



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 587 Cape Town,
Kaapstad, 19 May 2014

No. 37661

THE PRESIDENCY

No. 385 19 May 2014

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

Act No. 9 of 2014: Legal Metrology Act, 2014

VHUPRESIDENDE

No. 385 19 May 2014

Zwi khou divhadziwa henefha uri mupresidende o tendelana na uyu mulayo une wa khou andadziwa hu u itela ndivhadzo kha tshitshavha:—

No 9 ya 2014: Mulayo wa Muelo wa, 2014



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

*(English text signed by the President)
(Assented to 16 May 2014)*

ACT

To provide for the administration and maintenance of legal metrology technical regulations in order to promote fair trade and to protect public health and safety and the environment; and to provide for matters connected therewith.

PREAMBLE

Whereas it is desirable to—

- promote fair trade and to protect public health and safety and the environment;
- provide for the implementation of a regulatory and compliance system for legal metrology by the National Regulator for Compulsory Specifications and for the administration and maintenance of legal metrology technical regulations; and
- provide for market surveillance by the National Regulator for Compulsory Specifications in order to ensure compliance with legal metrology technical regulations,

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

ARRANGEMENT OF SECTIONS

Sections

- | | | |
|----|-------------|---|
| 1. | Definitions | 5 |
|----|-------------|---|

CHAPTER I

APPLICATION, OBJECTS AND ADMINISTRATION OF ACT

- | | | |
|-----|---|----|
| 2. | Application and objects of Act | |
| 3. | Administration of Act | |
| 4. | Functions of National Regulator | 10 |
| 5. | Delegation of functions | |
| 6. | Appointment of market surveillance inspectors | |
| 7. | Designation of verification bodies | |
| 8. | Appointment of verification officers | |
| 9. | Designation of repair bodies | 15 |
| 10. | Registration of persons responsible for repairs | |
| 11. | Registration of importers, manufacturers and persons who offer for sale any prescribed measuring instrument, product or service | |
| 12. | Advisory Forum | |
| 13. | Funds of National Regulator in respect of legal metrology | 20 |
| 14. | Fees charged by designated bodies | |

*(English text signed by the President)
(Assented to 16 May 2014)*

MULAYO

U ita mbetshelo kha vhulangi na u khwaṭhisa ndaulo dza thekhenikhaḽa dza mulayo wa muelo u itela u ṭuṭuwedza zwa makwevho zwi pfadzaho na u tsireledza mutakalo wa tshitshavha na vhutsireledzi na mupo; na u ita mbetshelo malugana na zwikamano nazwo.

MARANGAPHANḽA

Hu khou ṭoḽwa u—

- ṭuṭuwedza zwa makwevho zwi pfadzaho na u tsireledza mutakalo wa tshitshavha na vhutsireledzi na mupo;
- u ita mbetshelo kha u thoma u shumisa sisiṭeme ya ndaulo na u anana na mulayo wa muelo nga Ndaulo ya Lushaka kha zwine zwa tou vhoḽha zwo imaho nga uri na kha ndaulo na u khwaṭhisedza ndaulo dza thekhenikhaḽa dza u kala lwa mulayo; na
- u ita mbetshelo kha u lavhelesa maraga nga Ndaulo ya Lushaka u itela zwithu zwenezwo zwo imaho nga uri zwine zwa tou vhoḽha u itela u vhoṽa uri hu ḽa tevhedzwa ndaulo dza thekhenikhaḽa dza mulayo wa muelo,

U KHWATHISWE NGA nga Phalamennde ya Riphabuḽiki ya Afrika Tshipembe nga nḽila i tevhelaho:—

NZUDZANYO DZA KHETHEKANYO

Khethekanyo

1. Ṭhalutshedzo 5

NDIMA YA I

U SHUMISA, TSHIPIKWA TSHA NA U LANGA MULAYO

2. U shumisa na zwipikwa zwa mulayo
3. U langa Mulayo
4. Mishumo ya Ndaulo ya Lushaka 10
5. U fha mishumo
6. U tholwa ha vhaingameli vha u lavhelesa maraga
7. U nanga zwiimiswa zwa u khwaṭhisedza
8. U thola vhaofisiri vha u khwaṭhisedza
9. U ḽanga zwiimiswa zwa u lugisa 15
10. U ḽwalisa vhathu vha re na vhuḽifhinduleli ha u lugisa
11. U ḽwaliswa ha vharengamashangoḽavha, vhamagi na vhathu vhane vha rengisa tshishumiswa tshiḽwe na tshiḽwe, zwibveledzwa kana tshumelo
12. Foramu ya Vhueleṭshedzi
13. Masheleni ḽa Ndaulo ya Lushaka malugana na mulayo wa muelo 20
14. Masheleni ane ḽa badeliṭiswa nga zwiimiswa zwo nangiṭwaho

CHAPTER II

LEGAL METROLOGY TECHNICAL REGULATIONS

- | | | |
|-----|---|---|
| 15. | Legal metrology technical regulations | |
| 16. | Proposals to introduce or amend legal metrology technical regulations | |
| 17. | Effect of declaration as legal metrology technical regulation | 5 |
| 18. | Measuring instrument, product or service not conforming to legal metrology technical regulation | |

CHAPTER III

MEASUREMENT STANDARDS

- | | | |
|-----|---|----|
| 19. | Measurement standards used by market surveillance inspectors, verification officers and persons responsible for repairs | 10 |
|-----|---|----|

CHAPTER IV

MARKET SURVEILLANCE INSPECTIONS

- | | | |
|-----|--|----|
| 20. | Powers of market surveillance inspectors | |
| 21. | Market surveillance inspection offences | 15 |

CHAPTER V

TYPE APPROVAL AND VERIFICATION OF MEASURING INSTRUMENTS

- | | | |
|-----|---|----|
| 22. | Type approval of measuring instruments | |
| 23. | Type approval offences | 20 |
| 24. | Verification of measuring instruments | |
| 25. | Powers of verification officers | |
| 26. | Offences in connection with verification of instruments | |

CHAPTER VI

REPAIR OF MEASURING INSTRUMENTS

- | | | |
|-----|--|----|
| | | 25 |
| 27. | Functions of persons responsible for repairs | |
| 28. | Offences in respect of repair of measuring instruments | |

CHAPTER VII

MANNER OF USE, POSSESSION OR SALE OF MEASURING INSTRUMENTS AND PRODUCTS

- | | | |
|-----|--|----|
| | | 30 |
| 29. | Restriction on and prohibition of manufacture, import, use or possession of certain measuring instruments | |
| 30. | Sale, supply and use of unverified measuring instruments | |
| 31. | Offences in respect of manufacture or selling of false, defective or inaccurate measuring instruments | 35 |
| 32. | Measuring instruments to be wholly exposed | |
| 33. | Prohibition of false statement as to quantity | |
| 34. | Measurement for prescribed purpose to be effected in terms of certain measurement units and by means of verified measuring instruments | |
| 35. | Advertisement of measurable products and services | 40 |

5

NDIMA YA II**NDAULO DZA THEKHENIKHAJA DZA MULAYO WA MUELO**

15. Ndaulo dza thekhenikhaja dza mulayo wa muelo
16. Madzinginywa ja u thoma kana u khwinisa ndaulo dza thekhenikhaja dza mulayo wa muelo 5
17. Masiandoitwa ja u kwhathisa ndaulo ya thekhenikhaja ya mulayo wa muelo
18. Tshishumiswa tsha u ela, tshibveledzwa kana tshumelo i sa ananiho na ndaulo ya thekhenikhaja ya mulayo wa muelo

NDIMA YA III**ZWIṬANDADI ZWA MIELO 10**

19. Zwiṭandadi zwa mielo zwi shumiswaho nga vhaingameli vha u lavhelesa maraga, vhaofisiri vha kwhathisedzo na vhathu vhane vha vha na vhuḍifhinduleli ha u lugisa

NDIMA YA IV**VHAINGAMELI VHA U LAVHELESA MARAGA 15**

20. Maandḁa ja vhaingameli vha u lavhelesa maraga
21. Vhutshinyi malugana na nyingamelo ya u lavhelesa maraga

NDIMA YA V**LUSHAKA LWA KHWATHISEDZO NA U KHWATHISEDZA ZWISHUMISWA 20****ZWA U ELA**

22. Lushaka lwa kwhathisedzo ya zwishumiswa zwa u ela
23. Lushaka lwa vhutshinyi ha kwhathisedzo
24. Kwhathisedzo ya zwishumiswa zwa u ela
25. Maandḁa ja vhaofisiri vha u kwhathisedza 25
26. Vhutshinyi malugana na kwhathisedzo ya zwishumiswa

NDIMA YA VI**U LUGISWA HA ZWISHUMISWA ZWA U ELA**

27. Mishumo ya vhathu vha re na vhuḍifhinduleli ha u lugisa
28. Vhutshinyi malugana na u lugisa zwishumiswa zwa u ela 30

NDIMA YA VII**NḂILA YA U SHUMISA, U VHA MUṆE WA KANA THENGISO YA ZWIBVELEDZWA NA ZWISHUMISWA ZWA U ELA**

29. Phungudzelo na nyiledzo ya u magiwa, u renga mashangoḁavha, u shumisa kana u vha na zwenezwo zwishumiswa zwa u ela 35
30. Thengiso, nyisedzo na u shumisa zwishumiswa zwa u ela zwi songo kwhathisedzwaho
31. Vhutshinyi malugana na u maga kana u rengiswa ha zwishumiswa zwi si zwa vhukuma, zwo vhaialaho kana zwi sonngo tou kokotolo
32. Zwishumiswa zwa u ela zwine zwa ḁo ṭanwa 40
33. Nyiledzo ya zwiṭamennde zwa mazwifhi malugana na tshivhalo
34. Zwikalo zwa ndivho yo randelwaho zwine zwa ḁo shumiswa hu tshi tevhedzwa yuniti dza zwikalo zwenezwo na nga nḂila dza zwishumiswa zwa u ela zwo kwhathisedzwaho
35. Khungedzelo ya tshumelo na zwibveledzwa zwi eleaho 45

36. Manner of selling products

CHAPTER VIII

COMPLIANCE SCHEMES AND USE OF MARKS

37. Compliance schemes and use of distinctive marks and verification marks

CHAPTER IX

5

GENERAL AND MISCELLANEOUS

38. Regulations
39. Penalties and effect of conviction of an offence
40. Disclosure of certain information
41. Confidentiality of certain information 10
42. Repeal and amendment of laws and transitional provisions
43. Short title and commencement

SCHEDULE 1

SCHEDULE 2

Definitions 15

1. In this Act, unless the context indicates otherwise—
- “**Chief Executive Officer**” means the Chief Executive Officer appointed in terms of section 6 of the National Regulator for Compulsory Specifications Act;
- “**correct**”, in relation to any measuring instrument, means compliance with any prescribed accuracy requirements; 20
- “**distinctive mark**” means the mark that is placed on a product or measuring instrument to indicate that such product or measuring instrument complies with the requirements of the relevant voluntary scheme introduced in terms of section 37;
- “**importer**” means an importer defined in section 1(1) of the Customs and Excise Act, 1964 (Act No. 91 of 1964); 25
- “**initial verification**” means verification of a new measuring instrument that has not been previously verified;
- “**item**” means an individual article or unit;
- “**legal metrology technical regulation**” means a document which lays down product and measuring instrument characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory; 30
- “**manufacture**” includes produce, assemble, alter, modify, adapt, convert, process or treat;
- “**market surveillance inspector**” means a market surveillance inspector appointed in terms of section 6; 35
- “**measuring instrument**”—
- (a) means any appliance, equipment, instrument, software or apparatus or any combination thereof by means of which a measurement of physical quantity, expressed in any measurement unit or a mathematical function of measurement unit, may be made; and 40
- (b) includes any appliance, equipment, instrument, software or apparatus or any combination thereof by means of which a grading or counting in connection with the measurement of any physical quantity or a counting by means of gravitation may be effected; 45
- “**measurement unit**” means any unit published in terms of section 2 of the Measurement Units and Measurement Standards Act, 2006 (Act No. 18 of 2006), and includes the units, the appropriate symbols and the rules of the International System of Units;
- “**Minister**” means the Minister of Trade and Industry; 50

36. Nqila ya u rengisa zwibveledzwa

NDIMA YA VIII

U ANANA NA ZWIKIMU NA U SHUMISWA HA MARAGA

37. U nana na zwikimu na u shumiswa ha maraga dza nthā dza u khwaṭhisedza

NDIMA YA IX

5

NYANGAREDZO NA ZWO TANGANAHO

38. Ndaulo
39. Ndaṭiso na masiendoitwa la u wanwa mulandu wa vhutshinyi
40. U bvukululwa ha mafhungo eneo
41. Tshidzumbe tsha mafhungo eneo 10
42. Pheliso na khwinifhadzo ya milayo na nzundzanyo dza tshanduko
43. Dzina lipfufhi na u thoma u shumisa Mulayo

SHEḌUḲU YA 1

SHEḌUḲU YA 2

Thalutshedzo 15

1. Kha uno Mulayo, nga nṇḁa ha musi zwo sumbedzwa nga inwe nqila—
“**Muofisi-Mulangi**” zwi amba Muofisi Mulangi lo tholiwaho hu tshi tevhedzwa
khethekanyo ya vhu 6 ya Ndaulo ya Lushaka ya Mulayo wa zwo Taluswaho zwa
Khombe-khombe;
“**lulama**”, malugana na tshishumiswa tshinwe na tshinwe tsha u ela, zwi amba u 20
anana na thoḁea dzinwe na dzinwe dza vhukuma dzo randelwaho;
“**maraga dza nthā**” zwi amba maraga dzine dza avhelwa kha tshibveledzwa kana
tshishumiswa tsha u ela u itela u sumbedza uri itsho tshibveledzwa tshi khou anana
na thoḁea dza tshikimu tsho teaho tsho thomiwaho nga khethekanyo ya vhu 37;
“**murengamashangoḁavha**” zwi amba muthu ane la renga mashangoḁavha 25
zwine zwo ṭalutshedzwa kha khethekanyo ya vhu 1(1) ya Mulayo wa *the Customs
and Excise Act, 1964 (Act No. 91 of 1964)*;
“**khwaṭhisedzo dza mathomoni**” zwi amba khwaṭhisedzo ya tshishumiswa tsha u
ela tshiswa tshine la tshi la thu u vhuya tsha ṭolwa na luthihi;
“**tshirengiswa**” zwi amba tshithu tshone tshine kana yuniti; 30
“**ndaulo ya thekhenikhalā ya mulayo wa zwa u ela**” zwi amba linwala ine la
khou amba zwiṭaluli zwa zwishumiswa zwa u ela na zwibveledzwa kana maitela la
re na vhushaka na ngona dza zwibveledzwa, hu tshi katelwa mbetshelo dza
vhulangi dzo teaho, ine zwa tou vhoḁha uri i ananiwe nayo;
“**muingameli wa u lavhelesa maraga**” zwi amba muingameli wa u lavhelesa 35
makete lo tholwaho hu tshi tevhedzwa khethekanyo ya vhu 6;
“**u maga**” hu katelwa tshibveledzwa, u kuvhanganya, u shandukisa, u khwinisa, u
shandukisa, u zwi shuma na u tou lunda;
“**tshishumiswa tsha u ela**”—
(a) zwi amba tshishumiswa tshinwe na tshinwe, software kana ṭhanganyo inwe 40
na inwe nga nqila ya u kalwa ha tshivhalo tsha zwithu, zwa tou sumbedzwa
nga yuniti inwe na inwe kana nga mushumo wa mbalo ya yuniti ya tshikalo,
zwi nga itwa; nahone
(b) hu katelwa tshishumiswa tshinwe na tshinwe, software kana tshishumiswa
kana ṭhanganyo inwe na inwe nga nqila ine u ela kana u vhala hu tshi 45
kwamiwa tshikalo tsha tshivhalo tsha tshithu tshinwe na tshinwe kana u vhala
nga nqila ine ya nga kwamiwa;
“**yuniti ya tshikalo**” zwi amba yuniti inwe na inwe yo anḁadzwaho hu tshi
tevhedzwa khethekanyo ya vhu 2 ya Mulayo wa Yuniti dza Tshikalo na Zwiṭandadi
zwa Tshikalo wa, 2006 (Mulayo wa Nomboro ya. 18 wa 2006), nahone hu tshi 50
katelwa yuniti, zwiga zwo teaho na milayo ya Yuniti dza Sisiteme ya Mashango la
Dzitshakatshaka;
“**Minista**” zwi amba Minista wa Muhasho wa Makwevho na Nḁowetshumo;

“National Regulator” means the National Regulator for Compulsory Specifications of South Africa established by section 3(1) of the National Regulator for Compulsory Specifications Act;

“National Regulator for Compulsory Specifications Act” means the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008); 5

“person responsible for repairs” means any person registered in terms of section 10 to repair a measuring instrument in terms of section 27;

“physical quantity”, in relation to measuring, means any concept capable of being measured and of which the magnitude can be expressed in terms of a measurement unit; 10

“premises” means any land or any building or other structure, and includes any train, boat, ship, aircraft or any other vehicle;

“prescribe” means prescribe by regulation;

“prescribed purpose” means such purpose as may be prescribed in relation to—
(a) the use, possession, manufacture or import of any measuring instrument; 15
(b) the manner and result of measurement in the fields of trade, health, safety and environment and any other measurement of a legal nature; and
(c) the expression of the quantity of any product;

“regulation” means any regulation made in terms of section 38 or a legal metrology technical regulation made in terms of section 15; 20

“repair”, in relation to any measuring instrument, means any work carried out on, or any adjustment made to, such measuring instrument in order to service, restore or maintain it in a certifiable condition, but does not include work carried out on, or adjustment made to, a measuring instrument if such work or adjustment does not in any way change the metrological characteristics or the accuracy of such measuring 25 instrument;

“repair body” means a body designated as repair body in terms of section 9;

“SABS” means the South African Bureau of Standards referred to in section 3 of the Standards Act, 2008 (Act No. 8 of 2008);

“SANS” means a South African National Standard approved by the SABS in accordance with the Standards Act, 2008 (Act No. 8 of 2008); 30

“sell” includes to offer, advertise, keep, expose, transmit, convey, deliver, manufacture for sale or prepare for sale, or to exchange or to dispose of for any consideration whatsoever, or to transmit, convey or deliver in pursuance of a sale, exchange or disposal as aforesaid; 35

“subsequent verification”, in relation to any measuring instrument, means verification following the initial verification, and includes—

- (a) verification done after repair that affects the current verification status; and
- (b) verification at the request of the user;

“this Act” includes any regulation; 40

“trade” includes—

- (a) the making, effecting or concluding of any contract, bargain, sale, purchase or transaction, sale of land, or any payment in connection therewith;
- (b) any payment for services rendered;
- (c) the collection of tolls, rates, taxes, fines or other fees; and 45
- (d) any measurement of a legal nature in connection with which any measuring instrument is used;

“type approval” means a decision that a type of measuring instrument complies with the relevant requirements of this Act and is suitable for use for a prescribed purpose in such a way that it is expected to provide reliable measurement results 50 over a defined period of time;

“unauthorised measurement unit” means a measurement unit other than a measurement unit permitted by this Act;

“unverified”, in relation to a measuring instrument that has to be verified or subsequently verified under this Act, means not so verified or not so subsequently 55 verified;

“Mulauli wa Lushaka” zwi amba Mulauli wa Lushaka ho sedzwa kha zwenezwo zwa Khombe-Khombe kha Afrika Tshipembe zwo thomiwaho nga khethekanyo ya vhu 3(1) ya Mulayo wa Mulauli wa Lushaka kha Zwenezwo zwine zwa tou Kombetshedza;

“Mulayo wa Mulauli wa Lushaka kha zwenezwo zwine zwa tou Kombetshedza” zwi amba Mulayo wa Mulauli wa Lushaka kha zwenezwo zwine zwa tou Kombetshedza wa, 2008 (Mulayo wa Nomboro ya vhu. 5 wa 2008);

“muthu la re na vhuḏifhinduleli ha u lugisa” zwi amba muthu lo ḡwalisaho hu tshi tevhedzwa khethekanyo ya vhu 10 u itela u lugisa tshishumiswa hu tshi tevhedzwa khethekanyo ya vhu 27;

“tshivhalo tsha zwithu zwine zwa kwamea”, malugana na u ela, zwi amba tshiḡwe na tshiḡwe tshine tsha kona u elwa nahone tshine vuhuku hatsho vhu nga ḡlutshedzwa u ya nga yuniti ya u ela;

“zwifhaḡo” zwi amba mavu maḡwe na maḡwe kana tshifhaḡo tshiḡwe natshiḡwe kana tshivhumbwa, nahone hu tshi katelwa ḡireni, gungwa, tshikepe, bufho kana tshiendisi tshiḡwe na tshiḡwe;

“u randela” zwi amba u randela nga ndaulo;

“ndivho yo randelwaho” zwi amba yeneyo ndivho ine ya nga randelwa malugana na—

(a) u shumisa, muḡe wa, mumagi kana murengamashangoḡavha wa tshishumiswa tshiḡwe na tshiḡwe tsha u kala;

(b) ḡḡila na mvelelo ya tshikalo kha masia la zwa makwevho, mutakalo, vhuḡsireledzi na mupo na tshikalo tshiḡwe na tshiḡwe tsha mulayo; na

(c) u ḡlutshedza tshivhalo tsha tshibveledzwa tshiḡwe na tshiḡwe;

“ndaulo” zwi amba ndaulo iḡwe na iḡwe yo itwaho hu tshi tevhedzwa khethekanyo ya vhu 38 kana ndaulo ya thekhenikhaḡa ya mulayo wa zwa u ela wo itwaho hu tshi tevhedzwa khethekanyo ya vhu 15;

“u lugisa”, malugana na tshishumiswa tshiḡwe na tshiḡwe tshau ela, zwi amba mushumo muḡwe na muḡwe wo itwaho, kana ndivhanyiso iḡwe na iḡwe yo itwaho kha, tshenetsho tshishumiswa tsha u ela u itela u tshi lugisa, u tshi vhuḡdzedza kana u tshi ḡhogomela tsha dzula tshi kha tshiimo tshi fheaho ḡhanziela, fhedzi la zwi kateli mushumo wo itwaho kha, kana nzudzanyo dzo itwaho kha, tshishumiswa tsha u ela arali uyo mushumo kana uho u dzudzanya hu sa shandukisi zwitḡluli zwa u ela kana u kona u ela zwa vhukuma nga tshenetsho tshishumiswa;

“u lugisa muvhili” zwi amba muvhili wo itwaho sa muvhili wa u lugiswa u ya nga khethekanyo ya vhu 9;

“khwaḡhisedzo ine ya tevhela”, malugana na tshishumiswa tshiḡwe na tshiḡwe tsha u ela, zwi amba kwaḡhisedzo i tevhelaho u kwaḡhisedzwa ho itwaho u thoma, nahone zwi tshi katela—

(a) u kwaḡhisedza ho itwaho nga murahu ha u lugisa hune ha kwama tshiimo tsha u kwaḡhisedza ha zwino; na

(b) u kwaḡhisedza musi mushumisi lo tou ita khumbelo;

“SABS” zwi amba Birou ya Zwiḡandadi ya Afrika Tshipembe zwine zwo sumbedzwa kha khethekanyo ya vhu 3 ya Mulayo wa Zwiḡandadi wa, 2008 (Mulayo wa Nomboro ya vhu. 8 wa 2008);

“SANS” zwi amba Zwiḡandadi zwa Lushaka zwa Afrika Tshipembe zwo kwaḡhisedzwaho nga SABS u ya nga Mulayo wa Zwiḡandadi wa, 2008 (Mulayo wa Nomboro ya. 8 wa 2008);

“u rengisa” zwi katela u fha, u kungedzela, u vhea, u ḡana, u rathisa, u endedza, u isedza, u maga u tshi itela u rengisa kana u lugisela u rengisa, kana u ḡekana kana u bvisa u tshi itela ndavheleso iḡwe na iḡwe, kana u rathisa, u endedza kana u isedza u tshi itela thengiso, u ḡekana kana zwo bulwaho afho ḡha;

“uno Mulayo” hu katelwa ndaulo iḡwe na iḡwe.

