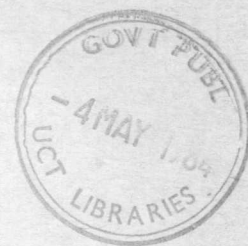


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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

PRYS (AVB ingesluit 30c PRICE (GST included)

— BUITELANDS 40c ABROAD

— POSVRY · POST FREE

VOL. 226

KAAPSTAD, 18 APRIL 1984

No. 9183

CAPE TOWN, 18 APRIL 1984

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 751.

18 April 1984

No. 751.

18 April 1984

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

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

No. 50 van 1984: Wysigingswet op Standaarde, 1984.

No. 50 of 1984: Standards Amendment Act, 1984.

Wet No. 50, 1984

WYSIGINGSWET OP STANDAARDE, 1984

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Standaarde, 1982, ten einde die oorplasing van sekere amptenare en werknemers van die Wetenskaplike en Nywerheidsnavorsingsraad na die personeel van die Raad van die Suid-Afrikaanse Buro vir Standaarde te reël; die aanwending van die fondse van laasgenoemde Raad verder te reël; die werksaamhede van laasgenoemde Raad in verband met die ondersoek van sekere kommoditeite waarvoor of vir die vervaardiging waarvan 'n verpligte spesifikasie van krag is, uit te brei; die reg van 'n handelaar om die feit bekend te maak dat 'n standaardmerk aangebring is op 'n kommoditeit wat hy verkoop, beter te reël; aan laasgenoemde Raad die bevoegdheid te verleen om spesifikasies, gebruikskodes of standaardmetodes te beskryf met verwysing na spesifikasies, gebruikskodes of standaardmetodes wat deur sekere buitelandse of internasionale liggame uitgereik is; die inlywing in wette van bepalinge wat in spesifikasies of standaardmetodes voorkom, te reël; die uitvoering van sekere ooreenkomste aangegaan ter bevordering van standaardisasie verder te reël; en die bevoegdheid van die Minister van Nywerheidswese, Handel en Toerisme om regulasies uit te vaardig, uit te brei; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 30 Maart 1984.)

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

Invoeging van
artikel 9A in
Wet 30 van 1982.

1. Die volgende artikel word hierby in die Wet op Standaarde, 1982 (hieronder die Hoofwet genoem), na artikel 9 ingevoeg:

- “Oorplasing van sekere persone na personeel van raad. **9A.** (1) Iemand wat onmiddellik voor die inwerkingtreding van die Wysigingswet op Standaarde, 1984—
- (a) 'n amptenaar of werknemer is van die Wetenskaplike en Nywerheidsnavorsingsraad vermeld in artikel 2 van die Wet op die Wetenskaplike Navorsingsraad, 1962 (Wet No. 32 van 1962) (hieronder die navorsingsraad genoem);
 - (b) werksaam is in die laboratorium van die navorsingsraad by die steenkoolleindpunt op Richardsbaai; en
 - (c) afgestaan is aan die diens van die raad, word met behoud van diensvoorwaardes (met inbegrip van besoldiging) wat nie minder gunstig is nie as dié wat toe ten opsigte van hom gegeld het, by sodanige inwerkingtreding na die diens van die raad as 'n lid van sy personeel oorgeplaas, en word geag ingevolge artikel 9 (1) (b) as so 'n lid aangestel te wees.

STANDARDS AMENDMENT ACT, 1984

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GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Standards Act, 1982, so as to regulate the transfer of certain officers and employees of the Council for Scientific and Industrial Research to the staff of the Council of the South African Bureau of Standards; to further regulate the utilization of the funds of the latter Council; to extend the functions of the latter Council in connection with the examination of certain commodities for which or the manufacture of which a compulsory specification is in force; to better regulate the right of a trader to make known the fact that a standardization mark has been applied to a commodity sold by him; to empower the latter Council to describe specifications, codes of practice or standard methods with reference to specifications, codes of practice or standard methods issued by certain foreign or international bodies; to regulate the incorporation in laws of provisions occurring in specifications or standard methods; to further regulate the implementation of certain agreements entered into with a view to the promotion of standardization; and to extend the power of the Minister of Industries, Commerce and Tourism to make regulations; and to provide for incidental matters.

(Afrikaans text signed by the State President.)

