

NOTICE 870 OF 2011**DEPARTMENT OF TRADE AND INDUSTRY****TRADE METROLOGY ACT, 1973 (ACT NO. 77 OF 1973)****NOTICE OF INTENTION TO AMEND THE REGULATIONS OF THE TRADE METROLOGY ACT NO 77 OF 1973 PUBLISHED BY GOVERNMENT NOTICE NO. R 2362 OF 18 NOVEMBER 1977, AS AMENDED**

By virtue of the powers vested in me in terms of section 42 of the TRADE Metrology Act, 1973, and after consultation with the Board established in terms of section 6 of the National Regulator for Compulsory Specifications Act 2008 (Act 5 of 2008), I, Dr Rob Davies, Minister of Trade and Industry hereby give notice of my intention to amend Part II of the Trade Metrology Regulations published by Government Notice No. R 2362 of 8 November 1977, as amended, to amend requirements for non-automatic weighing instruments, beam scales, balances, post office letter beam scales and mechanical non-self indicating counter scales.

Interested persons are invited to make written comments regarding these amendments within two (2) months from date of publication of this notice to the Chief Executive Officer, National Regulator for Compulsory Specifications:

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For Attention : Mr M Moeletsi

Dr Rob Davies, (MP)
Minister of Trade and Industry

SCHEDULE**AMENDMENT OF PART II OF THE TRADE METROLOGY REGULATIONS**

1. Regulation 1 is amended by the deletion of the following definitions:
 - a) "(vi) conventional true value"
 - b) "(xxii) result of measurement"
 - c) "(xxv) semi-digital indication"
 - d) "(xxix) principal indicator"
 - e) "(xxx) true value of a quantity"
2. Regulation 2 is amended by deleting subregulation 2 (e).
3. Regulation 26 is amended by:
 - a) in subregulation (1) (a) adding the words "Except as otherwise provided in any regulation of this Part," before the words "The position of balance of a massmeter"; and
 - b) in subregulation (2) (c) adding the words "Except as otherwise provided in any regulation of this Part," before the words "On a new or repaired massmeter".
4. Subregulation 30 (1) is amended by adding the words "Except as otherwise provided in any regulation of this Part," before the words "Where the load transmitting device of a massmeter".
5. Regulation 31 is amended by:
 - a) in subregulation (1) adding the words ",except a massmeter to which regulation 44 of this Part applies," after the words "On any massmeter";
 - b) in subregulation (2) adding the words "On a massmeter to which subregulation 1 applies —" as an opening sentence before subregulation (2) (a); and
 - c) in subregulation (3) adding the words "On a massmeter to which subregulation 1 applies —" as an opening sentence before subregulation (3) (a).
6. Regulation 32 is amended by:
 - a) in subregulation (3) (a) adding the words "Except as otherwise provided in any regulation of this Part," before the words "Before any massmeter is tested";
 - b) deleting subregulations (5), (6) and (7);
 - c) in subregulation (9) adding the words "Except as otherwise provided in any regulation of this Part," before the words "When the same load is kept";
 - d) in subregulation (10) adding the words "Except as otherwise provided in any regulation of this Part," before the words "After the balance of any massmeter";

- e) in subregulation (11) adding the words "Except as otherwise provided in any regulation of this Part," before the words "A vibrating massmeter";
 - f) in subregulation (12) adding the words "Except as otherwise provided in any regulation of this Part," before the words "An accelerating massmeter"; and
 - g) deleting subregulation 14.
7. Regulation 33 is amended by:
- a) in subregulation (1) deleting the introductory paragraph and replacing it with the following new paragraph:

"33 (1) A conventional mass measuring instrument of any of the following classes or kinds shall conform to any applicable regulation of this Part that pertains to it, consistent with the design of the instrument and relative to each class or kind and any such instrument which so conforms may be certified without being required to be of a model approved in terms of section 18 of the Act, unless, in the opinion of an inspector or verification officer any such instrument is of unusual or novel design or has any feature which may facilitate inaccurate measurement."; and
 - b) in subregulation (2) deleting subregulations 33 (2) (f) and (g).
8. Regulation 34 is amended by deleting the existing regulation in its entirety and replacing it with the following new regulation 34.

Beam scales, balances, post office letter beam scales and mechanical non-self indicating counter scales

Definitions

- 34 (1) For the purposes of this regulation the definitions under the heading "definitions" in SANS 302, SANS 303 and the following definitions apply:
- (a) "**Post office letter beam scale**" means a beam scale or beam balance as defined in SANS 302 that is intended only for the weighing of letters for the determination of postal charges.
 - (b) "**SANS 302**" means the South African National Standard entitled "Non-automatic, undenominated beam scales and balances subject to legal metrology control", as amended from time to time.
 - (c) "**SANS 303**" means the South African National Standard entitled "Non-automatic, non-self-indicating or semi-self-indicating, ungraduated counter scales subject to legal metrology control", as amended from time to time.

