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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

No. 927. 7 May 1975.

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

No. 34 of 1975: Trade Metrology Amendment Act, 1975.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 927. 7 Mei 1975.

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

No. 34 van 1975: Wysigingswet op Handelsmetrologie, 1975.

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ACT

To amend the provisions of the Trade Metrology Act, 1973, relating to definitions; so as to provide for the inspection and examination of certain containers; to limit the right of ascertaining whether a measuring instrument used in trade is certified; to extend the duty to give notice of the place where certain measuring instruments are kept; to provide for the verification or testing and certification or recertification of fixed, delicate or heavy measuring instruments at the place where they are used only; to exclude certain containers from the provisions of the said Trade Metrology Act relating to certification; to provide for the exemption from certification or recertification of certain measuring instruments used by the State or authorized persons; to qualify the duty of retail traders to keep measuring instruments available for the use of purchasers of prepacked goods; and to prohibit the use of certain vessels or containers which do not comply with the requirements of regulations applicable thereto; to amend the said provisions relating to the prohibition of the use in trade dealings of uncertified measuring instruments; so as to extend the power of making regulations; and to provide for incidental matters.

(*English text signed by the State President.*)
(*Assented to* 30 *April* 1975.)

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

Amendment of section 1 of Act 77 of 1973.

1. Section 1 of the Trade Metrology Act, 1973 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "measuring instrument" of the following definition:

"'measuring instrument' means any appliance, equipment, instrument, apparatus or other thing or any combination thereof by means of which a measurement of physical quantity, expressed in any measuring unit or a mathematical function of measuring units, may be made, and includes any appliance, equipment, instrument, apparatus or other thing 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;".

Substitution of section 12 of Act 77 of 1973.

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

"Inspections and examinations.

12. The director shall arrange inspections and examinations in order to prevent the use of any measuring instrument or container which falls within the purview of, and which does not comply with the applicable requirements of this Act, and in order to prevent the sale of goods which, in respect of quantity or the manner in which they are offered for sale, do not comply with the applicable requirements of this Act.".

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WET

Tot wysiging van die bepalings van die Wet op Handelsmetrologie, 1973, met betrekking tot woordomskrywings; ten einde voorsiening te maak vir die inspeksie en ondersoek van sekere houers; die reg om vas te stel of 'n meetinstrument wat in die handel gebruik word, gesertifiseer is, te beperk; die verpligting om kennis te gee van die plek waar sekere meetinstrumente gehou word, uit te brei; voorsiening te maak vir die verifiëring of toetsing en sertifisering of hersertifisering van vaste, delikate of swaar meetinstrumente slegs op die plek waar hulle gebruik word; sekere houers uit te sluit van die bepalings van bedoelde Wet op Handelsmetrologie met betrekking tot sertifisering; voorsiening te maak vir die vrystelling van sertifisering of hersertifisering van sekere meetinstrumente wat deur die Staat of gemagtigde persone gebruik word; die verpligting van kleinhandelaars te kwalifiseer om meetinstrumente beskikbaar te hou vir die gebruik van kopers van voorafverpakte goedere; en die gebruik te verbied van sekere vate of houers wat nie aan die vereistes voldoen van regulasies wat daarop van toepassing is nie; tot wysiging van bedoelde bepalings met betrekking tot die verbod op die gebruik van ongesertifiseerde meetinstrumente in handelstransaksies; ten einde die bevoegdheid tot die uitvaardiging van regulasies uit te brei; en vir bykomstige aangeleenthede voorsiening te maak.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 30 *April* 1975.)

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

1. Artikel 1 van die Wet op Handelsmetrologie, 1973 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van „meetinstrument" deur die volgende omskrywing te vervang: **Wysiging van artikel 1 van Wet 77 van 1973.**

„,meetinstrument' enige toestel, toerusting, instrument, apparaat of ander voorwerp of 'n kombinasie daarvan deur middel waarvan 'n meting van grootheid, uitgedruk in 'n meeteenheid of 'n matematiese funksie van meeteenhede, verrig kan word, en ook enige toestel, toerusting, instrument, apparaat of ander voorwerp of 'n kombinasie daarvan deur middel waarvan 'n gradering of telling in verband met die meting van 'n grootheid of 'n telling deur swaartekragwerking bewerkstellig kan word;".

