

OFFICIAL GAZETTE

EXTRAORDINARY
OF SOUTH WEST AFRICA.



BUITENGEWONE

OFFISIËLE KOERANT

GITGAWE OP GESAG.

VAN SUIDWES - AFRIKA.

PUBLISHED BY AUTHORITY.

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WINDHOEK

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CONTENTS

IN HOUD

Page/Bladsy

GOVERNMENT NOTICE—

No. 119 Ordinance, 1962: Promulgation of . . .

GOEWERMENSKENNISGEWING—

Ordonnansie, 1962: Uitvaardiging van . . . 978

Government Notice.

Goewermentskennisgewing.

The following Government Notice is published for general information.

W. J. VAN DER MERWE,
Acting Secretary for South West Africa.

Administrator's Office,
Windhoek.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

W. J. VAN DER MERWE,
Waarnemende Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek.

No. 119.] [6th July, 1962. No. 119.] [6 Julie 1962.

ORDINANCE, 1962: PROMULGATION OF

The Administrator has been pleased to assent, in terms of section *thirty-two* of the South West Africa Constitution Act, 1925 (Act No. 42 of 1925), to the following Ordinance which is hereby published for general information in terms of section *thirty-four* of the said Act:—

ORDONNANSIE, 1962: UITVAARDIGING VAN

Dit het die Administrateur behaag om sy goedkeuring te heg, ooreenkomstig artikel *twes-en-dertig* van „De Zuidwest-Afrika Konstitusie Wet 1925” (Wet 42 van 1925), aan die volgende Ordonnansie wat hiermee vir algemene inligting gepubliseer word, ooreenkomstig artikel *vier-en-dertig* van genoemde Wet:—

No.	Title	Title	Page/Bladsy
No. 30	Weights and Measures Ordinance, 1962 . . .	Ordonnansie op Mate en Gewigte 1962 . . .	978

No. 30 of 1962.]

No. 30 van 1962.]

ORDINANCE

ORDONNANSIE

To consolidate the law relating to weights and measures.

Om die wet op mate en gewigte saam te vat.

(Assented to 21st June, 1962.)

(Afrikaans text signed by the Administrator.)

(Goedgekeur 21 Junie 1962.)

(Afrikaanse teks deur die Administrateur geteken.)

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the State President, in so far as such consent is necessary previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section *twenty-six* of the South West Africa Constitution Act, 1925 (Act 42 of 1925), as amended by section *sixteen* of the South West Africa Affairs Amendment Act, 1949 (Act 23 of 1949) of the Parliament of the Republic of South Africa, as follows:

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika met die toestemming van die Staatspresident, dermate sodanige toestemming nodig is, vooraf verkreeë en meegedeel deur boodskap van die Administrateur aan die Wetgewende Vergadering ooreenkomstig die bepaling van artikel *ses-en-twintig* van „De Zuidwest-Afrika Konstitusie Wet, 1925” (Wet 42 van 1925), soos gewysig by artikel *setien* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949 (Wet 23 van 1949) van die Parlement van die Republiek van Suid-Afrika. VERORDEN:

1. In this Ordinance, unless the context otherwise indicates —
(1) “assize” in relation to any weighing or measuring instrument, weight or measure, means stamp

1. In hierdie ordonnansie, tensy dit uit die samehang anders blyk, beteken —
(1) „afkeurstempel” ’n stempel voorgeskryf by regulasie; (viii)

- with a stamp of assize in accordance with the provisions of this Ordinance, and "re-assize" bears a corresponding meaning; (xvi)
- (ii) "assizer" means a person appointed under this Ordinance to assize or re-assize any weighing or measuring instrument, weight or measure and to carry out the provisions of this Ordinance; (xvii)
- (iii) "board" means the Assize Board appointed under section *three* of the Weights and Measures Act, 1958 (Act 13 of 1958) of the Republic of South Africa; (ix)
- (iv) "correct" with reference to any weighing or measuring instrument, weight or measure, means correct within the limits of error or sensitiveness specified in the regulations; (v)
- (v) "measuring instrument" means any instrument for the measurement of length, area, capacity or volume or any other instrument which the Administrator by proclamation in the *Gazette* has declared a measuring instrument; (vi)
- (vi) "*Gazette*" means the *Official Gazette* of the Territory; (vii)
- (vii) "regulation" means a regulation made under this Ordinance; (x)
- (viii) "rejection stamp" means a stamp prescribed by regulation; (i)
- (ix) "sell" includes to offer, advertise, keep, expose, transmit, convey, deliver or prepare for sale or to exchange or to dispose of for any consideration whatever or to transmit, convey or deliver in pursuance of a sale, exchange or disposal as aforesaid and the words "seller", "selling", "sale" and "sold" have a corresponding meaning; (xiii)
- (x) "stamp" includes cast, engrave, etch, print or otherwise mark, in such a manner as to be as far as possible indelible; (xi)
- (xi) "stamp of assize" or "seal of assize" means a stamp or seal prescribed by regulation; (xviii)
- (xii) "superintendent" means the superintendent of assize referred to in section *two*; (xii)
- (xiii) "this Ordinance" includes the regulations; (iv)
- (xiv) "trade" includes any contract, bargain, sale, dealing or collection of tolls or duties referred to in section *twenty-seven*; (iii)
- (xv) "Territory" means the Territory of South West Africa; (ii)
- (xvi) "unassized" with reference to any weighing or measuring instrument, weight or measure, which should under this Ordinance have been assized or re-assized means not assized or re-assized; (viii)
- (xvii) "vehicle" means any carriage, wagon, truck, barrow or other means of conveyance, but does not include railway rolling stock; (xiv)
- (xviii) "weighing instrument" includes any scale or balance or any machine or instrument used for weighing, whether or not also constructed to calculate and indicate the price in money, and any weight belonging thereto; (xv)
- (ii) „Gebied" die Gebied Suidwes-Afrika! (xv)
- (iii) „handel" ook 'n kontrak, ooreenkoms, verkoop, transaksie of inordering van tolgede of belasting, in artikel *sewe-en-twintig* vermeld; (xiv)
- (iv) „hierdie ordonnansie" ook die regulasie; (xiii)
- (v) „juis" met betrekking tot weeg- en meetinstrumente, mate of gewigte, juis binne die perke van onnoukeurigheid of gevoeligheid in die regulasies bepaal; (iv)
- (vi) „meetinstrument" 'n instrument om lengte, oppervlakte, inhoud of volume te meet of enige ander instrument wat deur die Administrateur by proklamasie in die *Offisiële Koerant* 'n meetinstrument verklaar is; (v)
- (vii) „*Offisiële Koerant*" die *Offisiële Koerant* van die Gebied; (vi)
- (viii) „ongeyk" met betrekking tot meet- en weeginstrumente, mate of gewigte wat ingevoel hierdie ordonnansie geik of heryk moes gewees het, nie geik of heryk nie; (xvi)
- (ix) „raad" die Ykraad aangestel ingevolge artikel *drie* van die Wet op Mate en Gewigte (Wet 13 van 1958) van die Republiek van Suid-Afrika; (iii)
- (x) „regulasie" 'n regulasie kragtens hierdie ordonnansie uitgevaardig; (vii)
- (xi) „stempel" ook giet, graveer, ets, druk of andersins merk, op so 'n wyse dat dit sover moontlik onuitwisbaar is; (x)
- (xii) „superintendent" die superintendent van kwese bedoel in artikel *twoe*; (xii)
- (xiii) „verkoop" as werkwoord, ook vir verkoop aanbied, adverteer, hou, uitstal, versend, vervoer, lewer of voorberei of verruil of teen enige vergoeding hoognaemd van die hand sit of ingevoel 'n verkoping of vervuiling of so 'n van-die-handsetting, versend, vervoer of aflewer en het die woorde „verkoop" en „verkoop" as selfstandige naamwoorde 'n ooreenstemmende betekenis; (ix)
- (xiv) „voertuig" 'n rytuig, wa, trok, stootkar of ander vervoermiddel, maar nie ook rollende spoorwegmateriaal nie; (xvii)
- (xv) „weeginstrument" ook 'n skaal of balans, of 'n masjien of instrument wat gebruik word om te weeg, hetsy dit ook gemaak is om die prys in geld te bereken en aan te dui, en ook 'n gewig wat daarby hoort; (xviii)
- (xvi) „yk" met betrekking tot enige meet- en weeg instrument, maat of gewig, ooreenkomstig die bepaling van hierdie ordonnansie met 'n yk-stempel stempel, en het „heryk" 'n ooreenstemmende betekenis; (i)
- (xvii) „ykbeampies" iemand ingevolge hierdie ordonnansie aangestel om weeg- of meetinstrumente mate of gewigte te yk of te heryk en om die bepaling van hierdie ordonnansie uit te voer (ii)
- (xviii) „ykestempel" of „yksesel" 'n stempel of seël voorgeskryf by regulasie; (xi).

CHAPTER I.

ADMINISTRATION OF ORDINANCE

2. This Ordinance shall be administered, subject to the control of the Administrator, by a superintendent of assize, who shall be the Secretary for South West Africa, and by assizers who shall perform their duties under the control of the superintendent.

3. The superintendent may from time to time by writing under his hand and subject to such conditions as he may deem fit, delegate all or any of the powers conferred upon him by this Ordinance to any officer, and withdraw such delegation.

4. The Administrator may from time to time, subject to the provisions of section *five* and to the laws relating

HOOFSTUK I.

UITVOERING VAN ORDONNANSIE

2. Onderhegig aan die beheer van die Administrateur, word uitvoering aan hierdie ordonnansie gegee deur 'n superintendent van kwese, wat die Sekretaris van Suidwes-Afrika is, en deur ykbeampies wat hul plig onder beheer van die superintendent verrig.

3. Die superintendent kan van tyd tot tyd op skrif onder sy hand en onderhegig aan die voorwaardes wat hy goedvind elke vorme bevoegdheid wat hierdie ordonnansie aan hom verleen, aan 'n beampies oordra en h. kan sodanige oordrag terugtrek.

4. Die Administrateur kan van tyd tot tyd, behoudens die bepaling van artikel *vijf*, en die wette me

to the Public Service, appoint assizers to assize and re-assize any weighing or measuring instrument, weight or measure and to carry out the provisions of this Ordinance.

5. No person shall be appointed as an assizer unless he has shown in undergoing an examination a knowledge of the provisions of this Ordinance and —

- (a) has, in accordance with a curriculum laid down from time to time by the board, passed an examination in mensuration, elementary physics, elementary mechanics and practical work in assizing weighing and measuring instruments; or
- (b) has satisfied the Administrator that he holds a certificate qualifying him to act as an assizer,

and holds a certificate issued in accordance with the directions of the Administrator to the effect that he is qualified to act as an assizer.

6. The Administrator may, subject to the laws relating to the Public Service, appoint inspectors to exercise the functions of inspectors under this Ordinance.

7. Subject to the provisions of section *twenty-one* no assizer shall derive any profit from, or be employed in, the making, adjusting or selling of weighing or measuring instruments, weights or measures.

CHAPTER II.

STANDARD WEIGHTS AND MEASURES

8. (1) The standard measures of weight, lengths and capacity (of volume) are described in the First Schedule.

(2) The Administrator may by proclamation in the *Gazette* amend the First Schedule by adding new standard measures based on the standard measures described therein.

9. The standard measures of area are obtained by applying the standard measures of length and the standard measures of cubic content are obtained by cubing the standard measures of length.

10. (1) Save as is specially provided in this Ordinance no person shall use in trade any weights or measures other than standard weights or measures of the denominations set out in the Second Schedule.

(2) The abbreviations set out in the Second Schedule are the only recognized abbreviations of the said denominations.

(3) The Administrator may by proclamation in the *Gazette* amend the Second Schedule.

11. The Administrator shall cause to be kept in the custody of the superintendent a verified set of weights and measures (in this Ordinance referred to as the South West Africa standards).

12. The Administrator shall provide such verified copies (in this Ordinance referred to as working standards) of the South West Africa standards as may be required by assizers.

