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

Act No. 9 of 2014: Legal Metrology Act, 2014
(English text signed by the President)
(Assented to 16 May 2014)

ACT

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

PREAMBLE

Whereas it is desirable to—

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

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

ARRANGEMENT OF SECTIONS

Sections

1. Definitions 5

CHAPTER I

APPLICATION, OBJECTS AND ADMINISTRATION OF ACT

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

U ita mbetshele kha vhulangi na u kwaθhisana ndaulo dza thekhenikhała dza mulayo wa muelo u itela u τuτuwedza zwa makwevho zwi pfadzaho na u tsireledza mutakalo wa tshitshavha na vhutsireledzi na mupo; na u ita mbetshele malugana na zwikamano nazwo.

MARANGAPHANDA

Hu khou ɣoqwa u—

• τuτuwedza zwa makwevho zwi pfadzaho na u tsireledza mutakalo wa tshitshavha na vhutsireledzi na mupo;
• u ita mbetshele kha u thoma u shumisa sisiθeme ya ndaulo na u anana na mulayo wa muelo nga Ndaulo ya Lushaka kha zwine zwa tou vhoθha zwo imaho nga uri na kha ndaulo na u kwaθhisedza ndaulo dza thekhenikhała dza u kala lwa mulayo; na
• u ita mbetshele kha u laθhelesa maraga nga Ndaulo ya Lushaka u itela zwiθthu zwenezwo zwo imaho nga uri zwine zwa tou vhoθha u itela u vhona uri hu ɣa tevhedzwa ndaulo dza thekhenikhała dza mulayo wa muelo,

UKWAθHISWE NGA nga Phalamennde ya Riphabuθliki ya Afrika Tshipembe nga ndîla i tevhelaho:—

NZUDZANYO DZA KHETHEKANYO

Khethekanyo

1. Thalutshedzo 5

NDIMA YA I

U SHUMISA, TSHIPIKWA TSA NA U LANGA MULAYO

2. U shumisa na zwipikwa zwa mulayo
3. U langa Mulayo 10
4. Mishumo ya Ndaulo ya Lushaka
5. U ḡa mishumo
6. U tholwa ha vhaingameli vha u laθhelesa maraga
7. U nanga zwimiswa zwa u kwaθhisedza
8. U thola vhaθfisiri vha u kwaθhisedza
9. U ḡanga zwimiswa zwa u lugisa 15
10. U gwaliθa vhathu vha re na vhθdioθhuleleli ha u lugisa
11. U gwaliθa ha vhaθrangamashangodvha, vhamagi na vhathu vhane vha rengisa tshishumiswa tshιθwe na tshιθwe, zwιθvedzwa kana tshumelo
12. Foramu ya Vhueleθtedzθ
13. Masheθeni ɣa Ndaulo ya Lushaka malugana na mulayo wa muelo 20
14. Masheθeni ane ɣa badeliswa nga zwimiswa zwo nangiθwoho
CHAPTER II
LEGAL METROLOGY TECHNICAL REGULATIONS
15. Legal metrology technical regulations
16. Proposals to introduce or amend legal metrology technical regulations
17. Effect of declaration as legal metrology technical regulation
18. Measuring instrument, product or service not conforming to legal metrology technical regulation

CHAPTER III
MEASUREMENT STANDARDS
19. Measurement standards used by market surveillance inspectors, verification officers and persons responsible for repairs

CHAPTER IV
MARKET SURVEILLANCE INSPECTIONS
20. Powers of market surveillance inspectors
21. Market surveillance inspection offences

CHAPTER V
TYPE APPROVAL AND VERIFICATION OF MEASURING INSTRUMENTS
22. Type approval of measuring instruments
23. Type approval offences
24. Verification of measuring instruments
25. Powers of verification officers
26. Offences in connection with verification of instruments

CHAPTER VI
REPAIR OF MEASURING INSTRUMENTS
27. Functions of persons responsible for repairs
28. Offences in respect of repair of measuring instruments

CHAPTER VII
MANNER OF USE, POSSESSION OR SALE OF MEASURING INSTRUMENTS AND PRODUCTS
29. Restriction on and prohibition of manufacture, import, use or possession of certain measuring instruments
30. Sale, supply and use of unverified measuring instruments
31. Offences in respect of manufacture or selling of false, defective or inaccurate measuring instruments
32. Measuring instruments to be wholly exposed
33. Prohibition of false statement as to quantity
34. Measurement for prescribed purpose to be effected in terms of certain measurement units and by means of verified measuring instruments
35. Advertisement of measurable products and services
NDIMA YA II

NDAULO DZA THEKHENIKHALA DZA MULAYO WA MUELO

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

NDIMA YA III

ZWIŢANDADI ZWA MIELO

19. Zwiţandadi zwa miele zwi shumiswaho nga vhaingameli vha u lavhelesa maraga, vhaofisiri vha khwâthisedzo na vhathu vhane vha vha na vhûdîfhinduleli ha u lugisa

NDIMA YA IV

VHAINGAMELI VHA U LAVHELESA MARAGA

20. Maanda la vhaingameli vha u lavhelesa maraga
21. Vhutshinyi malugana na nyingamelo ya u lavhelesa maraga

NDIMA YA V

LUSHAKA LWA KHWÂTHISEDZO NA U KHWAŢHISEDZA ZWISHUMISWA

ZWA U ELA

22. Lushaka lwa khwâthisedzo ya zwishumiswa zwa u ela
23. Lushaka lwa vhfutshinyi ha khwâthisedzo
24. Khwâthisedzo ya zwishumiswa zwa u ela
25. Maanda la vhaofisiri vha u khwâthisedza
26. Vhutshinyi malugana na khwâthisedzo ya zwishumiswa

NDIMA YA VI

U LUGISWA HA ZWISHUMISWA ZWA U ELA

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

NDIMA YA VII

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

29. Phungudzelo na nyiledzo ya u magiwa, u renga mashangodavha, u shumisa kana vha na zwenezwo zwishumiswa zwa u ela
30. Thengiso, nyisedo na u shumisa zwishumiswa zwa u ela zwi songo khwâthisedzwoha
31. Vhutshinyi malugana na u maga kana u rengiswa ha zwishumiswa zwi si zwa vhukuma, zwo vhaisalala kana zwi sonngo tou kokotolo
32. Zwishumiswa zwa u ela zwine zwa dò tanwa
33. Nyiledzo ya zwitaţamendende zwa mawziwifhi malugana na tshivhâlo
34. Zwikalo zwa ndivho yo randelwaho zwine zwa dò shumiswa hu tshi tevhedzwa yuniti dza zwikalo zwenezwo na nga ndîla dza zwishumiswa zwa u ela zwo khwâthisedzwoha
35. Khungedzelo ya tshumelo na zwibveledzwa zwi eleaho
36. Manner of selling products

CHAPTER VIII

COMPLIANCE SCHEMES AND USE OF MARKS

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

CHAPTER IX

GENERAL AND MISCELLANEOUS

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

SCHEDULE 1

SCHEDULE 2

Definitions

1. In this Act, unless the context indicates otherwise—

“Chief Executive Officer” means the Chief Executive Officer appointed in terms of section 6 of the National Regulator for Compulsory Specifications Act;

“correct”, in relation to any measuring instrument, means compliance with any prescribed accuracy requirements;

“distinctive mark” means the mark that is placed on a product or measuring instrument to indicate that such product or measuring instrument complies with the requirements of the relevant voluntary scheme introduced in terms of section 37;

“importer” means an importer defined in section 1(1) of the Customs and Excise Act, 1964 (Act No. 91 of 1964);

“initial verification” means verification of a new measuring instrument that has not been previously verified;

“item” means an individual article or unit;

“legal metrology technical regulation” means a document which lays down product and measuring instrument characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory;

“manufacture” includes produce, assemble, alter, modify, adapt, convert, process or treat;

“market surveillance inspector” means a market surveillance inspector appointed in terms of section 6;

“measuring instrument”—

(a) means any appliance, equipment, instrument, software or apparatus or any combination thereof by means of which a measurement of physical quantity, expressed in any measurement unit or a mathematical function of measurement unit, may be made; and

(b) includes any appliance, equipment, instrument, software or apparatus or any combination thereof by means of which a grading or counting in connection with the measurement of any physical quantity or a counting by means of gravitation may be effected;

“measurement unit” means any unit published in terms of section 2 of the Measurement Units and Measurement Standards Act, 2006 (Act No. 18 of 2006), and includes the units, the appropriate symbols and the rules of the International System of Units;

“Minister” means the Minister of Trade and Industry;
36. Ndjila ya u rengisa zwibveledzwa

**NDIMA YA VIII**

U ANANA NA ZWIKIMU NA U SHUMISWA HA MARAGA

37. U nana na zwikimu na u shumiswa ha maraga dza njha dza u khwathishesda

**NDIMA YA IX**

 NYANGAREDZO NA ZWO ÑANGANARHO

38. Ndaulo

39. Ndaţiso na masiandoitwa ķa u wanwa mulandu wa vhutshinyi

40. U bvuukululwa ha maľhungo eneo

41. Tshidzumbe tsha maľhungo eneo

42. Pheliso na khwiniňhadzo ya milayo na nzundzanyo dza tshanduko

43. Dzina šipuluthi na u thoma na shumisa Mulayo

**SHEDUĻU YA 1**

**SHEDUĻU YA 2**

Ţhalutshedzo

1. Kha uno Mulayo, nga ndţa ha musi zwo sumbedzwa nga iňwe ndţila—

   “Muofisi-Mulongi” zwi amba Muofisi Mulangi jo tholiwaho hu tshy tevshedzwa khethekanyo ya vhv 6 ya Ndaulo ya Lushaka ya Mulayo wa zwo Őaluswaho zwa Khombe-khombe;

   “lulama”, malugana na tshishumiswa tshiňwe na tshiňwe tsha u ela, zwi amba u anana na ŋhoďea dziňwe na dziňwe dza vhukuma dzo randelwaho;

   “maraga dza njha” zwi amba maraga dzine dza avhelwa kha tshibveledzwa kana tshishumiswa tsha u ela u itela u sumbedzwa uri isho tshibveledzwa tshi khou anana na ŋhoďea dza tshikimu tsyo teaho tsho thomiwaho nga khethekanyo ya vhv 37;

   “murengamashangoďavha” zwi amba muthu ane ķa renga mashangoďavha zwine zwo ķalutshedzwa kha khethekanyo ya vhv 1(1) ya Mulayo wa *the Customs and Excise Act, 1964 (Act No. 91 of 1964)*;

   “khwathisedzo dza mathomoni” zwi amba khwathisedzo ya tshishumiswa tsha u ela tshishwa tshine ķa tshi ķa thu u vhuya tsha ŋoľwa na luthiihi;

   “tšhirengiswa” zwi amba tshithu tshone tshine kana yuniti;

   “ndaulo ya thekhenikhala ya mulayo wa zwa u ela” zwi amba ŋiňwala ine ķa khou amba zwiľaluľi zwa tshishumiswa zwa u ela na zwo bwivelvedzwa kana maitele ķa re na vhushaka na ngona dza zwivelvedzwa, hu tshy tkelwa mbetselo dza vhulangi dzø teaho, ine zwa tou vňofha uri i ananiwe nayo;

   “muingameli wa u lavhelesa maraga” zwi amba muingameli wa u lavhelesa makete jo tholiwaho hu tshy tevshedzwa khethekanyo ya vhv 6;

   “u maga” hu tkelwa tshibveledzwa, u kvňhanganyi, u shandukisa, u khwinisa, u shandukisa, u zwi šumna na u tou lunda;

   “tshishumiswa tsha u ela”—

   (a) zwi amba tshishumiswa tshiňwe na tshiňwe, softwere kana ŋhangano iňwe na iňwe nga ndţila ya u kalwa ha tshivhale tsha zwithu, zwa tou sumbedzwa nga yuniti iňwe na iňwe kana nga mushumo wa mbalo ya yuniti ya tshikalo, zwi nga itwa; nahone

   (b) hu tkelwa tshishumiswa tshiňwe na tshiňwe, softwe kana tshishumiswa kana ŋhangano iňwe na iňwe nga ndţila ine u ela kana u vhala hu tshi kwamića tshikalo tsha tshivhale tsha tshithu tshiňwe na tshishwa tshikala kana u vhala nga ndţila ine ya nga kwamića;

   “yuniti ya tshikalo” zwi amba yuniti iňwe na iňwe yo anđadzwaho hu tshy tevshedzwa khethekanyo ya vhv 2 ya Mulayo ya Yuniti dza Tshikalo na Zwiľandadi zwa Tshikalo wa, 2006 (Mulayo wa Nomboro ya. 18 wa 2006), nahone hu tshi tkelwa yuniti, zwiga zwo teaho na milayo ya Yuniti dza Sisîteme ya Mashango ķa Dzitshakatshaka;

   “Miništa” zwi amba Miništa wa Muhasho wa Makwevho na Ndôwetshumo;
“National Regulator” means the National Regulator for Compulsory Specifications of South Africa established by section 3(1) of the National Regulator for Compulsory Specifications Act;

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

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

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

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

“prescribe” means prescribe by regulation;

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

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

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

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

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

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

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

“subsequent verification”, in relation to any measuring instrument, means verification following the initial verification, and includes—
(a) verification done after repair that affects the current verification status; and
(b) verification at the request of the user;

“this Act” includes any regulation;

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

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

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

“unverified”, in relation to a measuring instrument that has to be verified or subsequently verified under this Act, means not so verified or not so subsequently verified;
“Mulauli wa Lushaka” zwi amba Mulauli wa Lushaka ho sedzwa kha zwenezwo zwa Khombe-Khombe kha Afrika Tshipembe zwo thomirwaho nga khethekanyo ya vhU 3(1) ya Mulay wo Mulauli wa Lushaka kha Zwenezwo zweni zwa tou Kombetsedza;

“Mulayo wa Mulauli wa Lushaka kha zwenezwo zwa tou Kombetsedza” zwi amba Mulay wo Mulauli wa Lushaka kha zwenezwo zweni zwa tou Kombetsedza wa, 2008 (Mulayo wa Nomboro ya vhU. 5 wa 2008);

“muthu la re na vhudifhinduleli ha u lugisa” zwi amba muthu jo iwalisaho hu tshi tevhedzwa khethekanyo ya vhU 10 u itela u lugisa tshishumisiwa hu tshi tevhedzwa khethekanyo ya vhU 27;

“tshivhalo tsha zwithu zwine zwa kwamea” malugana na elu, zwi amba tshiirwe na tshiirwe tshina kona u elwa nahone tshine vhuhuku hatsho vhU nga tualuphedzwa u y a nga yuniti ya u elu;

“zwifhato” zwi amba mavu maiwe na maiwe kana tshifhato tshiirwe natshiriwe kana tshivhumbwa, nahone hu tshi katelela tiri, gungwa, tshikeye, bufho kana tshiendiisi tshiirwe na tshiirwe;

“u randela” zwi amba u randela nga ndaulo;

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

(a) u shumisa, muwe wa, mumagi kana murengamashangleva wa tshishumiswa tshiirwe na tshiirwe tsha u kala;

(b) ndila na mvai la yashikalo kha masia la zwa makwevo, mutakalo, vhutshireledzi na mupo na yashikalo tshiirwe na tshiirwe tsha mulayow na;

(c) u taluphedza tshivalo tsha tshivheledza tshiirwe na tshiirwe;

“ndaculo” zwi amba ndaulo itwe na itwe yo itwaho hu tshi tevhedzwa khethekanyo ya vhU 38 kana ndaulo ya thekhenikha la tshina u ela wo u itwaho hu tshi tevhedzwa khethekanyo ya vhU 15;

“u lugisa”, malugana na tshishumiswa tshiirwe na tshiirwe tsha u ela, zwi amba mushumo muwe na muwe wo itwaho, kana ndivhanyiso itwe na itwe yo itwaho kha, thsenetsho tshishumiswa tsha u ela u itela u tshi lugisa, u tshi vhuedzeda kana u tshi tshogomola tsha dzula tshi kha tshiiimo tshi hae ho tshaniela, fhezi la tshi katelela mushumo wo itwaho kha, kana nzudzanyo dzo itwaho kha, tshishumiswa tsha u ela arali uyo mushumo kana khowu u dzudzanyo hu sa shandukisi twita tula u tsha u ela u kona u ela u vhukuma nga thsenetsho tshishumiswa;

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

“khwathisedzo ine ya tevhela”, malugana na tshishumiswa tshiirwe na tshiirwe tsha u ela, zwi amba khwathisedzo i tevhelapho u khwathisedzwaho ho itwaho u thoma, nahone zwi tshi katelela—

(a) u khwathisedza ho itwaho nga murahu hu u lugisa hune ha kwaama tshismo tsha u kwathisedza ha zweni na;

(b) u kwathisedza musi mushumisi jo tou ita khambelo;

“SABS” zwi amba Birou ya Zwi tandadi ya Afrika Tshipembe zweni zwo sumbedzwa kha khethekanyo ya vhU 3 ya Mulay wo Zwi tandadi wa, 2008 (Mulayo wa Nomboro ya vhU. 8 wa 2008);

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

“u rengisa” zwi katelela u fha, u kunegedzela, u vhe, u tana, u rathisa, u endedza, u isedza, u maga u tshi itela u rengisa kana u lugisela u rengisa, kana u nekana kana u bvisa u tshi itela ndaveleso itwe na itwe, kana u rathisa, u endedza kana u isedza u tshi itela thengiso, u nekana kana zwo bulwaho afho nsha;

“uno Mulayo” hu katelela ndaulo itwe na itwe;

“kwetha” zwi katelela—

(a) u ita, kana u vhina thendelano itwe na itwe, bukuka, thengiso, thengo kana tshirantsikisheni, thengiso y a mavu, kana mbadelo itwe na itwe i kwamaho zwenezwo;

(b) mbadelo itwe na itwe kha thumelos dzo netshedzwa;

(c) u kuvhanganya mbadelo, mutengo, mithelo, ndajo kana dzinwe tshedele, na

(d) tshikalo tshiirwe na tshiirwe tsha zwa mulayow malugana na uri ndi tshihfho tshishumiswa tsha u ela tshi shumiswaho;

“lushaka lwa khwathisedzo” zwi amba lushaka lwa tshishumiswa tsha u ela tshi anananaho na thode ya dzo teaho dza uno Mulayow nahone dzo teaho kha ushumiswa
“verification body” means a body—
(a) accredited in terms of section 22 of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No.19 of 2006), to verify measuring instruments and designated in terms of section 7 of this Act to verify measuring instruments; or
(b) designated in terms of section 7 of this Act to verify measuring instruments without accreditation contemplated in paragraph (a) where no accreditation scheme is available;
“verification mark” means a mark that—
(a) is as far as is possible indelible;
(b) indicates that a measuring instrument has been verified; and
(c) has been authorised in terms of section 37;
“verification officer” means a person appointed as verification officer in terms of section 8;
“verify”, in relation to a measuring instrument, means the procedure of examination and issuing of a verification certificate and, if required, marking with a verification mark, that ascertains and confirms that the measuring instrument complies with a legal metrology technical regulation, and includes initial verification and subsequent verification.