“kwevha” zwi katela—

(a) u ita, kana u vhina thendelano iḡwe na iḡwe, bukuḡa, thengiso, thengo kana ḡhirantsekisheni, thengiso ya mavu, kana mbadelo iḡwe na iḡwe i kwamaho zwenezwo;

(b) mbadelo iḡwe na iḡwe kha tshumelo dzo ḡetshedzwaho;

(c) u kuvhanganya mbadelo, mutengo, mithelo, ndaḡiso kana dziḡwe tshede, na

(d) tshikalo tshiḡwe na tshiḡwe tsha zwa mulayo malugana na uri ndi tshifhio tshishumiswa tsha u ela tshi shumiswaho;

“lushaka lwa kwaḡhisedzo” zwi amba lushaka lwa tshishumiswa tsha u ela tshi ananaho na ḡhoḡa dzo teaho dza uno Mulayo nahone dzo teaho kha ushumiswa

10

“**verification body**” means a body—

- (a) accredited in terms of section 22 of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No.19 of 2006), to verify measuring instruments and designated in terms of section 7 of this Act to verify measuring instruments; or 5
- (b) designated in terms of section 7 of this Act to verify measuring instruments without accreditation contemplated in paragraph (a) where no accreditation scheme is available;

“**verification mark**” means a mark that—

- (a) is as far as is possible indelible; 10
- (b) indicates that a measuring instrument has been verified; and
- (c) has been authorised in terms of section 37;

“**verification officer**” means a person appointed as verification officer in terms of section 8;

“**verify**”, in relation to a measuring instrument, means the procedure of examination and issuing of a verification certificate and, if required, marking with a verification mark, that ascertains and confirms that the measuring instrument complies with a legal metrology technical regulation, and includes initial verification and subsequent verification. 15

CHAPTER I

20

APPLICATION, OBJECTS AND ADMINISTRATION OF ACT

Application and objects of Act

2. (1) This Act applies to measurable products and services, measurements in trade, health, safety and the environment and any measuring instrument used for a prescribed purpose. 25

(2) The objects of this Act are to—

- (a) expand the scope of trade metrology to legal metrology;
- (b) strengthen the enforcement of legal metrology;
- (c) develop the appropriate legislative framework;
- (d) protect consumers against short measure or inaccurate measurement; 30
- (e) establish a level playing field for industry; and
- (f) support local industry competitiveness.

Administration of Act

3. Subject to the control of the Minister, this Act is administered by the National Regulator. 35

Functions of National Regulator

4. (1) The National Regulator must—

- (a) make recommendations to the Minister with regard to legal metrology technical regulations;
- (b) administer and maintain legal metrology technical regulations; 40
- (c) carry out market surveillance through inspections in order to monitor compliance with legal metrology technical regulations;
- (d) enforce compliance with legal metrology technical regulations;

11

ha ndivho yo randelwaho nga ndila ine ya lavhelelwa kha u netshedza mvelelo dzi thembeaho nga tshifhinga tsho bulwaho

“yuniti ya tshikalo tshi songo tendelwaho” zwi amba yuniti nga nnda ha yuniti ya tshikalo tsho tendiwaho nga uno Mulayo;

“tshi songo khwaṭhisedzwaho”, malugana na u ela tshishumiswa tshine tsha tea u khwaṭhisedzwa kana tsha tea u khwaṭhisedzwa nga fhasi ha uno Mulayo, zwi amba zwi songo khwaṭhisedzwaho nahone zwi songo khwaṭhisedzwa nga vhuya;

“tshiimiswa tsha u khwaṭhisedza” zwi amba tshiimiswa—

(a) tsho tendelwaho hu tshi tevhedzwa khethekanyo ya vhu 22 ya Mulayo wa *Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No.19 of 2006)*, u itela u vhona zwishumiswa zwa u ela zwo nangiawo hu tshi tevhelwa khethekanyo ya vhu 7 ya uno Mulayo hu tshi itelwa u vhona kana u khwaṭhisedza zwishumiswa zwa u kala; kana

(b) tsho nangiawo hu tshi tevhedzwa khethekanyo ya vhu 7 ya uno Mulayo u itela u khwaṭhisedza zwishumiswa zwa u kala hu si na thendelo yo bulwaho kha pharagirafu ya (a) hune tshikimu tsha u tendela tsha vha hone;

“maraga dza u khwaṭhisedza” zwi amba uri —

(a) zwi la konadzea u vha zwa tshoṭhe;

(b) zwi sumbedza uri tshishumiswa tsha u ela tsho khwaṭhisedzwa; nahone

(c) zwo tendelwa u ya nga khethekanyo ya vhu 37;

“muofisiri wa khwaṭhisedzo” zwi amba muthu lo tholiwaho sa ene muofisiri wa khwaṭhisedzo hu tshi tevhelwa khethekanyo ya vhu 8;

“u khwaṭhisedza”, malugana na tshiimiswa tsha u kala, zwi amba kuitele kwa u linga na u fha ṭhanziela ya u khwaṭhisedza nahone, arali zwi tshi ṭoḽea, hu vheve na maraga dza honoho u khwaṭhisedza, u itela u khwaṭhisa uri tshishumiswa tsha u ela tshi anana na ndaulo ya thekhenikhaḽa ya mulayo wa u kala, na u katela u khwaṭhisedzwa ha mathomoni na hu tevhelaho.

NDIMA YA I

U SHUMISA, TSHIPIKWA TSHA NA U LANGA MULAYO

U shumisa na zwipikwa zwa mulayo 30

2. (1) Uno Mulayo u shumiselwa kha tshumelo na zwibveledzwa zwi eleaho, u ela kha zwa makwevho, mutakalo, vhutsireledzi na mupo na tshishumiswa tshiṇwe na tshiṇwe tshi shumiswaho kha ndivho yo randelwaho.

(2) Zwipikwa zwa Mulayo ndi u—

(a) ṭandavhudza zwi sedzwaho nga mulayo kha zwa u ela makwevho nga mulayo wa zwa u kala;

(b) khwaṭhisa uri mulayo wa zwa u ela u tevhedzwe;

(c) bveledza mutheo wa mulayo wo teaho;

(d) tsireledza vharengi malugana na muelo mupfufhi kana muelo wo khakheaho;

(e) thoma ndinganelo ya u shumela khayi kha zwa ndowetshumo; na

(f) tikedza vhukoni ha ndowetshumo yapo.

U langa Mulayo

3. Hu tshi tevhedzwa ndango ya Minista, uno Mulayo u ḽo langulwa nga Ndaulo ya Lushaka.

Mishumo ya Ndaulo ya Lushaka 45

4. (1) Ndaulo ya Lushaka i fanela u—

(a) ita themendelo kha Minista malugana na ndaulo dza thekhenikhaḽa dza mulayo wa zwa u ela;

(b) laula na u khwaṭhisa ndaulo dza thekhenikhaḽa dza mulayo wa zwa u ela;

(c) u lavhelesa kana u lavhelesa maraga nga u tou ingamela hu tshi itelwa u lavhelesa u anana na ndaulo dza thekhenikhaḽa dza mulayo wa zwa u ela;

(d) u kombetshedza u anana na ndaulo dza thekhenikhaḽa dza mulayo wa zwa u ela;

12

- (e) ensure access to and maintain the equipment required for market surveillance inspection, verification and type approval examination purposes;
 - (f) approve and verify measuring instruments;
 - (g) control the repair of measuring instruments;
 - (h) inform the South African commerce, industry and the public about legal metrology technical regulations; 5
 - (i) establish and maintain the necessary expertise at an internationally acceptable level;
 - (j) participate and represent South Africa at international and regional levels on matters relating to legal metrology; 10
 - (k) co-ordinate, interact and manage the international, regional and bilateral interactions with other institutes responsible for legal metrology;
 - (l) issue certificates that permit instruments or products to be sold or services to be supplied in respect of legal metrology matters; and
 - (m) provide for compliance schemes and control the use of distinctive marks and verification marks. 15
- (2) The National Regulator may—
- (a) establish such specialist consultative committees as may be prescribed, to provide input into the process, to interpret and implement legal metrology technical regulations; 20
 - (b) obtain membership of, participate in and develop relationships with regional and international bodies having objects similar to those of the National Regulator;
 - (c) participate in the International Organisation for Legal Metrology, established by the “Convention establishing an International Organisation of Legal Metrology” done at Paris on 12 October 1955, and any other institute responsible for legal metrology; 25
 - (d) enter into agreements with service providers to inspect, examine, test or analyse samples or verify measuring instruments on behalf of the National Regulator; 30
 - (e) obtain the cooperation of other organs of state, and enter into agreements with them in respect of legal metrology matters; and
 - (f) provide calibration services for measurement standards.

Delegation of functions

5. (1) The Minister may, subject to such conditions as he or she may impose, delegate or assign to the Chief Executive Officer any power or duty conferred or imposed on him or her by this Act, except the power to make regulations. 35

(2) The Chief Executive Officer may, subject to such conditions as he or she may impose, delegate or assign any power or duty—

- (a) conferred or imposed on him or her in terms of this Act; or 40
- (b) delegated or assigned to him or her by the Minister in terms of subsection (1), to any market surveillance inspector or verification officer.

Appointment of market surveillance inspectors

6. (1) The Chief Executive Officer may appoint an employee of the National Regulator or any organ of state, with the prescribed qualifications, as market surveillance inspector, in general or for a specific purpose. 45

(2) The Chief Executive Officer must furnish a market surveillance inspector appointed in terms of this section with a certificate signed by the Chief Executive Officer stating that he or she has been appointed as a market surveillance inspector, in general or for a specific purpose, as the case may be. 50

- (e) kombetshedza u kona u swikela na u khwaṭhisa tshishumiswa tshi ṭodeaho kha u ingamela na u lavhelesa maraga, u khwaṭhisedza na lushaka lwa ndivho dza u linga;
- (f) tendela na u khwaṭhisedza zwishumiswa zwa u ela;
- (g) langa u lugiswa ha zwishumiswa zwa u ela; 5
- (h) vhudza vhubindudzi, ndowetshumo na tshitshavha zwa Afrika Tshipembe nga ha ndaulo dza thekhenikhaḷa dza mulayo wa u ela;
- (i) thoma na u khwaṭhisa ndivho i ṭodeaho kha tshiimo tshi ṭanganedzeaho kha lifhasi;
- (j) dzhenela na u imela Afrika Tshipembe kha dzingu na lifhasi loṭhe kha zwi 10 kwamaho mulayo wa muelo;
- (k) konanya, u shumisana na u langa tshumisano ya mashango ḷa dzitshakatshaka, dzingu na vhushaka ha mashango mavhili na zwiṇwe zwiimiswa zwine zwa vha na vhuḍifhindulelli ha mulayo wa zwa u ela;
- (l) ṇetshedza ṭhanziela dzine dza tendela zwishumiswa kana zwibveledzwa 15 zwine zwa ḍo rengiswa kana tshumelo dzine dza ḍo ṇetshedzwa malugana na zwa muelo; na
- (m) ita uri tshikimu tsha u tevhedzisa na u langa tshi shumise maraga dza nṭha na maraga dza u khwaṭhisedza.
- (2) Ndaulo ya Lushaka i nga — 20
- (a) thoma komiti dza vhukwamani dza tshipentshela sa zwine zwa nga randelwa u itela uri hu vhe na mahumbulwa kha kuitele kwa u ṭalutshedza na u thoma u shumisa ndaulo dza thekhenikhaḷa dza mulayo wa zwa u ela;
- (b) wana vhuraḍo ha, u dzhenela kha na u bveledzisa vhushaka na zwiimiswa zwa dzingu na zwa lifhasi zwine zwa vha na zwipikwa zwi fanaho na zwa Ndaulo 25 ya Lushaka;
- (c) dzhenela kha Dzangano ḷa Lifhasi kha Mulayo wa zwa u ela, lo thomiwaho nga “Khuvhangano yo thomaho Dzangano ḷa Lifhasi ḷa Mulayo wa zwa u ela” lo itwaho ngei Paris nga ḷa 12 Tshimedzi 1955, na zwiṇwe zwiimiswa zwi re na vhuḍifhinduleli ha zwa mulayo wa u ela; 30
- (d) u ita thendelano na vhaṇetshedzi vha tshumelo u itela u ingamela, u linga, u linga na u sengulusa sambula kana u khwaṭhisedza zwishumiswa zwa u ela ho imelwa Ndaulo ya Lushaka;
- (e) u wana tshumisano ya zwiṇwe zwiimiswa zwa muvhuso, na u ita thendelano na izwo zwiimiswa malugana na zwa mulayo wa muelo; na 35
- (f) u ṇetshedza tshumelo dza u ela kha zwiṭandadi zwa u mielo.

U fha Mishumo

- 5. (1) Minista, ḷa tshi khou tevhedza dzenedzo nyimele sa zwine ḷa nga vhea, ḷa nga rumela kana u fha Muofisi-Mulangi maandḷa maṇwe na maṇwe kana mushumo une ndi wawe u ya nga uno Mulayo nga nṇḍa ha maandḷa ḷa u ita ndaulo. 40
 - (2) Muofisi-Mulangi ḷa nga ri, ḷa tshi khou tevhedza dzenedzo nyimela ḷa vhea, ḷa rumela kana u fha maandḷa kana mushumo muṇwe na muṇwe —
 - (a) zwine hezwo ndi ene ḷo teaho u zwi ita u ya nga uno Mulayo; kana
 - (b) zwo rumelwaho kana u fhiwa ene nga Minista hu tshi tevhedzwa khethekanyo 45 ṭhukhu ya vhu (1),
- kha muofisiri wa khwaṭhisedzo kana muingameli wa u lavhelesa maraga.

U tholwa ha vhaingameli vha u lavhelesa maraga

- 6. (1) Muofisi-Mulangi ḷa nga thola mushumi wa Ndaulo ya Lushaka ḷa re na kana tshiimiswa tshiṇwe na tshiṇwe tsha muvhuso tshi re na ndalukano, dzo randelwaho ḷa vha ene muingameli wa u lavhelesa maraga, nga u angaredza kana u itela ndivho 50 yeneyo.
- (2) Muofisi-Mulangi u fanela u fha muingameli wa u lavhelesa maraga ḷo tholiwaho hu tshi tevhedzwa ino khethekanyo ḷa mu fhe ṭhanziela yo sainwaho nga Muofisi-Mulangi ḷa tshi khou bula uri uyo ḷo tholwa sa ene muingameli wa u lavhelesa maraga, lwa u angaredza kana lwa ndivho ya tshipentshela, u ya nga hune zwithu zwa vha. 55

Designation of verification bodies

7. The Chief Executive Officer may, in the prescribed manner, designate a verification body that meets the prescribed criteria to verify measuring instruments in accordance with this Act.

Appointment of verification officers

5

8. (1) The Chief Executive Officer may, in the prescribed manner, appoint an employee of the National Regulator or any designated verification body, with the prescribed competencies, as a verification officer to verify measuring instruments of any particular kind in accordance with this Act.

(2) The Chief Executive Officer must furnish a verification officer with a certificate stating that the verification officer may undertake verifications in terms of this Act. 10

Designation of repair bodies

9. The Chief Executive Officer may, in the prescribed manner, designate a repair body that meets the prescribed criteria to repair measuring instruments of any particular kind in accordance with this Act. 15

Registration of person responsible for repairs

10. (1) The Chief Executive Officer may, in the prescribed manner, register any person with the prescribed competencies and who is employed by a designated repair body, as a person responsible for repairs of any particular kind in accordance with this Act.

(2) The Chief Executive Officer must furnish a person responsible for repairs with a certificate stating that such person may undertake repairs in terms of this Act. 20

Registration of importers, manufacturers and persons who offer for sale any prescribed measuring instrument, product or service

11. Any importer, manufacturer or person, who offers for sale any prescribed measuring instrument, product or service, must register with the Chief Executive Officer in the prescribed manner and is subject to any relevant legal metrology technical regulation. 25

Advisory Forum

12. (1) The Minister must establish an Advisory Forum consisting of representatives of organisations who have an interest in the matters contemplated in this Act. 30

(2) The Advisory Forum must advise the Minister on—

- (a) matters in respect of which the National Regulator could play a role, including matters pertaining to packaging of products, the design of instruments, accuracy of measurements, type approval, verification and inspection; and
- (b) any other matter on which the Minister requests advice relating to legal metrology. 35

(3) The National Regulator must establish terms of reference and rules for the Advisory Forum which must be documented and publicly available.

Funds of National Regulator in respect of legal metrology

13. (1) For the purposes of this Act, the funds of the National Regulator consist of— 40
- (a) money appropriated by Parliament for that purpose;
 - (b) fees charged in terms of section 17(3)(b);
 - (c) income derived from its services; and
 - (d) money received from any other source.

U nanga zwiimiswa zwa u khwaṭhisedza

7. Muofisi-Mulangi nga ṇḁila yo randelwaho ḁa nga , nanga tshiimiswa tsha u khwaṭhisedza tshine tsha fusha ṭhodea dza u khwaṭhisedza zwiimiswa zwa u kala hu tshi tevhedzwa uno Mulayo.

U thola vhaofisiri vha u khwaṭhisedza

5

8. (1) Muofisi-Mulangi, nga ṇḁila yo randelwaho, ḁa nga thola mushumi wa Ndaulo ya Lushaka kana tshiimiswa tsha u khwaṭhisedza tshiṇwe na tshiṇwe tsho topolwaho tshi re na vhukoni, ho randelwaho uri ḁa vhe ene muofisiri wa u khwaṭhisedza zwishumiswa zwa u ela zwishumiswa izwi zwi tshi ḁi vha zwa lushaka luṇwe na luṇwe u ya nga uno Mulayo. 10

(2) Muofisi-Mulangi u fanela u fha muofisi wa u khwaṭhisedza ṭhanziela ine ya khou amba muofisiri wa u khwaṭhisedza u ḁo shuma mushumo wa u khwaṭhisedza u ya nga uyu Mulayo.