13. The Administrator shall cause —

(a) the South West Africa standards to be re-verified at intervals not exceeding five years;

(b) all working standards to be re-verified with South West Africa standards —

(i) in the case of working standards consisting of brass avoirdupois weights for testing weights used in trade, at intervals not exceeding six months;

(ii) in the case of all other working standards, at intervals not exceeding one year.

14. The Administrator shall from time to time cause to be examined and tested all scale-beams, balances or other instruments used or intended to be used with the South West Africa standards, or working standards and in which may depend the accuracy of any testing and verification in connection with which such standards are used.

betrekking tot die Staatsdiens, ykbeamptes aanstel om weeg- of meetinstrumente, mate of gewigte te yk en te heryk en om die bepalings van hierdie ordonnansie uit te voer.

5. Niemand word as ykbeampte aangestel nie tensy hy by die aflegging van 'n eksamen kennis van die bepalings van hierdie ordonnansie getoon het en —

(a) ooreenkomstig 'n leerplan wat die ykraad van tyd tot tyd vasstel, in 'n eksamen in meting, elementêre fisika, elementêre werktuigkunde en praktiese werk verbonde aan die yk van weeg- en meetinstrumente geslaag het; of

(b) die Administrateur oortuig het dat hy 'n sertifikaat besit waarvolgens hy bevoeg is om as ykbeampte op te tree.

en 'n sertifikaat besit ooreenkomstig die opdrag van die Administrateur uitgereik, wat aandui dat hy bevoeg is om as ykbeampte op te tree.

6. Die Administrateur kan, behoudens die wette met betrekking tot die Staatsdiens, inspekteurs aanstel om die werksaamhede van inspekteurs ingevolge hierdie ordonnansie te verrig.

7. Behoudens die bepalings van artikel *een-en-twintig*, mag geen ykbeampte enige winste verkry uit of werksaam wees by die vervaardiging, regstel of verkoop van weeg- of meetinstrumente, mate of gewigte nie.

HOOFSTUK II.

STANDAARDMATE EN -GEWIGTE

8. (1) Die standaardmate van gewig, lengte en inhoud (of volume) word in die eerste bylae beskryf.

(2) Die Administrateur kan by proklamasie in die *Offisiële Koerant* die eerste bylae wysig deur nuwe standaardmate, gebaseer op die standaardmate daarin beskryf, by te voeg.

9. Die standaardmate van oppervlakte word verkry deur die standaardmate van lengte tot die tweede mate te verhef en die standaardmate van kubieke inhoud word verkry deur die standaardmate van lengte tot die derde mate te verhef.

10. (1) Behoudens spesiale bepalings van hierdie ordonnansie, mag niemand ander mate of gewigte as die standaardmate of -gewigte van die maateenhede in die tweede bylae uiteengesit, in die handel gebruik nie.

(2) Die afkortings in die tweede bylae uiteengesit, is die enigste erkende afkortings van genoemde maateenhede.

(3) Die Administrateur kan by proklamasie in die *Offisiële Koerant* die tweede bylae wysig.

11. Die Administrateur moet 'n geverifieerde stel mate en gewigte in die bewaring van die superintendent laat hou. (In hierdie ordonnansie heet dit die Suidwes-Afrikastandaard.)

12. Die Administrateur verskaf geverifieerde replikas (in hierdie ordonnansie werkstandaarde genoem) van die Suidwes-Afrikastandaarde wat ykbeamptes nodig het.

13. Die Administrateur laat —

(a) die Suidwes-Afrikastandaarde by tussenpose van hoogstens vyf jaar herverifieer;

(b) alle werkstandaarde met Suidwes-Afrikastandaarde herverifieer —

(i) in die geval van werkstandaarde wat bestaan uit geelkoper-avoirdupoisgewigte vir die toets van gewigte wat in die handel gebruik word, by tussenpose van hoogstens ses maande;

(ii) in die geval van alle ander werkstandaarde, by tussenpose van hoogstens 'n jaar.

14. Die Administrateur laat van tyd tot tyd alle balansjukke, balanse of ander instrumente ondersoek en toets wat gebruik word of bestem is om gebruik te word met Suidwes-Afrika- of werkstandaarde, en waarvan die noukeurigheid van 'n toets of verifikasie in verband waarmee genoemde standaarde gebruik word, kan afhang.

CHAPTER III.

ASSIZING AND RE-ASSIZING OF WEIGHING AND MEASURING INSTRUMENTS, WEIGHTS AND MEASURES

15. Every weighing and measuring instrument, weight and measure, used in trade for the determination of length, area, capacity, volume, weight or quantity shall be assized in accordance with the provisions of this Ordinance.

16. (1) No assizer shall assize or re-assize —

- (a) subject to the provisions of section *eighteen*, any weighing or measuring instrument, weight or measure which is not properly constructed, or the material or mode of construction or nature or condition or any part of which appears, in the opinion of the assizer, likely to facilitate the commission of fraud;
- (b) any weighing or measuring instrument, weight or measure presenting unusual or novel features and in respect of which the assizer has not satisfied himself that an article or instrument of similar design or construction has been approved of by the superintendent;
- (c) any weighing instrument upon which the maximum weighing capacity is not marked in accordance with the provisions of section *thirty-five* or which is not provided with a suitable plug for receiving the stamp of assize, or the knife edges and bearing parts of which are not of hardened steel, agate or other material approved of by the superintendent;
- (d) any weight (except where its small size renders it impracticable) which is not properly denominated;
- (e) any weight which is made of earthenware or lead or pewter, or contains any such material (except in the form of a plug of lead or pewter which is necessary for the purpose of adjusting the weight or enabling it to receive the stamp of assize);
- (f) any measure of capacity or length which is not properly denominated;
- (g) any measure of capacity made of material easily liable to be dented or to lose its shape;
- (h) any measure of length made of material sufficiently elastic to cause material variations in its length, or the length of which is materially influenced by variations in atmospheric temperature or humidity;
- (i) any weighing or measuring instrument, weight or measure which does not conform to the requirements of this Ordinance.

(2) Any decision of an assizer under this section shall be liable to revision by, and subject to appeal to, the Administrator.

(3) If in the opinion of the Administrator any appeal is based upon frivolous grounds, the expenditure incurred by the Administration in connection with such appeal shall be borne by the appellant.

17. (1) An assizer shall, in the manner prescribed by regulation, deface by means of a rejection stamp, the stamp of assize on any weighing or measuring instrument, weight or measure which he finds to be false, defective or inaccurate, or not to comply with the requirements of this Ordinance, and thereupon such instrument, weight or measure, shall be deemed to be unassized.

(2) An assizer who defaces any stamp of assize on any such instrument, weight or measure, shall at the same time issue to the person in charge of the instrument, weight or measure, a certificate stating the reason for the defacement.

18. (1) The superintendent shall examine and test, with reference to the material of which and the principle on which it is constructed, any pattern of any weighing or measuring instrument, weight or measure for trade use submitted to him.

HOOFSTUK III.

DIE YK EN HERYK VAN WEEG- EN MEETINSTRUMENTE, MATE EN GEWIGTE

15. Alle weeg- en meetinstrumente, mate en gewigte wat in die handel gebruik word vir die bepaling van lengte, oppervlakte, inhoud, volume, gewig of hoeveelheid, moet ooreenkomstig die bepalings van hierdie ordonnanse geïk word.

16. (1) Geen ykbeaampte yk of heryk —

- (a) behoudens die bepalings van artikel *agtien*, weeg- of meetinstrumente, mate of gewigte, wat nie behoorlik gemaak is nie, of waarvan die materiaal of wyse van konstruksie of aard of toestand of 'n deel volgens die oordeel van die ykbeaampte waarskynlik die pleeg van bedrog in die hand sal werk;
- (b) weeg- of meetinstrumente, mate of gewigte wat buitengewone of nuwe eienskappe vertoon en ten opsigte waarvan die ykbeaampte hom nie vergewis het dat 'n artikel of instrument van 'n soortgelyke ontwerp of konstruksie deur die superintendent goedgekeur is nie;
- (c) 'n weeginstrument waarop die maksimum weegvermoë nie ooreenkomstig die bepalings van artikel *vyf-en-dertig* gemerk is nie, of wat nie van 'n geskikte prop vir die aanbring van die ykstempel voorsien is nie, of waarvan die balanseermesse en draagpunte nie van geharde staal, gaaf of 'n ander deur die superintendent goedgekeurde materiaal gemaak is nie;
- (d) 'n gewig waarop die maateenheid nie behoorlik aangedui word nie (behalwe wanneer dit onprakties is as gevolg van die kleinheid daarvan);
- (e) 'n gewig vervaardig uit erdewerk of lood of piouter, of wat sodanige materiaal bevat nie (behalwe in die vorm van 'n prop van lood of piouter wat nodig is om die gewig reg te stel of om die aanbring van die ykstempel moontlik te maak);
- (f) 'n inhouds- of lengtemaat waarop die maateenheid nie behoorlik aangedui word nie;
- (g) 'n inhoudsmaat vervaardig uit materiaal wat geneig is om maklik ingedruk te word of sy fatsoen te verloor nie;
- (h) 'n lengtemaat vervaardig uit materiaal wat voldoende elasties is om wesenlike veranderinge in die lengte daarvan te veroorsaak, of waarvan die lengte wesenlik beïnvloed word deur veranderinge in die lugtemperatuur of -vochtigheid nie;
- (i) weeg- of meetinstrumente, mate of gewigte wat nie aan die vereistes van hierdie ordonnanse voldoen nie.

(2) 'n Beslissing deur 'n ykbeaampte ingevolge hierdie artikel is onderhevig aan hersiening deur, en onderworpe aan appél by die Administrateur.

(3) Indien volgens die oordeel van die Administrateur 'n appél op beuselagtige gronde berus, word die onkoste deur die Administrasie in verband met so 'n appél aangegaan, deur die appellant gedra.

17. (1) 'n Ykbeaampte moet die ykstempel op weeg- of meetinstrumente, mate of gewigte wat na hy bevind vals, gebrekkig of onnoukeurig is, of nie aan die vereistes van hierdie ordonnanse voldoen nie, op die by regulasie voorgeskrewe wyse met 'n afkeurstempel uitwis, en daarna word daardie instrumente, mate of gewigte geïk of weeg.

(2) 'n Ykbeaampte wat 'n ykstempel op sodanige instrumente, mate of gewigte uitwis, relk terselfdertyd aan die persoon in beheer van die instrumente, mate of gewigte 'n sertifikaat uit waarin die rede vir die uitwissing vermeld word.

18. (1) Die superintendent moet modelle van weeg- of meetinstrumente, mate of gewigte vir handelsgebruik wat aan hom voorgelê word, ondersoek en toets met betrekking tot die materiaal waarvan en die beginsel waarop dit vervaardig is.

(2) A decision of the superintendent under this section shall be liable to revision by, and subject to appeal to, the Administrator whose decision shall be final.

(3) If in the opinion of the Administrator any appeal is based on frivolous grounds, the expenditure incurred by the Administration in connection with such appeal shall be borne by the appellant.

19. (1) The superintendent or any assizer may, in accordance with regulation, call upon any person or all persons within any district, having any weighing or measuring instrument, weight or measure in use in trade, to produce it for the purpose of being examined and assized or re-assized at such time or times and at such place or places within that district as he may appoint by notice affixed to the principal door or to a notice board at or near the principal door of the magistrate's court of that district and published in a newspaper circulating in that district: Provided that there shall be an interval of at least fourteen days between the date of such notice and the first date on which any such weighing or measuring instrument, weight or measure has to be produced.

(2) Any person who fails to comply with such notice, except with regard to any weighing or measuring instrument, weight or measure, which, by reason of being fixed or of heavy weight or of delicate construction, cannot conveniently be moved, shall be guilty of an offence.

(3) Any person who has any instrument, weight or measure referred to in sub-section (2) in use in trade, shall forthwith in writing notify the assizer or the magistrate of the district in which it is used for trade or any person appointed by the superintendent for the purpose of being notified, of the place where it is kept.

(4) Any person who fails to comply with the provisions of sub-section (3) shall be guilty of an offence.

(5) Any assized measure of capacity made of clear glass or a fixed assized metal measure of length need not be re-assized unless the assizer has reasonable grounds for believing that it has been materially altered since it was assized, or unless the original stamp of assize has been defaced or has become illegible.

