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GOVERNMENT GAZETTE



STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 819. 21st May, 1969.

No. 819.

21 Mei 1969.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 55 of 1969: Weights and Measures Amendment Act, 1969.

No. 55 van 1969: Wysigingswet op Mate en Gewigte, 1969.

Act No. 55, 1969

WEIGHTS AND MEASURES AMENDMENT ACT, 1969.

ACT

To amend the Weights and Measures Act, 1958, to make provision for the application of the metric system of weights and measures to the exclusion, eventually, of any other system of weights and measures; to determine the metric equivalents of certain units of measurement that are not metric units of measurement; to define certain words; further to prescribe the qualifications of assizers; to prohibit or restrict the possession and use of certain weighing and measuring instruments, weights, measures and containers; further to regulate the examination and the assizing or re-assizing of such instruments, weights and measures; further to define the power to make regulations; to apply the said Act in the territory of South-West Africa; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 7th May, 1969.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 13 of 1958, as amended by section 1 of Act 26 of 1960 and section 1 of Act 44 of 1964.

1. Section 1 of the Weights and Measures Act, 1958 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the deletion of the definition of "measuring instrument";
- (b) by the insertion after the definition of "regulation" of the following definition:
"‘Republic’ includes the territory of South-West Africa;"; and
- (c) by the substitution for the definition of "weighing instrument" of the following definition:
"‘weighing instrument’, ‘measuring instrument’, ‘weight’ or ‘measure’ means any equipment for the determination of quantity according to weight, length, area, capacity, volume or number, whether such equipment indicates quantity directly or furnishes other information in connection therewith;".

Substitution of section 4 of Act 13 of 1928, as amended by section 3 of Act 26 of 1960.

2. The following section is hereby substituted for section 4 of the principal Act:

"Appointment of assizers.

4. The Minister may from time to time, subject to the provisions of section 5 and to the laws relating to the public service, appoint assizers to assize and re-assize any or any particular kind of weighing or measuring instrument, weight or measure in accordance with the provisions of this Act, and to perform such other functions as may be assigned to assizers by this Act."

WET

Tot wysiging van die Wet op Mate en Gewigte, 1958, om voorsiening te maak vir die toepassing van die metrieke stelsel van mate en gewigte, met uitsluiting, uiteindelik, van enige ander stelsel van mate en gewigte; om die metrieke ekwivalente van sekere metingseenhede wat nie metrieke metings-eenhede is nie, te bepaal; om sekere woorde te omskryf; om die kwalifikasies van ykbeamptes nader voor te skryf; om die besit en gebruik van sekere weeg- en meetinstrumente, mate, gewigte en houers te verbied of te beperk; om die ondersoek en die yk of heryk van sodanige instrumente, mate en gewigte verder te reël; om die bevoegdheid om regulasies uit te vaardig nader te omskryf; om genoemde Wet in die gebied Suidwes-Afrika toe te pas; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 7 Mei 1969.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Wet op Mate en Gewigte, 1958 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van „meetinstrument” te skrap;
- (b) deur na die omskrywing van „regulasie” die volgende omskrywing in te voeg:
„Republiek’ ook die gebied Suidwes-Afrika;” en
- (c) deur die omskrywing van „weeginstrument” deur die volgende omskrywing te vervang:
„weeginstrument’, „meetinstrument’, „maat’ of „gewig’ toerusting om hoeveelheid volgens gewig, lengte, oppervlakte, inhoud, volume of getal te bepaal, hetsy dié toerusting hoeveelheid regstreeks aandui of ander inligting in verband daarmee verstrek;”.

Wysiging van
artikel 1 van
Wet 13 van 1958,
soos gewysig deur
artikel 1 van
Wet 26 van 1960
en artikel 1 van
Wet 44 van 1964.

2. Artikel 4 van die Hoofwet word hierby deur die volgende artikel vervang:

„Aanstelling
van
ykbeamptes.

4. Die Minister kan van tyd tot tyd, behoudens die bepalings van artikel 5 en die wette met betrekking tot die Staatsdiens, ykbeamptes aanstel om alle of bepaalde soorte weeg- of meetinstrumente, mate of gewigte ooreenkomstig die bepalings van hierdie Wet te yk en te heryk en om die ander werksaamhede te verrig wat by hierdie Wet aan ykbeamptes opgedra word.”

Vervanging van
artikel 4 van
Wet 13 van 1958,
soos gewysig deur
artikel 3 van
Wet 26 van 1960.

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Substitution of
section 5 of
Act 13 of 1928.

3. The following section is hereby substituted for section 5 of the principal Act:

"Qualifications of
assizers.

5. No person shall be appointed as an assizer unless he has shown in undergoing an examination a knowledge of the appropriate provisions of this Act and—

(a) has, in accordance with a curriculum laid down from time to time by the board, passed an examination in—

(i). subjects so laid down; and

(ii) practical work in assizing and re-assizing all weighing or measuring instruments, weights or measures or, as the case may be, the kinds thereof in question; or

(b) has satisfied the Minister that he holds a certificate qualifying him to act as an assizer, and no person shall act as an assizer in respect of any particular kind of weighing or measuring instrument, weight or measure unless he holds a certificate issued in accordance with the directions of the Minister to the effect that he is qualified to act as an assizer in respect of all weighing and measuring instruments, weights and measures or that kind of weighing or measuring instrument, weight or measure."

