity

- (1) Subject to (2) below, the measurement of non-prepackaged product shall be performed in uninterrupted view of both the buyer and the seller.
- (2) Where one party to the transaction is not present at time of measurement, a record shall be made of the product, quantity, date, time and person responsible for the measurement; and this shall accompany the product to the buyer.

6. Marking of containers

- (1) Subject to (4) below, prepacked product and prepackages shall be marked with –
- (a) the name and address in Kiribati of the packer, or person for whom packed, or the importer or for whom imported, and
 - (b) the net quantity, which shall be at least 4 mm in height
- (2) Where the packer's or importer's name does not appear on the label the person whose details does appear shall be able to identify the packer or importer in Kiribati
- (3) The marking shall be indelible, clearly legible and placed on the principal display panel of the container
- (4) Exempt for the provisions of (1) above are prepacked product and prepackages –
- (a) sold from the packer's own premises or vehicles, which shall be marked with, or be accompanied by a notice displaying conspicuously and legibly, the net quantity
 - (b) intended solely for use in, or connection with, a process or treatment in the course of a trade or business, which shall have documentation stating the quantity, date, time and person responsible for the measurement accompanying the product
- (5) Where a solid food is presented in a liquid medium, the container shall also be marked with the drained or de-glazed weight, which shall be the nominal quantity. 'liquid medium' shall mean the following products, possibly in mixtures and also where frozen or quick-frozen, provided that the liquid is merely an adjunct to the essential elements of that preparation and is thus not a decisive factor for the purchase: water, aqueous solutions of salts, brine, aqueous solutions of food acids, vinegar, aqueous solutions of sugars, aqueous solutions of other sweetening substances, fruit or vegetable juices in the case of fruit or vegetables

- (6) Where a prepacked item consists of two or more individual prepackages that are regarded as units of sale (e.g., a multi-pack or collection), the number of prepackages and their net quantities shall be marked to comply with (1) and (2) above if this is not visible through the packaging
- (7) Where a prepacked item consists of two or more individual prepackages that are not regarded as units of sale (e.g., rice and curry mix) the item shall be marked with the total net quantity
- (8) Other supplementary indications of quantity may be marked if –
 - (a) The supplementary marking accompanies the nominal quantity, and
 - (b) It is no more prominent than the marked nominal quantity
- (9) If at the time when a package is made up or imported the package is not marked with the nominal quantity as mentioned in paragraph (1)(b), it shall be the duty of the packer or the importer of the package—
 - (a) to decide what he proposes to mark on the prepackage as the nominal quantity, and
 - (b) to make at that time, and to maintain until such time as the prepackages are so marked, a record of the nominal quantity.

7. Packaging

- (1) No packaging may mislead a consumer about the quantity of product it contains.

PART III – PRODUCT SPECIFIC REQUIREMENTS

8. Intoxicating liquor

1. Where intoxicating liquor of the following kinds –

- (a) Spirits
- (b) Wines
- (c) Beers and cider

are sold non-prepacked on the premises for immediate consumption the following provisions apply

- (a) A regulated instrument shall be used for the measurement, and
- (b) A conspicuous and easily legible notice shall state the quantity and price of the product being sold.

PART IV – PREPACKAGES

9. Quantity requirements for prepackages

- (1) This Part of the regulations provides the requirements for prepackages that are –
 - (a) Intended for sale
 - (b) Are marked with the same nominal quantities pre-determined by the packer
- (2) For the purposes of this Part of the regulations the following apply –

‘Batch’ means a group of prepackages that have been produced under the same conditions that are presumed to have been uniform (homogeneous)

‘Measurement uncertainty’ means a parameter characterizing the dispersion of the values being attributed to a measurand, based on the information used, with a coverage factor $k=2$

'Suitable equipment' is equipment that –

- (a) enables the actual contents of a prepackage to be determined with a measurement uncertainty not exceeding one-fifth the tolerable deficiency
- (b) is a verified or calibrated instrument ensuring traceability and accuracy

'Tolerable deficiency' is that indicated in the tables in schedule 1

- (3) It shall be the duty of the packer or importer to ensure that prepackages meet the following requirements –
 - (a) The actual average quantity of product in a batch of prepackages shall be at least the nominal quantity
 - (b) A batch of prepackages shall contain no more than 2.5% of the batch having a deficiency of more than one tolerable deficiency ('T1 error')
 - (c) No individual prepackage shall be deficient by more than twice the tolerable deficiency ('T2 error')
- (4) Compliance with 9(3)(a) and (b) shall be determined by the reference method in schedule 2 below.