20. (1) An assizer shall, at the time and place appointed under sub-section (1) of section *nineteen*, examine any weighing or measuring instrument, or any weight or measure of a denomination authorized by this Ordinance which is brought to him to be assized or re-assized and shall, after verification or comparison with or a test by means of working standards, assize or re-assize, in such manner as best to prevent fraud or deception and to indicate the year of such assizing or re-assizing, any such instrument, weight or measure which he finds to be correct and to comply with the requirements of this Ordinance.

(2) The assizer shall keep a record of such verification, comparison, test, assizing or re-assizing, and shall issue to any person who has so brought to him any such instrument, weight or measure, a certificate signed by him, that such instrument, weight or measure has, on the date mentioned in such certificate, been assized, re-assized or rejected, as the case may be.

21. Any assizer shall charge —

(a) in respect of any verification or comparison with or test by means of standards, or assizing or re-assizing, of any weighing or measuring instrument, weight or measure; and

(b) in respect of the adjustment of any weight or measure, if authorised by the superintendent to adjust any weight or measure,

fees according to a tariff fixed by the Administrator and published by notice in the *Gazette*.

22. Any assizer who stamps with a stamp of assize any weighing or measuring instrument, weight or measure in contravention of any provision of this Ordinance shall be guilty of an offence.

23. Any weighing or measuring instrument, weight or measure used by the State for the purpose of, or in

(2) 'n Beslissing van die superintendent ingevolge hierdie artikel is onderhewig aan hersiening deur, en onderworpe aan appèl by die Administrateur wie se beslissing afdoende is.

(3) Indien volgens die oordeel van die Administrateur 'n appèl op beuselagtige grond berus, word die onkosse deur die Administrasie in verband met so 'n appèl aangegaan, deur die appellant gedra.

19. (1) Die superintendent of 'n ykbeampte kan, ooreenkomstig die regulasies, 'n persoon of alle persone in 'n distrik, wat weeg- of meetinstrumente, mate of gewigte in die handel gebruik, aansê om dit te toon om ondersoek en geyk of heryk te word op die tyd of tye en op die plek of plekke binne daardie distrik wat hy by kennisgewing bepaal, wat aan die hoofdeur of op die kennisgewingbord by of naby die hoofdeur van die landdroshof van daardie distrik geheg word, en in 'n koerant wat in daardie distrik omloop, gepubliseer word: Met dien verstande dat daar 'n tydperk van minstens veertien dae moet verloop tussen die datum van genoemde kennisgewing en die eerste datum waarop die weeg- of meetinstrumente, mate of gewigte getoon moet word.

(2) Iemand wat versuim om aan so 'n kennisgewing te voldoen, behalwe met betrekking tot weeg- of meetinstrumente, mate of gewigte wat weens die onbeweeglikheid of swaar gewig of delikate konstruksie daarvan, nie gemaklik vervoer kan word nie, is aan 'n misdryf skuldig.

(3) Iemand wat instrumente, mate of gewigte in sub-artikel (2) vermeld, in die handel gebruik, stel onverwyld die ykbeampte of die landdros van die distrik waarin dit in die handel gebruik word, of iemand wat deur die superintendent aangestel is om daarvan kennis te neem, skriftelik in kennis van die plek waar dit gehou word.

(4) Iemand wat versuim om aan die bepalings van subartikel (3) te voldoen, is aan 'n misdryf skuldig.

(5) 'n Geykte inhoudsmaat uit helder glas vervaardig of 'n vasgehegte metaallengtemaat hoef nie heryk te word nie, tensy die ykbeampte redelike gronde het om te glo dat dit wesenlik verander is sedert dit geyk is, of tensy die oorspronklike ykstempel uitgewis is of onleesbaar geword het.

20. (1) 'n Ykbeampte ondersoek, op die tyd en plek ingevolge subartikel (1) van artikel *negentien* bepaal, alle weeg- of meetinstrumente, of alle mate of gewigte van 'n maateenheid by hierdie ordonansie gemagtig wat na hom gebring word om geyk of heryk te word, en na verifikasie of vergelyking met of 'n toets deur middel van werkstandaarde, yk of heryk hy op 'n wyse wat bedrog of misleiding die beste sal voorkom, en wat die jaar van die yk of heryk aandui, die instrumente, mate of gewigte wat na sy bevinding juis is en aan die vereistes van hierdie ordonansie voldoen.

(2) Die ykbeampte teken die verifikasie, vergelyking, toets, yk of heryk aan, en reik aan iemand wat die instrumente, mate of gewigte aldus na hom gebring het 'n sertifikaat uit deur hom onderteken dat die instrumente, mate of gewigte op die datum in die sertifikaat vermeld, geyk, heryk of afgekeur is, na gelang van die geval.

21. 'n Ykbeampte vra —

(a) ten opsigte van die verifikasie of vergelyking met of toets deur middel van standaarde, of die yk of heryk van weeg- of meetinstrumente, mate of gewigte; en

(b) ten opsigte van die regstel van mate of gewigte, indien deur die superintendent gemagtig om mate of gewigte reg te stel,

gelyke ooreenkomstig 'n tarief deur die Administrateur bepaal en by kennisgewing in die *Offisiële Koerant* afgekondig.

22. 'n Ykbeampte wat weeg- of meetinstrumente, mate of gewigte in stryd met 'n bepaling van hierdie ordonansie met 'n ykstempel stempel, is aan 'n misdryf skuldig.

23. Weeg- of meetinstrumente, mate of gewigte wat deur die Staat gebruik word vir of in verband met die

connection with, the fixing of tolls, rates, taxes or payments of any description, shall be assized and re-assized in accordance with this Ordinance.

24. The superintendent shall arrange inspections for the purpose of preventing the use in trade of any weighing or measuring instrument, weight or measure which does not conform to the requirements of this Ordinance.

25. (1) Any assizer or inspector appointed under this Ordinance furnished with written inspection authority by the superintendent, or any policeman may at all reasonable times inspect and cause to be compared with working standards, any weighing or measuring instrument, weight or measure which is used in trade or is in possession of any person or on any premises for purposes of trade, may seize and detain any weighing or measuring instrument, weight or measure liable to confiscation under this Ordinance and may, for the purpose of such inspection, enter any place or vehicle, in respect of which he has reason to believe that it contains any weighing or measuring instrument, weight or measure which he is authorized by this Ordinance to inspect.

(2) Any such assizer or inspector or any policeman may at all reasonable times —

- (a) enter any place or vehicle where any goods are sold;
- (b) order any person carrying goods for sale to stop; and
- (c) inspect and weigh or measure any such goods and for that purpose use any assized or re-assized weighing or measuring instrument, weight or measure found at the place or vehicle where such goods are found or from which the goods are carried for sale.

(3) Any person using in trade any weighing or measuring instrument, weight or measure, shall, on demand of any purchaser desiring to ascertain whether such instrument, weight or measure has been assized or re-assized, produce such instrument, weight or measure to the purchaser for his inspection.

(4) Any person who —

- (a) fails on demand to produce for inspection under sub-section (1) or (3) any weighing or measuring instrument, weight or measure in his possession or on his premises; or
- (b) fails to comply with any order given under paragraph (b) of sub-section (2);
- (c) fails on demand to produce to any such assizer or inspector or any policeman any invoice or delivery note relating to any goods sold by him or accompanying any goods carried by him for delivery to a purchaser; or
- (d) hinders or obstructs any such assizer or inspector or any policeman in the exercise of his powers under this section,

shall be guilty of an offence.

26. In any criminal proceedings under this Ordinance, in which it is necessary, in order to establish the charge against the accused, to prove —

- (a) that he did at any time use in trade or use in trade for a particular purpose, or have in his possession for such use, any weighing or measuring instrument, weight or measure, he shall, if it is proved that he carried on trade at that time and that such instrument, weight or measure was then in his possession, be presumed, until the contrary is proved, at that time to have used in trade or to have used in trade for that purpose, or to have had in his possession for such use, as the case may be, the said instrument, weight or measure; or
- (b) that a notice under sub-section (1) of section *ninteen* or that the provisions of sub-section (3) of the said section should, in respect of any weighing or measuring instrument, weight or measure, have been complied with, such instrument, weight or measure shall be presumed, until the contrary is

vasstelling van tolgede, heffings, belastingen of betalings van watter aard ook al, word ooreenkomstig hierdie ordonnansie geëyk of heryk.

24. Die superintendent reël inspeksies ten einde die gebruik in die handel van weeg- of meetinstrumente, mate of gewigte wat nie aan die vereistes van hierdie ordonnansie voldoen nie, te voorkom.

25. (1) 'n Ykbeampte of inspekteur ingevolge hierdie ordonnansie aangestel, aan wie inspekslebevoegdheid skriftelik deur die superintendent verleen is, of 'n polisie-beampte, kan te alle redelike tye weeg- of meetinstrumente, mate of gewigte wat in die handel gebruik word of wat vir handelsdoeleindes in die besit van iemand of op 'n perseel is, ondersoek en met werkstandaarde laat vergelyk, kan weeg- of meetinstrumente, mate of gewigte wat ingevolge hierdie ordonnansie gekonfiskeer kan word, in beslag neem en hou, en kan vir doeleindes van so 'n ondersoek 'n plek of voertuig betree ten opsigte waarvan hy rede het om te glo dat dit weeg- of meetinstrumente, mate of gewigte bevat wat hy ingevolge hierdie ordonnansie gemagtig is om te ondersoek.

(2) So 'n ykbeampte of inspekteur of 'n polisie-beampte kan te alle redelike tye —

- (a) 'n plek of voertuig betree waar goedere verkoop word;
- (b) iemand wat goedere vir verkoop vervoer, bevel om tot stilstand te kom; en
- (c) sodanige goedere inspekteur en weeg of meet en vir daardie doel geëyk of herykte weeg- of meetinstrumente, mate of gewigte gebruik wat aangetrof word by die plek of voertuig waar die goedere gevind word of vanwaar die goedere vir verkoop vervoer word.

(3) Iemand wat weeg- of meetinstrumente, mate of gewigte in die handel gebruik, moet, op aanvraag van 'n koper wat begerig is om vas te stel of die instrumente, mate of gewigte geëyk of heryk is, die instrumente, mate of gewigte aan die koper vir ondersoek deur hom toon.

(4) Iemand wat —

- (a) versium om weeg- of meetinstrumente, mate of gewigte in sy besit of op sy perseel, vir ondersoek kragtens subartikel (1) of (3) op aanvraag te toon; of
- (b) versium om 'n bevel kragtens paragraaf (b) van subartikel (2) gegee, te gehoorsaam; of
- (c) versium om 'n faktuur of afleweringsbrief in verband met goedere deur hom verkoop of wat goedere vergesel wat deur hom vir aflewering aan 'n koper, vervoer word, op aanvraag aan so 'n ykbeampte of inspekteur of 'n polisiebeampte te toon; of
- (d) so 'n ykbeampte of inspekteur of 'n polisiebeampte by die uitoefening van sy bevoegdhede kragtens hierdie artikel hinder of belemmer,

is aan 'n misdryf skuldig.

26. In 'n strafsak ingevolge hierdie ordonnansie, waarin dit ter staving van die aanklag teen die beskuldigde nodig is om te bewys —

- (a) dat hy te eniger tyd weeg- of meetinstrumente, mate of gewigte in die handel gebruik het of vir 'n bepaalde doel in die handel gebruik het of vir sodanige gebruik in sy besit gehad het, word daar, indien dit bewys word dat hy op daardie tyd stip handel gedryf het en dat die instrumente, mate of gewigte toe in sy besit was, vermoed, totdat die teendeel bewys word, dat hy op daardie tyd stip genoemde instrumente, mate of gewigte in die handel gebruik het, of vir daardie doel in die handel gebruik het of vir sodanige gebruik in sy besit gehad het, na gelang van die geval; of
- (b) dat, ten aansien van weeg- of meetinstrumente, mate of gewigte, aan 'n kennisgewing ingevolge subartikel (1) van artikel *negentien* of aan die bepalingen van subartikel (3) van die genoemde artikel voldoen moes word, word daar vermoed, totdat die teendeel bewys word, dat die instrumente, mate of gewigte te alle betrokke tye deur

proved, at all relevant times to have been used in trade by the accused in the district to which the notice in question relates.

die beskuldigde in die handel gebruik is in die distrik waarop die betrokke kennisgewing betrekking het.

