

# 中华人民共和国计量法

(1985 年 9 月 6 日第六届全国人民代表大会常务委员会第十二次会议通过，  
1985 年 9 月 6 日中华人民共和国主席令第 28 号发布)

## 第一章 总 则

第一条 为了加强计量监督管理，保障国家计量单位制的统一和量值的准确可靠，有利于生产，贸易和科学技术的发展，适应社会主义现代化建设的需要，维护国家、人民的利益，制定本法。

第二条 在中华人民共和国境内，建立计量基准器具、计量标准器具，进行计量检定，制造、修理、销售、使用计量器具，必须遵守本法。

第三条 国家采用国际单位制。

国际单位制计量单位和国家选定的其他计量单位，为国家法定计量单位。国家法定计量单位的名称、符号由国务院公布。

非国家法定计量单位应当废除。废除的办法由国务院制定。

第四条 国务院计量行政部门对全国计量工作实施统一监督管理。县级以上地方人民政府计量行政部门对本行政区域内的计量工作实施监督管理。

计量检定必须执行计量检定规程。国家计量检定规程由国务院计量行政部门制定。没有国家计量检定规程的，由国务院有关主管部门和省、自治区、直辖市人民政府计量行政部门分别制定部门计量检定规程和地方计量检定规程，并向国务院计量行政部门备案。

## 第二章 计量基准器具、计量标准器具和计量检定

第五条 国务院计量行政部门负责建立各种计量基准器具，作为统一全国量值的最高依据。

第六条 县级以上地方人民政府计量行政部门根据本地区的需要，建立社会公用计量标准器具，经上级人民政府计量行政部门主持考核合格后使用。

第七条 国务院有关主管部门和省、自治区、直辖市人民政府有关主管部门，根据本部门的特殊需要，可以建立本部门使用的计量标准器具，其各项最高计量标准器具经同级人民政府计量行政部门主持考核合格后使用。

第八条 企业、事业单位根据需要，可以建立本单位使用的计量标准器具，其各项最高计量标准器具经有关人民政府计量行政部门主持考核合格后使用。

第九条 县级以上人民政府计量行政部门对社会公用计量标准器具，部门和企业、事业单位使用的最高计量标准器具，以及用于贸易结算、安全防护、医疗卫生、环境监测方面的列入强制检定目录的工作计量器具，实行强制检定。未按照规定申请检定或者检定不合格的，不得使用。实行强制检定的工作计量器具的目录和管理办法，由国务院制定。

对前款规定以外的其他计量标准器具和工作计量器具，使用单位应当自行定期检定或者送其他计量检定机构检定，县级以上人民政府计量行政部门应当进行监督检查。

第十条 计量检定必须按照国家计量检定系统表进行。国家计量检定系统表由国务院计量行政部门制定。

计量检定必须执行计量检定规程。国家计量检定规程由国务院计量行政部门制定。没有国家计量检定规程的，由国务院有关主管部门和省、自治区、直辖市人民政府计量行政部门分别制定部门计量检定规程和地方计量检定规程，并向国务院计量行政部门备案。

第十一条 计量检定工作应当按照经济合理的原则，就地就近进行。

## 第三章 计量器具管理

第十二条 制造、修理计量器具的企业、事业单位，必须具备与所制造、修理的计量器具相适应的设施、人员和检定仪器设备，经县级以上人民政府计量行政部门考核合格，取得《制造计量器具许可证》或者《修理计量器具许可证》。

制造、修理计量器具的企业未取得《制造计量器具许可证》或者《修理计量器具许可证》的，工商行政管理部门不予办理营业执照。

第十三条 制造计量器具的企业、事业单位生产本单位未生产过的计量器具新产品，必须经省级以上人民政府计量行政部门对其样品的计量性能考核合格，方可投入生产。

第十四条 未经国务院计量行政部门批准，不得制造、销售和进口国务院规定废除的非法定计量单位的计量器具和国务院禁止使用的其他计量器具。

第十五条 制造、修理计量器具的企业、事业单位必须对制造、修理的计量器具进行检定，保证产品计量性能合格，并对合格产品出具产品合格证。

县级以上人民政府计量行政部门应当对制造、修理的计量器具的质量进行监督检查。

第十六条 进口的计量器具，必须经省级以上人民政府计量行政部门检定合格后，方可销售。

第十七条 使用计量器具不得破坏其准确度，损害国家和消费者的利益。

第十八条 个体工商户可以制造、修理简易的计量器具。

制造、修理计量器具的个体工商户，必须经县级人民政府计量行政部门考核合格，发给《制造计量器具许可证》或者《修理计量器具许可证》后，方可向工商行政管理部门申请营业执照。个体工商户制造、修理计量器具的范围和管理办法，由国务院计量行政部门制定。