Amendment of
section 9 of
Act 13 of 1958,
as substituted by
section 4 of
Act 44 of 1964.

4. Section 9 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The State President may by proclamation in the *Gazette* amend the First Schedule by adding new basic units of measurement based on the units so set out and defined, or by the deletion of any reference therein to any basic unit of measurement."

Insertion of
sections 11A and
11B in Act 13
of 1958.

5. The following sections are hereby inserted in the principal Act after section 11:

"Restriction
or pro-
hibition of
use or
possession
of certain
instruments,
weights,
measures
and
containers.

11A. (1) Notwithstanding anything to the contrary contained in this Act or any other law, the State President may by proclamation in the *Gazette* restrict or prohibit the use or possession of weighing and measuring instruments, weights, measures and containers to such extent as he deems necessary for achieving the object of effecting the application of the metric system of weights and measures in the Republic to the exclusion of any other system of weights and measures.

(2) A restriction or prohibition contemplated in subsection (1) may apply—

(a) either in the whole of the Republic or any specified portion thereof;

(b) in respect of the use of the instrument, weight, measure or container in question in connection with all goods or specified classes or kinds of goods;

(c) in respect of a specified class or kind of weighing or measuring instrument, weight, measure or container or such an instrument, weight, measure or container of a specified make, or in respect of such an instrument, weight, measure or container possessed for use in trade or intended to be used in trade, or possessed or used for any other purpose.

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3. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 5 van
Wet 13 van 1928.

„Kwalifikasies van ykbeamptes.

5. Niemand word as ykbeampte aangestel nie tensy hy by die aflegging van 'n eksamen kennis van die toepaslike bepalings van hierdie Wet getoon het en—

(a) ooreenkomstig 'n leerplan wat die raad van tyd tot tyd bepaal, geslaag het in 'n eksamen in—

(i) vakke aldus bepaal; en

(ii) praktiese werk verbonde aan die yk en heryk van alle of, na gelang van die geval, die betrokke soorte weeg- of meetinstrumente, mate of gewigte; of

(b) die Minister oortuig het dat hy 'n sertifikaat besit waarvolgens hy bevoeg is om as ykbeampte op te tree,

en niemand tree ten opsigte van 'n bepaalde soort weeg- of meetinstrument, maat of gewig as ykbeampte op nie tensy hy 'n sertifikaat besit ooreenkomstig die opdrag van die Minister uitgereik, wat aandui dat hy bevoeg is om as ykbeampte op te tree ten opsigte van alle weeg- en meetinstrumente, mate en gewigte of daardie soort weeg- of meetinstrument maat of gewig.”.

4. Artikel 9 van die Hoofwet hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van
artikel 9 van
Wet 13 van 1958,
soos vervang deur
artikel 4 van
Wet 44 van 1964.

„(2) Die Staatspresident kan by proklamasie in die *Staatskoerant* die Eerste Bylae wysig deur nuwe grondmetingseenhede by te voeg wat op die aldus uiteengesette en omskrewe eenhede gegrond is, of deur 'n verwysing daarin na die een of ander grondmetingseenheid te skrap.”

5. Die volgende artikels word hierby in die Hoofwet na artikel 11 ingevoeg:

Invoeging van
artikels 11A en
11B in Wet 13
van 1958.

„Beperking of verbod op gebruik of besit van sekere instrumente, mate, gewigte en houters.

11A. (1) Ondanks andersluidende bepalings van hierdie Wet of 'n ander wet kan die Staatspresident by proklamasie in die *Staatskoerant* die gebruik of besit van weeg- en meetinstrumente, mate, gewigte en houters beperk of verbied in die mate wat hy nodig ag ter bereiking van die doelstelling om die toepassing van die metrieke stelsel van mate en gewigte, met uitsluiting van enige ander stelsel van mate en gewigte, in die Republiek te bewerkstellig.

(2) 'n Beperking of verbod in subartikel (1) beoog kan van toepassing wees—

(a) òf in die hele Republiek òf in 'n bepaalde gedeelte daarvan;

(b) ten opsigte van die gebruik van die betrokke instrument, maat, gewig of houer in verband met alle goed of bepaalde klasse of soorte goed;

(c) ten opsigte van 'n bepaalde klas of soort weeg- of meetinstrument, maat, gewig of houer, of so 'n instrument, maat, gewig of houer van 'n bepaalde fabrikaat, òf ten opsigte van so 'n instrument, maat, gewig of houer wat vir gebruik in die handel besit word of bestem is om in die handel gebruik te word of wat vir 'n ander doel besit of gebruik word.

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Relative values of different kinds of units of measurement.