(Assented to 30 March 1984.)

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

1. The following section is hereby inserted in the Standards Act, 1982 (hereinafter referred to as the principal Act), after section 9:

Insertion of section 9A in Act 30 of 1982.

“Transfer of certain persons to staff of council.

9A. (1) Any person who immediately before the commencement of the Standards Amendment Act, 1984—

(a) is an officer or employee of the Council for Scientific and Industrial Research mentioned in section 2 of the Scientific Research Council Act, 1962 (Act No. 32 of 1962) (hereinafter referred to as the research council);

(b) is employed in the laboratory of the research council at the coal terminal at Richards Bay; and

(c) is seconded to the service of the council, shall, with the retention of conditions of service (including remuneration) which are not less favourable than those which then applied in respect of him, at such commencement be transferred to the service of the council as a member of its staff, and shall be deemed to be appointed as such a member in terms of section 9 (1) (b).

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(2) Die besoldiging en die toelaes, bonusse, subsidies of ander soortgelyke voordele wat aan 'n lid in subartikel (1) bedoel, betaalbaar is, word geag ingevolge subartikel (5) of, in die geval van bedoelde toelaes, bonusse, subsidies of ander soortgelyke voordele (indien daar is), subartikel (6) van artikel 9 goedgekeur te wees.

(3) Enige diens wat deur 'n lid in subartikel (1) bedoel as 'n amptenaar of werknemer van die navorsingsraad verrig is, word geag diens te wees wat deur hom as 'n lid van die personeel van die raad verrig is, en enige verlof-, pensioen- of ander voordele wat ten gunste van so 'n lid op grond van sy diens by die navorsingsraad verkry is, word geag ten gunste van hom op grond van diens by die raad verkry te wees."

Wysiging van
artikel 10 van
Wet 30 van 1982.

2. Artikel 10 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van die voorbehoudsbepaling by subartikel (2) deur die volgende paragraaf te vervang:

"(a) enige bedrag of gedeelte van 'n bedrag wat vir 'n besondere doel in verband met 'n bepaalde aangeleentheid aldus aangewend moet word, vir enige ander doel in verband met **[daardie aangeleentheid]** die verrigting van sy werksaamhede kan aangewend;" en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

"(3) (a) Die raad—
(i) moet in elke boekjaar voor of op 'n datum wat die Minister, hetsy in die algemeen of ten opsigte van 'n bepaalde boekjaar, bepaal 'n staat van sy geraamde inkomste en uitgawes gedurende die volgende boekjaar;
(ii) kan ten opsigte van bykomende uitgawes in 'n boekjaar in verband met die verrigting van sy werksaamhede 'n aanvullende staat van sy geraamde uitgawes ten opsigte van daardie boekjaar,

aan die Minister voorlê vir sy goedkeuring, verleen met die instemming van die Minister van Finansies.

(b) Die raad gaan geen uitgawes aan wat kan meebring dat die totale bedrag wat kragtens paragraaf (a) goedgekeur is, oorskry word nie."

Wysiging van
artikel 12 van
Wet 30 van 1982.

3. Artikel 12 van die Hoofwet word hierby gewysig deur in subartikel (2) die woord "en" aan die einde van paragraaf (e) te skrap en na genoemde paragraaf (e) die volgende paragrawe in te voeg:

"(eA) 'n ooreenkoms met iemand aangaan—

(i) wat buite die Republiek 'n kommoditeit vervaardig waarvan 'n besending of lot vir invoer in die Republiek bestem is en waarvoor of vir die vervaardiging waarvan 'n verpligte spesifikasie van krag is, waarin voorsiening gemaak word dat die raad—

(aa) die besending of lot van die kommoditeit of enige komponent, materiaal of stof in of op die perseel waarin of waarop die kommoditeit vervaardig word;

(bb) enige werksaamheid of proses wat in of op die betrokke perseel in verband met die besending of lot van die kommoditeit voortgesit word,

deur iemand en op die wyse in die ooreenkoms vermeld, kan laat ondersoek;

(ii) waarin voorsiening gemaak word dat so iemand op

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(2) The remuneration and the allowances, bonuses, subsidies and other similar benefits payable to a member referred to in subsection (1) shall be deemed to be approved in terms of subsection (5) or, in the case of such allowances, bonuses, subsidies and other similar benefits (if any), subsection (6) of section 9.

