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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 738. 28 April 1976.

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

No. 59 of 1976: Standards Amendment Act, 1976.

No. 738. 28 April 1976.

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

No. 59 van 1976: Wysigingswet op Standaarde, 1976.

Wet No. 59, 1976

WYSIGINGSWET OP STANDAARDE, 1976

WET

Tot wysiging van die Wet op Standaarde, 1962, ten einde die Minister te magtig om sekere ooreenkomste met buitelandse regerings, organisasies of liggame aan te gaan; om voorsiening te maak vir die uitvoer van sekere ondersoeke en toetse en die doen van sekere ontledings deur die raad met betrekking tot sekere stowwe, voorwerpe en materiale; om die oordrag van bevoegdheide van die raad verder te reël; om die tekste van onderskeidelik artikels 12 (10) en 25 (1) (h) te verbeter; om voorsiening te maak vir die voortgesette gebruik van 'n standaardmerk in ongewysigde vorm; vir die instelling van proef- en waarmerke deur die Minister; en vir die uitvaardiging van regulasies deur genoemde Minister betreffende die aanbring en gebruik van sodanige merke; om die lang titel van genoemde Wet te vervang; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 April 1976.)

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

Wysiging van
artikel 1 van
Wet 33 van 1962,
soos gewysig deur
artikel 1 van
Wet 61 van 1968.

1. Artikel 1 van die Wet op Standaarde, 1962 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur na die omskrywing van „praktyskreëls” die volgende omskrywing in te voeg:
„proefmerk” ’n merk wat as sodanig kragtens artikel 14ter (1) ingestel is;” en
- (b) deur die volgende omskrywing by te voeg:
„waarmerk” ’n merk wat as sodanig kragtens artikel 14ter (1) ingestel is.”

Wysiging van
artikel 3 van
Wet 33 van 1962,
soos gewysig deur
artikel 1 van
Wet 72 van 1964
en artikel 1 van
Wet 77 van 1970.

2. Artikel 3 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (d) deur die volgende paragraaf te vervang:
„(d) om reëlins te tref of fasiliteite daar te stel vir die ondersoek en toets van handelsware en artikels, enige materiaal of stof waaruit of waarmee dit vervaardig, geproduseer, bewerk of behandel kan word, en van die wyse waarop dit gedoen kan word, en vir die ondersoek, toets en ontleding van ander stowwe, voorwerpe of materiale;” en
- (b) deur paragraaf (e) deur die volgende paragraaf te vervang:
„(e) om ooreenkomstig die bepalings van hierdie Wet die gebruik van standaardmerke, onderskeidingsmerke en proef- en waarmerke te beheer;”.

STANDARDS AMENDMENT ACT, 1976

Act No. 59, 1976

ACT

To amend the Standards Act, 1962, so as to empower the Minister to conclude certain agreements with foreign governments, organizations or bodies; to provide for the carrying out by the council of certain examinations, tests and analyses in respect of certain substances, objects and materials; to further regulate the assignment of powers of the council; to amend the texts of sections 12 (10) and 25 (1) (h), respectively; to provide for the continued use of a standardization mark in its unamended form; for the establishment of marks of proof and marks of authenticity by the Minister; and for the making of regulations by the said Minister relating to the application and use of such marks; to substitute the long title of the said Act; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 12 April 1976.)

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

1. Section 1 of the Standards Act, 1962 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of "mark" of the following definitions:
- “mark of authenticity” means a mark which has been established as such under section 14*ter* (1);
- “mark of proof” means a mark which has been established as such under section 14*ter* (1);”.
- Amendment of section 1 of Act 33 of 1962, as amended by section 1 of Act 61 of 1968.

2. Section 3 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (d) of the following paragraph:

“(d) to make arrangements or provide facilities for the examination and testing of commodities and articles, any material or substance from or with which they may be manufactured, produced, processed or treated, and of the manner in which this may be done, and for the examination, testing and analysis of other substances, objects or materials;”;

Amendment of section 3 of Act 33 of 1962, as amended by section 1 of Act 72 of 1964 and section 1 of Act 77 of 1970.

