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KANTOOR VAN DIE PRESIDENT

OFFICE OF THE PRESIDENT

No. 2117. 9 Desember 1994

No. 2117. 9 December 1994

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

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

No. 42 van 1994: Wysigingswet op Handelsmetrologie, 1994.

No. 42 of 1994: Trade Metrology Amendment Act, 1994.

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot wysiging van die Wet op Handelsmetrologie, 1973, ten einde sekere woordomsrywings in te voeg, te skrap of te wysig; voorsiening te maak vir verifikasiestandaarde en die inspektering en toetsing van meetinstrumente wat deur verifikasiebeamptes gebruik word; die bepalings met betrekking tot geregistreeerde werktuigkundiges en die herstel, onderhoud, instandhouding en sertifisering van kontrakmeetinstrumente te skrap; die sertifisering, hersertifisering en herstel van meetinstrumente verder te reël; en die verkoop, verskaffing en gebruik van ongesertifiseerde meetinstrumente verder te reël; en om vir aangeleenthede in verband daarmee voorsiening te maak.

*(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 25 November 1994.)*

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 77 van 1973, soos gewysig deur artikel 1 van Wet 34 van 1975, artikel 1 van Wet 15 van 1990 en artikel 1 van Wet 17 van 1993

1. Artikel 1 van die Wet op Handelsmetrologie, 1973 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van “direkteur-generaal” te skrap;
- (b) deur die omskrywing van “geakkrediteerde laboratorium” deur die volgende omskrywing te vervang:

“ ‘geakkrediteerde laboratorium’ ’n laboratorium [wat] geakkrediteer soos beoog in artikel 3[(k)] (c) van die Wet op Standaarde, [1982 (Wet No. 30 van 1982)] 1993 (Wet No. 29 van 1993) [geakkrediteer is];”;
- (c) deur na die omskrywing van “geakkrediteerde laboratorium” die volgende omskrywing in te voeg:

“ ‘gespesifiseerde meetinstrument’ ’n meetinstrument van ’n klas of soort deur die direkteur gespesifiseer maar nie ’n meetinstrument wat ingevolge artikel 25 afgewys is nie;”;
- (d) deur die omskrywing van “geregistreeerde werktuigkundige” te skrap;
- (e) deur na die omskrywing van “handel” die volgende omskrywings in te voeg:

“ ‘herstel’, met betrekking tot ’n meetinstrument, enige werk uitgevoer op, of enige verstelling van, sodanige meetinstrument ten einde dit te herstel tot of in stand te hou in ’n sertifiseerbare toestand maar nie werk uitgevoer op, of verstelling van, ’n gespesifiseerde meet-

GENERAL EXPLANATORY NOTE:

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

_____ Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Trade Metrology Act, 1973, so as to insert, delete or amend certain definitions; to make provision for verification standards and the inspection and testing of measuring instruments used by verification officers; to repeal the provisions with regard to registered mechanics and the repair, servicing, maintenance and certification of contract measuring instruments; to further regulate the certification, recertification and repair of measuring instruments; and to further regulate the sale, supply and use of uncertified measuring instruments; and to provide for matters connected therewith.

*(Afrikaans text signed by the President.)
(Assented to 25 November 1994.)*

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 77 of 1973, as amended by section 1 of Act 34 of 1975, section 1 of Act 15 of 1990 and section 1 of Act 17 of 1993

5 1. Section 1 of the Trade Metrology Act, 1973 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of “accredited laboratory” of the following definition:

10 “ ‘accredited laboratory’ means any laboratory accredited as contemplated in section 3**[(k)]** (c) of the Standards Act, **[1982 (Act No. 30 of 1982)]** 1993 (Act No. 29 of 1993);”;

(b) by the deletion of the definitions of “contract measuring instrument” and “director-general”;

15 (c) by the insertion after the definition of “prescribed purpose” of the following definition:

 “ ‘president’ means the president referred to in section 10 of the Standards Act, 1993 (Act No. 29 of 1993);”;

(d) by the deletion of the definition of “registered mechanic”;

20 (e) by the insertion after the definition of “regulation” of the following definitions;

 “ ‘repair’, in relation to any measuring instrument, means any work carried out on, or any adjustment made to, such measuring instrument in order to restore or maintain it in a certifiable condition but not work carried out on, or adjustment made to, a