(3) Any service performed by a member referred to in subsection (1) as an officer or employee of the research council, shall be deemed to be service performed by him as a member of the staff of the council, and any leave, pension or other benefits which may have accrued in favour of any such member by virtue of his service with the research council, shall be deemed to have accrued in his favour by virtue of service with the council."

2. Section 10 of the principal Act is hereby amended—

Amendment of
section 10 of
Act 30 of 1982.

(a) by the substitution for paragraph (a) of the proviso to subsection (2) of the following paragraph:

"(a) may utilize any amount or portion of an amount required to be so utilized for a particular purpose in connection with a specified matter, for any other purpose in connection with [that matter] the performance of its functions;"; and

(b) by the substitution for subsection (3) of the following subsection:

"(3) (a) The council—
(i) shall in each financial year before or on a date determined by the Minister, whether generally or in respect of any particular financial year, submit a statement of its estimated income and expenditure during the next financial year;

(ii) may in respect of additional expenses in a financial year in connection with the performance of its functions submit a supplementary statement of its estimated expenditure in respect of that financial year,

to the Minister for his approval, granted with the concurrence of the Minister of Finance.

(b) The council shall not incur expenses which may result in the total amount approved under paragraph (a) being exceeded."

3. Section 12 of the principal Act is hereby amended by the deletion in subsection (2) of the word "and" at the end of paragraph (e) and the insertion after the said paragraph (e) of the following paragraphs:

Amendment of
section 12 of
Act 30 of 1982.

"(eA) enter into an agreement with any person—

(i) who manufactures outside the Republic any commodity of which a consignment or batch is intended for importation into the Republic for which or the manufacture of which a compulsory specification is in force, in which provision is made that the council may cause to be examined—

(aa) the consignment or batch of such commodity or any component, material or substance in or upon the premises in or upon which such commodity is manufactured;

(bb) any operation or process carried on in or upon the premises concerned in connection with the consignment or lot of such commodity,

by any person and in such manner as may be mentioned in such agreement;

(ii) in which provision is made that any such person

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Wysiging van
artikel 13 van
Wet 30 van 1982.

die voorwaardes wat die raad bepaal 'n ondersoek in subparagraaf (i) beoog, uitvoer; (eB) 'n sertifikaat ten opsigte van die besending of lot in paragraaf (eA) bedoel, uitreik waarin verklaar word dat daardie besending of lot van die betrokke kommoditeit voldoen aan of vervaardig is ooreenkomstig die verpligte spesifikasie; en". 5

4. Artikel 13 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang: 10

“(b) Enige bepaling van 'n beskrywing beoog in paragraaf (a) kan bestaan uit 'n blote verwysing na 'n gepaste bepaling wat voorkom—

(i) in 'n ander spesifikasie of 'n standaardspesifikasie, verpligte spesifikasie, gebruikskode of standaard-15 metode [voorkom]; of

(ii) in 'n spesifikasie, gebruikskode of standaardmetode van 'n aard in onderskeidelik paragraaf (a) van hierdie subartikel of artikel 18 (1) (a) of 19 (1) (a) bedoel wat uitgereik is deur 'n buitelandse of inter-20 nasionale liggaam wat enige oogmerke het wat soortgelyk aan 'n oogmerk van die buro is en wat die raad vir die doeleindes van 'n aldus beoogde bepaling geskik ag.”.

Wysiging van
artikel 15 van
Wet 30 van 1982.

5. Artikel 15 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (7) deur die volgende paragraaf te vervang: 25

“(a) kan 'n handelaar die feit adverteer of op 'n ander wyse bekend maak dat 'n standaardmerk aangebring is op 'n [vermelde] kommoditeit wat hy verkoop mits hy die30 handelsnaam of handelsmerk van die kommoditeit tegelykertyd in die betrokke advertensie of bekendmaking vermeld of vertoon; en”.

Wysiging van
artikel 17 van
Wet 30 van 1982.