2. Artikel 12 van die Hoofwet word hierby deur die volgende artikel vervang: **Vervanging van artikel 12 van Wet 77 van 1973.**

„Reël van inspeksies en ondersoeke.

12. Die direkteur reël inspeksies en ondersoeke ten einde die gebruik te voorkom van 'n meetinstrument of houer wat binne die oogmerk val, en nie voldoen nie aan die toepaslike vereistes, van hierdie Wet, en ten einde die verkoop van goedere te voorkom wat, ten opsigte van hoeveelheid of die wyse waarop dit vir verkoop aangebied word, nie aan die toepaslike vereistes van hierdie Wet voldoen nie.".

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Amendment of section 13 of Act 77 of 1973.

3. Section 13 of the principal Act is hereby amended—

(*a*) by the substitution of the following item for item (*aa*) of paragraph (*a*) (i) of subsection (2):

"(*aa*) any measuring instrument or container used or intended to be used for any prescribed purpose; or";

(*b*) by the substitution of the following item for item (*aa*) of paragraph (*a*) (ii) of subsection (2):

"(*aa*) any measuring instrument or container used or intended to be used for any prescribed purpose; or";

(*c*) by the substitution of the following paragraph for paragraph (*b*) of subsection (2):

"(*b*) inspect or examine any measuring instrument, container, goods, articles or other thing which may in terms of this Act be inspected or examined, or order that for the purposes of inspection or examination such measuring instrument, container, goods, articles or other thing be placed at his disposal;";

(*d*) by the substitution of the following paragraph for paragraph (*c*) of subsection (2):

"(*c*) inspect, verify or test or cause to be verified or tested any measuring instrument or container used for any prescribed purpose or which is subject to any provision of this Act and which is in the possession of any person or is found on any premises;";

(*e*) by the substitution of the following paragraph for paragraph (*d*) of subsection (2):

"(*d*) seize and retain any measuring instrument, container, goods, articles or other thing which may be confiscated or seized in terms of this Act;";

(*f*) by the substitution for subsection (3) of the following subsection:

"(3) Any person in charge of measuring instruments, containers or goods which are being inspected or examined by any inspector, examiner or employee referred to in subsection (1), or any policeman, or any agent or employee of such person, shall at the request of any such inspector, examiner, employee or policeman render such assistance as may be necessary for the purpose of verifying or testing such measuring instruments or containers or of measuring or counting the quantity of such goods."; and

(*g*) by the substitution for subsection (4) of the following subsection:

"(4) Any person using any measuring instrument in trade in connection with the measuring of the quantity of goods sold by him shall, on demand of the purchaser of such goods produce such measuring instrument and any document relating to the certification thereof to such purchaser for his examination, unless the measuring instrument in question has by regulation been exempted from certification or recertification.".

Substitution of section 17 of Act 77 of 1973.

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

"Contents of certain affidavits deemed to be *prima facie* proof.

17. (1) If in any prosecution for an offence under this Act the question arises whether any measuring instrument not certified under this Act is not a measuring instrument exempted from certification or recertification in terms of section 18 (2) (*a*) or 23 or from periodical recertification by reason of such

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Wysiging van artikel 13 van Wet 77 van 1973.