- instrument nie indien sodanige werk of verstelling nie die metrol-
ogiese eienskappe of die akkuraatheid van sodanige meetinstru-
ment op enige wyse verander nie;
'hersteller', met betrekking tot 'n meetinstrument, enige persoon
wat so 'n meetinstrument herstel;";
- (f) deur die omskrywing van "kontrak meetinstrument" te skrap;
- (g) deur na die omskrywing van "ongesertifiseerd" die volgende omskry-
wing in te voeg:
" 'president' die president bedoel in artikel 10 van die Wet op
Standaarde, 1993 (Wet No. 29 van 1993);";
- (h) deur die omskrywing van "SABS-raad" deur die volgende omskrywing
te vervang:
" 'SABS-raad' die Raad van die Suid-Afrikaanse Buro vir Stan-
daarde [vermeld] bedoel in artikel [1] 6 van die Wet op Standaarde,
[1982] 1993 (Wet No. 29 van 1993);"; en
- (i) deur die omskrywing van "statutêre liggaam" deur die volgende
omskrywing te vervang:
" 'statutêre liggaam' 'n raad of liggaam van persone wat by of
kragtens 'n [Wet van die Parlement of 'n ordonnansie van 'n
provinsiale raad of van die Wetgewende Vergadering van die gebied
Suidwes-Afrika] wet ingestel is;".

**Wysiging van artikel 5 van Wet 77 van 1973, soos vervang deur artikel 5 van Wet
15 van 1990 en gewysig deur artikel 3 van Wet 17 van 1993**

2. Artikel 5 van die Hoofwet word hierby gewysig deur subartikel (2) deur die
volgende subartikel te vervang:
"(2) Die SABS-raad kan, onderworpe aan die voorwaardes wat hy oplê, 'n
bevoegdheid of plig aan hom verleen of opgelê by artikel 3 of 4, deleger of
opdra aan die [direkteur-generaal] president."

Invoeging van artikels 11A en 11B in Wet 77 van 1973

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

"Verifikasiestandaarde

11A. (1) 'n Geakkrediteerde laboratorium verskaf vir gebruik deur
'n verifikasiebeampte die meetstandaarde (in hierdie Wet verifikasie-
standaarde genoem) wat so 'n verifikasiebeampte nodig het ten einde
sy of haar pligte en werksaamhede ingevolge hierdie Wet te kan
uitvoer.

(2) Die waarde van 'n verifikasiestandaard moet, met inagneming van
die onnaukeurigheidspere wat by regulasie voorgeskryf is, ooreenkom
met die waarde aangedui deur die maatwaarde van daardie verifikasie-
standaard op die tydstip van die verifikasie daarvan.

(3) 'n Verifikasiestandaard vir die toets van massastukke wat vir 'n
voorgeskrewe doel gebruik word, moet, voordat dit in gebruik
geneem word en daarna binne die tussenposes wat by regulasie
voorgeskryf word, en enige ander verifikasiestandaard moet, voordat
dit in gebruik geneem word en daarna binne die tussenposes wat by
regulasie voorgeskryf word, geverifieer of herverifieer word, en
gesertifiseer word ooreenkomstig die standaard deur die direkteur
goedgekeur: Met dien verstande dat volume verifikasiestandaarde
wat van glas vervaardig is, binne die tussenposes wat die direkteur
goedvind herverifieer en gesertifiseer word.

**Meetinstrumente wat deur verifikasiebeamptes gebruik word, moet
geïnspekteer en getoets word**

11B. (1) Elke meetinstrument, behalwe 'n verifikasiestandaard, wat
deur 'n verifikasiebeampte by die uitvoering van sy of haar pligte en
werksaamhede ingevolge hierdie Wet gebruik word, moet, voordat

specified measuring instrument if such work or adjustment does not in any way change the metrological characteristics or the accuracy of such measuring instrument;

'repairer', in relation to a measuring instrument, means any person who repairs such instrument;"

(f) by the substitution for the definition of "SABS Council" of the following definition:

" 'SABS Council' means the Council of the South African Bureau of Standards [mentioned] referred to in section [1] 6 of the Standards Act, [1982] 1993 (Act No. 29 of 1993);";

(g) by the insertion after the definition of "sell" of the following definition:

" 'specified measuring instrument' means any measuring instrument of a class or kind specified by the director but not a measuring instrument which has been rejected in terms of section 25;"; and

(h) by the substitution for the definition of "statutory body" of the following definition:

" 'statutory body' means any board, council or body of persons established by or under any [Act of Parliament or any ordinance of any provincial council or of the Legislative Assembly of the territory of South West Africa] law;".