6. Artikel 17 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (5) deur die volgende paragraaf te vervang: 35

“(b) (i) Indien 'n besending van 'n kommoditeit waarvoor of vir die vervaardiging waarvan 'n verpligte spesifikasie van krag is, in die Republiek ingevoer word, kan die Kommissaris van Doeane en Ak-40 syns, tensy hy oortuig is dat 'n sertifikaat in artikel 12 (2) (eB) bedoel ten opsigte van daardie besending uitgereik is, op versoek van die raad daardie besending [by die plek van binnekoms in 'n Staats-45 pakhuis] laat bewaar vir die doel van die ondersoek, toets of ontleding deur die buro van genoemde besending of enige deel daarvan ten einde te bepaal of die betrokke kommoditeit voldoen aan of vervaardig is ooreenkomstig daardie verpligte spesifikasie, al dan nie, totdat— 50

(aa) genoemde kommissaris deur die raad in kennis gestel word dat die besending vrygestel kan word; of

(bb) daar met genoemde besending ooreen-55 komstig paragraaf (c) gehandel word.

(ii) By die toepassing van subparagraaf (i) [aa] is die bepalinge van die Doeane- en Ak-60 synswet, 1964 (Wet No. 91 van 1964), met betrekking tot die bewaring van goedere [in 'n Staatspakhuis] *mutatis mutandis* van toepas- sing [en

(bb) beteken “plek van binnekoms” 'n plek krag- tens artikel 6 (1) van genoemde Wet aangewys of voorgeskryf as 'n klaringsplek vir die Repu-65 blik, of as 'n doeane- en aksynslughawe,

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shall carry out on such conditions as the council may determine an examination contemplated in subparagraph (i);

(eB) issue a certificate in respect of the consignment or batch referred to in paragraph (eA) in which it is declared that such consignment or batch of the commodity concerned complies with or has been manufactured in accordance with the compulsory specification; and”.

4. Section 13 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph: Amendment of section 13 of Act 30 of 1982.

“(b) Any provision of a description contemplated in paragraph (a) may consist of a mere reference to an appropriate provision occurring—

(i) in any other specification or any standard specification, compulsory specification, code of practice or standard method; or

(ii) in any specification, code of practice or standard method of a nature referred to in paragraph (a) of this subsection or section 18 (1) (a) or 19 (1) (a), respectively, issued by any foreign or international body having objects similar to any object of the bureau that the council may deem suitable for the purposes of any provision so contemplated.”.

5. Section 15 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (7) of the following paragraph: Amendment of section 15 of Act 30 of 1982.

“(a) a trader may advertise or otherwise make known the fact that a standardization mark has been applied to a **[stated]** commodity sold by him provided that he mentions or displays the trade name or trade mark of such commodity at the same time in the advertisement or notification concerned; and”.

6. Section 17 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (5) of the following paragraph: Amendment of section 17 of Act 30 of 1982.

“(b) (i) If a consignment of a commodity for which or the manufacture of which a compulsory specification is in force, is imported into the Republic, the Commissioner for Customs and Excise may, unless he is satisfied that a certificate referred to in section 12 (2) (eB) has been issued in respect of that consignment, at the request of the council cause that consignment to be secured **[in any State warehouse at the place of entry]** for the purpose of the examination, testing or analysis by the bureau of the said consignment or any part thereof in order to ascertain whether or not the commodity concerned complies with or has been manufactured in accordance with that compulsory specification, until—

(aa) the said commissioner is notified by the council that the consignment may be released; or
(bb) the said consignment is dealt with in accordance with paragraph (c).

(ii) For the purposes of subparagraph (i) **[(aa)]** the provisions of the Customs and Excise Act, 1964 (Act No. 91 of 1964), with regard to the securing of goods **[in a State warehouse]** shall *mutatis mutandis* apply **[and**

(bb) “place of entry” means a place appointed or prescribed under section 6 (1) of the said Act as a place of entry for the Republic, or as a

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Wysiging van
artikel 18 van
Wet 30 van 1982.

waardeur of waar goedere in die Republiek in-
gevoer of vir deurvoer of kusvervoer geland
kan word].”.

