

# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

Vol. 517 Cape Town, 18 July 2008 No. 31253  
Kaapstad, 18 Julie

## THE PRESIDENCY

No. 774 18 July 2008

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

**No. 8 of 2008: Standards Act, 2008.**

## I-OFISI KAMONGAMELI

Ino. 774 18 July 2008

Kwaziswa lapha bona uMongameli sele agunyaze umThetho olandelako, oga-dangiswa lapha ngomnqopho woku-phakela ilwazi mazombe:—

**Ino. 8 ka 2008: uMthetho weMiga-ngatho ka-2008.**

(English text signed by the President.)  
(Assented to 15 July 2008.)

# ACT

To provide for the development, promotion and maintenance of standardisation and quality in connection with commodities and the rendering of related conformity assessment services; and for that purpose to provide for the continued existence of the SABS, as the peak national institution; to provide for the establishment of the Board of the SABS; to provide for the repeal of the Standards Act, 1993; to provide for transitional provisions; and to provide for matters connected therewith.

## PREAMBLE

**WHEREAS** it is desirable to—

- provide for the continuation of the SABS as the peak national standardisation institution in South Africa responsible for the development, maintenance and promotion of South African National Standards;
- ensure provision of an internationally recognised standardisation system that continue to support the needs of South African enterprises competing in a fast-paced global economy; and
- promote South African National Standards as a means to facilitate international trade and enhancing South Africa's economic performance and transformation,

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

## TABLE OF CONTENTS

*Sections*

<b>PART 1</b>	5
<b>DEFINITIONS AND PURPOSE</b>	
1. Definitions	
2. Purpose of Act	
<b>PART 2</b>	
<b>CONTINUATION OF SOUTH AFRICAN BUREAU OF STANDARDS</b>	
3. Continuation of SABS	
4. Objects of SABS	
5. Functions of SABS	
<b>BOARD OF SOUTH AFRICAN BUREAU OF STANDARDS</b>	
6. Establishment and composition of Board of SABS	15
7. Term of office of members of Board	

(English text signed by the President.)  
(Assented to 15 July 2008.)

# UMTHETHO

Ukuba ubonelele ngophuhliso, ukuphakanyiswa kunye nokugcinwa kokuba semgaugathweni kunye nobulunga ngokunxulemene nempahla yorhwebo kunye nonikezo lweenkonzo ezivumelana nohlolo olunxulumeneyo; kwaye ngaloo njongo ukubonelela ngokubakhona okuqhubayo kwe-SABS, njengeziko lesizwe eliyincopho; ukubonelela ngokusekwa kweBhodi ye-SABS; ukubonelela ngokurhoxiswa koMthetho weMigangatho, 1993; ukubonelela ngamagatya otshintsho; kunye nokubonelela kwimicimbi enxulumene nawo.

## IMBULAMBETHE

NANGONA kunqweneleka uku—

- bonelela ngokuqhuba kwe-SABS njengencopho yeziko lesizwe lokubeka emgangathweni eMzantsi Afrika eyiyimfanelo yalo uphuhliso, ugcino kunye nokuphakanyiswa kweMigangatho yeSizwe yaseMzantsi Afrika;
- qinisekisa amagatya amazwe ngamazwe endlela yokubeka emgangathweni eqondwayo eqhubayo ukuxhasa iimfuno zamashishini oMzantsi Afrika ezikukhuphiswano kuqoqosho lwamazwe oluhamba ngokukhawuleza; kunye nokuphakamisa kweMigangatho yeSizwe yaseMzantsi Afrika njengendlela yokwenza lula urhwebo lamazwe ngamazwe kunye nokunyusa ukusebenza notshintsho lwezoqoqosho loMzantsi Afrika,

**U**BE NGOKO KE UYAWISWA yiPalamente yeRiphabliki yoMzantsi Afrika, njengoku kulandelayo:—

## IZIQULATHO

*Amacandelo*

### ISIGABA SOKU-1

5

### IINKCAZELO KUNYE NENJONGO

1. Iinkcazelo
2. Injongo yoMthetho

### ISIGABA SESI-2

### UKUQHUBA KWEZIKO LOMISELO MIGANGATHO LASEMZANTSI AFIKA

10

3. Ukuqhuba kwe-SABS
4. Injongo ze-SABS
5. Imisebenzi ye-SABS

### IBHODI YEZIKO LOMISELO MIGANGATHO LASEMZANTSI AFIKA

15

6. Ukusekwa nokwakhiwa kweBhodi ye-SABS
7. Ixesha lokulawula kwamalungu eBhodi
8. Ukunqunyanyiswa kobulungu
9. Ukususwa nokuyishiya i-ofisi
10. Umvuzo nemigqaliselo kunye neemeko zokuchongwa kwamalungu eBhodi 20
11. Iintlanganiso zeBhodi
12. Impixwano yemidla kumalungu eBhodi

- |     |  |   |
|-----|--|---|
| 8.  | Disqualification from membership   |   |
| 9.  | Removal from and vacation of office                                      |   |
| 10. | Remuneration and terms and conditions of appointment of members of Board |   |
| 11. | Meetings of Board  |   |
| 12. | Conflict of interest of members of Board                                 | 5 |
| 13. | Committees of Board  |   |
| 14. | Advisory Forum   |   |
| 15. | Government Consultative Forum  |   |

### EXECUTIVE MANAGEMENT

- |     |   |    |
|-----|---|----|
| 16. | Appointment of Chief Executive Officer        | 10 |
| 17. | Employment contract and performance agreement |    |
| 18. | Appointment of staff                          |    |
| 19. | Services of non-employees                     |    |
| 20. | Delegation                                    |    |

### PART 3

15

### FINANCIAL MANAGEMENT

- |     |                               |  |
|-----|-------------------------------|--|
| 21. | Funding and investments       |  |
| 22. | Financial year and accounting |  |

### PART 4

### SOUTH AFRICAN NATIONAL STANDARDS

20

- |     |   |    |
|-----|---|----|
| 23. | National Norm for setting and amending of South African National Standards                  |    |
| 24. | Issuing of South African National Standard  |    |
| 25. | Recognised Standards Development Organisations  |    |
| 26. | Copyright in South African National Standards and publications of SABS                      |    |
| 27. | Limitations on certain claims pertaining to compliance with South African National Standard | 25 |
| 28. | Incorporation of South African National Standards in laws                                   |    |

### PART 5

### GENERAL PROVISIONS

- |     |  |    |
|-----|--|----|
| 29. | Certain acts not interpreted as assurances or guarantees | 30 |
| 30. | Breach of confidence                                     |    |
| 31. | Limitation of liability                                  |    |
| 32. | Offences and penalties                                   |    |
| 33. | Regulations  |    |
| 34. | Transitional provisions                                  | 35 |
| 35. | Repeal of law  |    |
| 36. | Amendment of law   |    |
| 37. | Short title and commencement                             |    |

### PART 1

### DEFINITION AND PURPOSE

40

#### Definitions

1. (1) In this Act, unless the context indicates otherwise—
- “**amendment**”, with regard to a standard, includes complete or partial substitution or alteration of one or more of the provisions of the standard;
  - “**Board**” means the Board of the SABS established in terms of section 6;
  - “**commodity**” includes an element or characteristic, or a category or system, of some commodity;

45

13. Iikomiti zeBhodi
14. IQumrhu lokuCebisa
15. IQonga lokuNgqubanisa iiNtloko likaRhulumente

### ULAWULO LWESIGQEBA

16. Ukuqeshwa kweGosa eliyiNtloko lesiGqeba sokuLawula 5
17. Isivumelwano sengqeshoo kunye nesokwenziwa komsebenzi
18. Ukuchongwa kwabasebenzi
19. Iinkonzo zabo bangengobasebenzi
20. Unikezelo-magunya

### ISIGABA SESI-3

10

### ULAWULO LWEZIMALI

21. Inkxaso notyalo-mali
22. Unyaka-mali nocalulo-mali

### ISIGABA SESI- 4

### UMGANGATHO WESIZWE WASEMZANTSI AFRIKA

15

23. UMGangatho weSizwe waseMzantsi Afrika
24. Ukukhutshwa kweMigangatho yeSizwe yaseMzantsi Afrika
25. IMibutho eYaziwayo yokuPhuhlisa iMigangatho
26. Ilungelo lokukhutshelwa kweMigangatho yeSizwe nakushicilelo lwe-SABS
27. Umiso mida kumabango athile aphaathelene nokuthotyelwa kweMigangatho yeSizwe yaseMzantsi Afrika 20
28. Imithetho ethile engacaciswanga njengoqinisekiso okanye iziqinisekiso

### ISIGABA SESI-5

### IZIBONELELO JIKELELE

29. Imithetho ethile engacaciswanga njengoqinisekiso okaye iziqinisekiso 25
30. Ukophulwa kwentembeke
31. Umiso mida kwimfanelo
32. Ulwaphulo-mthetho nezohlwayo
33. Imimiselo
34. Izibonelelo zotshintsho 30
35. Ukugusulwa komthetho
36. Uhlenga-hlengiso lomthetho
37. Isihloko esifutshane nosungulo

### ISIGABA SOKU-1

### INKCAZELO NENJONGO

35

#### Inkcazelo

1. (1) Kulo Mthetho, ngaphandle kokuba umxholo ukhombisa ngenye indlela—  
 “**uhlaziyo**”, ngokuphathelene nokumalunga nemigangatho, luquka ukubeka endaweni yokunye ngokupheleleyo okanye inxenye okanye utshintsho kwelinye okanye ngaphezulu kumagatya amalunga nemigangatho; 40  
 “**iBhodi**” ithetha iBhodi ye-SABS esekwe ngokwemigqaliselo yecandelo lesi-6;  
 “**impahla yorhwebo**” ithetha into okanye uphawu, okanye udidi okanye indlela, yenye impahla yorhwebo;  
 “**uhlolo lokuthobela**” luthetha inkqubo esetyenzisiweyo ukumisela, ngokungqalileyo okanye ngokungangqalanga, ukuba imfuneko ebandakanyekayo 45  
 kwimimiselo yobuchwepheshe, uxwebhu lwemigangatho okanye amanye amaxwebhu abandakanyekayo nasemthethweni ukuba izalisekisiwe na;  
 “**imvumelwano**” ithetha isivumelwano jikelele, esibonakala ngokungabikho kwenkcaso ezinzileyo kwimiba eyomeleleyo yenxenye ebalulekileyo yemidla ebandakanyekayo, ekufikelelwe kuyo ngenkqubo ebandakanya ukufuna okanye 50  
 ukuthathela ingqalelo imibono yamaqela abandakanyekayo ukuba avumelane ngazo naziphi na iingxoxo eziphixanayo;

- “**conformity assessment**” means the procedure used to determine, directly or indirectly, that the relevant requirement in technical regulations, standards or any other relevant and validated documentation has been fulfilled;
- “**consensus**” means general agreement, characterised by the absence of sustained opposition to substantial issues by an important part of the concerned interests, arrived at by a process that involves seeking to take into account the views of the parties concerned and to reconcile any conflicting arguments; 5
- “**issue**”, with regard to a South African National Standard, a standard or a publication, includes making available by means of electronic, photographic or another medium; 10
- “**manufacture**” means produce, assemble, alter, modify, adapt, convert, process or treat;
- “**Minister**” means the Minister responsible for trade and industry in the Republic;
- “**product**” means any commodity that is manufactured and any agricultural product, including fish and fish products; 15
- “**Public Finance Management Act**” means the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- “**recognised standards development organisation**” means an organisation recognised by the SABS under section 25 for the development of standards to be approved by the SABS as South African National Standards; 20
- “**service**” means any service normally provided for remuneration, and at the individual request of a recipient of services;
- “**SABS**” means the South African Bureau of Standards;
- “**South African National Standard**” means a standard approved by the SABS under this Act; 25
- “**standard**” means a document that provides for common and repeated use, rules, guidelines or characteristics for products, services, or processes and production methods, including terminology, symbols, packaging, marking or labelling requirements as they apply to a product, service, process or production method;
- “**system**”, with regard to a commodity, means a system which is designed to achieve a particular purpose or to perform a specific function; 30
- “**this Act**” includes a regulation made in terms of this Act.

### Purpose of Act

2. The purpose of the Act is to provide—
- (a) a legal framework for the development, promotion and maintenance of South African National Standards in the Republic and the rendering of conformity assessment services and related activities; 35
- (b) for the continuation of the SABS as the peak national institution for the development, promotion and maintenance of South African National Standards; and 40
- (c) for the establishment of the Board of the SABS.

## PART 2

### CONTINUATION OF THE SOUTH AFRICAN BUREAU OF STANDARDS

#### Continuation of SABS

3. (1) The SABS established by section 2 of the Standards Act, 1945 (Act No. 24 of 1945), continues to exist as a public entity, notwithstanding the repeal of the Standards Act, 1993 (Act No. 29 of 1993). 45
- (2) The SABS is a juristic person, and must operate and perform its functions in accordance with this Act.
- (3) The continuation of the SABS does not affect the validity of any action taken prior to the commencement of this Act. 50
- (4) The Public Finance Management Act applies to the SABS.