U nanga zwiimiswa zwa u lugisa

9. Muofisi-Mulangi, nga ṇḁila yo randelwaho, ḁa nga nanga tshiimiswa tsha u lugisa tshine tsha fusha ṇḁila dzo randelwaho dza u lugisa zwishumiswa zwa lushaka luṇwe na luṇwe hu tshi tevhedzwa uno Mulayo. 15

U ṇwalisa vhathu vha re na vhuḁifhindleli ha u lugisa

10. (1) Muofisi-Mulangi, nga ṇḁila yo randelwaho, ḁa nga ṇwalisa muthu muṇwe na muṇwe ḁa re na vhukoni ho randelwaho nahone ḁo tholwaho nga tshiimiswa tsho topolwaho tsha u lugisa, uri ḁa vhe ene ḁa re na vhuḁifhindleli ha u lugisa tshiṇwe na tshiṇwe u ya nga uno Mulayo. 20

(2) Muofisi-Mulangi u fanela u fha ṭhanziela muthu ḁa re na vhuḁifhindleli ha u lugisa ine ṭhanziela iyo ya tea u bula uri muthu uyo u ḁo shuma zwa u lugisa u ya nga uno Mulayo. 25

U ṇwaliswa ha vharengamashangoḁavha, vhamagi na vhathu vhane vha rengisa tshishumiswa tshiṇwe na tshiṇwe, zwibveledzwa kana tshumelo

11. Murengamashangoḁavha, mumagi kana muthu, ane ḁa rengisa tshishumiswa tsha u ela tsho randelwaho, tshibveledzwa kana tshumelo, u fanela u ṇwalisa kha Muofisi-Mulangi nga ṇḁila yo randelwaho nahone u tea u tevhedza ndaulo iṇwe na iṇwe ya mulayo wa zwa u ela. 30

Foramu ya vhueletshedzi

12. (1) Minisṭa u tea u thoma Foramu i re na vhaimele vha maharo ḁa re na dzangalelo kha mafhungo ḁo bulwaho kha uno Mulayo.

(2) Foramu ya Vhueletshedzi i tea u eletshedza Minisṭa kha— 35

(a) malugana na zwine Ndaulo ya Lushaka ya tea u shuma zwone, hu tshi katelwa mafhungo ḁa u paka zwibveledzwa, u ola zwishumiswa, vhukumakuma ha mielo, lushaka lwa khwaṭhisedzo, u khwaṭhisedza na u ingamela; na

(b) mafhungo maṇwe na maṇwe ane Minisṭa ḁa humbela uri ḁa eletshedzwe malugana na Mulayo wa muelo. 40

(3) Ndaulo ya Lushaka i tea u thoma tsumbandivho na milayo ya Foramu ya Vhueletshedzi ine tsumbandivho ya tea u tou ṇwalwa nahone ya tea u wanalea nga tshitshavha.

Masheleni ḁa Ndaulo ya Lushaka malugana na mulayo wa muelo

13. (1) U itela ndivho dza uno Mulayo, masheleni ḁa Ndaulo ya Lushaka ndi — 45

(a) tshelede i bvaho Phalamenndeni;

(b) tshelede i badelwaho hu tshi tevhedzwa khethekanyo ya vhu 17(3)(b);

(c) ine ya itwa i tshi bva kha tshumelo dza yone Ndaulo ya Lushaka; na

(d) tshelede yo ṭanganedzwaho i tshi bva kha zwiṇwe zwiko.

16

(2) The Minister, at the recommendation from the National Regulator and with the approval of the Minister of Finance, must set the amounts to be charged for the rendering of services contemplated in subsection (1)(c) by notice in the *Gazette*.

(3) Amounts set in terms of subsection (2) may provide for payments in respect of the delay of the proceedings as a result of an omission by the person who contracts the services of the National Regulator. 5

Fees charged by designated bodies

14. (1) A verification body may charge such fees as may be agreed upon between that verification body and the person submitting the measuring instrument for verification contemplated in section 24. 10

(2) A repair body may charge such fees as may be agreed upon between that repair body and the person submitting a measuring instrument for repair.

CHAPTER II

LEGAL METROLOGY TECHNICAL REGULATIONS

Legal metrology technical regulations 15

15. (1) The Minister may, in respect of any measuring instrument or any product or service which may affect fair trade, industrialisation, public health and safety or the environment, or in respect of any other prescribed purpose, on the recommendation of the National Regulator and by notice in the *Gazette*—

(a) declare a SANS or a provision of a SANS to be a legal metrology technical regulation— 20

(i) by referring to the title and the number of that standard only, without indicating the year or edition number, and if that SANS is amended, the amended SANS must be regarded as having been incorporated; or

(ii) by referring to the title, number and year or edition number of that SANS; 25

(b) declare an amended SANS or an amended provision of a SANS to be a legal metrology technical regulation if the original declaration was made in terms of paragraph (a)(ii);

(c) declare or amend a legal metrology technical regulation if a SANS or a provision of a SANS is not available in terms of paragraphs (a) and (b); or 30

(d) withdraw a legal metrology technical regulation.

(2) The Minister may not publish a notice under subsection (1)(a), (b) or (c), unless a preliminary notice has been published in the *Gazette*—

(a) setting out full particulars of the proposed legal metrology technical regulation or amendment; and 35

(b) in which interested persons are invited to comment on the proposed legal metrology technical regulation in writing by not less than two months after the date of the publication of the preliminary notice.

(3) A notice under subsection (1)(a), (b) or (c)— 40

(a) must contain full particulars of the legal metrology technical regulation or amendment thereto;

(b) comes into operation on a date fixed in the notice, which date may not be less than two months after the date of publication of the notice; and

(c) may fix different dates on which different provisions of a legal metrology technical regulation come into operation. 45

(4) The Minister may alter a date referred to in subsection (3)(b) or (c) by notice in the *Gazette*.

(2) Minista, musi ho themendela Ndaulo ya Lushaka nahone Minista wa zwa Masheleni lo tenda, u fanela u ta tshelede ine ya badelwa musi hu tshi neshedzwa tshumelo dzo bulwaho kha khethekanyo thukhu ya vhu (1)(c) nga ndivhadzo kha *Gazete*.

(3) Tshelede yo tiwaho hu tshi tevhedzwa khethekanyo thukhu ya vhu (2) i nga ita mbadelo yments in respect of the delay of the proceedings as a result of an omission by the person who contracts the services of the National Regulator. 5

Masheleni ane la badeliswa nga zwiimiswa zwo nangiwo

14. (1) Tshiimiswa tsha u khwaṭhisedza tshi nga badelisa tshelede sa zwe zwa pfaniwa vhukati ha itsho tshiimiswa na muthu ane la khou dsa tshishumiswa tsha u ela uri tshi khwaṭhisedzwe sa zwo bulwaho kha khethekanyo ya vhu 24. 10

(2) Ane la khou lugis la nga badelisa tshelede yo pfaniwaho vhukati ha mulugisi na muthu lo dsaṣho tshishumiswa uri tshi lugiswe.

NDIMA YA II

NDAULO DZA THEKHENIKHAḲA DZA MULAYO WA MUELO 15

Ndaulo dza thekhenikhaḲa la dza mulayo wa muelo

15. (1) Minista, malugana na tshishumiswa tsha u ela kana tshibveledzwa tshinwe na tshinwe kana tshumelo zwine zwa nga kwama makwevho la pfadzaho, ndowetshumo, mutakalo wa tshitshavha na tsireledzo kana mupo, kana malugana na ndivho inwe na inwe yo randelwaho, musi ho themendela Ndaulo ya Lushaka nahone nga ndivhadzo kha *Gazete* a nga— 20

(a) divhadza SANS kana mbetshelo ya SANS uri i vhe ndaulo ya thekhenikhaḲa ya mulayo wa zwa u ela—

(i) nga u sedza kha dzina na nomboro ya tshitandadi fhedzi, hu si na u sumbedza nwaha kana nomboro ya tshibveledzwa, nahone arali SANS yo khwiniswa, SANS yo khwiniswaho i tea u dzhiwa sa yone yo katelwaho; 25

(ii) nga u sedza dzina, nomboro na nwaha kana nomboro ya tshibveledzwa ya SANS;

(b) divhadza SANS yo khwiniswaho kana mbetshelo yo khwiniswaho ya SANS uri i vhe yone ndaulo ya thekhenikhaḲa ya mulayo wa zwa u ela arali ndivhadzo ya vhukuma yo vha yo itwa nga pharagirafu ya (a)(ii); 30

(c) divhadza kana u khwinisa ndaulo ya thekhenikhaḲa ya mulayo wa zwa u ela arali SANS kana mbetshelo ya SANS i siho u ya nga pharagirafu ya (a) na (b); 35

(d) humisela murahu ndaulo ya thekhenikhaḲa ya mulayo wa zwa u ela.

(2) Minista la nga si anadze ndivhadzo nga fhasi ha khethekanyo thukhu ya vhu (1)(a), (b) kana (c), nga nda ha thangela-ndivhadzo i songo thoma ya anadza kha *Gazete*—

(a) i tshi khou sumbedza zwidodombedzwa nga vhudalo zwa ndaulo ya thekhenikhaḲa ya mulayo wa zwa u kala wo dzinginywaho kana wo khwiniswaho; na 40

(b) ine vha re na dzangalelo vha rambiwa uri vha bve muhumbulo kha ndaulo ya thekhenikhaḲa ya mulayo wa zwa u kala wo dzinginywaho nga u tou nwala nga tshifhinga tshi siho fhasi ha minwedzi mivhili nga murahu ha datumu ya u anadza thangela-ndivhadzo. 45

(3) Ndivhadzo nga fhasi ha Khethekanyo thukhu ya vhu (1)(a), (b) kana (c)—

(a) i fanela u vha i na zwidodombedzwa zwa ndaulo ya thekhenikhaḲa ya mulayo wa zwa u ela kana khwiniso;

(b) i fanela u thoma u shumiswa nga datumu yo sumbedzwaho kha ndivhadzo, ine datumu iyo i nga si vhe ya minwedzi mituku kha mivhili nga murahu ha datumu ya u anadza ndivhadzo; na 50

(c) i nga dzudzanya datumu dzo fhambanaho kha mbetshelo dzo fhambanaho dza ndaulo ya thekhenikhaḲa ya mulayo wa zwa u ela.

(4) Minista la nga thutha datumu yo sumbedzwaho kha khethekanyo thukhu ya vhu (3)(b) kana (c) nga ndivhadzo kha *Gazete*. 55

(5) The Minister may prescribe the consultation process which must precede the declaration or amendment of a legal metrology technical regulation contemplated in subsection (1).

Proposals to introduce or amend legal metrology technical regulations

16. (1) A proposal to introduce or amend a legal metrology technical regulation must be submitted to the Chief Executive Officer in writing and be motivated by the person proposing that declaration or amendment. 5

(2) The National Regulator must, if the proposal referred to in subsection (1) is feasible—

(a) request SABS to draft a SANS that may be applied in respect of the proposal contemplated in subsection (1); and 10

(b) agree on a time limit with SABS, by which time such SANS must be duly published by SABS.

(3) (a) If a proposal referred to in subsection (1) is feasible and a SANS is published by SABS in terms of subsection (2)(b) or it is not possible to include the contemplated requirements in a SANS, the National Regulator must proceed with the prescribed consultation process. 15

(b) In the case of a new legal metrology technical regulation the consultation process must include a regulatory risk and impact assessment.

Effect of declaration as legal metrology technical regulation 20

17. (1) No person may import, manufacture, sell or supply a measuring instrument or product, or render a service, to which a legal metrology technical regulation applies, except in accordance with that legal metrology technical regulation.

(2) No person may import, sell or supply a measuring instrument or product, or render a service, to which a legal metrology technical regulation applies, unless— 25

(a) the measuring instrument, product or service complies with, or has been manufactured in accordance with, the legal metrology technical regulation; or

(b) if applicable, the distinctive mark referred to in section 37(1) has been applied to the measuring instrument, product or service in the prescribed manner and the measuring instrument, product or service has been marked in accordance with any requirements in terms of section 37(2). 30

(3) Any person who imports, sells or supplies a measuring instrument, product or service to which a legal metrology technical regulation applies, must—

(a) keep and make available to a surveillance inspector such records as may be prescribed; and 35

(b) pay such fees to the National Regulator as may be prescribed.

Measuring instrument, product or service not conforming to legal metrology technical regulation

18. (1) If the National Regulator finds that a measuring instrument, product or service does not conform to the legal metrology technical regulation concerned, the National Regulator must direct in writing that such measuring instrument, product or service must be brought into compliance with any relevant technical regulation, failing which the measuring instrument, product or service must be confiscated, destroyed or returned to the country of origin in such manner as the National Regulator may direct in writing. 40

(2) Any cost incurred by the National Regulator for the confiscation, destruction or otherwise dealing with the measuring instrument, product or service contemplated in subsection (1) may be recovered from the person using such measuring instrument or product, or rendering such service. 45

(5) Ministā la nga randela kuitele kwa vhukwamani kune kwa rangela u ñivhadza kana u khwinisa ndaulo ya thekhenikhaḷa ya mulayo wa zwa u ela zwo sumbedzwaho kha khethekanyo ṭhukhu ya vhu (1).

Madzinginywa a u thoma kana u khwinisa ndaulo dza thekhenikhaḷa dza mulayo wa muelo

5

16. (1) U dzinginywa ha u thoma kana u khwinisa ndaulo ya thekhenikhaḷa ya mulayo wa zwa u ela i fanela u iswa kha Muofisi-Mulangi yo tou ñwalwa nahone i na mbuno dza u i tikedza dzo ñwaliwaho nga muthu ane a khou dzinginya.

(2) Ndaulo ya Lushaka, arali ḷidzinginywa ḷo bulwaho kha khethekanyo ṭhukhu ya vhu (1) i tshi konadzea i fanela u—

10

(a) humbela *SABS* uri i ite mvetamveto dzine dza nga shuma malugana na ḷidzinginywa ḷo bulwaho kha khethekanyo ṭhukhu ya vhu (1); na

(b) u tenda tshifhinga tsha u guma na yone *SABS*, tshine tshifhinga yeneyo *SANS* i fanela u aṇadza nga *SABS*.

(3) (a) Arali ḷidzinginywa ḷo bulwaho kha khethekanyo ṭhukhu ya vhu (1) i tshi konadzea nahone *SANS* ya aṇadza nga *SABS* hu sthi tevhedza khethekanyo ṭhukhu ya vhu (2)(b) kana zwi sa konadzei u katela ṭhoḷea dzo bulwaho kha *SANS*, Ndaulo ya Lushaka I tea u ya phanda na kuitele kwa vhukwamani kwo randelwaho.

15

(b) Kha ndaulo ya thekhenikhaḷa ya mulayo wa zwa u ela kuitele kwa vhukwamani ku tea u katela ndaulo ya mulingo na u ṭhaṭhuvha ṭhuṭhuwedzo.

20

Masiandoitwa a u khwaṭhisa ndaulo ya thekhenikhaḷa ya mulayo wa muelo

17. (1) A hu na muthu ane a nga renga zwithu mashangoḍavha, u maga, rengisa kana u isedza tshishumiswa tsha u ela kana tshibveledzwa, kana u ñetshedza tshumelo, ine ndaulo ya thekhenikhaḷa ya mulayo wa u ela ya kwama, nga nḍa ha musi hu u ya nga ndaulo ya thekhenikhaḷa ya mulayo muelo.

25

(2) A hu na muthu ane a ḍo rengisela mashangoḍavha, u rengisa kana u isedza tshibveledzwa kana tshishumiswa tsha u ela, kana u isedza tshumelo, ine ndaulo ya thekhenikhaḷa ya mulayo wa zwa u kala wa kwama, nga nḍa ha musi—

(a) tshishumiswa tsha u ela, tshibveledzwa kana tshumelo i tshi anana na, kana u magiwa u ya nga, ndaulo ya thekhenikhaḷa ya mulayo wa zwa u ela; kana

30

(b) arali zwo tea, maraga dza nṭha dzo sumbedzwaho kha khethekanyo ya vhu 37(1) shumiswa kha tshishumiswa tsha u ela, tshibveledzwa kana tshumelo nga nḍila yo randelwaho na tshishumiswa tsha u ela, tshibveledzwa kana tshumelo yo swaiwa u ya nga ṭhoḷea dziṇwe na dziṇwe hu tshi tevhedza khethekanyo ya vhu 37(2).

35

(3) Muthu muṇwe na muṇwe ane a renga mashangoḍavha, rengisa kana u isedza tshishumiswa tsha u kala, tshibveledzwa kana tshumelo ine ya kwamiwa nga ndaulo ya thekhenikhaḷa ya mulayo wa zwa u ela, u fanela u—

(a) vhulunga na u ita uri rekhodo dzi vhone nga muingameli wa u lavhelesa sa zwo randelwaho; na

40

(b) badela tshelede kha Ndaulo ya Lushaka sa zwo randelwaho.

Tshishumiswa tsha u kala, tshibveledzwa kana tshumelo i sa ananiho na ndaulo ya thekhenikhaḷa ya mulayo wa muelo

18. (1) Arali Ndaulo ya Lushaka ya wana uri tshishumiswa tsha u ela, tshibveledzwa kana tshumelo a zwi anani na ndaulo ya thekhenikhaḷa ya mulayo wa zwa u ela u kwameaho, Ndaulo ya Lushaka i ḍo isa luṇwalo kha itsho tshishumiswa tsha u ela, tshibveledzwa kana tshumelo uri zwi tea u ananiswa na ndaulo yo teaho, u kundelwa ha tshishumiswa tsha u ela, tshibveledzwa kana tshumelo zwi ḍo ita uri i tshinyekanywe, kwashiwa kana u humiselwa kha shango ḷine zwenezwo zwa bva hone nga iyo nḍila ine Ndaulo ya Lushaka I nga laela nga u tou ñwala.

45

50

(2) Tshelede iṇwe na iṇwe yo shumiswaho nga Ndaulo ya Lushaka kha u tshinyekanya, u kwashekanya kana nga iṇwe nḍila ri nga tou ri u shumana na tshishumiswa tsha u ela, tshibveledzwa kana tshumelo y ḷo bulwaho kha khethekanyo ṭhukhu ya vhu (1) i ḍo waniwa kha muthu ane a shumisa tshishumiswa tsha u ela kana tshibveledzwa, kana ane a ñetshedza tshumelo.

55

(3) The National Regulator must inform the Minister in writing of any final action taken in terms of this section within 21 days of such action being taken.

CHAPTER III

MEASUREMENT STANDARDS

Measurement standards used by market surveillance inspectors, verification officers and persons responsible for repairs 5

19. The National Regulator or any appointed service provider, designated verification body or repair body must provide such measurement standards as may be prescribed for use by their own personnel for the purposes of the performance of his or her functions under this Act. 10

CHAPTER IV

MARKET SURVEILLANCE INSPECTIONS

Powers of market surveillance inspectors

20. (1) In order to monitor and enforce compliance with the provisions of this Act, and subject to the conditions of his or her appointment and the production of an inspection authority issued by the Chief Executive Officer, a market surveillance inspector may, at any reasonable time and without prior notice, enter any premises, other than a private dwelling, or stop any vehicle in or upon which— 15

- (a) a measuring instrument, product or service in respect of which there is a legal metrology technical regulation, is— 20
 - (i) manufactured or sold;
 - (ii) stored, kept for sale or used in the course of any business; or
 - (iii) stored for any purpose in connection with the import or the export of any measuring instrument, product or service;

- (b) any manufacture, sale, use or storage is reasonably suspected; or 25

- (c) any records with regard to the import, manufacture, sale or use of any measuring instrument, product or service referred to in paragraph (a) or (b) are kept.

(2) A market surveillance inspector referred to in subsection (1) may—

- (a) inspect any measuring instrument, product or other related matter which may in terms of this Act be inspected, or may order that for the purposes of inspection, such measuring instrument, product or other related matter including documentation pertaining to the inspection, be placed at his or her disposal; 30

- (b) seize and retain subject to subsection (8) or suspend the use or provision of any measuring instrument, product or service which does not conform to or has not been manufactured or provided in accordance with a legal metrology technical regulation that applies to it or any record, document or certificate pertaining to such measuring instrument, product or service; 35

- (c) order a person offering any measuring instrument or product for sale or offering a service, to stop such offering if not in accordance with a legal metrology technical regulation that applies to it; 40

- (d) order the person in whose possession or on whose premises or vehicle such non-compliant measuring instrument, product or service was found, or the agent or employee of such person, to withdraw the whole, or any part, of such product or service from sale or to withdraw such measuring instrument from 45

(3) Ndaulo ya Lushaka i fanela u vhudza Minista nga u tou nwala nga ha tsheo ya u fhedza hu tshi tevhedzwa ino khethekanyo hu saathu u fhela maduvha a 21 ho dzhiiwa iyo tsheo.