Amendment of section 5 of Act 77 of 1973, as substituted by section 5 of Act 15 of 1990 and amended by section 3 of Act 17 of 1993

2. Section 5 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The SABS Council may, subject to the conditions it may impose, delegate or assign to the [director-general] president any power or duty conferred or imposed on it by section 3 or 4."

Insertion of sections 11A and 11B in Act 77 of 1973

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

"Verification standards

11A. (1) An accredited laboratory shall provide for use by any verification officer such measuring standards (in this Act referred to as verification standards) as may be required by such verification officer for the purpose of carrying out his or her duties and functions under this Act.

(2) The value of any verification standard shall, with due allowance for such limits of error as may be prescribed by regulation, agree with the value signified by the denomination of such verification standard at the time of verification thereof.

(3) Any verification standard for the testing of masspieces used for any prescribed purpose shall, before being taken into use and thereafter at such intervals as may be prescribed by regulation, and any other verification standard shall, before being taken into use and thereafter at such intervals as may be prescribed by regulation, be verified or reverified, and certified accordingly with such standards as may be approved by the director: Provided that verification standards of volume made of glass shall be reverified and certified within such intervals as the director may deem fit.

Measuring instruments used by verification officers shall be inspected and tested

11B. (1) Every measuring instrument, other than any verification standard, used by any verification officer for the purposes of carrying out his or her duties and functions under this Act, shall be inspected

dit in gebruik geneem word en daarna binne die tussenposes wat by regulasie voorgeskryf word, geïnspekteer en getoets word, en elke sodanige inspeksie of toets word deur die geakkrediteerde laboratorium verantwoordelik vir die verskaffing van so 'n meetinstrument aan 'n verifikasiebeampte, aangeteken en bewaar.

(2) Geen meetinstrument bedoel in subartikel (1) word by die uitvoering van 'n plig of werksaamheid ingevolge hierdie Wet gebruik nie tensy dit by 'n inspeksie en toets bedoel in subartikel (1) voldoen aan die vereistes wat by regulasie ten opsigte van so 'n meetinstrument voorgeskryf word."

Vervanging van artikel 17 van Wet 77 van 1973, soos vervang deur artikel 4 van Wet 34 van 1975 en gewysig deur artikel 8 van Wet 17 van 1993

4. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:

"Inhoud van sekere beëdigde verklarings geag *prima facie*-bewys te wees

17. Indien die vraag by 'n vervolging weens 'n misdryf ingevolge hierdie Wet ontstaan of 'n meetinstrument wat nie ingevolge hierdie Wet gesertifiseer is nie, nie 'n meetinstrument is nie wat ingevolge artikel 18(2)(a) of 23 van sertifisering of hersertifisering vrygestel is, **[of van periodieke hersertifisering vrygestel is omdat dit 'n kontrakmeetinstrument is soos bedoel in artikel 19(1)(a)]** is 'n dokument wat voorgee 'n beëdigde verklaring te wees deur iemand wat in daardie beëdigde verklaring beweer—

(a) dat hy of sy die inspekteur in bevel is van die streekkantoor van metrologie vir die gebied waarin die betrokke meetinstrument gevind is;

(b) dat indien die betrokke meetinstrument 'n meetinstrument is wat ingevolge artikel 18(2)(a) of 23 van sertifisering of hersertifisering vrygestel is, **[of van periodieke hersertifisering vrygestel is omdat dit 'n kontrakmeetinstrument is soos bedoel in artikel 19(1)(a)]** dit in die gewone loop van sake tot sy of haar, die verklaarder se, kennis sou gekom het en 'n aantekening wat aan hom of haar beskikbaar is daarvan gehou sou gewees het; en

(c) dat daar nie so 'n aantekening daarvan is nie, by blote voorlegging daarvan by so 'n vervolging *prima facie*-bewys dat die betrokke meetinstrument nie 'n meetinstrument is nie wat ingevolge artikel 18(2)(a) of 23 van sertifisering of hersertifisering vrygestel is **[of van periodieke hersertifisering vrygestel is omdat dit 'n kontrakmeetinstrument is soos bedoel in artikel 19(1)(a)]**."

