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VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 1208.

6 Julie 1977.

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

No. 100 van 1977: Wysigingswet op Standaarde, 1977.

No. 1208.

6 July 1977.

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

No. 100 of 1977: Standards Amendment Act, 1977.

ACT

To amend the Standards Act, 1962, so as to provide for the publication of specifications and codes of practice; the inclusion in codes of practice of a provision which obliges certain persons to comply in certain circumstances with certain rules of codes of practice; the conduct by the council of a certain enquiry; the incorporation by reference of the rules or provisions of codes of practice, standard specifications and compulsory standard specifications; the vesting in the council of the copyright in certain literary or artistic works; and to substitute the long title of the said Act; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 22 June 1977.)*

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 3 of Act 33 of 1962, as amended by section 1 of Act 72 of 1964, section 1 of Act 77 of 1970 and section 2 of Act 59 of 1976.

1. Section 3 of the Standards Act, 1962 (hereinafter referred to as the principal Act) is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) to prepare, frame, modify or amend and in such manner as it may deem fit publish specifications and codes of practice;”.

Insertion of section 14^{quat} in Act 33 of 1962.

2. The following section is hereby inserted in the principal Act after section 14^{ter}:

“Code of practice may contain certain provision.

14^{quat}. A code of practice may contain a provision rendering compliance with any specified rule obligatory for any person who alleges, professes or claims that such rule has been, is being or will be complied with in connection with the construction, installation, testing, operation or use of any article, apparatus, instrument, device or process.”.

Amendment of section 19 of Act 33 of 1962, as amended by section 9 of Act 59 of 1976.

3. Section 19 of the principal Act is hereby amended by the insertion after paragraph (c) of subsection (1) of the following paragraph:

“(cA) conduct such enquiry as may be necessary to ascertain whether a rule of any code of practice, the compliance with which is in terms of section 14^{quat} obligatory for any person, is being complied with by that person;”.

Insertion of sections 23A and 23B in Act 33 of 1962.

4. (1) The following sections are hereby inserted in the principal Act after section 23:

“Incorporation of rules or provisions of codes of practice and specifications in laws.

23A. (1) The rules or provisions of any code of practice, standard specification or compulsory standard specification framed under this Act after the commencement of the Standards Amendment Act, 1977, and published in the *Gazette*, may be incorpo-

WET

Tot wysiging van die Wet op Standaarde, 1962, om voorsiening te maak vir die bekendmaking van spesifikasies en praktykreëls; die insluiting in praktykreëls van 'n bepaling wat sekere persone verplig om in sekere omstandighede aan sekere reëls van praktykreëls te voldoen; die instelling deur die raad van 'n sekere ondersoek; die inlywing deur verwysing van die reëls of bepalings van praktykreëls, standaardspesifikasies en verpligte standaardspesifikasies; die vestiging in die raad van die outeursreg in sekere letterkundige of artistieke werke; en om die lang titel van genoemde Wet te vervang; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Junie 1977.)

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

1. Artikel 3 van die Wet op Standaarde, 1962 (hieronder die Hoofwet genoem), word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:

„(b) om spesifikasies en praktykreëls te berei, op te stel, te verander of te wysig en op 'n wyse wat hy goedvind, bekend te maak;”.

Wysiging van artikel 3 van Wet 33 van 1962, soos gewysig deur artikel 1 van Wet 72 van 1964, artikel 1 van Wet 77 van 1970 en artikel 2 van Wet 59 van 1976.

2. Die volgende artikel word hierby in die Hoofwet na artikel 14ter ingevoeg:

Invoeging van artikel 14quat in Wet 33 van 1962.

„Praktykreëls kan sekere bepaling bevat.

14quat. Praktykreëls kan 'n bepaling bevat wat voldoening aan 'n vermelde reël verpligtend maak vir iemand wat beweer, voorgee of daarop aanspraak maak dat aan daardie reël in verband met die konstruksie, installasie, toets, werking of aanwending van enige artikel, apparaat, werktuig, middel of proses voldoen is, word of sal word.”.

