

WEIGHTS, MEASURES AND STANDARDS

Standards Act 33 of 1962, with some South African amendments to January 1978.

Summary: This Act concerns the standardisation of commodities and the manufacture of commodities, and the establishment of the South African Bureau of Standards. It is replaced by the Standards Act 18 of 2005, which had not yet come into force as of 30 June 2010.

Applicability to SWA: Section 29 states “This Act shall also apply in the Territory”, which is defined in section 1 as “the territory of South West Africa”. The wording of section 29 did not make amendments to the Act automatically applicable to South West Africa. However, Section 14*bis* of the Act was repealed by the *National Building Regulations and Building Standards Act 103 of 1977*, which was expressly applicable to SWA.

Transfer of administration to SWA: The administration of this Act was transferred to SWA by the Executive Powers (Industries) Transfer Proclamation (AG 5/1978), dated 30 January 1978.

Section 3(1)(d) of the transfer proclamation excluded section 3A, 11, 12 and 13 of the Act from the operation of section 3(1) of the General Proclamation.

Section 3(2)(a) of the transfer proclamation provided that the reference to the Minister of Economic Affairs in section 14 of the Act should be construed as a reference to the Administrator-General, while section 3(2)(b) of the Transfer Proclamation provided that the reference to the Minister of Economic Affairs in section 20(2)(a) of the Act should be construed as including a reference to the Administrator-General (rather than being construed as the Administrator-General only).

The only amendment to the Act in South Africa after the date of transfer -- the *Standards Amendment Act 85 of 1978* -- was not expressly applicable to SWA.

The Act was replaced in South Africa by the *Standards Act 30 of 1982*, which was not applicable to SWA.

Amendments: Section 3(3) of the Executive Powers (Industries) Transfer Proclamation (AG 5/1978) repeals section 20 of the Act.

Regulations: Standard Building Regulations are contained in RSA GN No. 1431 of 17 August 1973.

Cases: *Erf No 5 Langstrand No 1 CC & Another v Chairperson of the Municipal Council for Walvis Bay & Another* 2005 NR 72 (HC) (Standard Building Regulations).

Measuring Units and National Measuring Standards Act 76 of 1973,
as amended in South Africa to January 1978.

Summary: This Act converts measurement in South Africa to the metric system and designates national measuring standards. This Act is repealed by the Metrology Amendment Act 17 of 2005 (GG 3568), which had not yet come into force as of 30 June 2010

Applicability to SWA: Section 1 defines “Republic” to include “the territory of South West Africa”. Section 9 states “This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.”

Transfer of administration to SWA: The administration of this Act is transferred to SWA by the Executive Powers (Industries) Transfer Proclamation (AG 5/1978), dated 30 January 1978. The Act was not amended in South Africa prior to Namibian independence.

Trade Metrology Act 77 of 1973, as amended in South Africa to January 1978.

Summary: This Act regulates the use of weights and measures in trade.

Applicability to SWA: Section 45 states “This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.” Section 1 defines “Republic” and “statutory body” accordingly.

Transfer of administration to SWA: The administration of this Act is transferred to SWA by the Executive Powers (Industries) Transfer Proclamation (AG 5/1978), dated 30 January 1978. There was only one amendment to the Act in South Africa after the date of transfer and prior to Namibian independence -- the *Trade Metrology Amendment Act 14 of 1984* -- which was not made expressly applicable to SWA.

Amendments: Act 14/1995 repeals sections 6 and 45, amends sections 1, 3, 8, 13, 18, 23, 24, 27 and 40, and substitutes sections 7 and 43 and certain terminology.

The Metrology Amendment Act 17 of 2005, which had not yet come into force as of 30 June 2010, makes substantial amendments to this Act.

Regulations: A tariff of fees is contained in GN 75/1993 (GG 681).

Cases: *S v Blaauw’s Transport (Pty) Ltd & Another* 2006 (2) NR 587 (HC).

Namibian Time Act 3 of 1994.

Summary: This Act provides for differentiations in the standard time of Namibia for the summer and winter periods. The time change will normally occur at 02h00 on the first Sunday in April (clocks are turned back one hour), and 02h00 on the first Sunday in September (clocks are turned forward one hour).

Accreditation Board of Namibia Act 8 of 2005.

Summary: This Act establishes the Accreditation Board of Namibia and provides for the accreditation of laboratories which providing testing and calibration, bodies which provide certain certification and inspection services and certifications of competence.

The Act will come into force on a date determined by the Minister.

Amendments: The State-owned Enterprises Governance Act 2 of 2006, which was brought into operation by Proc. 13/2006 (GG 3733), amends section 6, 7, 8, 13 and 15, and substitutes section 9.

Standards Act 18 of 2005.

Summary: This Act provides for the promotion, regulation and maintenance of standardisation relating to the quality of commodities and establishes the Namibian Standards Institution and the Namibian Standards Council. This Act repeals the *Standards Act 33 of 1962*. It will come into force on a date set by the Minister.

Regulations: Regulations, notices, etc made under the previous law continue to apply, in terms of section 35. This includes the standard building regulations made in terms of section 14*bis* of the 1962 Act, in RSA GN No. 1431 of 17 August 1973. (The repealed Act was inherited by Namibia from South Africa at Independence, and the regulations promulgated in South Africa have not generally been recorded here.)

INTERNATIONAL LAW

Memorandum of Understanding on Co-operation in Standardization, Quality Assurance, Accreditation and Metrology in SADC, 1999

signed: 9 November 1999 (source: Ministry of Foreign Affairs)

Note: SADC memoranda of understanding are non-binding.