7. Artikel 18 van die Hoofwet word hierby gewysig deur para-
graaf (b) van subartikel (1) deur die volgende paragraaf te ver- 5

“(b) Enige bepaling van ’n beskrywing beoog in paragraaf
(a) kan bestaan uit ’n blote verwysing na ’n gepaste be-
paling wat voorkom—

(i) in ’n ander gebruikskode of ’n spesifikasie, stan- 10
daardspesifikasie, verpligte spesifikasie of stan-
daardmetode [**voorkom**]; of

(ii) in ’n gebruikskode, spesifikasie of standaardme-
tode van ’n aard in onderskeidelik paragraaf (a)
van hierdie subartikel of artikel 13 (1) (a) of 19 (1) 15
(a) bedoel wat uitgereik is deur ’n buitelandse of
internasionale liggaam wat enige oogmerke het
wat soortgelyk aan ’n oogmerk van die buro is en
wat die raad vir die doeleindes van ’n aldus
beoogde bepaling geskik ag.”. 20

Wysiging van
artikel 19 van
Wet 30 van 1982.

8. Artikel 19 van die Hoofwet word hierby gewysig deur para-
graaf (b) van subartikei (1) deur die volgende paragraaf te ver-
vang:

“(b) Enige bepaling van ’n beskrywing beoog in paragraaf
(a) kan bestaan uit ’n blote verwysing na ’n gepaste be- 25
paling wat voorkom—

(i) in ’n ander standaardmetode of ’n spesifikasie,
standaardspesifikasie, verpligte spesifikasie of ge-
bruikskode [**voorkom**]; of

(ii) in ’n standaardmetode, spesifikasie of gebruiks- 30
kode van ’n aard in onderskeidelik paragraaf (a)
van hierdie subartikel of artikel 13 (1) (a) of 18 (1)
(a) bedoel wat uitgereik is deur ’n buitelandse of
internasionale liggaam wat enige oogmerke het
wat soortgelyk aan ’n oogmerk van die buro is en 35
wat die raad vir die doeleindes van ’n aldus
beoogde bepaling geskik ag.”.

Vervanging van
artikel 33 van
Wet 30 van 1982.

9. Artikel 33 van die Hoofwet word hierby deur die volgende
artikel vervang:

“Inlywing in 33. (1) Enige bepaling wat voorkom in ’n spesifika- 40
wette van
spesifika-
sies, stan-
daardspesi-
fikasies,
gebruiks-
kodes en
standaard-
metodes.
sie, standaardspesifikasie, [**verpligte spesifikasie of**]
gebruikskode of standaardmetode wat in die Staats-
koerant gepubliseer is, kan sonder om die besonder-
hede van so ’n bepaling te vermeld, in enige wet in-
gelyf word— 45

(a) deur die betrokke bepaling te identifiseer [**deur**
verwysing na sy nommer]; en
(b) deur die spesifikasie, standaardspesifikasie, [**ver-**
pligte spesifikasie of] gebruikskode of standaard-
metode waarin die betrokke bepaling voorkom, 50
te identifiseer—

(i) deur verwysing na die titel, nommer en jaar
van uitreiking daarvan; of

(ii) by ontstentenis van sodanige besonderhede,
op enige ander wyse; en 55

(c) deur te verwys na die nommer en datum van die
kennisgewing waarby publikasie van daardie
spesifikasie, standaardspesifikasie, [**verpligte**
spesifikasie of] gebruikskode of standaardme-
tode in die Staatskoerant geskied het. 60

(2) Waar ’n bepaling wat in ’n spesifikasie, ’n stan-
daardspesifikasie, [**verpligte spesifikasie of**] gebruiks-

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customs and excise airport, through which or where goods may be imported into the Republic or be landed for transit or coastwise carriage].”

- 5 7. Section 18 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph: Amendment of section 18 of Act 30 of 1982.

“(b) Any provision of a description contemplated in paragraph (a) may consist of a mere reference to an appropriate provision occurring—

- 10 (i) in any other code of practice or any specification, standard specification, compulsory specification or standard method; or
- 15 (ii) in any code of practice, specification or standard method of a nature referred to in paragraph (a) of this subsection or section 13 (1) (a) or 19 (1) (a), respectively, issued by a foreign or international body having objects similar to any object of the bureau that the council may deem suitable for the
- 20 purposes of any provision so contemplated.”

8. Section 19 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph: Amendment of section 19 of Act 30 of 1982.

“(b) Any provision of a description contemplated in paragraph (a) may consist of a mere reference to an appropriate provision occurring—

- 25 (i) in any other standard method or any specification, standard specification, compulsory specification or code of practice; or
- 30 (ii) in any standard method, specification or code of practice of a nature referred to in paragraph (a) of this subsection or section 13 (1) (a) or 18 (1) (a), respectively, issued by a foreign or international body having objects similar to any object of the
- 35 bureau that the council may deem suitable for the purposes of any provision so contemplated.”