3. Artikel 19 van die Hoofwet word hierby gewysig deur na paragraaf (c) van subartikel (1) die volgende paragraaf in te voeg:

„(cA) die ondersoek wat nodig is, instel ten einde vas te stel of iemand voldoen aan 'n reël van enige praktykreëls, die voldoening waaraan vir daardie persoon verpligtend is ingevolge artikel 14quat;”.

Wysiging van artikel 19 van Wet 33 van 1962, soos gewysig deur artikel 9 van Wet 59 van 1976.

4. (1) Die volgende artikels word hierby in die Hoofwet na artikel 23 ingevoeg:

Invoeging van artikels 23A en 23B in Wet 33 van 1962.

„Inlywing in wette van reëls of bepalings van praktykreëls en spesifikasies.

23A. (1) Die reëls of bepalings van enige praktykreëls, standaardspesifikasie of verpligte standaardspesifikasie wat na die inwerkingtreding van die Wysigingswet op Standaarde, 1977, kragtens hierdie Wet opgestel is en in die *Staatskoerant* bekend gemaak is, kan in enige wet ingelyf word sonder om

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rated in any law without stating the particulars of the said rules or provisions—

- (a) by identifying the code of practice or specification in question—
 - (i) by referring to its title, number and date; or
 - (ii) in the absence of any such particulars, by any other means; and
- (b) by referring to the number and date of the notice whereby publication has been effected in the *Gazette*.

(2) Whenever any code of practice or specification incorporated under subsection (1) has at any time after such incorporation been amended or substituted under this Act, and particulars of any such amendment or substitution have been published in the *Gazette*, it shall be deemed that any law incorporating the rules or provisions of the code or specification in question in accordance with the provisions of subsection (1), refers, as from the date of the said publication, to the rules or provisions of the code of practice or specification in question as so amended or substituted.

(3) If any code of practice, standard specification or compulsory standard specification incorporates the rules or provisions of any other such code of practice or specification without stating the particulars of such rules or provisions and the rules or provisions of such first-mentioned code of practice or specification are incorporated in terms of subsection (1) in any law (except any Act of Parliament) such first-mentioned incorporation shall for the purposes of such law only be valid if the rules or provisions to which such first-mentioned incorporation relates have been clearly identified in the first-mentioned code of practice or specification and have been published in the *Gazette*.

Copyright
in certain
works to
vest in
council.

23B. (1) The provisions of section 39 of the Copyright Act, 1965 (Act No. 63 of 1965), shall *mutatis mutandis* apply in respect of any original literary or artistic work first published in the Republic or made under the direction or control of the council, and for the purposes of such application a reference to 'Government' or 'State' shall be construed as a reference to the council.

(2) The provisions of subsection (1) shall also apply in respect of any work contemplated therein, made or published as so contemplated before the commencement of the Standards Amendment Act, 1977, and the copyright in any such work shall as from such commencement vest in the council."

(2) The provisions of subsection (1), in so far as they relate to the insertion of section 23A in the principal Act, shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Amendment of
section 25 of
Act 33 of 1962,
as amended by
section 11 of
Act 59 of 1976.

5. Section 25 of the principal Act is hereby amended by—

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

"(aB) fails to comply with any rule of any code of practice the compliance with which is obligatory for him in terms of section 14*quat*;"
- (b) the substitution for paragraph (i) of subsection (1) of the following paragraph:

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

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die besonderhede van gemelde reëls of bepalings te vermeld—

(a) deur die betrokke praktykreëls of spesifikasie te identifiseer—

(i) deur te verwys na die titel, nommer en datum daarvan; of

(ii) by ontstentenis van sodanige besonderhede, op enige ander wyse; en

(b) deur te verwys na die nommer en datum van die kennisgewing waardeur bekendmaking in die *Staatskoerant* bewerkstellig is.