CHAPTER I

APPLICATION, OBJECTS AND ADMINISTRATION OF ACT

Application and objects of Act

2. (1) This Act applies to measurable products and services, measurements in trade, health, safety and the environment and any measuring instrument used for a prescribed purpose.
(2) The objects of this Act are to—
(a) expand the scope of trade metrology to legal metrology;
(b) strengthen the enforcement of legal metrology;
(c) develop the appropriate legislative framework;
(d) protect consumers against short measure or inaccurate measurement;
(e) establish a level playing field for industry; and
(f) support local industry competitiveness.

Administration of Act

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

Functions of National Regulator

4. (1) The National Regulator must—
(a) make recommendations to the Minister with regard to legal metrology technical regulations;
(b) administer and maintain legal metrology technical regulations;
(c) carry out market surveillance through inspections in order to monitor compliance with legal metrology technical regulations;
(d) enforce compliance with legal metrology technical regulations;
ha ndivho yo randelwaho nga njila ine ya lavhelelwa kha u netshedza mvelelo dzi thembeaho nga tshifiinga tsho bulwaho

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

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

“tshimiswa tsha u kwath Fisherieswaho” zwi amba tshimiswa—
(a) tsho tendelwaho hu tshi tevhedzwa khethekanyo ya vh 22 ya Mulayo wa Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No.19 of 2006), u itela u vhona zwishumiswa zwa u ela zwo nangiwaho hu tshi tevhelwa khethekanyo ya vh 7 ya uno Mulayo hu tshi itelwa u vhona kana u kwath Fisherieswaho zwishumiswa zwa u kala; kana
(b) tsho nangiwaho hu tshi tevhedzwa kwath Fisherieswaho ya vh 7 ya uno Mulayo u itela u kwath Fisherieswaho zwishumiswa zwa u kala hu si na thendelo yo bulwaho kha pharagirafu ya (a) hune tshikimu tsha tsendela tsha vha hone;

“maraga dza u kwath Fisherieswaho” zwi amba uri —
(a) zwi ja konadzea u vha zwa tsho tshi;
(b) zwi sumbedza uri tshishumiswa tsha u ela tsho kwath Fisherieswaho; nahone
(c) zwo tendelwaho u ya nga kwethhekanyo ya vh 37;

“muofisiri wa kwath Fisherieswaho” zwi amba mutu tho thiwiwaho sa ene muofisiri wa kwath Fisherieswaho hu tshi tevhelwa kwethhekanyo ya vh 8;

“u kwath Fisherieswaho”, malugana na tshimiswa tsha u kala, zwi amba kuitele kwa u linga na u fha lanziela ya u kwath Fisherieswaho nahone, arali zwi tshi tsho, hu vhewe na maraga dza honoho u kwath Fisherieswaho, u itela u kwathhisa uri tshishumiswa tsha u ela tshi anana na n/a u dza thehenikha ya mulayo wa u kala, na u katela u kwath Fisherieswaho ha mathomoni na hu tevhelaho.

NDIMA YA I

U SHUMISA, TSHIPIKWA TSHA NA U LANGA MULAYO

U shumisa na zwipikwa zwa mulayo

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

(2) Zwipikwa zwa Mulayo ndi u—
(a) tsho tendelwaho nga tshikalo wyo mulayo khe u ela makwevho nga mulayo wa zwa u kala;
(b) kwath Fisherieswaho uri mulayo wa zwa u ela u tevhelwa;
(c) bvedeza mutheo wa mulayo wo teaho;
(d) tseledza vharengi malugana na muelo mupufhi kana muelo wo khakheaho;
(e) thoba ndinganelo ya u shumela khayo kha zwa ndowetsumo; na
(f) tikeda vhukoni ha ndowetsumo yapo.

U langa Mulayo

3. Hu tshi tevhedzwa ndango ya Minista, uno Mulayo u do langulwa nga N/a u Lushaka.

Mishumo ya N/a ya Lushaka

4. (1) N/a ya Lushaka i fanela u—
(a) tsho themendelo kha Minista malugana na nda u dza thehenikha ya mulayo wa zwa u ela;
(b) laula na u kwath Fisherieswaho nga dza thehenikha ya mulayo wa zwa u ela;
(c) u lavhelela kana u lavhelela maraga nga u tou ingamela hu tshi itelwa u lavhelela u anana na nda u dza thehenikha ya mulayo wa zwa u ela;
(d) u komba lhelela u anana na nda u dza thehenikha ya mulayo wa zwa u ela;
(e) ensure access to and maintain the equipment required for market surveillance inspection, verification and type approval examination purposes;
(f) approve and verify measuring instruments;
(g) control the repair of measuring instruments;
(h) inform the South African commerce, industry and the public about legal metrology technical regulations;
(i) establish and maintain the necessary expertise at an internationally acceptable level;
(j) participate and represent South Africa at international and regional levels on matters relating to legal metrology;
(k) co-ordinate, interact and manage the international, regional and bilateral interactions with other institutes responsible for legal metrology;
(l) issue certificates that permit instruments or products to be sold or services to be supplied in respect of legal metrology matters; and
(m) provide for compliance schemes and control the use of distinctive marks and verification marks.

(2) The National Regulator may—
(a) establish such specialist consultative committees as may be prescribed, to provide input into the process, to interpret and implement legal metrology technical regulations;
(b) obtain membership of, participate in and develop relationships with regional and international bodies having objects similar to those of the National Regulator;
(c) participate in the International Organisation for Legal Metrology, established by the “Convention establishing an International Organisation of Legal Metrology” done at Paris on 12 October 1955, and any other institute responsible for legal metrology;
(d) enter into agreements with service providers to inspect, examine, test or analyse samples or verify measuring instruments on behalf of the National Regulator;
(e) obtain the cooperation of other organs of state, and enter into agreements with them in respect of legal metrology matters; and
(f) provide calibration services for measurement standards.

Delegation of functions

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

(2) The Chief Executive Officer may, subject to such conditions as he or she may impose, delegate or assign any power or duty—
(a) conferred or imposed on him or her in terms of this Act; or
(b) delegated or assigned to him or her by the Minister in terms of subsection (1), to any market surveillance inspector or verification officer.

Appointment of market surveillance inspectors

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

(2) The Chief Executive Officer must furnish a market surveillance inspector appointed in terms of this section with a certificate signed by the Chief Executive Officer stating that he or she has been appointed as a market surveillance inspector, in general or for a specific purpose, as the case may be.
(e) kombetsheedza u kona u swikela na u khwaţhisa tshishumiswa tshi ńděeaho kha u ingamela na u lavehela maraga, u khwaţhisedza na lushaka lwa nńdīvho dza u linga;
(f) tendela na u khwaţhisedza zwishumiswa zwa u ela;
(g) langa u lugiswa ha zwishumiswa zwa u ela;
(h) vhudza vhubindudzi, njowetshumo na tshithavha zwa Afrika Tshipembe nga ha ndaulo dza thekhenikhala dza mulayo wa u ela;
(i) thoma na u khwaţhisa nńdīvho i ńděeaho kha tshishumiswa tshi re na nńdīvho dza u ela;
(j) dzhenela na u imela Afrika Tshipembe kha dzingu na lijhaisi joţhe kha zwi kwamaho mulayo wa muelo;
(k) konanya, u shumisana na u langa tshumisano ya mashango ja dzitshakatshaka, dzingu na vhushaka ha mashango mavhili na zwińwe zwiimiswa zwiwe zwa vha na vhudiţhindulelli ha mulayo wa zwa u ela;
(l) netshedza ţhanziela dzine dza tendela zwishumiswa kana zwibveledzwa zwiwe zwa ţo rengiswa kana tshumelo dzine dz非凡 netsshedza mulugana na zwiwe zwa muelo;
(m) ita uri tshikimu tsha u tevhedzisa na u langa tshi shumise maraga dza nňha na maraga dza u khwaţhisedza.
(2) Ndaulo ya Lushaka i nga —
(a) thoma komiti dza vhukwamani dza tshipentshela sa zwiwe zwa nga randelwa u itela uri hu vhe na mahumbulwa kha kuitele kwa u t�alusheda na u thoma u shumisa ndaulo dza thekhenikhala dza mulayo wa zwa u ela;
(b) wana vhuradzo ha, u dzhenela kha na u bveledzisa vhushaka na zwiimiswa zwa dzingu na zwa lijhaisi zwiwe zwa vha na zwipikwa zwi fanaho na zwa Ndaulo ya Lushaka;
(c) dzhenela kha Dzangano ja Lijhaisi kha Mulayo wa zwa u ela, jo thomiwaho nga “Khuhvangano yo thomaho Dzangano ja Lijhaisi ja Mulayo wa zwa u ela” jo itwaho neji Paris nga ja 12 Tshimedi 1955, na zwińwe zwiimiswa zwi re na vhudiţhindulelli ha zwa mulayo wa u ela;
(d) u ita thendelano na vhańsetschedzi vha tshumelo u itela u ingamela, u linga, u linga na u sengulusa sambula kana u khwaţhisedza zwishumiswa zwa u ela ho imelwa Ndaulo ya Lushaka;
(e) u wana tshumisano ya zwińwe zwiimiswa zwa muvhuso, na u ita thendelano na izvo zwiimiswa mulugana na zwa mulayo wa muelo;
(f) u netshedza tshumelo dzsa u ela kha zwińandadi zwa u mielo.

U fha Mishumo

5. (1) Minisţa, ja tshi khou tevhedza dzenedzo nyimele sa zwiwe ja nga vhea, ja nga rumela kana u fha Muofisi-Mulangi maanĎa manĎwe na manĎwe kana mushumo uno nĎi wawe ju ya nga uno Mulayo nga nda ha maanĎa ja u ita ndaulo.
(2) Muofisi-Mulangi ja nga ri, ja tshi khou tevhedza dzenedzo nyimele ja vhea, ja rumela kana u fha maanĎa kana mushumo muńwe na muńwe —
(a) zwiwe hezwo nĎi ene jo teaho u zwi ita ju ya nga uno Mulayo; kana
(b) zwo rumelwaho kana u fhiwa ene nga Minisţa hu tshi tevhedzwa khethekanyo ţhukhu ya vhu (1),

kha muofisiri wá khwaţhisedzo kana muingameli wa u lavehela maraga.

U tholwa ha vhańingameli vha u lavehela maraga

6. (1) Muofisi-Mulangi ja nga thola mushumi wa Ndaulo ya Lushaka ja re na kana tshiimiswa tshińwe na tshińwe tha muvhuso tshi re na ndalukan, dzo randelwaho ja vha ene muingameli wa u lavehela maraga, nga u angaredza kana u itela nńdīvho yeneyo.
(2) Muofisi-Mulangi u fanelu u fha muingameli wa u lavehela maraga jo tholwa ho tshi tevhedzwa ino khethekanyo ja mu fhe ţhanziela yo sainwaho nga Muofisi-Mulangi ja tshi khou bula uri uyo jo tholwa sa ene muingameli wa u lavehela maraga, lwa u angaredza kana lwa nńdīvho ya tshipentshela, u ya nga hune zwithu zwa vha.
Designation of verification bodies

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

Appointment of verification officers

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

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

Designation of repair bodies

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

Registration of person responsible for repairs

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

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

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

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

Advisory Forum

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

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

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

Funds of National Regulator in respect of legal metrology

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

7. Muofisi-Mulangi nga ndiila yo randelwaho ja nga , nanga tshimiswa tsha u kwathisedza tshine tsha fusha ṱhoqe da zwa u kwathisedza zwimiswa zwa u kala hu tshi tevhedzwa uno Mulayo.

U thola vhaofisiri vha u kwathisedza

8. (1) Muofisi-Mulangi, nga ndiila yo randelwaho, ja nga thola mushumi wa Ndaulo ya Lushaka kana tshimiswa tsha u kwathisedza tshiniwe na tshihiwe tsho topolwaho tshi re na vhukoni, ho randelwaho uri ja vhe ene muofisiri wa u kwathisedza zwichumiswa zwa u eli zwichumiswa izwi zwi tshi di vha zwa lusheka luwe na luniwe u ya nga uno Mulayo.

(2) Muofisi-Mulangi u fanela u fha muofisi wa u kwathisedza ḷhanziela ine ya khou amba muofisiri wa u kwathisedza u ḷo shuma mushumo wa u kwathisedza u ya nga uyu Mulayo.

U nanga zwimiswa zwa u lugisa

9. Muofisi-Mulangi, nga ndiila yo randelwaho, ja nga nanga tshimiswa tsha u lugisa tshine tsha fusha ndiila dzo randelwaho dzwa lugisa zwichumiswa zwa lusheka luwe na luniwe hu tshi tevhedzwa uno Mulayo.

U ñwalisa vhathu vha re na vhudiifhoinduleli ha u lugisa

10. (1) Muofisi-Mulangi, nga ndiila yo randelwaho, ja nga ñwalisa muthu muwe na muwe ja re na vhukoni ho randelwaho nahone Jo thólwaho nga tshimiswa tsho topolwaho tsha u lugisa, uri ja vhe ene ja re na vhudiifhindeleli ha u lugisa tshiniwe na tshihiwe u ya nga uno Mulayo.

(2) Muofisi-Mulangi u fanela u fha ḷhanziela muthu ja re na vhudiifhindeleli ha u lugisa ine ḷhanziela #indexed theo ya tea u bula uri muthu uyoo u ḷo shuma zwa u lugisa u ya nga uno Mulayo.

U ñwaliswa ha vharengamashangoďavha, vhamagi na vhathu vhane vha rengisa tshishumiswa tshihiwe na tshihiwe, zwichumiswa kana tshumelo

11. Murengamashangoďavha, mumagi kana muthu, ane ja rengisa tshishumiswa tsha u eli tsho randelwaho, zwichumiswa kana tshumelo, u fanela u ñwalisa kwa Muofisi-Mulangi nga ndiila yo randelwaho naheke u tea u tehedienda ndaulo inwe na inwe ya mulayo wa zwa u eli.

Foramu ya vhuelethsedzi

12. (1) Minisṭa u tea u thoma Foramu i re na vhaimeli vha maharo ja re na dzangalelo kha mafhungo Jo bulwaho kha uno Mulayo.

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

(a) malugana na zwine Ndaulo ya Lushaka ya tea u shuma zwone, hu tshi katelwa mafhungo ja u paka zwichumizwa, u eli zwichumiswa, vhukumakuma ha mielo, lusheka lwa kwathisedzo, u kwathisedzo na u ingamela; na

(b) mafhungo mainwe na mainwe ane Minisṭa ja humbela uri ja eletshedzwe malugana na Mulayo wa mulelo.

(3) Ndaulo ya Lushaka i tea u thoma tsumbandivho na milayo ya Foramu ya Vhuelethsedzi ine tsumbandivho ya tea u tou ñwalwa nahone ya tea u tshishavha.

Masheleni ja Ndaulo ya Lushaka malugana na mulayo wa muelo

13. (1) U itela ndivho dzwa uno Mulayo, masheleni ja Ndaulo ya Lushaka ndi —

(a) tshelele i bvaho Phalamenndeni;

(b) tshelele i bavelwaho hu tshi tevhedzwa khethekanyo ya hvu 17(3)(b);

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

(d) tshelele yo ṭhanganedzwaho i tshi bva kha zwiwe zvido.
(2) The Minister, at the recommendation from the National Regulator and with the approval of the Minister of Finance, must set the amounts to be charged for the rendering of services contemplated in subsection (1)(c) by notice in the Gazette.

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

Fees charged by designated bodies

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

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

CHAPTER II

LEGAL METROLOGY TECHNICAL REGULATIONS

Legal metrology technical regulations

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

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

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

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

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

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

(d) withdraw a legal metrology technical regulation.

