



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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### CONTENTS

	<i>Page</i>
<b>GOVERNMENT NOTICE</b>	
No. 188 Promulgation of Metrology Amendment Act, 2005 (Act No. 17 of 2005), of the Parliament.....	1

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## Government Notice

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### OFFICE OF THE PRIME MINISTER

No. 188

2005

### PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 17 of 2005: Metrology Amendment Act, 2005.

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Act No. 17, 2005

**METROLOGY AMENDMENT ACT, 2005****EXPLANATORY NOTE:**

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing provisions.

[            ] Words in bold type in square brackets indicate omissions from existing provisions.

**ACT**

**To amend the Trade Metrology Act, 1973, so as to define or redefine certain expressions; to extend the functions of the Director of Metrology; to establish a Metrology Advisory Board and to provide for its constitution; to empower the Minister to enter into agreements with metrology agencies to provide certain services relating to measuring instruments; to incorporate certain provisions of the Measuring Units and National Measuring Standards Act, 1973, relating to measuring units and national measuring standards and to repeal that Act; to provide for national, departmental, inspection and other measuring standards and for the inspection and testing thereof; to abolish regional measuring standards; to further provide for the approval of measuring instruments; to make available measuring instruments subject to certain conditions; to amend the short title and to substitute the long title of the first-mentioned Act; and to provide for matters incidental thereto.**

*(Signed by the President on 23 December 2005)*

**BE IT ENACTED** by the Parliament of the Republic of Namibia, as follows:-

**Amendment of section 1 of Act No. 77 of 1973, as amended by section 1 of Act No. 34 of 1975 and section 1 of Act No. 14 of 1995**

**1.** Section 1 of the Trade Metrology Act, 1973 (hereinafter referred to as the principal Act) is amended -

(a) by the insertion before the definition of “certify” of the following definitions:

“ ‘accredited’ means accredited in accordance with internationally recognized principles relating to accreditation, whether in Namibia or elsewhere, by any board, council or body, or department or branch of a foreign government, to perform functions with regard to metrology;

‘accredited body’ means a body accredited -

(a) in terms of section 19 of the Accreditation Board of Namibia Act, 2005 (Act No. 8 of 2005); or

(b) by any internationally recognized accreditation body or organization;

‘Board’ means the Metrology Advisory Board established by section 6(1);”;

**Act No. 17, 2005 METROLOGY AMENDMENT ACT, 2005**

- (b) by the insertion after the definition of “correct” of the following definition:  
“ ‘deputy director’ means the Deputy Director of Metrology appointed under section 2(2);”;
- (c) by the substitution for the definition of “director” of the following definition:  
“ ‘director’ means the Director of Metrology appointed in terms of section 2(1);”;
- (d) by the substitution for the definition of “measuring unit” of the following definition:  
“ ‘measuring unit’ means any unit published or prescribed in terms of section [3 of the Measuring Units and National Measuring Standards Act, 1973] 7A, but does not include any such unit which, by regulation made under this Act, is excluded for the purposes of this Act;”;
- (e) by the insertion after the definition of “measuring unit” of the following definition:  
“ ‘member of the police’ means a member of the Namibian Police Force as defined in section 1 of the Police Act, 1990 (Act No. 19 of 1990);”;
- (f) by the insertion after the definition of “Minister” of the following definition:  
“ ‘national measuring standard’ means a measuring standard designated under section 7D(1) as a national measuring standard;”;
- (g) by the substitution for the definition of “this Act” of the following definition:  
“ ‘this Act’ includes any regulation or proclamation, or any notice issued thereunder;” and
- (h) by the insertion after the definition of “uncertified” of the following definition:  
“ ‘use’, in relation to a measuring unit, means the expression of the magnitude of any physical quantity by means of the measuring unit;”.

**Substitution of section 2 of Act No. 77 of 1973**

2. The following section is substituted for section 2 of the principal Act:

**“Appointment of Director and Deputy Director of Metrology**

2. (1) Subject to the provisions of the laws governing the public service, the Minister shall appoint a Director of Metrology.