#### 第四章 计量监督

第十九条 县级以上人民政府计量行政部门，根据需要设置计量监督员。计量监督员管理办法，由国务院计量行政部门制定。

第二十条 县级以上人民政府计量行政部门可以根据需要设置计量检定机构，或者授权其他单位的计量检定机构，执行强制检定和其他检定、测试任务。

执行前款规定的检定、测试任务的人员，必须经考核合格。

第二十一条 处理因计量器具准确度所引起的纠纷，以国家计量基准器具或者社会公用计量标准器具检定的数据为准。

第二十二条 为社会提供公证数据的产品质量检验机构，必须经省级以上人民政府计量行政部门对其计量检定、测试的能力和可靠性考核合格。

#### 第五章 法律责任

第二十三条 未取得《制造计量器具许可证》、《修理计量器具许可证》制造或者修理计量器具的，责令停止生产、停止营业，没收违法所得，可以并处罚款。

第二十四条 制造、销售未经考核合格的计量器具新产品的，责令停止制造、销售该种新产品，没收违法所得，可以并处罚款。

第二十五条 制造、修理、销售的计量器具不合格的，没收违法所得，可以并处罚款。

第二十六条 属于强制检定范围的计量器具，未按照规定申请检定或者检定不合格继续使用的，责令停止使用，可以并处罚款。

第二十七条 使用不合格的计量器具或者破坏计量器具准确度，给国家和消费者造成损失的，责令赔偿损失，没收计量器具和违法所得，可以并处罚款。

第二十八条 制造、销售、使用以欺骗消费者为目的的计量器具的，没收计量器具和违法所得，处以罚款；情节严重的，并对个人或者单位直接责任人员按诈骗罪或者投机倒把罪追究刑事责任。

第二十九条 违反本法规定，制造、修理、销售的计量器具不合格，造成人身伤亡或者重大财产损失的，比照《刑法》第一百八十七条的规定，对个人或者单位直接责任人员追究刑事责任。

第三十条 计量监督人员违法失职，情节严重的，依照《刑法》有关规定追究刑事责任；情节轻微的，给予行政处分。

第三十一条 本法规定的行政处罚，由县级以上地方人民政府计量行政部门决定。本法第二十七条规定的行政处罚，也可以由工商行政管理部门决定。

第三十二条 当事人对行政处罚决定不服的，可以在接到处罚通知之日起十五日内向人民法院起诉；对罚款、没收违法所得的行政处罚决定期满不起诉又不履行的，由作出行政处罚决定的机关申请人民法院强制执行。

#### 第六章 附 则

第三十三条 中国人民解放军和国防科技工业系统计量工作的监督管理办法，由国务院、中央军事委员会依据本法另行制定。

第三十四条 国务院计量行政部门根据本法制定实施细则，报国务院批准施行。

第三十五条 本法自一九八六年七月一日起施行。

## METROLOGY LAW OF THE PEOPLE'S REPUBLIC OF CHINA

(Adopted at the 12th Meeting of the Standing Committee of the Sixth National People's Congress, promulgated by Order No. 28 of the President of the People's Republic of China on September 6, 1985, and effective as of July 1, 1986)

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### Chapter I General Provisions

#### Article 1

This Law is formulated to strengthen the metrological supervision and administration, to ensure the uniformity of the national system of units of measurement and the accuracy and reliability of the values of quantities, so as to contribute to the development of production, trade and science and technology, to meet the needs of socialist modernization and to safeguard the interests of the state and the people.

#### Article 2

Within the territory of the People's Republic of China, this Law must be abided by in establishing national primary standards of measurement and standards of measurement, in conducting metrological verification, and in the manufacture, repair, sale or use of measuring instruments.

#### Article 3

The State shall adopt the International System of Units (SI). The International System of Units and other units of measurement adopted by the State shall be the national legal units of measurement. The names and symbols of the national legal units of measurement shall be promulgated by the State Council. Non-national legal units of measurement shall be abrogated. Measures for the abrogation shall be stipulated by the State Council.

#### Article 4

The metrological administrative department of the State Council shall exercise unified supervision over and administration of metrological work throughout the country. The metrological administrative departments of the local people's governments at and above the county level shall exercise supervision over and administration of metrological work within their respective administrative areas.

