

# Legal Metrology Act Act 9 of 2014

**Awareness Campaign including  
Public Awareness**



**the dti**

Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA



®



# Current Practice – Trade Metrology Act

- The current Act was called the Trade Metrology Act (TM Act) as it only covers measurements made in trade transactions.
- A few examples are:
  - Sale of pre-packed goods – where goods are packed at a premises other than the one where the purchase takes place
    - 1 kg Maize meal – packed by Ruto Mills sold by P&P
    - 500 ml Beer – Packed by SAB sold in bottle store
    - 2 l Milk – Packed by Clover sold in cafe
  - Sale of goods – where measuring instruments are used to measure the quantity in the presence of the purchaser
    - Meat - sold by a butcher by mass using a scale
    - Vegetables - sold by a green grocer by mass
    - Petrol – sold by garage by volume using a petrol pump



the dti

Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA

# Current Practice – Trade Metrology Act

- The TM Act is over 40 years old and a need to develop new legislation has arisen due to
  - Technological advance
  - Changes in the marketing of goods
  - International trade
  - Regionalisation
  - Scope of metrology
- Hence there was a need to develop a new Act called the Legal Metrology Act (LM Act)
- The LM Act will ensure the following:
  - Public safety, health and the protection of the environment
  - Under pin the credibility of all measurements
  - Ease of market access
  - Timeous regulatory response to crucial issues



the dti

Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA

# Why move into Legal Metrology?

## – Technological developments

- Agriculture

- Measurement of bulk water – needs to be measured – SA water scarce country



- Industry

- Changes in marketing of goods
  - » Measurement of data
- International markets



- Transportation

- Speed trapping equipment
- Breath analyzers
- Overloading – destroys roads networks



the dti

Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA

# Why move into Legal Metrology?

– Technological developments in

- Health

- Syringes



- Blood pressure measuring instruments



- Baby bottles



the dti

Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA

# What is legal metrology?

Legal Metrology is:

- the entirety of the legislative, administrative and technical procedures
- established by, or by reference to public authorities and
- implemented on their behalf in order to specify and to ensure
- in a regulatory or contractual manner
- the appropriate quality and credibility of measurements
- related to official controls, trade, health, safety and the environment
- In short – administrative and technical procedures performed on behalf of Government to ensure control of the credibility of measurements related to trade, health, safety and environment



# Objectives of the LM Act No. 9 of 2014

- To expand scope of TM in/ to LM.
- To strengthen the enforcement of LM measurement.
  - Eliminate conflict of interest (Repair vs Verification)
  - Funding model
  - Penalties
- To provide for a legislative framework.
  - Act
  - Technical Regulations (Feasibility, Risk of not regulating and Impact)
- Protect consumers against short measure and inaccurate measurements
  - Market surveillance
- To establish a levelled playing field for industries.
  - Through legislative framework
- To support local industry competitiveness.



the dti

Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA



# Expanding scope of legal metrology

- Quality measurements to be regulated e.g. grain
  - Moisture content of grain
    - Moisture content vital to price calculation of grain



- Sugar content of grapes
  - Sugar content vital to price calculation of grapes



the dti

Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA



# Expanding scope of legal metrology

– Trade measurements expanded to include



**Telephone time measurements**



**Electricity**



**Bulk water**



**Data measurements**



**Domestic and industrial gas measurement**



the dti

Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA

# Expanding scope of legal metrology

## – Regulatory/ Legal measurements

- Environment, health and safety
  - Gas/ environmental emissions



## – Blood pressure



## – Blood alcohol level



the dti

Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA

# How will this work be done by the NRCS

- South African National Standards (SANS) will be used as basis of Legal Metrology technical regulations to set requirements for measuring instruments.
  - Minister will prescribe the consultation process which must precede the declaration of a SANS as LM technical regulation
  - CEO of NRCS is responsible for the consultation process whether or not a SANS is available to be used as technical regulation
  - Consultation process must include risk and impact assessments
- The measuring instruments will have to be type approved by experts of the National Regulator for Compulsory Specifications (NRCS).



the dti

Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA

# How will this work be done by the NRCS

- Persons and organisations that repair measuring instruments will need to be registered.
  - Ensures that measuring instruments are repaired competently
  - Ensures conformity to type
- Persons and organisations that verify on behalf of the NRCS will need to be registered.
  - Verifies that measuring instruments meets all requirements (conformity to type) and operates accurately
  - Eliminates conflict of interest between repairer and verifier
- All importers, manufacturers and persons who offer for sale any prescribed measuring instrument, product or service will have to register.
  - Know market ensures adequate coverage
  - Collection of levies ensures adequate funding



the dti

Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA

# What are the benefits of the Act

- Correct measurements will benefit consumers because they will not be short-changed.
- Correct measurements will benefit businesses because they will save on rework and will not be short-changed by other businesses.
- Correct measurements will facilitate international market access.
- Government will benefit because it will collect correct taxes for the transactions in question.
- Government will bill citizens correctly for the use of electricity and water – **this may reduce the volume of boycotts.**



the dti

Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA

# Penalties under the Legal Metrology Act

- **A person convicted** of an offence is **liable to a fine** (no monetary value stated) **or imprisonment for a period not exceeding 10 years or both.**
  - Ensures effective and relevant penalties
    - Fine will be at the discretion of the court taking into account the Adjustment of Fines Act.
- **A person convicted** of an offence **becomes disqualified** from performing any duty or function provided for in the LM Act



the dti

Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA



# Economic Impacts/ Implications

- Protect our market (lock-out) against non-compliant products.
- Ensures foreign market access – more demands/reliable measurements.
- Sustained and/or increase in employment (more participants in economic development – level the play field for industry) translate to better health for most - **government objectives**.
- It emphasis quality ‘fit for purpose’ of products that ensures health and safety - **government objectives**.
- Protect life through accurate instruments/ or measurements.