11B. (1) The equivalent given in Second Schedule A for a unit of measurement mentioned therein which is not a metric unit of measurement shall for all purposes be deemed to be the equivalent of that unit of measurement.

(2) The State President may by proclamation in the *Gazette* amend Second Schedule A."

Amendment of section 19 of Act 13 of 1958.

6. Section 19 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) subject to the provisions of section 21, any weighing or measuring instrument, weight or measure which has not been made in accordance with the relevant regulations, or the material or mode of construction or nature or condition or any part of which, in the opinion of the assizer, is of such a nature that it is not suitable for trade use;" and

(b) by the substitution for paragraph (b) of the said subsection of the following paragraph:

"(b) any weighing or measuring instrument of a class or kind of which the design, material or construction is in terms of the regulations required to be approved by the superintendent, unless such approval has been granted;"

Substitution of section 21 of Act 13 of 1958, as amended by section 6 of Act 26 of 1960.

7. (1) The following section is hereby substituted for section 21 of the principal Act:

"Certification of suitability of weighing or measuring instruments, weights or measures.

21. (1) (a) If any person desires to sell for trade use any new model weighing or measuring instrument, weight or measure of a class or kind which or of which the material, design or construction is in terms of the regulations required to be approved by the superintendent, he may, with a view to the issue to him of a certificate in terms of subsection (2), submit a specimen of that model to the superintendent who shall examine it with reference to the material from which, the principle according to which and the manner in which it has been made and such other circumstances as he may deem fit, and the superintendent may, before issuing any such certificate, require such alterations to be made to such model as he deems fit.

(b) If a certificate has been issued in terms of subsection (2) in respect of a particular model weighing or measuring instrument, weight or measure, and any person desires to sell for trade use a modified model of that model, he may submit a specimen of the modified model to the superintendent with a view to endorsement of or making an addition to that certificate to the effect that it also relates to the modified model.

(c) If with a view to the issue of a certificate in terms of subsection (2) of this section in respect of a new model weighing or measuring instrument, weight or measure exempted by regulation or in terms of section 18 (2) from the provisions of section 18 (1), a specimen of such model is submitted to the superintendent, he may in his discretion agree or refuse to deal therewith in terms of this section.

(2) (a) If the superintendent finds a specimen of a model submitted to him in terms of subsection

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Relatiewe
waardes van
verskillende
soorte
metings-
eenhede.

11B. (1) Die ekwivalent in Tweede Bylae A aan-gegee vir 'n metingseenheid daarin vermeld wat nie 'n metrieke metingseenheid is nie, word vir alle doeleindes geag die ekwivalent van daardie metings-eenheid te wees.

(2) Die Staatspresident kan Tweede Bylae A by proklamasie in die *Staatskoerant* wysig.”.

6. Artikel 19 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 19 van
Wet 13 van 1958.

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) behoudens die bepalings van artikel 21, weeg- of meetinstrumente, mate of gewigte wat nie ooreenkomstig die toepaslike regulasies vervaardig is nie, of waarvan die materiaal of wyse van samestelling of aard of toestand of 'n deel, volgens die oordeel van die ykbeampte, van so 'n aard is dat hulle nie geskik vir handelsgebruik is nie;”;

en

(b) deur paragraaf (b) van genoemde subartikel deur die volgende paragraaf te vervang:

„(b) weeg- of meetinstrumente van 'n klas of soort ten opsigte waarvan ingevolge die regulasies vereis word dat die ontwerp, materiaal of samestelling daarvan deur die superintendent goedgekeur word, tensy bedoelde goedkeuring verleen is;”.

7. (1) Artikel 21 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 21 van
Wet 13 van 1958,
soos gewysig deur
artikel 6 van
Wet 26 van 1960.

„Verklaring
van geskikt-
heid van
weeg- of
meet-
instrumente,
mate of
gewigte.

21. (1) (a) Indien iemand 'n nuwe model weeg- of meetinstrument, maat of gewig van 'n klas of soort ten opsigte waarvan ingevolge die regulasies vereis word dat dit of die materiaal, ontwerp of samestelling daarvan deur die superintendent goedgekeur word, vir handelsgebruik wil verkoop, kan hy, met die oog op die uitreiking aan hom van 'n sertifikaat ingevolge subartikel (2), 'n eksemplaar van daardie model aan die superintendent voorlê wat dit ondersoek met betrekking tot die materiaal waarvan, die beginsel waarvolgens en die wyse waarop dit vervaardig is, en die ander omstandighede wat hy goetvind, en die superintendent kan, alvorens hy so 'n sertifikaat uitreik, vereis dat die veranderings wat hy goetvind aan daardie model aangebring word.

(b) Indien 'n sertifikaat ten opsigte van 'n bepaalde model weeg- of meetinstrument, maat of gewig ingevolge subartikel (2) uitgereik is, en iemand 'n gewysigde model van daardie model vir handelsgebruik wil verkoop, kan hy 'n eksemplaar van die gewysigde model aan die superintendent voorlê met die oog op 'n aantekening op of toevoeging aan daardie sertifikaat dat dit ook op die gewysigde model betrekking het.