CHAPTER IV.

USE OF WEIGHING AND MEASURING INSTRUMENTS, WEIGHTS AND MEASURES

27. (1) Any contract, bargain, sale or dealing made or effected in the Territory for any land situated therein or any interest in land so situated or for any work, goods, wares or merchandise or other thing, by weight or measure, shall be made or effected according to denominations authorized by this Ordinance, and if not so made or effected, shall be void.

(2) Any toll or duty charged or collected according to weight or measure, shall be charged or collected according to the said denominations.

(3) Any contract, bargain, sale or dealing made or effected in the Territory by means of any weighing or measuring instrument, weight or measure not permitted by this Ordinance or which is false, defective or inaccurate or which is not assized or if it should under this Ordinance have been re-assized, has not been re-assized, shall be void.

(4) Subject to the provisions of sub-section (5) no person shall import into the Territory any goods in containers marked with a specified weight or measure —

(a) which is not in accordance with the denominations prescribed by this Ordinance, unless the equivalent of such weight or measure in the denominations so prescribed is also marked thereon as conspicuously as such weight or measure; or

(b) which is not in accordance with the regulations.

(5) The provisions of sub-section (4) shall not apply to goods in respect of which the importer satisfies the competent customs officer that such goods are imported for manufacturing purposes and not for sale.

(6) Any person who sells any article by any denomination other than a denomination authorized by this Ordinance shall be guilty of an offence.

(7) In this section "denomination" includes any multiple thereof.

28. (1) Any person who by any means whatsoever, whether direct or indirect, makes any false, incorrect or untrue declaration or statement as to number, quantity, measure, gauge or weight of any goods or articles in connection with their purchase, sale, weighing or measurement, or in the computation of any charges for services rendered on the basis of weight or measure, or who sells, or causes to be sold, anything by weight or measure short of the quantity demanded of or represented by the seller, shall be guilty of an offence.

(2) Any person who wilfully commits, or is a party to, or aids in or incites any other person to the commission of any fraud or deception in the use of any weighing or measuring instrument, weight or measure shall be guilty of an offence.

29. Any person who makes or sells or causes to be sold any false, defective or inaccurate weighing or measuring instrument, weight or measure shall be guilty of an offence.

30. (1) (a) Any person who uses in trade or has in his possession for such use —

(i) any weighing or measuring instrument, weight or measure not permitted by this Ordinance or which is false, defective or inaccurate; or

(ii) any weight or measure which is not a standard weight or measure of a denomination authorized by this Ordinance; or

(iii) any weighing or measuring instrument, weight or measure which has not been assized or, if it should

HOOFSTUK IV.

GEBRUIK VAN WEEG- EN MEETINSTRUMENTE, MATE EN GEWIGTE

27. (1) 'n Kontrak, ooreenkoms, verkoop of transaksie in die Gebied gesluit of aangegaan ten opsigte van grond daarin geleë of 'n belang in grond aldus geleë, of ten opsigte van werk, goedere, koopware of handelsware of iets anders, by maat of gewig, word ooreenkomsdig die maateenhede deur hierdie ordonnansie gemagtig, gesluit of aangegaan, en is nietig indien dit nie aldus gesluit of aangegaan word nie.

(2) Tolgelde of belasting wat volgens maat of gewig gevorder of ingevorder word, word ooreenkomsdig genoemde maateenhede gevorder of ingevorder.

(3) 'n Kontrak, ooreenkoms, verkoop of transaksie in die Gebied gesluit of aangegaan deur middel van weeg- of meetinstrumente, mate of gewigte, wat nie by hierdie ordonnansie veroorloof word nie, of wat vals, gebrekkig of onnaukeurig is, of wat nie geëyk is nie, of wat indien dit ingevolge hierdie ordonnansie heryk moes word, nie heryk is nie, is nietig.

(4) Behoudens die bepaling van subartikel (5) mag niemand goedere in houters in die Gebied invoer nie wat met bepaalde mate of gewigte gemerk is —

(a) wat nie met die maateenhede by hierdie ordonnansie voorgeskryf, ooreenstem nie, tensy die ekwivalent van daardie mate of gewigte in die aldus voorgeskrewe maateenhede net so opvallend soos genoemde mate of gewigte daarop gemerk word; of

(b) wat nie aan die regulasies voldoen nie.

(5) Die bepaling van subartikel (4) is nie van toepassing op goedere ten opsigte waarvan die invoerder die bevoegde doenebeampte oortuig dat die goedere vir vervaardigingsdoeleindes en nie vir verkoop ingevorder word nie.

(6) Iemand wat 'n artikel volgens 'n ander maateenheid as 'n maateenheid by hierdie ordonnansie gemagtig, verkoop, is aan 'n misdryf skuldig.

(7) In hierdie artikel beteken „maateenheid" ook 'n veelvoud daarvan.

28. (1) Iemand wat op watter wyse ook al, hetsy direk of indirek, 'n valse, onjuiste of onware verklaring of mededeling doen met betrekking tot die aantal, hoeveelheid, maat, dikte of gewig van goedere of artikels, in verband met die koop, verkoop, weeg of meet daarvan, of by die berekening van onkoste vir dienste gelower op die grondslag van maat of gewig of wat enigiets by maat of gewig verkoop of laat verkoop in 'n kleiner hoeveelheid as wat van die verkoper verlang word of deur hom voorgegee word, is aan 'n misdryf skuldig.

(2) Iemand wat hom opsetlik aan bedrog of misleiding by die gebruik van weeg- of meetinstrumente, mate of gewigte skuldig maak, of daarby betrokke is, of daarmee behulpsaam is of iemand anders daartoe uitlok, is aan 'n misdryf skuldig.

29. Iemand wat vals, gebrekkige of onnaukeurige weeg- of meetinstrumente, mate of gewigte vervaardig, verkoop of laat verkoop, is aan 'n misdryf skuldig.

30. (1) (a) Iemand wat —

(i) weeg- of meetinstrumente, mate of gewigte wat nie by hierdie ordonnansie veroorloof word nie, of wat vals, gebrekkig of onnaukeurig is; of

(ii) mate of gewigte wat nie standaardmate of gewigte van 'n maateenheid by hierdie ordonnansie gemagtig, is nie; of

(iii) weeg- of meetinstrumente, mate of gewigte wat nie geëyk is nie of, indien dit ingevolge hierdie

under this Ordinance have been re-assized, has not been re-assized, shall be guilty of an offence.

(b) Any person found in possession of any weighing or measuring instrument, weight or measure for use in trade, which is not permitted by this Ordinance or which is false, defective or inaccurate, shall be presumed to know that it is not so permitted or is false, defective or inaccurate, unless the contrary is proved.

(2) Any person who has in his possession at any place where trade is carried on, any weighing or measuring instrument, weight or measure which has been rejected by an assizer, shall be guilty of an offence.

31. (1) No person shall supply for use in trade any unassized weighing or measuring instrument, weight or measure unless he has previously obtained a written authority for such supply from the superintendent, who may issue such authority if he is satisfied that the supplier cannot, without undue delay, cause such instrument, weight or measure to be assized or re-assized, as the case may be, before its supply and if the supplier furnishes him with a written guarantee that the instrument or weight or measure is correct and assizable under this Ordinance.

(2) Any person who possesses or uses any weighing or measuring instrument, weight or measure which he has acquired from a person authorized to supply it in terms of sub-section (1) shall be exempt from any penalty for possessing or using it between the time of acquisition and the earliest opportunity when he could reasonably cause it to be assized or re-assized, as the case may be.

32. Any person who —

- (a) forges or counterfeits any stamp or die used for the assizing of any weighing or measuring instrument, weight or measure; or
- (b) wilfully increases, diminishes or tampers with a weighing or measuring instrument, weight or measure used in trade; or
- (c) otherwise than in the capacity of an assizer and save as provided in section *thirty-three* obliterates or removes from any weighing or measuring instrument, weight or measure, any stamp of assize or rejection stamp or any part thereof; or
- (d) inserts any such removed stamp of assize in any other weighing or measuring instrument, weight or measure; or
- (e) otherwise than in the capacity of an assizer, places upon any weighing or measuring instrument, weight or measure, any stamp or mark purporting to indicate that such instrument, weight or measure has been assized or re-assized; or
- (f) sells, utters or disposes of for purposes of trade, any weighing or measuring instrument, weight or measure which has been tampered with or falsified or on which the stamp of assize has been defaced,

shall be guilty of an offence.

33. (1) No person shall mend or repair any weighing or measuring instrument, weight or measure, unless he has first permanently obliterated the stamp of assize or rejection stamp thereon.

(2) Any person who has mended or repaired any weighing or measuring instrument, weight or measure used in trade shall, unless it is immediately thereafter assized, forthwith notify the superintendent of such mending or repair and furnish him with a written guarantee that such instrument, weight or measure is correct and assizable under this Ordinance and the superintendent, if satisfied as to the sufficiency of the guarantee and the competency of the repairer, shall, without delay, issue written authority for the use of such instrument, weight or measure until such time as arrangements can be made for the assizing thereof.

(3) No person shall use in trade any weighing or measuring instrument, weight or measure which has been mended or repaired, unless it has thereafter been assized or unless a written authority has in terms of sub-section (2) been furnished in respect thereof.

ordonnansie heryk moes word, nie heryk is nie, in die handel gebruik of in sy besit het vir sodanige gebruik, is aan 'n misdryf skuldig.

(b) Iemand wat in besit gevind word van weeg- of meetinstrumente, mate of gewigte vir gebruik in die handel, wat nie by hierdie ordonnansie veroorloof word nie, of wat vals, gebrekkig of onnoukeurig is, word geag te weet dat dit nie aldus veroorloof word nie, of vals, gebrekkig of onnoukeurig is, tensy die teendeel bewys word.

(2) Iemand wat op 'n plek waar handel gedryf word, weeg- of meetinstrumente, mate of gewigte in sy besit het wat deur 'n ykbeaampte afgewys is, is aan 'n misdryf skuldig.

31. (1) Niemand mag ongeykte weeg- of meetinstrumente, mate of gewigte vir gebruik in die handel verskaf, tensy hy vooraf skriftelike magtiging vir die verskaffing van die superintendent verkry het nie, wat so 'n magtiging kan uitreik indien hy oortuig is dat die leweransier nie die instrumente, mate of gewigte voor die verskaffing daarvan sonder buitensporige verdragting kan laat yk of heryk nie, na gelang van die geval, en indien die leweransier hom 'n skriflike waarborg verstrekt dat die instrumente, mate of gewigte juis is en ingevolge hierdie ordonnansie geik kan word.

(2) Iemand wat weeg- of meetinstrumente, mate of gewigte besit of gebruik, wat hy van 'n persoon verkry het wat ingevolge subartikel (1) gemagtig is om dit te verskaf, is van straf vrygestel vir die besit of gebruik daarvan tussen die tyd van verkryging en die eerste geleentheid waarop hy dit redelikewyse kon laat yk of heryk, na gelang van die geval.

32. Iemand wat —

- (a) 'n stempel of seëlstempel wat vir die yk van weeg- of meetinstrumente, mate of gewigte gebruik word, vervals of namaak; of
- (b) opsetlik weeg- of meetinstrumente, mate of gewigte wat in die handel gebruik word, groter of kleiner maak of daarmee peuter; of
- (c) behalwe in die hoedanigheid van ykbeaampte en behoudens die bepaling van artikel *drie-en-dertig*, 'n ykstempel of afkeurstempel of 'n deel daarvan uitwis op of verwyder van weeg- of meetinstrumente, mate of gewigte; of
- (d) so 'n verwyderde ykstempel in ander weeg- of meetinstrumente, mate of gewigte invoeg; of
- (e) behalwe in die hoedanigheid van ykbeaampte op meet- of weeginstrumente, mate of gewigte 'n stempel of merk plaas wat voorgee dat die instrumente, mate of gewigte geik of heryk is; of
- (f) weeg- of meetinstrumente, mate of gewigte waarmee gepeuter is of wat vervals is of waarop die ykstempel uitgewis is, vir handelsdoeleindes verkoop, in omloop bring of van die hand sit,

is aan 'n misdryf skuldig.