#### Objects of SABS

4. (1) The objects of the SABS are to—
- (a) develop, promote and maintain South African National Standards; 55

- “**umba**”, ngokuphathelene nokumalunga neMigangatho yeSizwe yaseMzantsi Afrika, imigangatho okanye ushicilelo, kuqukwa nokuyenza ifumaneke ngendlela ye-elektroniki, umfanekiso okhutshelweyo okanye ngenye indlela yokunxulumana;
- “**ukuvelisa**” kuthetha ukuvelisa, ukudibanisa, ukutshintsha, ukulungisa, ukufaka, ukuguqula, ikuqhuba okanye ukusetyenzwa; 5
- “**uMphathiswa**” uthetha uMphathiswa oluyimfanelo yakhe urhwebo noshishino kwiRiphabliki;
- “**imveliso**” ithetha nayiphi na impahla yorhwebo eyenziwayo kunye nayiphi na imveliso yezolimo, kuquka intlanzi kunye neemveliso zentlanzi; 10
- “**uMthetho woLawulo lweZimali zikaRhulumente**” uthetha uMthetho woLawulo lweZimali zikaRhulumente, 1999 (uMthetho oyiNombolo yoku-1 ka-1999);
- “**umbutho wophuhliso lokumalunga nemigangatho eqondwayo**” uthetha umbutho oqondwayo yi-SABS phantsi kwecandelo lama-25 kuphuhliso lokumalunga nemigangatho ukuba luvunywe yi-SABS njengokumalunga neMigangatho yeSizwe yaseMzantsi Afrika; 15
- “**inkonzo**” ithetha nayiphi na inkonzo eqhelekileyo enikelwa ukufumana umvuzo, kunye nangesicelo somamkeli wenkonzo;
- “**i-SABS**” ithetha iZiko loMisele Migangatho laseMzantsi Afrika; 20
- “**iMigangatho yeSizwe yaseMzantsi Afrika**” ithetha okumalinga nemigangatho evunywe yi-SABS phantsi kwalo Mthetho;
- “**imigangatho**” ithetha uxwebhu olunika ukusetyenziswa okuqhelekileyo nokuphindekayo, imithetho, izikhokelo okanye iimpawu zemveliso, iinkonzo, iinkqubo okanye iindlela zokuvelisa, kuquka isigama, imiqondiso, ukupakishwa, ukuphawula okanye iimfuno zokufaka iilebhule, njengoko zisebenza kwimveliso, inkonzo, inkqubo okanye kwindlela yokuvelisa; 25
- “**indlela**”, ngokuphathelene nempahla yorhwebo, kuthetha indlela eyilelwe ukuphumeza injongo ethile okanye ukwenza umsebenzi okhethekileyo;
- “**lo Mthetho**” uquka ummiselo owenziwe ngokwemigqaliselo yalo Mthetho. 30

## Injongo yoMthetho

2. Injongo yalo Mthetho kukunika—
- (a) Inkqubo-sikhokelo esemthethweni yophuhliso lomthetho, ukuphakanyiswa nokugcinwa kokumalunga neMigangatho yeSizwe yaseMzantsi Afrika kwiRiphabliki kunye nokunika iinkonzo zohlolo lokuthobela kunye nemisebenzi enxulumene noko; 35
- (b) ukuqhubeka kwe-SABS njengeziko eliyincopho lesizwe ukuphuhlisa, ukuphakamisa nokugcinwa kokokumalunga neMigangatho yeSizwe yaseMzantsi Afrika; kunye
- (c) nokusekwa kweBhodi ye-SABS. 40

## ISIGABA SESI-2

### UKUQHUBEKEKA KWEZIKO LOMISELO MIGANGATHO LASEMZANTSI AFRIKA

#### Ukuqhubeka kwe-SABS

3. (1) I-SABS esekwe licandelo lesi-2 loMthetho omalunga neMigangatho, 1945 (uMthetho oyiNombolo yama-24 yowe-1945), iyakuqhuba ikhona njengeziko likarhulumente, nakuba irhoxiswe uMthetho omalunga neMigangatho, 1993 (uMthetho oyiNombolo yama-29 yowe-1993). 45

(2) I-SABS ingumntu oqondisa ngomthetho kwaye kufuneka iqhube yenze imisebenzi yayo ngokungqinelana nalo Mthetho. 50

(3) Ukuqhubeka kwe-SABS akuchaphazeli ukuba semthethweni kwaso nasiphi na isenzo esithathwe ngaphambi kokuqala kwalo Mthetho.

(4) UMthetho woLawulo lweZimali zikaRhulumente uyasebenza kwi-SABS.

#### Injongo ze-SABS

4. (1) Injongo ze-SABS kuku— 55

- (b) promote quality in connection with commodities, products and services; and  
 (c) render conformity assessment services and matters connected therewith.
- (2) In order to achieve its objects, the SABS may—
- (a) develop, issue, promote, maintain, amend or withdraw South African National Standards and related normative publications serving the standardisation needs of the South African community; 5
- (b) provide reference materials, conformity assessment services, and related training services in relation to standards, including a voluntary SABS Mark Scheme proving assurance of product conformity;
- (c) obtain membership in international and foreign bodies having any objects similar to an object of the SABS; 10
- (d) review involvement in international standards committees regularly to ensure resources are targeted where they are of most relevance to South Africa;
- (e) establish and maintain the necessary expertise at internationally acceptable level; 15
- (f) co-ordinate, interact and manage the international and bilateral interaction with other national standards bodies from other countries;
- (g) provide information services to deal with enquiries about standards, handle the sale and distribution of South African National Standards and related publications, as well as similar publications from international and foreign bodies; 20
- (h) provide the South African enquiry point to maintain the South African notification system in terms of the Technical Barriers to Trade Agreement of the World Trade Organisation;
- (i) provide a research and development programme in terms of the need for new standards, improvement of existing standards, standardisation of test methodology and the sketching of future scenarios that might affect the standards environment; 25
- (j) develop a procedure through which other bodies with sectoral expertise can be recognised as Standards Development Organisations and through which the standards of such organisations can be published by the SABS as South African National Standards; 30
- (k) perform, in so far as it is not repugnant to or inconsistent with the provisions of any Act of Parliament, such functions as the Minister may assign to the SABS; 35
- (l) use technical committees to develop and amend South African National Standards.

### Functions of SABS

5. (1) The SABS may—
- (a) acquire or dispose of property or any right in respect thereof, but ownership in significant immovable property may be acquired or disposed of only with the consent of the Minister; 40
- (b) open and operate banking accounts in the name of the SABS;
- (c) invest any of its funds not immediately required;
- (d) insure the SABS— 45
- (i) against any loss, damage or risk; and
- (ii) against any liability it may incur in the application of this Act;
- (e) conclude agreements with organs of state and other persons;
- (f) institute or defend any legal action; or



- (a) phuhlisa, ukuphakamisa nokugcina iMigangatho yeSizwe yaseMzantsi Afrika;
- (b) ukuphakamisa ubulunga ngokunxulumene nempahla yorhwebo, imveliso kunye neenkonzelo; kunye
- (c) nokunika iinkonzo zohlolo lokuthobela kunye nemicimbi enxulumene nako. 5
- (2) Ukuze kuphunyezwe ezi njongo, i-SABS inoku—
- (a) phuhlisa, ikhuphe, iphakamise, igcine, ilungise okanye irhoxise iMigangatho yeSizwe yaseMzantsi Afrika kunye noshicilelo olumisiweyo olunxulumeneyo olunceda iimfuno zokubeka emgangathweni zoluntu loMzantsi Afrika;
- (b) ukunika izibonelelo zongqinisiso, iinkonzo zohlolo lokuthobela, kunye neenkonzelo zoqeqesho ezinxulumeneyo ngokunxulumene namaxwebu emigangatho, kuqukwa neSkimu sokuzithandela sokuPhawula se- SABS sokungqina uqinisekiso lokuthobela kwemveliso; 10
- (c) ukufumana ubulungu kumaqumrhu amazwe ngamazwe nawangaphandle anazo naziphi na iinjongo ezifanayo neze- SABS; 15
- (d) ukuhlola rhoqo ukubandakanyeka kwiikomiti zokumalunga nemigangatho yamazwe ngamazwe ukuqinisekisa ukuba izibonelelo ekujoliswe kuzo apho zibaluleke kakhulu eMzantsi Afrika;
- (e) ukuseka nokugcina ubuchule obuyimfuneko kokumalunga nemigangatho yamazwe ngamazwe eyamkelekileyo; 20
- (f) ukulungelelanisa, ukuhlangana kunye nokulawula ukuhlangana kwamazwe ngamazwe nokumacala mabini kunye namaqumrhu amalunga nemigangatho yesizwe kwamanye amazwe;
- (g) ukubonelela ngeenkonzelo zolwazi ukuba zisebenze ngemibuzo emalunga nemigangatho, ukuphatha intengiso nokuhanjiswa kokumalunga neMigangatho yeSizwe yoMzantsi Afrika kunye noshicilelo olunxulumeneyo, ngokunjalo noshicilelo olufana nalo oluvela kumaqumrhu amazwe ngamazwe nawangaphandle; 25
- (h) ukubonelela ngendawo yemibuzo yoMzantsi Afrika ukugcina indlela yokwazisa yoMzantsi Afrika ngokwemigqaliselo yeMiqobo kuBuchwepheshe kwiSivumelwano soRhwebo soMbutho woRhwebo weHlabathi; 30
- (i) ukubonelela ngenkqubo yophando nophuhliso ngokwemigqaliselo yemfuno emalunga nemigangatho emitsha, ukuphuculwa kokumalunga nemigangatho okusele kukhona, ukubekwa emgangathweni kwendlela yokuvavanya kunye nokuzotywa nemiyilo yexa elizayo enokuchaphazela okusingqongileyo kokumalunga nemigangatho; 35
- (j) ukuphuhlisa inkqubo apho amanye amaqumrhu anobugcisa becandelo anokuqondwa njengeMibutho yoPhuhliso lweMigangatho apho imigangatho yombutho onjalo inokupapashwa yi-SABS njengeMigangatho yeSizwe yaseMzantsi Afrika; 40
- (k) ukwenza, ukuza kuthi ga ngoku akuchasani okanye kungangqinelani nesibonelelo sawo nawuphi na uMthetho wasePalamente, imisebenzi enjalo njengoko uMphathiswa enokuyabela i-SABS;
- (l) ukusebenzisa iikomiti zobuchwepheshe ukuphuhlisa nokulungisa iMigangatho yeSizwe yaseMzantsi Afrika. 45

### Imisebenzi ye-SABS

5. (1) I-SABS inoku—
- (a) fumana okanye ukuhambisa ipropati okanye naliphi na ilungelo elinxulumeneyo noko, kodwa ubunini kwipropati ebalulekileyo engashukumiyo bunokufunyanwa okanye buhanjiswa kuphela ngenkqubo yoMphathiswa; 50
- (b) vula nokuqhuba ii-akhawunti zebhanki egameni le-SABS;
- (c) kwenza utyalo-mali ngayo nayiphi na imali yayo engafuneki ngokukhawuleza; 55
- (d) kufaka i-SABS kwi-inshorensi—
- (i) kuyo nayo nayiphi na ilahleko, umonakalo okanye umngcipheko; kunye
- (ii) nakuyo nayiphi na imfanelo enokuyenza ekusebenziseni kwayo lo Mthetho;
- (e) kuqukumbela izivumelwano namaziko karhulumente kunye nabanye abantu; 60
- (f) kumisela okanye ikhusele nawaphi na amanyathelo omthetho; okanye

- (g) generally deal with any matter that is necessary or incidental to the performance of its functions in terms of this Act.
- (2) An agreement concluded in terms of subsection (1)(e) may not conflict with any international requirement binding on the SABS.
- (3) The SABS may charge fees— 5
- (a) in respect of the setting and issuing of a South African National Standard;
- (b) in respect of training services rendered in connection with standardisation or with any standards; and
- (c) in regard to the provision of any service or product provided by the SABS.
- (4) The SABS may charge interest in respect of money payable to it but which has not yet been paid, from a date on which such money became payable, except in respect of money payable by the State. 10
- (5) The SABS may establish one or more companies to perform any of the functions of the SABS in terms of this Act, except the setting of a South African National Standard in terms of sections 23 and 24. 15
- (6) The members of the Board of the SABS appointed in terms of section 6 must be appointed as the members of the Board of any company established in terms of subsection (5).