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

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

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

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

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

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

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

(4) The Minister may alter a date referred to in subsection (3)(b) or (c) by notice in the Gazette.
(2) Minisṭa, musi ho themendela Ndaulo ya Lushaka nahone Minisṭa wa zwa Mashelehi ńo tenda, u fanela u ta tselede ine ya badelwa musi hu tshi ntschedzwa tshumelo dzo bulwaho kha khethekanyo ńhuku ya vh (1)(c) nga ndiwadzwo kha Gazete.

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

**Mashelehi an ńa badeliswa nga zwiimiswa zwo nangiwaho**

14. (1) Tshiimiswa tsha u khwaṁshedza tshi nga badelisa tselede sa zwe zwa pfaniwa vhukati ha ihsto tshiimiswa na muthu an ńa khou ḋiśa tshishumiswa tsha u ela uri tshi khwaṁshedzwe sa zwo bulwaho kha khethekanyo ya vh 24.

(2) Ane ńa khou lugis ńa nga badelisa tselede yo pfaniwaho vhukati ha mulugisi na muthu ńo ḋiśahe tshishumiswa urii tshi lugiswe.

**NDIMA YA II**

**NDAULO DZA THEKENIKHALA DZA MULAYO WA MUELO**

15. (1) Minisṭa, malugana na tshishumiswa tsha u ela kana tshibvedezwa tshiwihe na tshiwihe kana tshumelo zwine zwa nga kwama makwevo ńja pfadzwo, ndowetshumo, mutakalo wa tshitshavha na tsireledzo kana mupho, kana malugana na nDIVHO inihe na inihe yo randelwaho, musi ho themendela Ndaulo ya Lushaka nahone nga ndiwadzwo kha Gazete a nga—

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

(i) nga u sedza kha dzina na nomboro ya tshijandadi fhedzi, hu si na u sumbedza ńhawa kana nomboro ya tshibvedezwa, nahone arali SANS yo khwiniswa, SANS yo khwiniswa huo teu džhiwa sa yone yo katelwaho; kana

(ii) nga u sedza dzina, nomboro na ńhawa kana nomboro ya tshibvedezwa ya SANS;

(b) divhadza SANS yo khwiniswa kana mbetshelo yo khwiniswa yona SANS uri i vhe yone ndaulo ya thekenikhala ya mulayo wa zwa u ela arali ndiwadzwo ya vhukuma yo vha yo itwa nga pharagirafu ya (a)(ii);

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

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

(2) Minisṭa ńa nga si andadze ndiwadzwo nga fhsi ha khethekanyo ńhuku ya vh (1)(a), (b) kana (c), nga ndṅa ha thangela-ndiwadzwo i songo thoma ya andadzwa kha Gazete—

(a) i tshi khou sumbedza zwidodombedzwa nga vhukalo zwa ndaulo ya thekenikhala ya mulayo wa zwa u kala wo dzinginywaho kana wo khwiniswa; na

(b) ine vha re na dzangalelo vha rambiwa uri vha bhe muhumbulo kha ndaulo ya thekenikhala ya mulayo wa zwa u kala wo dzinginywaho nga u tou nwa la nga tshiifhinga tshi siho fhsi ha miwzedzi mivhili nga murahu ha datumu ya u andadza thangela-ndiwadzwo.

(3) Ndįiwadzwo nga fhsi ha Khethekanyo ńhuku ya vh (1)(a), (b) kana (c)—

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

(b) i fanela u thuma u shumiswa nga datumu yo sumbedzwaho kha ndiwadzwo, ine datumu iyo i nga si vhe ya miwzedzi mivhili kha mivhili nga murahu ha datumu ya u andadza ndiwadzwo; na

(c) i nga dzudzanya datumu dzo ńhambanabo kana mbetshelo dzo ńhambanabo dza ndaulo ya thekenikhala ya mulayo wa zwa u ela.

(4) Minisṭa ńa nga thutha datumu yo sumbedzwaho ka khethekanyo ńhuku ya vh (3)(b) kana (c) nga ndiwadzwo kha Gazete.
(5) The Minister may prescribe the consultation process which must precede the declaration or amendment of a legal metrology technical regulation contemplated in subsection (1).

Proposals to introduce or amend legal metrology technical regulations

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

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

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

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

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

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

Effect of declaration as legal metrology technical regulation

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

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

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

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

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

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

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

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

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

(2) Any cost incurred by the National Regulator for the confiscation, destruction or otherwise dealing with the measuring instrument, product or service contemplated in subsection (1) may be recovered from the person using such measuring instrument or product, or rendering such service.
(5) Minist wa nga randela kuitele kwa vhukwamani kune kwa rangela u dzihazda kana u kwinisa ndaulo ya thekhenikha ya mulayo wa zwa u ela zwo sumbedzwaho kha khethekanyo țhukhu ya vh(1).

Madzinginywa a u thoma kana u kwinisa ndaulo dza thekhenikha dza mulayo wa muelo

16. (1) U dzinginywa ha u thoma kana u kwinisa ndaulo ya thekhenikha ya mulayo wa zwa u ela i fashana kwe iwo maluva n'ela nga muthu ane a khou dzinginya.
(2) Ndaulo ya Lushaka, arali jidzinginywa țo bulwaho kha khethekanyo țhukhu ya vh(1) i tshi konadze kwe i fashana kwe iwo maluva.

Masiandoitwa a u khwathisa ndaulo ya thekhenikha ya mulayo wa muelo

17. (1) A hu na muthu ane a nga renga zwithu mashangođavha, u maga, rengisa kana u isedsa tshishumiswa tsha u ela kana tshibvedezwa, kana u netschedza tshumelo, ine ndaulo ya thekhenikha ya mulayo wa u ela ya kwama, nga ndāa ha musi hu u ya nga ndaulo ya thekhenikha ya mulayo muelo.
(2) A hu na muthu ane a do rengisela mashangođavha, u rengisa kana u isedsa tshibvedezwa kana tshishumiswa tsha u ela, kana u isedsa tshumelo, ine ndaulo ya thekhenikha ya mulayo wa zwa u kala ya kwama, nga ndāa ha musi—

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

18. (1) Arali Ndaulo ya Lushaka ya wana uri tshishumiswa tsha u ela, tshibvedezwa kana tshumelo a zwi anani na ndaulo ya thekhenikha ya mulayo wa zwa u ela u kwameaho, Ndaulo ya Lushaka i do isa luwulo kha itho tshishumiswa tsha u ela, tshibvedezwa kana tshumelo uri zwi tea u ananiswa na ndaulo yo teaho, u kundelwa ha tshishumiswa tsha u ela, tshibvedezwa kana tshumelo zwi do ita uri i tshinekanye, kwashiwana kana u humiselwa kha shango line zwenewayo zwi bva hone nga iyo ndāla ine Ndaulo ya Lushaka I nga laela nga u tou ēwala.
(2) Tshelede inwe na iwe yo shumiswaho nga Ndaulo ya Lushaka kha u tshinekanye, u kwashekanyo, u kwashekanyo nga iwe ndāla ri nga tou ri u shuma na tshishumiswa tsha u ela, tshibvedezwa kana tshumelo y țo bulwaho kha khethekanyo țhukhu ya vh(1) i do wanina kha muthu ane a shumisa tshishumiswa tsha u ela kana tshibvedezwa, kana ane a netschedza tshumelo.
(3) The National Regulator must inform the Minister in writing of any final action taken in terms of this section within 21 days of such action being taken.

CHAPTER III

MEASUREMENT STANDARDS

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

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

CHAPTER IV

MARKET SURVEILLANCE INSPECTIONS

Powers of market surveillance inspectors

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

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

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

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

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

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

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

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

(d) order the person in whose possession or on whose premises or vehicle such non-compliant measuring instrument, product or service was found, or the agent or employee of such person, to withdraw the whole, or any part, of such product or service from sale or to withdraw such measuring instrument from
(3) Ndaulo ya Lushaka i fanela u vhudza Minisṭa nga u tou iwalala nga ha tsheo ya u fhedza hu tshi tevhedzwa ino khethekanyo hu saathu u fhele maquvha a 21 ho dzhiwa iyo tsheo.

NDIMA YA III

ZWITANDADI ZWA MIELO

Zwitandadi zwa zwikało zwi shumiswaho nga vhaingameli vha u lavhelesa maraga, vhaofisiri vha khwathi edzo na vhathu vhane vha vha na vhudifhinduleli ha u lugisa

19. Ndaulo ya Lushaka kana muṇetshedzi wa tshumelo muńwe na muńwe, tshimiswa tsho nangiwa ho nga mulugisi vha fanela u netshedza zwitandadi zwa u ndal sa zwe zwa randelwa uri zwi shumiswe nga vhashumi vha zwo u itela ndivho dza mishumo yazwo na mishumo nga fhasho ha uno Mulayo.

NDIMA YA IV

VHAINGAMELI VHA U LAVHELESA MARAGA

Maandã a vhaingameli vha u lavhelesa maraga

20. (1) U itela u lavhelesa na u tevhedzisa mbetshelo dza uno Mulayo, na u tevhedza milayo ya u tholwa hawe na u bveledzwa ha maandalanga a u ingamelwa jo bsiswa ho nga Muofisi-Mulangi, muingameli wa u lavhelesa maraga, nga tshifhinga tshiũwre na tshiũwre tshiũwre tshiũwre—

(a) tshishumiswa tsha u kala, tshibveledzwa kana tshumelo malugana na ndaulo ya thekhenikha ya mulayo wa u elu hene—
(i) tsha magiwa hone kana u rengiswa;
(ii) u vhewa, u vhetshelwa u rengiswa kana u shumiswa kha bindu šiũwre na šiũwre; kana
(iii) u vhetshelwa ndivho šiũwre na šiũwre zwi tshiũwre kana u rengiswa mhashangoŭadua kana u rengiselwa mhashangoŭadua ha tshishumiswa tsha u elu, tshibveledzwa kana tshumelo;
(b) u magwa, u rengisa, u shumisa kana u vhulungwa hu tshi kho humbulela; kana
(c) rekhodo dziũwre na dziũwre malugana na u rengwa mhashangoŭadua, u maga, u rengisa kana u shumisa tshishumiswa tsha u elu, tshibveledzwa kana tshumelo yoyo sumbedzwo ho pharagirafu ya (a) kana (b) dzo vhewa.

(2) Muingameli wa u lavhelesa maraga jo ambıwaho ho khethekanyo źiukuho ya vhу

(a) ingamela tshishumiswa tsha u kala, tshibveledzwa kana tshumelo zwi sünda ho zwi kwamaho zwene zwi zwene u ya nga uno Mulayo zwa teu a ingamelwa, kana u nga itela idzo ndivho dza u ingamelwa, tshishumiswa tsha u kala, tshibveledzwa kana tshumecho zwi re na vhushedza na zwenegwi wu tshi kölela šiũwre šiũwre malugana na u ingamelwa, zwo vhewedza khe; kana
(b) u dhzia hu tshi tevhelwa khethekanyo źiukuho ya vhу (8) kana u imisa u shumiswa ha tshishumiswa tsha u elu, tshibveledzwa kana tshumelo ine a i anani kana zwi songo magiwa ho ya nga ndaulo ya thekhenikha ya mulayo wa zwi u elu ine ya shumiswa kha rekhodo inũwre na inũwre, šiũwre šiũwre šiũwre šiũwre—
(c) laela mutho ane a kho rengisa tshishumiswa tsha u elu kana tshibveledzwa nga u tou rengisa kana u fha tshumelo, a laelwa uri a lithe zwene zwo arali hu sa kho tevhedzwa ndaulo ya thekhenikha ya mulayo wa zwi a elu une wu shumiswa;
(d) laela mutho ane a na kana ane zwifhațoni zwawwe kana kha tshiendi tshawhe hu tshi shumiswa tsha u elu, tshibveledzwa kana tshumelo zwi zwo wanala zwi sa fushi ndaulo, kana mushumeli kana mushumwi wa onoyo mutho, u do laelwa uri a humisele murahu mphoțhe, kana tshiπa, itsho tshibveledzwa kana tshumelo zwi si tsha rengiswa kana huna mishiselwe murahu tshishumiswa tsha u.
further use or sale or to take such other steps as that market surveillance inspector may deem necessary; and

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

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

(a) with the consent of the owner or occupier; or

(b) if authorised to do so by a warrant issued in terms of subsection (4).

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

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

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

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

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

(a) issue a receipt for it to the owner or person in control of the premises or vehicle; and

(b) return it as soon as practicable after it has served the purpose for which it was removed.

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

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

(a) he or she finds to be false, defective or inaccurate; or

(b) does not comply with any—

(i) requirement of this Act;

(ii) limitation or condition regarding verification in terms of section 17(2)(a); or

(iii) prescribed requirement or other requirement contemplated in section 22(2)(b) or (c).

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

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

Market surveillance inspection offences

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

(a) hinders or obstructs any market surveillance inspector in the exercise of his or her powers under section 20;

(b) fails on demand to produce or place at the disposal of any market surveillance inspector any measuring instrument, product or other related evidence, including documentation contemplated in section 20(2)(a);
23

u ela tsha sa tsha shumiswa kana sa tsha rengiswa kana u dzhia maı̂we maga u ya nga hune muingameli a vhona zwo tea; nahone
(e) vula zwibveledzwa kana zwishumiswa zwine ndaulo ya zwi kwama, u itela u zwi ingamela, ŉaũluvhe, lίnga kana u sengulusa.
(3) Muingameli wa u linda maraga jo sumbedzwaho kha khethekanyo ŉhuku ya vhu (1) a nga dzhena kha haya ha phuraivethe hune a huna bindu jine ja khou tshimbidzwa kana fhethu hunwe na huńwe ho sumbedzwaho kha khethekanyo ŉhuku ya vhu (1) fhezi—
(a) hu na thendo ya muıne wa heneheo fhethu; kana
(b) arali jo tendelwa u pfalo nga thendo i newa ho ya nga khethekanyo ŉhuku ya vhu (4).
(4) Thendo yo ambiwaho kha khethekanyo ŉhuku ya vhu (3) i nga netshezdwa nga muhaţuli kana madzhistrutura arali zwi tshi vhonalala he ha ŉwalwa nga muingameli wa u lavhelesa maraga kha muano kana khwâthishedzo ya uri hu na mbuno dź pfalaho dza u tenda uri hu na u pfuľa uno Mulayo kana uno Mulayo u khou pfukiwa kha hune muhațuli kana madzhistrutura a vha na maändigalanga khazwo.
(5) Thendo yo bulwaho kha khethekanyo ŉhuku ya vhu (3) i fanela u xalaša mikano ya hune muingameli wa u lavhelesa maraga a tea u dzhena, a guduba na u dzhia.
(6) Muingameli wa u lavhelesa maraga ane a khou dzhena zwifhâţoni zwoţhe kana kha tshiendisi sa zwo ambiwaho kha khethekanyo ŉhuku kha yhu (1) na (3) a nga felekedzwa nga țologo.
(7) Muingameli wa u lavhelesa maraga ane a khou dzhena u ingamela zwifhaţo na zwiendisi nga ŉhashi ha ino khethekanyo u fanela u dzhena a ingamela ngamaandėsa nahone a a mikhiwa nahone nga ndįla yone, nahone a tshi ĉonifha pfanelo ya muthu ya u ĉonifhiwa tshirunzi, mbořotholo, tsireledzo na tshidzume.
(8) Muingameli wa u linda maraga ane a khou bvisa zwithu zwînwe na zwînwe zwifhâţoni kana kha vhuendi zwine zwa khou gudubiwa u fanela u—
(a) netsheďda rasitshi muıne wa zwifhaţa na zwiend末端i ane a khou zwi langa; na
(b) u humisa nga u tavhanya nga murahe ha musi ho no fushiwa ndiivité ya uri zwo vha zwo bviselwani.
(9) Muthu muńwe na muńwe, kana mushumeli kana mushumi wa uyo muthu, a re na vhüfihinduleli ha tshiimiswa tsha u ela, tshibveledzwa kana tshumelo zwine hezwo ndi zwone zwine zwa khoingamela nga muingameli wa u linda maraga zwo ambiwaho kha khethekanyo ŉhuku ya vhu (1) u tea uri musi jo ŉumbelwa nga muingameli wa u lavhelesa maraga, a thuse nga hune zwa nga ŉotoea a thuşa u itela ndiivité ya u ingamela nga muingameli wa u lavhelesa maraga.
(10) Muingameli wa u linda maraga u fanela u landula, nga u kwasha nga ndįla yo randelwaho, maraga dza u khwâthisedza kha tshishumiswa tshînwe a tshishumiswa tsha u ela zwine—
(a) a wana zwi si zwa vhukuma, zwi na khakhko kana zwi sango dzula zvawhuqul;
(b) zwi sa anani na —
(i) ŉqoẹa ya uno Mulayo;
(ii) phungudzelo na nyimele malugana na u khwâthisa hu tshi tevhzedzwa ino khethekanyo ya vhulo 17(2)(a); kana
(iii) ŉqoẹa dzo randelwaho kana dzińwe ŉqoẹa dzo bulwaho kha khethekanyo ya vhulo 22(2)(b) kana (c).
(11) (a) Tshishumiswa tshînwe na tshînwe tsho bulwaho kha khethekanyo ŉhuku ya vhu (10) tshi fanela u dzhiwĭwa tshi sŏngo tōwala/ u khwâthisedzwalo.
(b) Muingameli wa u lavhelesa maraga muńwe na muńwe ane a thutha maraga dza u khwâthisedza kha tshishumiswa tshînwe na tshînwe tsha u ela/ u ela sa zwo ambiwaho kha khethekanyo ŉhuku ya vhu (10) u fanela uri nga khathihi a ńeē ŉanziela muthu a re na vhüfihinduleli na tshishumiswa tsha u ela ine ŉanziela i khou amba mbuno dza u ita zwenezwö zwa u thutha maraga.
Vhutshinyi malugana na nyingamelo ya u lavhelesa maraga
21. Muthu u vha a na mulandu wa vhutshinyi arali a—
(a) thîvhela kana a kakhkisa muingameli wa u linda maraga kha u shumisa maândã a we nga ŉh asi ha khethekanyo ya vhu 20;
(b) kundelwa u bvisa kana u sumbedza muingameli wa u lavhelesa maraga tshishumiswa tsha u ela, tshibveledzwa kana vhûnwe vhutšani, hu tshi 60 kotelwa ĵińwalwa ńo bulwaho kha khethekanyo ya vhu 20(2)(a);
(c) fails to uphold an order given by any market surveillance inspector in terms of section 20(2)(c) or (d);

(d) refuses to permit any market surveillance inspector to open any products or instrument in terms of section 20(2)(e);

(e) fails to render any assistance to any market surveillance inspector if so requested by the market surveillance inspector in terms of section 20(9); or

(f) falsely holds himself or herself out to be a market surveillance inspector.