10. Packers and importers responsibilities

- (1) It shall be the duty of a packer in making up prepackages either to –
 - (a) Measure the product in each package using suitable equipment, to ensure that the prepackages are packed in accordance with regulation 9(3), or
 - (b) Carry out checks on the product contained within the packages using a system of sampling and tests which are sufficiently rigorous to ensure that the prepackages are packed in accordance with regulation 9(3), and to –
 - i. Use suitable equipment, and
 - ii. Keep records of the checks, together with the adjustments and corrections they have shown necessary, for at least the shelf life of the product or one year whichever is the longest.
- (2) Where prepacked product and prepackages are imported into Kiribati, the importer shall notify the Director in writing of the storage location and keep them until the Director permits the distribution or until two whole working days has elapsed.
- (3) It shall be the duty of an importer to either –
 - (a) to carry out such a check as is mentioned in paragraph (1)(b) and to comply with sub-paragraphs (i) and (ii) of that paragraph in connection with the check; or
 - (b) to obtain, before the prepackages leave his possession, sufficient evidence to give reasonable grounds for believing that the prepackages have been packed in accordance with regulation 9(3)
- (4) Compliance with 9(2) shall be determined by an Inspector using the reference test in schedule 2
- (5) Product that desiccates once the prepackage is made up shall meet the requirements in 9(2) above when packed and none shall have T2 errors anywhere in the distribution chain.

PART V – PREPACKED VARIABLE WEIGHT PRODUCT

11. Quantity requirements for prepacked products

- (1) The deviation of the true weight from the labelled weight shall not exceed the maximum permissible error on the regulated instrument used to weight the prepacked product
- (2) If the deficiency exceeds this the packer or importer may establish a defence if he can prove that the deficiency was due solely to the desiccation of the product after packing.

PART VI – OFFENCES

12. Offences and penalty for transactions in goods

Where any of the above requirements and responsibilities have not been met, it is an offence subject to a fine not exceeding \$5,000, or to imprisonment for a term not exceeding two years, or to both.

Schedule 1 – Tolerable Deficiencies

- The following table specifies the tolerable deficiencies, which are based on the nominal quantity stated on the prepackage.

Table 1 - Tolerable deficiencies in actual content for prepackages

Nominal quantity of product (Q_{nom}) in g or mL	Tolerable deficiency (T) a	
	Percent of Q_{nom}	g or mL
0 to 50	9	-
50 to 100	-	4.5
100 to 200	4.5	-
200 to 300	-	9
300 to 500	3	-
500 to 1 000	-	15
1 000 to 10 000	1.5	-
10 000 to 15 000	-	150
Above 15 000	1	-
a T values are to be rounded up to the next 0.1 of a g or mL for Q_{nom} less than or equal to 1 000 g or 1 000 mL and to the next whole g or mL for Q_{nom} higher than 1 000 g or 1 000 mL.		
Nominal quantity of product (Q_{nom}) in length	Percent of Q_{nom}	
$Q_{nom} \leq 5$ m	No tolerable deficiency allowed	
$Q_{nom} > 5$ m	2	
Nominal quantity of product (Q_{nom}) in area	Percent of Q_{nom}	
All Q_{nom}	3	
Nominal quantity of product (Q_{nom}) in count	Percent of Q_{nom}	
$Q_{nom} \leq 50$ items	No tolerable deficiency allowed	
$Q_{nom} > 50$ items	1 b	
b Calculate the value of T by multiplying the nominal quantity by 1 % and rounding the result up to next whole number. The value may be larger than 1 % due to the rounding but this is accepted because the products are whole items and cannot be divided.		

Schedule 2 – Reference test

1. The inspector shall use the following sampling plan –

Table 2 – Sampling plan for discreet numbers of inspection lot sizes N

Batch size, N	Sample size, n	Number of prepackages allowed with Tl error	Sample correction factor, SCF
20 or less	Total inspection	0	NA
40	32	1	0.22
60	35	1	0.30
80	47	2	0.25
100	49	2	0.28
200	64	3	0.27
200	67	3	0.29
400	81	4	0.26
500	81	4	0.27
600 to 656	98	5	0.24
657 to 1 261	98	5	0.25
1 262 to 31 094	98	5	0.26
31 095 to 100 000	98	5	0.27

2. The batch (sometimes referred to as inspection lot) size shall be –
 - a. When sampling from the packing line, one hour's production or actual packing time if less than one hour.
 - b. When sampling at packer's or importer's premises not on the packing line, an hour's production, or if not know that defined by the Inspector up to 100 000
 - c. Elsewhere, the batch shall be defined by the Inspector but not exceed 100 000
3. The sample shall be taken randomly either –
 - a. On the packing line at a point after the packer's final check point, or
 - b. Anywhere else in the distribution chain
4. The measurement uncertainty of the contents of the prepackage shall not exceed one-fifth tolerable deficiency
5. The batch shall be accepted if –
 - a. The actual average of the sample is equal to or greater than the nominal quantity minus the sample correction factor multiplied by the sample standard deviation, and
 - b. The number of items in the sample does not exceed the number of prepackages allowed with Tl error.
6. If one of the above tests fails, then the batch is not acceptable.

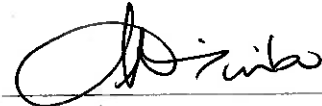
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DR NAOMI BIRIBO

Secretary to the Cabinet