NDIMA YA III

ZWITANDADI ZWA MIELO

5

Zwitandadi zwa zwikalo zwi shumiswaho nga vhaingameli vha u lavhelesa maraga, vhaofisiri vha khwaṭhisedzo na vhathu vhane vha vha na vhuḑifhinduleli ha u lugisa

19. Ndaulo ya Lushaka kana muṅetshedzi wa tshumelo muṅwe na muṅwe, tshiimiswa tsho nangiwohona kana mulugisi vha fanela u netshedza zwitandadi zwa u kala sa zwe zwa randelwa uri zwi shumiswe nga vhashumi vhazwo u itela ndivho dza mishumo yazwo na mishumo nga fhasi ha uno Mulayo. 10

NDIMA YA IV

VHAINGAMELI VHA U LAVHELESA MARAGA

Maandḁa a vhaingameli vha u lavhelesa maraga

15

20. (1) U itela u lavhelesa na u tevhedzisa mbetshelo dza uno Mulayo, na u tevhedza milayo ya u tholwa hawe na u bveledzwa ha maandḁalanga a u ingamelwa ḽo bviswaho nga Muofisi-Mulangi, muingameli wa u lavhelesa maraga, nga tshifhinga tshiṅwe na tshiṅwe tshi pfalaho nahone a songo thoma a ḑivhadza, a nga dzhena zwifhaṭoni zwiṅwe na zwiṅwe, nga nḁa ha hayani ha phuraivethe , kana a imisa tshiendisi tshiṅwe na tshiṅwe tshine— 20

- (a) tshishumiswa tsha u kala, tshibveledzwa kana tshumelo malugana na ndaulo ya thekhenikhaḽa ya mulayo wa u ela hune—
 - (i) tsha magiwa hone kana u rengiswa;
 - (ii) u vhewa, u vhetshelwa u rengiswa kana u shumiswa kha bindu ḽiṅwe na ḽiṅwe; kana 25
 - (iii) u vhetshelwa ndivho iṅwe na iṅwe zwi tshi kwama u renga mashangoḑavha kana u rengiselwa mashangoḑavha ha tshishumiswa tsha u ela, tshibveledzwa kana tshumelo;
- (b) u magwa, u rengisa, u shumisa kana u vhulungwa hu tshi khou humbulelwa; kana 30
- (c) rekhodo dziṅwe na dziṅwe malugana na u renga mashangoḑavha, u maga, u rengisa kana u shumisa tshishumiswa tsha u ela, tshibveledzwa kana tshumelo yo sumbedzwaho kha pharagirafu ya (a) kana (b) dzo vhewa.

(2) Muingameli wa u lavhelesa maraga ḽo ambiwaho kha khethekanyo ṭhukhu ya vhu (1) a nga— 35

- (a) ingamela tshishumiswa tsha u kala, tshibveledzwa kana zwiṅwe zwi kwamaho zwenezwi zwine u ya nga uno Mulayo zwa tea u ingamelwa, kana u nga itela idzo ndivho dza u ingamela, tshishumiswa tsha u kala, tshibveledzwa kana zwiṅwe zwi re na vhushaka na zwenezwi hu tshi katelwa ḽiṅwalwa malugana na u ingamela, zwo vhewaho khae; 40
- (b) u dzhia hu tshi tevhelwa khethekanyo ṭhukhu ya vhu (8) kana u imisa u shumiswa ha tshishumiswa tsha u ela, tshibveledzwa kana tshumelo ine a i anani kana zwi songo magiwaho u ya nga ndaulo ya thekhenikhaḽa ya mulayo wa zwa u ela ine ya shumiswa kha rekhodo iṅwe na iṅwe, ḽiṅwalwa kana ṭhanziela malugana na tshishumiswa tsha u ela, tshibveledzwa kana tshumelo; 45
- (c) laela muthu ane a khou rengisa tshishumiswa tsha u ela kana tshibveledzwa nga u tou rengisa kana u fha tshumelo, a laelwa uri a litshe zwenezwo arali hu sa khou tevhedzwa ndaulo ya thekhenikhaḽa ya mulayo wa zwa u ela une wa shumiswa; 50
- (d) laela muthu ane u na kana ane zwifhaṭoni zwawe kana kha tshiendi tshawe hu tshi shumiswa tsha u ela, tshibveledzwa kana tshumelo zwine zwo wanala zwi sa fushi ndaulo, kana mushumeli kana mushumi wa onoyo muthu, u ḑo laelwa uri a humisele murahu tshoṭhe, kana tshipiḑa, itsho tshibveledzwa kana tshumelo zwa si tsha rengiswa kana hu humiselwe murahu tshishumiswa tsha 55

further use or sale or to take such other steps as that market surveillance inspector may deem necessary; and

- (e) open products or instruments to which a regulation applies, in order to inspect, examine, test or analyse them.

(3) A market surveillance inspector referred to in subsection (1) may enter a private dwelling at which no business is conducted or any place other than a place referred to in subsection (1) only—

- (a) with the consent of the owner or occupier; or
(b) if authorised to do so by a warrant issued in terms of subsection (4).

(4) A warrant contemplated in subsection (3) may be issued by a judge or a magistrate if it appears from written information given by the market surveillance inspector on oath or affirmation that there are reasonable grounds for believing that a contravention of this Act has been or is being committed within the area of jurisdiction of that judge or magistrate.

(5) The warrant contemplated in subsection (3) must specify the parameters within which the market surveillance inspector may perform an entry, search or seizure.

(6) A market surveillance inspector entering any premises or vehicle referred to in subsections (1) and (3) may be accompanied by an interpreter.

(7) A market surveillance inspector who enters and inspects any premises or vehicle under this section must conduct the entry and inspection with strict regard for decency and order, and with regard to each person's right to dignity, freedom, security and privacy.

(8) A market surveillance inspector who removes anything from a premises or a vehicle being searched must—

- (a) issue a receipt for it to the owner or person in control of the premises or vehicle; and
(b) return it as soon as practicable after it has served the purpose for which it was removed.

(9) Any person, or any agent or employee of such person, in charge of a measuring instrument, product or service that is being inspected by any market surveillance inspector referred to in subsection (1) must at the request of any such market surveillance inspector, render such assistance as may be necessary for the purposes of the inspection by the market surveillance inspector.

(10) A market surveillance inspector must reject, by defacing in the prescribed manner, the verification mark on any measuring instrument which—

- (a) he or she finds to be false, defective or inaccurate; or
(b) does not comply with any—
(i) requirement of this Act;
(ii) limitation or condition regarding verification in terms of section 17(2)(a); or
(iii) prescribed requirement or other requirement contemplated in section 22(2)(b) or (c).

(11) (a) Any measuring instrument contemplated in subsection (10) must be regarded as unverified.

(b) Any market surveillance inspector who defaces a verification mark on any measuring instrument contemplated in subsection (10) must at the same time issue to the person in charge of the measuring instrument a certificate stating the reason for the defacement.

Market surveillance inspection offences

21. A person is guilty of an offence if that person—

- (a) hinders or obstructs any market surveillance inspector in the exercise of his or her powers under section 20;
(b) fails on demand to produce or place at the disposal of any market surveillance inspector any measuring instrument, product or other related evidence, including documentation contemplated in section 20(2)(a);

- u ela tsha sa tsha shumiswa kana sa tsha rengiswa kana u dzhia mañwe maga
u ya nga hune muingameli a vhona zwo tea; nahone
- (e) vula zwibveledzwa kana zwishumiswa zwine ndaulo ya zwi kwama, u itela u
zwi ingamela, ṭhaṭhuvha, linga kana u sengulusa.
- (3) Muingameli wa u linda maraga ḽo sumbedzwaho kha khethekanyo ṭhukhu ya vhu 5
(1) a nga dzhena kha haya ha phuraivethe hune a huna bindu ḽine ḽa khou tshimbizwa
kana fhethu hunwe na huñwe ho sumbedzwaho kha khethekanyo ṭhukhu ya vhu (1)
fhezi—
- (a) hu na thendelo ya muñe wa heneffho fhethu; kana
- (b) arali ḽo tendelwa u pfalo nga thendelo i ñewaho u ya nga khethekanyo ṭhukhu 10
ya vhu (4).
- (4) Thendelo yo ambiwaho kha khethekanyo ṭhukhu ya vhu (3) i nga ñetshedzwa nga
muḥaṭuli kana madzhistrāṭa arali zwi tshi vhone he ha ñwalwa nga muingameli wa u
lavhelesa maraga kha muano kana khwaṭhisedzo ya uri hu na mbuno dzi pfalaho dza u
tenda uri hu na u pfuka uno Mulayo kana uno Mulayo u khou pfukiwa kha hune 15
muḥaṭuli kana madzhistrāṭa a vha na maandālanga khazwo.
- (5) Thendelo yo bulwaho kha khethekanyo ṭhukhu ya vhu (3) i fanela u ṭalusa mikano
ya hune muingameli wa u lavhelesa maraga a tea u dzhena, a guduba na u dzhia.
- (6) Muingameli wa u lavhelesa maraga ane a khou dzhena zwifhaṭoni zwoṭhe kana
kha tshiendisi sa zwo ambiwaho kha khethekanyo ṭhukhu ya vhu (1) na (3) a nga 20
fhelekedzwa nga ḽologi.
- (7) Muingameli wa u lavhelesa maraga ane a khou dzhena u ingamela zwifhaṭo na
zwiendisi nga fhasi ha ino khethekanyo u fanela u dzhena a ingamela ngamaandesa
nahone a na mikhwa nahone nga ṇḽila yone, nahone a tshi ṭhonifha pfanelo ya muthu ya
u ṭhonifiwa tshirunzi, mbofholowo, tsireledzo na tshidzumbe. 25
- (8) Muingameli wa u linda maraga ane a khou bvisa zwithu zwiñwe na zwiñwe
zwifhaṭoni kana kha vhuendi zwine zwa khou gudubiwa u fanela u—
- (a) ñetshedza rasithi muñe wa zwifhaṭo na zwiendedzi ane a khou zwi langa; na
- (b) u humisa nga u ṭavhanya nga murahu ha musi ho no fushiwa ndivho ya uri
zwo vha zwo bviselwani. 30
- (9) Muthu muñwe na muñwe, kana mushumeli kana mushumi wa uyo muthu, a re na
vhuḽifhinduleli ha tshiimiswa tsha u ela, tshibveledzwa kana tshumelo zwine hezwo ndi
zwone zwine zwa khou ingamelwa nga muingameli wa u linda maraga zwo ambiwaho
kha khethekanyo ṭhukhu ya vhu (1) u tea uri musi ḽo humbelwa nga muingameli wa u
lavhelesa maraga, a thuse nga hune zwa nga ṭoḽea u thusa u itela ndivho ya u ingamela 35
nga muingameli wa u lavhelesa maraga.
- (10) Muingameli wa u linda maraga u fanela u landula, nga u kwasha nga ṇḽila yo
randelwaho, maraga dza u khwaṭhisedza kha tshishumiswa tshiñwe na tshiñwe tsha u
ela zwine—
- (a) a wana zwi si zwa vhukuma, zwi na khakho kana zwi songo dzula zwavhuḽi; 40
kana
- (b) zwi sa anani na —
- (i) ṭhoḽea ya uno Mulayo;
- (ii) phungudzelo na nyimele malugana na u khwaṭhisa hu tshi tevhedzwa ino
khethekanyo ya vhu 17(2)(a); kana 45
- (iii) ṭhoḽea dzo randelwaho kana dziñwe ṭhoḽea dzo bulwaho kha
khethekanyo ya vhu 22(2)(b) kana (c).
- (11) (a) Tshishumiswa tshiñwe na tshiñwe tsho bulwaho kha khethekanyo ṭhukhu ya
vhu (10) tshi fanela u dzhiiwa tshi songo ṭolwa/ u khwaṭhisedzwa.
- (b) Muingameli wa u lavhelesa maraga muñwe na muñwe ane a thutha maraga dza u 50
khwaṭhisedza kha tshishumiswa tshiñwe na tshiñwe tsha u ela/ u ela sa zwo ambiwaho
kha khethekanyo ṭhukhu ya vhu (10) u fanela uri nga khathihi a ñee ṭhanziela muthu a
re na vhuḽifhinduleli na tshishumiswa tsha u ela ine ṭhanziela i khou amba mbuno dza
u ita zwenezwo zwa u thutha maraga.

Vhutshinyi malugana na nyingamelo ya u lavhelesa maraga

55

21. Muthu u vha a na mulandu wa vhutshinyi arali a—

- (a) thivhela kana a khakhisa muingameli wa u linda maraga kha u shumisa
maandā a we nga fhasi ha khethekanyo ya vhu 20;
- (b) kundelwa u bvisa kana u sumbedza muingameli wa u lavhelesa maraga
tshishumiswa tsha u ela, tshibveledzwa kana vhuñwe vhuṭanzi, hu tshi 60
katelwa ḽiñwalwa ḽo bulwaho kha khethekanyo ya vhu 20(2)(a);

- (c) fails to uphold an order given by any market surveillance inspector in terms of section 20(2)(c) or (d);
- (d) refuses to permit any market surveillance inspector to open any products or instrument in terms of section 20(2)(e);
- (e) fails to render any assistance to any market surveillance inspector if so requested by the market surveillance inspector in terms of section 20(9); or 5
- (f) falsely holds himself or herself out to be a market surveillance inspector.

CHAPTER V

TYPE APPROVAL AND VERIFICATION OF MEASURING INSTRUMENTS

Type approval of measuring instruments 10

22. (1) Every type of measuring instrument used for a prescribed purpose is subject to type approval, unless excluded by regulation.

(2) (a) A type of measuring instrument contemplated in subsection (1) that is not excluded must be submitted for type approval in accordance with the prescribed requirements. 15

(b) If the type of measuring instrument contemplated in paragraph (a) complies with the prescribed requirements or requirements set in subsection (c), the Chief Executive Officer must issue a type approval certificate.

(c) The Chief Executive Officer may, in consultation with the submitter, set requirements and conditions pertaining to the use thereof, for measuring instruments where these are not prescribed, until such time as a legal metrology technical regulation is published in terms of section 15. 20

(d) The National Regulator may, subject to such conditions, limitations or requirements and for a specified period, permit in writing the use, or supply for use, for a prescribed purpose of a specimen of a model of a measuring instrument referred to in subsection (2)(a) and for a specified number of such specimens, before the Chief Executive Officer has approved thereof in terms of subsection (2)(b). 25

(e) The measuring instrument contemplated in paragraph (d) is, during the period of the written permission, excluded from the provisions of section 24.

(3) The Chief Executive Officer may withdraw or amend any certificate issued in terms of subsection (2)(b) if the measuring instrument no longer complies with the requirements. 30

(4) The period of validity of a certificate issued in terms of subsection (2)(b) is as prescribed.

Type approval offences 35

23. (1) A person is guilty of an offence if he or she, without the written permission of the Chief Executive Officer in terms of section 22(2)(d)—

(a) sells or makes available for use any new type of a measuring instrument contemplated in section 22(2)(a) before the issue of a certificate in respect of that new type of measuring instrument in terms of section 22(2)(b); 40

(b) alters any type or modified type of a measuring instrument in respect of which a certificate was issued in terms of section 22(2)(b) with regard to any portion of the material of which or the mode in which or the principle according to which the measuring instrument was made or its intended use, and represents to any person that the type so altered is the type in respect of which a certificate in terms of section 22(2)(b) was issued. 45

(2) A person is guilty of an offence if he or she represents to any other person that a measuring instrument may be used—

- (a) for a particular purpose whilst it may not be so used in terms of section 22; or
- (b) in a particular manner whilst it may not be so used in terms of section 22. 50

- (c) kundelwa u tevhedza ndaela yo itwaho nga muingameli wa u linda maraga hu tshi tevhedzwa khethekanyo ya vhu 20(2)(b), (c) na (d);
- (d) hana u tendela muingameli wa u linda maraga a tshi vula zwibveledzwa kana tshishumiswa hu tshi tevhedzwa khethekanyo ya vhu 20(2)(e);
- (e) kundelwa u fha thuso muingameli wa u lavhelesa maraga arali muingameli lo 5
humbela ngauralo hu tshi khou tevhedzwa khethekanyo ya vhu 20(9);
- (f) a xifara sa muingameli wa u lavhelesa maraga a tshi khou zwifha.

NDIMA YA V

LUSHAKA LWA KHWATHISEDZO NA U KHWATHISEDZA ZWISHUMISWA ZWA U ELA 10

Lushaka lwa khwaṭhisedzo ya zwishumiswa zwa u ela

22. (1) Lushaka lwa tshishumiswa tshiṅwe na tshiṅwe tsha u kala tshi shumiselwaho ndivho yo randelwaho tshi tea u tendelwa kana u khwaṭhisedzwa, nga nṅa ha musi tshi sa katelwi nga ndaulo.

(2) (a) Lushaka lwa tshishumiswa tsha u ela kha khethekanyo ṭhukhu ya vhu (1) 15
tshine a tsho ngo siiwa nṅa nga ndaulo tshi tea u iwa tsha khwaṭhisedzwa u ya nga ndaela dzo randelwaho.

(b) Arali lushaka lwa tshishumiswa tsha u ela tsho ambiwaho kha phara ya (a) tshi tshi anana na ṭhodea dzo randelwaho kana ṭhodea dzi re kha khethekanyo ṭhukhu ya (c), Muofisi-Mulangi u tea u netshedza ṭhanziela ya u khwaṭhisedza. 20

(c) Muofisi-Mulangi, a tshi khou kwamana na lo qisaho, a nga ita ṭhodea na milayo/nyimele malugana na u shumiswa ha tshishumiswa, dza zwishumiswa he zwa sa randelwe, u swika tshenetsho tshifhinga hu tshi anṅadzwa ndaulo ya mulayo wa zwa u ela hu tshi tevhedzwa khethekanyo ya vhu 15.

(d) Ndaulo ya Lushaka, i tshi tevhedza milayo, phungudzelo kana ṭhodea nahone lwa 25
tshifhinga tsho imaho nga uri, i nga tendela u shumiswa kana nṅisedzo, i tshi khou itela ndivho yo randelwaho kha modele u fanaho wa tshishumiswa tsha u kala zwo ambiwaho kha khethekanyo ya vhu (2)(a) nahone na nomboro ya uyo mufuda, phanṅa ha musi Muofisi-Mulangi a tshi khwaṭhisedza hu tshi tevhedzwa khethekanyo ṭhukhu ya vhu (2)(b). 30

(e) Tshishumiswa tsha u ela tsho bulwaho kha phara ya (d), nga tshifhinga tsha musi hu tshi ṅwalwa thendelo, a tsho ngo katelwa kha mbetshelo dza khethekanyo ya vhu 24.

(3) Muofisi-Mulangi a nga humisela murahu kana a khwinisa ṭhanziela yo ṅewaho hutshi tevhedzwa khethekanyo ṭhukhu ya vhu (2)(b) arali tshishumiswa tsha u ela tshi sa tsha anana na ṭhodea. 35

(4) Tshifhinga tsha u vha ṭhanziela i tshi kha qṅi shuma hu tshi tevhedzwa khethekanyo ṭhukhu ya vhu (2)(b) tshi nga nṅila ye ya randelwa.

Lushaka lwa vṭhushinyi ha khwaṭhisedzo

23. (1) Muthu u na mulandu wa vṭhushinyi arali a songo wana thendelo yo ṅwaliwaho nga Muofisi-Mulangi hu tshi tevhedzwa khethekanyo ya vhu 22(2)(d) a— 40

(a) rengisa kana a ita uri tshishumiswa tsha u ela tshiswa tshi vhe tsha u rengisa sa zwo bulwaho kha khethekanyo ya vhu 22(2)(a) phanṅa ha musi hu saathu u bva ṭhanziela malugana na lushaka luswa lwa tshishumiswa tsha u ela hu tshi tevhedzwa khethekanyo ya vhu 22(2)(b);

(b) shandukisa kana a khwinisa tshishumiswa tsha u ela tshine ṭhanziela yo vha 45
yo fhiwa hu tshi tevhedzwa khethekanyo ya vhu 22(2)(b) malugana na tshipiṅa tsha matheria la kana nṅila ine kana mulayo u ya nga hune tshishumiswa tsha u ela tsha vha tsho itwa ngayo kana u shumiswa ngayo, na u sumbedza muthu muṅwe na muṅwe uri lushaka lwo raliho lo shandukiswaho ndi lushaka malugana na ṭhanziela u ya nga khethekanyo ya 50
vhu 22(2)(b) yo netshedzwaho.

(2) Muthu u na mulandu wa vṭhushinyi arali kana u fha muṅwe muthu tshishumiswa tsha u ela uri a tshi shumise—

(a) a tshi khou itela yeneyo ndivho hu na uri tshi nga si shumiswe u ya nga khethekanyo ya vhu 22; kana 55

(b) nga nṅila yo imaho nga uri hu na la uri tshi nga si shumiswe u ya nga khethekanyo ya vhu 22.

Verification of measuring instruments

24. (1) All measuring instruments, including those used by the State for a prescribed purpose, are subject to initial verification and subsequent verification in accordance with the relevant legal metrology technical regulations, unless the measuring instrument is exempted by regulation from initial verification or subsequent verification. 5
- (2) Measuring instruments must be submitted for verification at the prescribed time and in the prescribed manner.