Wysiging van artikel 19 van Wet 77 van 1973, soos gewysig deur artikel 5 van Wet 34 van 1975 en artikel 10 van Wet 17 van 1993

5. Artikel 19 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Die direkteur kan by kennisgewing in die *Staatskoerant* [elke persoon wat 'n meetinstrument besit] ten opsigte van 'n meetinstrument wat ingevolge hierdie Wet geverifieer, gesertifiseer of hersertifiseer moet word—

(a) maksimum tussenposes voorskryf waarbinne alle, of 'n sekere klas of soort van, sodanige meetinstrumente geverifieer, gesertifiseer of hersertifiseer moet word; of

(b) elke persoon wat so 'n meetinstrument besit, aansê om [daardie] sodanige meetinstrument te toon by 'n geakkrediteerde laboratorium of 'n streekkantoor van metrologie of op die plek en tyd (wat nie vroeër is nie as 14 dae na die datum waarop die kennisgewing in die *Staatskoerant* gepubliseer is) vermeld in bedoelde kennisgewing, [te toon vir inspeksie en] vir die doeleindes van verifiëring, sertifisering of hersertifisering, tensy dit—

and tested before being taken into use and thereafter at such intervals as may be prescribed by regulation, and a record of each such inspection and testing shall be made and kept by the accredited laboratory responsible for providing such measuring instrument to any verification officer.

(2) No measuring instrument referred to in subsection (1) shall be used for the carrying out of any duty or function under this Act unless it complies at any inspection and test referred to in subsection (1) with such requirements as may, in respect of any such measuring instrument, be prescribed by regulation.”.

Substitution of section 17 of Act 77 of 1973, as substituted by section 4 of Act 34 of 1975 and amended by section 8 of Act 17 of 1993

4. The following section is hereby substituted for section 17 of the principal Act:

“Contents of certain affidavits deemed to be *prima facie* proof

17. If in any prosecution for an offence under this Act the question arises whether any measuring instrument not certified under this Act is not a measuring instrument exempted from certification or recertification in terms of section 18(2)(a) or 23, **[or from periodical recertification by reason of such measuring instrument's being a contract measuring instrument referred to in section 19(1)(a)]** a document purporting to be an affidavit made by a person who in that affidavit alleges—

(a) that he or she is an inspector in charge of the regional office of metrology for the area in which the measuring instrument in question was found;

(b) that if the measuring instrument in question were a measuring instrument exempted from certification or recertification in terms of section 18(2)(a) or 23 **[or from periodical recertification by reason of such measuring instrument's being a contract measuring instrument referred to in section 19(1)(a)]** it would in the ordinary course of events have come to his or her, the deponent's, knowledge and a record thereof, available to him or her, would have been kept; and

(c) that there is no such record thereof, shall, upon its mere production at such prosecution, be *prima facie* proof that the measuring instrument in question is not a measuring instrument exempted from certification or recertification in terms of section 18(2)(a) or 23 **[or from periodical recertification by reason of such measuring instrument's being a contract measuring instrument referred to in section 19(1)(a)]**.”.

Amendment of section 19 of Act 77 of 1973, as amended by section 5 of Act 34 of 1975 and section 10 of Act 17 of 1993

5. Section 19 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The director may by notice in the *Gazette* **[call upon every person possessing]** in respect of any measuring instrument which in terms of this Act is required to be verified, certified or recertified—

(a) prescribe maximum intervals within which all such measuring instruments, or a certain class or kind of such measuring instrument, shall be verified, certified or recertified; or

(b) call upon every person possessing any such measuring instrument to produce such measuring instrument at any accredited laboratory, any regional office of metrology or at the place and time (being not earlier than 14 days after the date on which the notice is published in the *Gazette*) specified in the said notice, for the purpose of being [inspected and] verified, certified or recertified, unless it is—