(2) Wanneer enige praktykreëls of spesifikasie ingevolge subartikel (1) ingelyf te eniger tyd na bedoelde inlywing kragtens hierdie Wet gewysig of vervang is en besonderhede van sodanige wysiging of vervanging in die *Staatskoerant* bekend gemaak is, word dit geag dat enige wet wat die reëls of bepalings van die betrokke praktykreëls of spesifikasie ooreenkomstig die bepalings van subartikel (1) inlyf, vanaf die datum van bedoelde bekendmaking verwys na die reëls of bepalings van die betrokke praktykreëls of spesifikasie soos aldus gewysig of vervang.

(3) Indien enige praktykreëls, standaardspesifikasie of verpligte standaardspesifikasie die reëls of bepalings van enige ander sodanige praktykreëls of spesifikasie inlyf sonder om die besonderhede van daardie reëls of bepalings te vermeld, en die reëls of bepalings van eersgenoemde praktykreëls of spesifikasie ingevolge subartikel (1) by enige wet (uitgesonderd 'n Wet van die Parlement) ingelyf word, is eersbedoelde inlywing by die toepassing van genoemde wet slegs geldig indien die reëls of bepalings waarop eersbedoelde inlywing betrekking het duidelik in eersgenoemde praktykreëls of spesifikasie geïdentifiseer is en in die *Staatskoerant* bekend gemaak is.

Outeursreg
in sekere
werke berus
by raad.

23B. (1) Die bepalings van artikel 39 van die Wet op Outeursreg, 1965 (Wet No. 63 van 1965), is *mutatis mutandis* van toepassing ten opsigte van enige oorspronklike letterkundige of artistieke werk vir die eerste keer in die Republiek gepubliseer of gemaak onder die opdrag of beheer van die raad, en vir die doeleindes van sodanige toepassing word 'n verwysing na 'Regering' of 'Staat' uitgelê as 'n verwysing na die raad.

(2) Die bepalings van subartikel (1) is ook van toepassing ten opsigte van enige werk daarin beoog, gemaak of gepubliseer soos aldus beoog voor die inwerkingtreding van die Wysigingswet op Standdaarde, 1977, en die outeursreg in enige sodanige werk berus vanaf bedoelde inwerkingtreding in die raad."

(2) Die bepalings van subartikel (1), in soverre dit betrekking het op die invoeging van artikel 23A in die Hoofwet, tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

5. Artikel 25 van die Hoofwet word hierby gewysig deur—

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

„(aB) versuim om te voldoen aan 'n reël van enige praktykreëls die voldoening waaraan vir hom ingevolge artikel 14 *quat* verpligtend is;"; en

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

„(i) in die geval van 'n misdryf vermeld in paragrawe (a); (aA) en (aB), met 'n boete van hoogstens vierhonderd rand of met gevangenisstraf vir 'n

Wysiging van
artikel 25 van
Wet 33 van 1962,
soos gewysig deur
artikel 11 van
Wet 59 van 1976.

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exceeding two years, or to both such fine and such imprisonment;”.

Substitution of long title of Act 33 of 1962, as substituted by section 12 of Act 59 of 1976.

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

“ACT

To consolidate and amend the laws providing for the promotion of the standardization of commodities and the manufacture, production, processing or treatment thereof, and for the establishment of the South African Bureau of Standards; to provide for the 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 incorporation by reference of the rules or provisions of codes of practice, standard specifications and compulsory standard specifications; for the promotion of uniformity in the building regulations or by-laws of local authorities; and for matters incidental thereto.”.

Short title.

7. This Act shall be called the Standards Amendment Act, 1977.

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tydperk van hoogstens twee jaar, of met sodanige boete sowel as sodanige gevangenisstraf;”.

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

„WET

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 'n Suid-Afrikaanse Buro vir Standaarde; om 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 inlywing deur verwysing van die reëls of bepalings van praktykreëls, standaardspesifikasies en verpligte standaardspesifikasies; vir die bevordering van eenvormigheid in die bouregulasies of -verordeninge van plaaslike besture; en vir aangeleenthede wat daarmee in verband staan.”.

Vervanging van lang titel van Wet 33 van 1962, soos vervang deur artikel 12 van Wet 59 van 1976.

7. Hierdie Wet heet die Wysigingswet op Standaarde, 1977.

Kort titel.

