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THE PRESIDENCY

No. 238 16 March 2007

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 19 of 2006: Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006.

OFISI KAMONGAMELI

Ino. 238 16 March 2007

Esi sisaziso sokuba uMongameli uwamkele lo mthetho ulandelayo nonikezelwa kuluntu jikelele kolu xwebhu:—

Ino. 19 ka 2006: uMthetho woGunya-ziso oluseMthethweni loThotyelo lo-Hlolo, uNgqamaniso nokusebenza ngokuchanekileyo elabhoretri, 2006.

Act No. 19, 2006

ACCREDITATION FOR CONFORMITY ASSESSMENT,
CALIBRATION AND GOOD LABORATORY PRACTICE ACT, 2006

(English text signed by the President.)
(Assented to 12 March 2007.)

ACT

To provide for an internationally recognised and effective accreditation and monitoring system for the Republic by establishing SANAS as a juristic person; to recognise SANAS as the only accreditation body in the Republic for the accreditation of conformity assessment and calibration and monitoring of good laboratory practice; and to provide for matters connected therewith.

PREAMBLE

RECOGNISING—

- the need for an internationally recognised national accreditation system as a crucial element of a well-functioning technical infrastructure that is aligned with international best practice;
- the importance of ensuring that the accreditation system of the Republic continues to support the needs of our enterprises competing in a fast-paced global economy;
- the need to provide for the strengthening of the recognition of SANAS as the national accreditation authority for conformity assessment, calibration and good laboratory practice;
- the importance of supporting public policy objectives in terms of health, safety and broad-based black economic empowerment compliance issues; and
- that government is committed to providing a supportive legal environment for accreditation of conformity assessment, calibration and good laboratory practice; and

IN ORDER TO—

- recognise SANAS as the sole body in the Republic responsible for carrying out accreditations in respect of conformity assessment, calibration and good laboratory practice;
- ensure an internationally recognised accreditation system;
- promote accreditation as a means of facilitating international trade and enhancing the economic performance and transformation of the Republic;
- promote the competence and equivalence of accredited bodies and of facilities which comply with good laboratory practice,

*(English text signed by the President.)
(Assented to 12 March 2007.)*

UMTHETHO

Ukulungiselela ugunyaziso olwamkelekileyo kwihlabathi jikelele nolusebenzayo kunye nokuba ngukhala kwiRiphabliki ngokumilisela i-SANAS njengogunyaziwe; ukwazisa I-SANAS njengelona qumrhu lisemthethweni kwiRiphabliki lokunika igunya lohlolo lokusebenza ngokungqamene nemigaqo, ukulinganiswa kwemilinganiso esetyenziswayo, kwakunye nokuba ngukhala ekusebenzeni ngokuchanekileyo elabhoretri; kunye nokuchophela imicimbi enxulumene noko.

IMBULAMBETHE

NGOKUBONA—

- isidingo sesixokelelwano sobhaliso olugunyazisiweyo lwesizwe esamkeleke ehlabathini njengoyena mbandela uphambili wamaseko angaphakathi ezobugcisa asebenza ngokufezekileyo ahambelana kunye nendlela ekwenziwa ngayo kwihlabathi jikelele;
- ukubaluleka kokuqinisekisa ukuba isixokelelwano sobhaliso esigunyazisiweyo seRiphabliki siyaqhubeka nokuxhasa iimfuno zoshishino lwethu olukhuphisana kunye noqoqosho olukhawulezayo lwehlabathi;
- isidingo sokulungiselela uqiniso lokwaziswa kwe-SANAS njengogunyaziwe wobhaliso olugunyazisiweyo welizwe kuthotyelo lohlolo, ungqamaniso kunye nokusebenza ngokuchanekileyo elabhoretri;
- ukubaluleka kokunikezelwa kwenkxaso kwiinjongo zemigaqo-nkqubo zoluntu ngokwezempilo, ukhuseleko kunye nemibandela yothotyelo loxhotyiso lwabamnyama kwezoqoqosho olumbaxa; ndawonye
- norhulumente uzinikezele ekunikezeleni ngommandla wenkxaso kwezomthetho kubhaliso olugunyazisiweyo lothotyelo lohlolo, ungqamaniso kunye nokusebenza ngokuchanekileyo elabhoretri;