(c) Indien met die oog op die uitreiking van 'n sertifikaat ingevolge subartikel (2) van hierdie artikel ten opsigte van 'n nuwe model weeg- of meetinstrument, maat of gewig wat by regulasie of ingevolge artikel 18 (2) van die bepalings van artikel 18 (1) vrygestel is, 'n eksemplaar van dié model aan die superintendent voorgelê word, kan hy na goeddunke inwillig of weier om ingevolge hierdie artikel daarmee te handel.

(2) (a) Indien die superintendent bevind dat 'n eksemplaar van 'n model wat ingevolge sub-

(1) (a) to be suitable for trade use, he shall approve of such model and issue a certificate to that effect: Provided that the Superintendent may, subject to the provisions of any regulations made in terms of section 47 (1) (f), by any such certificate limit the purposes of trade for which any weighing or measuring instrument, weight or measure constructed according to any such specimen may be used, or impose conditions upon the use in trade of such instrument, weight or measure.

(b) In a case contemplated in subsection (1) (b) the superintendent may in his discretion make the endorsement or addition desired on or to the certificate in question or refuse so to do, and if he makes any such endorsement or addition the proviso to paragraph (a) of this subsection shall *mutatis mutandis* apply in connection with the making thereof.

(3) The superintendent may, after consultation with the board, by notice in the *Gazette* withdraw any certificate issued in terms of subsection (2).

(4) Any person who sells for trade use any new model instrument, weight or measure referred to in subsection (1) (a) before the issue, in terms of subsection (2), of a certificate in respect thereof, or in any way alters any portion of the material of which or the mode in which or the principle according to which a model or a modified model has been made, to which a certificate issued in terms of subsection (2) relates, and represents such altered model to any person as the model to which the certificate relates, or who represents to any person that any weighing or measuring instrument, weight or measure, may be used for any purpose of trade for which, according to a certificate issued under this section, it may not be used, or that it may be used in trade otherwise than in accordance with any condition imposed by such certificate, shall be guilty of an offence.

(5) The superintendent shall decide on the issue of a certificate in terms of subsection (2) after consultation with the board, and may cause to be made known particulars of any such certificate in such manner as he deems fit.

(6) No weighing or measuring instrument, weight or measure made according to—

(a) any specimen of a model or a modified model in respect of which in terms of subsection (2) a certificate or an endorsement of or an addition to a certificate has been refused; or

(b) any specimen of a model or a modified model to which a certificate withdrawn in terms of subsection (3) relates, shall be assized or re-assized.

(7) No assizer shall, on the ground that the material of which or the principle according to which or the mode in which any particular weighing or measuring instrument, weight or measure has been made is such that it is unsuitable for trade use, refuse to assize or re-assize such weighing or measuring instrument, weight or measure if it has been made according to any model or modified model to which a certificate relates which has been issued in terms of subsection (2) and which has not been cancelled.”.

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- artikel (1) (a) aan hom voorgelê is, geskik vir handelsgebruik is, keur hy daardie model goed en reik hy 'n sertifikaat te dien effekte uit: Met dien verstande dat die superintendent, behoudens die bepalings van regulasies ingevolge artikel 47 (1) (f) uitgevaardig, deur so 'n sertifikaat die handelsdoeleindes kan beperk waarvoor weeg- of meetinstrumente, mate of gewigte ooreenkomstig so 'n eksemplaar vervaardig, gebruik kan word, of die gebruik van sodanige instrumente, mate of gewigte in die handel aan voorwaardes onderworpe kan stel.
- (b) In 'n geval beoog in subartikel (1) (b) kan die superintendent na goeddunke die verlangde aantekening op die betrokke sertifikaat aanbring of daaraan toevoeg of weier om dit te doen, en indien hy so 'n aantekening aanbring of toevoeg, is in verband met die aanbring of toevoeging daarvan die voorbehoudsbepaling by paragraaf (a) van hierdie subartikel *mutatis mutandis* van toepassing.

(3) Die superintendent kan, na oorlegpleging met die raad, by kennisgewing in die *Staatskoerant*, 'n sertifikaat intrek wat ingevolge subartikel (2) uitgereik is.

(4) Iemand wat 'n nuwe model instrument, maat of gewig in subartikel (1) (a) bedoel vir handelsgebruik verkoop voordat 'n sertifikaat ingevolge subartikel (2) ten opsigte daarvan uitgereik is, of in enige opsig 'n gedeelte van die materiaal waarvan of die wyse waarop of die beginsel waarvolgens 'n model of gewysigde model vervaardig is waarop 'n sertifikaat betrekking het wat ingevolge subartikel (2) uitgereik is, verander, en die veranderde model aan iemand voorstel as die model waarop dié sertifikaat betrekking het, of wat aan iemand voorgedat wat weeg- of meetinstrumente, mate of gewigte vir handelsdoeleindes gebruik kan word, waarvoor dit, ooreenkomstig 'n sertifikaat ingevolge hierdie artikel uitgereik, nie gebruik mag word nie, of dat dit in die handel anders gebruik kan word as in ooreenstemming met 'n voorwaarde deur so 'n sertifikaat opgelê, is aan 'n misdryf skuldig.