3. Artikel 13 van die Hoofwet word hierby gewysig—

(*a*) deur item (*aa*) van paragraaf (*a*) (i) van subartikel (2) deur die volgende item te vervang:

„(*aa*) 'n meetinstrument of houer is wat vir 'n voorgeskrewe doel gebruik word of bestem is om daarvoor gebruik te word; of";

(*b*) deur item (*aa*) van paragraaf (*a*) (ii) van subartikel (2) deur die volgende item te vervang:

„(*aa*) 'n meetinstrument of houer wat vir 'n voorgeskrewe doel gebruik word of bestem is om daarvoor gebruik te word; of";

(*c*) deur paragraaf (*b*) van subartikel (2) deur die volgende paragraaf te vervang:

„(*b*) enige meetinstrument, houer, goedere, artikels of ander voorwerp wat ingevolge hierdie Wet geïnspekteer of ondersoek kan word, inspekteer of ondersoek of gelas dat bedoelde meetinstrument, houer, goedere, artikels of ander voorwerp vir die doeleindes van inspeksie of ondersoek tot sy beskikking gestel word;";

(*d*) deur paragraaf (*c*) van subartikel (2) deur die volgende paragraaf te vervang:

„(*c*) 'n meetinstrument of houer wat vir 'n voorgeskrewe doel gebruik word of waarop 'n bepaling van hierdie Wet betrekking het en wat in die besit van iemand is of gevind is op 'n perseel, inspekteer, verifieer of toets of laat verifieer of toets;";

(*e*) deur paragraaf (*d*) van subartikel (2) deur die volgende paragraaf te vervang:

„(*d*) enige meetinstrument, houer, goedere, artikels of ander voorwerp wat ingevolge hierdie Wet gekonfiskeer kan word, in beslag neem en hou;";

(*f*) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Iemand in beheer van meetinstrumente, houers of goedere wat deur 'n inspekteur, ondersoeker of werknemer bedoel in subartikel (1), of 'n polisiebeampte, geïnspekteer of ondersoek word, of 'n agent of werknemer van so iemand, moet op versoek van daardie inspekteur, ondersoeker, werknemer of polisiebeampte die hulp verleen wat nodig is om bedoelde meetinstrumente of houers te verifieer of te toets of om die hoeveelheid van bedoelde goedere te meet of te tel."; en

(*g*) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Iemand wat 'n meetinstrument in die handel gebruik in verband met die meting van die hoeveelheid van goedere wat deur hom verkoop word, moet, op aanvraag van die koper van daardie goedere, daardie meetinstrument en 'n dokument wat op die sertifisering daarvan betrekking het aan daardie koper vir ondersoek deur hom toon, tensy die betrokke meetinstrument by regulasie van sertifisering of hersertifisering vrygestel is.".

Vervanging van artikel 17 van Wet 77 van 1973.

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

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

17. (1) Indien die vraag by 'n vervolging weens 'n misdryf ingevolge hierdie Wet ontstaan of 'n meetinstrument wat nie ingevolge hierdie Wet gesertifiseer is nie, nie 'n meetinstrument is nie wat ingevolge artikel 18 (2) (*a*) of 23 van sertifisering of hersertifisering vrygestel is of van periodieke her-

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measuring instrument's being a contract measuring instrument referred to in section 19 (1) (*a*), a document purporting to be an affidavit made by a person who in that affidavit alleges—

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

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

(*c*) that there is no such record thereof,

shall, upon its mere production at such prosecution, be *prima facie* proof that the measuring instrument in question is not a measuring instrument exempted from certification or recertification in terms of section 18 (2) (*a*) or 23 or from periodical recertification by reason of such measuring instrument's being a contract measuring instrument referred to in section 19 (1) (*a*).

(2) In any prosecution under section 19 (4) (*b*) a document purporting to be an affidavit made by a person who in that affidavit alleges—

(*a*) that he is the inspector in charge of the regional office of metrology for the area in which the measuring instrument which forms the subject of the prosecution, was found;

(*b*) that if notice had been given, as contemplated in section 19 (2), of the place where that measuring instrument is kept, it would in the ordinary course of events have come to his, the deponent's, knowledge and a record thereof, available to him, would have been kept; and

(*c*) that there is no such record thereof,

shall, upon its mere production, be *prima facie* proof that notice has not been given, as contemplated in section 19 (2), of the place where that measuring instrument is kept.".

Amendment of section 19 of Act 77 of 1973.