- (b) by the substitution for paragraph (e) of the following paragraph:

“(e) to control, in accordance with the provisions of this Act, the use of standardization marks, distinctive marks and marks of proof and authenticity;”.

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Invoeging van
artikel 3A in
Wet 33 van 1962.

3. Die Hoofwet word hierby gewysig deur na artikel 3 die volgende artikel in te voeg:

„Ooreen-
komste met
buitelandse
regerings,
organisasies
en liggame.

3A. Die Minister kan namens die Regering van die Republiek met die regering van, of met 'n organisasie of liggaam in, enige ander land enige ooreenkoms aangaan ten einde die doeleindes waarvoor die buro ingestel is, te bevorder, met inbegrip van 'n ooreenkoms waarin voorsiening gemaak word vir lidmaatskap van die buro van 'n in die ooreenkoms vermelde organisasie of liggaam, vir die doeleindes in die ooreenkoms uiteengesit.”.

Wysiging van
artikel 10 van
Wet 33 van 1962,
soos gewysig deur
artikel 2 van Wet
72 van 1964.

4. Artikel 10 van die Hoofwet word hierby gewysig deur by subartikel (3) die volgende paragraaf te voeg, terwyl die bestaande subartikel (3) paragraaf (a) van daardie subartikel word:

„(b) Die raad kan op versoek van enigiemand in paragraaf (a) bedoel, en met die goedkeuring van die Minister, ondersoek of toetse uitvoer, of ontledings doen, ten opsigte van enige ander stof, voorwerp of materiaal van watter aard of oorsprong ook al, en kan daarvoor verslae verstrek, onderworpe aan voorwaardes, soos in genoemde paragraaf beoog.”.

Vervanging van
artikel 11 van
Wet 33 van 1962.

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

„Instelling
van komitees
en oordrag
van bevoegd-
hede van
raad.

11. (1) (a) Die raad kan komitees instel om hom by die verrigting van sy werksaamhede behulpzaam te wees, en kan na goeddunke enigiemand as lid van so 'n komitee aanstel, hetsy hy aan die buro verbonde is of nie.

(b) Die raad kan na goeddunke enige bevoegdheid wat hy besit, uitgesonderd die bevoegdhede bedoel in subartikel (2), toewys aan 'n komitee wat aldus ingestel is, maar word nie ontdoen van 'n bevoegdheid wat hy aldus aan so 'n komitee toegewys het nie, en kan 'n besluit van so 'n komitee wysig of intrek.

(c) Die raad kan uit sy fondse aan die lede van so 'n komitee die besoldiging en toelaes betaal wat die Minister ná oorlegpleging met die Minister van Finansies bepaal: Met dien verstande dat die bepalinge van artikel 7 (5) *mutatis mutandis* van toepassing is ten opsigte van 'n lid van so 'n komitee wat in die voltydse diens van die Staat is.

(2) (a) Die raad kan in die algemeen of in 'n bepaalde geval die bevoegdheid om praktykreëls en standaardspesifikasies wat hy opgestel het kragtens hierdie Wet, te wysig en sodanige wysigings te publiseer, toewys aan—

(i) die voorsitter van die raad; en

(ii) die direkteur-generaal, wat kragtens so 'n toewysing slegs gedurende die afwesigheid of tydelike onbevoegdheid van die genoemde voorsitter optree.

(b) Die raad word nie deur enige toewysing bedoel in paragraaf (a), ontdoen van sy bevoegdheid om kragtens hierdie Wet te eniger tyd die betrokke of enige ander praktykreëls of standaardspesifikasie te wysig nie.”.

Wysiging van
artikel 12 van
Wet 33 van 1962,
soos gewysig deur
artikel 2 van Wet
77 van 1970 en
artikel 27 van Wet
57 van 1975.