(5) Die superintendent beslis oor die uitreiking van 'n sertifikaat ingevolge subartikel (2) na oorlegpleging met die raad, en kan besonderhede van so 'n sertifikaat bekend laat maak op die wyse wat hy goedvind.

(6) Geen weeg- of meetinstrumente, mate of gewigte vervaardig ooreenkomstig—

- (a) 'n eksemplaar van 'n model of gewysigde model ten opsigte waarvan 'n sertifikaat of 'n aantekening op of 'n toevoeging aan 'n sertifikaat ingevolge subartikel (2) geweier is; of
- (b) 'n eksemplaar van 'n model of gewysigde model waarop 'n sertifikaat betrekking het wat ingevolge subartikel (3) ingetrek is,

word geyk of heryk nie.

(7) Geen ykbeampte mag op grond daarvan dat die materiaal waarvan of die beginsel waarvolgens of wyse waarop bepaalde weeg- of meetinstrumente, mate of gewigte vervaardig is, van so 'n aard is dat hulle nie geskik vir handelsgebruik is nie, weier om daardie weeg- of meetinstrumente, mate of gewigte te yk of te heryk indien hulle vervaardig is ooreenkomstig 'n model of gewysigde model waarop 'n sertifikaat betrekking het wat ingevolge subartikel (2) uitgereik is en nie ingetrek is nie.”

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(2) Any certificate issued in terms of section 21 of the principal Act prior to the substitution thereof by subsection (1) of this section, shall be deemed to have been issued in terms of the said section 21 as so substituted.

Substitution of section 22 of Act 13 of 1958, as substituted by section 14 of Act 44 of 1964.

8. The following section is hereby substituted for section 22 of the principal Act:

"Notice in connection with assizing and re-assizing of weighing and measuring instruments, weights and measures.

22. (1) The superintendent may by notice in the *Gazette* call upon every person possessing for use in trade any weighing or measuring instrument, weight or measure at a place specified in the notice or at a place situated within ten miles of the place so specified to produce it at the place so specified and at the time so specified (being not earlier than fourteen days after the date in which the notice is published in the *Gazette*), for the purpose of being examined and assized or re-assized, unless it is—

- (a) an instrument, weight or measure bearing a stamp of assize for the year to which the notice in question applies, or a contract instrument; or
- (b) a weighing or measuring instrument, weight or measure exempted from the provisions of section 18 (1) by regulation or in terms of section 18 (2); or
- (c) a weighing or measuring instrument or a measure which is fixed in such a manner or is of such delicate construction or is of such weight that it cannot be conveniently moved; or
- (d) a weighing instrument having a weighing capacity greater than a capacity prescribed by regulation, or a weighing or measuring instrument, weight or measure of a class or kind exempted by the said notice from the operation thereof.

(2) If any person at the beginning of any year—

- (a) has at any place situated more than ten miles from the seat of a magistracy or the seat of a local authority in his possession for use in trade any weighing or measuring instrument, weight or measure; or
- (b) has at any place which is a seat of a magistracy or the seat of a local authority or is situated within ten miles from any such seat in his possession for use in trade any weighing or measuring instrument or measure which is fixed in such a manner or is of such delicate construction or is of such weight that it cannot be conveniently moved, or any weighing instrument having a weighing capacity greater than a capacity prescribed by regulation,

he shall prior to the fifteenth day of January of that year notify in writing the assizer of the regional office of weights and measures designated for the purpose from time to time by the superintendent by notice in the *Gazette*, of the place where such instrument, weight or measure is kept, unless it is an instrument, weight or measure referred to in subsection (1) (a) or (b).

(3) The superintendent may in his discretion take such steps as he may deem expedient to bring any notice published under subsection (1) or (2) to the attention of persons affected by it.

(4) Any person who fails to comply with—

- (a) a notice published in the *Gazette* under subsection (1); or
 - (b) the provisions of subsection (2),
- shall be guilty of an offence."

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(2) 'n Sertifikaat wat ingevolge artikel 21 van die Hoofwet uitgereik is vóór die vervanging daarvan deur subartikel (1) van hierdie artikel, word geag uitgereik te wees ingevolge genoemde artikel 21 soos aldus vervang.

8. Artikel 22 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 22 van Wet 13 van 1958, soos vervang deur artikel 14 van Wet 44 van 1964.

„Kennis-
gewing in
verband met
yk en heryk
van weeg-
en meet-
instrumente,
mate en
gewigte.