5. Section 19 of the principal Act is hereby amended—

(*a*) by the insertion after paragraph (*c*) of subsection (1) of the following paragraph:

"(*c*A) a measuring instrument which is kept at a place situated more than 15 km by the shortest route from a place specified in the said notice; or"; and

(*b*) by the substitution for subsection (2) of the following subsection:

"(2) If any person at the beginning of any year has in his possession any measuring instrument which in terms of this Act is required to be certified or recertified, he shall, prior to the fifteenth day of January of that year, in writing notify the inspector in charge of the regional office of metrology designated from time to time for that purpose by the director by notice in the *Gazette*, of the place where such measuring instrument is kept, unless it is a measuring instrument referred to in subsection (1) (*a*) or (*b*).".

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sertifisering vrygestel is omdat dit 'n kontrakmeetinstrument is soos bedoel in artikel 19 (1) (*a*), is 'n dokument wat voorgee 'n beëdigde verklaring te wees deur iemand wat in daardie beëdigde verklaring beweer—

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

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

(*c*) dat daar nie so 'n aantekening daarvan is nie,

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

(2) By 'n vervolging kragtens artikel 19 (4) (*b*) is 'n dokument wat voorgee 'n beëdigde verklaring te wees deur iemand wat in daardie beëdigde verklaring beweer—

(*a*) dat hy die inspekteur in bevel is van die streekkantoor van metrologie vir die gebied waarin die meetinstrument wat die onderwerp van die vervolging uitmaak, gevind is;

(*b*) dat indien kennis gegee is, soos in artikel 19 (2) bedoel, van die plek waar daardie meetinstrument gehou word, dit in die gewone loop van sake tot sy, die verklaarder se, kennis sou gekom het en 'n aantekening wat aan hom beskikbaar is daarvan gehou sou gewees het; en

(*c*) dat daar nie so 'n aantekening daarvan is nie,

by blote voorlegging daarvan *prima facie*-bewys dat daar nie kennis gegee is, soos in artikel 19 (2) bedoel, van die plek waar daardie meetinstrument gehou word nie.".

Wysiging van artikel 19 van Wet 77 van 1973.

5. Artikel 19 van die Hoofwet word hierby gewysig—

(*a*) deur die volgende paragraaf na paragraaf (*c*) van subartikel (1) in te voeg:

„(*c*A) 'n meetinstrument is wat op 'n plek gehou word wat meer as 15 km langs die kortste roete vanaf 'n plek vermeld in bedoelde kennisgewing, geleë is; of"; en

(*b*) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Indien iemand aan die begin van 'n jaar 'n meetinstrument wat ingevolge hierdie Wet gesertifiseer of hersertifiseer moet word, in sy besit het, moet hy vóór die vyftiende dag van Januarie van daardie jaar die inspekteur in bevel van die streekkantoor van metrologie wat die direkteur van tyd tot tyd vir daardie doel by kennisgewing in die *Staatskoerant* aanwys, skriftelik in kennis stel van die plek waar daardie meetinstrument gehou word, tensy dit 'n meetinstrument is soos bedoel in subartikel (1) (*a*) of (*b*).".

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Amendment of section 20 of Act 77 of 1973.

6. Section 20 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Any inspector may at any time order any person who for any prescribed purpose uses or possesses any measuring instrument which in terms of this Act is required to be certified or recertified, to produce or otherwise make available to him such measuring instrument at the place where it is so used or possessed or, in the case of any measuring instrument other than a measuring instrument referred to in section 19 (1) (*c*), at such other place, being within 5 km from the place where it is so used or possessed, and at such time as such inspector may appoint, in order to enable him to verify or test and certify or recertify any such measuring instrument.".

Substitution of section 23 of Act 77 of 1973.

7. The following section is hereby substituted for section 23 of the principal Act:

"Measuring instruments used for certain purposes to be certified.

23. (1) Every measuring instrument used or possessed in connection with any prescribed purpose or any purpose contemplated in section 26 or used or possessed for the verification or testing of any measuring instrument to which the provisions of this Act are applicable, shall be certified or recertified in accordance with the provisions of this Act unless exempted from certification or recertification under this Act.