6. Artikel 12 van die Hoofwet word hierby gewysig deur in subartikel (10), in die Engelse teks, die uitdrukking „board” deur die uitdrukking „council” te vervang.

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3. The principal Act is hereby amended by the insertion after section 3 of the following section:

Insertion of section 3A in Act 33 of 1962.

"Agreements with foreign governments, organizations and bodies.

3A. The Minister may conclude on behalf of the Government of the Republic, any agreement with the government of, or any organization or body in, any other country, in order to promote the objects for which the bureau has been established, including any agreement wherein provision is made for membership of the bureau of any such organization or body for the purposes set out in the relevant agreement."

4. Section 10 of the principal Act is hereby amended by the addition to subsection (3) of the following paragraph, the existing subsection (3) becoming paragraph (a) of that subsection:

Amendment of section 10 of Act 33 of 1962, as amended by section 2 of Act 72 of 1964.

"(b) The council may at the request of any person referred to in paragraph (a), and with the approval of the Minister, carry out examinations or tests, or have analyses made, in respect of any other substance, object or material of whatever nature or origin, and may furnish reports thereon, subject to conditions, as contemplated in the said paragraph."

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

Substitution of section 11 of Act 33 of 1962.

"Establishment of committees and assignment of powers of council.

11. (1) (a) The council may establish committees to assist it in the performance of its functions and may in its discretion appoint any person as a member of any such committee, whether he is connected with the bureau or not.

(b) The council may in its discretion assign any of its powers, excluding the powers referred to in subsection (2), to a committee so established, but shall not be divested of any power which it may have so assigned to a committee, and may amend or withdraw any decision of such a committee.

(c) The council may out of its funds pay to the members of any such committee such remuneration and allowances as the Minister may after consultation with the Minister of Finance determine: Provided that the provisions of section 7 (5) shall *mutatis mutandis* apply in respect of any member of such a committee who is in the full-time service of the State.

(2) (a) The council may, either generally or in a particular case, assign the power of amending codes of practice and standard specifications framed by it under this Act and of publishing such amendments, to—

- (i) the chairman of the council; and
- (ii) the director-general, who shall act under any such assignment only during the absence or temporary incapacity of the said chairman.

(b) The council shall not by any assignment referred to in paragraph (a), be divested of its power under this Act to amend at any time the relevant, or any other, code of practice or standard specification."

6. Section 12 of the principal Act is hereby amended by the substitution in subsection 10 for the expression "board" of the expression "council".

Amendment of section 12 of Act 33 of 1962, as amended by section 2 of Act 77 of 1970 and section 27 of Act 57 of 1975.

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Wysiging van
artikel 14 van
Wet 33 van 1962.

7. Artikel 14 van die Hoofwet word hierby gewysig deur die volgende paragraaf by subartikel (6) te voeg:

„(c) Indien die raad 'n standaardmerk kragtens subartikel (1) gewysig het, kan hy op aansoek van enige persoon wat ingevolge subartikel (4) geregtig is om die betrokke merk ten opsigte van handelsware aan te bring, en op die voorwaardes, met inbegrip van voorwaardes betreffende die betaling van gelde (indien enige) deur die Minister goedgekeur en betreffende die intrekking van die toestemming, wat die raad in elke afsonderlike geval na goeëdunke bepaal, die voortgesette gebruik van die betrokke merk soos dit bestaan het vóór die wysiging daarvan, vanaf die datum van bedoelde wysiging toelaat, en so 'n merk word gedurende die tydperk waarin die voortgesette gebruik daarvan deur die betrokke persoon aldus toegelaat word, by die toepassing van hierdie Wet ten opsigte van daardie persoon geag 'n standaardmerk te wees wat nie deur die raad aldus gewysig is nie.”.

Invoeging van
artikel 14^{ter} in
Wet 33 van 1962.