33. (1) Niemand mag weeg- of meetinstrumente, mate of gewigte heelmaak of herstel, tensy hy eers die ykstempel of afkeurstempel daarop permanent uitgewis het nie.

(2) Iemand wat weeg- of meetinstrumente, mate of gewigte wat in die handel gebruik word, heelgemaak of herstel het moet, tensy dit onmiddellik daarna geik word, die superintendent onverwyld van die heelmaak of herstel in kennis stel, en hom 'n skriflike waarborg, verstrekt dat die instrumente, mate of gewigte juis is en ingevolge hierdie ordonnansie ykbaar is, en indien die superintendent oortuig is van die toereikendheid van die waarborg en die vaardigheid van die hersteller, reik hy sonder verzuim skriftelike magtiging uit vir die gebruik van die instrumente, mate of gewigte totdat reëlings getref kan word vir die yk daarvan.

(3) Niemand mag weeg- of meetinstrumente, mate of gewigte in die handel gebruik wat heelgemaak of herstel is nie, tensy dit daarna geik is of tensy 'n skriftelike magtiging ingevolge subartikel (2) ten opsigte daarvan uitgereik is.

34. The superintendent may grant permission in writing to use any unassized weighing or measuring instrument, where for any reason it is not possible for an assizer to carry out the tests required by the regulations and the superintendent is satisfied that the instrument is correct and assizable.

35. No person shall use in trade or have in his possession for such use any weighing instrument, unless the maximum weighing capacity thereof is clearly marked thereon.

36. (1) Any person who uses any weight in trade shall, except where the small size of the weight renders it impracticable, have the denomination of such weight stamped on the top or side thereof in legible figures or letters.

(2) Any person who uses in trade any measure of capacity or length shall have the denomination thereof stamped on the outside of such measure in legible figures or letters.

37. Any weighing instrument shall be so constructed that the knife edges and bearing parts thereof are of hardened steel or agate or other approved material, and shall be fitted in some part essential to the use of the instrument, with a soft metal plug for receiving a stamp of assize.

38. (1) No person shall use troy weights in trade except for weighing precious metals.

(2) No person shall use metric carat weights in trade except for weighing precious stones.

(3) No person shall use apothecaries' weights in trade except in the dispensing of poisons, drugs or medicines.

(4) (a) A measure of capacity or cubic content or a measure of weight may be used in selling fluids, unless otherwise provided by regulation.

(b) No person shall sell any fluid by measure of capacity in any container unless the container is clearly labelled with the actual liquid contents expressed in measures of capacity given in the Second Schedule or unless the actual liquid contents are indicated in such manner as may be prescribed by regulation.

(c) The provisions of paragraph (b) shall not apply —

(i) in respect of the sale of beer, wine or other intoxicating liquor in quantities of one quart, one pint, one half pint, or one-sixth, one-twelfth or one-twenty-fourth of a gallon, in containers of corresponding capacity;

(ii) in respect of any container not intended for delivery by the seller with the fluid.

(5) No person shall save in so far as may be otherwise prescribed by regulation, use a measure of capacity for selling anything other than a fluid: Provided that for the purpose of complying with this Ordinance, a sack or bag shall consist of or mean such stated weight of that commodity or those goods as may be declared by the Administrator by proclamation in the *Gazette*.

(6) No person shall use Cape measures of length or area except for measuring land, and then only for so long as, and to the extent to which, the survey laws in the Territory admit of the use of those measures for land survey.

39. Notwithstanding anything in this Ordinance contained, no person who carries on a retail trade shall, without the written consent of an assizer, have in his possession any metric weight or measure of any denomination referred to in the Second Schedule, if he has in his possession any other weight or measure.

40. (1) No person shall —

(a) sell any goods by weight unless by net weight; or

(b) deliver to the purchaser of any goods so sold, an invoice or delivery note which does not contain a statement of the net weight of such goods; or

34. Die superintendent kan skriftelike toestemming verleen om ongekette weeg- of meetinstrumente te gebruik, waar dit om een of ander rede nie vir 'n ykbeampte moonklik is om die toetse deur die regulasies vereis, uit te voer nie en die superintendent oortuig is dat die instrumente juist en ykbaar is.

35. Niemand mag enige weeginstrument in die handel gebruik of in sy besit hê vir sodanige gebruik nie, tensy die maksimum weegvermoë daarvan duidelik daarop gemerk is.

36. (1) Iemand wat gewigte in die handel gebruik, laat, behalwe wanneer die kleinheid van die gewig dit onprakties maak, die maateenheid van die gewigte in leesbare syfers of letters op die bo- of sykant daarvan stempel.

(2) Iemand wat 'n inhoudsmaat of lengtemaat in die handel gebruik, laat die maateenheid daarvan in leesbare syfers of letters op die buitekant van so 'n maat stempel.

37. Weeginstrumente word so saamgestel dat die balanseermesse en draagpunte daarvan uit geharde staal of agaat of ander goedgekeurde materiaal bestaan, en word, in 'n onderdeel wat noodsaaklik vir die gebruik van die instrumente is, van 'n sagte metaalprop vir die aanbring van 'n ykstempel voorsien.

38. (1) Niemand mag troy-gewigte in die handel gebruik behalwe by die weeg van edelmetale nie.

(2) Niemand mag metrieke karaatgewigte in die handel gebruik behalwe by die weeg van edelgesteentes nie.

(3) Niemand mag aptekersgewigte in die handel gebruik behalwe by die toebereiding van gif, verdowingsmiddels of medisyne nie.

(4) (a) 'n Inhoudsmaat of kubieke maat of gewigsmaat kan by die verkoop van vloeistowwe gebruik word, tensy by regulasie anders bepaal word.

(b) Niemand mag 'n vloeistof vir inhoudsmaat in 'n houër verkoop nie tensy die houër van 'n duidelike etiket voorsien word wat die werklike vloeistofinhoud aandui, uitgedruk volgens inhoudsmate in die tweede bylae vermeld of tensy die werklike vloeistofinhoud op die by regulasie voorgeskrewe wyse aangedui word.

(c) Die bepaling van paragraaf (b) is nie van toepassing nie —

(i) ten opsigte van die verkoop van bier, wyn of ander sterk drank in hoeveelhede van 'n kwart, 'n pint, 'n halfpint of 'n sesse, 'n twaalfde of 'n vier-en-twintigste van 'n gallon, in houers met 'n ooreenstemmende inhoud;

(ii) ten opsigte van 'n houër wat nie bedoel is om met die vloeistof deur die verkoper afgelewer te word nie.

(5) Niemand mag behalwe vir sover anders by regulasie voorgeskryf word 'n inhoudsmaat vir die verkoop van iets anders as 'n vloeistof gebruik nie: Met dien verstande dat ten einde aan hierdie ordonansie te voldoen, 'n sak of baal dié bepaalde gewig van daardie ware of goedere bevat of beteken, wat deur die Administrateur vir proklamasie in die *Offisiële Koorant* verklaar word.

(6) Niemand mag Kaapse mate van lengte of oppervlakte gebruik, behalwe by die opmeting van grond nie, en dan slegs so lank soos en vir sover die wette op opmeting in die Gebied die gebruik van daardie mate vir landmeting toelaat.

39. Ondanks andersluidende bepalinge in hierdie ordonansie, mag niemand wat kleinhandel dryf, sonder die skriftelike toestemming van 'n ykbeampte, metrieke mate of gewigte van 'n maateenheid in die tweede bylae vermeld in sy besit hê, indien hy ander mate of gewigte in sy besit het nie.

40. (1) Niemand mag —

(a) goedere by die gewig anders as by netto gewig verkoop nie; of

(b) aan die koper van aldus verkoopte goedere 'n faktuur of afleweringsbrief oorhandig wat nie 'n verklaring van die netto gewig van die goedere bevat nie; of

- (c) sell by weight any goods in made-up packages or containers, unless the net weight of such goods is clearly and legibly marked on the outside of the package or container in the manner prescribed by regulation and is in accordance with the weight so marked.
- (2) Sub-section (1) shall not apply to —
- (a) any article which, by reason of its being subject to variation in weight owing to climatic influences, is specially exempted by regulations from the provisions of that sub-section;
- (b) any article for which weight is used for the purpose of designating grade or class only.
- (3) Paragraph (c) of sub-section (1) shall not apply to any article which is specially exempted by regulation from any or all of the provisions of that paragraph, or to goods weighed at the time of sale and sold by the net weight determined by such weighing.
- (4) No person shall sell any article exempted in the manner described in paragraph (a) of sub-section (2) unless it is conspicuously marked on the package or container in which it is sold in the manner prescribed by regulation with a statement giving the net weight of the contents at the time of packing.
41. (1) Any person who uses a weighing or measuring instrument for the purposes of retail trade shall keep such instrument wholly exposed to the view of any person dealing with him.
- (2) Any person who in retail trade sells by weight any goods prepacked by him shall keep available for the use of any person dealing with him an assized weighing instrument, suitable for weighing such goods.
42. (1) No person shall print, publish, make, circulate or cause to be printed, published, made or circulated in the Territory any return, price list or price current or any journal or other paper containing the prices current of goods, if the denomination of weights or measures quoted or referred to therein, denotes or implies a greater or less weight or measure than is denoted or implied by the same denomination of the weights or measures authorized by this Ordinance.
- (2) Sub-section (1) shall not apply to —
- (a) any catalogue emanating from a country outside the Territory and circulated in the Territory, which clearly shows on its outside cover that references to prices and denominations of weight and measure in such catalogue are not applicable to the Territory; or
- (b) any such catalogue which bears a statement on its outside cover showing the South West Africa equivalent of the denominations of weights and measures set forth therein.
43. Nothing in this Ordinance contained shall prohibit the sale, in a vessel or container, of any article not required by regulation to be sold by measure of capacity, where such vessel or container is not represented as containing a stated quantity according to South West Africa measure, and nothing in this Ordinance contained shall subject any person to any penalty for the possession of such vessel or container where it is shown that such vessel or container is not used or intended for use as a measure.
- (c) goedere in klaargemaakte pakkies of houers per gewig verkoop nie, tensy die netto gewig van die goedere duidelik en leesbaar aan die buitekant van die pakkie of houer op die by regulasie voorgeskrewe wyse gemerk is, en met die aldus gemerkte gewig ooreenstem.
- (2) Subartikel (1) is nie van toepassing nie op —
- (a) 'n artikel wat omrede dit ten gevolge van die uitwerking van klimaat aan gewigsverandering onderhevig is, uitdruklik by regulasie van die bepalings van daardie subartikel vrygestel word;
- (b) 'n artikel waarvoor gewig gebruik word slegs om graad of klas aan te dui.
- (3) Paragraaf (c) van subartikel (1) is nie van toepassing op 'n artikel wat uitdruklik by regulasie vrygestel word van een van al die bepalings van daardie paragraaf, of op goedere wat op die tydstip van verkoop gaweeg word en volgens die netto gewig by die weeg bepaal, verkoop word nie.
- (4) Niemand mag 'n artikel wat op die in paragraaf (a) van subartikel (2) omskrewe wyse vrygestel word, verkoop nie, tensy dit opvallend op die pakkie of houer waarin dit verkoop word op die by regulasie voorgeskrewe wyse gemerk word met 'n verklaring waarin die netto gewig van die inhoud ten tyde van die verpakking aangegee word.
41. (1) Iemand wat 'n weeg- of meetinstrument vir kleinhandelsdoeleindes gebruik, hou die instrument oop en bloot om deur enigiemand wat met hom sake doen, gesien te kan word.
- (2) Iemand wat in die kleinhandel goedere wat vooraf deur hom verpak is, volgens gewig verkoop moet 'n geykte weeginstrument wat vir die weeg van daardie goedere geskik is beskikbaar hou vir gebruik deur iemand wat met hom sake doen.
42. (1) Niemand mag 'n opgawe of pryslys of 'n blad of ander geskrif wat die pryslys van goedere bevat in die Gebied druk, uitgee, opstel, in omloop bring of laat druk, uitgee of opstel of in omloop laat bring nie, indien die maateenheid van mate of gewigte daarin aangehaal of vermeld, 'n groter of kleiner maat of gewig aandui of veronderstel as wat deur dieselfde maateenheid van die mate of gewigte deur hierdie ordonnansie gemagtig, aangedui of veronderstel word.
- (2) Subartikel (1) is nie van toepassing nie op —
- (a) 'n katalogus afkomstig uit 'n land buite die Gebied en in die Gebied in omloop gebring, wat op die buiteblad daarvan duidelik aantoon dat verwysings na pryse en maateenhede van mate en gewigte in die katalogus nie op die Gebied van toepassing is nie; of
- (b) so 'n katalogus wat op die buiteblad daarvan in die Suidwes-Afrika gangbare ekwivalente van die maateenhede van mate en gewigte wat daarin voorkom, aangee.
43. Die bepalings van hierdie ordonnansie verbied nie die verkoop, in 'n vat of houer, van 'n artikel waarvan dit nie by regulasie vereis word dat dit by inhoudsmaat verkoop moet word nie, waar dit nie voorgegee word dat die vat of houer 'n vasgestelde hoeveelhede volgens Suidwes-Afrikaanse mate bevat nie, en die bepalings van hierdie ordonnansie maak niemand strafbaar weens die besit van so 'n vat of houer nie, waar dit aangehoort word dat die vat of houer nie as maat gebruik word of vir gebruik bestem is nie.

