

Standards Act 8 of 2008 (SA)

Topic: Standards

IN A CALABASH

Introduction

In order to ensure the safety and uniform quality of goods and services in South Africa, certain minimum standards and specifications have been prescribed and must be complied with.

The law giving effect to these standards is the Standards Act 8 of 2008 (SA), which, through a body known as the South African Bureau of Standards (SABS), provides for the development, promotion and maintenance of standardisation and quality in connection with commodities in South Africa, and the rendering of related conformity assessment services.

The SABS is required to develop and maintain a national norm for the development of South African National Standards (SANS) and an appeal procedure for the resolving of disputes and deadlocks pertaining to standards.

The Act is different from the National Regulator for Compulsory Specifications Act 5 of 2008 in that it applies to all standards, not just to compulsory standards. The specifications under the SA are voluntary standards which all manufacturers, suppliers and similar persons are encouraged to comply with.

Objectives of the Act

The Act provides for the development, promotion and maintenance of standardisation and quality in connection with commodities, including goods and services in South Africa.

The Act furthermore provides for the rendering of related conformity assessment services and, for that purpose, provides for the continued existence of the SABS and the establishment of the Board of the SABS.

The objective of the Act is to prescribe and issue, from time to time, certain minimum specifications and requirements to apply to certain commodities, goods and services and ensure that these standards are being complied with.

Application of the Act and its implication to Tourism

The SA applies to any person producing goods or services in South Africa to which a standard applies, and such person is encouraged to ensure that his or her goods or services meet this standard.

In relation to tourism, it is highly recommended that all entities selling or providing merchandise, commodities, products or services ensure that they comply with any published standard or specification.

Summary of the provisions of the Act

Setting of standards

The SABS will set and issue as a South African National Standard a standard developed through its own processes and issue amendments to such a standard by way of a notice in the Gazette.

The SABS will approve and issue as a South African National Standard a standard developed and set by a recognised standards development organisation and issue amendments to such a standard by way of a notice in the Gazette.

The SABS may withdraw any South African National Standard by way of a notice in the Gazette.

Any notice published in the Government Gazette notice must–

- state the title and number of the South African National Standard; and
- contain a summary of the scope and impact of the Standard or the amendment thereof.

The SABS must maintain and make available to the public a register of recognised standards and their specified scope of activity.

Copyright in South African National Standards and publications of SABS

Copyright in a South African National Standard (SANS) or a publication issued by the Board, vests in the SABS.

No person may publish, reproduce or record any document or part thereof in any manner or form without the authorisation of the SABS.

The above does not prevent any person from making a copy of such a document for his or her own personal use.

False Claims

No person may falsely claim, declare or conduct his or her affairs or businesses or carry out an occupation or trade under a name or in a manner likely to create the impression that any commodity, product or service complies with a South African National Standard or other publication of the SABS.

WHAT HAPPENS IF YOU DO NOT COMPLY?

Any person who is convicted of an offence in terms of the Act is liable to a fine or to imprisonment for a period not exceeding two years.

A court convicting any person of an offence in terms of the Act may, in addition to any penalty imposed in respect of that offence—

- order that a commodity, a consignment or batch of a commodity or product, any other article or any material or substance in respect of which that offence was committed be forfeited to the State; and
- summarily enquire into and assess the monetary value of any advantage gained or likely to be gained by such person in consequence of that offence and impose on that person a fine to a maximum equal to the amount so assessed and, in default of payment of such amount, imprisonment for a period not exceeding one year.

The Consumer Protection Act 68 of 2008 makes specific mention of adherence to applicable compulsory standards in relation to goods and services.

The consequences of non-compliance include—

- refunding the consumer or providing the consumer with a replacement product in substitution to that which fails to comply with applicable standards; and/or
- the right to claim for damages incurred by that consumer or user which were caused or suffered as a result of the defective or non-conforming product or service.



RECOMMENDED ACTIONS OR CONTROLS WHICH SHOULD BE IMPLEMENTED BY THE TARGET AUDIENCE TO ENSURE COMPLIANCE WITH THE ACT

- Purchase and study SANS codes and SABS standards from the SABS;
- Bring all goods or services in line with these standards;
- Apply such standards as apply to one's goods to lend credibility and consumer confidence to the product or service;
- Legal register compiled and kept up-to-date, listing applicable SANS codes and corresponding products, services or goods;
- Applicable standards available and assurances that SANS codes are being complied with;
- Quality Management System to ensure SANS codes are complied with; and
- Checklist to ensure standards of quality or SANS codes are complied with.

FURTHER INFORMATION

Regulators

Department of Trade and Industry
South African Bureau of Standards

Websites

www.thedti.gov.za
<https://www.sabs.co.za>