CHAPTER V

TYPE APPROVAL AND VERIFICATION OF MEASURING INSTRUMENTS

Type approval of measuring instruments

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

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

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

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

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

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

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

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

Type approval offences

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

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

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

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

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

(b) in a particular manner whilst it may not be so used in terms of section 22.
(c) kundelwa u tevhedza ndaela yo itwaho nga muingameli wa u linda maraga hu tshi tevhedza khethekanyo ya vhu 20(2)(b), (c) na (d);

(d) hana u tendela muingameli wa u linda maraga a tshi vula zviwevedzwa kana tshishumiswa hu tshi tevhedza khethekanyo ya vhu 20(2)(e);

(e) kundelwa u fha thuso muingameli wa u lavhelesa maraga arali muingameli Jo humbela ngaauralo hu tshi khou tevhedza khethekanyo ya vhu 20(9);

(f) a ḍifara sa muingameli wa u lavhelesa maraga a tshi khou zwifha.

NDIMA YA V

LUSHAKA IWA KHWÂTHISEDZO NA U KHWÂTHISEDZA ZWISHUMISWA ZWA U ELA

22. (1) Lushaka Iwa tshishumiswa tshińwe na tshińwe tsha u kala tshi shumiselwaho ndivho yo randelwaho tshi tea u tendelwa kana u khwâthisedzwa, nga ndą ha musi tshi sa katelwi nga ndaulo.

(2) (a) Lushaka Iwa tshishumiswa tsha u ela kha khethekanyo ṭhukhu ya vhu (1) tshine a tsho ngo siwa ndą nga ndaulo tshi tea u iwa tsha khwâthisedzwa u ya nga ndaela dzo randelwaho.

(b) Arali lushaka Iwa tshishumiswa tsha u ela tsho ambiwaho kha phara ya (a) tshi tshi anana na ḍođeza dzo randelwaho kana ḍođeza dzi re kha khethekanyo ṭhukhu ya (c), Muofisi-Mulangi u tea u netshedza ḋhanziela ya u khwâthisedza.

(c) Muofisi-Mulangi, a tshi khou kwamana na ḋo ḋisah o, nga ita ḍođeza na milayo/myimele malugana na u shumiswa ha tshishumiswa, dza zwishumiswa he zwa sa randelwe, u swika tshenetsho tshifhinga hu tshi anđadzwa ndaulo ya mulayo wa zwa u ela hu tshi tevhedza khethekanyo ya vhu 15.

(d) Ndaulo ya Lushaka, i tshi tevhedza milayo, phungudzelo kana ḋhanziela nha tshishumiswa tsha u ela kha ḋhanziela ṭhukhu na tshi tevhedza mulayo, i nga tendela u shumiswa kana ḋisadzoziso, i nga kho tseta ndivho yo randelwaho kha modelo u fanaho wa tshishumiswa tsha u kala zwo ambiwaho kha khethekanyo ya vhu (2)(a) nahe na nomboro ya uyo mufuda, ḋhangada ha musi Muofisi-Mulangi a tshi khwâthisedzwa hu tshi tevhedza khethekanyo ṭhukhu ya vhu (2)(b).

(2) Muofisi-Mulangi a nga humisela murahu kana a khwinisa ḋhanziela yo ḋwaho ḋhutshinyi ha khewekte ṭhukhu ya vhu (2)(b) arali tshishumiswa tsha u ela tshi sa tsha ana na ḍođeza.

(4) Tshifhinga tsha u vha ḋhanziela i tshi kha ḋi shuma hu tshi tevhedza khethekanyo ṭhukhu ya vhu (2)(b) tshi nga ḋnila ye ya randelwa.

Lushaka Iwa vhuṭshinyi ha khwâthisedzo

23. (1) Muthu u na mulandu wa vhuṭshinyi arali a songo wana ḋhendelo yo ḋiwaliwaho nga Muofisi-Mulangi hu tshi tevhedza khethekanyo ya vhu 22(2)(d) a—

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

(b) shandukisa kana a khwinisa tshishumiswa tsha u ela tshine ḋhanziela yo ṭha yo ḋiwa hu tshi tevhedza khethekanyo ya vhu 22(2)(b) malugana na tshipida tsha matheria ḋa kana ḋnila ine kana mulayo u ya nga hune tshishumiswa tsha u ela tsha vha tsho ḋtwa ngayo kana u shumiswa ngayo, na u sumbedza muthu muńu we muńu we uri lushaka lwo raliho ḋo shandukiswa ḋi lushaka malugana na ḋhanziela u ya nga khethekanyo ya vhu 22(2)(b) yo netsshedzwaho.

(2) Muthu u na mulandu wa vhuṭshinyi arali kana u ḋhuwe muthu tshishumiswa tsha u ela uri a tshi shumise—

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

(b) nga ḋnila yo imaho nga uri hu na ḋa tshi tshi nga shumiswe u ya nga khethekanyo ya vhu 22.
Verification of measuring instruments

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

(2) Measuring instruments must be submitted for verification at the prescribed time and in the prescribed manner.

Powers of verification officers

25. (1) For the purposes of this Act, a verification officer may verify any measuring instrument for which he or she is appointed in terms of this Act.

(2) The Minister may prescribe requirements to restrict verification officers from repairing prescribed measuring instruments.

(3) (a) If a verification officer in the exercise of his or her powers contemplated in subsection (1) finds that the measuring instrument in question does not comply with the requirements of this Act, the verification officer must reject such measuring instrument by defacing the verification mark in the prescribed manner.

(b) A measuring instrument of which the verification mark has been defaced in terms of paragraph (a) must be regarded as unverified.

(c) A verification officer who defaces any verification mark on any measuring instrument in terms of paragraph (a) must, immediately after he or she has defaced the verification mark, issue to the person in charge of the measuring instrument in question a certificate stating the reason for the defacement and a copy of that certificate must be submitted to the National Regulator.

(4) If a verification officer in the exercise of his or her powers contemplated in subsection (1) finds that the measuring instrument in question complies with the requirements of this Act, he or she must—

(a) if a verification mark is prescribed, apply such verification mark in the prescribed manner to the measuring instrument; and

(b) at the same time issue a verification certificate to the person in charge of the measuring instrument.

Offences in connection with verification of instruments

26. (1) A verification officer is guilty of an offence if he or she—

(a) consents to the continued use of a measuring instrument that was rejected in terms of section 25(3)(a);

(b) issues a document to the effect that a measuring instrument has been verified under this Act if that measuring instrument has not been verified;

(c) uses a verification mark for any purpose other than the intended purpose;

(d) fails to reject a measuring instrument which is found not to comply with the requirements of this Act;

(e) repairs and verifies a measuring instrument which he or she is not permitted to repair and verify in terms of section 25(2) or repairs an instrument for which he or she is not registered to repair in terms of section 10.

(f) unless a measuring instrument has been submitted or made available to him or her by the owner or user thereof for verification—

(i) falsely creates the impression with any owner or user that a measuring instrument is subject to verification by the verification officer; or

(ii) compels any owner or user to have a measuring instrument verified by the verification officer.

(2) A person is guilty of an offence if he or she—

(a) forges or counterfeits any stamp or die used for the verification of any measuring instrument;

(b) wilfully falsifies or tampers with a measuring instrument used for any prescribed purpose;
Khwa\thisedzo ya zwishumiswa zwa u ela

24. (1) Zwishumswa zwo\the zwa u ela, hu tshi katelwa zwine zwa shumiswa nga Muvhuso kha ndivho yo randelwaho, zwi tea u thona zwa khwa\thisedzwa u ya nga ndaulo dzo teaho dza thekheni\ka \a dza mulayo wa u muelo, nga n\nda ha musi tshishumiswa tsho vhofohololwa nga ndaulo uri tshi sogo pfi pfalo.

(2) Zwishumiswa zwa u ela zwi fanela u iswa zwa khwa\thisedzwa nga tshifi\nga tsho randelwaho nahone nga nd\ila yo randelwaho.

Maan\a a vhaofisiri vha u khwa\thisedza

25. (1) U itela ndivho dza uno Mulayo, muofisiri wa u khwa\thisedza a nga khwa\thisedza tshishumiswa tshiniwe na tshiniwe tse a tholelw tshone u ya nga uno Mulayo.

(2) Minista a nga randela \tho\deya dza u khwa\thisedza vha tshi lugisa zwishumiswa vha u kala zwo randelwaho.

(3) (a) Arali muofisiri wa u khwa\thisedza a tshi khou shumisa maan\a awe jo bulwaho kha khethekanyo \tkukhu ya vh (1) a wana uri tshishumiswa tsha u kala tshine tshetsho a tshi anani na \tho\deya dza uno Mulayo, muofisiri wa u khwa\thisedza u tea u landula itsho tshishumiswa nga u tshi tshinyekanya/ nga u thutha maraga dza u khwa\thisedzwa nga nd\ila yo randelwaho.

(b) Tshishumiswa tsha u kala tshine maraga dzo thuthwa hu tshi tevhedzwa phara ya (a) tshi tea u d\dzi\wa tshi sogo \to\lwa/ u khwa\thisedzwa.

(c) Muofisiri wa u khwa\thisedza \lo thutha\a tshinyekanya\a maraga dza u khwa\thisedzwa kha tshishumiswa tsha u kala hu tshi tevhedzwa phara ya (a) nga u \tv\hanya nga murahu ha u pfalo u tea u \tha\nzi\a muthu a re na vhu\uf\hiduleli ha tshishumiswa, \tha\nzi\a i bulaho mbuno dza u ita zwen\nwo nahone khophi ya hone i tea u iswa kha Ndaulo ya Lushaka.

(4) Arali muofisiri wa u khwa\thisedza a tshi khou shumisa maan\a awe sa zwo bulwaho kha khethekanyo \tkukhu ya vh (1) a wana uri tshishumiswa tshine tsha kwamea tshi khou anana na \tho\deya dza uno Mulayo, u fanela uri—

(a) arali maraga dza u khwa\thisedza dzo randelwa u tea u shumisa idzo maraga kha tshishumiswa tsha u ela nga nd\ila yo randelwaho; nahone

(b) nga khathi\hi a mbo di \fha muthu a re na vhu\uf\hiduleli \tha\nzi\a ya tshishumiswa itsho.

Vhutshinyi malugana na khwa\thisedza zwa nyhishumiswa

26. (1) Muofisiri wa u khwa\thisedza u na mulandu arali—

(a) a tenda tshishumiswa tsho landulwaho tshi tshi ya phan\a na u shumiswa hu tshi tevhedzwa khethekanyo ya vh 25(3)(a);

(b) a nea \in\w\a\a \a uri tshishumiswa tsha u kala tsho khwa\thisedzwa ngeno zwi sogo ralo;

(c) a shumisa maraga dza u khwa\thisedza a tshi khou itela i\nwe ndivho nga n\nda ha yo lavhelelwaho;

(d) a kundelwa u landula tshishumiswa tsha u ela tshine tsho waniwi tshi sa anani na \tho\deya dza uno Mulayo;

(e) a lugisa na u khwa\thisedza tshishumiswa tshine ha ngo tendelwa u tshi lugisa na u tshi khwa\thisedza u ya nga khethekanyo ya vh 25(2) kana u lugisa tshishumiswa tshine a tsho ngo \nwali\lwa\a u lugiswa u ya nga khethekanyo ya vh 10.

(f) nga n\nda ha musi tshishumiswa tsho iswa kana u diswa khae nga mu\ne watsho kana ame a tshi shumisa a tshi itela uri tshi khwa\thisedzwe—

(i) nga u zwifha ha mu\ne watsho kana mushumisi watsho uri muofisiri wa u khwa\thisedza a tshi khwa\thisedzwe; kana

(ii) nga u kombetshedza mu\ne kana mushumisi wa tshishumiswa uri tshi khwa\thisedzwe nga muofisiri wa u khwa\thisedzwa.

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

(a) fodzhara kana u tswa tshitemb\a kana a shumisa kha u khwa\thisisa tshishumiswa tsha u ela;

(b) nga khole a zwifha kana u ita vhuf\ura kha tshishumiswa tsha shumis\wa kha ndivho yo randelwaho;
(c) otherwise than in the capacity of a market surveillance inspector, a verification officer or a person responsible for repairs acting in terms of any regulation and save as provided for in section 27, intentionally obliterates or removes from any measuring instrument any verification mark or any part thereof;

(d) otherwise than in the capacity of a verification officer, places upon any measuring instrument any mark purporting to indicate that such measuring instrument has been verified; or

(e) sells, or disposes of, for use for any prescribed purpose, any measuring instrument that has been tampered with or that has been falsified or on which the verification mark has been defaced in terms of section 25(3)(a).

(3) Any verification body that is not designated in terms of section 7 and that verifies a measuring instrument is guilty of an offence.

CHAPTER VI

REPAIR OF MEASURING INSTRUMENTS

Functions of persons responsible for repairs

27. (1) A person responsible for repairs of any instrument used for a prescribed purpose must be—

(a) employed by a designated repair body; and

(b) registered in terms of section 10.

(2) The Minister may prescribe requirements to restrict a person responsible for repairs from verifying a measuring instrument after he or she has repaired it.

(3) Subject to any prescribed instructions relating to the defacing, obliterating or breaking of any verification mark, a person responsible for repairs—

(a) may not repair any measuring instrument used for any prescribed purpose unless he or she has first permanently obliterated any verification mark, including a mark defaced in terms of section 25(3)(a), on that measuring instrument; and

(b) who has repaired any measuring instrument used for any prescribed purpose must, before further use of that measuring instrument, furnish a guarantee signed by him or her to the user or the owner of that measuring instrument that the measuring instrument is correct and verifiable under this Act, unless that measuring instrument is verified immediately after the repair.

(4) A guarantee issued in terms of subsection (3)(b) is valid for a prescribed period.

(5) A copy of the guarantee contemplated in subsection (3)(b) must be forwarded to the National Regulator in the prescribed manner.

(6) (a) No person may use for any prescribed purpose any measuring instrument that has been repaired, unless that measuring instrument has been verified or a guarantee in writing has in terms of subsection (3)(b) been issued in respect of that measuring instrument.

(b) If a person relies on a guarantee contemplated in paragraph (a), that person must ensure that the measuring instrument is verified before the expiry of the guarantee.

(7) Work carried out on, or an adjustment made to, a measuring instrument that does not constitute a repair, does not invalidate any current verification in respect of that measuring instrument as long as the person who worked on or adjusted the measuring instrument applies protective seals where these have been broken and issues a prescribed certificate stating—

(a) the nature of the work done or the adjustment made;

(b) the serial number and date of issue of the current valid verification certificate pertaining to that instrument; and

(c) that the work done or the adjustment made did not affect the metrological integrity of the measuring instrument or invalidate the current verification.
(c) a siho kha vhumo ha muingameli wa u lavhelesa maraga, muofisiri wa u khwâthihsedza kana muthu a re na vhûdâifhinduleli ha u lugisa a tshi khou tevhedza ndaulo iíwe na iíwe nahone nga nnďa ha khethekanyo ya vhû 27, nga khole a bvisa maraga dza u khwâthihsedza kana tshipiďa kha tshishumiswa tsha u ela;

(d) a siho kha vhumo ha muofisiri wa u khwâthihsedza, a vhea maraga kha tshishumiswa tsha u ela dzíne dza sumbedza u nga itsho tshishumiswa tsho khwâthihsedza, kana

(e) rengisa, kana vhea, a tshi itela u tshi shumisela ndîvho yo randelwaho, tshishumiswa tshiîwe na tshiîwe tsho sîlingwaho kana tsho zwifhelelwo kana tshîne maraga dzatsîho dzo thuthiwa hu tshi tevhedza khethekanyo ya vhû 25(3)(a).