22. (1) Die superintendent kan by kennisgewing in die *Staatskoerant* elke persoon wat 'n weeg- of meetinstrument, maat of gewig vir gebruik in die handel besit op 'n plek in die kennisgewing vermeld of op 'n plek geleë binne tien myl vanaf die plek aldus vermeld, aansê om dit op die aldus vermelde plek en op die aldus vermelde tyd (wat nie vroeër is nie as veertien dae na die datum waarop die kennisgewing in die *Staatskoerant* gepubliseer word) te toon vir ondersoek en yking of heryking, tensy dit—

- (a) 'n instrument, maat of gewig is waarop 'n ykstempel verskyn vir die jaar waarop die betrokke kennisgewing van toepassing is, of 'n kontrakinstrument is; of
- (b) 'n weeg- of meetinstrument, maat of gewig is wat by regulasie of ingevolge artikel 18 (2) van die bepalings van artikel 18 (1) vrygestel is; of
- (c) 'n weeg- of meetinstrument of maat is wat op so 'n wyse vas is of van so 'n delikate konstruksie of so 'n gewig is dat dit nie gerieflik vervoer kan word nie; of
- (d) 'n weeginstrument is wat 'n groter weegvermoë het as 'n by regulasie voorgeskrewe vermoë, of 'n weeg- of meetinstrument, maat of gewig is van 'n klas of soort wat by genoemde kennisgewing van die werking daarvan vrygestel is.

(2) Indien iemand aan die begin van 'n jaar—

- (a) 'n weeg- of meetinstrument, maat of gewig vir gebruik in die handel in sy besit het op 'n plek wat meer as tien myl van 'n landdrossetel of die setel van 'n plaaslike bestuur geleë is; of
- (b) op 'n plek wat 'n landdrossetel of die setel van 'n plaaslike bestuur is of binne tien myl vanaf so 'n setel geleë is, vir gebruik in die handel in sy besit het 'n weeg- of meetinstrument of maat wat op so 'n wyse vas is of van so 'n delikate konstruksie of so 'n gewig is dat dit nie gerieflik vervoer kan word nie, of 'n weeginstrument met 'n groter weegvermoë as 'n by regulasie voorgeskrewe vermoë,

moet hy vóór die vyftiende dag van Januarie van daardie jaar die ykbeampte van die streekkantoor van mate en gewigte wat die superintendent van tyd tot tyd by kennisgewing in die *Staatskoerant* vir die doel aanwys, skriftelik in kennis stel van die plek waar dié instrument, maat of gewig gehou word, tensy dit 'n instrument, maat of gewig is wat in subartikel (1) (a) of (b) bedoel word.

(3) Die superintendent kan na goeëddunke die stappe doen wat hy dienstig ag om 'n kennisgewing wat kragtens subartikel (1) of (2) gepubliseer is, onder die aandag te bring van persone wat daardeur geraak word.

(4) Iemand wat versuim om te voldoen aan—

- (a) 'n kennisgewing wat kragtens subartikel (1) in die *Staatskoerant* gepubliseer is; of
 - (b) die bepalings van subartikel (2),
- is aan 'n misdryf skuldig.”

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WEIGHTS AND MEASURES AMENDMENT ACT, 1969.

Amendment of section 29 of Act 13 of 1958, as amended by section 17 of Act 44 of 1964.

9. Section 29 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) that a notice under subsection (1) of section 22 or that the provisions of subsection (2) of the said section should, in respect of any weighing or measuring instrument, weight or measure, have been complied with, such instrument, weight or measure shall be presumed, until the contrary is proved, at all relevant times to have been possessed for use in trade by the accused in the area to which the notice in question relates.”.

Substitution of section 41 of Act 13 of 1958, as amended by section 12 of Act 26 of 1960 and section 25 of Act 44 of 1964.

10. The following section is hereby substituted for section 41 of the principal Act:

“Use of certain weights and measures for particular purposes.

41. (1) No person shall use troy weights in trade except for weighing precious metals.

(2) No person shall use metric carat weights in trade except for weighing precious stones.

(3) No person shall use apothecaries' weights in trade except in the dispensing of poisons, drugs or medicines.

(4) (a) Measure of capacity or cubic content or measure of weight may be applied in selling fluids, unless otherwise provided by regulation.

(b) No person shall sell any fluid in any container unless the actual liquid contents is indicated on the container in such manner as may be prescribed by regulation.

(c) The provisions of paragraph (b) shall not apply—
(i) in respect of the sale of a liquid exempted by regulation from the provisions of that paragraph;
(ii) in respect of any container used only as a vessel for the keeping of fluid in bulk for sale in quantities measured otherwise than in or by means of such container.

(5) No person shall, save in so far as may be otherwise prescribed by regulation, apply measure of capacity in selling anything other than a liquid: Provided that in the application of this Act a bag of a commodity or goods shall mean such weight of the commodity or goods in question as may be determined by the State President by proclamation in the *Gazette*.

(6) No person shall use Cape measures, geodetic Cape measures or any other geodetic measures of length or area, except for measuring land, and then only for so long as, and to the extent to which, the survey laws in any portion of the Republic admit of the use of those measures for land survey in that portion.”.

Substitution of section 42 of Act 13 of 1958.