- [(a)]** (i) 'n meetinstrument is waarop 'n sertifiseringstempel verskyn en wat gedek word deur 'n verifikasiesertifikaat wat geldig is vir die tydperk in paragraaf (a) beoog en vir die jaar waarop die betrokke kennisgewing van toepassing is **[of 'n kontrak-meetinstrument is]**; of 5
[(b)] (ii) 'n meetinstrument is wat by regulasie of ingevolge artikel 23(2) of 18(2)(a) van die bepalings van artikel 23(1) vrygestel is; of
[(c)] (iii) 'n meetinstrument is wat op so 'n wyse vas is of van so 'n delikate samestelling is of so 'n massa het dat dit nie gerieflik vervoer kan word nie; of 10
[(cA)] (iv) 'n meetinstrument is wat op 'n plek gehou word wat meer as 15 km langs die kortste roete vanaf 'n geakkrediteerde laboratorium, streekkantoor van metrologie of plek vermeld in bedoelde kennisgewing, geleë is; of 15
[(d)] (v) 'n meetinstrument is wat 'n groter vermoë het as 'n vermoë wat by regulasie voorgeskryf is; of
[(e)] (vi) 'n meetinstrument van 'n klas of soort is wat by voormelde kennisgewing van die werking daarvan vrygestel is."

Herroeping van artikel 20 van Wet 77 van 1973

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6. Artikel 20 van die Hoofwet word hierby herroep.

Wysiging van artikel 21 van Wet 77 van 1973, soos gewysig deur artikel 11 van Wet 17 van 1993

7. Artikel 21 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang: 25
 “(1) 'n Inspekteur of verifikasiebeampte inspekteer en verifieer of toets, op die tyd en plek ingevolge artikel 19**[(1)]** bepaal, **[of wanneer voldoen is aan 'n bevel deur hom ingevolge artikel 20(1) gegee]** elke meetinstrument wat aan hom of haar getoon **[of ooreenkomstig so 'n bevel op 'n ander wyse aan hom beskikbaar gestel]** word met die doel om dit te verifieer, sertifiseer of hersertifiseer, en, na verifikasie of toets en behoudens die bepalings van **[subartikels (2) en (3)]** subartikel (2), verifieer, sertifiseer of hersertifiseer hy of sy, op 'n wyse wat die jaartal van so 'n verifiëring, sertifisering of hersertifisering aandui, elke sodanige meetinstrument wat na sy of haar bevinding juis is en aan die vereistes van hierdie Wet voldoen.”; en 30
 (b) deur subartikel (3) te skrap. 35

Wysiging van artikel 22A van Wet 77 van 1973, soos ingevoeg deur artikel 9 van Wet 15 van 1990 en gewysig deur artikel 13 van Wet 17 van 1993

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8. Artikel 22A van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- “(1) Gelde ingevorder en koste verhaal ingevolge artikel 18 of 22(1) vorm inkomste van die SABS-raad en word mee gehandel ooreenkomstig die bepalings van die Wet op Standaarde, **[1982 (Wet No. 30 van 1982)]** 1993 **(Wet No. 29 van 1993)**.”. 45

Wysiging van artikel 27 van Wet 77 van 1973

9. Artikel 27 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (c) van subartikel (7) te skrap; en 50
 (b) deur subartikel (8) deur die volgende subartikel te vervang:
 “(8) Voordat 'n kennisgewing kragtens subartikel (1) uitgevaardig word, raadpleeg die Minister die raad bedoel in artikel 6(1) van die Wet op Meeteenhede en Nasionale Meetstandaarde, 1973, of, indien daar nie so 'n raad bestaan nie, die Raad van die

- 5 **[(a)] (i)** a measuring instrument bearing a certifying stamp and is covered by a verification certificate which is valid for the period contemplated in paragraph (a) and for the year to which the notice in question applies **[or a contract measuring instrument]**; or
- 10 **[(b)] (ii)** a measuring instrument exempted from the provisions of section 23(1) by regulation or in terms of section 23(2) or 18(2)(a); or
- 15 **[(c)] (iii)** a measuring instrument which is fixed in such manner or is of such delicate construction or has such mass that it cannot be conveniently moved; or
- [(cA)] (iv)** a measuring instrument which is kept at a place situated more than 15 km by the shortest route from **[a]** any accredited laboratory, regional office of metrology or place specified in the said notice; or
- [(d)] (v)** a measuring instrument having a capacity greater than a capacity prescribed by regulation; or
- [(e)] (vi)** a measuring instrument of a class or kind exempted by the said notice from the operation thereof.”.