NGENJONGO YO—

- kwaziswa kwe-SANAS njengelona qumrhu leRiphabliki ekukuphela kwalo elijongene noxanduva lobhaliso olugunyazisiweyo ngokunxulumene nothotyelo lohlolo, ungqamaniso kunye nokusebenza ngokuchanekileyo elabhoretri;
- ukuqinisekisa ngesixokelelwano sobhaliso olugunyazisiweyo olwamkeleke kwihlabathi;
- kukhuthaza ubhaliso olugunyazisiweyo njengendlela yokukhuthaza urhwebelwano kwihlabathi kunye nophuculo lwezoqoqosho kunye nenguqu kwiRiphabliki;
- kukhuthaza ukusebenza ngokufezekileyo kunye nolingano lwamaqumrhu obhaliso olugunyazisiweyo ndawonye namaziko athobelana kunye nokusebenza ngokuchanekileyo elabhoretri,

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BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa,
as follows:—

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KE NGOKO IMILISELWE kwiPalamente yeRiphabliki yaseMzantsi Afrika, ngolu hlobo:—

ISIQULATHO

AmaCandelo

ISAHLUKO 1

5

UCAZULULO LWAWO NENJONGO

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2. Injongo

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28. Breach of confidence
29. Liability of SANAS
30. Transitional provisions
31. Short title and commencement

CHAPTER 1

5

INTERPRETATION AND PURPOSE

Definitions

1. In this Act, unless the context indicates otherwise—

- “**accreditation body**” means a body responsible for third party attestation related to conformity assessment and calibration facilities conveying formal demonstration of their competence to carry out tasks against specified criteria, including criteria in International Guides and Standards; 10
- “**accredited body**” means an organisation or facility that has been accredited by SANAS or by a member of the recognition arrangements of the International Laboratory Accreditation Co-operation (ILAC) or the International Accreditation Forum (IAF); 15
- “**accreditation body logo**” means a logo used by an accreditation body to identify itself;
- “**accreditation certificate**” means a formal document or set of documents, stating that accreditation has been granted for the defined scope; 20
- “**accreditation symbol**” means a symbol issued by an accreditation body to be used by an accredited body to indicate its accredited status;
- “**calibration laboratory**” means a body that performs a set of operations that establish, under specified conditions, the relationship between values of quantities indicated by a measuring instrument or measuring system, or values represented by a material measure or reference material, and corresponding values realised by standards whatever their uncertainty; 25
- “**certification body**” means an organisation that certifies other organisations in respect of the compliance of their management systems, schemes or products with recognised specifications or standards; 30
- “**certificate of GLP compliance**” means a formal document or set of documents stating that GLP compliance has been demonstrated;
- “**conformity assessment**” means the procedure used to determine, directly or indirectly, that the relevant requirement in technical regulations, standards or any other relevant and validated documentation has been fulfilled; 35
- “**GLP**” (good laboratory practice) means a quality system concerned with the organisational process and the conditions under which non-clinical health and environmental safety studies are planned, performed, monitored, recorded and reported;
- “**inspection body**” means an organisation that performs examination of a product design, product, service, process or plant, and determination of their conformity with specific requirements or, on the basis of professional judgment, general requirements; 40
- “**laboratory**” means any specialised confined environment used for the performance of scientific work, including laboratories involved in testing work; 45
- “**Minister**” means the Minister of Trade and Industry;
- “**OECD**” means the Organisation for Economic Cooperation and Development;
- “**Public Finance Management Act**” means the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- “**rating agency**” means an organisation that rates the status of enterprises in terms of broad-based black economic empowerment compliance; 50
- “**SANAS**” means the South African National Accreditation System established by section 3;

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28. Intswela-ntembeko
29. Amatyala angekahlawulwa e-SANAS
30. Amalungiselelo ethutyana
31. Isihloko esifutshane nosungulo