### BOARD OF SOUTH AFRICAN BUREAU OF STANDARDS

#### Establishment and composition of Board of SABS 20

6. (1) There is hereby established a board of the SABS.
- (2) The Board consists of not less than 7 and not more than 9 members, of whom—
- (a) one is the Chief Executive Officer of the SABS by virtue of his or her office; and
- (b) the rest are persons appointed by the Minister and who meet the criteria contemplated in subsection (3)(b). 25
- (3) When appointing the members of the Board, the Minister must ensure that such members—
- (a) are broadly representative of the population of the Republic; and
- (b) have sufficient knowledge, experience or qualifications relating to the functions of the SABS and the responsibilities of the Board, including in particular business management, finance, marketing, international or foreign standardisation and technical infrastructure matters. 30
- (4) The Minister must designate one member of the Board as chairperson.

#### Term of office of members of Board 35

7. (1) The members of the Board contemplated in section 6(2)(b) hold office for a period not exceeding five years and are eligible for reappointment.
- (2) Members of the Board may not serve more than two consecutive terms.

#### Disqualification from membership

8. A person may not be appointed or continue to serve as a member of the Board if he or she— 40
- (a) is an unrehabilitated insolvent;
- (b) has at any time been convicted of an offence involving dishonesty;
- (c) has, as a result of improper conduct, been removed from an office of trust; or
- (d) has been declared by a court to be mentally ill or unfit. 45

- (g) kusebenza jikelele ngawo nawuphi na umcimbi oyimfuneko okanye ohamba nokwenza kwayo imisebenzi yayo ngokwemigqaliselo yalo Mthetho.
- (2) Isivumelwano esigqitywe ngokwemigqaliselo yecandelwana (1)(e) asinakuphixana nazo naziphi na iimfuno zamazwe ngamazwe eziyibophelelayo i-SABS. 5
- (3) I-SABS inokubiza imali—
- (a) ngokunxulumene nokumisa kunye nokukhupha iMigangatho yeSizwe yaseMzantsi Afrika;
- (b) ngokunxulumene neenkonzozo ziqeqesho ezinikwe ngokunxulumene nokubekwa emgangathweni okanye ngakho nakuphi na okumalunga nemigangatho; kunye 10
- (c) nangokuphathelene nayo nayiphi na inkonzo okanye imveliso enikwe yi-SABS.
- (4) I-SABS inokubiza inzala ngokunxulumene nemali ehlawulwa kuyo kodwa engekahlawulwa, ukusukela ngomhla imali enjalo ebekufanele ihlawulwe ngawo, ngaphandle kokunxulumene nemali ehlawulwa nguRhulumente. 15
- (5) I-SABS inokuseka inkampani enye okanye ngaphezulu ukuba yenze nayiphi na imisebenzi ye-SABS ngokwemigqaliselo yalo Mthetho, ngaphandle komiso olumalunga neMigangatho yeSizwe yaseMzantsi Afrika ngokwemigqaliselo yecandelo lama-23 nelama-24. 20
- (6) Amalungu eBhodi ye-SABS aqeshwe ngokwemigqaliselo yecandelo lesi-6 kufuneka aqeshwe njengamalungu eBhodi yayo nayiphi na inkampani esekwe ngokwemigqaliselo yecandelwana le-(5).

### **IBHODI YEZIKO LOMISELO MIGANGATHO LASEMZANTSI AFRIKA**

#### **Ukusekwa nokwakhiwa kweBhodi ye-SABS 25**

6. (1) Ngoku kumiselwa iBhodi ye-SABS.
- (2) IBhodi inamalungu angekho ngaphantsi kwe-7 kwaye angekho ngaphezulu kwamalungu ali-9, apho—
- (a) omnye iliGosa eliyiNtloko yesiGqeba sokuLawula le-SABS ngokwamandla e-ofisi yalo; kwaye; 30
- (b) uninzi ngabantu abaqeshwe ngumphathiswa kwaye abahlangabezanayo nendlela yokukhetha ecamngcwe kwicandelwana le-(3)(b).
- (3) Xa kuqeshwa amalungu eBhodi, uMphathiswa kufuneka aqinisekise ukuba amalungu anjalo—
- (a) amele ngokubanzi abemi beRiphabliki; kwaye 35
- (b) anolwazi olwaneleyo, amava okanye iziqinisekiso zemfundo ezinxulumene nemisebenzi ye- SABS kunye neemfanelo zeBhodi, kuqakwa ngokukodwa nolawulo kwezoshishino, inkxaso, ukuthengisa, ukubekwa emgangathweni kumazwe ngamazwe nangaphandle kunye nemicimhi yezakhiwo zobuchwepheshe. 40
- (4) UMphathiswa kufuneka onyule ilungu elinye leBhodi njengosihlalo.

#### **Ixesha lokulawula lamalungu eBhodi**

7. (1) Amalungu eBhodi acamngcwe kwicandelo le-6(2)(b) abamba i-ofisi ixesha elingadluliyo kwiminyaka emihlanu kwaye avumelekileyo ukuba angaphinde achongwe. 45
- (2) Amalungu eBhodi awanakuba kwiBhodi ngaphezulu kwezihlandlo ezibini ezilandelelanayo.

#### **Ukungqanyaniswa kobulungu**

8. Umntu unokungaqeshwa okanye aqhube esebenza njengelungu leBhodi ukuba ngaba— 50
- (a) akalungiseki ekungakwazini kwakhe ukuhlawula amatyala akhe;
- (b) ngalo naliphi na ixesha wakhe wagwetyelwa ityala elibandakanya ukungqanyaniseki;
- (c) ngenxa yokungaziphathi kakuhle, uye wasuswa e-ofisini yokuthembeka; okanye 55

**Removal from and vacation of office**

9. (1) Subject to the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), the Minister may at any time after consulting the Board terminate the term of office of any member of the Board if there are good reasons for doing so.

(2) A member of the Board must vacate his or her office if such member is absent from three consecutive meetings of the Board without the consent of the chairperson. 5

(3) A member of the Board may resign by giving at least three months' written notice.

(4) If a member of the Board dies or vacates his or her office, the Minister may appoint any person who meets the criteria contemplated in section 6(3)(b) for the said member's unexpired term of office. 10

**Remuneration and terms and conditions of employment of members of Board**

10. (1) The Minister must, after consultation with the Minister of Finance, determine the remuneration, allowances and terms and conditions of appointment of members of the Board who are not in the employ of an organ of state.

(2) Members of the Board who are employed by an organ of state must be reimbursed for out-of-pocket expenses. 15

**Meetings of Board**

11. (1) The Board must meet at least four times a year.

(2) The chairperson of the Board decides when and where the Board must meet, but a majority of the members of the Board may request the chairperson in writing to convene a meeting at a time set out in the request. 20

(3) The chairperson presides at all meetings of the Board.

(4) If the chairperson is absent from a meeting of the Board, the members present at such a meeting must elect from among their number a member to preside at that meeting. 25

(5) A majority of the members of the Board constitutes a quorum for a meeting of the Board.

(6) Decisions of the Board require the supporting vote of a majority of members present at a meeting.

(7) The Board must keep minutes of its proceedings and decisions. 30

(8) The Board may, by resolution, make rules to further regulate its proceedings.

**Conflict of interest of members of Board**

12. (1) A member of the Board may not have a conflict of interest with the SABS.

(2) A member of the Board who has a direct or indirect financial, personal or other interest in any matter which is to be discussed at a meeting and which entails or may entail a conflict or possible conflict of interest must, before or during such meeting, declare the interest. 35

(3) Any person may, in writing, inform the chairperson of a meeting, before a meeting, of a conflict or possible conflict of interest of a member of the Board of which such person may be aware. 40

(4) A Board member referred to in subsections (2) and (3) is obliged to recuse himself or herself from the meeting during the discussion of the matter and the voting thereon.

**Committees of Board**

13. (1) The Board may establish committees to assist it to perform its functions.

(2) The Board must determine the composition, rules and procedures of such committees. 45

(3) The Board may from time to time dissolve or reconstitute a committee.

(4) The Board must ratify any resolution of a committee.

- (d) ubhengezwe yinkundla ukuba ugula ngengqondo okanye akafanelekanga ngokwasengqondweni.

#### Ukususwa nokushiya i-ofisi

9. (1) Ngokuxhomekeke kuMthetho wokuPhakanyiswa koLawulo loBulungisa, 2000 (uMthetho oyiNombolo yesi-3 yowe-2000), uMphathiswa ngalo naliphi na ixesha emva kokudibana neBhodi unokuliphelisa ixesha lolawulo lalo naliphi na ilungu leBhodi ukuba ngaba kukho izizathu ezivakalayo zokukwenza oko. 5

(2) Ilungu leBhodi kufuneka liyishiye i-ofisi yalo ukuba ngaba ilungu elinjalo alikho kwiintlanganiso zeBhodi ezintathu ezilandelelanayo ngaphandle kwemvume kasihlalo.

(3) Ilungu leBhodi linokurhoxa ngokunika isaziso seenyanga ezintathu ubuncinane. 10

(4) Ukuba ngaba ilungu leBhodi liyasweleka okanye liyayishiya i-ofisi yalo, uMphathiswa unokuchonga nawuphi na umntu ohlangabezana nayo indlela yokukhetha ecamngcwe kwicandelo le-6(3)(b) endaweni yexesha le-ofisi elingaphelanga lelungu ekuthethwa ngalo.

#### Umvuzo kunye nemimiselo nemiqathango yengqesho yamalungu eBhodi 15

10. (1) UMphathiswa, emva kokudibana noMphathiswa wezeZimali, kufuneka amisele umvuzo, izibonelelo kunye nemimiselo nemiqathango achongwa phantsi kwazo amalungu eBhodi angekho kwingqesho yeziko laseburhulumenteni.

(2) Amalungu eBhodi aqeshwe liziko laseburhulumenteni kufuneka abuyekwezwe iindleko azihlawuleyo. 20

#### IiNtlanganiso zeBhodi

11. (1) IBhodi kufuneka ihlangane amaxesha amane ngonyaka ubuncinane.

(2) Usihlalo weBhodi wenza isigqibo sokuba iBhodi kufuneka ihlangane nini phi, kodwa isininzi samalungu eBhodi sinokucela usihlalo ngokubhalwe phantsi ukuba abize intlanganiso ngexesha elichaziweyo kwisicelo eso. 25

(3) Usihlalo uchophela zonke iintlanganiso zeBhodi.

(4) Ukuba ngaba usihlalo akekho kwintlanganiso yeBhodi, amalungu akhoyo kwintlanganiso enjalo kufuneka akhethwe phakathi kwenani lawo ilungu eliya kuchophela loo ntlanganiso.

(5) Uninzi lwamalungu eBhodi lumisa ikoram yentlanganiso yeBhodi. 30

(6) Izigqibo zeBhodi zifuna ivoti exhasayo yesininzi samalungu akhoyo entlanganisweni.

(7) IBhodi kufuneka igcine imizuzu yeenkqubo kunye nezigqibo zayo.

(8) IBhodi, ngesigqibo, inokwenza imithetho yokulawula ngokungaphaya iinkqubo zayo. 35

#### Ukubethabethana kweemfuno kumalungu eBhodi

12. (1) Ilungu lebhodi aliya kuba nakubethabethana kweemfuno ne- SABS.

(2) Ilungu leBhodi elinomdla ongqalileyo okanye ongangqalanga wezimali, wobuqu okanye wokunye kuwo nakowuphi na umcimbi ekuza kuxoxwa ngawo kwintlanganiso kwaye ophathelene nokubethabethana okanye ukubethabethana kweemfuno ekunokubakho, ngaphambi okanye ngexesha lentlanganiso enjalo kufuneka liwuchaze loo mcimbi. 40

(3) Nawuphi na umntu, ngokubhalwe phantsi, unokwazisa usihlalo wentlanganiso, phambi kwentlanganiso, yokubethabethana okanye ngokubethabethana kweemfuno okanye ekunokubakho kwilungu leBhodi okwaziwayo ngumntu onjalo. 45

(4) Ilungu leBhodi ekubhekiselwe kulo kumacandelwana le-(2) nele-(3) kunyanzelekile ukuba lale ukuba sentlanganisweni ngexesha leengxoxo zomcimbi kunye nokuvota.

#### Iikomiti zeBhodi

13. (1) IBhodi inokuseka iikomiti ukuba zancedise ekwenziweni kwemisebenzi yayo. 50

(2) IBhodi kufuneka imisele ukwakhiwa, imithetho, kunye neenkqubo zeekomiti ezisekwe ngokwemigqaliselo yeli candelo.

(3) IBhodi inokuyichitha okanye iphinde iyiseke ikomiti amaxa ngamaxa.

(4) IBhodi kufuneka iqinisekise nasiphi na isigqibo sekomiti.

**Advisory Forum**

**14.** (1) The Board 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 on— 5

(a) matters in respect of which the SABS could play a role; and

(b) any other matter on which the Board requests advice.