### Chapter II Primary Standards of Measurement, Standards of Measurement and Metrological Verification

#### Article 5

The metrological administrative department of the State Council shall be responsible for establishing all kinds of primary standards of measurement, which shall serve as the ultimate basis for unifying the values of quantities of the country.

#### Article 6

The metrological administrative departments of the local people's governments at or above the county level may, according to the needs of their respective areas, establish public standards of measurement, which shall be put into use after being checked and found to be qualified by the metrological administrative department of the people's government at the next higher level.

#### Article 7

The competent department concerned of the State Council and the competent department concerned of the people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government may, in light of their own specific needs, establish standards of measurement for their own use. The ultimate standard of measurement of each kind shall be put into use after being checked and found to be qualified by the metrological administrative authorities of the people's government at the corresponding level.

#### Article 8

Enterprises or institutions may, according to their needs, establish standards of measurement for their own use. The ultimate standard of measurement of each kind shall be put into use after being checked and found to be qualified by the metrological administrative department of the people's government concerned.

#### Article 9

The metrological administrative departments of the people's governments at or above the county level shall make compulsory verification of the public standards of measurement, the ultimate standards of measurement used in the departments, enterprises and institutions as well as the working measuring instruments used in settling trade accounts, safety protection, medical and health work, or environmental monitoring that are listed in the compulsory verification catalogue. Those measuring instruments which have not been submitted for verification as required and those which have been checked and found to be unqualified shall not be used. The catalogue of the working measuring instruments subject to compulsory verification and the measures for the administration of such instruments shall be stipulated by the State Council. Standards of measurement and working measuring instruments other than those referred to in the preceding paragraph shall be verified at regular intervals by the users themselves or by the metrological verification institutions. The metrological administrative departments of the people's governments at or above the county level shall supervise and inspect such verification.

#### Article 10

Metrological verification shall be conducted according to the National Metrological Verification System. The National Metrological Verification System shall be worked out by the metrological administrative department of the State Council. Metrological verification must be carried out in accordance with the regulations governing metrological verification. The national metrological verification regulations shall be formulated by the metrological administrative department of the State Council. In the case of certain instruments that are not covered in the national metrological verification regulations, the competent departments of the State Council and the metrological administrative departments of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall respectively formulate departmental and local verification regulations. Such verification regulations shall be submitted to the metrological administrative department of the State Council for the record.

#### Article 11

Metrological verification shall, according to the principle of economy and rationality, be carried out on the spot or in the vicinity.

### Chapter III Administrative Control of Measuring Instruments

#### Article 12

An enterprise or institution which is to engage in manufacturing or repairing measuring instruments must have facilities, personnel and verification appliances appropriate to the measuring instruments it is to manufacture or repair and, after being checked and considered as qualified by the metrological administrative department of the people's government at or above the county level, obtain a Licence for Manufacturing Measuring Instruments or a License for Repairing Measuring Instruments. The administrative departments for industry and commerce shall not issue a business license to an enterprise engaged in manufacturing or repairing measuring instruments which has not obtained a License for Manufacturing Measuring Instruments or a License for Repairing Measuring Instruments.

#### Article 13

When an enterprise or institution manufacturing measuring instruments undertakes to manufacture new types of measuring instruments which it has not previously manufactured, such measuring instruments may be put into

production only after the metrological performance of the sample products has been checked and found to be qualified by the metrological administrative department of a people's government at or above the provincial level.

#### Article 14

Without the approval of the metrological administrative department of the State Council, measuring instruments with non-legal units of measurement which have been abrogated by the State Council, and other measuring instruments which are banned by the State Council, shall not be manufactured, sold or imported.

#### Article 15

An enterprise or institution engaged in manufacturing or repairing measuring instruments must verify the measuring instruments it has manufactured or repaired, guarantee the metrological performance of the products and issue certificates of inspection for the qualified products. The metrological administrative department of the people's governments at or above the county level shall supervise and inspect the quality of the measuring instruments manufactured or repaired.

#### Article 16

Measuring instruments imported from abroad may be sold only after having been verified and found to be up to standard by the metrological administrative department of the people's government at or above the provincial level.

#### Article 17

When using measuring instruments, no person shall be allowed to impair their accuracy, thereby prejudicing the interests of the State and consumers.