ISIAHLUKO 1

5

UCAZULULO LOMTHETHO OQULUNQWAYO NENJONGO

Iingcaciso

1. Ngokwalo Mthetho, ngaphandle kokuba umxholo ubonakalisa nto yimbi—
 - “**iqumrhu elingugunyaziwe**” lithetha iqumrhu elinoxanduva ngokweqela lesithathu kungqinisiso olunxulumene namaziko ahlola ukusebenza ngokungqamene nemigaqo nokulinganiswa kwemilinganiso, nokubonisa kwala maziko ngokusesikweni ukusebenza kwawo ngokuchanekileyo kwimisebenzi ethile ngokwemilinganiselo eqingqiweyo, kubandakanya imilinganiselo ekwiziKhokelo nemiqathango yeHlabathi;
 - “**iqumrhu eligunyazisiweyo**” lithetha iqumrhu okanye iziko eligunyaziswe yi-SANAS okanye lilungu lamaqela anesivumelwano sokwazana anje ngoBambiswano lweHlabathi kuGunyaziso lweLabhoretri (*I-LAC*) okanye iForam yeHlabathi yoGunyaziso (*I-IAF*);
 - “**uphawu lwequmrhu elingugunyaziwe**” ithetha uphawu olusetyenziswa liqumrhu elingugunyaziwe ukuzazisa;
 - “**isiqinisekiso segunya**” sithetha uxwebhu olusesikweni okanye isethi yamaxwebhu, abonisa unikezelo lwegunya kwimisebenzi ethile eqingqiweyo;
 - “**uphawu logunyaziso**” luthetha uphawu olunikezwa liqumrhu elingugunyaziwe oluye lusetyenziswe liqumrhu eligunyazisiweyo ukubonisa imo yalo yogunyaziso;
 - “**ilabhoretri yongqamaniso**” ithetha iqumrhu elenza isethi yemisebenzi yokufumanisa, phantsi kweemeko ezithile, ubudlelwane phakathi kweminye yobungakanani eboniswa ngesixhobo solinganiso okanye imiyinge emelwe ngumlinganiselo obonakalayo okanye owaziwayo, kunye neminye ehambelana nayo ebonakaliswa yimiyinge eqingqiweyo echanekileyo, nokuba kuthini ukungaqiniseki kwayo;
 - “**ilungu leziqinisekiso**” lithetha iqumrhu elithi liqinisekise amanye amaqumrhu ngokwemfanelo zemigaqo yalamaqumrhu iindlela, okanye imveliso nezinempawu ezigunyazisiweyo okanye mimiselo;
 - “**isiqinisekiso semvume ye- GLP**” sithetha ixwebhu lokusesikweni okanye amaxwebhu achaza ukuba imvume ye GLP ithe yabonakaliswa; “imvume yokuhlolwa” ithetha imigaqo ethi ibonakalise ngqo okanye bucala, awona mabakala afanelekileyo nacacileyo emigaqo, imimiselo okanye nawaphi amaxwebhu afanelekileyo athe agcwaliswa;
 - “**GLP**” (*good laboratory practice*) inkqubo efanelekileyo yelabhoretri ithetha imigaqo ekwiqondo eliphezulu nejongene nenkqubo yokuba ndaweninye kunye nendlela ekuthi kucetywe ngayo kukwaqinisekiswa ukuba imigaqo yezempilo kunye nokukhathalelwa kwendalo kuhlelwe, kwenziwa, kwaqwalaselwa kwaza kwafakwa ingxelo ngendlela eyiyo;
 - “**ilungu elihlolayo**” lithetha iqumrhu elijongene nokuhlolwa kokwenziwa kwemveliso, inkonzo, inqubo okanye iziko kunye nokujonga ukulandelwa kwemigaqo ethile okanye ngokwamabakala obuchule, amabakala athile;
 - “**ilabhoretri**” ithetha naliphi na iziko apho kuthi kwenziwe khona imisebenzi yezonzululwazi kuquka iilabhoretri/amaziko eyinxalenye abandanyekayo kuhloko lomsebenzi;
 - “**Umphathiswa**” uthetha umphathiswa wezorthwebo noshishino;
 - “**OECD**” ithetha i-*Organisation for Economic Cooperation and Development*;
 - “**Umthetho wokulawulwa kwemali zoluntu**”/“**Public Finance Management Act**” uthetha umthetho wezokulawulwa kwemali zoluntu ka 1999(Act No 1 ka 1999);
 - “**iqumrhu lokuhlola izinga**” lithetha iqumrhu elithi lijongane kunye nokuhlola izinga leprojekthi/enterprise ngokwemigaqo esekelezwe kwinkqubo yoxhotyiso lwabaMnyama kwezoQoqosho;
 - “**I-SANAS**” ithetha i-*South African National Accreditation System* neyathi yamiliselwa ngokwesihloko sesithathu;

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“verification laboratory” means a body designated in terms of section 7(2) of the Trade Metrology Act, 1973 (Act No. 77 of 1973), to verify measuring instruments that are used in terms of the aforesaid Act in order to establish that they comply with all statutory requirements pertaining to such instruments as defined and provided for in that Act.