9. The following section is hereby substituted for section 33 of the principal Act: Substitution of section 33 of Act 30 of 1982.

40 “Incorporation in laws of specifications, standard specifications, codes of practice and standard methods.

33. (1) Any provision occurring in a specification, standard specification, [compulsory specification or] code of practice or standard method published in the *Gazette* may without stating the particulars of such a provision be incorporated in any law—

- 45 (a) by identifying the provision concerned **[by reference to its number]**; and
- (b) by identifying the specification, standard specification, [compulsory specification or] code of practice or standard method in which the provision concerned occurs—
- 50 (i) by reference to its title, number and year of issue; or
- (ii) in the absence of such particulars, by any other means; and
- 55 (c) by referring to the number and date of the notice whereby publication of that specification, standard specification, [compulsory specification or] code of practice or standard method was effected in the *Gazette*.

60 (2) Where a provision occurring in a specification, standard specification, [compulsory specification or]

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kode of standaardmetode voorkom en ingevolge subartikel (1) in 'n wet ingelyf is, te eniger tyd na inlywing soos voormeld, gewysig word en kennisgewing van die wysiging ooreenkomstig artikel 13 (3), 15 (2) (b), **[16 (6) of]** 18 (3) (b) of 19 (3) (b) in die *Staatskoerant* gepubliseer is, word die betrokke wet geag, vanaf die datum waarop publikasie aldus geskied het, te verwys na daardie bepaling soos gewysig.

(3) Waar 'n bepaling wat in 'n spesifikasie, standaardspesifikasie, **[verpligte spesifikasie of]** gebruikskode of standaardmetode voorkom en ingevolge subartikel (1) in 'n wet, uitgesonderd 'n Wet van die Parlement, ingelyf is, bestaan uit 'n blote verwysing na 'n bepaling wat in die een of ander spesifikasie, standaardspesifikasie, **[verpligte spesifikasie,]** gebruikskode of standaardmetode, of in 'n spesifikasie, gebruikskode of standaardmetode bedoel in artikel 13 (1) (b) (ii), 18 (1) (b) (ii) of 19 (1) (b) (ii), na gelang van die geval, voorkom, is die inlywing soos voormeld by die toepassing van so 'n wet slegs 20 geldig indien die bepaling waarna aldus verwys word, duidelik in eersgenoemde bepaling geïdentifiseer en in die *Staatskoerant* gepubliseer is.

(4) 'n Kennisgewing in die *Staatskoerant* wat aan die vereistes van artikel 13 (3), 14 (3) (b), 15 (2) (b), 25 18 (3) (b) of 19 (3) (b) voldoen, word by die toepassing van subartikels (1), (2) en (3) van hierdie artikel alleen as behoorlike en voldoende publikasie in die *Staatskoerant* beskou indien die betrokke kennisgewing ook die adresse van die buro se kantore waar 30 eksemplare van die volledige teks van die betrokke spesifikasie, standaardspesifikasie, gebruikskode of standaardmetode of wysiging daarvan verkrygbaar is, vermeld.

(5) Waar 'n bepaling wat in 'n spesifikasie, standaardspesifikasie, **[of]** gebruikskode of standaardmetode voorkom, ingevolge subartikel (1) in 'n wet ingelyf is, moet die Staatsdepartement, plaaslike owerheid of ander instelling of liggaam wat verantwoordelik is vir of betrokke is by die uitvoering van 40 die aldus ingelyfde bepaling, 'n eksemplaar, wat deur die raad heet uitgereik te wees, van die volledige teks van—

(a) die betrokke spesifikasie, standaardspesifikasie, **[of]** gebruikskode of standaardmetode en elke 45 wysiging daarvan; en

(b) elke spesifikasie, standaardspesifikasie, gebruikskode of standaardmetode waarvan 'n bepaling wat daarin voorkom in eersgenoemde spesifikasie, standaardspesifikasie, **[of]** gebruikskode of 50 standaardmetode ingelyf is, en elke wysiging daarvan,

by elk van sy kantore waar of vanwaar die uitvoering van die ingevolge subartikel (1) ingelyfde bepaling onderneem word, ter kostelose insae beskikbaar 55 hou: Met dien verstande dat die blote feit dat die regspleging of die handhawing van wet en orde aan 'n Staatsdepartement of beamptes van 'n Staatsdepartement toevertrou is, nie uitgelê word as sou dit beteken dat daardie departement verantwoordelik is 60 vir of betrokke is by die uitvoering van laasgenoemde bepaling nie.