11. The following section is hereby substituted for section 42 of the principal Act:

“Prohibition of possession and use of certain instruments, weights and measures. 42. Notwithstanding anything in this Act contained, no person—

(a) who trades shall have in his possession any weight or measure of any denomination not referred to in the Second Schedule, or weighing or measuring instruments calibrated according to a system of weights and measures based upon a basic unit of measurement not referred to in the First Schedule; or

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9. Artikel 29 van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:

Wysiging van artikel 29 van Wet 13 van 1958, soos gewysig deur artikel 17 van Wet 44 van 1964.

„(b) dat, ten aansien van weeg- of meetinstrumente, mate of gewigte, aan 'n kennisgewing ingevolge subartikel (1) van artikel 22 of aan die bepalings van subartikel (2) van genoemde artikel voldoen moes word, word dit vermoed, totdat die teendeel bewys word, dat die instrumente, mate of gewigte te alle betrokke tye deur die beskuldigde vir gebruik in die handel besit was in die gebied waarop die betrokke kennisgewing betrekking het.”.

10. Artikel 41 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 41 van Wet 13 van 1958, soos gewysig deur artikel 12 van Wet 26 van 1960 en artikel 25 van Wet 44 van 1964.

„Gebruik van sekere mate en gewigte vir bepaalde doeleindes.

41. (1) Niemand mag troy-gewigte in die handel gebruik behalwe by die weeg van edelmetale nie.
(2) Niemand mag metrieke karaatgewigte in die handel gebruik behalwe by die weeg van edelgesteentes nie.

(3) Niemand mag aptekersgewigte in die handel gebruik behalwe by die voorbereiding van gif, verdowingsmiddels of medisyne nie.

(4) (a) Inhoudsmaat of kubieke maat of gewigsmaat kan by die verkoop van vloeistowwe toegepas word, tensy by regulasie anders bepaal word.

(b) Niemand mag 'n vloeistof in 'n houer verkoop nie tensy op die houer die werklike vloeistofinhoud op die by regulasie voorgeskrewe wyse aangedui word.

(c) Die bepalings van paragraaf (b) is nie van toepassing nie—

(i) ten opsigte van die verkoop van 'n vloeistof wat by regulasie van die bepalings van daardie paragraaf vrygestel is;

(ii) ten opsigte van 'n houer wat slegs gebruik word as 'n vat vir die hou van vloeistof in massa vir verkoop in hoeveelhede wat op 'n ander wyse as in of deur middel van sodanige houer gemeet word.

(5) Niemand mag, behalwe vir sover anders by regulasie voorgeskryf word, inhoudsmaat by die verkoop van iets anders as 'n vloeistof toepas nie: Met dien verstande dat by die toepassing van hierdie Wet 'n sak ware of goedere beteken dié gewig van die betrokke ware of goedere wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(6) Niemand mag Kaapse mate, geodetiese Kaapse mate of ander geodetiese mate van lengte of oppervlakte gebruik, behalwe by die opmeting van grond nie, en dan slegs so lank soos en vir sover die wette op opmeting in die een of ander gedeelte van die Republiek die gebruik van daardie mate vir landmeting in daardie gedeelte toelaat.”.

11. Artikel 42 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 42 van Wet 31 van 1958.

„Verbod op besit en gebruik van sekere instrumente, mate en gewigte.

42. Ondanks andersluidende bepalings van hierdie Wet, mag niemand—

(a) wat handel dryf mate of gewigte van 'n maateenheid wat nie in die Tweede Bylae vermeld word nie, of weeg- of meetinstrumente, gekalibreer volgens 'n stelsel van maat of gewig gegrond op 'n grondmetingseenheid wat nie in die Eerste Bylae vermeld word nie, in sy besit hê nie; of

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(b) in contravention of the provisions of a proclamation issued under section 11A use or possess any weighing or measuring instrument, weight, measure or container.”.

Substitution of section 46 of Act 13 of 1958, as amended by section 28 of Act 44 of 1964.

12. The following section is hereby substituted for section 46 of the principal Act:

“Certain containers exempted.

46. Nothing in this Act contained shall prohibit the use of a vessel or container for the determination of the quantity of any liquid sold in it and poured into it prior to such sale, irrespective of whether or not such liquid is a liquid required by regulation to be sold by measure of capacity, and irrespective of whether or not such vessel or container is an assized measure of capacity, and nothing in this Act contained shall subject any person to any penalty for the possession of such vessel or container, provided such vessel or container is not used in the retail trade for measuring off any liquids or is not intended for such use, or for the possession or use thereof if it is exempted from assizing in terms of section 18.”.

Amendment of section 47 of Act 13 of 1958, as amended by section 15 of Act 26 of 1960 and section 29 of Act 44 of 1964.

13. Section 47 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) prescribing and approving the material, design and construction of weighing or measuring instruments, weights or measures for trade use, or specified models, classes or kinds of such instruments, weights or measures, and prescribing the manner in which the denominations of standard weights or measures or any multiples or parts thereof may be represented on or by any such instruments;”.