(2) If the director is satisfied that it is impracticable or unnecessary to certify or recertify any measuring instrument or any class or make of measuring instrument because of its mode or principle of construction or the manner in or purpose for which it is used or any other special circumstance relating to it or its use, he may issue a certificate in respect of such measuring instrument or such class or make of measuring instrument exempting it from the provisions of subsection (1) or of section 26, subject to such conditions, limitations or requirements as may be prescribed by regulation or as he may in any particular case deem fit to impose.

(3) The provisions of this Act relating to the certification or recertification of any measuring instrument or the use or possession of any measuring instrument which has not been certified or recertified shall, subject to any applicable condition, limitation or requirement prescribed by regulation or imposed under subsection (2), not apply in respect of any measuring instrument exempted from the provisions of subsection (1) or of section 26 by regulation or under the said subsection (2) or belonging to a class or make so exempted.

(4) The director may at any time cancel any certificate issued under subsection (2): Provided that any person who uses or has in his possession any measuring instrument to which, or belonging to the class or make to which, the certificate relates, shall be exempted from any penalty for using or possessing it for the period between the date of the cancellation of the certificate and the earliest opportunity when he could reasonably cause it to be certified or recertified.

(5) Any decision by the director under this section shall be given by him after consultation with the council.

(6) Any person who contravenes or fails to comply with any condition, limitation or requirement referred to in subsection (2), shall be guilty of an offence.".

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Wysiging van artikel 20 van Wet 77 van 1973.

6. Artikel 20 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Inspekteur kan te eniger tyd iemand wat 'n meetinstrument wat ingevolge hierdie Wet gesertifiseer of hersertifiseer moet word, vir 'n voorgeskrewe doel gebruik of besit, beveel om daardie meetinstrument aan hom te toon of andersins aan hom beskikbaar te stel op die plek waar dit aldus gebruik of besit word of, in die geval van 'n ander meetinstrument as 'n meetinstrument bedoel in artikel 19 (1) (*c*), op die ander plek, binne 5 km van die plek waar dit aldus gebruik of besit word, en op die tyd wat so 'n inspekteur bepaal, ten einde hom in staat te stel om daardie meetinstrument te verifieer of te toets en te sertifiseer of hersertifiseer.".

Vervanging van artikel 23 van Wet 77 van 1973.

7. Artikel 23 van die Hoofwet word hierby deur die volgende artikel vervang:

„Meetinstrumente wat vir sekere doeleindes gebruik word, moet gesertifiseer word.

23. (1) Elke meetinstrument wat in verband met 'n voorgeskrewe doel of 'n doel beoog in artikel 26 gebruik of besit word of wat vir die verifikasie of toets van 'n meetinstrument waarop die bepalings van hierdie Wet van toepassing is, gebruik of besit word moet ooreenkomstig die bepalings van hierdie Wet gesertifiseer of hersertifiseer word tensy dit kragtens hierdie Wet van sertifisering of hersertifisering vrygestel is.

(2) Indien die direkteur oortuig is dat dit onprakties of onnodig is om 'n meetinstrument of 'n klas of fabrikaat meetinstrument te sertifiseer of hersertifiseer vanweë die wyse of beginsel waarop dit vervaardig is of die wyse waarop of doel waarvoor dit gebruik word of enige ander besondere omstandigheid wat daarop of op die gebruik daarvan betrekking het, kan hy ten opsigte van sodanige meetinstrument of sodanige klas of fabrikaat meetinstrument 'n sertifikaat uitreik wat dit van die bepalings van subartikel (1) of van artikel 26 vrystel onderworpe aan die voorwaardes, beperkings of vereistes wat by regulasie voorgeskryf word of wat hy in 'n besondere geval goedvind om op te lê.