Powers of verification officers

25. (1) For the purposes of this Act, a verification officer may verify any measuring instrument for which he or she is appointed in terms of this Act. 10
- (2) The Minister may prescribe requirements to restrict verification officers from repairing prescribed measuring instruments.
- (3) (a) If a verification officer in the exercise of his or her powers contemplated in subsection (1) finds that the measuring instrument in question does not comply with the requirements of this Act, the verification officer must reject such measuring instrument 15 by defacing the verification mark in the prescribed manner.
- (b) A measuring instrument of which the verification mark has been defaced in terms of paragraph (a) must be regarded as unverified.
- (c) A verification officer who defaces any verification mark on any measuring instrument in terms of paragraph (a) must, immediately after he or she has defaced the verification mark, issue to the person in charge of the measuring instrument in question a certificate stating the reason for the defacement and a copy of that certificate must be submitted to the National Regulator. 20
- (4) If a verification officer in the exercise of his or her powers contemplated in subsection (1) finds that the measuring instrument in question complies with the requirements of this Act, he or she must— 25
- (a) if a verification mark is prescribed, apply such verification mark in the prescribed manner to the measuring instrument; and
- (b) at the same time issue a verification certificate to the person in charge of the measuring instrument. 30

Offences in connection with verification of instruments

26. (1) A verification officer is guilty of an offence if he or she—
- (a) consents to the continued use of a measuring instrument that was rejected in terms of section 25(3)(a);
- (b) issues a document to the effect that a measuring instrument has been verified 35 under this Act if that measuring instrument has not been verified;
- (c) uses a verification mark for any purpose other than the intended purpose;
- (d) fails to reject a measuring instrument which is found not to comply with the requirements of this Act;
- (e) repairs and verifies a measuring instrument which he or she is not permitted to repair and verify in terms of section 25(2) or repairs an instrument for which he or she is not registered to repair in terms of section 10. 40
- (f) unless a measuring instrument has been submitted or made available to him or her by the owner or user thereof for verification—
- (i) falsely creates the impression with any owner or user that a measuring instrument is subject to verification by the verification officer; or 45
- (ii) compels any owner or user to have a measuring instrument verified by the verification officer.
- (2) A person is guilty of an offence if he or she—
- (a) forges or counterfeits any stamp or die used for the verification of any 50 measuring instrument;
- (b) wilfully falsifies or tampers with a measuring instrument used for any prescribed purpose;

Khwaṭhisedzo ya zwishumiswa zwa u ela

24. (1) Zwishumiswa zwoṭhe zwa u ela, hu tshi katelwa zwine zwa shumiswa nga Muvhuso kha ndivho yo randelwaho, zwi tea u thoma zwa khwaṭhisedzwa u ya nga ndaulo dzo teaho dza thekhenikha la dza mulayo wa u muelo, nga nnḁa ha musi tshishumiswa tsho vhoḥhololwa nga ndaulo uri tshi songo pfi pfalo. 5

(2) Zwishumiswa zwa u ela zwi fanela u iswa zwa khwaṭhisedzwa nga tshifhinga tsho randelwaho nahone nga nḁila yo randelwaho.

Maandḁa a vhaofisiri vha u khwaṭhisedza

25. (1) U itela ndivho dza uno Mulayo, muofisiri wa u khwaṭhisedza a nga khwaṭhisedza tshishumiswa tshinwe na tshinwe tshe a tholelwa tshone u ya nga uno Mulayo. 10

(2) Minisṭa a nga randela ṭhoḁea dza u thivhela vhaofisiri vha u khwaṭhisedza vha tshi lugisa zwishumiswa zwa u kala zwo randelwaho.

(3) (a) Arali muofisiri wa u khwaṭhisedza a tshi khou shumisa maandḁa awe lo bulwaho kha khethekanyo ṭhukhu ya vhu (1) a wana uri tshishumiswa tsha u kala tshine tshetsho a tshi anani na ṭhoḁea dza uno Mulayo, muofisiri wa u khwaṭhisedza u tea u landula itsho tshishumiswa nga u tshi tshinyekanya/ nga u thutha maraga dza u khwaṭhisedza nga nḁila yo randelwaho. 15

(b) Tshishumiswa tsha u kala tshine maraga dzo thuthwa hu tshi tevhedzwa phara ya (a) tshi tea u dzhiwa tshi songo ṭolwa/ u khwaṭhisedzwa. 20

(c) Muofisiri wa u khwaṭhisedza lo thuthaho/tshinyekanyaho maraga dza u khwaṭhisedza kha tshishumiswa tsha u kala hu tshi tevhedzwa phara ya (a) nga u ṭavhanya nga murahu ha u pfalo u tea u fha ṭhanziela muthu a re na vhuḁifhinduleli ha tshishumiswa, ṭhanziela i bulaho mbuno dza u ita zwenezwo nahone khophi ya hone i tea u iswa kha Ndaulo ya Lushaka. 25

(4) Arali muofisiri wa u khwaṭhisedza a tshi khou shumisa maandḁa awe sa zwo bulwaho kha khethekanyo ṭhukhu ya vhu (1) a wana uri tshishumiswa tshine tsha kwamea tshi khou anana na ṭhoḁea dza uno Mulayo, u fanela uri—

(a) arali maraga dza u khwaṭhisedza dzo randelwa u tea u shumisa idzo maraga kha tshishumiswa tsha u ela nga nḁila yo randelwaho; nahone 30

(b) nga khathihi a mbo ḁi fha muthu a re na vhuḁifhinduleli ṭhanziela ya tshishumiswa itsho.

Vhutshinyi malugana na khwaṭhisedzo ya zwishumiswa

26. (1) Muofisiri wa u khwaṭhisedza u na mulandu arali—

(a) a tenda tshishumiswa tsho landulwaho tshi tshi ya phandḁa na u shumiswa hu tshi tevhedzwa khethekanyo ya vhu 25(3)(a); 35

(b) a nea linwalwa la uri tshishumiswa tsha u kala tsho khwaṭhisedzwa ngeno zwi songo ralo;

(c) a shumisa maraga dza u khwaṭhisedza a tshi khou itela inwe ndivho nga nnḁa ha yo lavhelelwaho; 40

(d) a kundelwa u landula tshishumiswa tsha u ela tshine tsho waniwa tshi sa anani na ṭhoḁea dza uno Mulayo;

(e) a lugisa na u khwaṭhisedza tshishumiswa tshine ha ngo tendelwa u tshi lugisa na u tshi khwaṭhisedza u ya nga khethekanyo ya vhu 25(2) kana u lugisa tshishumiswa tshine a tsho ngo nwaliselwa u lugiswa u ya nga khethekanyo ya vhu 10. 45

(f) nga nnḁa ha musi tshishumiswa tsho iswa kana u ḁiswa khae nga muṇe watsho kana ane a tshi shumisa a tshi itela uri tshi khwaṭhisedzwe—

(i) nga u zwifha ha muṇe watsho kana mushumisi watsho uri muofisiri wa u khwaṭhisedza a tshi khwaṭhisedze; kana 50

(ii) nga u kombetshedza muṇe kana mushumisi wa tshishumiswa uri tshi khwaṭhisedzwe nga muofisiri wa u khwaṭhisedza.

(2) Muthu u na mulandu wa vhutshinyi arali a—

(a) fodzhara kana u tswa tshiṭemembe kana a shumisa kha u khwaṭhisa tshishumiswa tsha u ela; 55

(b) nga khole a zwifha kana u ita vhuḥfura kha tshishumiswa tshi shumiswaho kha ndivho yo randelwaho;

- (c) otherwise than in the capacity of a market surveillance inspector, a verification officer or a person responsible for repairs acting in terms of any regulation and save as provided for in section 27, intentionally obliterates or removes from any measuring instrument any verification mark or any part thereof;
 - (d) otherwise than in the capacity of a verification officer, places upon any measuring instrument any mark purporting to indicate that such measuring instrument has been verified; or 5
 - (e) sells, or disposes of, for use for any prescribed purpose, any measuring instrument that has been tampered with or that has been falsified or on which the verification mark has been defaced in terms of section 25(3)(a). 10
- (3) Any verification body that is not designated in terms of section 7 and that verifies a measuring instrument is guilty of an offence.

CHAPTER VI

REPAIR OF MEASURING INSTRUMENTS

Functions of persons responsible for repairs 15

27. (1) A person responsible for repairs of any instrument used for a prescribed purpose must be—
- (a) employed by a designated repair body; and
 - (b) registered in terms of section 10.
- (2) The Minister may prescribe requirements to restrict a person responsible for repairs from verifying a measuring instrument after he or she has repaired it. 20
- (3) Subject to any prescribed instructions relating to the defacing, obliteration or breaking of any verification mark, a person responsible for repairs—
- (a) may not repair any measuring instrument used for any prescribed purpose unless he or she has first permanently obliterated any verification mark, including a mark defaced in terms of section 25(3)(a), on that measuring instrument; and 25
 - (b) who has repaired any measuring instrument used for any prescribed purpose must, before further use of that measuring instrument, furnish a guarantee signed by him or her to the user or the owner of that measuring instrument that the measuring instrument is correct and verifiable under this Act, unless that measuring instrument is verified immediately after the repair. 30
- (4) A guarantee issued in terms of subsection (3)(b) is valid for a prescribed period.
- (5) A copy of the guarantee contemplated in subsection (3)(b) must be forwarded to the National Regulator in the prescribed manner. 35
- (6) (a) No person may use for any prescribed purpose any measuring instrument that has been repaired, unless that measuring instrument has been verified or a guarantee in writing has in terms of subsection (3)(b) been issued in respect of that measuring instrument.
- (b) If a person relies on a guarantee contemplated in paragraph (a), that person must ensure that the measuring instrument is verified before the expiry of the guarantee. 40
- (7) Work carried out on, or an adjustment made to, a measuring instrument that does not constitute a repair, does not invalidate any current verification in respect of that measuring instrument as long as the person who worked on or adjusted the measuring instrument applies protective seals where these have been broken and issues a prescribed certificate stating— 45
- (a) the nature of the work done or the adjustment made;
 - (b) the serial number and date of issue of the current valid verification certificate pertaining to that instrument; and
 - (c) that the work done or the adjustment made did not affect the metrological integrity of the measuring instrument or invalidate the current verification. 50

- (c) a siho kha vhuimo ha muingameli wa u lavhelesa maraga, muofisiri wa u khwaṭhisedza kana muthu a re na vhuḍifhinduleli ha u lugisa a tshi khou tevhedza ndaulo inwe na inwe nahone nga nṇḍa ha khethekanyo ya vhu 27, nga khole a bvisa maraga dza u khwaṭhisedza kana tshipiḍa kha tshishumiswa tsha u ela; 5
 - (d) a siho kha vhuimo ha muofisiri wa u khwaṭhisedza, a vhea maraga kha tshishumiswa tsha u ela dzine dza sumbedza u nga itsho tshishumiswa tsho khwaṭhisedzwa; kana
 - (e) rengisa, kana vhea, a tshi itela u tshi shumisela ndivho yo randelwaho, tshishumiswa tshinwe na tshinwe tsho silingwaho kana tsho zwifhelelwaho kana tshine maraga dzatsho dzo thuthiwa hu tshi tevhedzwa khethekanyo ya vhu 25(3)(a). 10
- (3) Tshiimiswa tsha u khwaṭhisedza tshine a tsho ngo nangiwa u ya nga khethekanyo ya vhu 7 nahone tshine tsha kho khwaṭhisedza zwishumiswa zwa u ela tshi na mulandu wa vhutshinyi. 15

NDIMA YA VI

ULUGISWA HA ZWISHUMISWA ZWA U ELA

Mishumo ya vathu vha re na vhuḍifhinduleli ha u lugisa

27. (1) Muthu a re na vhuḍifhinduleli ha u lugisa tshishumiswa tsha u ela tshinwe na tshinwe tshi shumiswaho kha ndivho yo randelwaho u fanela u vha— 20
- (a) o tholiwa nga tshiimiswa tsha u lugisa tsho nangiwaho; nahone
 - (b) o nwalisa u ya nga khethekanyo ya vhu 10.
- (2) Minista a nga randela thodea dza u thivhela muthu a re na vhuḍifhinduleli ha u lugisa a tshi khwaṭhisedza tshishumiswa tsha u ela nga murahu ha musi lo no tshi lugisa.
- (3) Hu tshi tevhedzwa ndaela dzo randelwaho malugana na u thutha, u bvisa kana u thutha maraga dza u khwaṭhisedza, muthu a re na vhuḍifhinduleli ha u lugisa— 25
- (a) a nga si lugise tshishumiswa tsha u ela tshi shumiswaho kha ndivho yo randelwaho nga nṇḍa ha musi lo thoma a bvisa maraga dza u khwaṭhisedza lwa tshothe, hu tshi katelwa maraga dzo thuthwaho hu tshi tevhedzwa khethekanyo ya vhu 25(3)(a), kha tshenetsho tshishumiswa; na 30
 - (b) o lugisaho tshishumiswa tsha u ela tshi shumiswaho kha ndivho yo randelwaho u tea uri, phanda ha musi hu tshi shumiswa tshishumiswa tsha u ela, a fhe khwaṭhisedzo ye a saina a i fhe mushumisi kana muṇe wa tshishumiswa tsha u ela u itela u sumbedza uri tshishumiswa ndi tsha vhukuma nahone tshi nga fhasi ha uno Mulayo, nga nṇḍa ha musi tshiimiswa itsho tshi tshi khwaṭhisedzwa u tshanyanya nga murahu ha u lugisa. 35
- (4) Khwaṭhisedzo yo netshedzwaho u ya nga khethekanyo thukhu ya vhu (3)(b) i vha ya vhukuma u swika hu tshi fhela tshifhinga tsho randelwaho.
- (5) Khophi ya khwaṭhisedzo yo bulwaho kha khethekanyo thukhu ya vhu (3)(b) i fanela u rumelwa kha Ndaulo ya Lushaka nga nḍila yo randelwaho. 40
- (6) (a) A hu na muthu ane a do shumisa tshishumiswa tsha u ela a tshi khou itela ndivho yo randelwaho, nga nṇḍa ha musi tshishumiswa tsha u kala tsho khwaṭhisedzwa kana u khwaṭhisedzwa nga lunwalo hu tshi tevhedzwa khethekanyo thukhu ya vhu (3)(b) nahone khwaṭhisedzo ya lunwalo yo nekedzwa malugana na tshishumiswa tsha u kala. 45
- (b) Arali muthu a tshi khou fhulufhela kha khwaṭhisedzo yo bulwaho kha phara (a) hoyo muthu u tea u vbona uri tshiimiswa tsha u ela tsho khwaṭhisedzwa phanda ha musi khwaṭhisedzo i tshi fhirelwa nga tshifhinga.
- (7) Mushumo wo shumiswaho, kana nzudzanyo dzo itwaho kha, tshishumiswa tsha u ela dzine a dzi dzhiwi hu u lugisa, a dzi kwami u khwaṭhisedzwa ha tshishumiswa tenda muthu we a shuma kana u dzudzanya tshishumiswa lo si la he a vunḍa nahone a ita na thanziela ya izwo zwe a ita a tshi khou bula— 50
- (a) vhuva ha mushumo wo itwaho kana zwe zwa dzudzanywa;
 - (b) nomboro ya seria la na datumu zwa u bvisa ha thanziela ya khwaṭhisedzo ya zwino malugana na tshishumiswa; na 55
 - (c) uri mushumo wo itwaho kana nzudzanyo dzo itwaho a dzo ngo kwama thonifho ya u kalwa ha tshishumiswa tsha u kala kana u kwama khwaṭhisedzo.

Offences in respect of repair of measuring instruments

- 28.** (1) A person is guilty of an offence if that person—
- (a) repairs a measuring instrument used for a prescribed purpose whilst not registered in terms of section 10;
 - (b) after repair verifies the measuring instrument which he or she may not verify in terms of section 27(2);
 - (c) contravenes or fails to comply with section 27(3)(a) or (b);
 - (d) uses a measuring instrument for any prescribed purpose that has been repaired without having it immediately thereafter verified, unless that measuring instrument is covered by a guarantee contemplated in section 27(3)(b); or
 - (e) uses a measuring instrument for a prescribed purpose after the guarantee contemplated in section 27(3)(b) has expired, unless that measuring instrument has been verified before the expiry of that guarantee.
- (2) A repair body is guilty of an offence if that repair body repairs a measuring instrument used for a prescribed purpose whilst it is not designated in terms of section 9 as a repair body.

CHAPTER VII

MANNER OF USE, POSSESSION OF OR SALE OF MEASURING INSTRUMENTS AND PRODUCTS

Restriction on and prohibition of manufacture, import, use or possession of certain measuring instruments

29. Notwithstanding anything to the contrary in this Act or any other law, the Minister may, by notice in the *Gazette*, restrict or prohibit the manufacture, import, use or possession of any measuring instrument or container to such extent and under such conditions as may be necessary in order to achieve the object of effecting the application of measurement units of the International System of Units and any other prescribed measurement unit in the Republic.

Sale, supply and use of unverified measuring instruments

- 30.** (1) (a) No person may sell, or supply for use, any unverified measuring instrument for any prescribed purpose if such measuring instrument must be verified in terms of the Act, unless he or she has obtained prior permission in writing for such sale or supply from the Chief Executive Officer.
- (b) The Chief Executive Officer may issue such permission only if—
- (i) he or she is satisfied that the seller or supplier cannot, without undue delay or inconvenience, cause such instrument to be verified before its sale or supply; and
 - (ii) the seller or supplier furnishes the Chief Executive Officer with a guarantee in a prescribed format and under such conditions as may be prescribed to the effect that the instrument is correct and verifiable under this Act.
- (c) The Chief Executive Officer must specify in the permission a date on which the permission expires.
- (2) No person may use an unverified measuring instrument unless he or she has obtained the permission of the Chief Executive Officer.
- (3) Notwithstanding subsection (2), a person who has acquired an unverified measuring instrument from a person contemplated in subsection (1)(a) and covered by permission contemplated in subsection (1)(b), may use such measuring instrument but he or she must cause the measuring instrument to be verified before the date on which the permission expires.

Vhutshinyi malugana na u lugisa zwishumiswa zwa u ela

- 28.** (1) Muthu u na mulandu wa vhutshinyi arali uyo muthu a—
- (a) lugisa tshishumiswa tsha u ela tshi shumiselwaho ndivho yo randelwaho a songo ñwalisa u ya nga khethekanyo ya vhu 10;
 - (b) nga murahu ha u lugisa a khwaṭhisedza tshishumiswa tsha u ela tshine ha tei u tshi ralo u ya nga khethekanyo ya vhu 27(2); 5
 - (c) pfuka kana a kundelwa u anana na khethekanyo ya vhu 27(3)(a) kana (b);
 - (d) shumisa tshishumiswa tsha u ela a tshi khou itela ndivho yo randelwaho tshishumiswa tsho lugiswaho tshi songo khwaṭhisedzwaho nga murahu ha u lugiswa, nga nṇḁa ha musi tshishumiswa tsha u ela tsho katelwa nga khwaṭhisedz/phuluphedziso dzo bulwaho kha khethekanyo ya vhu 27(3)(b); kana 10
 - (e) shumisa tshishumiswa tsha u kala a tshi khou itela ndivho yo randelwaho nga murahu ha khwaṭhisedz/phuluphedziso dzo bulwaho kha khethekanyo ya vhu 27(3)(b) yo fhirelwa, nga nṇḁa ha musi tshishumiswa tsha u ela tsho khwaṭhisedzwa phanda ha musi tshi tshi fhirelwa. 15
- (2) Tshiimiswa tsha u lugisa tshi na mulandu wa vhutshinyi arali tshenetsho tshiimiswa tsha lugisa tshishumiswa tsha u ela tshi shumiselwaho kha ndivho dzo randelwaho hu na uri a tsho ngo nangwa u ya nga khethekanyo ya vhu 9 sa tshiimiswa tsha u lugisa. 20

NDIMA YA VII

**NDILA YA U SHUMISA, U VHA MUṆE WA KANA THENGISO YA
ZWIBVELEDZWA NA ZWISHUMISWA ZWA U ELA**

Phungudzelo na nyiledzo ya u magiwa, u renga mashangodavha, u shumisa kana u vha na zwenezwo zwishumiswa zwa u ela 25

29. Naho hu na phambano kha uno Mulayo na muṇwe mulayo, Ministā a nga qivhadza kha *Gazete* a tshi khou thivhela kana u iledza u magwa, u rengisela mashangodavha, u shumisa kana u vha muṇe wa tshishumiswa tsha u ela kana u faredza u swika hune nahone nga fhasi ha nyimele dzine dza nga ṭoḁea u itela u swikelela tshipikwa tsha u kwama u shumisa mielo ya yuniti dza sisiteme ya mashango a dzitshaka-tshaka na inwe yuniti ya mielo yo randelwaho kha Riphabuliki. 30

Thengiso, nyisedzo na u shumisa zwishumiswa zwa u ela zwi songo khwaṭhisedzwaho

- 30.** (1) (a) A hu na muthu ane a nga rengisa, kana u isedza, tshishumiswa tshi songo khwaṭhisedzwaho uri tshi shumiswe kha ndivho yo randelwaho arali tshenetsho tshishumiswa tshi tshi tea u khwaṭhisedzwa hu tshi tevhedzwa Mulayo, nga nṇḁa ha musi ho wanala thendelo u thoma i tshi bva kha Muofisi-Mulangi nahone yo tou ñwaliwa. 35
- (b) Muofisi-Mulangi a nga ñetshedza thendelo fhedzi arali—
- (i) o fushea uri murengisi kana muḁisedzi ha ngo, a songo vhuya a lenga kana u thithiswa, u ḁo ita uri tshishumiswa itsho tshi khwaṭhisedzwe phanda ha musi tshi saathu u rengiswa kana u isedwa; nahone 40
 - (ii) murengisi kana muisedzi u fha Muofisi-Mulangi khwaṭhisedzo nga ndila yo randelwaho nahone nga fhasi ha zwenezwo zwa zwa randelwa u itela uvhona uri tshishumiswa ndi tshone nahone tsho khwaṭhisedzwa nga fhasi ha uno Mulayo tshishumiswa tshawe tshi khwaṭhisedzwe datumu ya thendelo i saathu u fhira. 45
- (c) Muofisi-Mulangi u tea u ṭalusa datumu ine thendelo ya ḁo fhirelwa ngayo henefho kha yeneyo thendelo.
- (2) A hu na muthu ane a nga shumisa tshishumiswa tsha u ela nga nṇḁa ha musi ḁo wana thendelo kha Muofisi-Mulangi.
- (3) Naho hu na khethekanyo ṭhukhu ya vhu (2), muthu ḁo wanaho tshishumiswa tsha u ela tshi songo khwaṭhisedzwaho u bva kha muthu ḁo bulwaho kha khethekanyo ṭhukhu ya vhu (1)(a) nahone a vha a tshi tsireledzwa nga thendelo yo bulwaho kha khethekanyo ṭhukhu ya vhu (1)(b), a nga shumisa itsho tshishumiswa fhedzi u tea u ita uri tshishumiswa tshawe tshi khwaṭhisedzwe datumu ya thendelo i saathu u fhira. 50

Offences in respect of manufacture or selling of false, defective or inaccurate measuring instruments

31. (1) A person who manufactures, sells or causes to be sold any false, defective or inaccurate measuring instrument, is guilty of an offence.