(3) Tshishumiswa tsha u khwâthihsedza tshîne a tsho ngo nangîwa u ya nga khethekanyo ya vhû 7 nahone tshîne tsho kha khwâthihsedza zwishumiswa zwa u ela tshi na mulandu wa vhutshinyi.

NDIMA YA VI
ULUGISWA HA ZWISHUMISWA ZWA U ELA

Mishumo ya vhathu vha re na vhûdâifhinduleli ha u lugisa

27. (1) Muthu a re na vhûdâifhinduleli ha u lugisa tshishumiswa tsha u ela tshiîwe na tshiîwe tshi shumiswaho kha ndîvho yo randelwaho u fanelela u vha—

(a) o tholîwa nga tshishumiswa tsha u lugisa tsho nangiwaho; nahone

(b) o nthwisa u ya nga khethekanyo ya vhû 10.

(2) Miñista a nga randela ṱhöďa a dza u thîvhela muthu a re na vhûdâifhinduleli ha u lugisa a tshi khwâthihsedza tshishumiswa tsha u ela nga murahu ha musi jo no tshi lugisa.

(3) Hu tshi tevhedza ndaela dzô randelwaho malugana na u thutha, u bvisa kana u thutha maraga dza u khwâthihsedza, muthu a re na vhûdâifhinduleli ha u lugisa—

(a) a nga si lugise tshishumiswa tsha u ela tshi shumiswaho kha ndîvho yo randelwaho nga nnďa ha musi jo thoma a bvisa maraga dza u khwâthihsedza lwa tshöñhe, hu tshi katelwa maraga dzô thuthwaho hu tshi tevhedza khethekanyo ya vhû 25(3)(a), kha tshenêtsîho tshishumiswa; na

(b) o lugisâho tshishumiswa tsha u ela tshi shumiswaho kha ndîvho yo randelwaho u teà urî, phanhâ ha musi hu tshi shumiswa tshishumiswa tsha u ela, a fhe khwâthihsedzo ye a sainâ a i fhe mushumisi kana múne u tshishumiswa tsha u ela u itela u sumbedza urî tshishumiswa ndî tsha vhukuma nahone tshi nga thasi ha uno Mulayo, nga nnďa ha musi tshishumiswa itho tshi tshi khwâthihsedza u tshvamanga nga murahu ha u lugisa.

(4) Khwâthihsedzo yo netsheďdwa uo ya nga khethekanyo thukhu ya vhû (3)(b) i vha ya vhukuma u swîka hu tshi fheła nthiënînga tsho randelwaho.

(5) Khopìîi ya khwâthihsedzo yo bulwaho kha khethekanyo thukhu ya vhû (3)(b) i fanelela kha Ndaulo ya Lushaka nga ndîla yo randelwaho.

(6) (a) A hu na muthu ane a do shumisa tshishumiswa tsha u ela a tshi khou itela ndîvho yo randelwaho, nga nnďa ha musi tshishumiswa tsha u kala tshi khwâthihsedza kana u khwâthihsedza nga luînâlo hu tshi tevhedza khethekanyo thukhu ya vhû 25(3)(b) nahone khwâthihsedzo ya luînâlo yo nekeďdwa malugana na tshishumiswa tsha u kala.

(b) Arâli muthu a tshi khou fhelephela kha khwâthihsedzo yo bulwaho kha phara (a) hoîiyo muthu u teà u vhona urî tshishumiswa tsha u ela tshi khwâthihsedza phanhâ ha musi khwâthihsedzo i tshi fhelephela nga nthiënînga.

(7) Mushumo wo shumiswaho, kana nzudzanya dzo itwaho kha, tshishumiswa tsha u ela dzíne a dzi dzîhîwi hu u lugisa, a džî kwaîi u khwâthihsedza ha tshishumiswa tsho muthu we a shuma kana u dzudzanya tshishumiswa jo si ğa he a vuñña nahone a ita a ũanîla ya izwî zwe a ita a tshi khou bula—

(a) vhuvha ha mushumo wo itwaho kana zve zwa dzudzanya;

(b) nomboro ya serià ğa na datumu zwa u bvisa ha ũanîla ya khwâthihsedzo ya zwîno malugana na tshishumiswa; na

(c) urî mushumo wo itwaho kana nzudzanya dzo itwaho a dzo ngo kwaîi ğonîfihî ya u kalwa ha tshishumiswa tsha u kala kana u kwaîi khwâthihsedzo.
Offences in respect of repair of measuring instruments

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

(2) A repair body is guilty of an offence if that repair body repairs a measuring instrument used for a prescribed purpose whilst it is not designated in terms of section 9 as a repair body.

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

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

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

Sale, supply and use of unverified measuring instruments

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

(2) No person may use an unverified measuring instrument unless he or she has obtained the permission of the Chief Executive Officer.

(3) Notwithstanding subsection (2), a person who has acquired an unverified measuring instrument from a person contemplated in subsection (1)(a) and covered by permission contemplated in subsection (1)(b), may use such measuring instrument but he or she must cause the measuring instrument to be verified before the date on which the permission expires.
Vhutshinyi malugana na u lugisa zwishumiswa zwa u ela

28. (1) Muthu u na mulandu wa vhutshinyi arali uyo muthu a—
   (a) lugisa tshishumiswa tsha u ela tshi shumiselwaho ndivho yo randelwaho a—
   (b) nga murahu ha u lugisa a khwaghisedza tshishumiswa tsha u ela tshine ha tei
       u tshi ralo u ya nga khethekanyo ya vh u 27(2);  
   (c) pfuka kana a kundelwa u anana na khethekanyo ya vh u 27(3)(a) kana (b);  
   (d) shumisa tshishumiswa tsha u ela a tshi khou itela ndivho yo randelwaho
       tshishumiswa tsho lugiswa tshi songo khwa tshedzwa nga murahu ha a
       lugiswa, nga nnqha ha musi tshishumiswa tsha u ela tshe katele nga
       khwaghisedz/phuluphedziso dzo bulwaho kha khethekanyo ya vh u 27(3)(b);  
       kana  
   (e) shumisa tshishumiswa tsha u kala a tshi khou itela ndivho yo randelwaho nga
       murahu ha khwa tshedzwa/phuluphedziso dzo bulwaho kha khethekanyo ya
       vh u 27(3)(b) yo fhirelwa, nga nnqha ha musi tshishumiswa tsha u ela tsho
       khwaghisedzwana phandha ha musi tshi tshi fhirelwa.

(2) Tshimiswa tsha u lugisa tshi na mulandu wa vhutshinyi arali tshenetsho
   tshimiswa tshi lugisa tshishumiswa tsha u ela tshi shumiselwaho kha ndivho dzo
   randelwaho hu na uri a tsho ngo nangwa u ya nga khethekanyo ya vh u 9 sa tshimiswa
   tsha u lugisa.

NDIMA YA VII

NĐILA YA U SHUMISA, U VHA MUâE WA KANA THENGISO YA
ZWIBVELEDZWA NA ZWISHUMISWA ZWA U ELA

Phungudzelo na nyiledzo ya u magiwa, u renga mashangoâdavha, u shumisa kana u
vha na zwenezwu zwishumiswa zwa u ela

29. Naho hu na phambano kha uno Mulayo na muñwe mulayo, Minisâta a nga
   ċivhazda kha Gazette a tshi khou thivhela kana u iledza u magwa, u rengisela
   mashangoâdavha, u shumisa kana u vha muñe wa tshishumiswa tsha u ela kana u
   faredza u swika hune nahone nga fhasi ha nyimele dzine dza nga ño dove a itela u
   swikelela tshipikwa tsha u kwama u shumisa mielo ya yunite dza sisijene ya mashango a
   dzitshaka–tshaka na inwe yunite ya mielo yo randelwaho kha Riphabulüki.

Thengheso, nyisedzo na u shumisa zwishumiswa zwa u ela zwi songo
khwa tshedzwaiko

30. (1) (a) A hu na muthu ane a nga rengisa, kana u isedza, tshishumiswa tshi songo
   khwaghisedzwaiko uri tshi shumiswe kha ndivho yo randelwaho arali tshenetsho
   tshishumiswa tshi tshi teko u khwa tshedzwa ku tshi tshido kha Muofisi–Mulangi
   nga nqha ha musi ho wanala thengelo u thoma i tshi bva kha Muofisi–Mulangi nahone
   yo tou ċivhaliwa.  
   (b) Muofisi–Mulangi a nga ñetsheza thengelo fhedzi arali—
      (i) o fushea uri murengisi kana muçiisedzi ha ngo, a songo vhuya a lenga kana u
       thithiswa, u ño ita uri tshishumiswa itho tshi khwaghisedzwana phandha ha
       musi tshi saathu u rengiswa kana u isedwa; nahone
      (ii) murengisi kana muisizedi u fha Muofisi–Mulangi kwa ñëla yo
       randelwaho nahone nga fhasi ha zwenezwu zwo zwa randelwaho u itela uhona
       tshi tshishumiswa ndi tshone nahone tshi khwa tshedzwa nga fhasi ha uno Mulayo
   (c) Muofisi–Mulangi u tea u ċalusa datumu ine thengelo ya ño fhirelwa ngayo heñêho
       kha yeneyo thengelo.

(2) A hu na muthu ane a nga shumisa tshishumiswa tsha u ela nga nnqha ha musi jo
   wana thengelo kha Muofisi–Mulangi.

(3) Naho hu na khethekanyo ñqkhu ya vh u (2), muthu jo wana nthumisa tsha u
   ela tshi songo khwaghisedzwo ha bva kha muthu jo bulwaho kha khethekanyo ñqkhu
   ya vh u (1)(a) nahone a vha a tshi tisireledzwa nga thengelo yo bulwaho kha
   khethekanyo ñqkhu ya vh u (1)(b), a nga shumisa itho tshishumiswa fhedzi u tea u
   ño uri tshishumiswa tshawe tshi kwa tshedzwa datumu ya thengelo i saathu u fhira.
32

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

31. (1) A person who manufactures, sells or causes to be sold any false, defective or inaccurate measuring instrument, is guilty of an offence.
(2) A person who manufactures sells, or causes to be sold, any measuring instrument for any prescribed purpose that does not comply with the requirements of a notice issued under section 29 or with the requirements of any applicable legal metrology technical regulation, is guilty of an offence.
(3) A person is guilty of an offence if that person—
   (a) furnishes a guarantee in terms of section 30(1)(b)(ii) in respect of any measuring instrument which is not correct and verifiable under this Act;
   (b) contravenes or fails to comply with section 30(2); or
   (c) uses a measuring instrument contemplated in section 30(3) after the date on which the permission expires without having caused the measuring instrument to be verified.

Measuring instruments to be wholly exposed

32. (1) Any person who, in the presence of the purchaser of any product and in connection with the measuring of the quantity of such product, uses any measuring instrument, must keep such measuring instrument wholly exposed to the view of such purchaser.
(2) Any person who uses any measuring instrument in the presence of a person in respect of whom the first mentioned person provides a service must keep such measuring instrument wholly exposed to the view of the person in respect of whom the first mentioned person provides a service.
(3) Any person who uses any measuring instrument other than in the presence of a person in respect of whom the first mentioned person provides a service, must grant free access to such measuring instrument and its indications to any person affected by or to whom the measurement applies.
(4) Any person who, in the retail trade, sells any product prepacked by him or her must, at the request of the purchaser of such product who wishes to measure the quantity of the product purchased, make available to that purchaser a verified measuring instrument suitable for measuring the quantity of the product in question.

Prohibition of false statement as to quantity

33. (1) Subject to subsection (2), any person who directly or indirectly makes any false, incorrect or untrue declaration or statement or wilfully misleads any person as to the quantity or a measurement value, expressed by number or in terms of any measurement unit, of any item in connection with its purchase, sale, counting or measurement or in the computation of any charges for services rendered or for any other measurement of a legal nature on the basis of number or measurement, is guilty of an offence.
(2) If the difference between the actual and any represented quantity, expressed by number or in terms of any measurement unit, in respect of which any declaration or statement contemplated in subsection (1) is made and such difference is permissible in terms of this Act, that declaration or statement must not be regarded as false, incorrect or untrue merely because of the existence of that difference.

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

34. (1) Any contract, bargain, sale, purchase or transaction made or effected in the Republic in respect of any land situated therein or in respect of any interest in land so situated or in respect of any product, service rendered or measurement for any other prescribed purpose, the quantity of which is expressed in terms of any measurement unit, must be made or effected in accordance with a prescribed measurement unit for such purpose.
Vhutshinyi malugana na u maga kana u rengiswa ha zwishumiswa zwi si zwa vhukuma, zwo vhaiyala ho kana zwi songo tou kokotolo

31. (1) Muthu ane a maga, rengisa kana a ita uri hu rengiswe tshishumiswa tsha u ela tshi si tsha vhukuma, tsho khakhweaho kana tshi si tshone kokotolo, u na mulandu wa vhutshinyi.

(2) Muthu ane a maga a rengiswa, kana a itisa uri hu rengiswe, tshishumiswa tsha u ela tshinwe na tshinwe zwi tshi khou itelwa ndivho inwe na inwe yo randelwaho tshine tshishumiswa itsho a tshi fushi ćhođeza daźa njivhazdo yo bviswa ho nga fhasi ha khethekanyo ya vhv 29 kana ha ćhođeza daźa ndaulo ya thekhenikha ḱa dza mulayo wa muelo, u na mulandu wa vhutshinyi.

(3) Muthu u na mulandu wa vhutshinyi arali uyo muthu a—
   (a) fha khwâhisèdzo u ya nga khethekanyo ya vhv 30(1)(b)(ii) malugana na tshishumiswa tshinwe na tshinwe tsine a si tshone nahone tshi songo khwâhisèdzwaha nga fhasi ha uno Mulayo;
   (b) pfuka kana a kundelwa u anana na khethekanyo ya vhv 30(2); kana
   (c) shumisa tshishumiswa tsha u kala tsho bulwaho kha khethekanyo ya vhv 30(3) musi datunyo yo no fhira a songo ita uri tshi khwâhisèdzwhe.

Zwishumiswa zwa u ela zwine zwa ḱo ḱanwa

32. (1) Muthu munwe na muñwe, hu na murengi wa tshibveledzwaha tshinwe na tshinwe nahone zwi tshi kwamana na u ela vhunzhi ha tsho tshibveledzwaha, ake a shumisa tshishumiswa tshinwe na tshinwe tsha u ela, u fanelu u dzudza tshishumiswa tsho ḱanwa tshoḱheʒe uru tshi vhoŋwe nga murengi.

(2) Muthu munwe na muñwe a shumisa tshishumiswa tsha u ela hu na muthu ane o thomiwa u bulwa a netshedza tshumelo u tea u dzudza tshishumiswa tsha u ela tshi ḱanwa tshoḱheʒe u itela u vhoŋwe nga muthu ane muthu a thomiwo ho bulwa u fha tshumelo.

(3) Muthu munwe na muñwe ane a shumisa tshishumiswa tsha u ela u si na muthu o bulwa o thoma ane a netshedza tshumelo, u tea tendela nga mahała kha tsenetsöho tshishumiswa tsha u ela na tsumbedzho kha muthu munwe na muñwe a kwameaho kana kwameaho nga zwa u kala.

(4) Muthu munwe na muñwe ane kha zwi makwevho a rengiswa tshibveledzwaha tshinwe na tshinwe tshine ndi ene ane a thoma u tshi paka u fanelu uri musi jo hembeliwa nga murengi ane a shibveledzwaha ane a tama u kala vhunzhi ha zwiwibveledzwa zwo réngwa, a ite uri a fhe uyo murengi tshishumiswa tsha u ela tsho teaho u kala tshivhalo tsha tshibveledzwaha tshi kwameaho.

Nyiledzo ya zwiṱàtjanne nde zwi mazwifhi malugana na tshivhalo

33. (1) Hu tshi tevhedzwa khethakanyo ynvhu (2), muthu munwe na muñwe ane zwo livha kana zwi songo livha a ita mazwifhi, a mba mazwifhi kha tshiṱatjanne nde kana nga khole a xedza vhathu zwi tshi kwama tshivhalo kana muelo, zwo sumbedzwaha nga nombora kana ya nga yuniti ya u kalwa ha tshithu zwi tshi kwama u tshi renga, rengisa, u vhala kana muelo kana u vhelala mbadelo dz tshumelo yo netshedzwaha kha mulayo wa muelo nga kha sia ḱa nombora kana muelo, u na mulandu wa vhutshinyi.

(2) Arali phambano vhukati ha tshivhalo tshi waniwaho na hetsho tshe tsha vha tsho ambiwa, tsho ambiwoho nga nombora kana nga inwe ndiila ya u ela, malugana na zwiwwe na zwiwwe u bula kana tshiṱatjanne nde sa zwo sumbedzwaha kha khethekanyo ḱukhu ya vhv (1) zwo ite nahehone yvo phambano i tshi tendelwa nga uno Mulayo, uho u bula kana tshiṱatjanne nde tshi tea u dzhiwiwa sa mazwifhi, kana zwi si zwa ngohe ngaari u na heyo phambano.