(3) The Board must establish a constitution and, if necessary, rules for the Advisory Forum.

**Government Consultative Forum 10**

**15.** (1) The Board must establish a Government Consultative Forum consisting of relevant government departments who have an interest in the matters contemplated in this Act.

(2) The Government Consultative Forum must advise the Board on—

(a) matters contemplated in this Act in respect of which the SABS could play a 15  
role;

(b) any other matter on which the Board requests advice.

(3) The Board must establish a constitution and, if necessary, rules for the Government Consultative Forum.

**EXECUTIVE MANAGEMENT 20****Appointment of Chief Executive Officer**

**16.** (1) The Board must, in concurrence with the Minister, appoint a suitably qualified person as the Chief Executive Officer.

(2) The Chief Executive Officer holds office for a period not exceeding five years and may be reappointed upon the expiry of his or her term of office. 25

(3) The Chief Executive Officer is responsible for the efficient management of the SABS and must perform any duty assigned or delegated to him or her by the Board.

(4) The Chief Executive Officer is accountable to the Board.

(5) If the Chief Executive Officer is unable to fulfil his or her functions, the Board may appoint a person who meets the criteria contemplated in subsection (1) as an acting 30  
Chief Executive Officer to exercise the powers and perform the functions of the Chief Executive Officer, for the unexpired term of office of the Chief Executive Officer or until the Chief Executive Officer is able to perform his or her functions.

**Employment contract and performance agreement**

**17.** (1) The employment contract of the Chief Executive Officer must be in writing 35  
and must incorporate in an appropriate form the provisions of section 57 of the Public Finance Management Act.

(2) The Board and the Chief Executive Officer must conclude a performance agreement for the Chief Executive Officer—

(a) within a reasonable time after the appointment of the Chief Executive Officer; 40  
and

(b) thereafter, annually within one month of the commencement of each financial year.

(3) The performance agreement must include—

(a) measurable performance objectives and targets that must be met and the time 45  
frames within which those performance objectives and targets must be met;

(b) standards and procedures for evaluating performance and intervals for evaluation; and

(c) the consequence of substandard performance.

**IQumrhu lokuCebisa**

14. (1) IBhodi kufuneka iseke iQumrhu lokuCebisa elinomdla onqinelanayo elinabameli bemibutho enomdla kwimicimbi ecamngcwe kulo Mthetho.
- (2) IQumrhu lokuCebisa kufuneka licebise iBhodi kwi—
- (a) micimbi enxulumene nalapho i-SABS inokudlala indima khona; kunye 5
- (b) nakuwo nakowuphi na umcimbi iBhodi ecela icebo kuwo.
- (3) IBhodi kufuneka iseke umgaqo-siseko kwaye, ukuba kukho imfuneko, imithetho yeQumrhu lokuCebisa.

**IQumrhu lokuNgqubanisa iiNtloko likaRhulumente**

15. (1) IBhodi kufuneka iseke iQumrhu lokuNgqubanisa iiNtloko likaRhulumente 10 elinamasebe karhulumente abandakanyekayo anomdla kwimicimbi ecamngcwe kulo Mthetho.
- (2) IQumrhu lokuNgqubanisa iiNtloko kufuneka licebise iBhodi kwi—
- (a) micimbi ecamngcwe kulo Mthetho ngokunxulumene nalapho i-SABS inokudlala indima khona 15
- (b) nawuphi na omnye umcimbi iBhodi ecela icebo ngawo.
- (3) IBhodi kufuneka iseke umgaqo-siseko, kwaye ukuba kukho imfuneko, imithetho yeQumrhu lokuNgqubanisa iiNtloko likaRhulumente.

**ISIGQEBA ESILAWULAYO****Ukuchongwa kweGosa eliyiNtloko lesiGqeba sokuLawula 20**

16. (1) IBhodi, ngokungqinelana noMphathiswa, kufuneka ichonge umntu oneziqinisekiso ezifanelekileyo njengeGosa eliyiNtloko lesiGqeba sokuLawula.
- (2) IGosa eliyiNtloko lesiGqeba sokuLawula liyibamba i-ofisi ixesha elingadluliyo kwiminyaka emihlanu kwaye linokuphinde lichongwe ekupheleni kwexesha lalo e-ofisini. 25
- (3) IGosa eliyiNtloko lesiGqeba sokuLawula yimfanelo yalo ulawulo olugqibeleleyo lwe-SABS kwaye kufuneka lenze nayiphi na imisebenzi eliyabelwe okanye enikezelwe kulo yiBhodi.
- (4) IGosa eliyiNtloko lesiGqeba sokuLawula lipendula kwiBhodi.
- (5) Ukuba njengeGosa eliyiNtloko lesiGqeba sokuLawula alikwazi ukuzalisekisa 30 imisebenzi yalo, iBhodi inokuchonga umntu ohlangabezana nayo indlela yokukhetha ecamngcwe kwicandelwana lo-(1) njengebambela leGosa eliyiNtloko lesiGqeba sokuLawula ukuba lisebenzise amagunya kwaye lenze imisebenzi yeGosa eliyiNtloko lesiGqeba sokuLawula, ixesha elingaphelanga leGosa eliyiNtloko lesiGqeba sokuLawula okanye de iGosa eliyiNtloko lesiGqeba sokuLawula libe linako ukwenza 35 imisebenzi yalo.

**Isivumelwano sengqesho nesivumelwano sokwenziwa komsebenzi**

17. (1) Isivumelwano sengqesho seGosa eliyiNtloko lesiGqeba sokuLawula kufuneka sibhalwe phantsi kwaye sifake ngohlobo olufanelekileyo kumagatya eandelo lama-57 loMthetho woLawulo lweziMali zikaRhulumente. 40
- (2) IBhodi kunye neGosa eliyiNtloko lesiGqeba sokuLawula kufuneka bagqibe ngesivumelwano sokusebenza seGosa eliyiNtloko lesiGqeba sokuLawula—
- (a) kwixesha elifanelekileyo emva kokuqeshwa kweGosa eliyiNtloko lesiGqeba sokuLawula; ize
- (b) emva koko, qho ngonyaka ingaphelanga inyanga yokuqala yonyaka-mali 45 ngamnye.
- (3) Isivumelwano sokwenziwa komsebenzi kufuneka siquke—
- (a) iinjongo zokusebenza ezinokulinganiswa kunye nezinto ekujoliswe kuzo ekufuneka kuhlangatyezwane nazo, kwaye kufuneka imida yamaxesha apho ezo njongo zokusebenza kunye noko kujoliswe kuko kufuneka 50 kuhlangatyezwane nako ngayo;
- (b) imigangatho kunye neenkqubo zokuhlola ukusebenza kunye namakhefu okuhlola; kunye
- (c) neziphumo zemigangathwana yokusebenza.

**Appointment of staff**

18. (1) The Chief Executive Officer must, after consulting the Board, appoint staff in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994), to assist the SABS in carrying out its functions.

(2) The remuneration, allowances, benefits and other terms and conditions of employment of such staff must be determined in terms of the Public Service Act, 1994. 5

**Services of non-employees**

19. (1) The SABS may, for a specified period, acquire the services of any person to perform any task or function assigned to him or her by the SABS in terms of this Act.

(2) The remuneration of such person must be determined in accordance with the Public Service Act, 1994 (Proclamation No. 103 of 1994). 10

**Delegation**

20. (1) The Board may delegate any of its functions to the Chief Executive Officer in accordance with this section.

(2) The Chief Executive Officer may delegate any function conferred or imposed upon him or her by or under this Act to any employee of the SABS with the appropriate knowledge and experience. 15

(3) A delegation under subsections (1) and (2) must be in writing and—

- (a) may be subject to any conditions or restrictions determined by the Board or the Chief Executive Officer; 20
- (b) does not prevent the exercise of that power by the Board or the Chief Executive Officer; and
- (c) may be withdrawn or amended in writing by the Board or the Chief Executive Officer.

**PART 3**

25

**FINANCIAL MANAGEMENT****Funding and investments**

21. (1) The funds of the SABS consist of—

- (a) moneys appropriated by Parliament for that purpose;
- (b) income derived from fees charged in accordance with section 5(3); 30
- (c) interest charged in accordance with section 5(4);
- (d) income derived by the SABS from its investment; and
- (e) money received from any other source.

(2) The SABS may invest any of its funds not immediately required—

- (a) subject to any investment policy that may be prescribed in terms of section 7(4) of the Public Finance Management Act; and 35
- (b) in such manner as may be prescribed by the Minister.

**Financial year and accounting**

22. The financial year of the SABS is from 1 April in any year to 31 March in the following year. 40



**Ukuchongwa kwabasebenzi**

18. (1) IGosa eliyiNtloko lesiGqeba sokuLawula, emva kokudibana neBhodi, kufuneka lichonge abasebenzi ngokwemigqaliselo yoMthetho weeNkonzo zikaRhulumente, we-1994 (Isaziso esiyiNombolo ye-103 sowe- 1994), ukuncedisa i-SABS ekuqhubeni imisebenzi yayo. 5

(2) Umvuzo, izibonelelo, amalungelo kunye neminye imimiselo nemiqathango yokuchongwa kwabasebenzi abanjalo kufuneka imiselwe ngokwemigqaliselo yoMthetho weeNkonzo zikaRhulumente, we-1994.

**Iinkonzo zabo bangengobasebenzi**

19. (1) I-SABS, ngethuba elibaluliweyo, inokufuna iinkonzo zakhe nawuphi na umntu ukuba enze nawuphi na umsebenzi abelwe wona yi-SABS ngokwemigqaliselo yalo Mthetho. 10

(2) Umvuzo womntu onjalo kufuneka umiselwe ngokungqinelana noMthetho weeNkonzo zikaRhulumente, we-1994 (Isaziso esiyiNombolo ye-103 sowe-1994).

**Unikezelo-magunya**

20. (1) IBhodi inokunikezela ngayo nayiphi na imisebenzi yayo kwiGosa eliyiNtloko lesiGqeba sokuLawula ngokungqinelana neli candelo. 15

(2) IGosa eliyiNtloko lesiGqeba sokuLawula linokunikezela ngawo nawuphi umsebenzi ohekwe okanye onikezelwe kulo ngu okanye phantsi kwalo Mthetho kuye nakowuphi na umsebenzi we-SABS onolwazi namava afanelekileyo. 20

(3) Unikezelo ngamagunya phantsi kwamacandelwana lo-(1) nele-(2) kufuneka lubhalwe phantsi kwaye—

- (a) lunokuxhomekeka kuzo nakweziphi na iimeko okanye imida emiselwe yiBhodi okanye liGosa eliyiNtloko lesiGqeba sokuLawula;
- (b) aluthinteli ukusetyenziswa kwalo magunya okanye ukwenziwa kwalo msebenzi yiBhodi okanye liGosa eliyiNtloko lesiGqeba sokuLawula; kwaye 25
- (c) lunokurhoxiswa okanye luhlaziywe yiBhodi okanye liGosa eliyiNtloko lesiGqeba sokuLawula.

**ISIGABA SESI-3****ULAWULO LWEZIMALI**

30

**Inkxaso-mali notyalo-mali**

21. (1) Inkxasomali ye-SABS yi—

- (a) mali ehkelwe loo njongo yiPalamente;
- (b) ingeniso ethathwa kwimali ebizwayo ngokungqinelana necandelo le-5(3);
- (c) inzala ebizwayo ngokungqinelana necandelo le-5(4); 35
- (d) inzala ethathwa yi-SABS evela kutyalo-mali lwayo;
- (e) Imali efunyenwe kuwo nawuphi na omnye umthombo.

(2) I-SABS inokwenza utyalo-mali ngayo nayiphi na imali yayo engafuneki ngokukhawuleza—

- (a) ngokuxhomekeke kuwo nawuphi na umgaqo-nkqubo wotyalo-mali onokumiselwa ngokwemigqaliselo yecandelo le-7(4) loMthetho woLawulo lweZimali zikaRhulumente; kunye 40
- (b) nangandlela eyakumiswelwa nguMphathiswa.