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Purpose

2. The purpose of this Act is to provide an internationally recognised and effective accreditation and GLP compliance monitoring system for the Republic by—

- (a) establishing SANAS as a public entity;
- (b) recognising SANAS as the only accreditation body in the Republic for— 10
 - (i) conformity assessment and calibration; and
 - (ii) monitoring GLP compliance to OECD principles.

CHAPTER 2

ESTABLISHMENT OF SANAS AS PUBLIC ENTITY

Establishment of SANAS 15

3. (1) SANAS is hereby established as a juristic person.

(2) SANAS is a public entity for the purposes of the Public Finance Management Act.

(3) The establishment of SANAS by this section does not affect the validity of any action taken by SANAS as a non-profit organisation registered in terms of section 21 of the Companies Act, 1973 (Act No. 61 of 1973) (registration No. 199600354/08), prior to the commencement of this Act. 20

Status of SANAS

4. (1) SANAS is recognised as the only national body responsible for carrying out accreditations in respect of conformity assessment, which includes accreditation of—

- (a) calibration, testing and verification laboratories; 25
- (b) certification bodies;
- (c) inspection bodies;
- (d) rating agencies; and
- (e) any other type of body that may be added to SANAS' scope of activity.

(2) SANAS is recognised as the national body to monitor GLP compliance with principles adopted by the OECD for GLP facilities. 30

Functions and objects

5. (1) The objects of SANAS are to—

- (a) accredit or monitor for GLP compliance purposes, organisations falling within its scope of activity; 35
- (b) promote accreditation as a means of facilitating international trade and enhancing the Republic's economic performance and transformation;
- (c) promote the competence and equivalence of accredited bodies; and
- (d) promote the competence and equivalence of GLP compliant facilities.

(2) In order to achieve its objects, SANAS may— 40

- (a) promote SANAS as the sole national accreditation body in its scope of activity;

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“labhoretri yengqiniseko” ithetha ilungu elivunyelwe ngokwe candelo 7(2) lomthetho we *Trade Metrology Act*, 1973 (Act No. 77 of 1973), ukuba liqinisekise izixhobo zolinganiselo ezisetyenziswa ngokomthetho eku thethwe ngawo ngaphambili khona ukuze kubonakale ukuba ziya zithobela zonke iimfuno zomthetho ezimalunga nezo zixhobo njengoko kucacisiwe kulo Mthetho. 5

Injongo

2. Injongo yalo mthetho kukunikezela ngesivumelwano sabasemagunyeni esisemthethweni nokuba isivumelwano sokuthotyelwa kokhala we-GLP sinemigaqo yeRiphabliki nge—
- (a) ukumiliseka i-SANAS njengeziko loluntu; 10
 - (b) ukuqwalasela kwe-SANAS njengequmrhu elilodwa nelivumelekileyo kwi-Riphabliki—
 - (i) isivumelwano sokuhlolwa kunye nokube kwizinga elifanelekileyo; kunye
 - (ii) ukuqwalasela ukuhambisana nokhala we GLP kunye memiqathango ye-OECD. 15

ISAHLUKO SESIBINI

UMILISELO LWE-SANAS NJENGEZIKO LOLUNTU

Umilisele lwe-SANAS

3. (1) I-SANAS imiliselwe njengogunyaziwe osemthethweni. 20
- (2) I-SANAS liqumrhu loluntu elilungiselelwe iinjongo zoMthetho wokuPhathwa kweeMali zoLuntu.
- (3) Ukumiselwa kwe SANAS ngokwesi sahluko/umhlathi akuchaphazeli amandla alo naliphi na inyathelo elithe lathatyathwa yi-SANAS njengequmrhu elingenzi nzuzo nelibhalise ngokomhlathi wamshumi amabini nanye womthetho we *Companies Act*, 1973 (Act No. 61 of 1973) (registration No. 199600354/08) ngaphambi kokuqalisa kwalo mthetho. 25

Iwonga le-SANAS

4. (1) ISANAS ibonwa njengequmrhu lesizwe elilodwa elinoxanduva lokuqinisekisa ngohlolo nolukuqa isivumelwano somthetho— 30
- (a) ungqamaniso, uvavanyo ukuhlolwa kunye nelabhoretri yongqamaniso;
 - (b) amaqumrhu eziqinisekiso;
 - (c) amaqumrhu ohlolo;
 - (d) ii-arhente zohlengahlengiso; kunye
 - (e) naliphi na ilungu elinokuthi longenzwe njengenxalenye yenkqubela ye-SANAS. 35
- (2) I-SANAS liqumrhu elijongwe njengequmrhu lesizwe elingukhala kuthotyelo lwe-GLP linemigaqo eyamkelwe yi-OECD ukulungiselela iinkonzo ze GLP.