(2) Subject to the provisions of the laws governing the public service, the Minister may appoint a Deputy Director of Metrology who may, subject to the control and directions of the director or in the absence of the director or if the director is for any other reason unable to perform his or her duties or if the post of director is temporarily vacant, do anything which may lawfully be done by the director.”.

**Act No. 17, 2005 METROLOGY AMENDMENT ACT, 2005****Insertion of section 2A in Act No. 77 of 1973**

3. The following section is inserted in the principal Act after section 2:

**“Functions of director**

**2A.** (1) In addition to the functions entrusted to the director by or under this Act, but subject to the directions of the Minister, the director -

- (a) shall endeavour to comply with internationally recognized principles related to his or her functions under this Act;
- (b) shall promote and take part in the intercomparison of metrology standards for different quantities in metrology;
- (c) shall promote and, if requested thereto by the Minister, take part and represent Namibia in metrology matters on international, national, regional or bilateral level;
- (d) shall ensure that any calibration functions performed under this Act are accredited; and
- (e) may provide, in the manner prescribed by regulation, calibration services to any person who, in the manner likewise prescribed, requests such services from the director, subject to any conditions prescribed by regulation and against payment of such fees as the director shall charge according to such tariff of fees as the Minister, in consultation with the Minister of Finance, may prescribe from time to time by notice in the *Gazette*.

(2) The director may not become involved in any activities which may affect his or her impartiality in the performance of his or her functions under this Act.”.

**Insertion of section 6 in Act No. 77 of 1973**

4. The following section is inserted in the principal Act after section 5:

**“Metrology Advisory Board**

**6.** (1) There is established a Metrology Advisory Board -

- (a) to advise the Minister on any matter falling within the scope of this Act; and
  - (b) to assist and advise the director in the performance of his or her functions under this Act.
- (2) The Board shall consist of -
- (a) the director, who shall be a member of the Board *ex officio* and be the chairperson of the Board;
  - (b) the deputy director, if appointed by the Minister under section 2(2),

**Act No. 17, 2005 METROLOGY AMENDMENT ACT, 2005**

who shall be a member of the Board *ex officio* and be the vice-chairperson of the Board; and

- (c) not more than five other persons appointed by the Minister in writing on account of their scientific or technical knowledge, or their commercial or industrial experience.

(3) The Minister shall by notice in the *Gazette* make known the names of the members of the Board appointed in terms of subsection (2)(c).

(4) The Minister shall convene the first meeting of the Board to be held on the date, and at the time and venue, as the Minister may determine.

(5) At the meeting convened in terms of subsection (4), the Board shall, if a deputy director has not been appointed under section 2(2), elect from amongst its members a vice-chairperson of the Board who shall, subject to subsection (9), act as such until such time as a deputy director has been so appointed.

(6) The vice-chairperson appointed or elected in terms of subsection (2)(b) or (5), respectively, shall act as chairperson when for any reason the chairperson is not able to perform any of his or her functions as chairperson in terms of this Act.

(7) The meetings of the Board subsequent to the first meeting referred to in subsection (4) shall be held on such dates and at such times and venues as the chairperson may determine.

(8) The Board shall determine the procedures relating to the convening and conducting of its meetings, including the requirements for a quorum, voting procedures and the keeping and safe-keeping of minutes.

(9) A member of the Board appointed in terms of subsection (2)(c) shall hold office for such period, but not exceeding three years, and on such conditions as the Minister may, subject to subsection (12), determine on such appointment, and such a member is eligible for reappointment at the expiration of his or her term of office.

(10) A member of the Board appointed in terms of subsection (2)(c) shall vacate office if that member -

- (a) resigns from office by written notice addressed and delivered to the Minister;
- (b) has been absent without leave of the Board from three consecutive meetings of the Board; or
- (c) for any reason becomes incapacitated or incompetent to such a degree that he or she, in the opinion of the Minister, is unable to carry out his or her duties as such a member: Provided that the Minister may remove that member, by written notice addressed to him or her, only after having given that member an opportunity to be heard.