8. Die volgende artikel word hierby in die Hoofwet na artikel 14^{bis} ingevoeg:

„Proef- en
waarmerke.

14^{ter}. (1) (a) Die Minister kan op aanbeveling van die raad en behoudens die bepalings van paragraaf (b) en subartikel (2), by kennisgewing in die *Staatskoerant* proef- en waarmerke instel, en kan op dieselfde wyse regulasies uitvaardig betreffende—

(i) die aanbring van 'n merk aldus ingestel op handelsware of artikels ooreenkomstig die aard, kwaliteit, sterkte, suiwerheid, samestelling, hoeveelheid, afmetings, massa, graad, duursaamheid, herkoms, ouderdom of enige ander kenmerk van die betrokke handelsware of artikels, of die materiaal of stof waaruit of waarmee sodanige handelsware of artikels vervaardig, geproduseer, bewerk of behandel is, of die wyse waarop dit gedoen is; en

(ii) enige ander aangeleentheid met betrekking waartoe hy dit nodig ag om regulasies uit te vaardig ten einde die oogmerk te verwesenlik om die aanbring van sodanige merke op, en die gebruik van sodanige merke in verband met, sodanige goedere te reguleer en te beheer.

(b) Die bepalings van artikel 14 (3) is *mutatis mutandis* van toepassing met betrekking tot proef- en waarmerke.

(2) Die Minister kan ingevolge subartikel (1)—

(a) verskillende merke instel en verskillende regulasies uitvaardig ten opsigte van—

(i) verskillende soorte of klasse handelsware of artikels;

(ii) verskillende doeleindes waarvoor enige bepaalde soort of klas handelsware of artikels vervaardig, geproduseer, bewerk of behandel kan word; en

(iii) verskillende materiale of stowwe waaruit of waarmee enige bepaalde soort of klas handelsware of artikels aldus vervaardig, geproduseer, bewerk of behandel kan word; en

(b) regulasies uitvaardig waarby vrystelling verleen word van die een of ander bepaling van enige regulasie kragtens daardie subartikel uitgevaardig en die omstandighede voorgeskryf

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7. Section 14 of the principal Act is hereby amended by the addition to subsection (6) of the following paragraph: Amendment of section 14 of Act 33 of 1962.

- “(c) If the council has amended any standardization mark under subsection (1), it may upon the application of any person entitled in terms of subsection (4) to apply the mark in question in respect of any commodities, and on such conditions including conditions relating to the payment of fees (if any) approved of by the Minister and relating to the withdrawal of the permission, as the council may in its discretion determine in every particular case, permit the continued use of the mark in question as it existed prior to its amendment, as from the date of such amendment, and such mark shall during the period in which its continued use by the person concerned is so permitted, in the application of this Act in respect of that person, be deemed to be a standardization mark which has not been so amended by the council.”.

8. The following section is hereby inserted in the principal Act after section 14*bis*: Insertion of section 14*ter* in Act 33 of 1962.

“Marks of proof and marks of authenticity.

14*ter*. (1) (a) The Minister may on the recommendation of the council and subject to the provisions of paragraph (b) and subsection (2), establish by notice in the *Gazette* marks of proof and marks of authenticity, and may in like manner make regulations relating to—

- (i) the application of any mark so established to commodities or articles in accordance with the nature, quality, strength, purity, composition, quantity, measurements, mass, grade, durability, origin, age or any other characteristic of the relevant commodities or articles, or the material or matter from or with which such commodities or articles have been manufactured, produced, processed or treated, or the manner in which it has been done; and
- (ii) any other matter in respect of which he considers it necessary to make regulations so as to achieve the object of the regulation and control of the application of such marks to, and of the use of such marks in connection with, such goods.

(b) The provisions of section 14 (3) shall *mutatis mutandis* apply in respect of marks of proof and marks of authenticity.