Zwikalo zwa ndivho yo randelwaho zwine zwa ḱo shumiswa hu tshi tevhedzwa yuniti dza muelo wonoyo na nga ndiila ḱa zwishumiswa zwa u ela zwo khwâhisèdzwaha

34. (1) Tshinwe na tshinwe tsha kontîraka, bukipa, thengiso, renga kana thîrantsekisheni yo itwaho kana yo itwaho kha Riphabu liki malugana na mavu kana malugana na tshibveledzwaha, tshumelo yo netshedzwaho kana muelo kha ndivho inwe na inwe yo randelwaho, tshivhalo tsho ambiwoho nga u tou ela zwi itwa hu tshi tevhedzwa yuniti ya u ela ho randelwaho yeneyo ndivho.
(2) Any tolls, rates, taxes, fines or other fees charged or collected according to measurement of a physical quantity, must be charged or collected in accordance with such measurement units as may be prescribed.

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

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

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

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

Advertisement of measurable products and services

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

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

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

Manner of selling products

36. (1) No person may—
   (a) sell any product by mass unless by net mass;
   (b) sell any fluid unless, with due allowance for any prescribed limit of error, the actual liquid contents by volume at a prescribed temperature are indicated in the manner prescribed for prepackages or on any invoice, delivery note or other writing issued in connection with the sale of such fluid;
   (c) sell any product the quantity of which is determined at the time of sale thereof unless such quantity is made known to the purchaser in such manner as may be prescribed;
   (d) sell by mass any prepacked product unless the net mass of such product, with due allowance for such limits of error as may be prescribed, is indicated in the manner prescribed for prepackages or on any invoice, delivery note or other writing issued in connection with the sale of such product; or
   (e) sell or deliver to a purchaser any product sold by mass other than in prepacked form, unless the net mass of such product is indicated in the prescribed manner on such product or on any invoice, delivery note or other writing delivered with such product.

(2) (a) The prescribed permissible deviations contemplated in subsection (1)(d) must be in respect of any product—
   (i) that is subject to variation in mass owing to its properties or to climatic influences; or
(2) Ithio na ithio mbadelo, mithelo, ndatšo kana dziiniwe tshelede dzi badelwa kana kuvhanganywa u ya nga muelo wa tshihalo-tshikwamea, zwi panele u badelwa kana kuvhanganywa u ya nga yuniti dza u ela sa zwine zwa nga randelwa.

(3) A hu na u kalwa kha ndivho yo randelwa hune ha nga itwa kha Rhiphabu liki nga ndiša ya tshishumiswa tsinnie na tsinnie tsha u kala tshi sa tendelwi nga uno Mulayo kana tshi si tshone, tsho vhaisalaho kana tshi songo tou kokotolo kana tshine, arali hu tshishumiswa tsha u ela tshine tsha tšošwa nga fhasi ha uno Mulayo uri tshi kwathisezisedwe, tshone tsha vha tshi songo kwathisezw.

(4) Hu tshi tevhedzwa khethekanyo ya vhv (5), a hu na muthu ane a do rengu thundu mashangodzha, hu tshi katele na zwibveledzwa zwo dzulaho zwo pakiwa, tshihalo tshine tsho bulwa benehfo kana jiniwa tshine na jiniwe hu tshi tevhedzwa yuniti ya mielo i songo tendelwaho, nga ndiša ha musti tshihalo tsho ambiwaho tshi tsho dovha tsha ambowi nga yuniti ya muelo zwo randelwaho nga ndauulo u itela yena ndivho.

(5) Khethekanyo ṭhukhu ya vhv (4) a i shumiswi kha zwibveledzwa zve Muoſi-Mulangi a zwi vhofholola nga u tou niwa kana zwine murengamashanga va a fusha Muoſi-Mulangi nahone muoſiiri ane a vha na vhukoni ane izwo zwibveledzwa zwa khou rengelwa u maga hu si u zwi rengisa.

(6) Muthu muniwe na muniwe ane a sumbedza tshihalo tsha tshibveledzwa tshinwe na tsho tendelwobo, nga nndiša ha musi tshihalo tsha tsho ambiwaho tsha ambiwaho tsha ho tendelwaho nga kdi ndivho yenevo kana u ya nga yuniti i songo tendelwaho, u na mulandu wa vhu tshindzore.

Khungedzelo ya tshumelo na zwibveledzwa zwi cleaho

35. (1) A hu na muthu ane a nga ita khungedzelo ya tshibveledzwa kana tshumelo zwine hezwi zwi kwamiwa nga uno Mulayo nga ndiša ha musti muelo u ambawi kha khungedzelo wo ambowi nga ndiša kana u ya nga yuniti yeneyo ya muelo sa zwine zwa nga randelwaho kha tshibveledzwa tshumelo nga ndiša ha musti muthu jo wana thendelo yo ṭwaliwaho nga Muoſi-Mulangi a tshi itela dziiniwe yuniti uri dzi shumiswe.

(2) Kha ndivho dza ino khethekanyo, “khungedzelo”, zwi tshi kwami tshibveledzwa kana tshumelo dzine dza kwamiwa nga uno Mulayo, zwi amba vhudavhizdzani ha zwa vhubindudzi kana nyito i diiselwaho tshitshavha.

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

Ndìša ya u rengisa zwibveledzwa

36. (1) A hu na muthu ane a nga—
(a) rengisa tshibveledzwa nga tshileme nga ndiša ha musti hu tshileme tshituku;
(b) rengisa zwiuli zwiinwe nga zwiinwe nga ndiša ha musti hu na u tendelwo ho randelwaho mukano wa khakho, tshiludi tsha vhukuma nga vo jumu kha thempreratshe yo randelwaho dza sumbedzwa nga ndiša yo randelwaho kha phakhedzhi kana kha tsumbamutengo, noti ya u diiselwe kana zwiinwe zwo niwalwaho zwi bviwi kwa tshi kwami thengo ya tshibveledzwa;
(c) rengisa tshibveledzwa tshinwe na tshinwe tshihalo tsha hone tsha tiwa nga tshi-hinga tsha thengo nga ndiša ha musti tshihalo tsho vhudzwa murengi nga ndiša yenevo ine ya nga vha yo randelwaho;
(d) rengisa tshibveledzwa tsho dzulaho tsho pakiwa nga tshileme nga ndiša ha musti tshileme tshituku tsha tsho tshibveledzwa, tsho re na u tendelwa ho phungudzela dza khakho sa zwi zwi randelwaho kha tsho sumbedzwa nga ndiša yo randelwaho kha phakhedzhi kana tshibveledzwa kana kha tsumbamutengo, noti ya u diiselwe kana jiniwe jiniwalwa 0 boviwaho zwi tshi kwama thengo ya tsho tshibveledzwa; kana
(e) rengisa kana u isela murengi tshibveledzwa tshiwe na tshinwe tsho rengiswa bo nga tshileme nga ndiša ha musti tsho dzula tsho pakiwa, nga ndiša ha musti tshileme tshituku tsha tsho tshibveledzwa tsho sumbedzwa nga ndiša yo randelwaho kha tshibveledzwa kana tsumbamutengo, noti ya ndisendo kana jiniwe jiniwalwa jo iswaho na tshibveledzwa.

(2) (a) U pfuka ho tendelwaho nga u randelwaho ho bulwaho kha khethekanyo ṭhukhu ya vhv (1)(d) hu tea u kwama tshibveledzwa tshiwe na tshiwe—
(i) tshine tsha tevhedza phambano ya tshileme kha zwiteluli zwatsho kana ṭhušhuwedzo ya kilima; kana
(ii) for which mass is only used for the purposes of designating grade or class.

(b) Notwithstanding paragraph (a), any product contemplated in—

(i) paragraph (a)(i) must comply with such conditions regarding quantity as may be
prescribed; and

(ii) paragraph (a)(ii) must comply with such requirements as may be prescribed.

(3) Subsection (1)(b) and (d) does not apply to products taken from bulk and
measured at the time of sale in the presence of the purchaser or his or her agent and sold
by volume or net mass determined at such measuring.

CHAPTER VIII

COMPLIANCE SCHEMES AND USE OF MARKS

Compliance schemes and use of distinctive marks and verification marks

37. (1) The Minister may, on the recommendation of the National Regulator,
introduce or abolish a compliance scheme in order to promote the effectual carrying out
of the objects of this Act and, if deemed necessary, an associated distinctive mark to
supplement the regulation of quantity of goods in prepackaged form or any other matter
pertaining to this Act.

(2) The Minister must publish the requirements for a scheme contemplated in
subsection (1) and any distinctive mark associated therewith by notice in the Gazette.

(3) The Chief Executive Officer must authorise the design of verification marks and
protective seals for use by verification officers in the prescribed manner, and maintain a
register of those verification marks and protective seals.

(4) The Chief Executive Officer must authorise and maintain a register of protective
seal designs used by persons responsible for repairs.

(5) A distinctive mark that has been established in terms of subsection (1), a
verification mark and protective seals authorised in terms of subsection (3) and a
protective seal authorised in terms of subsection (4), must be regarded as a mark the use
of which is prohibited in terms of section 15(1) of the Merchandise Marks Act, 1941
(Act No. 17 of 1941), except by the National Regulator or persons or bodies authorised
by the National Regulator to use such mark.

CHAPTER IX

GENERAL AND MISCELLANEOUS

Regulations

38. (1) The Minister may make regulations regarding—

(a) any matter that may or must be prescribed in terms of this Act;

(b) conditions for the supply, custody, care and verification of all classes of
measurement standards and measuring instruments referred to in this Act;

(c) the classes or kinds of measuring instruments that must be type approved or
verified in terms of this Act;

(d) the purposes for which a measuring instrument type approved or verified in
terms of this Act may be used;

(e) the conditions with which any attachment, device or ancillary equipment
connected with any type of measuring instrument type approved in terms of
this Act must comply;

(f) the manner in which the type approval examination of any type of measuring
instrument or part thereof submitted for type approval in terms of section 22,
must be carried out;

(g) the material, design and construction of measuring instruments or specified
types, classes or kinds of measuring instruments, and the approval of such
material, design and construction;
(ii) kha tshileme tshi shumiswaho fhedzi kha ndivho dza gireidi yeneyo kana kasi yeneyo.

(b) Naho hu na phara (a), tshibveledzwa tshiwillwe tsho bulwaho kha—

(i) phara (a)(i) tsho tea u ananu u milayo ya tshifhango sa zwo rondelwaho; na

(ii) phara (a)(ii) i tea u anana na idzo tsho tshi shumiswaho sa zwo rondelwaho.

(3) Khethekanyo tshukhu ya vhuto (1)(b) na (d) a i shumiswili kwa zwiwirinda zwo dzhiwiwaho zwo tshumiswaho kalinu sinhengo kala phandha ha murengi kha zhedzidza jawo nhono zwo rengiswa nga vo jumu kana tshileme tshitu kha tiwaho nga honoho u kalwa.

NDIMA YA VIII

ZWIKIMU ZWA U ANANA NA U SHUMISWA HA MARAGA

Zwikimu zwa u ananisa na u shumiswili ha maraga dza ntho ha maraga dza kwa tshwathisedza

37. (1) Minisâta, nga themendelo dza Ndaulo ya Lushaka, a nga thoma kana u fhelela tshikimu tsha u ananisa a tshi itela u tšuvwedza u shuma zwavhuqhi zwo sedza ndivho dza uno Mulayo nhono, arali a tshi vhona zwo tea, maraga dza ntho dza u engedza u laula tshifhango tsha tshinde u dzuluhu yo pakwiya kana zwimwe na zwimwe zwi kwamano uno Mulayo.

(2) Minisâta u tea u anâdza tshoqo tsha tshikimu sa zwo bulwaho kwa khethekanyo tshukhu ya vhuto (1) na maraga dza ntho nga kha nqivhado yo Gazette.

(3) Muofisi-Mulangi u fanela u tendela u itwa ha maraga dza kwa tshwathisedza na u tšireledza nga u si ja zwino izwi zwo do shumiswa nga vholisiri vha u kwa tshwathisedza nga ndilisa yo rondelwaho, na u kwa tshwathisedza redzhišita nga maraga dza u kwa tshwathisedza na u tšireledza nga u si ja.

(4) Muofisi-Mulangi u tea u tendela na u kwa tshathiswa nga vhaflrichi sa miolo ya si ja ya u tšireledza i shumiswaho nga vhaflrichi vha re na vhudihi ndilelela ha lugisa.

(5) Maraga dza ntho dzo itwaho u ya nga khethekanyo tshukhu ya vhuto (1), maraga dza u kwa tshwathisedza na dzisîja zwo tshi tshwedza kwa khethekanyo tshukhu ya vhuto (3) na si ja ya u tšireledza yo tšendelwaho u ya nga khethekanyo tshukhu ya vhuto (4), dzisîfanela u dzhiwi sa maraga dzine u shumiswili hadzo ho tšendela nga khethekanyo ya vhuto (1) ya Mulayo wa Merchandise Marks Act, 1941 (Act No. 17 of 1941), nga ndîja ha musî Ndaulo ya Lushaka vitlhaka u tswisi u kwa tšiwiniswa zwo tšendelwaho nga Ndaulo ya Lushaka uri maraga dzisî shumiswe.

NDIMA YA IX

NYANGAREDZO NA ZWO TÂNANGANANHAO

Ndaulo

38. (1) Minisâta a nga ita ndaulo malugana na—

(a) mafhungo mainwe na mainwe kana dza tou randelwaho hu tshi tshwedzwa uno Mulayo;

(b) milayo na ndisedzo, u dzuluna, u londola na kwa tshwathisedzo ya kasi dzoqe dza zwo twijandadi zwa u ela na zwishumiswaho zwa u ela zwo ambiwaho kha uno Mulayo;

(c) kisi kana tshaka dza zwishumiswaho zwa u ela zwo zwo tea u vho zwo tshaka vha lwa tendâna kana u kwa tshwathisedzo u ya nga uno Mulayo;

(d) ndivho dza zwishumiswaho zwa tshaka vha lwa tendâna kana u kwa tshwathisedzo nga uno Mulayo dzisî nga shumiswaho;

(e) ndâne dzine tshinambatedzwa, tshishumiswa, kana tshishumiswaho-tshi tshwathisedzi kha kwamanahô na Lushaka lwa tshishumiswa tsha u kala tsho tshendelwaho nga uno Mulayo dzisîvha u tshaka;

(f) ndizila ine tshathuvho ya u tendela tshaka ya tshaka lubwaho na lubwaho lwa tshishumiswa tsha u ela kana tshipinda tsha iswa u itela u tendela tshaka u tshi tshwedzwa kwa khethekanyo ya vhuto 22, vha u itwa;

(g) matheria la, nyolo na phaâtho ya zwishumiswaho zwa kala kana tshaka dzo tshâsa na tshaka, kasi kana tshaka dza zwishumiswaho zwa u kala, na u tendelwaho ha eneîo matheria la, nyolo na phaâtho;
(h) the imposition of conditions or limitations on the use of any type of measuring instrument;

(i) the prohibition of the certification, recertification or use for any prescribed purpose of measuring instruments or specified types, classes or kinds of measuring instruments which are liable to—

   (i) become inaccurate; or

   (ii) result in or facilitate fraud or deception, or which are not made in accordance with the relevant specifications or are found to be unsuitable for such prescribed purpose;

(j) the conditions under which fluids or solids may be sold by quantity, size or dimensions, and the conditions relating to temperature under which fluids must be sold;

(k) the permissible limits of error or difference which may exist between the actual and represented quantity, size or dimensions of items, sold by number or in accordance with any measurement unit;

(l) the control of the sale or import for sale, in accordance with any measurement unit, of any product used by the public, and the requirement that such product—

   (i) may only be sold—

      (aa) in specified containers;

      (bb) by means of verified or subsequently verified measuring instruments;

      (cc) in accordance with any measurement unit; or

      (dd) by number; and

   (ii) must be prepacked according to a particular scale of quantities, sizes or dimensions;

(m) the creation of a list of products which—

   (i) by reason of their being subject to variation in mass owing to their properties or to climatic influences;

   (ii) by reason of the use of mass to designate grade or class only; or

   (iii) for any other reason,

   are exempted from the provisions of this Act relating to the sale of goods by net mass;

(n) the size of the letters or any other method of indicating the quantity of the contents of containers at the time of packing;

(o) the permissible equivalent in which a measurement unit may be expressed in terms of another measurement unit of the same physical quantity;

(p) the equivalents giving the permissible quantity of items expressed in terms of the measurement unit of one physical quantity as the quantity expressed in terms of the measurement unit of another physical quantity;

(q) tables giving the permissible quantity per container used in trade in respect of fruit, vegetables, agricultural produce and any dry products;

(r) the forms to be used in connection with this Act;

(s) the permissible denominations of mass pieces and measures and the manner in which such denominations must be shown on the mass pieces or measures in question;

(t) the continued use of any measuring instrument after rejection thereof by any market surveillance inspector;

(u) any invoice, delivery note or other documentation referred to in section 36;

(v) specifications for, and conditions, limitations and requirements in connection with, the use or degree of accuracy of particular vessels; and

(w) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act.

(2) The regulations may authorise the Chief Executive Officer to grant exemption in writing from any provision thereof on such conditions and for such period as he or she may deem fit.

(3) Any regulation prescribing fees must be made with the concurrence of the Minister of Finance.