(6) Geen strafregtelike vervolging word teen enige persoon ingestel op 'n aanklag dat hy 'n bepaling van 'n wet aangaande 'n bepaling wat in 'n spesifikasie, 65

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code of practice or standard method and incorporated in any law in terms of subsection (1), is at any time amended after incorporation as aforesaid and notice of the amendment has been published in the *Gazette* in accordance with section 13 (3), 15 (2) (b), **[16 (6) or]** 18 (3) (b) or 19 (3) (b), the law concerned shall, from the date upon which publication was so effected, be deemed to refer to that provision as amended.

(3) Where a provision occurring in a specification, standard specification, **[compulsory specification or]** code of practice or standard method and incorporated in any law, other than an Act of Parliament, in terms of subsection (1), consists of a mere reference to a provision occurring in some specification, standard specification, **[compulsory specification,]** code of practice or standard method, or in some specification, code of practice or standard method referred to in section 13 (1) (b) (ii), 18 (1) (b) (ii) or 19 (1) (b) (ii), as the case may be, the incorporation as aforesaid shall for the purposes of such a law be valid only if the provision so referred to was clearly identified in the first-mentioned provision and published in the *Gazette*.

(4) A notice in the *Gazette* complying with the requirements of section 13 (3), 14 (3) (b), 15 (2) (b), 18 (3) (b) or 19 (3) (b), shall for the purposes of subsections (1), (2) and (3) of this section only be regarded as due and sufficient publication in the *Gazette* if the notice concerned also states the addresses of the offices of the bureau where copies of the full text of the specification, standard specification, code of practice or standard method concerned or any amendment thereof are obtainable.

(5) Where any provision occurring in any specification, standard specification, **[or]** code of practice or standard method has been incorporated in any law in terms of subsection (1), the State department, local authority or other institution or body responsible for or involved in the administration of the provision so incorporated shall keep available for free inspection a copy, purporting to have been issued by the council, of the full text of—

- (a) the specification, standard specification, **[or]** code of practice or standard method concerned and every amendment thereof; and
- (b) every specification, standard specification, code of practice or standard method of which a provision occurring therein has been incorporated in the first-mentioned specification, standard specification, **[or]** code of practice or standard method and every amendment thereof,

at each of its offices where or from where the administration of the provision incorporated in terms of subsection (1) is undertaken: Provided that the mere fact that the administration of justice or the maintenance of law and order is entrusted to a State department or to officers of a State department shall not be construed as meaning that that department is responsible for or involved in the administration of the latter provision.

(6) No criminal prosecution shall be instituted against any person on any charge of his having contravened or failed to comply with any provision of a

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- standaardspesifikasie, **[of]** gebruikskode of standaardmetode voorkom en wat ingevolge subartikel (1) in daardie wet ingelyf is, oortree het of versuim het om daaraan te voldoen nie, tensy die betrokke Staatsdepartement, plaaslike owerheid of ander instelling of liggaam in subartikel (5) beoog, in elke geval 'n eksemplaar, wat deur die raad heet uitgereik te wees, van elke toepaslike dokument wat hy ingevolge daardie subartikel ter kostelose insae beskikbaar moet hou, aan die betrokke prokureur-generaal of staatsaanklaer verstrek het.
- (7) Die eksemplare van die toepaslike dokumente wat ooreenkomstig subartikel (6) aan 'n prokureur-generaal of staatsaanklaer verstrek is, is by blote voorlegging daarvan by strafregtelike verrigtinge teen die betrokke persoon wat verskyn op enige aanklag beoog in daardie subartikel, *prima facie*-bewys van die inhoud van 'n betrokke spesifikasie, standaardspesifikasie, gebruikskode of standaardmetode of 'n wysiging daarvan."
10. Artikel 35 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
- "(1) Vir die doeleindes van die uitvoering van 'n ooreenkoms wat tussen die Regering van die Republiek en die regering van 'n ander land of gebied of enige buitelandse of internasionale liggaam met die oog op die bevordering van standaardisasie aangegaan is, kan die **[buro]** raad in die Republiek of in so 'n land of gebied en ten behoeve van **[die]** so 'n regering **[daarvan]** of **['n]** liggaam **[daarin]** die werksaamhede verrig wat in die betrokke ooreenkoms uiteengesit of daarkragtens bepaal word."
11. Artikel 36 van die Hoofwet word hierby gewysig deur in subartikel (1) die volgende paragraaf by te voeg:
- "(g) die verrigting van die raad se werksaamhede ter uitvoering van 'n ooreenkoms in artikel 35 bedoel."
12. Hierdie Wet heet die Wysigingswet op Standaarde, 1984, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Wysiging van
artikel 35 van
Wet 30 van 1982.