(2) The Minister may in terms of subsection (1)—

(a) establish different marks and make different regulations in respect of—

- (i) different kinds or classes of commodities or articles;
- (ii) different purposes for which any relevant kind or class of commodities or articles may be manufactured, produced, processed or treated; and
- (iii) different materials or matter from or with which any relevant kind or class of commodities or articles may be so manufactured, produced, processed or treated; and

(b) make regulations granting exemption from any provision of any regulation made under that subsection and prescribing the circumstances

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word waaronder so 'n vrystelling geld, of waarin voorsiening gemaak word vir die verlening van sodanige vrystelling deur enige persoon of gesag.

(3) Geen handelsware of artikel ten opsigte waarvan 'n proef- of waarmerk ingevolge subartikel (1) ingestel is en ten opsigte waarvan die betrokke merk nie ooreenkomstig die regulasies uitgevaardig kragtens hierdie artikel aangebring is nie, mag verkoop of vervreem word nie, tensy die betrokke handelsware of artikel ooreenkomstig die bepaling van bedoelde regulasies van die aanbring van die toepaslike merk vrygestel is."

Wysiging van
artikel 19 van
Wet 33 van 1962.

9. Artikel 19 van die Hoofwet word hierby gewysig—

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

„(a) te eniger tyd gedurende werkure, sonder voorafgaande kennisgewing, 'n perseel betree waarin of waarop handelsware of 'n artikel vermeld in bedoelde lasgewing vervaardig, geproduseer, bewerk, behandel of vir handelsdoeleindes gehou word of volgens redelike vermoede vervaardig, geproduseer, bewerk, behandel of aldus gehou word, indien daar vir genoemde handelsware of artikel of vir die vervaardiging, produksie, bewerking of behandeling daarvan 'n verpligte standaardspesifikasie, 'n standaardmerk of 'n proef- of waarmerk bestaan;";

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

„(b) sodanige handelsware, artikel of enige materiaal of stof in of op so 'n perseel wat gebruik word of vermoedelik bestem is om gebruik te word by die vervaardiging, produksie, bewerking of behandeling daarvan, ondersoek en monsters daarvan neem, en enige pakket of houer in of op so 'n perseel oopmaak wat enige sodanige handelsware, artikel, materiaal of stof bevat of vermoedelik bevat;";

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

„(c) enige werksaamhede ondersoek wat in of op so 'n perseel verrig word in verband met die vervaardiging, produksie, bewerking of behandeling van handelsware of 'n artikel, indien vir sodanige vervaardiging, produksie, bewerking of behandeling 'n verpligte standaardspesifikasie, 'n standaardmerk of 'n proef- of waarmerk bestaan;"; en

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

„(e) so 'n boek, kennisgewing, aantekening, lys of geskryf ondersoek en afskrifte of uittreksels maak van of uit so 'n boek, kennisgewing, aantekening, lys of geskryf wat betrekking het op enige handelsware of artikel vermeld in paragraaf (a), of op 'n permit wat ingevolge artikel 14 (6) of artikel 15 (9) uitgereik is of gaan word, en van enige persoon 'n uitleg vorder van enige inskrywings daarin, en beslag lê op so 'n boek, kennisgewing, aantekening, lys of geskryf wat volgens sy oordeel bewys mag lewer van 'n misdryf kragtens hierdie Wet;".

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in which such exemption shall apply, or providing for the granting of such exemption by any person or authority.

(3) No commodity or article in respect of which a mark of proof or authenticity has been established in terms of subsection (1), and in respect of which the relevant mark has not been applied in accordance with the regulations made under this section, shall be sold or alienated, unless the commodity or article in question has in accordance with the provisions of the said regulations been exempted from having the relevant mark applied to it."

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

Amendment of
section 19 of
Act 33 of 1962.

