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OFFICE OF THE PRESIDENT

KANTOOR VANDIE PRESIDENT

No. 918.

10 July 1998

No. 918.

10 Julie 1998

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

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

No. 24 of 1998: Measuring Units and National Measuring Standards Amendment Act, 1998.

No. 24 van 1998: Wysigingswet op Meeteenheids- en Nasionale Meetstandaarde, 1998.

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.
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ACT

To amend the Measuring Units and National Measuring Standards Act, 1973, so as to insert and to amend definitions; to amend certain obsolete references and provisions; to clarify the provisions regarding the traceability of measuring standards to national measuring standards; to provide for the issuing of certificates by the Council for Scientific and Industrial Research; and to provide that any such certificate, or a certified copy thereof, produced in criminal proceedings is evidence of the facts contained therein; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 76 of 1973, as amended by section 1 of Act 49 of 1996

1. Section 1 of the Measuring Units and National Measuring Standards Act, 1973 (in this Act referred to as the principal Act), is hereby amended— 5

(a) by the insertion before the definition of “Minister” of the following definition:

“ ‘CSIR’ means the Council for Scientific and Industrial Research, mentioned in section 2(1) of the Scientific Research Council Act, 1988 (Act No. 46 of 1988);” and 10

(b) by the substitution for the definition of “Minister” of the following definition: “ ‘Minister’ means the Minister of [Economic Affairs] Trade and Industry;”.

Substitution of section 2 of Act 76 of 1973

2. The following section is hereby substituted for section 2 of the principal Act: 15

“Administration of Act

2. The provisions of this Act shall, subject to the control of the Minister,

be administered by the Director-General: Trade and Industry or any officer in the Department of Trade and Industry authorised thereto by the Director-General.”.

Amendment of section 6 of Act 76 of 1973

3. Section 6 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection: 5

“(3) Before issuing any notice under section 3, 4 or 5 the Minister shall first consult [a] the board mentioned in subsection (1) of this section, or, if no such board is then in existence [then], the Council of the South African Bureau of Standards mentioned in section [4] 6 of the Standards Act, [1962 (Act No. 33 of 1962)] 1993 (Act No. 29 of 1993), and the [Council for Scientific and Industrial Research mentioned in section 2 of the Scientific Research Council Act, 1962 (Act No. 32 of 1962)] CSIR.”. 10

Amendment of section 7 of Act 76 of 1973

4. Section 7 of the principal Act is hereby amended— 15

(a) by the substitution for subsection (1) of the following subsection:

“(1) The Minister may by notice in the *Gazette* designate—

(a) any measuring standard described therein [by him], as a national measuring standard;

(b) for the purposes of subsection (5)(b)(ii), any organisation formally recognising the competence of testing and calibration laboratories, certification bodies and inspection bodies to carry out specific tests, certifications or inspections, as an accreditation organisation.”; 20

(b) by the substitution for the words preceding paragraph (a) of subsection (2) of the following words: 25

“The [Council for Scientific and Industrial Research mentioned in section 2 of the Scientific Research Council Act, 1962 (Act No. 32 of 1962)] CSIR shall—”;

(c) by the substitution in subsection (3) for the words “said Council for Scientific and Industrial Research” of the word “CSIR”; 30

(d) by the substitution for subsection (5) of the following subsection:

“(5)(a) A measuring standard which is not a national measuring standard or a measurement carried out by that measuring standard shall, for the purpose of measurement for any legal purpose, be traceable to one or more national measuring standards. 35

(b) Such measuring standard or measurement shall be so traceable if the measuring standard or measurement is related to one or more national measuring standards through an unbroken chain of comparisons—

(i) stating uncertainties; and

(ii) carried out by facilities accredited by an accreditation organisation designated in terms of subsection (1)(b).”; and 40

(e) by the addition of the following subsections:

“(6)(a) The CSIR may issue a certificate regarding any matter mentioned in subsection (3), (4) or (5). 45

(b) Such certificate shall be signed by such person or persons in the CSIR’s service as the board of the CSIR determines.

(c) The board of the CSIR may authorise a person in the CSIR’s service to certify, in the manner the board determines, a copy of such certificate to be true.

(7) In any criminal proceedings a document which purports to be a certificate issued and signed in accordance with subsection (6)(a) and (b) or a copy of such certificate certified in accordance with subsection (6)(c), shall, upon its production, be evidence of the facts contained therein.”. 50

Amendment of section 8 of Act 76 of 1973

5. Section 8 of the principal Act is hereby amended by the deletion of the words “not exceeding five hundred rand”.

Short title

6. This Act is called the Measuring Units and National Measuring Standards Amendment Act, 1998. 5