Wysiging van
artikel 36 van
Wet 30 van 1982.

Kort titel en
inwerkingtreding.

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5 law relating to any provision occurring in any speci-
fication, standard specification, **[or]** code of practice
or standard method and incorporated in that law in
terms of subsection (1), unless the State department,
local authority or other institution or body concerned
and contemplated in subsection (5) has in every case
furnished to the attorney-general or public prosecu-
tor concerned a copy, purporting to have been issued
by the council, of each relevant document which it is
10 in terms of that subsection required to keep available
for free inspection.

15 (7) The copies of the relevant documents furnished
to an attorney-general or a public prosecutor in
accordance with subsection (6) shall on their mere
production at criminal proceedings against the per-
son concerned appearing on any charge contem-
plated in that subsection be *prima facie* proof of the
contents of any specification, standard specification,
code of practice, or standard method concerned or
20 an amendment thereof.”.

10. Section 35 of the principal Act is hereby amended by the
substitution for subsection (1) of the following subsection: Amendment of
section 35 of
Act 30 of 1982.

25 “(1) For the purposes of implementing an agreement en-
tered into by the Government of the Republic and the gov-
ernment of any other country or territory or any foreign or
international body with a view to the promotion of stan-
dardization, the **[bureau]** council may in the Republic or in
such a country or territory and on behalf of **[its]** such a gov-
ernment or **[any]** body **[therein]**, perform the functions set
30 out in the agreement concerned or determined there-
under.”.

11. Section 36 of the principal Act is hereby amended by the
addition in subsection (1) of the following paragraph: Amendment of
section 36 of
Act 30 of 1982.

35 “(g) the performance of the council’s functions in imple-
menting an agreement referred to in section 35,”.”.

12. This Act shall be called the Standards Amendment Act, Short title and
commencement.
1984, and shall come into operation on a date fixed by the State
President by proclamation in the *Gazette*.

- law relating to any provision occurring in any specification, standard specification, [any] code of practice or standard method and incorporated in that law in terms of subsection (1), unless the State department, local authority or other institution or body concerned and contemplated in subsection (2) has in every case furnished to the attorney-general or public prosecutor concerned a copy, purporting to have been issued by the council, of each relevant document which it is in terms of that subsection required to keep available for free inspection.
- (7) The copies of the relevant documents furnished to an attorney-general or a public prosecutor in accordance with subsection (6) shall on their mere production at criminal proceedings against the person concerned appearing on any charge contained in that subsection be prima facie proof of the contents of any specification, standard specification, code of practice or standard method concerned or an amendment thereof."
10. Section 35 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:—
 "(1) For the purposes of implementing an agreement entered into by the Government of the Republic and the government of any other country or territory or any foreign or international body with a view to the promotion of standardization, the [bureau] council may in the Republic or in such a country or territory and on behalf of [its] such a government or [any] body [therein], perform the functions set out in the agreement concerned or determined thereunder."
11. Section 36 of the principal Act is hereby amended by the addition in subsection (1) of the following paragraph:—
 "(a) the performance of the council's functions in implementing an agreement referred to in section 35."
12. This Act shall be called the Standards Amendment Act, 1984, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.

Short title and
commencement

Amendment of
section 35 of
Act 30 of 1982

Amendment of
section 36 of
Act 30 of 1982