**Unyaka-mali nocazululo-mali**

22. Unyaka-mali we-SABS uqala ngomhla woku-1 Apreli kuye nakowuphi na unyaka ukuya kuma-31 Matshi onyaka olandelayo. 45

## SOUTH AFRICAN NATIONAL STANDARDS

### National Norm for setting and amending of South African National Standards

- 23.** (1) The SABS must, through a national consensus-building process, develop and maintain a National Norm for the development of South African National Standards.
- (2) The Norm contemplated in subsection (1) must— 5
- (a) detail a process for the development and amendment of South African National Standards, which ensures that as far as possible—
- (i) the latest technological developments are considered;
- (ii) the interests of all parties concerned, including manufacturers, suppliers and consumers, are considered; 10
- (iii) such South African National Standards are harmonised with international standards, if applicable; and
- (iv) there has been an appropriate national consensus-building process in developing such South African National Standards; and
- (b) contain an appeal procedure for resolving disputes and deadlocks. 15

### Issuing of South African National Standards

- 24.** (1) The SABS must, by notice in the *Gazette*—
- (a) set and issue as a South African National Standard, a standard developed through its own processes and issue amendments to such a standard;
- (b) approve and issue as a South African National Standard, a standard developed and set by a recognised standards development organisation and issue amendments to such a standard; or 20
- (c) withdraw any South African National Standard issued in terms of paragraph (a) or (b);
- (2) The notice contemplated in subsection (1) must— 25
- (a) state the title and number of the South African National Standard; and
- (b) contain a summary of the scope and purport of that South African National Standard or the amendment thereof.
- (3) In setting, issuing, approving and amending a South African National Standard in terms of subsection (1), the SABS must ensure as far as possible that the processes detailed in the Norm contemplated in section 23(1) is complied with. 30
- (4) A South African National Standard set and issued in terms of subsection (1) may be based on one or more provisions of standards issued by a foreign or international body having objects similar to those of the SABS.
- (5) The SABS may develop, issue, amend or withdraw normative and informative documents other than South African National Standards. 35
- (6) The documents issued in terms of subsection (5) do not have the status of South African National Standards.
- (7) Subject to the provisions of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), or the Liquor Products Act, 1989 (Act No. 60 of 1989), no person may issue a document which creates or may create the impression that it contains a South African National Standard as contemplated in this Act, unless it is issued in terms of this Act. 40
- (8) A South African National Standard in respect of a commodity, product or service to which the Agricultural Product Standards Act, 1990, or the Liquor Products Act, 1989, apply, may be set or amended in accordance with the terms and conditions of an agreement entered into by the Board and the Director-General of the department responsible for Agriculture. 45

## ISIGABA SESI-4

## IMIGANGATHO YESIZWE YASEMZANTSI AFRIKA

**iSithethe seSizwe sokumisela nokuhlenga-hlengiswa kweMigangatho yeSizwe soMzantsi Afrika**

23. (1) i-SABS kufuneka iphuhlise kwaye igcine iSithethe seSizwe kuphuhliso 5  
olumalunga neMigangatho yeSizwe soMzantsi Afrika; kwaye
- (2) iSithethe esicamngcwe kwicandelwana (1) kufuneka—
- (a) sicacise inkqubo yokuphuhlisa nokuhlaziya kweMigangatho yeSizwe 10  
soMzantsi Afrika eqinisekisa ukuba oku kulandelayo kuyenzeka kangangangoko kunokwenzeka—
- (i) uphuhliso lwakamvanje lobuchwepheshe luyaqwalaselwa;
- (ii) imidla yawo onke amaqela abandakanyekayo, kuquka abanini zifektri, 15  
abaxhobisi kunye nabathengi iyaqwalaselwa;
- (iii) iMigangatho enjalo yoMzantsi Afrika yenziwe ingqinelane 15  
nemigangatho yamazwe ngamazwe, ukuba ikhona; kwaye
- (iv) kuye kwakho inkqubo efanelekileyo yovumelwano lwesizwe 20  
yokuphuhlisa kweMigangatho yeSizwe soMzantsi Afrika enjalo; kwaye
- (b) siqulethe inkqubo yosibheni ngokusombulula iimbambano kunye 20  
nakwiingxingo.

**Ukukhutshwa kweMigangatho yeSizwe soMzantsi Afrika**

24. (1) i-SABS, ngesaziso esikhutshwe kwi*Gazethi* kufuneka yenze oku—
- (a) imise kwaye ikhuphe ngokweMigangatho yeSizwe soMzantsi Afrika, 25  
umgangatho ophuhlise ngokweenkqubo zayo kwaye ikhuphe izilungiso kumigangatho onjalo;
- (b) ivume kwaye ikhuphe ngokweMigangatho yeSizwe soMzantsi Afrika 25  
umgangatho ophuhlise waze wasekwa ngumbutho ovunyiweyo wophuhliso lwemigangatho uze ukhuphe uhlanga-hlengiso olwenziweyo kumgangatho onjalo; okanye
- (c) urhoxise nawuphi na uMigangatho weSizwe soMzantsi Afrika okhutshwe 30  
ngokwemigqaliselo yomhlathi (a) okanye (b);
- (2) Isaziso esicamngcwe kwicandelwana (1) kufuneka—
- (a) sichaze isihloko kunye nenombolo yoMgangatho weSizwe soMzantsi Afrika; 35  
kwaye
- (b) siqulathe isishwankathelo somxholo kunye nenjongo yoMgangatho weSizwe 35  
soMzantsi Afrika okanye uhlanga-hlengiso ngaphaya koko.
- (3) Ekumiseni, ekukhutshweni, ekuvunyweni nasekuhlaziyweni kweMigangatho 40  
yeSizwe soMzantsi Afrika ngokwemigqaliselo yecandelwana (1), i-SABS kufuneka iqinisekise kangangoko kunokwenzeka ukuba iinkqubo ezichazwe kwiSithethe esicamngcwe kwicandelwana lama-23(1) ziyathotyelwa.
- (4) uMgangatho weSizwe soMzantsi Afrika omiselwe waze wakhutshwa 40  
ngokwemigqaliselo yecandelwana (1) unokusekelwa kwigatya elinye okanye angaphezulu emigangatho ekhutshwe liqumrhu langaphandle okanye lamazwe ngamazwe elineenjongo ezifanayo nezo ze-SABS.
- (5) i-SABS inokuphuhlisa, ikhuphe, ihlanga-hlengise okanye irhoxise amaxwebhu 45  
amisayo nafundisayo ngaphandle kwalawo akwiMigangatho yeSizwe soMzantsi Afrika.
- (6) Amaxwebhu akhutshwe ngokwemigqaliselo yecandelwana (5) awanalo iwonga 50  
leMigangatho yeSizwe soMzantsi Afrika.
- (7) Ngokuxhomekeke kumalungiselelo oMthetho weMigangatho yeMveliso zoLimo 50  
ka-1990 (uMthetho nomb. 119 ka-1990), okanye uMthetho weMveliso zoTywala, ka-1989 (uMthetho nomb. 60 ka-1989), akukho mntu omakakhuphe uxwebhu oludala okanye olunokudala uluvo lokuba luqulethe uMgangatho weSizwe soMzantsi Afrika njengoko kucamngcwe kulo Mthetho, ngaphandle kokuba lukhutshwe 55  
ngokwemigqaliselo yalo Mthetho.
- (8) Apho uMgangatho weSizwe soMzantsi Afrika ngokuphathelene nempahla 55  
yorchwebo, imveliso okanye inkonzo apho uMthetho weMigangatho yeMveliso zoLimo ka-1990, okanye uMthetho weMveliso zoTywala ka-1989, uthi usebenze khona,

**Recognised Standards Development Organisations**

25. (1) The SABS must appoint an organisation as a recognised standards development organisation for a specified scope of activity, in accordance with criteria developed in terms of subsection (3).

(2) The SABS must develop and maintain a South African National Standard setting out the criteria to be met and maintained by the organisation contemplated in subsection (1). 5

(3) The recognised standards development organisation must develop and maintain standards within its specified scope of activity for approval and issue by the SABS as a South African National Standard. 10

(4) The SABS must maintain and make available to the public a register of recognised standards development organisations and their specified scope of activity.

**Copyright in South African National Standards and publications of SABS**

26. (1) Notwithstanding the provisions of any other law, the copyright in a South African National Standard or a publication issued by the Board vests in the SABS. 15

(2) No person may, without the authorisation of the SABS in any manner or form, publish, reproduce or record any document or part thereof.

(3) Subsection (2) does not prevent any person from making a copy of such a document for his or her own personal use.

**Limitations on certain claims pertaining to compliance with South African National Standard** 20

27. (1) No person may falsely claim, declare or conduct his or her affairs or businesses or carry out an occupation or trade under a name or in a manner likely to create the impression that any commodity, product or service complies with a South African National Standard or other publication of the SABS. 25

(2) No person may falsely claim or declare that any commodity, product or service complies with a South African National Standard or other publication of the SABS.

(3) The SABS may institute legal proceedings to restrain or claim for damages in relation to subsection (1) or (2).

**Incorporation of South African National Standards in laws** 30

28. (1) A South African National Standard, or any provision thereof, that has been published in terms of this Act in respect of any commodity, product or service which may affect public safety, health, or environmental protection, may be incorporated in any law.

(2) The South African National Standard, or any provision thereof, contemplated in subsection (1) may be incorporated by referring to— 35

(a) the title and the number; or

(b) the title, the number and the year or edition number.

unokumiswa okanye uhlenga-hlengiswe ngokungqinelana nemigqaliselo kunye nemiqathango ekungenwe kuyo yiBhodi kunye noMlawuli-Jikelele wesebe elijongene nezolimo.

### **IMibutho eYaziwayo yokuPhuhlisa iMigangatho**

25. (1) I-SABS kufuneka ichonge umbutho njengombutho owaziwayo wokuphuhlisa imigangatho kwimida yokumsebenza ebaluliweyo, ngokungqinelana nendlela yokukhetha esetyenziswayo ephuhlise ngokwemigqaliselo yecandelwana le-(3). 5

(2) I-SABS kufuneka iphuhlise ize igcine iMigangatho yeSizwe yaseMzantsi Afrika ibeke indlela yokukhetha esetyenziswayo emakuhlangatyezwane nayo kwaye igcinwe ngumbutho ocamngcwe kwicandelwana lo-(1). 10

(3) Umbutho owaziwayo wokuphuhlisa imigangatho kufuneka uphuhlise uze ugcine imigangatho kwimida yayo yokusebenza ebaluliweyo ukuba uvunywe uze ukhutshwe yi-SABS njengeMigangatho yeSizwe yaseMzantsi Afrika.

(4) I-SABS kufuneka igcine yenze kufumaneke kuluntu incwadi yemibutho eyaziwayo yokuphuhlisa imigangatho kunye nemida yayo ebaluliweyo yokusebenza. 15

### **Ilungelo lobunikazi kwiMigangatho yeSizwe yaseMzantsi Afrika kunye noshicilelo lwe-SABS**

26. (1) Nakuba amasoloty awo nawuphi na omnye uMthetho, ilungelo lobunikazi kwiMigangatho yeSizwe yaseMzantsi Afrika okanye ushicilelo olukhutshwe yiBhodi lilele kwi- SABS. 20

(2) Akukho mntu, unokushicilela, avelise kwakho okanye abhale naliphi na ixwebhu okanye inxalenye yalo ngayo nayiphi na indlela okanye uhlobo, ngaphandle kwesigunyazisi se-SABS.

(3) Icandelwana le-(2) alithinteli nawuphi na umntu enze ukhuphelo loxwebhu olunjalo oluzakusetyenziswa nguye. 25

### **Imida kumabango athile aphaathelene nokuthobelana neMigangatho yeSizwe yaseMzantsi Afrika**

27. (1) Akukho mntu makabange ngokungeyonyaniso, abhengeze okanye aqhube imicimbi yakhe okanye amashishini akhe okanye aqhube umsebenzi okanye urhwebo phantsi kwegama okanye ngendlela enokudala uluvo lokuba nayiphi na impahla yorhwebo, imveliso okanye inkonzo ithobelana neMigangatho yeSizwe yaseMzantsi Afrika okanye olunye ushicilelo lwe- SABS. 30

(2) Akukho mntu makabange ngokungeyonyani okanye abhengeze ukuba nayiphi na impahla yorhwebo, imveliso okanye inkonzo ithobelana neMigangatho yeSizwe yaseMzantsi Afrika okanye olunye ushicilelo lwe-SABS. 35

(3) I-SABS inokumisela iinkqubo zomthetho ukunqanda okanye ukufaka ibango lomonakalo ngokunxulumene noshicilelo le-(1) okanye le-(2).

## **ISIGABA SESI-5**

### **IZIBONELELO JIKELELE**

#### **Ukubandakanywa kweMigangatho yeSizwe soMzantsi Afrika kwimithetho 40**

28. (1) uMgangatho weSizwe soMzantsi Afrika okanye naluphi na ulungiselelo ngoko, elipapashwe ngokwemigqaliselo yalo Mthetho ngokunxulumene nayo nayiphi na impahla yorhwebo, imveliso okanye inkonzo enokuchaphazela ukhuseleko loluntu, impilo okanye ukhuselo lokusingqongileyo, kunokubandakanywa kuwo nakowuphi na umthetho. 45

(2) uMgangatho weSizwe soMzantsi Afrika okanye naluphi na ulungiselelo ngokunjalo, olucamngcwe kwicandelwana (1) lunokubandakanywa ngokubhekiselele koku—

(a) isihloko nenombolo; okanye

(b) isihloko, inombolo kunye nonyaka okanye inombolo yohlelo. 50

(3) Ukuba ngaba uMgangatho weSizwe soMzantsi Afrika okanye naluphi na ulungiselelo olucamngciweyo-ngokunjalo—

- (3) If the South African National Standard, or any provision thereof, contemplated—
- (a) in subsection (2)(a) is subsequently amended, such amended South African National Standard, or any provision thereof, is deemed to be incorporated;
  - (b) in subsection (2)(b) is subsequently amended, such amended South African National Standard, or any provision thereof, is not deemed to be incorporated. 5
- (4) Any South African National Standard or any provision thereof, incorporated in terms of subsection (2)(a) or (b) or (3)(a) may be withdrawn.