(4) The Minister must, not less than three months before any regulation is made under subsection (1)—

   (a) publish the regulation in the Gazette together with a notice declaring his or her intention to make such regulation;
39

(h) vhea nyimele kana mikano malugana na u shumisa lushaka luîwe na luîwe lwa tshishumiswa tsha u ela;

(i) nyiledzxo ya ãhanziela, u fha ãhanziela hafhu kana u shumiswa ha ndivho yo randelwaho ya zwishumiswa zwa u ela kana tshaka dzô taluswaho, ki ãasi kana tshaka dza zwishumiswa zwa u ela zwine zwa—

(i) vha zwi si zwone; kana

(ii) mvlelelo kha kana u leludza vhufhura, Kana zwine a zwo ngo itwa u ya nga ãhaluso dzô teaho kana zwine zwa wanwa zwo songo tea u randelw;

(j) nyimele nga fhasi ha uri ndi zwiñhio zwiludî kana zwiomate zwine zwa nga rengiswa nga tshîhâlo, vhuhulu kana, na nyimele dzî kwamaho thompharetsa nga fhasi ha zwiludî zwine zwa fanela u rengiswa;

(k) phungudzelo dzî tendwaho dzô khakhô kana phambano ine ya vha hone vhukati ha tshîhâlo, vhuhulu ha zwiñhengiswa, zwone zwî vhukuma zwo sumbedzawahô zwi rengiswa nga nomboro kana u ya nga yunîti ya u kala;

(l) ndango ya thengiso kana u rengwa ndâja u tshî itela thengiso, hu tshi tehevzedwa yunîti ãfiho na ãfiho ya muelo, kha tshibveledzwa tshihînho na tshihînho tshi shumiswa ha nga tshitsîhavha, na thôdza dzine izhso tshihvedezwa—

(i) tsha nga rengiswa —

(aa) tshi kha nga midzio ya ãtaluswaho;

(bb) nga ndîlala dzô kwahtûhisedzwaho kana u tehevlela nga zwiñhengiswa zwa kwahtûhisedzdo ya mielo;

(cc) hu tshi tehevzedwa yunîti ãfiho na ãfiho ya muelo; kana

(dd) nga nomboro;

(ii) tsha tea u dzula tsho pakiwa u ya nga tshikalo tsho imaho nga uri tsha zwiñhâlo, vhuhulu kana u tañdavhuwa;

(m) u itâ muvevhe wa zwiñbevedzwa zwiine —

(i) nga mbuno zwa tehevze phambano kha thileme tsha zwiñhulûlo kana ãthuhtuvedzo ya kilima;

(ii) nga mbuno u zwiñhengwa ha thileme kha gireidi yo ãngiwa kana ki ãasi fhedzî; kana

(iii) zwa itelwa mbuno izwe, Zwi a vhoñhololwa kha mbetselo dzô uno Mulayo zwi tshi kwama thengiso ya thundu nga thileme izwe azwihînhezwa ya ku tshileme tshiñᵗukû;

(n) vhuhulu ha mainwalo kana ngona izwe na izwe u sumbedzaho tshîhâlo tsha zwi re ngomu ha midzio nga thilemezinga tsha u paka;

(o) ndingano in tendelwaho ine yunîti ya u kala u sumbedzwa hu tshi tehevlela izwe yunîti ya u kala ya zwiñhûlo zwi zwa fana tshihâlo na tshîkwayemâ ha hone; 

(p) ndinganelo i fhâhu tshîhâlo tshi tendwaho ya zwiñhûlo zwi zwiñhulûlo u ya nga yunîti ya u elwa ha tshîhâlo tshâlo zwiñhulûlo zwi kwamehâlo sa musi tshîhâlo tshî tshi bulwa u ya nga yunîti ya u ela izhso tshihâlo tshua tshithu zwi kwamehâlo;

(q) thebu Ju dzî fhâhu tshîhâlo tshî tendiwaho nga mudzio nga mudzio u shumiswa ha kwa zwa makweho a mutshelö, mirohô, zwiñbevedzwa zwa zwiñhâlo-vmhufûwi na zwiñhulûlo zwiñe zwiñbevedzwa zwo omaho;

(r) fomo zâne zwa dô shumiswa malugana na uno Mulayo;

(s) zwi tendelwaho zwi tehevze na mielo na ngona izwe na izwe u sumbedzaho kha thileme na mielo i kwamehâlo;

(t) u ya phandâ ha u shumisa tshishumiswa tsâla kana nga murahu ha musi tsho landulwa nga muñgâmâlewa u la mulelese marâga;

(u) tsumbanutengo, noti ya ndisedzo kana ãñîwâlo ão bulwalo kha khethekanyo ya vhu 36;

(v) zwiñhulûlo zwa, na thileme, phungudzelo na thôdza dzî kwamanhâlo na, u shumisa kana vhuhulu ha vhukokotolo ha thîhu tshînetsho; na

(w) malugana na zwi kwamaho vhulangi-vhutshimbidzî kana kuêtele kwa mañhuneg a ndîmene kha u randelâ u thoma u shumisa na la langula uno Mulayo.

(2) Ndaulo dzî nga tendela Muofisi-Mulangi a tshi vhoñhololwa nga u tou ãwala malugana na mbetselo dzene zwihe kha thileme nahone lwa thilunghi tshine a vhona tsho ãlingana.

(3) Ndaulo izwe na izwe i rendelâho tshelede i teu u itwa hu tshi khou tendelaniwa na Minisâta wa zwa Masheleli.

(4) Minisâta, nga murahu ha miñwedzî miraru phandâ ha u ita ndalo nga fhasi ha khethekanyo ãthuhte ya vhu (1) u fanelâ u—

(a) anžadza ndalo kha Gazete khathihi na ndîvhadzo a bule mulumbulo wawe wa u tođa u ita ndalo;
(b) invite interested persons to comment thereon or to make representations with regard thereto; and
(c) duly consider any comment received.

Penalties and effect of conviction of an offence

39. (1) A person convicted of an offence under this Act is liable to a fine or imprisonment for a period not exceeding 10 years, or to both a fine and such imprisonment.
(2) A person convicted of an offence under this Act becomes disqualified from performing any duty or function provided for in this Act and any applicable appointment, designation or registration must be deemed to be null and void from the date of being disqualified.

Disclosure of certain information

40. (1) The Chief Executive Officer may, if it is necessary in the public interest and to protect the public and the environment, reveal in any manner—
(a) any information that it is necessary to reveal in order to prevent the public from being misled concerning any aspect regulated by this Act; and
(b) the name of a person who does not comply with any provision of this Act.
(2) The disclosure referred to in subsection (1) may relate also to the trade name and trade mark of a product.

Confidentiality of certain information

41. No person who is or was concerned with the performance of any function in terms of this Act, may disclose any information which he or she obtained in the performance of that function, except—
(a) to the Minister;
(b) to any person who of necessity requires it for the performance of a function in terms of this Act;
(c) if he or she of necessity has to supply it in the performance of any of his or her functions in terms of this Act;
(d) if such information is required in terms of any law or as required by a court of law; or
(e) to any competent authority which requires the information for the institution, or an investigation with a view to the institution, of any criminal prosecution.

Repeal and amendment of laws and transitional provisions

42. (1) Subject to subsection (2), the laws mentioned in the first column of Schedule 1 are hereby repealed to the extent set out in the third column of that Schedule.
(2) Any proclamation, regulation, notice, approval, permission, return, certificate or document issued, made, promulgated, given or granted and any other action taken under any provision of a law repealed by subsection (1), must be regarded as having been issued, made, promulgated, given, granted or taken under the corresponding provision of this Act.
(3) Subject to subsection (4), the law mentioned in the first column of Schedule 2 is hereby amended to the extent set out in the third column of that Schedule.
(4) (a) The Board of the National Regulator ceases to exist on the date on which this section takes effect.
(b) The person who occupied the post of Chief Executive Officer of the National Regulator on the date contemplated in paragraph (a), must be regarded as having been appointed as Chief Executive Officer in terms of section 6 of the National Regulator for Compulsory Specifications Act for a term to be determined by the Minister.
(c) Any committee established in terms of the National Regulator for Compulsory Specifications Act and in existence immediately before the date contemplated in paragraph (a), must be regarded as having been established in terms of this Act for a term to be determined by the Minister.
Ndafiso na masiandoitwa a u wanwa mulandu wa vhutshinyi

39. (1) Muthu ane a wanwa mulandu wa vhukhakhhi nga fhasi ha uno Mulayo a tea u badeliswa ndafiso kana a tou vaelwa dzhele lwa tshifhinga tshi sa fhirho minwaha ya 10, kana zwotho vhulhifhi hazwo ndafiso na a vaelwa dzhele.
(2) Muthu jo wanwaho mulandu wa vhutshinyi nga fhasi ha uno Mulayo ha tsha tendelwa u ita mushumo ufhio na u re na mbetsheko kha uno Mulayo nahone u tholwa hawe, mushumo kana u iwaliswa hawe zwi mbo dzhiwa zwi sa tsha vha zwa vhukuma kana mbo fa u tou bva duvha ja a u thoma u bviswa hawe.

Ubvukululwa ha mafhungo eneo

40. (1) Muofisi-Mulangi, arali zwi tshi todwe nga dzangalelo tshita tshavha naohone zwi tshi itelwa u bvukulwa hu tshi itelwa uri tshitshavha tsha sa xe le malugana na zwi re kha uno Mulayo; na
(a) dzina ja muthu ane ha anani na mbetsheko dza uno Mulayo.
(b) U bvukulwa ho bulwaho kha khethekanyo thukhu ya vhlu (1) hu nga kwama na dzina thla u kwevha na luswayo lwa zwi u kwevha tshibveledzwa.

Tshidzumbe tsha mafhungo eneo

41. Muthu munwe na muuwe ane a kwaume kana ja kwameaho nga u shuma mushumo u ya nga uno Mulayo, ha nga pundzi mafhungo ane jo a wana a tshi khou shuma mushumo uyo, nga mnda ha—
(a) musi a tshi khou vhudza Minisita;
(b) ha musu muthu ane zwi a tsheda uri a kone u shuma mushumo wa u ya nga uno Mulayo;
(c) musi arali a tshi tea u zwi amba kha mushumo wawe u ya nga uno Mulayo;
(d) musi arali mafhungo a tshi tsheda u ya nga mulayo kana a tsheda nga khothe ya mulayo; kana
(e) maanqalanganga ane a vha na vhukoni ane a tsheda mafhungo u itela tshiimiswa, kana tse zdulungo mafhungo u wa u thusa tshiimiswa, malugana na vhutshinyi.

Pheliso na khwinifhadzo ya milayo na nzundzanyo dza tshanduko

42. (1) Hu tshi tevhedzwa khethekanyo ya vhlu (2), milayo yo bulwaho kha khotumuka kana la Shedu la vhlu 1 i khou fheliswa nga ndila ye ya sumbedzwa kha khotumuka la Shedu 1 ya yeneyo.
(2) Mulehho muuwe na muuwe, ndaulo inwe na inwe, ndivhado inwe na inwe, thendelo, khumiso, fhanziela kana fhanwiwa zwo bviswa, zwo itwaho, phaqala dzwa, fo ndetshedzwafo na jiga fo dzhiwhapo nga fhasi ha mbetsheko dza mulayo wao fheliswa nga khethhekanyo thukhu ya vhlu (1), zwi fanelo u dzhiwa sato zwo ndetshedzwafo, itwaho, phaqaladzwafo, iwhafo, fhiwha kana dzhiwhapo nga fhasi ha mbetsheko dza thumaniwa nga fhasi ha uno Mulayo.
(3) Hu tshi tevhedzwa khethekanyo thukhu ya vhlu (4), milayo wo bulwaho kha khotumuka kha khotumuka la Shedu 1 i khou fheliswa nga ndila ye ya sumbedzwa kha khotumuka la Shedu 1 ya yeneyo Shedu 1 ya yeneyo.
(4) (a) Bodo ya Ndaulo ya Lushaka i litsha u shuma nga datumu ine ino khethhekanyo ya thoma u shuma.
(b) Muthu jo faraho poso ya Muofisi-Mulangi wano Ndaulo a Lushaka nga datumu yo bulwaho kha phara ya (a) u tea u dzhiwa fo tholwa sa Muofisi-Mulangi hu tshi tevhedzwa khethekanyo ya vhlu 6 ya Ndaulo ya Lushaka ya Mulayo wa Thuluso dza Khombe-khombe lwa tshifhinga tshina tsha do tiwa nga Minisita.
(b) Komisi inwe na inwe yo thomiviwo hu tshi tevhedzwa Ndaulo ya Lushaka ya Mulayo wa Thuluso dza Khombe-khombe nahone ine ya vha hone nga u favhanyo phandza ha datumu yo bulwaho kha phara ya (a) i fanelo u dzhiwa sa yo thomiviwo hu tshi tevhedzwa uno Mulayo lwa tshifhinga tshine tsha do tiwa nga Minisita.
Short title and commencement

43. This Act is called the Legal Metrology Act, 2014, and comes into operation on a date fixed by the President by proclamation in the Gazette.
Dzina jipfufhi na u thoma u shumisa Mulayo

43. Uno Mulayo u vhidzwa upfi Mulayo wa Muelo wa, 2014, nahone u do thoma u shuma nga datumu ine ya do dzudzanywa nga Phresidennde nga mulevho kha Gazette.
SCHEDULE 1

LAWS REPEALED

(Section 42(1))

<table>
<thead>
<tr>
<th>Short title of law</th>
<th>Number and year of law</th>
<th>Extent of repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade Metrology Act, 1973</td>
<td>Act No. 77 of 1973</td>
<td>The whole</td>
</tr>
<tr>
<td>Trade Metrology Amendment Act, 1975</td>
<td>Act No. 34 of 1975</td>
<td>The whole</td>
</tr>
<tr>
<td>Trade Metrology Amendment Act, 1984</td>
<td>Act No. 14 of 1984</td>
<td>The whole</td>
</tr>
<tr>
<td>Trade Metrology Amendment Act, 1990</td>
<td>Act No. 15 of 1990</td>
<td>The whole</td>
</tr>
<tr>
<td>Trade Metrology Amendment Act, 1993</td>
<td>Act No. 17 of 1993</td>
<td>The whole</td>
</tr>
<tr>
<td>Trade Metrology Amendment Act, 1994</td>
<td>Act No. 42 of 1994</td>
<td>The whole</td>
</tr>
<tr>
<td>Trade Metrology Amendment Act, 1996</td>
<td>Act No. 58 of 1996</td>
<td>The whole</td>
</tr>
</tbody>
</table>
### Shedu le 1

**MILAYO INE YA KHOU FHELI$$WAA**

(*Khethekanyo ya vh 42(1)*)

<table>
<thead>
<tr>
<th>Dzina liphufhi la mulayo</th>
<th>Nomboro na ñwaha zwa mulayo</th>
<th>Vhuhulu ha pheliso</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mulayo wa u kala zwa Makwevho wa, 1973</td>
<td>Mulayo wa Nomboro ya. 77 wa 1973</td>
<td>Wôthe</td>
</tr>
<tr>
<td>Khwiniso ya Mulayo wa u Kala zwa Makwevho wa, 1975</td>
<td>Mulayo wa Nomboro ya. 34 wa 1975</td>
<td>Wôthe</td>
</tr>
<tr>
<td>Khwiniso ya Mulayo wa u Kala zwa Makwevho wa, 1984</td>
<td>Mulayo wa Nomboro ya. 14 wa 1984</td>
<td>Wôthe</td>
</tr>
<tr>
<td>Khwiniso ya Mulayo wa u Kala zwa Makwevho wa, 1990</td>
<td>Mulayo wa Nomboro ya. 15 wa 1990</td>
<td>Wôthe</td>
</tr>
<tr>
<td>Khwiniso ya Mulayo wa Kala zwa Makwevho wa, 1993</td>
<td>Mulayo wa Nomboro ya. 17 wa 1993</td>
<td>Wôthe</td>
</tr>
<tr>
<td>Khwiniso ya Mulayo wa Kala zwa Makwevho wa, 1994</td>
<td>Mulayo wa Nomboro ya. 42 wa 1994</td>
<td>Wôthe</td>
</tr>
<tr>
<td>Khwiniso ya Mulayo wa u Kala zwa Makwevho, 1996</td>
<td>Mulayo wa Nomboro ya. 58 wa 1996</td>
<td>Wôthe</td>
</tr>
</tbody>
</table>
### SCHEDULE 2

**LAW AMENDED**

*(Section 42(3))*

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

MULAYO UNE WA KHO KHWINISWA

(Khethekanyo ya vhu 42(2))

<table>
<thead>
<tr>
<th>Dzina ljipfulhi</th>
<th>Nomboro na ſwahala zwa mulayo</th>
<th>Vhuhulu ha u ſhelisa kana u khwinisa</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mulayo wa Ndaulo ya Lushaka kha  Thaluso dza Khombe-khobesa, 2008</td>
<td>Mulayo wa Nomboro ya 5 wa 2008</td>
<td>1. U dzheniswa ha khethhekanyo 6, 7 na 8 kha khethhekanyo dzì tevhelaho:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>“U tholiwa ha Muofisi-Mulangi wa Ndaulo ya Lushaka</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6. (1) Miniṣṭa u fanela u thola muthu a re na ndalukano dzo teaho na tshenzhemo uri a vhe ene Muofisi-Mulangi lwa minwaha miṭanu.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2) Miniṣṭa a nga thola hafhu muthu sa Muofisi-Mulangi musi tshifhinga tsha u tholwa hawe tshi tshi thela a dovha a tholwa lwa tshifhinga tsha minwaha miṭanu fhedzi.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3) Muofisi-Mulangi u na vhujhиндuleli ha ndaulo-nyangaredzi ya Ndaulo ya Lushaka na u shuma mishumo i re kha uno Mulayo, nahone u fanela u—</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) shuma mishumo ine yo hweswa Muofisi-Mulangi nga kana u ya nga uno Mulayo;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) Íanga na u sumbedzela mishumo ya Ndaulo ya Lushaka; na</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(c) lavhelesa vhashumi vha Ndaulo ya Lushaka.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(4) Miniṣṭa u fanela uri, musi a tshi khou kwamana na Miniṣṭa wa zwa Masheleli, a te Muholo wa Muofisi-Mulangi, mitendelo, mbuelo, na dzinwe nyimele dzì kwamaholo mushumo.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(5) Muofisi-Mulangi, nga miṅwedzi miraru a nga ṣwala ndįvhadzı a i rumela kha Miniṣṭa, a tshi khou amba uri u khou ruła mishumo.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(6) Miniṣṭa a nga bvisa Muofisi-Mulangi kha vhuimo ha u vha Muofisi-Mulangi aráli—</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) a sa ḩifari zwavhuţi;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) a sa tsha kona u shuma mushumo lwa tshoqhe;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(c) a ḩidzhenisa kha zwiito zwine zwa nyadzisa Ndaulo ya Lushaka; kana</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(d) ḩu na zwiinwe zwine zwa pfala zwine zwa ita uri Muofisi-Mulangi a litsiswe mushumo.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Utholiwa ha Tshandha tsha Muofisi-Mulangi wa Ndaulo ya Lushaka</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7. (1) Muofisi-Mulangi, hu tshi khou tendelaniwa na Miniṣṭa, u tea u thola muthu a re na ndalukano na tshenzhemo yo teaho sa ene Tshandha tsha Muofisi-Mulangi lwa tshifhinga tsha minwaha miṭanu.</td>
</tr>
</tbody>
</table>

47
(2) The Minister may re-appoint a person as Deputy Chief Executive Officer at the expiry of his or her term.