(2) A person who manufactures, sells, or causes to be sold, any measuring instrument for any prescribed purpose that does not comply with the requirements of a notice issued under section 29 or with the requirements of any applicable legal metrology technical regulation, is guilty of an offence. 5

(3) A person is guilty of an offence if that person—

(a) furnishes a guarantee in terms of section 30(1)(b)(ii) in respect of any measuring instrument which is not correct and verifiable under this Act; 10

(b) contravenes or fails to comply with section 30(2); or

(c) uses a measuring instrument contemplated in section 30(3) after the date on which the permission expires without having caused the measuring instrument to be verified. 15

Measuring instruments to be wholly exposed

32. (1) Any person who, in the presence of the purchaser of any product and in connection with the measuring of the quantity of such product, uses any measuring instrument, must keep such measuring instrument wholly exposed to the view of such purchaser. 20

(2) Any person who uses any measuring instrument in the presence of a person in respect of whom the first mentioned person provides a service must keep such measuring instrument wholly exposed to the view of the person in respect of whom the first mentioned person provides a service.

(3) Any person who uses any measuring instrument other than in the presence of a person in respect of whom the first mentioned person provides a service, must grant free access to such measuring instrument and its indications to any person affected by or to whom the measurement applies. 25

(4) Any person who, in the retail trade, sells any product prepacked by him or her must, at the request of the purchaser of such product who wishes to measure the quantity of the product purchased, make available to that purchaser a verified measuring instrument suitable for measuring the quantity of the product in question. 30

Prohibition of false statement as to quantity

33. (1) Subject to subsection (2), any person who directly or indirectly makes any false, incorrect or untrue declaration or statement or wilfully misleads any person as to the quantity or a measurement value, expressed by number or in terms of any measurement unit, of any item in connection with its purchase, sale, counting or measurement or in the computation of any charges for services rendered or for any other measurement of a legal nature on the basis of number or measurement, is guilty of an offence. 40

(2) If the difference between the actual and any represented quantity, expressed by number or in terms of any measurement unit, in respect of which any declaration or statement contemplated in subsection (1) is made and such difference is permissible in terms of this Act, that declaration or statement must not be regarded as false, incorrect or untrue merely because of the existence of that difference. 45

Measurement for prescribed purpose to be effected in terms of certain measurement units and by means of verified measuring instruments

34. (1) Any contract, bargain, sale, purchase or transaction made or effected in the Republic in respect of any land situated therein or in respect of any interest in land so situated or in respect of any product, service rendered or measurement for any other prescribed purpose, the quantity of which is expressed in terms of any measurement unit, must be made or effected in accordance with a prescribed measurement unit for such purpose. 50

Vhutshinyi malugana na u maga kana u rengiswa ha zwishumiswa zwi si zwa vhukuma, zwo vhaialaho kana zwi songo tou kokotolo

31. (1) Muthu ane a maga, rengisa kana a ita uri hu rengiswe tshishumiswa tsha u ela tshi si tsha vhukuma, tsho khakheaho kana tshi si tshone kokotolo, u na mulandu wa vhutshinyi. 5
- (2) Muthu ane a maga a rengisa, kana a itisa uri hu rengiswe, tshishumiswa tsha u ela tshiinwe na tshiinwe zwi tshi khou itelwa ndivho inwe na inwe yo randelwaho tshine tshishumiswa itsho a tshi fushi thodea dza ndivhadzo yo bviswaho nga fhasi ha khethekanyo ya vhu 29 kana na thodea dza ndaulo ya thekhenikha la dza mulayo wa muelo, u na mulandu wa vhutshinyi. 10
- (3) Muthu u na mulandu wa vhutshinyi arali uyo muthu a—
- (a) fha khwaṭhisedzo u ya nga khethekanyo ya vhu 30(1)(b)(ii) malugana na tshishumiswa tshiinwe na tshiinwe tshine a si tshone nahone tshi songo khwaṭhisedzwa nga fhasi ha uno Mulayo; 15
 - (b) pfuka kana a kundelwa u anana na khethekanyo ya vhu 30(2); kana
 - (c) shumisa tshishumiswa tsha u kala tsho bulwaho kha khethekanyo ya vhu 30(3) musi datumu yo no fhira a songo ita uri tshi khwaṭhisedzwe.

Zwishumiswa zwa u ela zwine zwa do fanwa

32. (1) Muthu muinwe na muinwe, hu na murengi wa tshibveledzwa tshiinwe na tshiinwe nahone zwi tshi kwamana na u ela vhunzhi ha itsho tshibveledzwa, ane a shumisa tshishumiswa tshiinwe na tshiinwe tsha u ela, u fanela u dzudza tshishumiswa tsho fanwa tshoṭhe uri tshi vhone nga murengi. 20
- (2) Muthu muinwe na muinwe ane a shumisa tshishumiswa tsha u ela hu na muthu ane o thomiwa u bulwa a netshedza tshumelo u tea u dzudza tshishumiswa tsha u ela tsho fanwa tshoṭhe u itela u vhone nga muthu ane muthu a thomiwaho u bulwa u fha tshumelo. 25
- (3) Muthu muinwe na muinwe ane a shumisa tshishumiswa tsha u ela hu si na muthu o bulwaho u thoma ane a netshedza tshumelo, u tea tendela nga mahala kha tshenetsho tshishumiswa tsha u ela na tsumbedzo kha muthu muinwe na muinwe a kwameaho kana a kwameaho nga zwa u kala. 30
- (4) Muthu muinwe na muinwe ane kha zwa makwevho a rengisa tshibveledzwa tshiinwe na tshiinwe tshine ndi ene ane a thoma u tshi paka u fanela uri musi lo humbeliwa nga murengi wa tshibveledzwa ane a tama u kala vhunzhi ha zwibveledzwa zwo rengwaho, a ite uri a fhe uyo murengi tshishumiswa tsha u ela tsho teaho u kala tshivhalo tsha tshibveledzwa tshi kwameaho. 35

Nyiledzo ya zwiṭaṭamennde zwa mazwifhi malugana na tshivhalo

33. (1) Hu tshi tevhedzwa khethekanyo ya vhu (2), muthu muinwe na muinwe ane zwo livha kana zwi songo livha a ita mazwifhi, a mba mazwifhi kha tshiṭaṭamennde kana nga khole a xedza vathu zwi tshi kwama tshivhalo kana muelo, zwo sumbedzwa nga nomboro kana u ya nga yuniti ya u kalwa ha tshithu zwi tshi kwama u tshi renga, rengisa, u vhala kana muelo kana u vhalela mbadelo dza tshumelo yo netshedzwaho kha mulayo wa muelo nga kha sia la nomboro kana muelo, u na mulandu wa vhutshinyi. 40
- (2) Arali phambano vhukati ha tshivhalo tsho waniwaho na hetsho tshe tsha vha tsho ambiwa, tsho ambiwaho nga nomboro kana nga inwe ndila ya u ela, malugana na zwiinwe na zwiinwe u bula kana tshiṭaṭamennde sa zwo sumbedzwaho kha khethekanyo thukhu ya vhu (1) zwo itea nahone iyo phambano i tshi tendelwa nga uno Mulayo, uho u bula kana tshiṭaṭamennde zwi tea u dzhiwa sa mazwifhi, kana zwi si zwa ngoho ngauri hu na heyo phambano. 45

Zwikalo zwa ndivho yo randelwaho zwine zwa do shumiswa hu tshi tevhedzwa yuniti dza muelo wonoyo na nga ndila dza zwishumiswa zwa u ela zwo khwaṭhisedzwaho 50

34. (1) Tshiinwe na tshiinwe tsha kontiraka, bukuṭa, thengiso, renga kana thirantsekisheni yo itwaho kana yo itwaho kha Riphabu liki malugana na mavu kana malugana na tshibveledzwa, tshumelo yo netshedzwaho kana muelo kha ndivho inwe na inwe yo randelwaho, tshivhalo tsho ambiwaho nga u tou ela zwi itwa hu tshi tevhedzwa yuniti ya u ela ho randelwaho yeneyo ndivho. 55

34

(2) Any tolls, rates, taxes, fines or other fees charged or collected according to measurement of a physical quantity, must be charged or collected in accordance with such measurement units as may be prescribed.

(3) No measurement for a prescribed purpose may be made or effected in the Republic by means of any measuring instrument not permitted by this Act or which is false, defective or inaccurate or which, in the case of a measuring instrument which is required under this Act to be verified, is unverified. 5

(4) Subject to subsection (5), no person may import into the Republic any goods, including prepacked products, the quantity of which is expressed thereon or on any document relating thereto in terms of any unauthorised measurement unit, unless the equivalent of the quantity so expressed is also expressed in terms of a measurement unit prescribed for such purpose. 10

(5) Subsection (4) does not apply to any products which the Chief Executive Officer has exempted in writing or in respect of which the importer satisfies the Chief Executive Officer and the competent customs officer that such products are being imported for manufacturing purposes and not for sale. 15

(6) Any person who expresses the quantity of any product for sale in a manner or in terms of a measurement unit not prescribed for such purpose or in terms of any unauthorised measurement unit, is guilty of an offence.

Advertisement of measurable products and services 20

35. (1) No person may advertise any measurable product or service to which this Act applies unless the measurement referred to in the advertisement is expressed in a manner or in terms of such measurement unit as may be prescribed for that product or service or unless he or she has obtained prior permission in writing from the Chief Executive Officer for other units to be used. 25

(2) For the purposes of this section, “advertisement”, in relation to any measurable product or service to which this Act apply, means any commercial communication or action brought to the attention of any member of the public.

(3) A person that contravenes or fails to comply with subsection (1), is guilty of an offence. 30

Manner of selling products

36. (1) No person may—

- (a) sell any product by mass unless by net mass;
- (b) sell any fluid unless, with due allowance for any prescribed limit of error, the actual liquid contents by volume at a prescribed temperature are indicated in the manner prescribed for prepackages or on any invoice, delivery note or other writing issued in connection with the sale of such fluid; 35
- (c) sell any product the quantity of which is determined at the time of sale thereof unless such quantity is made known to the purchaser in such manner as may be prescribed; 40
- (d) sell by mass any prepacked product unless the net mass of such product, with due allowance for such limits of error as may be prescribed, is indicated in the manner prescribed for prepackages or on any invoice, delivery note or other writing issued in connection with the sale of such product; or
- (e) sell or deliver to a purchaser any product sold by mass other than in prepacked form, unless the net mass of such product is indicated in the prescribed manner on such product or on any invoice, delivery note or other writing delivered with such product. 45

(2) (a) The prescribed permissible deviations contemplated in subsection (1)(d) must be in respect of any product— 50

- (i) that is subject to variation in mass owing to its properties or to climatic influences; or

(2) Ifhio na ifhio mbadelo, mithelo, ndatiso kana dziinwe tshedeledi dzi badelwaho kana u kuvhanganywa u ya nga muelo wa tshivhalo-tshikwamea, zwi fanela u badelwa kana u kuvhanganywa u ya nga yuniti dza u ela sa zwine zwa nga randelwa.

(3) A hu na u kalwa kha ndivho yo randelwaho hune ha nga itwa kha Riphabu liki nga ndila ya tshishumiswa tshine na tshinwe tsha u kala tshi sa tendelwi nga uno Mulayo kana tshi si tshone, tsho vhaialaho kana tshi songo tou kokotolo kana tshine, arali hu tshishumiswa tsha u ela tshine tsha tshwa nga fhasi ha uno Mulayo uri tshi khwaithisedzwe, tshone tsha vha tshi songo khwaithisedzwa. 5

(4) Hu tshi tevhedzwa khethekanyo ya vhu (5), a hu na muthu ane a do renga thundu mashangodavha, hu tshi katelwa na zwibveledzwa zwo dzulaho zwo pakiwa, tshivhalo tshine tsho bulwa henefho kana linwalwa linwe na linwe hu tshi tevhedzwa yuniti ya mielo i songo tendelwaho, nga nda ha musi tshivhalo tsho ambiwaho tshi tshi dovha tsha ambiwa nga yuniti ya muelo zwo randelwaho nga ndaulo u itela yeneyo ndivho. 10

(5) Khethekanyo thukhu ya vhu (4) a i shumiswi kha zwibveledzwa zwe Muofisi-Mulangi a zwi vhotholola nga u tou nwalwa kana zwine murengamasha-ngoavha a fusha Muofisi-Mulangi nahone muofisiri ane a vha na vhukoni ane izwo zwibveledzwa zwa khou rengelwa u maga hu si u zwi rengisa. 15

(6) Muthu muinwe na muinwe ane a sumbedza tshivhalo tsha tshibveledzwa tshinwe na tshinwe tsha u rengisa nga ndila kana u ya nga yuniti ya u kala i songo randelwaho kha ndivho yeneyo kana u ya nga yuniti i songo tendelwaho, u na mulandu wa vhutshinyi. 20

Khungedzelo ya tshumelo na zwibveledzwa zwi eleaho

35. (1) A hu na muthu ane a nga ita khungedzelo ya tshibveledzwa kana tshumelo zwine hezwi zwi kwamiwa nga uno Mulayo nga nda ha musi muelo u ambiwaho kha khungedzelo wo ambiwa nga ndila kana u ya nga yuniti yeneyo ya muelo sa zwine zwa nga randelwa kha tshibveledzwa kana tshumelo nga nda ha musi muthu lo wana thendelo yo nwalwaho nga Muofisi-Mulangi a tshi itela dziinwe yuniti uri dzi shumiswe. 25

(2) Kha ndivho dza ino khethekanyo, "khungedzelo", zwi tshi kwama tshibveledzwa kana tshumelo dzine dza kwamiwa nga uno Mulayo, zwi amba vhudavhidzani ha zwa vhubindudzi kana nyito i diselwaho tshitshavha. 30

(3) Muthu ane a pfuka kana a kundelwa u tevhedza khethekanyo ya vhu (1) u na mulandu wa vhutshinyi.

Ndila ya u rengisa zwibveledzwa

36. (1) A hu na muthu ane a nga— 35

(a) rengisa tshibveledzwa nga tshileme nga nda ha musi hu tshileme tshituku; (b) rengisa zwiluqi zwinwe na zwinwe nga nda ha musi hu na u tendelwa ho randelwaho mukano wa khakho, tshiluqi tsha vhukuma nga vo lumu kha thempheratsha yo randelwaho dza sumbedzwa nga ndila yo randelwaho kha phakhedzhi kana kha tsumbamutengo, noti ya u diselwa kana zwinwe zwo nwalwaho zwa bvisiwa zwi tshi kwama thengiso ya tshibveledzwa; 40

(c) rengisa tshibveledzwa tshinwe na tshinwe tshine tshivhalo tsha hone tsha tiwa nga tshifhinga tsha thengiso nga nda ha musi tshivhalo itsho tsho vhudzwa murengi nga ndila yeneyo ine ya nga vha yo randelwa; 45

(d) rengisa tshibveledzwa tsho dzulaho tsho pakiwa nga tshileme nga nda ha musi tshileme tshituku tsha itsho tshibveledzwa, tshi re na u tendela idzo phungudzelo dza khakho sa zwe zwa randelwa tsha vha tsho sumbedzwa nga ndila yo randelwaho kha phakhedzhi kana tshibveledzwa kana kha tsumbamutengo, noti ya u disedza kana linwe linwalwa lo bviswaho zwi tshi kwama thengiso ya itsho tshibveledzwa; kana 50

(e) rengisa kana u isela murengi tshibveledzwa tshinwe na tshinwe tsho rengiswaho nga tshileme nga nda ha musi tsho dzula tsho pakiwa, nga nda ha musi tshileme tshituku tsha itsho tshibveledzwa tsho sumbedzwa nga ndila yo randelwaho kha tshibveledzwa kana tsumbamutengo, noti ya ndisedzo kana linwe linwalwa lo iswaho na tshibveledzwa. 55

(2) (a) U pfuka ho tendelwaho nga u randelwa ho bulwaho kha khethekanyo thukhu ya vhu (1)(d) hu tea u kwama tshibveledzwa tshinwe na tshinwe—

(i) tshine tsha tevhedza phambano ya tshileme kha zwitaluli zwatsho kana thuthuwedzo ya kilima; kana

36

- (ii) for which mass is only used for the purposes of designating grade or class.
- (b) Notwithstanding paragraph (a), any product contemplated in—
 - (i) paragraph (a)(i) must comply with such conditions regarding quantity as may be prescribed; and
 - (ii) paragraph (a)(ii) must comply with such requirements as may be prescribed. 5
- (3) Subsection (1)(b) and (d) does not apply to products taken from bulk and measured at the time of sale in the presence of the purchaser or his or her agent and sold by volume or net mass determined at such measuring.

CHAPTER VIII

COMPLIANCE SCHEMES AND USE OF MARKS 10

Compliance schemes and use of distinctive marks and verification marks

37. (1) The Minister may, on the recommendation of the National Regulator, introduce or abolish a compliance scheme in order to promote the effectual carrying out of the objects of this Act and, if deemed necessary, an associated distinctive mark to supplement the regulation of quantity of goods in prepackaged form or any other matter 15 pertaining to this Act.
- (2) The Minister must publish the requirements for a scheme contemplated in subsection (1) and any distinctive mark associated therewith by notice in the *Gazette*.
- (3) The Chief Executive Officer must authorise the design of verification marks and protective seals for use by verification officers in the prescribed manner, and maintain a 20 register of those verification marks and protective seals.
- (4) The Chief Executive Officer must authorise and maintain a register of protective seal designs used by persons responsible for repairs.
- (5) A distinctive mark that has been established in terms of subsection (1), a verification mark and protective seals authorised in terms of subsection (3) and a 25 protective seal authorised in terms of subsection (4), must be regarded as a mark the use of which is prohibited in terms of section 15(1) of the Merchandise Marks Act, 1941 (Act No. 17 of 1941), except by the National Regulator or persons or bodies authorised by the National Regulator to use such mark.

CHAPTER IX 30

GENERAL AND MISCELLANEOUS

Regulations

38. (1) The Minister may make regulations regarding—
- (a) any matter that may or must be prescribed in terms of this Act;
 - (b) conditions for the supply, custody, care and verification of all classes of 35 measurement standards and measuring instruments referred to in this Act;
 - (c) the classes or kinds of measuring instruments that must be type approved or verified in terms of this Act;
 - (d) the purposes for which a measuring instrument type approved or verified in terms of this Act may be used; 40
 - (e) the conditions with which any attachment, device or ancillary equipment connected with any type of measuring instrument type approved in terms of this Act must comply;
 - (f) the manner in which the type approval examination of any type of measuring instrument or part thereof submitted for type approval in terms of section 22, 45 must be carried out;
 - (g) the material, design and construction of measuring instruments or specified types, classes or kinds of measuring instruments, and the approval of such material, design and construction;

37

- (ii) kha tshileme tshi shumiswaho fhedzi kha ndivho dza gireidi yeneyo kana ki lasi yeneyo.
- (b) Naho hu na phara (a), tshibveledzwa tshinwe na tshinwe tsho bulwaho kha—
- (i) phara (a)(i) tshi tea u anana na milayo ya tshivhalo sa zwo randelwaho; na
- (ii) phara (a)(ii) i tea u anana na idzo thodea sa zwo randelwaho. 5
- (3) Khethekanyo thukhu ya vhu (1)(b) na (d) a i shumiswi kha zwibveledzwa zwo dzhiwaho zwinzhi nahone zwa kaliwa nga tshifhinga tsha thengiso henefho phanda ha murengi kana zhendedzi lawe nahone zwo rengiswa nga vo lumu kana tshileme tshifuku tsho tiwaho nga honoho u kalwa.