CHAPTER V.

GENERAL AND MISCELLANEOUS

44. (1) The Administrator may make regulations not inconsistent with this Ordinance —
- (a) prescribing the times and places at which weighing or measuring instruments, weights or measures shall be examined and assized or re-assized;
- (b) with regard to the assizing or re-assizing of weighing or measuring instruments, weights or measures used by the State for the purpose of, or in con-

HOOFSTUK V.

ALGEMENE EN DIVERSE BEPALINGS

44. (1) Die Administrateur kan regulasies wat nie met hierdie ordonnansie onbestaanbaar is nie, uitvaardig —
- (a) wat die tye en plekke voorskryf waarop en waar weeg- of meetinstrumente, mate of gewigte ondersoek en geëyk of herëyk word;
- (b) met betrekking tot die ekëyk of heryk van weeg- of meetinstrumente, mate of gewigte wat deur die Staat vir of in verband met die vasstelling van

- nection with, the fixing of tolls, rates, taxes or payments of any description;
- (c) prescribing the manner in which the process of assizing or re-assizing shall be carried out with reference to the examination, adjustment, repair, verification and stamping of any kind of weighing or measuring instrument, weight or measure;
- (d) prescribing and approving the material and construction of weighing or measuring instruments, weights or measures for trade use, and prescribing the manner in which the denominations of standard weights or measures or any multiples or parts thereof may be represented on or by any such instruments;
- (e) prohibiting the use of weighing or measuring instruments, weights or measures which are liable to become inaccurate or to result in or facilitate fraud or deception;
- (f) limiting the purposes of trade for or in which certain weighing instruments may be used, or restricting or imposing conditions upon the use in trade of automatic weighing machines, price computing machines and like instruments;
- (g) defining the limits of error which may be allowed in any weighing or measuring instrument, weight or measure and the limits of error which may be allowed in the weight or quantity of any commodity in any container;
- (h) regulating and controlling the sale or importation for sale by standard weight or measure or where permissible by this Ordinance, by other weight or measure, of bread, coal, agricultural produce, milk, meat or any commodity largely used by the public, and requiring that any such article shall be sold in or by means of assized or re-assized measures or by weight or measure only and according to a prescribed scale of quantities;
- (i) regulating the manner in which the superintendent, any assizer, local inspector of weights and measures or any police officer shall carry out his duties under this Ordinance;
- (j) providing for the examination of candidates for appointment as assizers and prescribing the syllabus, conditions, and fees in respect of such examinations;
- (k) prescribing the conditions upon which fluids may be sold by weight only or by capacity only;
- (l) prescribing permissible methods of indicating the liquid contents of containers in which fluids are sold;
- (m) authorising the sale by measure of capacity of anything other than a fluid;
- (n) prescribing the manner of indicating the net weight of any goods sold by weight in made-up packages or containers;
- (o) prescribing a list of articles which, by reason of their being subject to variation in weight owing to climatic influences, or which by reason of weight being used to designate grade or class only, or which for any other reason are exempted from the provisions of this Ordinance relating to the sale of goods by net weight, and prescribing the size of the letters or the manner of stating the net weight of the contents of containers at the time of packing;
- (p) prescribing tables giving the permissible equivalents of the denominations of one standard weight or measure expressed in terms of denominations of another standard weight or measure;
- (q) prescribing tables giving the permissible weights per bag or other measures or container used in trade, of barley, bran, beans, buckwheat, cement, corn, dholl, flour, firewood, fertilizer, lime, mealies, meal, nuts, oats, onions, potatoes, peas, pollard, rice, rye, salt, sugar, samp, wheat and other dry commodities;
- tolgelde, heffings, belastingen of betalings van water aard ook gebruik word;
- (c) wat die wyse voorskryf waarop yk. of herykings-werksaamhede verrig word met betrekking tot die ondersoek, regstel, herstel, verifikasie en stempel van enige soort weeg- of meetinstrumente, mate of gewigte;
- (d) wat die materiaal en samestelling van weeg- of meetinstrumente, mate of gewigte vir handelsgebruik voorskryf en goedkeur, en die wyse voorskryf waarop die maaleenhede van standaardmate of -gewigte of veelvoude of gedeeltes daarvan op of deur daardie instrumente weergegee kan word;
- (e) wat die gebruik van weeg- of meetinstrumente, mate of gewigte verbied wat geniec is om onnaukeurigheid te word of bedrog of misleiding te veroorsaak of in die hand te werk;
- (f) wat die handelsdoeleindes beperk waarvoor of waarin sekere weeginstrumente gebruik kan word, of wat beperkings opleë of voorwaardes stel op die gebruik in die handel van outomatiese weegmasjiene, prysberekenningsmasjiene en soortgelyke instrumente;
- (g) wat die onnaukeurighedsperke wat toegelaat kan word in weeg- of meetinstrumente, mate of gewigte en die onnaukeurighedsperke wat toegelaat kan word in die gewig of hoeveelheid van ware in 'n houer, bepaal;
- (h) wat die verkoop of invoer vir verkoop volgens standaardmate of -gewigte, of indien ingevolge hierdie ordonnansie toelaatbaar, volgens ander mate of gewigte, van brood, steenkool, landbouprodukte, melk, vles of een of ander ware wat in 'n groot mate deur die publiek gebruik word, reël en beheer, en wat vereis dat so 'n artikel slegs in of deur middel van geykte of herykte mate of volgens maat of gewig en ooreenkomstig 'n voorgeskrewe skaal van hoeveelhede verkoop word;
- (i) wat die wyse reël waarop die superintendent, 'n ykbeaampte, plaaslike inspekteur van mate en gewigte of 'n polisiebeaampte sy pligte ingevolge hierdie ordonnansie uitvoer;
- (j) wat voorsiening maak vir die afneem van eksamens van kandidate vir aanstelling as ykbeaampies, en wat die leerplan, voorwaardes en gelde ten opsigte van die eksamens voorskryf;
- (k) wat die voorwaardes voorskryf waarop vloeistowwe slegs volgens gewig of slegs volgens inhoudsmaat verkoop kan word;
- (l) wat toelaatbare metodes voorskryf om die vloeistofinhoud van houers waarin vloeistowwe verkoop word, aan te dui;
- (m) wat die verkoop by inhoudsmaat van enigiets anders as 'n vloeistof magtig;
- (n) wat die wyse voorskryf om die netto gewig van goedere wat in klaargemaakte pakkijs of houers volgens gewig verkoop word, aan te dui;
- (o) wat 'n lys van artikels voorskryf wat, omrede hulle ten gevolge van die uitwerking van die klimaat, aan gewigsverandering onderhewig is, of wat uit hoofde daarvan dat gewig slegs gebruik word om graad of klas aan te dui, of wat om 'n ander rede, van die bepalingen van hierdie ordonnansie met betrekking tot die verkoop van goedere volgens netto gewig, vrygestel word, en wat die grootte van die letters wat die netto gewig van die inhoud van houers ten tyde van verpakking aandui of die wyse waarop dit aangedui word, voorskryf;
- (p) wat tafels voorskryf wat die toelaatbare ekwivalente van die maateenhede van een standaardmaat of -gewig uitgedruk deur middel van maateenhede van 'n ander standaardmaat of -gewig aangee;
- (q) wat tafels voorskryf wat die toelaatbare gewigte per sak of ander maat of houer in die handel gebruik, aangee ten opsigte van gars, semels, boon-tjies, bokwiet, sement, graan, „dholl“, meelblom, brandhout, kunsmis, kalk, mielies, meel, neute, hawer, uie, aartappels, eertjies, semelmeel, rys, rog, sout, suiker, stamppielles, koring en ander droë ware;

- (r) prescribing the forms to be used in connection with this Ordinance;
- (s) prescribing conditions for the supply, custody, care and verification of South West Africa standards and working standards;
- (t) prescribing conditions to apply to measuring instruments used in the survey of land or in railway, irrigation or underground surveys;
- (u) prescribing the size and weight of empty packs for wool, mohair or cotton and prohibiting the importation or use of packs other than those so prescribed;
- (v) prescribing the method of use of the denominations of standard weights and measures set out in the Second Schedule and of multiples thereof,

and generally for more effectually carrying out the objects and purposes of this Ordinance.

(2) Any regulation may be made in respect of the whole of the Territory or any part thereof.

45. Any person who contravenes, or fails to comply with, any provision of this Ordinance shall be guilty of an offence and shall, where no penalty is specially provided, be liable on a first conviction, to a fine not exceeding one thousand rand (R1000), and on a second or subsequent conviction to such fine or to imprisonment without the option of a fine for a period not exceeding six months.

46. (1) Whenever any manager, agent or employee of any person does or omits to do any act which it would be an offence under this Ordinance for such person to do or omit to do, then, unless it is proved that —

- (a) in doing or omitting to do that act, the manager, agent or employee was acting without the connivance or the permission of such person;
- (b) all reasonable steps were taken by such person to prevent any act or omission of the kind in question;
- (c) it was not within the scope of the authority or in the course of the employment of the manager, agent or employee to do or omit to do an act whether lawful or unlawful, of the character of the act or omission charged,

such person shall be presumed himself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof, and the fact that he issued instructions forbidding any act or omission of the kind in question shall not of itself be sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) Whenever any manager, agent or employee of any person does or omits to do any act which it would be an offence under this Ordinance for such person to do or omit to do, the manager, agent or employee shall be liable to be convicted and sentenced in respect thereof as if he were such person.

47. (1) The court convicting any person of an offence under this Ordinance may order the confiscation of any forged or counterfeited stamp or die, any weighing or measuring instrument, weight or measure or any other article in connection with which such offence has been committed.

(2) Any article confiscated under sub-section (1) shall be disposed of as the Administrator may direct.

48. (1) Subject to the provisions of sub-section (2), The Weights and Measures Ordinance, 1937 (Ordinance 18 of 1937), the Weights and Measures Amendment Proclamation, 1944 (Proclamation 41 of 1944) and the Weights and Measures Amendment Ordinance, 1956 (Ordinance 24 of 1956) are hereby repealed.

(2) Any proclamation, regulation, notice, approval, authority, certificate or document issued, made, promulgated, given or granted and any other action taken under

- (r) wat die vorms voorskryf wat in verband met hierdie ordonansie gebruik moet word;
- (s) wat voorwaardes vir die verskaffing, bewaring, versorging en verifikasie van Suidwes-Afrika-standaarde en werkstandaarde voorskryf;
- (t) wat voorwaardes voorskryf wat op meetinstrumente van toepassing is wat by die opmeting van grond of by spoorweg-, bospoelings- of ondergrondse opmetings gebruik word;
- (u) wat die grootte en gewig van leë bale vir wol, angorahaar of katoen voorskryf, en wat die invoer of gebruik van ander as die aldus voorgeskrewe bale verbied;
- (v) wat die gebruiksmetode van die maateenhede van standaardmate en -gewigte in die tweede bylae vermeld en van veelvuldigheid daarvan, voorskryf,

en oor die algemeen vir die doeltreffender uitvoering van die oogmerke en doelstellings van hierdie ordonansie.