## PART 5

### GENERAL PROVISIONS

#### **Certain acts not interpreted as assurances or guarantees** 10

29. Any function performed under this Act by the Minister, the SABS, the Board, a member of the Board, a committee referred to in section 13 or a member of such committee, the Chief Executive Officer or an employee of the SABS in connection with any commodity, product, material, substance, service, act or matter, shall not be interpreted as an assurance or a guarantee of any nature in respect of that commodity, product, service, material, substance, act or matter. 15

#### **Breach of confidence**

30. (1) Any person who is or was involved in the performance of any function in terms of this Act, must not disclose any information which he or she obtained in the performance of such a function. 20
- (2) Subsection (1) does not apply to information disclosed—
- (a) to the Minister, the chairperson of the Board or the Chief Executive Officer;
  - (b) for the purposes of proper administration or enforcement of this Act;
  - (c) in terms of any law or as evidence in any court of law; or
  - (d) for the purpose of the administration of justice. 25

#### **Limitation of liability**

31. (1) The State Liability Act, 1957 (Act No. 20 of 1957), applies in respect of the SABS, and in such application a reference in that Act to a Minister of a department must be construed as a reference to the Chief Executive Officer of the SABS.
- (2) No person is liable for anything done or omitted in good faith when performing a function or exercising a power in terms of this Act. 30

#### **Offences and penalties**

32. (1) Any person who falsely represents any material or substance to be reference material supplied by the SABS is guilty of an offence.
- (2) Any person who is convicted of an offence in terms of this Act is liable to a fine or to imprisonment for a period not exceeding two years. 35
- (3) A court convicting any person of an offence in terms of this Act may, in addition to any penalty imposed in respect of that offence—
- (a) and subject to subsection (4), order that a commodity, a consignment or batch of a commodity or product, any other article or any material or substance in respect of which that offence was committed, be forfeited to the State; and 40
  - (b) summarily enquire into and assess the monetary value of any advantage gained or likely to be gained by such person in consequence of that offence and impose on that person a fine to a maximum equal to the amount so assessed and, in default of payment of such amount, imprisonment for a period not exceeding one year. 45

- (e) kwicandelwana (2)(a) kuthi kuhlenga-hlengiswe kamva nje, uMgangatho weSizwe soMzantsi Afrika ohlenga-hlengiswe ngokunjalo, okanye naluphi na ulungiselelo ngokunjalo, luthi luthatyathwe ngokuba lubandakanyiwe;
- (e) kwicandelwana (2)(b) kuthi kuhlenga-hlengiswe kamva nje, uMgangatho weSizwe soMzantsi Afrika ohlenga-hlengisiweyo okanye naluphi na ulungiselelo ngokunjalo, alunakuthatyathwa ngokuba lubandakanyiwe. 5
- (4) Nawuphi na uMgangatho weSizwe soMzantsi Afrika, okanye naluphi na ulungiselelo ngokunjalo olubandakanywe ngokwemigqaliselo yecandelwana (2)(a) okanye (b) okanye (3)(a) unokurhoxiswa.

### ISIGABA SESI-5

10

### IZIBONELELO JIKELELE

#### Imithetho ethile engacaciswanga njengoqinisekiso okaye iziqinisekiso

29. Nawuphi na umsebenzi owenziwe phantsi kwalo Mthetho nguMphathiswa, i-SABS, iBhodi, ilungu leBhodi, ikomiti ekubhekiselwe kuyo kwicandelo le-13 okanye ilungu lekomiti onjalo, iGosa eliyiNtloko lesiGqeba sokuLawula okanye nawuphi na umsebenzi we-SABS ngokunxulumene nayo nayiphi na impahla yorhwebo, imveliso, izibonelelo, into, inkonzo, isenzo okanye umcimbi, inokungacaciswa njengoqinisekiso okanye isiqinisekiso salo naluphi na uhlobo ngokunxulumene naloo mpahla yorhwebo, imveliso, inkonzo, into, isibonelelo, isenzo okanye umcimbi. 15

#### Ulwaphulo lwentembeko

20

30. (1) Nawuphi na umntu obandakanyekayo okanye owayebandakanyeka ekwenziweni kwawo nawuphi na umsebenzi ngokwemigqaliselo yalo Mthetho, kufuneka angaxeli naluphi na ulwazi alufumene ekwenziweni komsebenzi onjalo.

(2) Icandelwana lo-(1) alisebenzi kulwazi oludizwe—

- (a) kuMphathiswa, usihlalo weBhodi okanye iGosa eliyiNtloko lesiGqeba sokuLawula; 25
- (b) ngeenjongo zolawulo olufanelekileyo okanye ukunyanzelwa kwalo Mthetho;
- (c) ngokwemimiselo yawo nawuphi na uMthetho okanye njengobungqina kuyo nayiphi na inkundla yomthetho; okanye
- (d) ngeenjongo zokulawula kobulungisa. 30

#### Imida yemfanelo

31. (1) UMthetho weMfanelo kaRhulumente, ka-1957 (uMthetho oyiNombolo yama-20 ka-1957), usebenza ngokunxulumene ne-SABS, kwaye ekusetyenzisweni okunjalo ungqiniso kuloo Mthetho luya kuMphathiswa wesebe kufuneka lucaciswe njengesingqiniso kwiGosa eliyiNtloko lesiGqeba sokuLawula le-SABS. 35

(2) Akukho mntu iyimfanelo yakhe nantoni na eyenziweyo okanye engenziwanga ukuba ngaba oko kwenzeka ngomoya omhle xa bekusenziwa umsebenzi ngokwemimiselo yalo Mthetho.

#### Ulwaphulo-mthetho nezohlwayo

32. (1) Nawuphi na umntu omela ngokungeyonyani nasiphi na isibonelelo okanye into njengsibonelelo sesingqiniso esinikwe yi-SABS unetyala lolwaphulo-mthetho. 40

(2) Nawuphina umntu ogwetyelwa ityala ngokwemimiselo yalo Mthetho ufanelwe ukugwetywa isohlwayo semali okanye isigwebo sokuvallelwa entolongweni ixesha clingadluliyo kwiminyaka emibini.

(3) Inkundla egweba nawuphi na umntu kwityala elingokwemimiselo yalo Mthetho, ukongeza kuso nasiphi na isigwebo esiwisiweyo esinxulumene nelo tyala— 45

- (a) nangokuxhomekeke kwicandelwana le-(4), inokuyalela ukuba impahla yorhwebo, impahla ethunyelweyo okanye ibhetshi yempahla yorhwebo okanye imveliso, nayiphi na enye impahla, okanye nasiphi na isibonelelo okanye into enxulumene nokwenziwa kwelo tyala, ithathwe nguRhulumente; 50 ize
- (b) ngokufutshane iphande ize ihlole ixabiso lemali layo nayiphi na inzuzo ezuzwe okanye ebinokuzuzwa ngumntu onjalo ngowesiphumo selo tyala ize

(4) The Minister must, subject to subsection (3)(b), generally or in a particular case, determine the manner in which the forfeited goods referred to in subsection (3)(a) may be dealt with.

(5) Section 35(4) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), applies with the necessary changes in the case of a forfeiture referred to in subsection (3)(a). 5

(6) Notwithstanding anything to the contrary contained in any other law, a magistrate's court shall be competent to impose any penalty provided for in this Act.

### Regulations

33. The Minister may make regulations regarding any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act. 10

### Transitional provisions

34. (1) For purposes of this section "effective date" means the date on which this Act comes into effect.

(2) As from the effective date— 15

- (a) all notices, designations and certificates issued in terms of the Standards Act, 1993 (Act No. 29 of 1993), in respect of any matter dealt with in that Act, are deemed to have been issued in terms of this Act;
- (b) all regulations made in terms of the Standards Act, 1993 (Act No. 29 of 1993), in respect of any matter dealt with in that Act, are deemed to have been made in terms of this Act; 20
- (c) the employees of the SABS, except the employees employed in the regulatory department of the SABS, remain employees of the SABS;
- (d) the President of the SABS appointed in terms of section 10 of the Standards Act, 1993, is deemed to be the Chief Executive Officer of the SABS and remains in office for the unexpired term of his or her office; 25
- (e) all assets, liabilities, rights and obligations of the SABS, except assets, liabilities, rights and obligations of the regulatory department of the SABS, remain the assets, liabilities, rights and obligations of the SABS;
- (f) the members of the Council of the SABS appointed in terms of section 7(1) of the Standards Act, 1993 (Act No. 29 of 1993), are deemed to be members of the Board of the SABS established in terms of this Act; and 30
- (g) a specification, code of practice, standard or document referred to in section 16 of the Standards Act, 1993 (Act 29 of 1993), which is in force in terms of that Act, is deemed to be a South African National Standard which has been set and issued in terms of this Act. 35

(3) Any action taken by the SABS prior to the commencement of this Act is deemed to have been taken in terms of this Act.

### Repeal of law

35. The Standards Act, 1993 (Act No. 29 of 1993), is hereby repealed. 40

### Amendment of law

36. Each of the laws referred to in the Schedule are hereby amended to the extent specified in that schedule.



iwisele loo mntu isohlwayo esingangobuninzi bexabiso elihloliweyo, kwaye, ukusilela kwentlawulo yesixa esinjalo, ukuvalelwa entolongweni ixesha elingadluliyo kunyaka omnye.

(4) UMphathiswa kufuneka, ngokuxhomekeke kwicandelwana le-(3)(b), jikelele okanye kwimeko ethile, amisele indlela impahla ezithathiweyo ekubhekiselwe kuzo kwicandelwana le-(3)(a) ekunokusetyenzwa ngayo. 5

(5) Icandelo lama-35(4) loMthetho weNkqubo yoLwaphulo-Mthetho, 1977 (uMthetho oyiNombolo yama-51 ka-1977), usebenza notshintsho olufunekayo kwiseshlo sokuthathwa ekubhekiselwe kuso kwicandelwana le-(3)(a).

(6) Nakuba nantoni na ikuphikisa okuqulethwe kuwo nawuphi na omnye umthetho, inkundla kamantyi iyakufaneleka ukuba iwise nasiphi na isohlwayo esinikiweyo kulo Mthetho. 10

### Imimiselo

33. UMphathiswa unokwenza imimiselo ephathelene nolawulo oluncedisayo okanye oluhamba nalo okanye umcimbi wenkqubo yokuba kuyimfuneko ukumisela uphunyezo nolawulo olufanelekileyo lwalo Mthetho. 15

### Isibonelelo sotshintsho

34. (1) Ngeenjongo zeli candelo "umhla wokuqala ukusebenza" uthetha umhla lo Mthetho uqala ngawo ukusebenza.

(2) Ukusukela ngomhla wokuqala ukusebenza— 20

(a) zonke izaziso, izihlonipho kunye neziqinisekiso ezikhutshwe ngokwemimiselo yoMthetho weMigangatho, ka-1993 (uMthetho oyiNombolo yama-29 ka-1993), ngokunxulunene nawo nawuphi na umcimbi ekusetyenzwe ngawo kuloo Mthetho, kucingelwa ukuba zikhutshwe ngokwemimiselo yalo Mthetho; 25

(b) yonke imimiselo eyenziwe ngokwemimiselo yoMthetho weMigangatho, ka-1993 (uMthetho oyiNombolo yama-29 ka-1993), ngokunxulumene nawo nawuphi na umcimbi ekusetyenzwe ngawo kuMthetho, kucingelwa ukuba yenziwe ngokwemimiselo yalo Mthetho;

(c) abasebenzi be-SABS, ngaphandle kwabasebenzi abaqeshwe kwisebe lolawulo lwe- SABS, bahlala bengabasebenzi be-SABS; 30

(d) UMongameli we-SABS oqeshwe ngokwemimiselo yecandelo le-10 loMthetho weMigangatho, ka-1993, uthathwa ngokuba uliGosa eliyiNtloko lesiGqeba sokuLawula le- SABS kwaye uhlala elulawulweni ixesha elingaphelelwayo lolawulo lwakhe; 35

(e) zonke ii-asethi, iimfanelo, amalungelo neemfanelo ze-SABS, ngaphandle kwee-asethi, uxandu, amalungelo neemfanelo zesebe elilawulayo le-SABS, zihlala zizii-asethi, uxanduva, amalungelo neemfanelo ze-SABS;

(f) amalungu eBhunga le-SABS aqeshwe ngokwemimiselo yacandelo le-7(1) loMthetho weMigangatho, 1993 (uMthetho oyiNombolo yama-29 ka-1993), athathwa njengamalungu eBhodi ye-SABS esekwe ngokwemimiselo yalo Mthetho; kwaye 40

(g) ubalulo, indlela yokusebenza, iMigangatho okanye uxwebhu ekubhekiselwe kulo kwicandelo le-16 loMthetho weMigangatho, 1993 (uMthetho oyiNombolo yama-29 ka-1993), osebenzayo ngokwemimiselo yaloo Mthetho, uthathwa ngokuba nguMgangatho weSizwe waseMzantsi Afrika obekwe waza wakhutshwa ngokwemimiselo yalo Mthetho. 45

(3) Nasiphi na isenzo esithathwe yi-SABS phambi kokuqala kwalo Mthetho sithathwa ngokuba sithathwe ngokwemimiselo yalo Mthetho.