(11) If a member of the Board referred to in subsection (10) vacates office in terms of that subsection, or dies, before the expiration of the period for which that

**Act No. 17, 2005 METROLOGY AMENDMENT ACT, 2005**

member was appointed, the Minister shall appoint, in accordance with and subject to this section, a person as member of the Board to fill the vacancy for the unexpired portion of the term of office of the member who vacated office or died.

(12) Members of the Board who are not staff members as defined in section 1 of the Public Service Act, 1995 (Act No. 13 of 1995), or otherwise in the full-time employment of the State, shall receive such remuneration and allowances as the Minister, in consultation with the Minister of Finance, may determine in writing.

(13) Before issuing any notice under section 7A, 7B or 7C, the Minister shall first consult the Board.

(14) The Minister may request the Board to advise him or her on any matter falling within the scope of this Act.

(15) The Board may refer, on its own initiative and if it deems it necessary, any matter falling within the scope of this Act to the Minister for his or her consideration or recommendation.

(16) The secretarial, executive and administrative work or duties pertaining to the functions of the Board under this Act shall be undertaken and performed, and the costs relating to the performance of such functions shall be borne, by the Ministry of Trade and Industry.”.

**Substitution of section 7 of Act No. 77 of 1973, as substituted by section 4 of Act No. 14 of 1995**

5. The following section is substituted for section 7 of the principal Act:

**“Agreement with metrology agency**

7. (1) The Minister may, after consultation with the Board, enter into an agreement with any accredited body to be a metrology agency for the performance, subject to such conditions and requirements as the Minister may determine and on behalf of the director, of such functions under this Act relating to -

- (a) the examination, approval, verification, calibration or certification of any measuring instrument; or
- (b) the keeping, maintaining, comparison, adjustment, establishment or value of any national measuring standard,

as the Minister may consider necessary and specify in that agreement.

(2) The Minister shall give notice in the *Gazette* of any agreement entered into under subsection (1) and any such agreement shall take effect for the purposes of this Act on its publication.

(3) A metrology agency may charge such fees as may be agreed upon between the metrology agency and the person with regard to whom the services contemplated in subsection (1) are performed, and such fees shall be paid to, and constitute revenue of, that metrology agency.”.

**Act No. 17, 2005 METROLOGY AMENDMENT ACT, 2005****Insertion of Chapter IA in Act No. 77 of 1973**

6. The following Chapter is inserted in the principal Act after Chapter I :

**“CHAPTER IA**

**MEASURING UNITS AND NATIONAL MEASURING STANDARDS**

**Measuring units in Namibia**

**7A.** The measuring units to be applied in Namibia, the symbols for the measuring units and the rules in connection with the use thereof shall be -

- (a) the measuring units and the appropriate symbols and rules of the International System of Units (abbreviated as SI) as the Minister may publish from time to time by notice in the *Gazette*; and
- (b) in addition to the measuring units, symbols and rules referred to in paragraph (a), such other measuring units, symbols for such measuring units and such rules in connection with the use thereof as the Minister may prescribe from time to time by notice in the *Gazette*.

**Expression of the magnitude of physical quantities by means of prescribed measuring units, and designation of measuring units by means of symbols**

**7B.** (1) The Minister may prohibit by notice in the *Gazette* -

- (a) the expression, in the circumstances or for the purposes or in connection with the matters and in respect of the goods, items or things specified in the notice, of the magnitude of physical quantities by means of any measuring unit other than the measuring unit specified in the notice;
- (b) the designation, in the circumstances or for the purposes or in connection with the matters and in respect of the goods, items or things specified in the notice, of any measuring unit specified in the notice by means of any symbol other than the symbol likewise specified.

(2) A notice under subsection (1) may provide -

- (a) that the notice shall apply only in the geographical area specified in the notice;
- (b) that exemption from the provisions of the notice may be granted by the Minister on written application made to the Minister, in the form and manner prescribed by regulation, by any person affected by the notice.

(3) Any person who contravenes any provision of a notice published in the *Gazette* under subsection (1) shall be guilty of an offence and liable on conviction to the penalties prescribed by section 43.