NDIMA YA VIII

10

ZWIKIMU ZWA U ANANA NA U SHUMISWA HA MARAGA

Zwikimu zwa u ananisa na u shumiswa ha maraga dza nthha na maraga dza u khwaṭhisedza

37. (1) Ministha, nga themendelo dza Ndaulo ya Lushaka, a nga thoma kana u fhelisa tshikimu tsha u ananisa a tshi itela u tshuwedza u shuma zwavhuḍi zwo sedza ndivho dza uno Mulayo nahone, arali a tshi vhona zwo tea, maraga dza nthha dza u engedza u laula tshivhalo tsha thundu yo dzulaho yo pakiwa kana zwinwe na zwinwe zwi kwamaho uno Mulayo. 15
- (2) Ministha u tea u anadza thodea dza tshikimu sa zwo bulwaho kha khethekanyo thukhu ya vhu (1) na maraga dza nthha nga kha ndivhadzo ya *Gazete*. 20
- (3) Muofisi-Mulangi u fanela u tendela u itwa ha maraga dza u khwaṭhisedza na u tsireledza nga u si la zwine izwi zwa do shumiswa nga vhaofisiri vha u khwaṭhisedza nga ndila yo randelwaho, na u khwaṭhisedza redzhisitara ya maraga dza u khwaṭhisedza na u tsireledza nga u si la. 25
- (4) Muofisi-Mulangi u tea u tendela na u khwaṭhisa redzhisitara ya miolo ya si li ya u tsireledza i shumiswaho nga vhathu vha re na vhuḍifhinduleli ha u lugisa. 30
- (5) Maraga dza nthha dzo itwaho u ya nga khethekanyo thukhu ya vhu (1), maraga dza u khwaṭhisedza na dzisi li zwo tendiwaho hu tshi tevhedzwa khethekanyo thukhu ya vhu (3) na si li ya u tsireledza yo tendelwaho u ya nga khethekanyo thukhu ya vhu (4), dzi fanela u dzhiwa sa maraga dzine u shumiswa hadzo ho iledzwa nga khethekanyo ya vhu 15(1) ya Mulayo wa *Merchandise Marks Act, 1941 (Act No. 17 of 1941)*, nga nnda ha musi Ndaulo ya Lushaka kana vhathu kana zwiimiswa zwo tendelwaho nga Ndaulo ya Lushaka uri maraga dzi shumiswe.

NDIMA YA IX

NYANGAREDZO NA ZWO TANGANANAHO

35

Ndaulo

38. (1) Ministha a nga ita ndaulo malugana na—
- (a) mafhungo manwe na manwe kana dza tou randelwa hu tshi tevhedzwa uno Mulayo;
- (b) milayo ya ndisedzo, u dzulana, u londola na khwaṭhisedzo ya ki lasi dzothe dza zwiṭandadi zwa u ela na zwishumiswa zwa u ela zwo ambiwaho kha uno Mulayo; 40
- (c) ki lasi kana tshaka dza zwishumiswa zwa u ela zwine zwa tea u vha zwa lushaka lune lwa tendiwa kana u khwaṭhisedzwa u ya nga uno Mulayo;
- (d) ndivho dza zwishumiswa zwa lushaka lune lwa tendiwa kana u khwaṭhisedzwa nga uno Mulayo dzi nga shumiswa; 45
- (e) nyimele dzine tshinambatedzwa, tshishumiswa kana tshishumiswa-tshithusedzi tshi kwamanaho na lushaka lwa tshishumiswa tsha u kala tsho tendelwaho nga uno Mulayo dzi fanela u anana;
- (f) ndila ine thathuvho ya u tendela lushaka ya lushaka lunwe na lunwe lwa tshishumiswa tsha u ela kana tshipiḍa tsha iswa u itela u tendela lushaka hu tshi tevhedzwa khethekanyo ya vhu 22, i tea u itwa; 50
- (g) matheria la, nyolo na phatho ya zwishumiswa zwa u kala kana tshaka dzo taluswaho, ki lasi kana tshaka dza zwishumiswa zwa u kala, na u tendelwa ha eneo matheria la, nyolo na phatho; 55

- (h) the imposition of conditions or limitations on the use of any type of measuring instrument;
 - (i) the prohibition of the certification, recertification or use for any prescribed purpose of measuring instruments or specified types, classes or kinds of measuring instruments which are liable to—
 - (i) become inaccurate; or
 - (ii) result in or facilitate fraud or deception, or which are not made in accordance with the relevant specifications or are found to be unsuitable for such prescribed purpose;
 - (j) the conditions under which fluids or solids may be sold by quantity, size or dimensions, and the conditions relating to temperature under which fluids must be sold;
 - (k) the permissible limits of error or difference which may exist between the actual and represented quantity, size or dimensions of items, sold by number or in accordance with any measurement unit;
 - (l) the control of the sale or import for sale, in accordance with any measurement unit, of any product used by the public, and the requirement that such product—
 - (i) may only be sold—
 - (aa) in specified containers;
 - (bb) by means of verified or subsequently verified measuring instruments;
 - (cc) in accordance with any measurement unit; or
 - (dd) by number; and
 - (ii) must be prepacked according to a particular scale of quantities, sizes or dimensions;
 - (m) the creation of a list of products which—
 - (i) by reason of their being subject to variation in mass owing to their properties or to climatic influences;
 - (ii) by reason of the use of mass to designate grade or class only; or
 - (iii) for any other reason,are exempted from the provisions of this Act relating to the sale of goods by net mass;
 - (n) the size of the letters or any other method of indicating the quantity of the contents of containers at the time of packing;
 - (o) the permissible equivalent in which a measurement unit may be expressed in terms of another measurement unit of the same physical quantity;
 - (p) the equivalents giving the permissible quantity of items expressed in terms of the measurement unit of one physical quantity as the quantity expressed in terms of the measurement unit of another physical quantity;
 - (q) tables giving the permissible quantity per container used in trade in respect of fruit, vegetables, agricultural produce and any dry products;
 - (r) the forms to be used in connection with this Act;
 - (s) the permissible denominations of mass pieces and measures and the manner in which such denominations must be shown on the mass pieces or measures in question;
 - (t) the continued use of any measuring instrument after rejection thereof by any market surveillance inspector;
 - (u) any invoice, delivery note or other documentation referred to in section 36;
 - (v) specifications for, and conditions, limitations and requirements in connection with, the use or degree of accuracy of particular vessels; and
 - (w) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act.
- (2) The regulations may authorise the Chief Executive Officer to grant exemption in writing from any provision thereof on such conditions and for such period as he or she may deem fit.
- (3) Any regulation prescribing fees must be made with the concurrence of the Minister of Finance.
- (4) The Minister must, not less than three months before any regulation is made under subsection (1)—
- (a) publish the regulation in the *Gazette* together with a notice declaring his or her intention to make such regulation;

- (h) vhea nyimele kana mikano malugana na u shumisa lushaka luiwe na luiwe lwa tshishumiswa tsha u ela;
- (i) nyiledzxo ya thanziela, u fha thanziela hafhu kana u shumiswa ha ndivho yo randelwaho ya zwishumiswa zwa u ela kana tshaka dzo taluswaho, ki lasi kana tshaka dza zwishumiswa zwa u ela zwine zwa— 5
- (i) vha zwi si zwone; kana
- (ii) mvelelo kha kana u leludza vhufhura, Kana zwine a zwo ngo itwa u ya nga thaluso dzo teaho kana zwine zwa wanwa zwi songo tea u randelwa;
- (j) nyimele nga fhasi ha uri ndi zwiifhio zwiludi kana zwiomate zwine zwa nga rengiswa nga tshivhalo, vhuhulu kana, na nyimele dzi kwamaho 10 thempharetsha nga fhasi ha zwiludi zwine zwa fanela u rengiswa;
- (k) phungudzelo dzi tendwaho dza khakho kana phambano ine ya vha hone vhukati ha tshivhalo, vhuhulu ha zwirengiswa, zwone zwa vhukuma zwo sumbedzwaho zwi rengiswaho nga nomboro kana u ya nga yuniti ya u kala;
- (l) ndango ya thengiso kana u renga nnda u tshi itela thengiso, hu tshi tevhedzwa 15 yuniti ifhio na ifhio ya muelo, kha tshibveledzwa tshifhio na tshifhio tshi shumiswaho nga tshitshavha, na thodea dzine itsho tshibveledzwa—
- (i) tsha nga rengiswa —
- (aa) tshi kha kha midzio yo taluswaho;
- (bb) nga ndila dzo khwathisedzwaho kana u tevhelwa nga zwishumiswa 20 zwa khwathisedzo ya mielo;
- (cc) hu tshi tevhedzwa yuniti ifhio na ifhio ya muelo; kana
- (dd) nga nomboro;
- (ii) tsha tea u dzula tsho pakiwa u ya nga tshikalo tsho imaho nga uri tsha zwivhalo, vhuhulu kana u tndavhuwa; 25
- (m) u ita mutevhe wa zwibveledzwa zwine —
- (i) nga mbuno zwa tevhedza phambano kha tshileme tsha zwiataluli kana thuthuwedzo ya kilima;
- (ii) nga mbuno u shumiswa ha tshileme kha gireidi yo nangiawaho kana ki lasi fhedzi; kana 30
- (iii) zwa itelwa mbuno inwe,
Zwi a vhothololwa kha mbetshelo dza uno Mulayo zwi tshi kwama thengiso ya thundu nga tshileme tshituku;
- (n) vhuhulu ha manwalo kana ngona inwe na inwe i sumbedzaho tshivhalo tsha zwi re ngomu ha midzio nga tshifhinga tsha u paka; 35
- (o) ndingano i tendelwaho ine yuniti ya u kala i sumbedzwa hu tshi tevhelwa inwe yuniti ya u kala ya zwithu zwine zwa fana tshivhalo na tshikwamea ha hone;
- (p) ndinganelo i fhaho tshivhalo tshi tendwaho ya zwithu zwi bulwaho u ya nga yuniti ya u elwa ha tshivhalo tsha zwithu zwi kwameaho sa musi tshivhalo tshi tshi bulwa u ya nga yuniti ya u ela tshinwe tshivhalo tsha zwithu zwi 40 kwameaho;
- (q) thebu lu dzi fhaho tshivhalo tshi tendiwaho nga mudzio nga mudzio u shumiswaho kha zwa makweho a mutshelo, miroho, zwibveledzwa zwa vhulimi-vhufuwi na zwinwe zwibveledzwa zwo omaho;
- (r) fomo dzine dza do shumiswa malugana na uno Mulayo; 45
- (s) zwi tendelwaho zwa tshileme na mielo na ndila ine zwa tea u sumbedzwa kha tshileme na mielo i kwameaho;
- (t) u ya phanda ha u shumisa tshishumiswa tsha u kala nga murahu ha musi tsho landulwa nga muingameli wa u lavhelesa maraga;
- (u) tsumbamutengo, noti ya ndisedzo kana linwalwa lo bulwaho kha 50 khethekanyo ya vhu 36;
- (v) zwiataluli zwa, na nyimele, phungudzelo na thodea dzi kwamanaho na, u shumisa kana vhuhulu ha vhukokotolo ha tshithu tshenetsho; na
- (w) malugana na zwi kwamaho vhulangi-vhutshimbidi kana kuitele kwa mafhungo a ndeme kha u randela u thoma u shumisa na u langula uno Mulayo. 55
- (2) Ndaulo dzi nga tendela Muofisi-Mulangi a tshi vhotholola nga u tou nwala malugana na mbetshelo dzenedzo kha nyimele nahone lwa tshifhinga tshine a vhotho lingana.
- (3) Ndaulo inwe na inwe i randelaho tselede i tea u itwa hu tshi khou tendelaniwa na Ministu wa zwa Masheleni. 60
- (4) Ministu, nga murahu ha minwedzi miraru phanda ha u ita ndaulo nga fhasi ha khethekanyo thukhu ya vhu (1) u fanela u—
- (a) andadza ndaulo kha Gazette khathihi na ndivhadzo a bule muhumbulo wawe wa u toda u ita ndaulo;

40

- (b) invite interested persons to comment thereon or to make representations with regard thereto; and
- (c) duly consider any comment received.

Penalties and effect of conviction of an offence

39. (1) A person convicted of an offence under this Act is liable to a fine or imprisonment for a period not exceeding 10 years, or to both a fine and such imprisonment. 5

(2) A person convicted of an offence under this Act becomes disqualified from performing any duty or function provided for in this Act and any applicable appointment, designation or registration must be deemed to be null and void from the date of being disqualified. 10

Disclosure of certain information

40. (1) The Chief Executive Officer may, if it is necessary in the public interest and to protect the public and the environment, reveal in any manner—

- (a) any information that it is necessary to reveal in order to prevent the public from being misled concerning any aspect regulated by this Act; and 15
- (b) the name of a person who does not comply with any provision of this Act.

(2) The disclosure referred to in subsection (1) may relate also to the trade name and trade mark of a product.

Confidentiality of certain information

20

41. No person who is or was concerned with the performance of any function in terms of this Act, may disclose any information which he or she obtained in the performance of that function, except—

- (a) to the Minister;
- (b) to any person who of necessity requires it for the performance of a function in terms of this Act; 25
- (c) if he or she of necessity has to supply it in the performance of any of his or her functions in terms of this Act;
- (d) if such information is required in terms of any law or as required by a court of law; or 30
- (e) to any competent authority which requires the information for the institution, or an investigation with a view to the institution, of any criminal prosecution.

Repeal and amendment of laws and transitional provisions

42. (1) Subject to subsection (2), the laws mentioned in the first column of Schedule 1 are hereby repealed to the extent set out in the third column of that Schedule. 35

(2) Any proclamation, regulation, notice, approval, permission, return, certificate or document issued, made, promulgated, given or granted and any other action taken under any provision of a law repealed by subsection (1), must be regarded as having been issued, made, promulgated, given, granted or taken under the corresponding provision of this Act. 40

(3) Subject to subsection (4), the law mentioned in the first column of Schedule 2 is hereby amended to the extent set out in the third column of that Schedule.

(4) (a) The Board of the National Regulator ceases to exist on the date on which this section takes effect.

(b) The person who occupied the post of Chief Executive Officer of the National Regulator on the date contemplated in paragraph (a), must be regarded as having been appointed as Chief Executive Officer in terms of section 6 of the National Regulator for Compulsory Specifications Act for a term to be determined by the Minister. 45

(c) Any committee established in terms of the National Regulator for Compulsory Specifications Act and in existence immediately before the date contemplated in paragraph (a), must be regarded as having been established in terms of this Act for a term to be determined by the Minister. 50

- (b) ramba vhathu vha re na dzangalelo la u bva muhumbulo kana u vha na zwine vha nga sumbedza malugana na ndaulo; na
- (c) u lavhelesa madzinginywa lo tangedzwaho.

Ndatiso na masiendoitwa a u wanwa mulandu wa vhutshinyi

39. (1) Muthu ane a wanwa mulandu wa vhukhaki nga fhasi ha uno Mulayo u tea u 5
badeliswa ndatiso kana a tou valelwa dzhele lwa tshifhinga tshi sa fhiriho minwaha ya
10, kana zwothe vuvhili hazwo ndatiso na u valelwa dzhele.

(2) Muthu lo wanwaho mulandu wa vhutshinyi nga fhasi ha uno Mulayo ha tsha
tendelwa u ita mushumo ufho na ufho u re na mbetshelo kha uno Mulayo nahone u
tholwa hawe, mushumo kana u nwaliswa hawe zwi mbo dzhiwa zwi sa tsha vha zwa 10
vhukuma kana zwi mbo fa u tou bva kuvha la u thoma u bviswa hawe.

Uvukululwa ha mafhungo eneo

40. (1) Muofisi-Mulangi, arali zwi tshi todea nga dzangalelo la tshitshavha naohone
zwi tshi itelwa u tsireledza tshitshavha na mupo u tea, u amba nga ndila inwe na inwe—

- (a) mafhungo ane a tea u bvukulwa hu tshi itelwa uri tshitshavha tsha sa xele 15
malugana na zwi re kha uno Mulayo; na
- (b) dzina la muthu ane ha anani na mbetshelo dza uno Mulayo.

(2) U bvukula ho bulwaho kha khethekanyo thukhu ya vhu (1) hu nga kwama na dzina
la u kwevha na luswayo lwa zwa u kwevha tshibveledza.

Tshidzumbwe tsha mafhungo eneo

41. Muthu muinwe na muinwe ane a kwamea kana lo kwameaho nga u shuma
mushumo u ya nga uno Mulayo, ha nga pundisi mafhungo ane lo a wana a tshi khou
shuma mushumo uyo, nga nda ha—

- (a) musi a tshi khou vhudza Minista;
- (b) ha musi hu muthu ane zwi a todea uri a kone u shuma mushumo wa u ya nga 25
uno Mulayo;
- (c) musi arali a tshi tea u zwi amba kha mushumo wawe u ya nga uno Mulayo;
- (d) musi arali mafhungo a tshi todea u ya nga mulayo kana u todwa nga kotho ya
mulayo; kana
- (e) maandalanga ane a vha na vhukoni ane a toda mafhungo u itela tshiimiswa, 30
kana tsedzuluso muhumbulo u wa u thusa tshiimiswa, malugana na
vhutshutshisi.

Pheliso na khwinifhadzo ya milayo na nzundzanyo dza tshanduko

42. (1) Hu tshi tevhedzwa khethekanyo ya vhu (2), milayo yo bulwaho kha kho lumu
ya Shedulu ya vhu 1 i khou fheliswa nga ndila ye ya sumbedzwa kha kho lumu ya Shedulu 35
lu yeneyo.

(2) Mulevho muinwe na muinwe, ndaulo inwe na inwe, ndivhadzo inwe na inwe,
thendelo, khumiso, thanziela kana linwalwa zwo bviswaho, zwo itwaho, phadala-
dzwaho, lo netshedzwaho na liga lo dzhiwaho nga fhasi ha mbetshelo dza mulayo wo
fheliswa nga khethekanyo thukhu ya vhu (1), zwi fanela u dzhiwa sa zwo 40
netshedzwaho, itwaho, phadaladzwaho, newaho, fhiwaho kana dzhiwaho nga fhasi ha
mbetshelo dzi tumanaho nga fhasi ha uno Mulayo.

(3) Hu tshi tevhedzwa khethekanyo thukhu ya vhu (4), mulayo wo bulwaho kha kho
lumu ya u thoma ya Shedulu ya vhu 2 hafha u khou khwiniswa nga ndila yo
sumbedzwaho kha kho lumu ya yeneyo Shedulu lu. 45

(4) (a) Bodo ya Ndaulo ya Lushaka i litsha u shuma nga datumu ine ino khethekanyo
ya thoma u shuma.

(b) Muthu lo faraho poso ya Muofisi-Mulangi wa Ndaulo ya Lushaka nga datumu yo
bulwaho kha phara ya (a) u tea u dzhiwa lo tholwa sa Muofisi-Mulangi hu tshi
tevhedzwa khethekanyo ya vhu 6 ya Ndaulo ya Lushaka ya Mulayo wa Thaluso dza 50
Khombe-khombe lwa tshifhinga tshine tsha do tiwa nga Minista.

(c) Komiti inwe na inwe yo thomiwaho hu tshi tevhedzwa Ndaulo ya Lushaka ya
Mulayo wa Thaluso dza Khombe-khombe nahone ine ya vha hone nga u tshanyanya
phanda ha datumu yo bulwaho kha phara ya (a) i fanela u dzhiwa sa yo thomiwaho hu
tshi tevhedzwa uno Mulayo lwa tshifhinga tshine tsha do tiwa nga Minista. 55

Short title and commencement

43. This Act is called the Legal Metrology Act, 2014, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

Dzina lipfufhi na u thoma u shumisa Mulayo

43. Uno Mulayo u vhidzwa upfi Mulayo wa Muelo wa, 2014, nahone u do thoma u shuma nga datumu ine ya do dzudzanywa nga Phresidennde nga mulevho kha *Gazete*.