(3) The Minister must, in consultation with the Minister of Finance, determine the Deputy Chief Executive Officer’s remuneration, allowances, benefits and other terms and conditions of employment.

(4) The Deputy Chief Executive Officer may, on three month’s written notice addressed to the Minister, resign as Deputy Chief Executive Officer.

(5) The Minister may remove the Deputy Chief Executive Officer from office for—

(a) serious misconduct;
(b) permanent incapacity;
(c) engaging in any activity that may undermine the integrity or standing of the National Regulator; or
(d) any other legitimate ground that justifies the removal of the Chief Executive Officer.

(6) The Deputy Chief Executive Officer must perform the functions of the Chief Executive Officer whenever—

(a) the Chief Executive Officer is unable for any reason to perform those functions; or
(b) the office of Chief Executive Officer is vacant.

Appointment of staff of National Regulator

8. The Chief Executive Officer may—

(a) appoint staff, or contract with any other persons, to assist the National Regulator in carrying out its functions; and
(b) in consultation with the Minister and the Minister of Finance, determine the remuneration, allowances, benefits, and other terms and conditions of appointment of each member of the staff.”.

2. The repeal of sections 9 and 10.

3. The substitution for section 11 of the following section:

“Committees

11. (1) The Minister may establish one or more specialist committees to advise the National Regulator on the management of its resources or the performance of its functions.

(2) The Minister may assign specific powers to a specialist committee for the purposes of performing any function contemplated in subsection (1).
<table>
<thead>
<tr>
<th>Dzina ljipfuhi</th>
<th>Nomboro na ŋwaha zwa mulayo</th>
<th>Vhuhulu ha u fhelisa kana u khwinisa</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) Minisṭa a nga ḏi thola haľfu Tshandas tsha Muofisi-Mulangi musi tshifhinga tsha u tholwa hawe tshitshi fhela.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Minisṭa u tea uri, musi a tshi khou kwamana na Minisṭa wa zwa Mashelesi, a te mūhelo, mitendelo, mibuelo, na dziniwe nyimele dza mushumo zwa Tshanda tsha Muofisi-Mulangi.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) Tshanda tsha Muofisi-Mulangi, kha mïnwedzi miraru tshi nga rumela ndïvhadzo yo tou ñwalwaho kha Minisṭa, tshi tshi khou bula uri tshi khou rula mushumo.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) Minisṭa a nga pandela Tshanda tsha Muofisi-Mulangi arali—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) hu na u sa ḏifara zwavhuĎi ho kalulaho;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) a sa tsha kona u shuma lwa tshoĎhe;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) a ñdïzhenisa kha zwiitorio zwine zwa nyadzïsa Ndaulo ya Lushaka, kana</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(d) hu na zwiinwe wzi pfalaho zwine zwa ita uri a pandelwe.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(6) Muthu ane a vha Tshanda tsha Muofisi-Mulangi u tea u shuma mishumo ya Muofisi-Mulangi musi—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Muofisi-Mulangi a sa koni u pfalo nga vhanga ja mbuno dzo imaho nga uri; kana</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) ofisi ya Muofisi-Mulangi i si na muthu kana hu na thikhala.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Utholwa ha vhashumi vha Ndaulo ya Lushaka</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Muofisi-Mulangi a nga—</td>
</tr>
<tr>
<td>(a) thola vhashumi, kana a ita konjiraka na vhanwe vhathu, uri vha thuse Ndaulo ya Lushaka kha u shuma mishumo; nahone</td>
</tr>
<tr>
<td>(b) a tshi kwamana na Minisṭa na Minisṭa wa zwa Mashelesi, a te mūhelo, mitendelo, mibuelo, na dziniwe nyimele dza u thola muthu munwe na munwe wa vhashumi.”</td>
</tr>
</tbody>
</table>

| U fheliswa ha khethekanyo 9 na 10. |

| 3. U dzheniswa ha khethekanyo ḏukhu ya vhu 11 i tevhelaho: |

<table>
<thead>
<tr>
<th>“Dzikomiti</th>
</tr>
</thead>
<tbody>
<tr>
<td>11. (1) Minisṭa a nga thoma komiti kana komiti nnzhi dza vhane vha na ndîvho ya tshipentshela u itela u eletsedzâ Ndaulo ya Lushaka kha u langa zwioko, kana u shuma mishumo.</td>
</tr>
<tr>
<td>(2) Minisṭa a nga hwesa maandelâ kha komiti ya tshipentshela u itela ndîvho dza u shuma mishumo wo bulwaho kha khethekanyo ḏukhu ya vhu (1).</td>
</tr>
</tbody>
</table>
(3) A specialist committee may—

(a) be established for an indefinite term or for a period determined by the Minister when the committee is established; and

(b) determine its own procedures.

(4) A specialist committee established under this section must—

(a) perform its functions impartially and without fear, favour or prejudice; and

(b) consist of—

(i) not more than eight persons who are independent from the National Regulator and who are appointed by the Minister to serve for a period of not more than five years determined by the Minister when the person is appointed; and

(ii) not more than two senior employees of the National Regulator designated by the Chief Executive Officer.

(5) Any specialist committee established in terms of subsection (1) must be chaired by a member of the specialist committee.

(6) To be appointed or designated as a member of a specialist committee in terms of this section, a person must—

(a) be a fit and proper person; and

(b) have appropriate qualifications and competencies to perform effectively as a member of the specialist committee.

(7) The members of a specialist committee must not—

(a) act in any way that is inconsistent with subsection 4(a) or expose themselves to any situation in which the risk of a conflict may arise between their responsibilities and any personal or financial interest; or

(b) use their position or any information entrusted to them to enrich themselves or improperly benefit any other person.

(8) A member ceases to be a member of a specialist committee if the—

(a) member resigns from the specialist committee;

(b) Minister terminates the person’s membership because the member no longer complies with subsection (6) or has contravened subsection (7); or

(c) member’s term has expired.
(3) Komiti ya tshipentshela i nga—
   (a) thomiwa lwa tshifhinga tshi sa gumiho,
       kana lwa tshifhinga tsho tiwaho nga
       Minisťa musi komiti i tshi khou thomiwa;
       nahone
   (b) ta maifele ayo yone ine.

(4) Komiti ya tshipentshela yo thomiwaho
    nga fhasi ha ino khethekanyo i tea u—
   (a) shuma mishumo yavo yothe nahone i sa
       ofha, i sa taluli kana u dzhia sia; na
   (b) vha na mirado heyi—
       (i) i sa fhiri malo inc mirado iyi yo ima
           nga yothe nahone yo tholwa nga
           Minisťa uri i shume lwa tshifhinga tshi
           sa fhiriho minwaha mitanu tshine
           tshifhinga hetsho tsho tiwa nga ene
           Minisťa musi mirado i tshi tholwa; na
       (ii) i sa fhiri mivhili ya yhavhumi vha na
           vhuimo ha nthha kha Ndualo ya
           Lushaka vho nangwaho nga Muofisi-
           Mulangir.

(5) Komiti ya tshipentshela inwe na inwe
    yo thomiwaho hu tshi tevhedzwa khethekanyo
    ṭhukhu ya vh (1) i tea u vha na
    mudzulatshidulo ane a vha murado wa komiti
    ya tshipentshela.

(6) Uri muthu a tholwe kana u nangiwa sa
    murado wa komiti ya tshipentshela hu tshi
    tevhedzwa ino khethekanyo, muthu u tea u—
   (a) vha lo teaho; nahone
   (b) a na ndalukano dz o teaho no vhukoni ho
       teaho kha u shuma zwavhudi sa murado
       wa komiti ya tshipentshela
   (c) vha a na vhukoni ha u shuma zwavhudi sa
       murado wa komiti.

(7) Mirado ya komiti ya tshipentshela i tea
    u sa—
   (a) shuma nga ndi la i sa ananiho na
       khethekanyo ṭhukhu ya vh u 4(a) kana u
       ṭhidzenisa kha nyimele ine ya ita uri hu
       vhe na khudano vhukati ha
       vhudifhinduleli na dzangalelo Ja zwa
       masheleni; kana
   (b) shumisa vhuimo kana mafhungo ane vha
       nao vha tshi itela u dipfunisa kana u ita
       uri munwe a wane mbuelo nga ndi la
       i sango даho.

(8) Murado u guma u vha murado wa
    komiti ya tshipentshela arali—
   (a) murado lo litsha mushumo wa komiti ya
       tshipentshela;
   (b) Minisťa a ṭhelisa vhuaro ho muthu uyo
       nga vhanga ja uri murado ha tsha anana
       na khethekanyo ṭhukhu ya vh u 6) kana
       murado lo kandekanya khethekanyo
       ṭhukhu ya vh u 7); kana
   (c) murado tshifhinga tshawo tsho ṭhela.
9. A member of a specialist committee who has personal or financial interest in any matter on which the specialist committee gives advice must disclose that interest and withdraw from the proceedings of the specialist committee when that matter is discussed.

10. The National Regulator must remunerate a member contemplated in subsection (4)(b)(i) and compensate the member for expenses, as determined by the Minister, in consultation with the Minister of Finance.

11. A member who is employed by an organ of state is not entitled to remuneration or any allowance, but must be reimbursed for out-of-pocket expenses by the National Regulator.

4. The substitution for section 12 of the following section:

Advisory Forum

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

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

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

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

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

5. The amendment of section 13 by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“The Minister may, on the recommendation of the National Regulator, in respect of any commodity, product or service which may affect public safety, health or the environment, by notice in the Gazette—”.

6. The amendment of section 15—

(a) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“If the National Regulator finds that a commodity or product referred to in subsection (1) does not conform to the compulsory specification concerned, the National Regulator may—”;

52
<table>
<thead>
<tr>
<th>Dzina jipufhi</th>
<th>Nomboro na ñwaha zwa mulayo</th>
<th>Vhuhulu ha u fhelisa kana u khwinisa</th>
</tr>
</thead>
</table>
| (9) Muraŋo wa komiti ya tshipentshela a vha na khuŋano ya dzangalelo ya zwa masheleli malugana na zwine komiti ya shuma u tea u ñibula nhone a tea u ñvà kha miŋangano ine ya khou tshimbidzwa kana mafhungo ane a khou amibiwa. | Foramu ya Vhueleleshedi 
| (10) Ndaulo ya Lushaka i tea u holela muraŋo sa zwo ambiwaho kha khethekanyo ñhukhu ya vhu (4)(b)(f) na u ñihela muraŋo kha zwe ya badela, sa zwo tiwaho nga Minisṭa, a tshi khou kwamana na Minisṭa wa zwa Mashelei. | (2) Foramu ya Vhueleleshedi i tea u eletshedza [Bodo] Minisṭa kha—
(a) mafhungo a kwamaŋo mushumo une wa tea u ñwa nga Ndaulo ya Lushaka; na 
(b) tshiniwe na tshiniwe tshine [Bodo] Minisṭa a nga u eletshedzwa. |
| (11) Miraŋo yo tholwaho nga tshimiswa tsha muvhuso a i tei u holelwa, kana mutendelo uhfio na uhfio kana gavelo ljhío na ljhío,thedzi u a lhelwâ zwe a shumisa zwone nga Ndaulo ya Lushaka.”. | (3) [Bodo] Minisṭa u tea u ñta ndayotewa na uri, arali zwo tea, a ñte milayo ya Foramu ya Vhueleleshedi.”. |
| 4. U dzheniswa ha khethekanyo ya vhu 12 ya khethekanyo i tevhelaho: | 5. U khwiniswa ha khethekanyo ya vhu 13 nga u dzheniswa ha khethekanyo ñhukhu ya vhu (1) kha maipfi a rangelaho phara ya (a) ya maipfi a tevhelaho: |
|  | Minisṭa, nga themendelo dza [Bodo] Ndaulo ya Lushaka, malugana na thshorengiswa, thshibeledzwa kana thsumelo ine ya nga kwama tsireledzo ya thshitshavha, mutakalo kana mupo, a nga ñta ndivyhado kha Gazete—”. |
| 6. U khwiniswa ha khethekanyo ya vhu 15— (a) nga u dzheniswa ha khethekanyo ñhukhu ya vhu (3) kha maipfi a rangelaho phanda phara ya (a) ya maipfi a tevhelaho: | “Arali Ndaulo ya Lushaka ya wana uri thshorengiswa kana thshibeledzwa thsho ambiwaho kha khethekanyo ñhukhu ya vhu (1) a tshi anani na zwine zwa kombetsedzwa, [Bodo] Ndaulo ya Lushaka—”. |
(b) by the substitution in subsection (3) for paragraph (c) of the following paragraph:
   “(c) direct in writing that the consignment or batch of the article concerned be confiscated, destroyed or dealt with in such other manner as the [Board] National Regulator may consider fit.”; and

(c) by the substitution for subsection (4) of the following subsection:
   “(4) The [Board] National Regulator must inform the Minister in writing on action taken in terms of subsection (3) within 21 days.”.

7. The repeal of sections 21, 22 and 23.

8. The substitution for section 25 of the following section:

   “Delegation and assignment

25. (1) The Chief Executive Officer may delegate any power conferred on him or her, or any duty assigned to him or her, under this Act to any other person with appropriate knowledge and experience who is under the control of the Chief Executive Officer.

(2) A delegation or assignment under subsection (1) must be in writing and—
   (a) may be subject to any conditions or restrictions determined by the Chief Executive Officer;
   (b) does not prevent the exercise of the relevant power by the Chief Executive Officer; and
   (c) may be withdrawn or amended by the Chief Executive Officer.”.
<table>
<thead>
<tr>
<th>Dzina jipufhi</th>
<th>Nomboro na ůwaha zwa mulayo</th>
<th>Vhuhulu ha u fhelisa kana u khwinisa</th>
</tr>
</thead>
</table>
| (b) | nga u dzhenisa khethekanyo ũthukhu ya vhu (3) kha phara ya (c) ya phara i tevhelaho i nga:  
    ""(c) livhisa nga u tou ůwala uri zwo rumelwaho kana dzhoko la zwithu Ŭi tshinyekanywe, kwashwe kana shumaniriwe na lo nga ndíla ine [Bodo] Ndaualo ya Lushaka ya vhona zwo tea."; na |
| (c) nga u dzhenisa kha khethekanyo ũthukhu ya vhu (4) ya khethekanyo ũthukhu:  
    ""(4) [Bodo] Ndaualo ya Lushaka i tea u divhadza Minisţa nga u tou ůwala i tshi khou ambá lìga lo dzhiwaho hù tshi tevhedzwa khethekanyo ya vhù (3) hu saathu u fhele maruvha a 21.". |
| 7. | U fheliswa ha khethekanyo 21, 22 na 23. |
| 8. | U dzheniswa ha khethekanyo ya vhù 25 kha khethekanyo i tevhelaho:  
    **"Vhurumelwa na mushumo**  
    25. (1) Muoﬁsi-Mulangi a nga fha maanďa e a fhiwa, kana mushumo we a u fhiwa, nga fhasi ha uno Mulayo a tshi fha muńwe muthu a re na ndívho na tshenzhemo ane muthu uyo a vha fhasi ha ndango ya Muoﬁsi-Mulangi.  
    (2) Vhurumelwa kana mushumo nga fhasi ha khethekanyo ya vhù (1) zwi tea u tou ůwalwa nahone—  
    (a) zwi tevhedza milayo na mikano yo tiwaho nga Muoﬁsi-Mulangi;  
    (b) a zwi thivheli u shumisa maanďa lo nga Muoﬁsi-Mulangi; nahone  
    (c) zwi nga fheliswa kana u khwiniswa nga Muoﬁsi-Mulangi.". |