**Act No. 17, 2005 METROLOGY AMENDMENT ACT, 2005****Equivalents of certain measuring units**

**7C.** The Minister may determine by notice in the *Gazette* the equivalent of any measuring unit, expressed in any other measuring unit of the same physical quantity, and any other measuring unit so determined as an equivalent shall for all purposes be deemed to be the equivalent of the first-mentioned measuring unit.

**National measuring standards**

**7D.** (1) The Minister may designate by notice in the *Gazette* any measuring standard described in the notice as a national measuring standard.

(2) The director shall -

(a) keep and maintain national measuring standards in accordance with the needs of Namibia;

(b) arrange for the comparison, from time to time, of the national measuring standards referred to in paragraph (a) with the corresponding international measuring standards recognized as such and, if necessary, cause such national measuring standards to be adjusted accordingly; and

(c) keep and maintain equipment necessary for establishing national measuring standards, and determine the procedures connected therewith.

(3) The value of a national measuring standard in relation to the corresponding international measuring standard shall be the value as determined from time to time by the director in writing.

(4) The value of a national measuring standard determined in terms of subsection (3) shall be deemed to be the most accurate value of such national measuring standard.

(5) A measuring standard which is not a national measuring standard, when used as a measuring standard for the purposes of any law or for any other legal purpose, shall be traceable to a national measuring standard or national measuring standards.”

**Substitution of section 8 of Act No. 77 of 1973, as amended by section 5 of Act No. 14 of 1995**

7. The following section is substituted for section 8 of the principal Act:

**“Departmental standards**

**8.** (1) The director shall keep in his or her custody such measuring standards (in this Act referred to as departmental standards) as may be necessary for the purposes of verifying inspection standards.

(2) The value of a departmental standard shall represent as accurately as possible the value signified by its denomination.



**Act No. 17, 2005 METROLOGY AMENDMENT ACT, 2005**

(3) A departmental standard shall, in regard to accuracy, be verified and certified in accordance with the provisions of subsection (2) -

- (a) by the director; or
- (b) at the request of the director, by a metrology agency,

and shall be reverified and certified accordingly at intervals not exceeding two years.”.

**Repeal of section 9 of Act No. 77 of 1973**

8. Section 9 of the principal Act is repealed.

**Substitution of section 10 of Act No. 77 of 1973**

9. The following section is substituted for section 10 of the principal Act:

**“Inspection standards**

10. (1) The director shall provide for use by any inspector such measuring standards (in this Act referred to as inspection standards) as may in the opinion of the director be required by such inspector for the purposes of performing his or her functions under this Act.

(2) The value of an inspection standard shall agree, with due allowance for the limits of error prescribed by regulation, with the value signified by the denomination of such inspection standard at the time of verification thereof and shall be verified with departmental standards and certified accordingly by the director.

- (3) Any -
  - (a) inspection standard for the testing of masspieces used for any prescribed purpose shall, before being taken into use and thereafter at intervals not exceeding six months; and
  - (b) inspection standard, other than an inspection standard referred to in paragraph (a), shall, before being taken into use and thereafter at intervals not exceeding one year,

be verified or reverified with departmental standards and certified accordingly by the director: Provided that inspection standards of volume made of glass shall be reverified and certified within such intervals, unless prescribed by regulation, as the director may determine in writing.”.

**Substitution of section 11 of Act No. 77 of 1973**

10. The following section is substituted for section 11 of the principal Act:

**“Measuring instruments used by director, inspectors and examiners to be inspected and tested**

- 11. (1) (a) Every measuring instrument, other than a departmental or inspection standard, used by the director or any inspector or

**Act No. 17, 2005 METROLOGY AMENDMENT ACT, 2005**

examiner for the purposes of performing his or her functions under this Act, shall be inspected and tested in the manner prescribed by regulation before being taken into use and thereafter at such intervals as may be likewise prescribed.

- (b) The director shall make and keep a record, in such form as the Minister may determine in writing and for a period of at least five years, of every inspection and testing carried out in terms of paragraph (a).

(2) No measuring instrument referred to in subsection (1)(a) shall be used for the performance of any function under this Act unless such measuring instrument is inspected and tested in accordance with that subsection and complies with the requirements prescribed by regulation in respect of that measuring instrument.”.