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

"(a) without previous notice at any time during business hours, enter upon any premises in or upon which any commodity or article specified in such instruction is or is reasonably suspected to be manufactured, produced, processed, treated or kept for the purpose of trade, if there is a compulsory standard specification, a standardization mark or a mark of proof or authenticity for such commodity or article or for the manufacture, production, processing or treatment thereof;"

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

"(b) inspect and take samples of any such commodity, article, or any material or substance in or on such premises used or suspected to be intended for use in the manufacture, production, processing or treatment thereof, and open any package or container in or on such premises which contains or is suspected to contain any quantity of any such commodity, article, material or substance;"

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

"(c) inspect any operations carried out in or upon any such premises in connection with the manufacture, production, processing or treatment of any commodity or article, if there is a compulsory standard specification, a standardization mark or a mark of proof or authenticity for such manufacture, production, processing or treatment;" and

- (d) by the substitution for paragraph (e) of the said subsection of the following paragraph:

"(e) examine any such book, notice, record, list or document, and make copies of or take extracts from any such book, notice, record, list or document which relates to any commodity or article referred to in paragraph (a), or to any permit issued or to be issued in terms of section 14 (6) or section 15 (9), and require from any person an explanation of any entries therein, and seize any such book, notice, record, list or document which in his opinion may afford evidence of any offence under this Act;"

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Vervanging van
artikel 21 van
Wet 33 van 1962.

10. Artikel 21 van die Hoofwet word hierby deur die volgende artikel vervang:

„Besker-
ming van
Staat, raad
en lede van
raad.

21. Die feit—

- (a) dat handelsware inderdaad of na bewering aan 'n standaardspesifikasie of 'n verpligte standaardspesifikasie voldoen of ooreenkomstig so 'n spesifikasie vervaardig, geproduseer, bewerk of behandel is; of
- (b) dat 'n standaardmerk of 'n onderskeidingsmerk in verband met handelsware gebruik is; of
- (c) dat handelsware of 'n artikel betreffende die betrokke kenmerk, materiaal of stof waaruit waarmee dit vervaardig, geproduseer, bewerk of behandel is, of die wyse waarop dit gedoen is, inderdaad of na bewering ooreenkomstig enige proef- of waarmerk is, of dat so 'n merk in verband met enige handelsware of artikel gebruik is,

gee nie aanleiding tot 'n eis teen die Staat of die Administrasie van die Gebied of die raad of 'n lid van die raad nie.”.

Wysiging van
artikel 25 van
Wet 33 van 1962.

11. Artikel 25 van die Hoofwet word hierby gewysig—

- (a) deur na paragraaf (a) van subartikel (1) die volgende paragraaf in te voeg:

„(aA) die bepalings van subartikel (3) van artikel 14ter, of van 'n regulasie uitgevaardig kragtens daardie artikel, oortree of versuim om daaraan te voldoen;”;

- (b) deur in paragraaf (h) van genoemde subartikel die uitdrukking „(e)” deur die uitdrukking „(d)” te vervang;

- (c) deur subparagraaf (i) van genoemde subartikel deur die volgende subparagraaf te vervang:

„(i) in die geval van 'n misdryf vermeld in paragrawe (a) en (aA), met 'n boete van hoogstens vierhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met sodanige boete sowel as sodanige gevangenisstraf;”;

- (d) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Indien iemand skuldig bevind word aan 'n misdryf vermeld in paragrawe (a) en (aA) van subartikel (1) (behalwe 'n oortreding van artikel 24), of aan 'n oortreding van paragraaf (e) van artikel 23 (1), kan die hof wat hom skuldig bevind, benewens 'n ander straf wat hy mag oplê, al die goedere ten opsigte waarvan die misdryf begaan is, of 'n gedeelte daarvan, verbeurd verklaar, en met goedere wat aldus verbeurd verklaar is, moet gehandel word soos die Minister gelas.”; en

- (e) deur in subartikel (3) al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„(3) Indien iemand van 'n misdryf vermeld in paragrawe (a) en (aA) van subartikel (1) (behalwe 'n oortreding van artikel 24), aangekla word, strek dit tot verdediging—”.