(2) 'n Regulasie kan ten opsigte van die hele Gebied of 'n deel daarvan uitgevaardig word.

45. Iemand wat 'n bepaling van hierdie ordonansie oortree of versium om daaraan te voldoen, is aan 'n misdryf skuldig, en is, waar geen uitdruklike straf bepaal word nie, by 'n eerste skuldige bevinding strafbaar met 'n boete van hoogstens eenduisend rand (R1000) en by 'n tweede of daaropvolgende skuldige bevinding met daardie boete of met gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van hoogstens ses maande.

46. (1) Wanneer 'n bestuurder, agent of werknemer van 'n persoon 'n handeling verrig of versium om dit te verrig en dit 'n misdryf ingevolge hierdie ordonansie sou wees indien daardie persoon dit sou verrig of versium om dit te verrig, dan tensy bewys word dat —

- (a) by die verrigting van daardie handeling of versium om dit te verrig, die bestuurder, agent of werknemer sonder die oogluikende toelating of die toestemming van daardie persoon gehandel het; en
- (b) daardie persoon alle redelike stappe gedoen het om 'n handeling of versium van die onderhawige soort te voorkom; en
- (c) 'n handeling of versium, hetsy wettig of onwettig, van die ten laste geleëde aard nie binne die bestek van die bevoegdheid of in die loop van die diens van die bestuurder, agent of werknemer geval het nie,

word daar vermoed dat bedoelde persoon self daardie handeling verrig het of versium het om dit te verrig, en kan hy ten opsigte daarvan skuldig bevind en gestraf word, en die feit dat hy bevele uitgereik het wat 'n handeling of versium van die onderhawige soort verbied, word op sigself nie as voldoende bewys aanvaar dat hy alle redelike stappe gedoen het om die handeling of versium te voorkom nie.

(2) Wanneer 'n bestuurder, agent of werknemer van 'n persoon 'n handeling verrig of versium om dit te verrig en dit 'n misdryf ingevolge hierdie ordonansie sou wees indien daardie persoon dit verrig of versium om dit te verrig, kan die bestuurder, agent of werknemer ten opsigte daarvan skuldig bevind en gestraf word asof hy bedoelde persoon is.

47. (1) Die hof wat iemand skuldig bevind aan 'n misdryf ingevolge hierdie ordonansie, kan die verbeurde verklaring gelas van vervalste of nagemaakte stempels of gewigte, van weeg- of meetinstrumente, mate of gewigte of van ander artikels in verband waarmee die misdryf gepleeg is.

(2) Daar word oor 'n artikel wat ingevolge subartikel (1) verbeurde verklaar is, beskik op die wyse deur die Administrateur bepaal.

48. (1) Behoudens die bepalinge van subartikel (2) word die Ordonansie op Mate en Gewigte 1937 (Ordonansie 18 van 1937), die Wysigingsproklamasie op Mate en Gewigte 1944 (Proklamasie 41 van 1944) en die Wysigingsordonansie op Mate en Gewigte 1956 (Ordonansie 24 van 1956) hierby herroep.

(2) 'n Proklamasie, regulasie, kennisgewing, goedkeuring, magtiging, sertifikaat of dokument uitgereik, uitgevaardig, afgekondig, gegee of verleen en enige ander

any provision of a law repealed by sub-section (1), shall be deemed to have been issued, made, promulgated, given, granted or taken under the corresponding provision of this Ordinance.

49. This Ordinance shall be called the Weights and Measures Ordinance, 1962.

FIRST SCHEDULE

STANDARD MEASURES OF WEIGHT, CAPACITY AND LENGTH

1. The reference unit of the standard measure of weight is the kilogram, which is represented by the mass of the piece recognized by the General International Conference of Weights and Measures as the international prototype of the kilogram and deposited at the International Bureau of Weights and Measures.

The standard pound for South West Africa shall be the Imperial Standard Pound.

The equivalents for the kilogram and the pound are those derived at the International Bureau of Weights and Measures, namely —

1 pound	==	0.4535924 kilogram.
1 kilogram	==	2.2046225 pounds (avoird)

2. The reference unit of the standard measure of length is the metre, which is represented by the distance existing at the temperature of melting ice between two lines traced upon the bar sanctioned by the General International Conference of Weights and Measures as the international prototype of the metre and deposited at the International Bureau of Weights and Measures.

The standard yard for South West Africa shall be the Imperial Standard Yard.

The equivalents for the metre and the yard are those derived at the International Bureau of Weights and Measures, namely —

1 yard	==	0.9143992 metre.
1 metre	==	1.0936143 yard.

3. The reference unit of the standard measure of capacity is the litre, which is the volume of one kilogram of distilled water at its maximum density and under normal atmospheric pressure.

The standard gallon for South West Africa shall be the Imperial Gallon, which is the volume occupied by 10 pounds of distilled water weighed in air against brass weights at 62 degrees Fahrenheit under a pressure of 30 inches.

The equivalents for the litre and the gallon are as follows —

1 gallon	==	4.545963 litres.
1 litre	==	0.219975 gallon.

SECOND SCHEDULE

DENOMINATIONS OF WEIGHTS AND MEASURES WHICH MAY BE ASSIZED AND USED IN TRADE

**TABLE I.
WEIGHTS**

(a) *Avoirdupois weights*

- 1,000 pounds.
- 500 pounds.
- 100 pounds or cental.
- 50 pounds or half-cental or ½-cental.
- 25 pounds or quarter cental or ¼-cental.
- 20 pounds.
- 10 pounds.
- 5 pounds.
- 2 pounds.
- 1 pound.
- 8 ounces or half-pound or ½-pound.
- 4 ounces or quarter-pound or ¼-pound.
- 2 ounces.
- 1 ounce (= 437.5 grains = 28.3495 grams).
- 8 drams or half-ounce or ½-ounce.

stappe gedoen ingevolge 'n bepaling van 'n by subartikël (1) herroepo wet, word geag ingevolge die ooreenstemmende bepaling van hierdie ordonnansie uitgereik, uitgevaardig, afgekondig, gegee, verleen of gedoen te gewees het.

49. Hierdie ordonnansie heet die Ordonnansie op Mate en Gewigte 1962.

EERSTE BYLAE

STANDAARDMATE VAN GEWIG, INHOUD EN LENGTE

1. Die vergelykingseenheid van die standaardgewigsmaat is die kilogram wat voorgestel word deur die massa van die voorwerp wat deur die Algemene Internasionale Konferensie van Mate en Gewigte as die internasionale prototipe van die kilogram erken is en by die Internasionale Buro vir Mate en Gewigte bewaar word.

Die standaardpond vir Suidwes-Afrika is die Imperiale Standaardpond.

Die ekwivalente van die kilogram en die pond is dié verkry by die Internasionale Buro vir Mate en Gewigte, naamlik —

1 pond	==	0.4535924 kilogram
1 kilogram	==	2.2046225 pond (avoird).

2. Die vergelykingseenheid van die standaardlengtemaat is die meter, wat voorgestel word deur die afstand wat by die temperatuur van ys wat aan die smelt is, bestaan tussen twee lynne getrek op die staaf wat deur die Algemene Internasionale Konferensie van Mate en Gewigte as die internasionale prototipe van die meter goedgekeur is en by die Internasionale Buro vir Mate en Gewigte bewaar word.

Die standaardjaart vir Suidwes-Afrika is die Imperiale Standaardjaart.

Die ekwivalente van die meter en die jaart is dié verkry by die Internasionale Buro vir Mate en Gewigte, naamlik —

1 jaart	==	0.9143992 meter.
1 meter	==	1.0936143 jaart.

3. Die vergelykingseenheid van die standaardinhoudsmaat is die liter wat die volume van 'n kilogram gedistilleerde water by maksimum digtheid en onder normale lugdruk is.

Die standaardgelling vir Suidwes-Afrika is die Imperiale Gelling wat die volume is wat gevul word deur 10 pond gedistilleerde water in lug geweeg teen geelkopergewigte by 62 grade Fahrenheit onder 'n druk van 30 duim.

Die ekwivalente van die liter en die gelling is soos volg:

1 gelling	==	4.545963 liter.
1 liter	==	0.219975 gelling.

TWEDE BYLAE

MAATEENHEDE VAN MATE EN GEWIGTE WAT GEYK EN IN DIE HANDEL GEBRUIK KAN WORD

**TABLE I.
GEWIGTE**

(a) *Avoirdupoisgewigte*

- 1,000 pond.
- 500 pond.
- 100 pond of sentenaar.
- 50 pond of halfsentenaar of ½ sentenaar.
- 25 pond of kwartsentenaar of ¼ sentenaar.
- 20 pond.
- 10 pond.
- 5 pond.
- 2 pond.
- 1 pond.
- 8 ons of halfpond of ½ pond.
- 4 onse of kwartpond of ¼ pond.
- 2 onse.
- 1 ons (= 437.5 grein = 28.3495 gram).
- 8 dragmes of halsons of ½ ons.

4 drams or quarter-ounce or $\frac{1}{4}$ -ounce.
 2 drams.
 1 dram.
 $\frac{1}{2}$ dram.

4 dragmes of kwartons of $\frac{1}{4}$ ons.
 2 dragmes.
 1 dragme.
 $\frac{1}{2}$ dragme.

(b) Troy weights

500 ounces troy. 0.5 ounce troy.
 400 ounces troy. 0.4 ounce troy.
 300 ounces troy. 0.3 ounce troy.
 200 ounces troy. 0.2 ounce troy.
 100 ounces troy. 0.1 ounce troy.
 50 ounces troy. 0.05 ounce troy.
 40 ounces troy. 0.04 ounce troy.
 30 ounces troy. 0.03 ounce troy.
 20 ounces troy. 0.02 ounce troy.
 10 ounces troy. 0.01 ounce troy.
 5 ounces troy. 0.005 ounce troy.
 4 ounces troy. 0.004 ounce troy.
 3 ounces troy. 0.003 ounce troy.
 2 ounces troy. 0.002 ounce troy.
 1 ounce troy or 480 grains 0.001 ounce troy.
 (= 31.1035 grams)
 240 grains or 10 pennyweights.
 120 grains or 5 pennyweights.
 72 grains or 3 pennyweights.
 48 grains or 2 pennyweights.
 24 grains or 1 pennyweight.

(c) Apothecaries weights

10 ounces apothecaries.
 8 ounces apothecaries.
 6 ounces apothecaries.
 4 ounces apothecaries.
 2 ounces apothecaries.
 1 ounce apothecaries (= 480 grains).
 4 drachms or half-ounce apothecaries
 or $\frac{1}{2}$ -ounce apothecaries.
 2 drachms.
 1 drachm.
 2 scruples.
 $1\frac{1}{2}$ scruples or half-drachm or
 $\frac{1}{2}$ -drachm.
 1 scruple.
 $\frac{1}{2}$ scruple.
 6 grains.
 5 grains.
 4 grains.
 3 grains.
 2 grains.
 1 grain.
 $\frac{1}{2}$ grain.

(d) Decimal grain weights

4,000 grains. 3 grains.
 2,000 grains. 2 grains.
 1,000 grains. 1 grain.
 500 grains. 0.5 grain.
 300 grains. 0.3 grain.
 200 grains. 0.2 grain.
 100 grains. 0.1 grain.
 50 grains. 0.05 grain.
 30 grains. 0.03 grain.
 20 grains. 0.02 grain.
 10 grains. 0.01 grain.
 5 grains.

(e) Metric weights

20 kilograms. 5 grams.
 10 kilograms. 2 grams.
 5 kilograms. 1 gram.
 2 kilograms. 5 decigrams.
 1 kilogram. 2 decigrams.
 500 grams. 1 decigram.
 200 grams. 5 centigrams.
 100 grams. 2 centigrams.
 50 grams. 1 centigram.
 20 grams. 5 milligrams.
 18 grams. 2 milligrams.
 10 grams. 1 milligram.
 9 grams.