**Amendment of section 13 of Act No. 77 of 1973, as amended by section 3 of Act No. 34 of 1975 and section 6 of Act No. 14 of 1995**

11. Section 13 of the principal Act is amended -

- (a) by the substitution for subsection (1) of the following subsection:

“(1) Any inspector or examiner [**or any employee of a metrology agency**] furnished in writing with inspection or examination authority by the director, or any [**police officer**] member of the police, may conduct investigations to ascertain whether the provisions of this Act are being or have been complied with, and may for that purpose open packages containing goods prepacked for sale.”;

- (b) by the substitution for the words preceding paragraph (a) of subsection (2) of the following words:

“(2) Any inspector or examiner [**or employee**] referred to in subsection (1), or any [**policeman**] member of the police, may at all reasonable times -”;

- (c) by the substitution for subsection (3) of the following subsection:

“(3) Any person in charge of measuring instruments, containers or goods which are being inspected or examined by any inspector or examiner [**or employee**] referred to in subsection (1), or by any [**policeman**] member of the police, or any agent or employee of such person, shall at the request of any such inspector, examiner [**employee**] or [**policeman**] member of the police render such assistance as may be necessary for the purpose of verifying or testing such measuring instruments or containers or of measuring or counting the quantity of such goods.”;

- (d) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

“(a) fails on demand to produce to, or put at the disposal of, any inspector or examiner [**or employee**] referred to in subsection (1), or any [**policeman**] member of the police, anything in his or her possession or on his or her premises which may relate to any inspection or examination; or”;

**Act No. 17, 2005 METROLOGY AMENDMENT ACT, 2005**

- (e) by the substitution for paragraph (d) of subsection (5) of the following paragraph:

“(d) fails on demand to produce to any inspector or examiner [**or employee**] referred to in subsection (1), or to any [**policeman**] member of the police, any invoice, delivery note or other document relating to any measuring instrument or goods which may be inspected or examined by such inspector, examiner [**employee**] or [**policeman**] member of the police; or”;

- (f) by the substitution for paragraph (e) of subsection (5) of the following paragraph:

“(e) hinders or obstructs any inspector or examiner [**or employee**] referred to in subsection (1), or any [**policeman**] member of the police, in the exercise of his or her powers under this section; or”;

- (g) by the substitution for paragraph (f) of subsection (5) of the following paragraph:

“(f) falsely holds himself or herself out to be an inspector or examiner [**or employee**] referred to in subsection (1),”;

- (h) by the addition of the following subsection:

“(6) To the extent that this section authorizes the interference with a person’s fundamental right to privacy as contemplated in Article 13(1) of the Namibian Constitution, such interference is authorized only on the grounds of the economic well-being of Namibia and the prevention of crime as contemplated in that Article.”.

**Amendment of section 14 of Act No. 77 of 1973**

- 12.** Section 14 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) Any inspector or examiner referred to in section 13(1), or any [**policeman**] member of the police, who examined any goods or who inspected or examined or caused to be verified or tested any measuring instrument and who found that such goods or measuring instrument did not comply with the requirements of this Act, may order the person in whose possession or on whose premises such goods or measuring instrument were found, or the agent or employee of such person, to withdraw the whole, or any part, of such goods forthwith from sale or to withdraw any such measuring instrument forthwith from further use or to take such other steps as may be deemed necessary by such inspector, examiner or [**policeman**] member of the police for the protection of prospective purchasers or of any other persons concerned.”.

**Amendment of section 16 of Act No. 77 of 1973**

- 13.** Section 16 of the principal Act is amended by the substitution for subsection (2) of the following subsection:

**Act No. 17, 2005 METROLOGY AMENDMENT ACT, 2005**

“(2) If in any prosecution for an offence under this Act it is proved that any inspector or examiner [**or employee**] referred to in section 13(1), or any [**policeman**] member of the police, in the exercise of his or her duties under section 13(2)(f) used any measuring instrument referred to in section 11 or any certified measuring instrument in order to determine the quantity of any goods, it shall be presumed that the quantity so determined is the actual quantity of such goods, until the contrary is proved.”.