the dti

Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA

***the dti* and the NRCS thanks  
you for your support**



**the dti**

Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA

# Contacts details

- Mr Asogan Moodley – CEO: NRCS [moodleya@nrcs.org.za](mailto:moodleya@nrcs.org.za)
- Mr Stuart Carstens – General Manager: Legal Metrology, NRCS [carstesh@nrcs.org.za](mailto:carstesh@nrcs.org.za)
- Dr Tshenge Demana – Chief Director: Technical Infrastructure [tdemana@thedti.gov.za](mailto:tdemana@thedti.gov.za)
- Ms Anna-Marie Lötter - Director: Technical Infrastructure [alotter@thedti.gov.za](mailto:alotter@thedti.gov.za)
- Mr Jaco Marneweck – Senior Manager Inspections: NRCS [marnewj@nrcs.org.za](mailto:marnewj@nrcs.org.za)
- Mr Amos V Mbele – Deputy Director, Technical Infrastructure Business Unit: [AMbele@thedti.gov.za](mailto:AMbele@thedti.gov.za)
- Ms Jacqueline Raphala – Assistant Director, Technical Infrastructure Business Unit: [JRaphala@thedti.gov.za](mailto:JRaphala@thedti.gov.za)



the dti

Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA

# References

- [http://jotalaw.co.za/media/filestore/2013/10/B34\\_2013.pdf](http://jotalaw.co.za/media/filestore/2013/10/B34_2013.pdf)
- [http://www.thedti.gov.za/parliament/Legal\\_metrology\\_20112013.pdf](http://www.thedti.gov.za/parliament/Legal_metrology_20112013.pdf)
- [http://www.thedti.gov.za/parliament/legal\\_metrology.pdf](http://www.thedti.gov.za/parliament/legal_metrology.pdf)
- <http://govza.gcis.gov.za/node/488905>
- <http://durbanchamber.com/profiles/blogs/public-hearing-on-the-legal-metrology-bill-b34b-2013>
- <http://www.pmg.org.za/calls-for-comment/public-hearings-legal-metrology-bill>
- [http://www.parliament.gov.za/live/commonrepository/Processed/20140310/568173\\_1.pdf](http://www.parliament.gov.za/live/commonrepository/Processed/20140310/568173_1.pdf)
- [https://www.google.co.za/search?hl=en-ZA&source=hp&q=legal+metrology+bill&gbv=2&oq=legal+metrology+&gs\\_l=heirloom-hp.1.0.0110.21921.35390.0.51218.16.11.0.5.5.0.281.2252.2-10.10.0....0...1ac.1.34.heirloom-hp..1.15.2300.Vfl27jAlq7M](https://www.google.co.za/search?hl=en-ZA&source=hp&q=legal+metrology+bill&gbv=2&oq=legal+metrology+&gs_l=heirloom-hp.1.0.0110.21921.35390.0.51218.16.11.0.5.5.0.281.2252.2-10.10.0....0...1ac.1.34.heirloom-hp..1.15.2300.Vfl27jAlq7M)
- <http://2bbiz.co.za/blog/tag/legal-metrology-bill/>
- <http://www.wcpp.gov.za/sites/default/files/ATC%2020131004.pdf>
- [http://www.grahamstown.co.za/event/public\\_hearing\\_by\\_economic\\_dev\\_environmental\\_affairs\\_and\\_tourism\](http://www.grahamstown.co.za/event/public_hearing_by_economic_dev_environmental_affairs_and_tourism/)
- <http://parlyreportsa.co.za/energy/legal-metrology-bill-will-regulate-industry-measurements/>
- <http://www.sabinetlaw.co.za/economic-affairs/articles/legal-metrology-bill-sent-president>
- <http://www.pmg.org.za/report/20140219-legal-metrology-bill-negotiating-mandates>
- <http://www.legalbrief.co.za/article.php?story=20131107084044576>
- <http://eepublishers.wordpress.com/2013/11/25/implications-of-the-legal-metrology-bill-for-the-geomatics-sector/>
- <http://www.ee.co.za/article/4y-geoinformatics-284-11-the-legal-metrology-bill-is-the-weather-turning-good-or-bad.html>
- [www.gpl.gov.za/.../503-ncop-progress-report-2013-10-11-e-09docx.html](http://www.gpl.gov.za/.../503-ncop-progress-report-2013-10-11-e-09docx.html)



the dti

Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA