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AIDS HELPLINE: 0800-123-22 Prevention is the cure

GOVERNMENT NOTICE

DEPARTMENT OF TRADE AND INDUSTRY

No. R. 486

19 April 2002

TRADE METROLOGY ACT 1973

I, Alexander Erwin, Minister of Trade and Industry do hereby publish amendments to the Regulations promulgated in Government Notice No. R.2362 of 18 November 1977, as amended, and set out in the schedule, which I intend making in terms of section 42 of the Trade Metrology Act, 1973 (Act No. 77 of 1973)

SCHEDULE**Amendment of Part 1 of the Regulations**

1. The Regulations are hereby amended by the insertion of the following regulations after regulation 10:

SCHEMES TO ENSURE THE MORE EFFECTUAL CARRYING OUT OF THE OBJECTS AND PURPOSES OF THE ACT*Quantity mark scheme*

- (1)(a) A quantity mark shall only be applied or used in a manner authorized by these Regulations.
- (b) No person shall apply a "quantity mark" to pre packed goods except under a permit issued in terms of sub-regulation (3) and unless the pre-packed goods comply with the requirements of SABS-1841 "control of the quantity of contents in pre-packed packages with the legal prescriptions of the Trade Metrology Act and Regulations".
- (c) For the Purpose of this sub-regulation a person shall be deemed to have applied a quantity mark to pre-packed goods if he or she has-
 - (i) Applied that quantity mark to any container or covering of the goods concerned or to any label attached to the said goods or to any container or covering thereof;
 - (ii) Placed or enclosed the goods concerned in any container or covering to which the quantity mark has been applied or to which is attached any label to which the quantity mark has been applied; or
 - (iii) In connection with sale of the goods concerned, directly or indirectly referred to the quantity mark in a manner or under circumstances likely to convey the impression that

the quantity of goods comply with the requirements SABS-1841.

- (d) For the purposes of these Regulations, the quantity mark shall be the e-mark As defined in SABS 1841.

Measurement mark scheme

- (2)(a) A measurement mark shall only be applied or used in a manner authorized by these Regulations.
- (b) No person shall apply a measurement mark to measuring container bottles except under permit issues in terms of sub-regulation (3) and unless the measuring container bottles comply with the requirements of SABS-1840 "Manufacture of measuring container bottles".
- (c) For the purpose of this sub-regulation a person shall be deemed to have applied a measurement mark to measuring container bottles if he has –
- (i) applied that measurement mark to any measuring container bottle falling within the scope of SABS – 1840;
 - (ii) applied the measurement mark to any measuring container bottle that does not fall within the scope of SABS-1840; or
 - (iii) in connection with the sale of any container, directly or indirectly referred to the measurement mark in a manner or under circumstances likely to convey the impression that the container complies with the requirements of SABS –1840.
- (d) For the purposes of these Regulations the measurement mark shall be the e-mark as defined in SABS-1840.

Issue of permits

- (3)(a) An application for a permit for the application of the quantity mark or the measurement mark shall be made to the Director of Trade Metrology, and shall be accompanied by the fees determined by him or her.
- (b) The Director of Trade Metrology may –
- (i) issue a permit for any indefinite period or for a fixed period on such conditions as he or she might deem necessary;
 - (ii) withdraw or, subject to such condition as he or she may deem necessary, suspend a permit referred to in paragraph (i), or terminate suspension of such permit.
- (c) The holder of permit contemplated in paragraph (a) which has been withdrawn in terms of paragraph (b)(ii), or which has expired due to effluxion of time or any other cause, shall, at the written request of the Director of Trade Metrology, forthwith return that permit to the SABS.

Offences

- (4)(a) Any person who applies the marks contemplated in sub-regulation (1)(d) and (2)(d) without being in possession of a permit issued in term of sub-regulation (3) shall be guilty of an offence.
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