20 Repeal of section 20 of Act 77 of 1973

6. Section 20 of the principal Act is hereby repealed.

Amendment of section 21 of Act 77 of 1973, as amended by section 11 of Act 17 of 1993

7. Section 21 of the principal Act is hereby amended—

- 25 (a) by the substitution for subsection (1) of the following subsection:
- 30 “(1) Any inspector or verification officer shall, at the time and place appointed under section 19, **[(1) or when any order given by him under section 20(1) has been complied with]** inspect and verify or test every measuring instrument which is produced **[or, in accordance with any such order, otherwise made available]** to him or her for the purpose of verifying, certifying or recertifying it and shall, after verification or testing and subject to the provisions of **[subsections (2) and (3)]** subsection (2), verify, certify or recertify, in such manner as to indicate the year of such verification, certification or recertification, every such measuring instrument which he or she finds to be correct and to comply with the requirements of this Act.”; and
- 35 (b) by the deletion of subsection (3).

40 Amendment of section 22A of Act 77 of 1973, as inserted by section 9 of Act 15 of 1990 and amended by section 13 of Act 17 of 1993

8. Section 22A of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- 45 “(1) Any fees collected and costs recovered in terms of section 18 or 22(1) shall constitute revenue of the SABS Council and shall be dealt with in accordance with the provisions of the Standards Act, **[1982 (Act No. 30 of 1982)]** 1993 (Act No. 29 of 1993).”.

Amendment of section 27 of Act 77 of 1973

9. Section 27 of the principal Act is hereby amended—

- 50 (a) by the deletion of paragraph (c) of subsection (7); and
- (b) by the substitution for subsection (8) of the following subsection:
- “(8) The Minister shall before the publication of any notice under subsection (1) consult the board referred to in section 6(1) of the Measuring Units and National Measuring Standards Act, 1973, or, if there is no such board, the Council of the South

Suid-Afrikaanse Buro vir Standaarde vermeld in artikel [4] 6 van die Wet op Standaarde, [1962 (Wet No. 33 van 1962)] 1993 (Wet No. 29 van 1993), en die [Wetenskaplike en Nywerheidsnavorsingsraad] Raad van die WNNR vermeld in artikel [2] 7 van die Wet op die Wetenskaplike Navorsingsraad, [1962 (Wet No. 32 van 1962)] 1988 (Wet No. 46 van 1988).” 5

Wysiging van artikel 28 van Wet 77 van 1973

10. Artikel 28 van die Hoofwet word hierby gewysig deur subartikels (1) en (2) deur onderskeidelik die volgende subartikels te vervang:

“(1) (a) Niemand mag ’n ongesertifiseerde meetinstrument vir gebruik vir ’n voorgeskrewe doel verkoop of verskaf nie tensy hy of sy vooraf skriftelike magtiging vir so ’n verkoop of verskaffing verkry het van die direkteur of ’n inspekteur deur [hom] die direkteur gemagtig [wat so ’n]. 10

(b) Die direkteur of betrokke inspekteur kan sodanige magtiging [kan] uitreik indien— 15

(i) hy of sy oortuig is dat die verkoper of verskaffer nie sonder buitensporige vertraging of ongerief daardie meetinstrument voor die verkoop of verskaffing daarvan kan laat sertifiseer of hersertifiseer nie; en [indien]

(ii) die verkoper of verskaffer aan hom of haar ’n skriftelike waarborg wat deur ’n [geregisteerde werktuigkundige] hersteller onderteken is, verstrekk met die strekking dat daardie meetinstrument juis is en ingevolge hierdie Wet sertifiseerbaar is; en 20

(iii) hy of sy oortuig is van die toereikendheid van daardie waarborg en van die vaardigheid van die hersteller.

(2) Die direkteur kan skriftelik toestem dat ’n ongesertifiseerde meetinstrument gebruik word, indien dit om een of ander rede nie [vir ’n inspekteur] moontlik is om die verifikasie en toets wat by regulasie vereis word, uit te voer nie en indien [die direkteur oortuig is dat] daardie meetinstrument juis is en ingevolge hierdie Wet sertifiseerbaar is.” 25

Wysiging van artikel 33 van Wet 77 van 1973, soos gewysig deur artikel 16 van Wet 17 van 1993 30

11. Artikel 33 van die Hoofwet word hierby gewysig deur paragraaf (c) deur die volgende paragraaf te vervang:

“(c) behalwe as hy of sy ’n inspekteur, verifikasiebeampte of hersteller [of geregisteerde werktuigkundige] is wat ingevolge ’n regulasie optree en behalwe soos in artikel 34 bepaal, ’n sertifiseringstempel of -seël of ’n deel daarvan uitwis op of verwyder van ’n meetinstrument; of” 35