Vervanging van
lang titel van Wet
33 van 1962,
soos gewysig deur
artikel 6 van Wet
72 van 1964.

12. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

„Tot samevatting en wysiging van die wette wat voorsiening maak vir die bevordering van die standaardisering van handelsware en van die vervaardiging, produksie, bewerking of behandeling daarvan, en vir die instelling van die Suid-Afrikaanse Buro vir Standaarde; om

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10. The following section is hereby substituted for section 21 of the principal Act:

Substitution of section 21 of Act 33 of 1962.

"Protection of State, council and members of council.

21. The fact—

- (a) that any commodity complies, or is alleged to comply with a standard specification or a compulsory standard specification, or has been or is alleged to have been manufactured, produced, processed or treated in accordance with any such specification; or
- (b) that a standardization mark or a distinctive mark has been used in connection with any commodity; or
- (c) that any commodity or article is as respects the relevant characteristic, material or matter from or with which it has been manufactured, produced, processed or treated, or manner in which it has been done, in accordance with any mark of proof or authenticity, or is alleged to be in accordance with any such mark, or that any such mark has been used in connection with any commodity or article,

shall not give rise to any claim against the State or the Administration of the Territory, or the council or any member of the council."

11. Section 25 of the principal Act is hereby amended—

Amendment of section 25 of Act 33 of 1962.

- (a) by the insertion after paragraph (a) of subsection (1) of the following paragraph:

"(aA) contravenes or fails to comply with the provisions of subsection (3) of section 14ter, or of any regulation made under that section;"

- (b) by the substitution in paragraph (h) of the said subsection for the expression "(e)" of the expression "(d)";

- (c) by the substitution for subparagraph (i) of the said subsection, of the following subparagraph:

"(i) in the case of an offence referred to in paragraphs (a) and (aA), to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment;"

- (d) by the substitution for subsection (2) of the following subsection:

"(2) If any person is convicted of an offence referred to in paragraphs (a) and (aA) of subsection (1) (other than a contravention of section 24), or of a contravention of paragraph (e) of section 23 (1), the court convicting him may, in addition to any other penalty which it may impose, order the confiscation of all or any part of the goods in respect of which the offence was committed, and goods so ordered to be confiscated shall be dealt with as the Minister may direct."; and

- (e) by the substitution in subsection (3) for all the words preceding paragraph (a) of the following words:

"(3) If any person is charged with any offence referred to in paragraphs (a) and (aA) of subsection (1) (other than a contravention of section 24), it shall be a defence—"

12. The following long title is hereby substituted for the long title of the principal Act:

Substitution of long title of Act 33 of 1962, as amended by section 6 of Act 72 of 1964.

"To consolidate and amend the laws providing for the promotion of the standardization of commodities and of the manufacture, production, processing or treatment thereof, and for the establishment of the South African Bureau of Standards; to provide for the

Wet No. 59, 1976**WYSIGINGSWET OP STANDAARDE, 1976**

voorsiening te maak vir die instelling van proef- en waarmerke ten opsigte van handelsware en artikels; vir die uitvoer van ondersoeke en toetse en die doen van ontledings ten opsigte van ander stowwe, voorwerpe en materiale deur die genoemde Buro; vir die bevordering van eenvormigheid in die bouregulasies of -verordeninge van plaaslike besture; en vir aangeleenthede wat daarmee in verband staan.”.

Kort titel.**13. Hierdie Wet heet die Wysigingswet op Standaarde, 1976.**

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establishment of marks of proof and marks of authenticity in respect of commodities and articles; for the carrying out of examinations, tests and analyses by the said Bureau in respect of other substances, objects and materials; for the promotion of uniformity in the building regulations or by-laws of local authorities; and for matters incidental thereto.”.

13. This Act shall be called the Standards Amendment Act, Short title.
1976.

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