44

SCHEDULE 1**LAWS REPEALED***(Section 42(1))*

Short title of law	Number and year of law	Extent of repeal
Trade Metrology Act, 1973	Act No. 77 of 1973	The whole
Trade Metrology Amendment Act, 1975	Act No. 34 of 1975	The whole
Trade Metrology Amendment Act, 1984	Act No. 14 of 1984	The whole
Trade Metrology Amendment Act, 1990	Act No. 15 of 1990	The whole
Trade Metrology Amendment Act, 1993	Act No. 17 of 1993	The whole
Trade Metrology Amendment Act, 1994	Act No. 42 of 1994	The whole
Trade Metrology Amendment Act, 1996	Act No. 58 of 1996	The whole

45

Shedulu ya 1**MILAYO INE YA KHOU FHELISWA***(Khethekanyo ya vhu 42(1))*

Dzina lipfufhi la mulayo	Nomboro na n'waha zwa mulayo	Vhuhulu ha pheliso
Mulayo wa u kala zwa Makwevho wa, 1973	Mulayo wa Nomboro ya. 77 wa 1973	Wothe
Khwiniso ya Mulayo wa u Kala zwa Makwevho wa, 1975	Mulayo wa Nomboro ya. 34 wa 1975	Wothe
Khwiniso ya Mulayo wa u Kala zwa Makwevho wa, 1984	Mulayo wa Nomboro ya. 14 wa 1984	Wothe
Khwiniso ya Mulayo wa u Kala zwa Makwevho wa, 1990	Mulayo wa Nomboro ya. 15 wa 1990	Wothe
Khwiniso ya Mulayo wa Kala zwa Makwevho wa, 1993	Mulayo wa Nomboro ya. 17 wa 1993	Wothe
Khwiniso ya Mulayo wa u Kala zwa Makwevho wa, 1994	Mulayo wa Nomboro ya. 42 wa 1994	Wothe
Khwiniso ya Mulayo wa u Kala zwa Makwevho, 1996	Mulayo wa Nomboro ya. 58 wa 1996	Wothe

SCHEDULE 2

LAW AMENDED

(Section 42(3))

Short title of law	No and year of law	Extent of amendment
National Regulator for Compulsory Specifications Act, 2008	Act No. 5 of 2008	1. The substitution for sections 6, 7 and 8 of the following sections: “Appointment of Chief Executive Officer of National Regulator <u>6. (1) The Minister must appoint a person with suitable qualifications and experience as Chief Executive Officer for a term of five years.</u> <u>(2) The Minister may re-appoint a person as Chief Executive Officer at the expiry of his or her term for one additional term of five years.</u> <u>(3) The Chief Executive Officer is responsible for the general administration of the National Regulator and for carrying out any functions assigned to it in terms of this Act, and must—</u> <u>(a) perform the functions that are conferred on the Chief Executive Officer by or in terms of this Act;</u> <u>(b) manage and direct the activities of the National Regulator; and</u> <u>(c) supervise the National Regulator’s staff.</u> <u>(4) The Minister must, in consultation with the Minister of Finance, determine the Chief Executive Officer’s remuneration, allowances, benefits and other terms and conditions of employment.</u> <u>(5) The Chief Executive Officer may, on three month’s written notice addressed to the Minister, resign as Chief Executive Officer.</u> <u>(6) The Minister may remove the Chief Executive Officer from office for—</u> <u>(a) serious misconduct;</u> <u>(b) permanent incapacity;</u> <u>(c) engaging in any activity that may undermine the integrity or standing of the National Regulator; or</u> <u>(d) any other legitimate ground that justifies the removal of the Chief Executive Officer.</u> Appointment of Deputy Chief Executive Officer of National Regulator <u>7. (1) The Chief Executive Officer, with the concurrence of the Minister, must appoint a person with suitable qualifications and experience as Deputy Chief Executive Officer for a term of five years.</u>

Shedulu ya 2

MULAYO UNE WA KHO KHWINISWA

(Khethekanyo ya vhu 42(2))

Dzina jipfufhi	Nomboro na nwaha zwa mulayo	Vhuhulu ha u fhelisa kana u khwinisa
Mulayo wa Ndaulo ya Lushaka kha Thaluso dza Khombe-khobe wa, 2008	Mulayo wa Nomboro ya 5 wa 2008	1. U dzheniswa ha khethekanyo 6, 7 na 8 kha khethekanyo dzi tevhelaho: “U tholiwa ha Muofisi-Mulangi wa Ndaulo ya Lushaka 6. (1) <u>Minista u fanela u thola muthu a re na ndalukano dzo teaho na tshenzhemo uri a vhe ene Muofisi-Mulangi lwa minwaha mitanu.</u> (2) <u>Minista a nga thola hafhu muthu sa Muofisi-Mulangi musi tshifhinga tsha u tholwa hawe tshi tshi fhela a dovha a tholwa lwa tshifhinga tsha minwaha mitanu fhedzi.</u> (3) <u>Muofisi-Mulangi u na vhudifhinduleli ha ndaulo-nyangaredzi ya Ndaulo ya Lushaka na u shuma mishumo i re kha uno Mulayo, nahone u fanela u—</u> (a) <u>shuma mishumo ine yo hweswa Muofisi-Mulangi nga kana u ya nga uno Mulayo;</u> (b) <u>langa na u sumbedzela mishumo ya Ndaulo ya Lushaka; na</u> (c) <u>lavhelesa vhashumi vha Ndaulo ya Lushaka.</u> (4) <u>Minista u fanela uri, musi a tshi khou kwamana na Minista wa zwa Masheleni, a te Muholo wa Muofisi-Mulangi, mitendelo, mbuelo, na dziinwe nyimele dzi kwamaho mushumo.</u> (5) <u>Muofisi-Mulangi, nga minwedzi miraru a nga nwala ndivhadzo a i rumela kha Minista, a tshi khou amba uri u khou rula mushumo.</u> (6) <u>Minista a nga bvisa Muofisi-Mulangi kha vhuimo ha u vha Muofisi-Mulangi arali—</u> (a) <u>a sa difari zwavhudi;</u> (b) <u>a sa tsha kona u shuma mushumo lwa tshothe;</u> (c) <u>a didzhenisa kha zwiito zwine zwa nyadzisa Ndaulo ya Lushaka; kana</u> (d) <u>hu na zwiinwe zwine zwa pfala zwine zwa ita uri Muofisi-Mulangi a litshiswe mushumo.</u> Utholiwa ha Tshanda tsha Muofisi-Mulangi wa Ndaulo ya Lushaka 7. (1) <u>Muofisi-Mulangi, hu tshi khou tendelaniwa na Minista, u tea u thola muthu a re na ndalukano na tshenzhemo yo teaho sa ene Tshanda tsha Muofisi-Mulangi lwa tshifhinga tsha minwaha mitanu.</u>

Short title of law	No and year of law	Extent of amendment
		(2) The Minister may re-appoint a person as Deputy Chief Executive Officer at the expiry of his or her term. (3) The Minister must, in consultation with the Minister of Finance, determine the Deputy Chief Executive Officer's remuneration, allowances, benefits and other terms and conditions of employment. (4) The Deputy Chief Executive Officer may, on three month's written notice addressed to the Minister, resign as Deputy Chief Executive Officer. (5) The Minister may remove the Deputy Chief Executive Officer from office for— (a) serious misconduct; (b) permanent incapacity; (c) engaging in any activity that may undermine the integrity or standing of the National Regulator; or (d) any other legitimate ground that justifies the removal of the Chief Executive Officer. (6) The Deputy Chief Executive Officer must perform the functions of the Chief Executive Officer whenever— (a) the Chief Executive Officer is unable for any reason to perform those functions; or (b) the office of Chief Executive Officer is vacant. Appointment of staff of National Regulator 8. The Chief Executive Officer may— (a) appoint staff, or contract with any other persons, to assist the National Regulator in carrying out its functions; and (b) in consultation with the Minister and the Minister of Finance, determine the remuneration, allowances, benefits, and other terms and conditions of appointment of each member of the staff.”. 2. The repeal of sections 9 and 10. 3. The substitution for section 11 of the following section: “Committees 11. (1) The Minister may establish one or more specialist committees to advise the National Regulator on the management of its resources or the performance of its functions. (2) The Minister may assign specific powers to a specialist committee for the purposes of performing any function contemplated in subsection (1).

Dzina lipfufhi	Nomboro na n'waha zwa mulayo	Vhuhulu ha u fhelisa kana u khwinisa
		(2) <u>Minista a nga di thola hafhu Tshanda tsha Muofisi-Mulangi musi tshifhinga tsha u tholwa hawe tshitshi fhela.</u> (3) <u>Minista u tea uri, musi a tshi khou kwamana na Minista wa zwa Masheleni, a te muholo, mitendelo, mbuelo, na dziinwe nyimele dza mushumo zwa Tshanda tsha Muofisi-Mulangi.</u> (4) <u>Tshanda tsha Muofisi-Mulangi, kha minwedzi miraru tshi nga rumela ndivhadzo yo tou n'walwaho kha Minista, tshi tshi khou bula uri tshi khou rula mushumo.</u> (5) <u>Minista a nga pandela Tshanda tsha Muofisi-Mulangi arali—</u> <u>(a) hu na u sa difara zwavhuqi ho kalulaho;</u> <u>(b) a sa tsha kona u shuma lwa tshothe;</u> <u>(c) a didzhenisa kha zwiito zwine zwa nyadzisa Ndaulo ya Lushaka, kana</u> <u>(d) hu na zwiinwe zwi pfalaho zwine zwa ita uri a pandelwe.</u> (6) <u>Muthu ane a vha Tshanda tsha Muofisi-Mulangi u tea u shuma mishumo ya Muofisi-Mulangi musi—</u> <u>(a) Muofisi-Mulangi a sa koni u pfalo nga vhanga la mbuno dzo imaho nga uri; kana</u> <u>(b) ofisi ya Muofisi-Mulangi i si na muthu kana hu na tshikhala.</u> Utholwa ha vhashumi vha Ndaulo ya Lushaka 8. Muofisi-Mulangi a nga— <u>(a) thola vhashumi, kana a ita koniraka na vhanwe vhathu, uri vha thuse Ndaulo ya Lushaka kha u shuma mishumo; nahone</u> <u>(b) a tshi kwamana na Minista na Minista wa zwa Masheleni, a te miholo, mitendelo, mbuelo, na dziinwe nyimele dza u thola muthu munwe na munwe wa vhashumi.”.</u> 2. U fheliswa ha khethekanyo 9 na 10. 3. U dzheniswa ha khethekanyo thukhu ya vhu 11 i tevhelaho: “Dzikomiti 11. (1) <u>Minista a nga thoma komiti kana komiti nnzhi dza vhane vha na ndivho ya tshipentshela u itela u eletshedza Ndaulo ya Lushaka kha u langa zwiko, kana u shuma mishumo.</u> (2) <u>Minista a nga hwesa maanda kha komiti ya tshipentshela u itela ndivho dza u shuma mushumo wo bulwaho kha khethekanyo thukhu ya vhu (1).</u>

Short title of law	No and year of law	Extent of amendment
		(3) A specialist committee may— <u>(a) be established for an indefinite term or for a period determined by the Minister when the committee is established; and</u> <u>(b) determine its own procedures.</u> (4) A specialist committee established under this section must— <u>(a) perform its functions impartially and without fear, favour or prejudice; and</u> <u>(b) consist of—</u> <u>(i) not more than eight persons who are independent from the National Regulator and who are appointed by the Minister to serve for a period of not more than five years determined by the Minister when the person is appointed; and</u> <u>(ii) not more than two senior employees of the National Regulator designated by the Chief Executive Officer.</u> <u>(5) Any specialist committee established in terms of subsection (1) must be chaired by a member of the specialist committee.</u> <u>(6) To be appointed or designated as a member of a specialist committee in terms of this section, a person must—</u> <u>(a) be a fit and proper person; and</u> <u>(b) have appropriate qualifications and competencies to perform effectively as a member of the specialist committee.</u> <u>(7) The members of a specialist committee must not—</u> <u>(a) act in any way that is inconsistent with subsection 4(a) or expose themselves to any situation in which the risk of a conflict may arise between their responsibilities and any personal or financial interest; or</u> <u>(b) use their position or any information entrusted to them to enrich themselves or improperly benefit any other person.</u> <u>(8) A member ceases to be a member of a specialist committee if the—</u> <u>(a) member resigns from the specialist committee;</u> <u>(b) Minister terminates the person's membership because the member no longer complies with subsection (6) or has contravened subsection (7); or</u> <u>(c) member's term has expired.</u>

Dzina lipfufhi	Nomboro na n'waha zwa mulayo	Vhuhulu ha u fhelisa kana u khwinisa
		(3) <u>Komiti ya tshipentshela i nga—</u> <u>(a) thomiwa lwa tshifhinga tshi sa gumiho,</u> <u>kana lwa tshifhinga tsho tiwaho nga</u> <u>Minista musi komiti i tshi khou thomiwa;</u> <u>nahone</u> <u>(b) ta maitele ayo yone ine.</u> <u>(4) Komiti ya tshipentshela yo thomiwaho</u> <u>nga fhasi ha ino khethekanyo i tea u—</u> <u>(a) shuma mishumo yayo yotlhe nahone i sa</u> <u>ofhi, i sa taluli kana u dzhia sia; na</u> <u>(b) vha na mirado heyi—</u> <u>(i) i sa fhiri malo ine mirado iyi yo ima</u> <u>nga yotlhe nahone yo tholwa nga</u> <u>Minista uri i shume lwa tshifhinga tshi</u> <u>sa fhiriho minwaha mitanu tshine</u> <u>tshifhinga hetsho tsho tiwa nga ene</u> <u>Minista musi mirado i tshi tholwa; na</u> <u>(ii) i sa fhiri mivhili ya vhashumi vha na</u> <u>vhuimo ha ntha kha Ndaulo ya</u> <u>Lushaka vho nangwaho nga Muofisi-</u> <u>Mulangir.</u> <u>(5) Komiti ya tshipentshela inwe na inwe</u> <u>yo thomiwaho hu tshi tevhedzwa khethekanyo</u> <u>thukhu ya vhu (1) i tea u vha na</u> <u>mudzulatshidulo ane a vha murado wa komiti</u> <u>ya tshipentshela.</u> <u>(6) Uri muthu a tholwe kana u nangiwa sa</u> <u>murado wa komiti ya tshipentshela hu tshi</u> <u>tevhedzwa ino khethekanyo, muthu u tea u—</u> <u>(a) vha lo teaho; nahone</u> <u>(b) a na ndalukano dzo teaho na vhukoni ho</u> <u>teaho kha u shuma zwavhuḏi sa murado</u> <u>wa komiti ya tshipentshela</u> <u>(c) vha a na vhukoni ha u shuma zwavhuḏi sa</u> <u>murado wa komiti.</u> <u>(7) Mirado ya komiti ya tshipentshela i tea</u> <u>u sa—</u> <u>(a) shuma nga ndila i sa ananiho na</u> <u>khethekanyo thukhu ya vhu 4(a) kana u</u> <u>gidzhenisa kha nyimele ine ya ita uri hu</u> <u>vhe na khudano vhukati ha</u> <u>vhudifhinduleli na dzangalelo la zwa</u> <u>masheleni; kana</u> <u>(b) shumisa vhuimo kana mafhungo ane vha</u> <u>nao vha tshi itela u dipfumisa kana u ita</u> <u>uri munwe a wane mbuelo nga ndila i</u> <u>songo daho.</u> <u>(8) Murado u guma u vha murado wa</u> <u>komiti ya tshipentshela arali—</u> <u>(a) murado lo litsha mushumo wa komiti ya</u> <u>tshipentshela;</u> <u>(b) Minista a fhelisa vhurado ha muthu uyo</u> <u>nga vhanga la uri murado ha tsha anana</u> <u>na khethekanyo thukhu ya vhu (6) kana</u> <u>murado lo kandekanya khethekanyo</u> <u>thukhu ya vhu (7); kana</u> <u>(c) murado tshifhinga tshawo tsho fhela.</u>

Short title of law	No and year of law	Extent of amendment
		(9) A member of a specialist committee who <u>has personal or financial interest in any matter on which the specialist committee gives advice must disclose that interest and withdraw from the proceedings of the specialist committee when that matter is discussed.</u> (10) The National Regulator must remunerate a member contemplated in subsection (4)(b)(i) and compensate the member for expenses, as determined by the Minister, in consultation with the Minister of Finance. (11) A member who is employed by an <u>organ of state is not entitled to remuneration or any allowance, but must be reimbursed for out-of-pocket expenses by the National Regulator.</u>”. 4. The substitution for section 12 of the following section: Advisory Forum 12. (1) The [Board] Minister must establish an Advisory Forum [with a balance of interests] consisting of representatives of organisations who have an interest in the matters contemplated in this Act. (2) The Advisory Forum must advise the [Board] Minister on— (a) matters in respect of which the National Regulator could play a role; and (b) any other matter on which the [Board] Minister requests advice. (3) The [Board] Minister must establish a constitution and, if necessary, rules for the Advisory Forum.”. 5. The amendment of section 13 by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: “The Minister may, on the recommendation of the [Board] National Regulator, in respect of any commodity, product or service which may affect public safety, health or the environment, by notice in the <i>Gazette</i>—”. 6. The amendment of section 15— (a) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words: “If the National Regulator finds that a commodity or product referred to in subsection (1) does not conform to the compulsory specification concerned, the [Board] National Regulator may—”;

Dzina lipfufhi	Nomboro na n'waha zwa mulayo	Vhuhulu ha u fhelisa kana u khwinisa
		(9) <u>Murado wa komiti ya tshipentshela a vha na khudano ya dzangalelo ya zwa masheleni malugana na zwine komiti ya shuma u tea u dibula nahone a tea u bva kha mitangano ine ya khou tshimbidzwa kana mafhungo ane a khou ambiwa.</u> (10) <u>Ndaulo ya Lushaka i tea u holela murado sa zwo ambiwaho kha khethekanyo thukhu ya vhu (4)(b)(i) na u lifhela mirado kha zwe ya badela, sa zwo tiwaho nga Minista, a tshi khou kwamana na Minista wa zwa Masheleni.</u> (11) <u>Mirado yo tholwaho nga tshiimiswa tsha muvhuso a i tei u holelwa, kana mutendelo ufhio na ufhio kana gavhelo lifhio na lifhio, fhedzi u a lifhelwa zwe a shumisa zwone nga Ndaulo ya Lushaka.”.</u> 4. U dzheniswa ha khethekanyo ya vhu 12 ya khethekanyo i tevhelaho: Foramu ya Vhueletshedzi 12. (1) [Bodo] Minista u tea u thoma Foramu ya Vhueletshedzi [ine ya vha na dzangalelo lo linganelaho] yo vhumwaho nga vhaimeli vha madzangano vhane vha na dzangalelo kha mafhungo lo ambiwaho kha uno Mulayo. (2) Foramu ya Vhueletshedzi i tea u eletshedza [Bodo] Minista kha— (a) mafhungo a kwamaho mushumo une wa tea u itwa nga Ndaulo ya Lushaka; na (b) tshiinwe na tshiinwe tshine [Bodo] Minista a nga u eletshedzwa. (3) [Bodo] Minista u tea u ita ndayotewa na uri, arali zwo tea, a ite milayo ya Foramu ya Vhueletshedzi.”. 5. U khwiniswa ha khethekanyo ya vhu 13 nga u dzheniswa ha khethekanyo thukhu ya vhu (1) kha maipfi a rangelaho phara ya (a) ya maipfi a tevhelaho: “Minista, nga themendelo dza [Bodo] Ndaulo ya Lushaka, malugana na tshirengiswa, tshibveledzwa kana tshumelo ine ya nga kwama tsireledzo ya tshitshavha, mutakalo kana mupo, a nga ita ndivhadzo kha <i>Gazete</i>—”. 6. U khwiniswa ha khethekanyo ya vhu 15— (a) nga u dzheniswa ha khethekanyo thukhu ya vhu (3) kha maipfi a rangelaho phanda phara ya (a) ya maipfi a tevhelaho: “Arali Ndaulo ya Lushaka ya wana uri tshirengiswa kana tshibveledzwa tsho ambiwaho kha khethekanyo thukhu ya vhu (1) a tshi anani na zwine zwa kombetshedzwa, [Bodo] Ndaulo ya Lushaka—”;

Short title of law	No and year of law	Extent of amendment
		(b) by the substitution in subsection (3) for paragraph (c) of the following paragraph: “(c) direct in writing that the consignment or batch of the article concerned be confiscated, destroyed or dealt with in such other manner as the [Board] National Regulator may consider fit.”; and (c) by the substitution for subsection (4) of the following subsection: “(4) The [Board] National Regulator must inform the Minister in writing on action taken in terms of subsection (3) within 21 days.”. 7. The repeal of sections 21, 22 and 23. 8. The substitution for section 25 of the following section: “Delegation and assignment 25. (1) The Chief Executive Officer may <u>delegate any power conferred on him or her, or any duty assigned to him or her, under this Act to any other person with appropriate knowledge and experience who is under the control of the Chief Executive Officer.</u> (2) A delegation or assignment under subsection (1) must be in writing and— (a) <u>may be subject to any conditions or restrictions determined by the Chief Executive Officer;</u> (b) <u>does not prevent the exercise of the relevant power by the Chief Executive Officer; and</u> (c) <u>may be withdrawn or amended by the Chief Executive Officer.”.</u>

Dzina lipfufhi	Nomboro na n'waha zwa mulayo	Vhuhulu ha u fhelisa kana u khwinisa
		(b) nga u dzhenisa khethekanyo thukhu ya vhu (3) kha phara ya (c) ya phara i tevhelaho i nga: “(c) livhisa nga u tou n'wala uri zwo rumelwaho kana dzhoko la zwithu li tshinyekanywe, kwashiwe kana shumaniwe na lo nga ndila ine [Bodo] Ndaulo ya Lushaka ya vhona zwo tea.”; na (c) nga u dzhenisa kha khethekanyo thukhu ya vhu (4) ya khethekanyo thukhu: “(4) [Bodo] Ndaulo ya Lushaka i tea u divhadza Minista nga u tou n'wala i tshi khou amba liga lo dzhiiwaho hu tshi tevhedzwa khethekanyo ya vhu (3) hu saathu u fhela maduvha a 21.”. 7. U fheliswa ha khethekanyo 21, 22 na 23. 8. U dzheniswa ha khethekanyo ya vhu 25 kha khethekanyo i tevhelaho: “Vhurumelwa na mushumo 25. (1) Muofisi-Mulangi a nga fha maanda e a fhiwa, kana mushumo we a u fhiwa, nga fhasi ha uno Mulayo a tshi fha munwe muthu a re na ndivho na tshenzhemo ane muthu uyo a vha fhasi ha ndango ya Muofisi-Mulangi. (2) Vhurumelwa kana mushumo nga fhasi ha khethekanyo ya vhu (1) zwi tea u tou n'walwa nahone— (a) zwi tevhedza milayo na mikano yo tiwaho nga Muofisi-Mulangi; (b) a zwi thivheli u shumisa maanda lo nga Muofisi-Mulangi; nahone (c) zwi nga fheliswa kana u khwiniswa nga Muofisi-Mulangi.”.