Vervanging van artikel 34 van Wet 77 van 1973

12. Artikel 34 van die Hoofwet word hierby deur die volgende artikel vervang: 40

“Herstel van meetinstrumente

34. (1) Behoudens die bepalings [van artikel 36 of] van ’n regulasie betreffende die rojering of uitwissing van ’n sertifiseringstempel of die breek van ’n sertifiseringseël—

(a) mag niemand ’n meetinstrument wat vir ’n voorgeskrewe doel gebruik word, herstel nie tensy hy of sy eers die sertifiseringstempel of -seël, met inbegrip van so ’n stempel wat kragtens artikel 25 gerojear is, daarop permanent uitgewis het; 45

(b) moet iemand wat ’n meetinstrument wat vir ’n voorgeskrewe doel gebruik word, herstel het, tensy dit onmiddellik daarna gesertifiseer word, die direkteur of ’n inspekteur wat deur hom of haar gemagtig is onverwyld van daardie herstel in kennis stel en aan hom of haar ’n skriftelike waarborg wat deur [’n geregisteerde werktuigkundige] sodanige hersteller onderteken is, verstrekk waarin verklaar word dat daardie meetinstrument juis is en 50 55

5 African Bureau of Standards referred to in section **[4]** 6 of the Standards Act, **[1962 (Act No. 33 of 1962)]** 1993 (Act No. 29 of 1993), and the **[Council for Scientific and Industrial Research]** Board of the CSIR referred to in section **[2]** 7 of the Scientific Research Council Act, **[1962 (Act No. 32 of 1962)]** 1988 (Act No. 46 of 1988).”

Amendment of section 28 of Act 77 of 1973

10 10. Section 28 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections, respectively:

15 “(1) (a) No person shall sell or supply for use for any prescribed purpose any uncertified measuring instrument unless he or she has obtained prior authority in writing for such sale or supply from the director or any inspector authorized by **[him]** the director **[who]**.

(b) The director or inspector concerned may issue such authority if—

20 (i) he or she is satisfied that the seller or supplier cannot, without undue delay or inconvenience, cause such instrument to be certified or recertified before its sale or supply; and **[if]**

(ii) the seller or supplier furnishes him or her with a guarantee in writing signed by a **[registered mechanic]** repairer to the effect that the instrument is correct and certifiable under this Act; and

(iii) he or she is satisfied as to the sufficiency of the guarantee and the competency of the repairer.

25 (2) The director may grant permission in writing to use any uncertified measuring instrument if, for any reason, it is not possible **[for any inspector]** to carry out the verification and testing required by regulation and if **[the director is satisfied that]** such measuring instrument is correct and certifiable under this Act.”

Amendment of section 33 of Act 77 of 1973 as amended by section 16 of Act 17 of 1993

30 11. Section 33 of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:

35 “(c) otherwise than in the capacity of an inspector, a verification officer or a repairer **[or a registered mechanic]** acting in terms of any regulation and save as provided in section 34, obliterates or removes from any measuring instrument any certifying stamp or seal or any part thereof; or”.

Substitution of section 34 of Act 77 of 1973

12. The following section is hereby substituted for section 34 of the principal Act:

40 “Repair of measuring instruments

34. (1) Subject to the provisions **[of section 36 or]** of any regulation relating to the defacing or obliteration of any certifying stamp or the breaking of any certifying seal—

45 (a) no persons shall repair any measuring instrument used for any prescribed purpose unless he or she has first permanently obliterated the certifying stamp or seal, including any such stamp defaced under section 25, thereon;

50 (b) any person who has repaired any measuring instrument used for any prescribed purpose shall, unless it is immediately thereafter certified, forthwith notify the director or any inspector authorized by him or her, of such repair and furnish him or her with a guarantee in writing signed by **[a registered mechanic]** such repairer that such measuring instrument is correct and certifi-

ingevolge hierdie Wet sertifiseerbaar is, en indien die direkteur of so 'n inspekteur oortuig is—

- (i) van die toereikendheid van daardie waarborg en van die vaardigheid van die hersteller; en
- (ii) dat sodanige hersteller nie sonder buitensporige vertraging of ongerief daardie meetinstrument onmiddellik na sodanige herstel kan laat sertifiseer of hersertifiseer nie, reik hy of sy sonder versuim 'n skriftelike magtiging uit wat die gebruik van daardie meetinstrument veroorloof totdat dit gesertifiseer word.