**Amendment of section 17 of Act No. 77 of 1973, as amended by section 4 of Act No. 34 of 1975**

14. Section 17 of the principal Act is amended -

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) that he or she is [**an inspector in charge of the regional office of metrology for the area in which the measuring instrument in question was found**] the director.”; and

(b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) that he or she is the [**inspector in charge of the regional office of metrology for the area in which the measuring instrument which forms the subject of the prosecution, was found**] director.”.

**Amendment of section 18 of Act No. 77 of 1973, as amended by section 7 of Act No. 14 of 1995**

15. Section 18 of the principal Act is amended -

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) Any person desiring to sell or to make available -

(i) any new model of a measuring instrument of a class or kind which or of which the material, design or construction is in terms of any regulation required to be approved by the director, shall, with a view to have issued to him or her a certificate in terms of subsection (2);

(ii) for any prescribed purpose in respect of which it is prescribed by regulation that an approved measuring instrument shall be used, a modified model of a measuring instrument in respect of which a certificate has been issued in terms of subsection (2), shall, with a view to have such certificate endorsed or an addition made to it to the effect that it also relates to the modified model,

submit to the director or, if the Minister has under section 7(1) entered into an agreement with a metrology agency to perform such function on behalf of the director, to that metrology agency a specimen

**Act No. 17, 2005 METROLOGY AMENDMENT ACT, 2005**

of that new model or modified model or modified part thereof, as the case may be, **[together with the certificate of approval referred to in paragraph (b)]** for examination.”;

- (b) by the deletion of paragraph (b) of subsection (1);
- (c) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) The director or metrology agency, as the case may be, shall examine any specimen of a new model of a measuring instrument or of a modified model or modified part of a measuring instrument submitted to him or her or it in terms of paragraph (a) with reference to -

- (i) the material from which, the principle according to which and the manner in which it has been made or manufactured; and
- (ii) such other circumstances as the director or metrology agency, as the case may be, may deem appropriate,

and the director or metrology agency, as the case may be, may, before issuing a certificate in terms of subsection (2)(a) or endorsing or making an addition to a certificate in terms of subsection (2)(b), require such alterations to be made to such new model or modified model or modified part thereof as the director or metrology agency may deem appropriate.”;

- (d) by the substitution for subsection (2) of the following subsection:

“(2) (a) If the director or metrology agency, as the case may be, finds a specimen of a model submitted to him or her or it, as the case may be, in terms of subsection (1)(a)(i) to be suitable for use for any prescribed purpose, he or she or it, as the case may be, shall approve such model for such use and the director or metrology agency, as the case may be, shall issue a certificate to that effect: Provided that the director or metrology agency, as the case may be, may, subject to the provisions of any regulation made in terms of section 42(1)(k), by means of any such certificate limit the prescribed purposes for which any measuring instrument made according to any such specimen may be used, or impose conditions upon the use of any such measuring instrument, or impose in respect of any such measuring instrument any limitation or condition regarding approval or subsequent certification or recertification or exemption from certification or recertification in terms of this Act.

(b) In any case contemplated by subsection (1)**[(b)]**(a)(ii), the director or metrology agency, as the case may be, may in his or her or its discretion make or refuse to make the endorsement or addition desired on or to the certificate in question, and if he or she or it makes any such endorsement or addition, the proviso to paragraph (a) shall mutatis mutandis apply in respect of the making thereof.”;

- (e) by the insertion after subsection (2) of the following subsection:

**Act No. 17, 2005 METROLOGY AMENDMENT ACT, 2005**

“(2A) If -

- (a) a certificate has been issued in terms of subsection (2)(a); or
- (b) a certificate issued as contemplated in paragraph (a) has been endorsed or an addition has been made thereto in terms of subsection (2)(b),

by a metrology agency, the person to whom the certificate has been so issued or who is the holder of the certificate in respect of which the endorsement or addition has been so made, shall forthwith submit that certificate or the certificate in respect of which the endorsement or addition has been made to the director, and the director shall make and keep a copy of the certificate in question for his or her records and return the original certificate to that person.”; and