(3) Die bepalings van hierdie Wet betreffende die sertifisering of hersertifisering van 'n meetinstrument of die gebruik of besit van 'n meetinstrument wat nie gesertifiseer of hersertifiseer is nie, is, behoudens 'n toepaslike voorwaarde, beperking of vereiste wat by regulasie voorgeskryf is of wat kragtens subartikel (2) opgelê is, nie van toepassing nie ten opsigte van 'n meetinstrument wat by regulasie of kragtens subartikel (2) van die bepalings van subartikel (1) of van artikel 26 vrygestel is of tot 'n klas of fabrikaat behoort wat aldus vrygestel is.

(4) Die direkteur kan 'n sertifikaat wat kragtens subartikel (2) uitgereik is, te eniger tyd intrek: Met dien verstande dat iemand wat 'n meetinstrument waarop of wat behoort tot die klas of fabrikaat waarop die sertifikaat betrekking het, gebruik of in sy besit het, vrygestel is van straf vir die gebruik of besit daarvan vir die tydperk tussen die datum van die intrekking van die sertifikaat en die eerste geleentheid waarop hy dit redelikerwys kon laat sertifiseer of hersertifiseer.

(5) 'n Beslissing van die direkteur kragtens hierdie artikel word deur hom gegee na oorleg met die raad.

(6) Iemand wat 'n voorwaarde, beperking of vereiste bedoel in subartikel (2) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.".

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Substitution of section 26 of Act 77 of 1973.

8. The following section is hereby substituted for section 26 of the principal Act:

"Certification and recertification of measuring instruments used by State or authorized person.

26. Any measuring instrument used by the State or any authorized person for the purpose of or in connection with the fixing, collection or determination of tolls, rates, taxes or other fees shall be certified or recertified in accordance with this Act unless exempted from certification or recertification under this Act.".

Amendment of section 30 of Act 77 of 1973.

9. Section 30 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Any person who in retail trade sells any goods prepacked by him, shall, at the request of any purchaser of such goods who wishes to measure the quantity of the goods purchased from such person by such purchaser, make available to such purchaser a certified measuring instrument suitable for measuring the quantity of such goods.".

Substitution of section 31 of Act 77 of 1973.

10. The following section is hereby substituted for section 31 of the principal Act:

"Certain containers excluded.

31. If any vessel or container is used or possessed or intended for the measuring off of any liquid, no provision of this Act shall be so construed as to—

(*a*) prohibit the use or possession of such vessel or container for the determination of the quantity of any liquid sold therein irrespective of whether or not such liquid is a liquid required by regulation to be sold by volume; or

(*b*) subject any person to any penalty for the possession or use of such vessel or container,

provided, in the case of any such vessel or container which is used or possessed or intended for the measuring off of any liquid in the retail trade at the time of sale of such liquid, the denomination of volume of such vessel or container is fixed thereon and such vessel or container complies with the requirements of any regulation applicable thereto.".

Amendment of section 38 of Act 77 of 1973.

11. Section 38 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) No contract, bargain, sale, purchase or transaction shall 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 certified or recertified, is uncertified.".

Amendment of section 42 of Act 77 of 1973.

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

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

"(*q*) exempting from the provisions of section 23 (1) or 26 any class or make of measuring instrument or any measuring instrument used for any prescribed purpose or in any particular manner, and prescribing the conditions, limitations and requirements in connection with the maintenance, use or degree of accuracy of any measuring instrument so exempted in terms of such regulations or by the director under section 23 (2);";

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8. Artikel 26 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 26 van Wet 77 van 1973.

„Sertifisering en hersertifisering van meetinstrumente deur Staat of gemagtigde persoon gebruik.

26. 'n Meetinstrument wat deur die Staat of 'n gemagtigde persoon gebruik word vir of in verband met die vasstelling, invordering of bepaling van tolgelde, heffings, belastings of ander gelde, moet ooreenkomstig hierdie Wet gesertifiseer of hersertifiseer word tensy dit kragtens hierdie Wet van sertifisering of hersertifisering vrygestel is.".