### Ukuguzulwa komthetho

50

35. UMthetho weMigangatho, 1993 (uMthetho oyiNombolo yama-29 ka-1993), uyaguzulwa.Uhlenga-hlengiso lomthetho

### Unlenga-hlengiso lomthetho

36. Umthetho ngamnye kuleyo ekubhekiselelwe kuyo kuMgaqo uthi uhlenga-hlengiswe ukuya kuma apho kubalulwe khona kuloo mgaqo. 55

**Short title and commencement**

**37.** This Act is called the Standards Act, 2008, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

**Isihloko esifutshane nosungulo**

37. Lo Mthetho kuthiwa nguMthetho weMigangatho, ka-2008, kwaye uyakuqala ukusebenza ngomhla omiselwe nguMongameli ngeSaziso *kwiGazethi*.

## SCHEDULE

## LAWS AMENDED

## (Section 36)

No. and year of Act	Short Title	Extent of amendment	
Act 77 of 1973	Trade Metrology Act, 1973	<p>1. Amendment of section 1 by—</p> <p>(a) the substitution for the definition of “<b>accredited laboratory</b>” of the following definition:  “<b>‘accredited laboratory’</b> means any laboratory accredited as contemplated in [section 3(c) of the Standards Act, 1993 (Act No. 29 of 1993)] the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No. 19 of 2006);”;</p> <p>(b) the insertion after the definition of “<b>accredited laboratory</b>” of the following definition:  “<b>‘Board’</b> means the Board as defined in section 1 of the National Regulator for Compulsory Specifications Act, 2008;”;</p> <p>(c) the insertion after the definition of “<b>certify</b>” of the following definition:  “<b>‘Chief Executive Officer’</b> means the Chief Executive Officer contemplated in section 21 of the National Regulator for Compulsory Specifications, 2008;”</p> <p>(d) the substitution for the definition of “<b>measuring unit</b>” of the following definition:  “<b>‘measuring unit’</b> means any unit published or prescribe in terms of [section 3 of the Measuring Units and National Measuring Standards Act, 1973] section 2 of the Measurement Units and Measurement Standards Act, 2006 (Act No. 18 of 2006, but does not include any such unit which, by regulation made under this Act, is excluded for the purposes of this Act;”;</p> <p>(e) the deletion of the definition of “<b>president</b>”.</p> <p>2. Amendment of section 2 by—</p> <p>(a) the substitution for subsection (1) of the following subsection:  “(1) The [SABS Council] Board shall appoint a Director of Trade Metrology.”;</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p> <p>55</p>

## INKQUBO

## IMITHETHO EHLENGA-HLENGISIWEYO

## (Icandelo lama-36)

Inombolo kunye nonyaka woMthetho	Isihloko esifutshane	Umlinganiselo wohlelenga-hlelengo	
uMthetho wama-77 ka-1973	uMthetho weeNdelela zokuLinganisa ubuNzima kuRhwebo (Trade Metrology Act), ka-1973	<p>1. Uhlelenga-hlelengo lwecandelo loku-1 ngoku—</p> <p>(a) ukutshintshwa kwenkcazo ethi “<b>indlu eyamkelekileyo yophando lwenzululwazi</b>” ngale nkcazo ilandelayo:  “<b>indlu eyamkelekileyo yophando lwenzululwazi</b>” lithetha ukuthi <u>nayo nayiphi na indlu eyamkelekileyo yophando lwenzululwazi ngokucamngcwe kwi- [candelo lesi-3(c) loMthetho weMigangatho ka-1993 (Mthetho nomb. 29 ka-1993)] uMthetho woLwamkeleko loVumelwano loVavanyo, amaQondo noLungileyo lokuSebenza kweNdlu yoPhando lweNzululwazi ka-2006; (Mthetho nomb.19 ka-2006);”;</u></p> <p>(b) ukufakwa emva kwenkcazo ye-“<b>indlu eyamkelekileyo yophando lwenzululwazi</b>” kwale nkcazo ilandelayo:  “<b>iQumrhu</b>” ithetha ukuthi iQumrhu njengoko kuchaziwe kwicandelo loku-1 loMthetho weSizwe woLawulo lweeNkcukacha ezisiSinyanzelo ka-2008;”;</p> <p>(c) ukufakwa emva kwenkcazo ethi “ukuqiniseka” kwale nkcazo ilandelayo:  “<b>uMlawuli oyiNtloko</b>” uthetha ukuthi uMlawuli oyiNtloko ngokucamngcwe kwicandelo 21 loMthetho woLawulo lweeNkcukacha ezisiSinyanzelo ka-2008;”</p> <p>(d) ukutshintshwa kwenkcazo ethi “<b>umvo wokulinganisa</b>” ngale nkcazo ilandelayo:  “<b>umvo wokulinganisa</b>” uthetha ukuthi nawumpi na umvo opapashiweyo okanye omiselweyo ngokwemigqaliseloye-[candelo lesi-3 loMthetho weMivo yokuLinganisa kunye neMigangatho yeMilinganiso yeSizwe ka-1973] icandelo lesi-2 soMthetho weMivo yokuLinganisa kunye neMigangatho yeMilinganiso yeSizwe ka-2006 (uMthetho nomb.18 ka-2006), kodwa oko akuquki umvo onjalo othi ngokwemimiselo ephantsi kwalo Mthetho ubekelwe bucala ngokweenjongo zalo Mthetho;”;</p>	<p>5</p> <p>16</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p> <p>55</p> <p>60</p> <p>65</p>

No. and year of Act	Short Title	Extent of amendment	
		<p>(b) the substitution for subsection (2) of the following subsection:  “(2) The [SABS Council] Board shall appoint a Deputy Director of Trade Metrology, who may, subject to the control and directions of the director or in absence of the director or if the director is for any other reason unable to perform his or her duties or if the post of director is temporarily vacant, do anything which may lawfully be done by the director.”.</p> <p>3. Amendment of section 3 by—</p> <p>(a) the substitution for subsection (1) of the following subsection:  “(1) The [SABS Council] Board may from time to time, on the recommendation of the director, appoint inspectors or verification officers to verify or test all measuring instruments or any particular kind of measuring instrument in accordance with the provisions of this Act.”;</p> <p>(b) the substitution in subsection (2) for paragraph (b) of the following paragraph:  “(b) he holds a certificate issued to him by the [SABS Council] Board to the effect that he is qualified to act as an inspector or verification officer in respect of all measuring instruments or a particular kind of measuring instrument.”.</p> <p>4. Section 4 is hereby substituted by the following section:  “<b>Appointment of examiners</b>  4. The [SABS Council] Board may, on the recommendation of the director, appoint examiners to exercise the functions of examiners under this Act.”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p>

Inombolo kunye nonyaka woMthetho	Isihloko esifutshane	Umlinganiselo wohlenga-hlengiso	
		(e) ukucinywa kwenkcazo ethi “ <b>umongameli</b> ”.	
		2. Ukuhlenga-hlengiswa kwecandelo lesi-2 ngoku—	5
		(a) tshintshwa kwecandelwana (1) ngeli candelwana lilandelayo:	
		“(1) iQumrhu [i <b>Bhunga leSABS</b> ] iza konyula uMlawuli weeNdlela zokuLinganisa ubuNzima kuRhwebo;	10
		(b) tshintshwa kwecandelwana (2) ngeli candelwana lilandelayo:	
		“(2) iQumrhu [i <b>Bhunga leSABS</b> ] iza konyula uSekela-Mlawuli weeNdlela zokuLinganisa ubuNzima kuRhwebo, ozakuthi, ngokuxhomekeke kulawulo kunye nemiyalelo yomlawuli okanye xa engekho umlawuli okanye ukuba ngaba umlawuli akakwazi ukwenza imisebenzi yakhe ngaso nasiphi na esinye isizathu okanye ukuba ngaba isikhundla somlawuli asikavalwa okwexeshana, unokwenza nantoni na ebinokwenziwa ngumlawuli ngokusemthethweni.	15
		3. Ukuhlenga-hlengiswa kwecandelo lesi-3 ngoku—	30
		(a) tshintshwa kwecandelwana (1) ngeli candelwana lilandelayo:	
		“(1) iQumrhu [i <b>Bhunga leSABS</b> ] linokuthi maxa wambi, ngengecebiso yomlawuli, liqeshe abahloli okanye amagosa eziqinisekiso aza kuqinisekise okanye avavanye zonke izixhobo zokulinganisa okanye naluphi na uhlobo oluthile lwesixhobo sokulinganisa ngokwemigaqo yalo Mthetho.”;	35
		(b) tshintshwa kwecandelwana (2) komhlathi (b) lalo mhlathi ulandelayo:	40
		“(b) unesiqinisekiso asikhutshelwe liQumrhu [i <b>Bhunga yeSABS</b> ] esixela ukuba ufanelekile ukuba asebenze njengomhloli okanye igosa leziqinisekiso ngokunxulumene nazo zonke izixhobo zokulinganisa okanye uhlobo oluthile lwesixhobo sokulinganisa.”.	45
			50
			55

No. and year of Act	Short Title	Extent of amendment
		<p>5. Section 5 is hereby amended by the substitution for subsections (1) and (2) respectively of the following subsections:</p> <p>“(1) Subject to the control of the Minister, this Act shall be administered by the <b>[SABS Council] Board</b> and by the director, inspectors, accredited laboratories, verification officers and examiners, who shall perform their duties under the control of the <b>[SABS Council] Board</b>.</p> <p>(2) The <b>[SABS Council] Board</b> may, subject to the conditions it may impose, delegate or assign to the <b>[president] Chief Executive Officer</b> any power or duty conferred or imposed on it by section 3 or 4.”</p>
		<p>6. Section 7 is hereby amended by the substitution for subsections (1) and (2) respectively of the following subsections:</p> <p>“(1) The Minister may, after consultation with the <b>[SABS Council] Board</b>, assign in writing to any statutory body or provincial government the carrying out, subject to such conditions and requirements as may be prescribed by regulation, of any function specified in this Act.</p> <p>(2) The <b>[SABS Council] Board</b> may in writing, on the recommendation of the director, designate any accredited laboratory to verify all measuring instruments or any particular kind of measuring instrument in respect of which such laboratory is accredited.”</p>
		<p>7. Section 22A is hereby amended by the substitution for subsection (1) of the following subsection:</p> <p>“(1) Any fees collected and costs recovered in terms of section 18 or section 22(1) shall constitute revenue of the <b>[SABS Council] Board</b> and shall be dealt with in accordance with the provisions of the <b>[Standards Act, 1993 (Act No. 29 of 1993)] National Regulator for Compulsory Specifications Act, 2008</b>.”</p>
		<p>8. Section 24 is hereby amended by the substitution for subsection (3) of the following section:</p> <p>“(3) Any costs incurred by the <b>[SABS Council] Board</b> in connection with any appeal which in the opinion of the committee is based on frivolous grounds, shall be borne by the appellant.”</p>