- (f) by the substitution for subsection (8) of the following subsection:

“(8) Any person who submits for any examination in terms of this section any model or modified model of a measuring instrument shall pay -

- (a) if that model or modified model is so submitted to the director, in addition to any such costs as the director may reasonably incur in connection with such examination, such fees as the director shall charge according to such tariff of fees as the Minister, in consultation with the Minister of Finance, may prescribe from time to time by notice in the *Gazette*;
- (b) if that model or modified model is so submitted to a metrology agency, such fees as may be agreed upon between the metrology agency and that person under section 7(3).”.

**Amendment of section 19 of Act No. 77 of 1973, as amended by section 5 of Act No. 34 of 1975**

- 16. Section 19 of the principal Act is amended by the substitution for subsection (2) of the following subsection:

“(2) If any person at the beginning of any year has in his or her possession any measuring instrument which in terms of this Act is required to be certified or recertified, he or she shall, prior to the fifteenth day of January of that year, in writing notify the [**inspector in charge of the regional office of metrology designated from time to time for that purpose by the director by notice in the *Gazette***] director of the place where such measuring instrument is kept, unless it is a measuring instrument referred to in subsection (1)(a) or (b).”.

**Amendment of section 27 of Act No. 77 of 1973, as amended by sections 10 and 14 of Act No. 14 of 1995**

- 17. Section 27 of the principal Act is amended by the addition of the following subsection:

“(8) The Minister shall consult the Board before the publication of any notice under subsection (1).”.

**Act No. 17, 2005 METROLOGY AMENDMENT ACT, 2005****Amendment of section 42 of Act No. 77 of 1973, as amended by section 12 of Act No. 34 of 1975 and section 14 of Act No. 14 of 1995**

18. Section 42 of the principal Act is amended -
- (a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
- “(c) prescribing conditions for the supply, custody, care, verification and certification of all classes of measuring standards and measuring instruments referred to in sections 8, [9] 10 and 11;”;
- (b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:
- “(d) regulating the manner in which the director, any inspector, examiner or other person appointed under this Act, or any [**policeman**] member of the police, shall carry out his or her duties under this Act;”;
- (c) by the insertion after paragraph (jjB) of subsection (1) of the following paragraph:
- “(jjC) prescribing, for the purposes of section 2A(1)(e), the manner in which and the conditions subject to which calibration services may be provided by the director and the manner in which such services shall be requested;”.

**Amendment of section 47 of Act No. 77 of 1973**

19. Section 47 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) This Act shall be called the [**Trade**] Metrology Act, 1973 [**and the provisions thereof shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.**”.

**Substitution of long title of Act No. 77 of 1973**

20. The following long title is substituted for the long title of the principal Act:

**“ACT**

**To provide for a systematic approach to both legal and industrial metrology; to provide for the systematic introduction into and use in Namibia of the measuring units of the International System of Units and certain other measuring units; to provide for the designation of national measuring standards, the maintenance of departmental standards and the securing of their traceability; and to provide for matters incidental thereto.”.**

**Repeal of law, and saving**

21. (1) The Measuring Units and National Measuring Standards Act, 1973 (Act No. 76 of 1973), is repealed.
- (2) Any notice issued or any other thing done under a provision of the law

**Act No. 17, 2005      METROLOGY AMENDMENT ACT, 2005**

repealed by subsection (1), and which was in force immediately before the repeal of that law, remains, notwithstanding that repeal, in force after the commencement of this Act, except in so far as it is incompatible or in conflict with the Metrology Act, 1973 (Act No. 77 of 1973), as amended by this Act.

(3) Any pending criminal proceedings instituted under section 8 of the Measuring Units and National Measuring Standards Act, 1973, before the repeal of that Act by subsection (1) of this section must be continued and concluded as if that Act had not been so repealed.

**Short title and commencement**

**22.** (1) This Act is called the Metrology Amendment Act, 2005, and comes into operation on a date to be determined by the Minister by notice in the *Gazette*.

(2) Different dates may be determined under subsection (1) in respect of different provisions of this Act.

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