Insertion of section 49A in Act 13 of 1958.

14. The following section is hereby inserted in the principal Act after section 49:

“Application 49A. This Act and any amendment thereof shall of Act in also apply in the territory of South-West Africa including the Eastern Caprivi Zipfel.”.

Insertion of Second Schedule A in Act 13 of 1958.

15. The following schedule is hereby inserted in the principal Act after the Second Schedule:

“Second Schedule A.

METRIC EQUIVALENTS OF CERTAIN UNITS OF MEASUREMENT THAT ARE NOT METRIC UNITS OF MEASUREMENT.

1. Weight, Length and Capacity Units of Measurement.

1 pound	= 0.453 592 37 kilogram.
1 yard	= 0.914 4 metre.
1 gallon	= 4.545 963 litre.

2. Units of Measurement for Measuring Land.

1 Geodetic Cape Foot or	
1 Cape Foot	= 0.314 855 575 16 metre.
1 Geodetic Cape Rood	= 0.314 855 575 16 × 12 metre.
1 South African Geodetic Foot	= 0.304 797 265 4 metre.”.

Repeal of Ordinance 30 of 1962 of South-West Africa.

16. The Weights and Measures Ordinance, 1962, of the territory of South-West Africa is hereby repealed.

Short title and commencement.

17. (1) This Act shall be called the Weights and Measures Amendment Act, 1969, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be so fixed in respect of the several provisions of this Act.

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- (b) 'n weeg- of meetinstrument, maat, gewig of houer in stryd met die bepalings van 'n proklamasie uitgevaardig kragtens artikel 11A gebruik of besit nie."

12. Artikel 46 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 46 van Wet 13 van 1958, soos gewysig deur artikel 28 van Wet 44 van 1964.

„Sekere houters uitgesluit.

46. Die bepalings van hierdie Wet verbied nie die gebruik van 'n vat of houer nie vir die bepaling van die hoeveelheid van 'n vloeistof wat daarin verkoop word en voor sodanige verkoop daarin gegooi is, ongeag of sodanige vloeistof 'n vloeistof is ten opsigte waarvan by regulasie vereis word dat dit by inhoudsmaat verkoop moet word, al dan nie, en ongeag of die vat of houer 'n geykte inhoudsmaat is al dan nie, en die bepalings van hierdie Wet maak niemand strafbaar nie weens die besit van so 'n vat of houer, mits die vat of houer nie vir afmeting van vloeistowwe in die kleinhandel gebruik word of vir sodanige gebruik bestem is nie, of weens die besit of gebruik daarvan indien dit van yking ingevolge artikel 18 vrygestel is."

13. Artikel 47 van die Hoofwet word hierby gewysig deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 47 van Wet 13 van 1958, soos gewysig deur artikel 15 van Wet 26 van 1960 en artikel 29 van Wet 44 van 1964.

„(d) wat die materiaal, ontwerp en samestelling van weeg- of meetinstrumente, mate of gewigte vir handelsgebruik of bepaalde modelle, klasse of soorte sodanige instrumente, mate of gewigte voorskryf en goedkeur, en die wyse voorskryf waarop die maateenhede van standaardmate of -gewigte of veelvoude of gedeeltes daarvan op of deur daardie instrumente weergegee kan word;"

14. Die volgende artikel word hierby in die Hoofwet na artikel 49 ingevoeg: Invoeging van artikel 49A in Wet 13 van 1958.

„Toepassing 49A. Hierdie Wet en iedere wysiging daarvan is van Wet in ook in die gebied Suidwes-Afrika met inbegrip Suidwes-Afrika. van die Oostelike Caprivi Zipfel van toepassing."

15. Die volgende bylae word hierby in die Hoofwet na die Tweede Bylae ingevoeg: Invoeging van Tweede Bylae A in Wet 13 van 1958.

„Tweede Bylae A.

METRIEKE EKWIVALENTE VAN SEKERE METINGS-EENHEDE WAT NIE METRIEKE METINGSEENHEDE IS NIE.

1. Gewig-, Lengte- en Inhoudmetingseenhede.

1 pond = 0.453 592 37 kilogram.
1 jaart = 0.914 4 meter.
1 gelling = 4.545 963 liter.

2. Metingseenhede vir Opmeting van Grond.

1 Geodetiese Kaapse Voet of
1 Kaapse Voet = 0.314 855 575 16 meter.
1 Geodetiese Kaapse
Roede = 0.314 855 575 16 × 12 meter.
1 Suid-Afrikaanse
Geodetiese Voet = 0.304 797 265 4 meter."

16. Die Ordonnansie op Mate en Gewigte, 1962, van die gebied Suidwes-Afrika word hierby herroep. Herroeping van Ordonnansie 30 van 1962 van Suidwes-Afrika.

17. (1) Hierdie Wet heet die Wysigingswet op Mate en Gewigte, 1969, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

(2) Verskillende datums kan aldus ten opsigte van die verskillende bepalings van hierdie Wet bepaal word.