Applicable requirements

- (2) (a) The applicable general requirements for instruments prescribed in this Part of the regulations shall apply to the instruments falling within the scopes of SANS 302 and SANS 303 and to post office

letter beam scales unless this regulation prescribes other requirements therefore.

- (b) A non-automatic, undenominated beam scale or balance shall comply with the requirements of SANS 302.
- (c) A non-automatic, non-self-indicating or semi-self-indicating, ungraduated counter scale shall comply with the requirements of SANS 303.
- (d) A post office letter beam scale shall conform to the applicable requirements for a beam scale specified in sub-regulation 2 (b), provided that a post office letter beam scale;
- (i) shall not be classified into an accuracy class,
- (ii) shall have a goods pan of suitable design to carry letters,
- (iii) unless new, may have its knife edges inserted in box ends on the beam,
- (iv) may be arranged so as not to be in equilibrium when unloaded, the pan for mass pieces being permanently pre-loaded to counter balance a set mass,
- (v) may be arranged so that the travel is on the goods pan side only, and
- (vi) shall have a maximum permissible error and sensitivity allowance, relevant to its capacity, prescribed in table 1, irrespective of whether it is new or in actual use, provided that if it is not of a tabulated capacity the permissible error and sensitivity allowance shall be in proportion to the allowances tabulated.

TABLE 1
Error and sensitivity allowances for Post Office letter beam scales

Capacity of instrument	Maximum permissible error/sensitivity allowance	
	Box-end type	Continuous knife-edged type
20g	120 mg	60 mg
50g	180 mg	90 mg
100g	240 mg	120 mg
200g	300 mg	150 mg

- (e) An instrument with an unusual or novel design or with any feature which is not in accordance with the requirements of this regulation, shall be type approved in terms of section 18 of the Act and

comply with any requirements or conditions imposed at the time of such type approval.

- (f) An instrument to which this regulation applies, that was subjected to initial verification in terms of any regulation before it was replaced by this regulation need only comply in design and construction with the regulation or any type approval requirements applicable at the time of initial verification and need not necessarily comply with all the requirements in this regulation.
- (g) Cream test scales are exempted from the requirements of this regulation and shall comply with the requirements of regulation 48 of this Part of the regulations.

Verification

- (3) (a) Non-automatic, undenominated beam scales and balances, irrespective of whether or not sub-regulation 2 (f) is applicable, shall be verified in accordance with the requirements of annex AA of SANS 302 provided that:
 - (i) in the case of post office letter beam scales the maximum permissible error and sensitivity allowances in sub-regulation 2 (d) (vi) are applicable and verification test procedures shall be suitably modified to allow for the requirements of sub-regulations 2 (d) (iv) and 2 (d) (v), or
 - (ii) any instrument that has been type approved in terms of sub-regulation 2 (e) shall also comply with any test and special maximum permissible error requirements prescribed at the time of type approval.
- (b) Non-automatic, non-self-indicating or semi-self indicating, ungraduated counter scales, irrespective of whether or not sub-regulation 2 (f) is applicable, shall be verified in accordance with the requirements of Annex AA of SANS 303 provided that any instrument that has been type approved in terms of sub-regulation 2 (e) shall also comply with any test and special maximum permissible error requirements prescribed at the time of type approval.

Responsibilities of users of instruments

- (4) In addition to any requirement of the Act or any other applicable regulation and unless the user is exempted by any provision in the Act or any other applicable regulation, the requirements of annex BB of SANS 302 and annex BB of SANS 303, as applicable, shall be complied with by persons using, for a prescribed purpose, the instruments to which this regulation applies.

9. Regulation 35 is deleted in its entirety.

10. Regulation 36 is deleted in its entirety.

11. Regulation 38 is deleted in its entirety.
12. Regulation 39 is deleted in its entirety.
13. Regulation 40 is deleted in its entirety.
14. Regulation 43 is amended by:
 - a) in subregulation (1) (a) deleting the "s" at the end of the word "regulations", deleting the words "to 40" and replacing the word "apply" with the word "applies";
 - b) deleting the existing wording in subregulation (1) (g) and replacing it with the following new wording:
"(g) any counting scale"; and
 - c) in subregulation (2) deleting the words "in particular to any applicable provision of regulations 44 to 56 of this Part".
15. Regulation 44 is amended by deleting the existing regulation in its entirety and replaced with the following new regulation:

Non-automatic self-indicating, semi-self-indicating and non-self-indicating weighing instruments with denominated verification scale intervals

Definitions

44 (1) For the purposes of this regulation the definitions under the heading "terminology" in SANS 1649 and the following definitions apply:

- (a) "**Denominated verification scale intervals**", means verification scale intervals each denominated or with multiples of such intervals that are denominated with values expressed in units of mass.
- (b) "**Non-automatic weighing instrument**", means an instrument that requires the intervention of an operator during the weighing process.
- (c) "**Non-self-indicating instrument**", means an instrument in which the position of equilibrium is obtained entirely by the operator.
- (d) "**Self-indicating instrument**", means an instrument in which the position of equilibrium is obtained without the intervention of an operator.
- (e) "**Semi-self-indicating instrument**", means an instrument with a self-indication weighing range, in which the operator intervenes to alter the limits of this range.
- (f) "**SANS 1649**", means the South African National Standard entitled "Non-automatic self-indicating, semi-self-indicating and non-self-

indicating weighing instruments with denominated verification scale intervals”, as amended from time to time.