9. Artikel 30 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van artikel 30 van Wet 77 van 1973.

„(2) Iemand wat in die kleinhandel goedere wat deur hom voorafverpak is, verkoop, moet, op versoek van 'n koper van sodanige goedere wat die hoeveelheid wil meet van die goedere wat deur daardie koper van so iemand aangekoop is, 'n gesertifiseerde meetinstrument wat vir die meting van die hoeveelheid van daardie goedere geskik is, aan daardie koper beskikbaar stel.".

10. Artikel 31 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 31 van Wet 77 van 1973.

„Sekere houers uitgesluit.

31. Indien 'n vat of houer gebruik of besit word, of bestem is, vir die afmeting van vloeistowwe, word geen bepaling van hierdie Wet so uitgelê nie dat dit—

(*a*) die gebruik of besit van so 'n vat of houer verbied vir die bepaling van die hoeveelheid van 'n vloeistof wat daarin verkoop word, ongeag of so 'n vloeistof 'n vloeistof is al dan nie ten opsigte waarvan daar by regulasie vereis word dat dit by volume verkoop moet word; of

(*b*) iemand strafbaar maak weens die besit of gebruik van so 'n vat of houer,

mits, in die geval van so 'n vat of houer wat vir die afmeting van 'n vloeistof, op die tydstrip van verkoop daarvan, in die kleinhandel gebruik of besit word of vir so 'n gebruik bestem is, die volumemaatwaarde van so 'n vat of houer daarop aangebring is en so 'n vat of houer voldoen aan die vereistes van 'n regulasie wat daarop van toepassing is.".

11. Artikel 38 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

Wysiging van artikel 38 van Wet 77 van 1973.

"(3) Geen kontrak, ooreenkoms, verkoop, koop of transaksie word in die Republiek gesluit of aangegaan deur middel van 'n meetinstrument wat nie deur hierdie Wet veroorloof word nie of wat vals, gebrekkig of onnoukeurig is of wat, in die geval van 'n meetinstrument wat kragtens hierdie Wet gesertifiseerd of hersertifiseerd moet wees, ongesertifiseerd is.".

12. Artikel 42 van die Hoofwet word hierby gewysig—

Wysiging van artikel 42 van Wet 77 van 1973.

(*a*) deur paragraaf (*q*) van subartikel (1) deur die volgende paragraaf te vervang:

„(*q*) wat 'n klas of fabrikaat meetinstrument of 'n meetinstrument wat vir 'n voorgeskrewe doel of op 'n bepaalde wyse gebruik word, vrystel van die bepalings van artikel 23 (1) of 26, en wat die voorwaardes, beperkings en vereistes voorskryf in verband met die onderhoud, gebruik of graad van presiesheid van 'n meetinstrument wat aldus ingevolge sodanige regulasies of deur die direkteur kragtens artikel 23 (2) vrygestel is;";

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(*b*) by the insertion of the following paragraphs after paragraph (*jj*) of subsection (1):

"(*jj*A) with regard to any delivery note referred to in section 40;

(*jj*B) prescribing specifications for, and conditions, limitations and requirements in connection with the use or degree of accuracy of, particular containers;"; and

(*c*) by the addition of the following subsection:

"(3) Any regulation relating to prepacked goods may authorize the director to grant exemption in writing from any provision thereof on such conditions and for such period as he may deem fit.".

Short title.

13. This Act shall be called the Trade Metrology Amendment Act, 1975.

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(*b*) deur die volgende paragrawe na paragraaf (*jj*) van subartikel (1) in te voeg:

„(*jj*A) met betrekking tot 'n in artikel 40 bedoelde afleweringsbrief;

(*jj*B) wat spesifikasies vir, en voorwaardes, beperkings en vereistes in verband met die gebruik of graad van presiesheid van, bepaalde houers voorskryf;"; en

(*c*) deur die volgende subartikel by te voeg:

„(3) 'n Regulasie betreffende voorafverpakte goedere kan die direkteur magtig om skriftelik vrystelling te verleen van enige bepaling daarvan op die voorwaardes en vir die tydperk wat hy goedvind.".

13. Hierdie Wet heet die Wysigingswet op Handelsmetrologie 1975. Kort titel.