(b) Troygewigte

500 troy-onse. 0.5 troy-ons.
 400 troy-onse. 0.4 troy-ons.
 300 troy-onse. 0.3 troy-ons.
 200 troy-onse. 0.2 troy-ons.
 100 troy-onse. 0.1 troy-ons.
 50 troy-onse. 0.05 troy-ons.
 40 troy-onse. 0.04 troy-ons.
 30 troy-onse. 0.03 troy-ons.
 20 troy-onse. 0.02 troy-ons.
 10 troy-onse. 0.01 troy-ons.
 5 troy-onse. 0.005 troy-ons.
 4 troy-onse. 0.004 troy-ons.
 3 troy-onse. 0.003 troy-ons.
 2 troy-onse. 0.002 troy-ons.
 1 troy-ons of 480 grein 0.001 troy-ons.
 (= 31.1035 gram).
 240 grein of 10 pennyweight.
 120 grein of 5 pennyweight.
 72 grein of 3 pennyweight.
 48 grein of 2 pennyweight.
 24 grein of 1 pennyweight.

(c) Aptekersgewigte

10 aptekersonse.
 8 aptekersonse.
 6 aptekersonse.
 4 aptekersonse.
 2 aptekersonse.
 1 aptekerson (= 480 grein).
 4 dragmes of halwe aptekersons
 of $\frac{1}{2}$ aptekersons.
 2 dragmes.
 1 dragme.
 2 skrupels.
 $1\frac{1}{2}$ skrupel of halfdragme of
 $\frac{1}{2}$ dragme.
 1 skrupel.
 $\frac{1}{2}$ skrupel.
 6 grein.
 5 grein.
 4 grein.
 3 grein.
 2 grein.
 1 grein.
 $\frac{1}{2}$ grein.

(d) Desimale greingewigte

4,000 grein. 3 grein.
 2,000 grein. 2 grein.
 1,000 grein. 1 grein.
 500 grein. 0.5 grein.
 300 grein. 0.3 grein.
 200 grein. 0.2 grein.
 100 grein. 0.1 grein.
 50 grein. 0.05 grein.
 30 grein. 0.03 grein.
 20 grein. 0.02 grein.
 10 grein. 0.01 grein.
 5 grein.

(e) Metrieke gewigte

20 kilogram. 5 gram.
 10 kilogram. 2 gram.
 5 kilogram. 1 gram.
 2 kilogram. 5 desigram.
 1 kilogram. 2 desigram.
 500 gram. 1 desigram.
 200 gram. 5 sentigram.
 100 gram. 2 sentigram.
 50 gram. 1 sentigram.
 20 gram. 5 milligram.
 18 gram. 2 milligram.
 10 gram. 1 milligram.
 9 gram.

(f) Metric carat weights

10,000 metric carats.	2	metric carats.
5,000 metric carats.	1	metric carat
2,000 metric carats.	0.5	(= 200 milligrams).
1,000 metric carats.	0.5	metric carat.
500 metric carats.	0.2	metric carat.
200 metric carats.	0.1	metric carat.
100 metric carats.	0.05	metric carat.
50 metric carats.	0.02	metric carat.
20 metric carats.	0.01	metric carat.
10 metric carats.	0.005	metric carat.
5 metric carats.		

(f) Metrieke karaatgewigte

10,000 metrieke karaat.	2	metrieke karaat.
5,000 metrieke karaat.	1	metrieke karaat
2,000 metrieke karaat.		(= 200 milligram).
1,000 metrieke karaat.	0.5	metrieke karaat.
500 metrieke karaat.	0.2	metrieke karaat.
200 metrieke karaat.	0.1	metrieke karaat.
100 metrieke karaat.	0.05	metrieke karaat.
50 metrieke karaat.	0.02	metrieke karaat.
20 metrieke karaat.	0.01	metrieke karaat.
10 metrieke karaat.	0.005	metrieke karaat.
5 metrieke karaat.		

TABLE II.

MEASURES OF CAPACITY

(a) Liquid measures

One gallon and any multiple thereof.
 Half-gallon or 1/2-gallon.
 Three pints.
 Quart.
 One and one-quarter pint or 1 1/4-pint or 25 fluid ounces.
 Pint.
 Half-pint or 1/2-pint.
 Gill or quarter-pint or 1/4-pint.
 Half-gill or 1/2-gill or one-eighth pint or 1/8-pint.
 Quarter-gill or 1/4-gill or one-sixteenth pint or 1/16-pint.

(b) Apothecaries graduated glass measures

Quart.
 Pint.
 Half-pint or 1/2-pint.
 One fluid ounce and any multiple thereof up to and including 40 fluid ounces.
 Half fluid ounce or 1/2 fluid ounce.
 One fluid drachm and any multiple thereof up to and including 16 fluid drachms.
 Half fluid drachm or 1/2 fluid drachm.
 One minim and any multiple thereof up to and including 480 minims.

(c) Metric liquid measures

20 litres.	0.1	litre (deciliter).
10 litres (dekalitre).	0.05	litre.
5 litres.	0.02	litre.
2 litres.	0.01	litre (centiliter).
1 litre.	0.005	litre.
0.5 litre.	0.002	litre.
0.2 litre.	0.001	litre (milliliter).

(d) Metric cubic measures

1,000 cubic centimetres.	20	cubic centimetres.
500 cubic centimetres.	10	cubic centimetres.
200 cubic centimetres.	5	cubic centimetres.
100 cubic centimetres.	2	cubic centimetres.
50 cubic centimetres.	1	cubic centimetre.

TABEL II.

INHOUDSMATE

(a) Vloeistofmate

'n Gelling en 'n veelvoud daarvan.
 Halfgelling of 1/2 gelling.
 Drie plnte.
 Kwart.
 Een-en-n-kwart pint of 1 1/4 pint of 25 vloeistof-
 onse.
 Pint.
 Halfpint of 1/2 pint.
 Gill of kwartpint of 1/4 pint.
 Halfgill of 1/2 gill of agste pint of 1/8 pint.
 Kwartgill of 1/4 gill of sestiende pint of 1/16 pint.

(b) Gegradeerde aptekersglasmate

Kwart.
 Pint.
 Halfpint of 1/2 pint.
 Een vloeistofens en 'n veelvoud daarvan tot en met 40 vloeistofonse.
 Halve vloeistofens of 1/2 vloeistofens.
 Een vloeistofdragme en 'n veelvoud daarvan tot en met 16 vloeistofdragme.
 Halve vloeistofdragme of 1/2 vloeistofdragme.
 Een minim en 'n veelvoud daarvan tot en met 480 minims.

(c) Metrieke vloeistofmate

20 liter.	0.1	liter (desiliter).
10 liter (dekaliter).	0.05	liter.
5 liter.	0.02	liter.
2 liter.	0.01	liter (sentiliter).
1 liter.	0.005	liter.
0.5 liter.	0.002	liter.
0.2 liter.	0.001	liter (milliliter).

(d) Metrieke kubieke mate

1,000 kubieke sentimeter.	20	kubieke sentimeter.
500 kubieke sentimeter.	10	kubieke sentimeter.
200 kubieke sentimeter.	5	kubieke sentimeter.
100 kubieke sentimeter.	2	kubieke sentimeter.
50 kubieke sentimeter.	1	kubieke sentimeter.

TABLE III.

MEASURES OF LENGTH

Customary multiples and parts of the yard, foot, inch and metre.

PERMISSIBLE ABBREVIATIONS OF DENOMINATIONS

Weights

Pound	lb.
Ounce avoirdupois	oz.
Ounce troy	oz. tr.
Ounce apothecaries	oz. apoth.
Pennyweight	dwt.
Dram	dr.

TABEL III.

LENGTEMATE

Gebruiklike veelvoude en dele van die jaart, voet, duim en meter.

TOELAATBARE AFKORTINGS VAN MAATENHED.

Gewigte

Pond	lb.
Avoirdupois-ons	oz.
Troy-ons	oz.tr.
Aptekersons	oz.m.
Pennyweight	dwt.
Dragme	dr.

Grain	gr.
4 drachms	ʒiv.
2 drachms	ʒij.
1 drachm	ʒi.
2 scruples	ʒij.
1½ scruples or half-drachm	ʒss.
1 scruple	ʒi.
½ scruple	ʒss.
Kilogram	kilg. or kg.
Gram	grm. or g.
Decigram	dg.
Centigram	cg.
Milligram	mg.
Metric carat	C.M.

Grein	gr.
4 dragmes	ʒiv.
2 dragmes	ʒij.
1 dragme	ʒi.
2 skrupels	ʒij.
1½ skrupel of halfdragme	ʒss.
1 skrupel	ʒi.
½ skrupel	ʒss.
Kilogram	kilog. of kg.
Gram	grm. of g.
Desigram	dg.
Sentigram	cg.
Milligram	mg.
Metrieke karaat	K.M.

Measures

Gallon	gal.
Quart	qt.
Pint	pt.
Fluid ounce	fl. oz.
Fluid drachm	fl. dr.
Minim	min.
Litre	lit.
Decilitre	dl.
Centilitre	cl.
Millilitre	mil. of ml.
Yard	yd.
Foot	ft.
Inch	in.
Metre	m.
Decimetre	dm.
Centimetre	cm.
Millimetre	mm.
Cubic centimetre	c.c.

Mate

Gelling	gel.
Kwart	kwat.
Pint	pt.
Vloestofons	vl.oz.
Vloestofdragme	vl.dr.
Minim	min.
Liter	lit.
Desiliter	dl.
Sentiliter	cl.
Milliliter	mil. of ml.
Jaart	jt.
Voet	vt.
Duim	dm.
Meter	m.
Desimeter	dm.
Sentimeter	cm.
Millimeter	mm.
Kubieke sentimeter	k.c.

DENOMINATIONS OF WEIGHT AND MEASURE
WHICH ARE NOT ASSIZABLE BUT WHICH MAY BE
USED IN EXPRESSING TRADE CONTRACTS

(a) *Weight*

Ton or 2,000 pounds.
Metric ton or 1,000 kilograms.

(b) *Measures of length*

Cape foot = 0.3148581 metre.
Cape roed.

(c) *Measures of area*

Square yard.
Square foot.
Square inch.
Square metre.
Morgen = 600 square roods.
= 86,400 square Cape feet.
Acre = 4,840 square yards.
= 43,560 square English feet.
Hectare = 10,000 square metres.

(d) *Measures of cubic content*

Cubic yard.
Cubic foot.
Cubic inch.
Cubic metre.

MAATENHEDE VAN MATE EN GEWIGTE WAT
NIE YKBAAR IS NIE MAAR BY DIE UITEENSETTING
VAN HANDELSSOOREENKOMSTE GEBRUIK
KAN WORD

(a) *Gewig*

Ton of 2,000 pond.
Metrieke ton of 1,000 kilogram.

(b) *Lengtemate*

Kaapse voet = 0.3148581 meter.
Kaapse roede.

(c) *Oppervlaktemate.*

Vierkante jaart.
Vierkante voet.
Vierkante duim.
Vierkante meter.
Morg = 600 vierkante roede.
= 86,400 vierkante Kaapse voet.
Acre = 4,840 vierkante jaarts.
= 43,560 vierkante Engelse voet.
Hektaar = 10,000 vierkante meter.

(d) *Kubieke inhoudsmate*

Kubieke jaart.
Kubieke voet.
Kubieke duim.
Kubieke meter.

DENOMINATIONS OF MEASURES WHICH ARE NOT
ASSIZABLE BUT WHICH MAY BE USED

For indicating the actual liquid contents of containers of beer, wine or other intoxicating liquor: 1/6th gallon, 1/12th gallon and 1/21st gallon.

MAATENHEDE VAN MATE WAT NIE YKBAAR IS
NIE MAAR WAT GEBRUIK KAN WORD

Om die werklike vloeistofinhoud van houers van bier, wyn of ander sterk drank aan te dui: 1/6de gelling, 1/12de gelling en 1/21ste gelling.