Inombolo kunye nonyaka woMthetho	Isihloko esifutshane	Umlinganiselo wohlenga-hlengiso	
		<p>4. Icandelo lesi-4 ngoko ke lithathelwe indawo leli candelo lilandelayo:  <b>“Ukonyulwa kwabavavanyi</b>  <b>4. iQumrhu [iBhunga leSABS]</b>  ngengcebiso yomlawuli, linokonyula abavavanyi ukuba benze imisebenzi yabavavanyi phantsi kwalo Mthetho.”;</p>	5
		<p>5. Icandelo lesi-5 ngoko ke lihlenga-hlengiswa ngokutshintshwa kwamacandelo (1) no (2) ngokulandelelanayo ngala macandelwana alandelayo:  “(1) Ngokuxhomekeke kulawulo loMphathiswa, lo Mthetho uyakusetyenziswa liQumrhu [iBhunga leSABS] kunye nomlawuli, abahloli, izindlu ezamkelekileyo zophando lwenzululwazi. amagosa eziqinisekiso kunye nabavavanyi abaza kwenza imisebenzi yabo phantsi kolawulo lweQumrhu [iBhunga leSABS].</p>	10
		<p>(2) iQumrhu [iBhunga leSABS] ngokuxhomekeke kwiimeko linokubeka, inikezele kwabanye okanye labele [umongameli] uMlawuli oyiNtloko naliphi na igunya okanye umsebenzi onikwe okanye obekwe phezu kwalo licandelo lesi-3 okanye lesi-4.</p>	15
		<p>6. Icandelo lesi-7 ngoko ke lihlenga-hlengiswa ngokutshintshwa kwala macandelwana (1) no-(2) ngokulandelelanayo ngala macandelwana alandelayo:  “(1) uMphathiswa, emva kokudibana neQumrhu [iBhunga le-SABS], unokwabela ngokubhalwe phantsi nawuphi na umbutho omiswe ngokusemthethweni okanye urhulumente wephondo ukuba wenze nawuphi na umsebenzi obalulwe kulo Mthetho., ngokuxhomekeke kwiimeko neemfuneko ezinjalo ezimiselwe ngummiselo,</p>	20
		<p>(2) iQumrhu [iBhunga leSABS] ngokubhalwe phantsi, ngesincomo somlawuli, lokonyule nayiphi na indlu eyamkelekileyo yophando lwenzululwazi ukuba iqinisekise ngazo zonke izixhobo zokulinganisa okanye naluphi na uhlobo oluthile lwesixhobo sokulinganisa ngokunxulumene nolwamkeleko lwalo ndlu yophando lwenzululwazi.</p>	25
			30
			35
			40
			45
			50
			55

No. and year of Act	Short Title	Extent of amendment	
		<p>9. Section 27 is hereby amended by the substitution for subsection (8) of the following subsection:</p> <p>“(8) The Minister shall before the publication of any notice under subsection (1) consult the Board referred to in <b>[section 6(1) of the Measuring Units and National Measuring Standards Act, 1973, or if there is no such board, the Council of the South African Bureau of Standards referred to in section 6 of the Standards Act, 1993 (Act No. 29 of 1993), and the Board of the CSIR referred to in section 7 of the Scientific Research Council Act, 1988 (Act No. 46 of 1988)]</b> section 10 of the <u>Measurement Units and Measurement Standards Act, 2006 (Act No. 18 of 2006).</u>”.</p> <p>10. Section 45 is hereby amended by the substitution for subsection (1) of the following section:</p> <p>“(1) The <b>[President]</b> <u>Chief Executive Officer</u> may, if he or she is of the opinion that it is necessary in the public interest and to protect the consumer, reveal in any manner-</p> <p>(a) any information which in his or her opinion is necessary to prevent the public from being misled concerning any aspect regulated by this Act;</p> <p>(b) the name of a person who in his or her opinion does not comply with any provision of this Act.”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p>
Act 103 of 1977	National Building Regulations and Building Standards Act	<p>1. Amendment of section 1 by—</p> <p>(a) the insertion after the definition of <b>“architectural area”</b> of the following definition:</p> <p>“<b>‘Board’</b> means the Board as defined in section 1 of the <u>National Regulator for Compulsory Specifications Act, 2008;</u>”;</p> <p>(b) the deletion of the definition of <b>“bureau”</b>;</p> <p>(c) the deletion of the definition of <b>“council”</b>;</p> <p>(d) the insertion after the definition of <b>“Minister”</b> of the following definition:</p> <p>“<b>‘National Regulator’</b> means the <u>National Regulator as defined in section 1 of the National Regulator and Compulsory Specifications Act, 2008;</u>”.</p>	<p>40</p> <p>45</p> <p>50</p> <p>55</p>

Inombolo kunye nonyaka woMthetho	Isihloko esifutshane	Umlinganiselo wohlenga-hlengiso	
		<p>7. Icandelo lama-22A lithi ngoko ke lihlenga-hlengiswe ngokutshintshwa kwecandelwana (1) ngeli candelwana lilandelayo:</p> <p>“(1) Nayiphi na intlawulo kunye neendleko ezifunyenwe ngokwemigqaliselo yecandelo le-18 okanye icandelo lama-22(1) ziyakwenza ingeniso yeQumrhu [iBhunga leSABS] kwaye ziyakusetyenziswa ngokuthotyelwa kwamalungiselelo oMthetho weSizwe weeNkcukacha ezisiSinyanzelo ka-2008 [uMthetho weMigangatho ka-1993 (uMthetho nomb. 29 ka-1993)] 2008.”.</p>	5
		<p>8. Icandelo 24 lithi ngoko ke lihleng-hlengiswe ngokutshintshwa kwecandelwana (3) ngeli candelo lilandelayo:</p> <p>“(3) Naziphi na iindleko ezenziwe liQumrhu [iBhunga leSABS] ngokunxulumene naso nasiphi na isibheni sekomiti zisekelwe kwimiba yemfeketho, ngoko ke ziyakuhlulwa ngumbheni.</p>	10
		<p>9. Icandelo 27 lithi ngoko ke lihlenga-hlengiswe ngokutshintshwa kwecandelwana (8) ngeli candelwana lilandelayo:</p> <p>“(8) uMphathiswa uya kuthi ngaphambi kokupapashwa kwaso nasiphi na isaziso esiphantsi kwecandelwana (1) adihane neQumrhu ekubhekiselwe kulo [icandelo lesi-6(1) loMthetho weMivo yokuLinganisa kunye neMigangatho yokuLinganisa yeSizwe ka-1973, okanye ukuba ngaba alikho iqumrhu elinjalo, iBhunga loLawulo lwaMagunya oMzantsi Afrika ekubhekiselwe kulo kwicandelo lesi-6 loMthetho weMigangatho ka-1993 (uMthetho nomb. 29 ka-1993), kunye neQumrhu le-CSIR ekubhekiselwe kuyo kwicandelo 7 loMthetho weBhunga loPhando ngezeNzululwazi, ka-1988 (uMthetho nomb. 46ka-1988)] kwicandelo 10 loMthetho weMivo yokulinganisa kunye neMigangatho yokuLinganisa yeSizwe ka-2006 (uMthetho nomb. 18 ka-2006).”.</p>	15
			20
			25
			30
			35
			40
			45
			50
			55

No. and year of Act	Short Title	Extent of amendment	
		<p>2. Section 28 is hereby amended by the substitution for subsections (1), (2) and (3), respectively, of the following subsections:</p> <p>“(1) The Minister may on such conditions as he may think fit, in writing delegate any power conferred on him by or under this Act, other than a power referred to in section 2(2) or (4), 9(2), 17, 19, 20, 27 or 29 to the <b>[director-general] Chief Executive Officer</b> of the bureau, but the delegation of any such power shall not prevent the exercise thereof by the Minister himself.</p> <p>(2) The council may in writing delegate any power conferred upon it—</p> <p>(a) by or under this Act, other than a power referred to in section 17 or 27, to the <b>[director-general] Chief Executive Officer</b> of the bureau;</p> <p>(b) in terms of section 18(2), in such conditions as it generally or in any particular case may think fit, to any local authority or category of local authorities,</p> <p>but the delegation of any such power shall not prevent the exercise thereof by the council itself.</p> <p>(3) The <b>[director-general] Chief Executive Officer</b> of the bureau may in writing delegate any power delegated to him in terms of subsection (1) or (2) to any person in the employ of the bureau, but the delegation of any such power shall not prevent the exercise thereof by the <b>[director-general] Chief Executive Officer</b> himself.”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p>

Inombolo kunye nonyaka woMthetho	Isihloko esifutshane	Umlinganiselo wohlenga-hlengiso	
		<p>10. Icandelo 45 lithi ngoko ke lihlenga-hlengiswe ngokutshintshwa kwecandelwana (1) ngeli candelo lilandelayo:</p> <p>“(1) uMlawuli oyiNtloko <b>[uMongameli]</b> ukuba unoluvo lokuba kuyimfuneko ngokomdla kawonke-wonke kunye nokukhusela umxhasi, ukubhengeza oku kulandelayo nangayiphi na indlela—</p> <p>(a) naluphi na ulwazi ngokoluvo lwakhe ukuba kuyimfuneko ukuthintela uluntu ekulahlekisweni ngokuphathelene nawo nawuphi na umba olawulwa ngulo Mthetho;</p> <p>(b) igama lomntu ngokoluvo lwakhe ongathobeli naluphi na ulungiselelo lwalo Mthetho.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p>
uMthetho we-103 ka-1977	uMthetho weMimiselo yoKwakha weSizwe kunye neMigangatho yoKwakha	<p>1. Ukuhlaziywa kwecandelo loku-1 ngoku—</p> <p>(a) faka emva kwenkcazo “<b>ummandla wezakhiwo</b>” le nkcazo ilandelayo: “<b>iQumrhu</b>” lithetha iQumrhu njengoko lichaziwe kwicandelo 1 loMthetho weMigangatho ka-2008;”;</p> <p>(b) cinywa kwenkcazo yo-“<b>lawulo</b>”;</p> <p>(c) cinywa kwenkcazo ye-“<b>bhunga</b>”;</p> <p>(d) faka kwale nkcazo ilandelayo emva kwenkcazo u-“<b>Mphathiswa</b>”:</p> <p>“<b>uLawulo lweSizwe</b>” lithetha uLawulo lweSizwe njengoko kuchaziwe kwicandelo 1 lomthetho woLawulo lweSizwe neeNkcukacha ezisiSinyanzelo ka-2008;”.</p> <p>2. Icandelo 28 lithi ngoko ke lihlenga-hlengiswe ngokutshintshwa kwamacandelwana (1), (2) nele-(3). ngokulandelayo, ngala macandelwana alandelayo:</p> <p>“(1) uMphathiswa unokuthi kwiimeko ezinjalo njengoko enokucingela ukuba kufanelekile, ngokubhalwe phantsi anikezele ngawo nawuphi na amagunya abekwe phezu kwakhe ngulo okanye phantsi kwalo Mthetho ngaphandle kwamagunya ekubhekiselelwe kuwo kwicandelo 2(2) okanye (4), 9(2), 17, 19, 20, 27 okanye 29 kuMlawuli oyiNtloko <b>[mlawuli-jikelele]</b> wombutho, kodwa unikezele lwegunya elinjalo alunakuthintela ukusetyenziswa kanaanjalo nguMphathiswa ngokwakhe.</p>	<p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p> <p>55</p> <p>60</p>

No. and year of Act	Short Title	Extent of amendment
		3. The word “ <b>bureau</b> ” is hereby substituted for “National Regulator” wherever it occurs in Act 103 of 1977. 4. The word “ <b>Council</b> ” is hereby substituted for the word “ <b>Board</b> ” wherever it occurs in Act 103 of 1977 except in the definition of “ <b>local authority</b> ”.

Inombolo kunye nonyaka woMthetho	Isihloko esifutshane	Umlinganiselo wohlenga-hlengiso
		(2) iBhunga ngokubhalwe phantsi linokunikezela nangalo naliphi na igunya elinikwe lona— 5
		(a) ngalo okanye phantsi kwalo Mthetho, ngaphandle kwegunya ekubhekiselelwe kulo kwicandelo 17 okanye 27, kuMlawuli <u>oyiNtloko [umlawuli-jikelele]</u> wonibutho: 10
		(b) ngokwemigqaliselo yecandelo 18(2), kwiimeko ezinjalo jikelele okanye kwimeko ekhethekileyo kunokufaneleka, kulo naliphi na gunyabantu lengingqi okanye udidi lwamagunyabantu beningqi, 15
		kodwa unikezelo lalo naliphi na igunya elinjalo aluyi kuthintela ukusetyenziswa kananjalo kwalo libhunga ngokwalo. 20
		(3) uMlawuli <u>oyiNtloko [umlawuli-jikelele]</u> wombutho ngokubhalwe phantsi unokunikezela ngawo nawaphi na amagunya anikwe wona ngokwemigqaliselo yecandelwana (1) okanye (2) kuye nawuphi na umntu okwingqesho yombutho, kodwa unikezelo lwalo naliphi na igunya elinjalo alinakuthintela kananjalo ukuba lingasetyenziswa [umlawuli-jikelele] nguMlawuli <u>oyiNtloko ngokwakhe.</u> 25
		3. Igama elithi “ <u>ulawulo</u> ” lithi goko ke lithathelwe indawo ligama elithi “uLawulo lweSizwe” maxa onke elithlivelwa khona kuMthetho we-103 ka-1977. 35
		4. Igama elithi “ <u>iBhunga</u> ” lithi ngoko ke lithathelwe indawo ligama elithi “ <u>iwumrhu</u> ” naphi na apho lithi livele khona kuMthetho we-103 ka-1977 ngaphandle kwakwinkcazo ethi “ <u>igunyabantu lengingqi</u> ”. 40
		45