(2) Niemand mag 'n herstellende meetinstrument vir 'n voorgeskrewe doel gebruik nie tensy dit onmiddellik na herstel gesertifiseer is of 'n skriftelike magtiging ten opsigte daarvan ingevolge subartikel (1)(b) uitgereik is [of, in die geval van 'n kontrakmeetinstrument, ingevolge artikel 36(6) geag word gesertifiseer te wees].

(3) Geen werk uitgevoer op, of verstelling van, 'n gespesifiseerde meetinstrument wat nie 'n herstel uitmaak nie, maak 'n geldende sertifikasie ten opsigte van sodanige gespesifiseerde meetinstrument ongeldig nie indien 'n inspekteur of 'n verifikasiebeampte 'n sertifikaat te dien effekte uitreik, wat die aard van die werk gedoen of verstelling gemaak, vermeld.”.

Herroeping van artikels 35 en 36 van Wet 77 van 1973

13. Artikels 35 en 36 van die Hoofwet word hierby herroep.

Wysiging van artikel 42 van Wet 77 van 1973, soos gewysig deur artikel 12 van Wet 34 van 1975, artikel 3 van Wet 14 van 1984 en artikel 18 van Wet 17 van 1993

14. Artikel 42 van die Hoofwet word hierby gewysig—

- (a) deur paragrawe (c) en (d) van subartikel (1) deur onderskeidelik die volgende paragrawe te vervang:
 - “(c) wat die voorwaardes voorskryf vir die verskaffing, bewaring, versorging, verifikasie en sertifisering van alle klasse meetstandaarde en meetinstrumente bedoel in artikels 8, 9, 10, [en] 11, 11A en 11B;
 - (d) wat die wyse reël waarop die direkteur, 'n inspekteur, verifikasiebeampte, ondersoeker of iemand anders wat kragtens hierdie Wet aangestel is, of 'n polisiebeampte, sy of haar pligte kragtens hierdie Wet moet uitvoer;”; en
- (b) deur paragrawe (v) en (w) van subartikel (1) te skrap.

Kort titel en inwerkingtreding

15. Hierdie Wet heet die Wysigingswet op Handelsmetrologie, 1994, en tree in werking op 'n datum wat die President by proklamasie in die *Staatskoerant* bepaal.

able under this Act, and the director or such inspector shall, if satisfied—

(i) as to the sufficiency of the guarantee and the competency of the repairer; **[shall]** and

(ii) that such repairer cannot, without undue delay or inconvenience, cause such instrument to be certified or recertified immediately after such repair,

without delay, issue an authority in writing permitting the use of such measuring instrument until the certification thereof.

(2) No person shall use for any prescribed purpose any measuring instrument which has been repaired, unless it has immediately thereafter been certified or an authority in writing has in terms of subsection (1)(b) been issued in respect thereof **[or, in the case of any contract measuring instrument, it is in terms of section 36(6) deemed to be certified]**.

(3) No work carried out on, or adjustment made to, a specified measuring instrument which does not constitute a repair, shall invalidate any current certification in respect of such specified measuring instrument if an inspector or a verification officer issues a certificate to this effect, stating the nature of the work done or the adjustment made.”.

Repeal of sections 35 and 36 of Act 77 of 1973

13. Sections 35 and 36 of the principal Act are hereby repealed.

Amendment of section 42 of Act 77 of 1973, as amended by section 12 of Act 34 of 1975, section 3 of Act 14 of 1984 and section 18 of Act 17 of 1993

14. Section 42 of the principal Act is hereby amended—

(a) by the substitution for paragraphs (c) and (d) of subsection (1) of the following paragraphs, respectively:

“(c) prescribing conditions for the supply, custody, care, verification and certification of all classes of measuring standards and measuring instruments referred to in sections 8, 9, 10, **[and]** 11, 11A and 11B;

(d) regulating the manner in which the director, any inspector, verification officer, examiner or other person appointed under this Act, or any **[policeman]** police officer, shall carry out his or her duties under this Act;”;

(b) by the deletion in subsection (1) of paragraphs (v) and (w).

Short title and commencement

15. This Act shall be called the Trade Metrology Amendment Act, 1994, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