#### Article 18

Self-employed workers or merchants may manufacture or repair simple measuring instruments. Any self-employed worker or merchant who is to engage in manufacturing or repairing measuring instruments may apply for a business license from the administrative department for industry and commerce provided he has been tested and found to be qualified by the metrological administrative department of a people's government at the county level, and issued a License for Manufacturing Measuring Instruments or a License for Repairing Measuring Instruments. The types of measuring instruments which can be manufactured or repaired by self-employed workers or merchants shall be determined by the metrological administrative department of the State Council, which shall also adopt measures for their control.

### Chapter IV Metrological Supervision

#### Article 19

The metrological administrative department of the people's governments at or above the county level may, according to their needs, appoint metrological supervisors. The measures for the administration of the metrological supervisors shall be formulated by the metrological administrative department of the State Council.

#### Article 20

The metrological administrative department of the people's governments at or above the county level may, according to their needs, set up metrological verification organs or authorizes the metrological verification institutions of other establishments to carry out compulsory verification and other verification and testing tasks. The personnel carrying out the tasks of verification and testing mentioned in the preceding paragraph must be tested for their qualifications.

#### Article 21

Any dispute over the accuracy of measuring instruments shall be handled in accordance with the data provided after verification with the national primary standards of measurement or public standards of measurement.

#### Article 22

A product quality inspection agency which is to provide notarial data on the quality of products for society must be checked for its capability and reliability of metrological verification and testing by the metrological administrative department of a people's government at or above the provincial level.

### Chapter V Legal Liability

Article 23

Whoever without a License for Manufactured Measuring Instruments or a License for Repairing Measuring Instruments manufactures or repairs measuring instruments shall be ordered to stop his production or business operation. His unlawful income shall be confiscated and a fine may concurrently be imposed.

Article 24

Whoever manufactures or sells a new type of measuring instrument which has not been checked and found to be qualified shall be ordered to stop the manufacture or sale of that new product. His unlawful income shall be confiscated and he may concurrently be punished by a fine.

Article 25

Whoever manufactures repairs or sells unqualified measuring instruments shall have his unlawful income confiscated and a fine may concurrently be imposed.

Article 26

Whoever uses measuring instruments subject to compulsory verification without having filed an application for verification as required or continues to use measuring instruments which have been checked but found to be unqualified shall be ordered to stop the use and may concurrently be punished by a fine.

Article 27

Whoever uses unqualified measuring instruments or impairs the accuracy of measuring instruments, thus causing losses to the State and consumers, shall be ordered to make compensation for the losses and shall have his measuring instruments and unlawful income confiscated and may concurrently be punished by a fine.

Article 28

Whoever manufactures, sells or uses measuring instruments for the purpose of deceiving consumers shall have his measuring instruments and unlawful income confiscated and may concurrently be punished by a fine. If the circumstances are serious, the individual or the person in the unit who is directly responsible shall be investigated for his criminal responsibility according to the crimes of swindling or speculation.

Article 29

When any individual or unit, in violation of the provisions of this Law, manufactures, repairs or sells unqualified measuring instruments leading to people's injury or death or causing major property losses, the individual or the person in the unit who is directly responsible shall be investigated for his criminal responsibility by reference to the provisions of Article 187 of the Criminal Law.

Article 30

A metrological supervisor who transgresses the law and neglects his duty, where the circumstances are serious, shall be investigated for criminal responsibility pursuant to the relevant provisions of the Criminal Law. If the circumstances are minor, he shall be given an administrative sanction.

Article 31

The administrative sanction provided for in this Law shall be determined by the metrological administrative department of a people's government at or above the county level. The administrative sanction provided for in Article 27 of this Law may also be determined by the administrative departments for industry and commerce.

Article 32

A party who refuses to accept the decision of the administrative sanction may, within 15 days after receipt of the notification of the decision, file suit in a people's court. If within that time limit the party does not file suit or comply with the penalty of paying a fine and having his unlawful income confiscated, the administrative authorities which have made the decision of the administrative sanction may request the people's court for compulsory execution.

Chapter VI Supplementary Provisions

Article 33

Measures for the administration of and supervision over metrological work in the Chinese People's Liberation Army and in units under the jurisdiction of the Commission on Science, Technology and Industry for National Defence shall

be formulated separately by the State Council and the Central Military Commission in accordance with this Law.

Article 34

The metrological administrative department of the State Council shall, in accordance with this Law, formulate rules for its implementation, which shall go into effect after being submitted to and approved by the State Council.

Article 35

This Law shall go into effect on July 1, 1986.

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