Applicable requirements

(2) (a) All non-automatic self-indicating, semi-self-indicating and non-self-indicating weighing instruments with denominated verification scale intervals shall be constructed according to the relevant requirements of SANS 1649.

(b) The provisions of Regulations 27, 28, 28A, 30, 31, 32, 57, 59 and 60 of this part do not apply to non-automatic self-indicating, semi-self-indicating and non-self-indicating weighing instruments with denominated verification scale intervals.

Verification

(3) Non-automatic self-indicating, semi-self-indicating and non-self-indicating weighing instruments with denominated verification scale intervals shall be verified in accordance with the requirements of annex AA of SANS 1649.

Responsibilities of users of instruments

(4) In addition to any requirement of the Act or any other applicable regulation in terms of the Act and unless the user is exempted by any provision in the Act or any other applicable regulation in terms of the Act, the requirements of annex BB of SANS 1649 shall be complied with by persons using the instruments to which this regulation applies, for a prescribed purpose.

16. Regulation 46 is deleted in its entirety.
17. Regulation 48 is amended by:
 - a) in the table to subregulation (5) (c) deleting the words “New and repaired instruments where they appear in column 3 and replacing them with “At the time of verification”; and
 - b) in subregulation (6) (b) deleting the words “the Annexure” and replacing them with “regulation 44”.
18. Regulation 49 is deleted in its entirety.
19. Regulation 52 is deleted in its entirety.
20. Regulation 53 is deleted in its entirety.
21. Regulation 54 is deleted in its entirety.
22. Regulation 57 is deleted in its entirety.
23. Regulation 59 is deleted in its entirety.

24. Regulation 60 is amended by:

- a) deleting the regulation heading "Rail and road vehicle scales" and replacing it with the following new heading:
"Road vehicle scales for the determination of the mass of road vehicles in motion or axle by axle";
- b) in subregulation (1) deleting the definitions in (1) (a) "vehicle scale", (1) (b) "rail vehicle scale" and (1) (d) "road/rail vehicle scale" and deleting (c) where it appears before the remaining definition for "road vehicle scale";
- c) deleting subregulation (2) and replacing it with the following new subregulation:
"(2) A road vehicle scale used for measuring the tare or gross mass of a road vehicle or vehicles in motion or axle by axle shall conform to any applicable provision of the regulations of this Part consistent with the design of the scale."; and
- d) Deleting the heading to subregulation (3) and replacing it with the following new heading:
"Special requirements"

25. Regulation 61 is amended by deleting the proviso to subregulation 10 and replacing it with the following new proviso:

"Provided that, in the case of a system for measuring axle massloads, when a load equal to capacity, or as near thereto as practicable, is placed anywhere on the platform the mass of such load shall be correctly indicated and if the load applied is less than capacity the allowance of error shall be reduced in proportion to the load applied."

26. Regulation 82 is amended by the deletion of subregulations (2) and (3).

27. Annexure to Part II (Tables of allowances and Explanatory Notes) is amended by:

- a) in explanatory note 1 (1) deleting "I" where it appears after the word "Tables" and replacing it with "VI";
- b) in explanatory note 2 (1) deleting "I" where it appears after the word "Tables" and replacing it with "VI";
- c) in explanatory note 3 (1) replacing the ",(comma)" with the word "and" where it appears between "2" and "4" and deleting "and 5";
- d) in explanatory note 3 (1) deleting "I" where it appears after the word "Tables" and replacing it with "VI";
- e) deleting explanatory note 3 (2);
- f) in explanatory note 3 (3) deleting the words "and of instruments specified in paragraph (2) of this Note";
- g) in explanatory note 4 (1) deleting the words "except the instruments specified in (2) and (3) below";
- h) deleting explanatory note 4 (2);
- i) deleting explanatory note 5;
- j) deleting tables I to V;

- k) amending the heading to table VI by deleting the existing heading and replacing it with the new heading "Automatic scales having a capacity of not more than 50 kg when tested according to subregulation 47 (5) (f)";
- l) amending the heading to table VII by deleting the words ", steelyards and wall scales"; and
- m) amending the heading to table VIII by deleting the existing heading and replacing it with the new heading "Automatic scales having a capacity of more than 50 kg when tested according to subregulation 47 (5) (f)".