Imisebenzi kunye neenjongo

5. (1) Iinjongo yeSANAS kuku— 40
- (a) ukuvumela, okanye ukuqwalasela ngeenjongo zokuthotyelwa kweGLP, yimibutho ephantsi kwayo;
 - (b) ukuphuhlisa ukwenziwa kwesivumelwano esisemthethweni ngeenjongo zokuqwalasela amaqhina entengiselwano namazwe angaphandle kunye nokukhulisa izinga lezoqoqosho kwi-Riphabliki; 45
 - (c) ukukhuthaza izakhono kunye nokufana kweebhodi ezenza iziqinisekiso; kunye
 - (d) ukukhuthaza izakhono kunye nokufana kwemisebenzi emele iqumrhu le GLP.
- (2) Ukuze ikwazi phumeza iinjongo zayo, iSANAS inga—
- (a) ukwaziswa kweli qumrhu le SANAS njengebhodi eyaziwayo ezimeleyo ngokukhuthaza emisebenzi yayo; 50

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- (b) encourage and promote the accreditation of calibration, testing and verification laboratories, certification bodies, inspection bodies, rating agencies and any other type of body that may be added to SANAS' scope of activity;
- (c) encourage and promote GLP compliance with principles adopted by the OECD for GLP facilities; 5
- (d) promote the acceptance of its activities and those of all bodies accredited by SANAS or its international counterparts;
- (e) promote recognition of accredited bodies by users of conformity assessment;
- (f) liaise with regional and international standard bodies and with technical regulatory and metrology organisations in respect of any matter related to accreditation; 10
- (g) liaise with national regulators in respect of any matter related to accreditation;
- (h) promote the use of accredited bodies to facilitate trade;
- (i) advise national, regional and international organisations on the conditions for accreditation and on other issues related to accreditation; 15
- (j) establish and maintain a register of all accredited organisations in the Republic;
- (k) initiate, negotiate, conclude and maintain mutual recognition arrangements;
- (l) support government in activities on mutual recognition agreements;
- (m) investigate methods of facilitating trade through accreditation; 20
- (n) obtain and maintain membership of national or international organisations that may assist SANAS to achieve its objects and to actively participate in such organisations;
- (o) participate in formulating international and regional guidelines and standards to facilitate the accreditation process; 25
- (p) formulate and implement national guidelines and standards to facilitate the accreditation process;
- (q) promote recognition and protect the use of the SANAS logo nationally and internationally;
- (r) promote and protect regional and international arrangement logos such as those of the International Laboratory Accreditation Cooperation (ILAC) and the International Accreditation Forum (IAF); and 30
- (s) establish appropriate technical committees including the following: 35
- (i) Approval Committees to evaluate applications for accreditation;
- (ii) Specialist Technical Committees.
- (3) SANAS may do all that is necessary or expedient to perform its functions including—
- (a) acquiring or disposing of any right in or to property, but ownership in immovable property may be acquired or disposed of only with the consent of the Minister; 40
- (b) opening and operating banking accounts in the name of SANAS;
- (c) investing any of SANAS' money;
- (d) insuring SANAS against—
- (i) any loss, damage or risk;
- (ii) any liability it may incur in the application of this Act; 45
- (e) performing legal acts, including acts in association with or on behalf of any other person or organ of state;
- (f) subject to subsection (4), concluding agreements with organs of state and other persons;
- (g) instituting or defending any legal action. 50
- (4) An agreement concluded in terms of subsection (3)(f) may not conflict with any international requirement binding on SANAS.

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- (b) ukukhulisa kunye nokuphucula ukumiselwa, ukuvavanywa kunye nokuqondwa kwelabhoretri, ibhodi eziqinisekiso, ibhodi ezenza uhlobo, ii-arhente zohlengahlengiso kwanamanye amalungu angathi ongezwe kwimisebenzi yemfuno ze-SANAS;
- (c) ukukhulisa nokwazisa ngesivumelwano seGLP nemigaqo ephuma kwi-OECD yemfanelo zeGLP; 5
- (d) ukukhuthaza ukwamkelwa kwenxaxheba zayo kwakunye nezo zalo malungu angaphantsi kweSANAS okanye amaqumrhu akwanjalo nakwinqanaba lehlabathi;
- (e) ukukhulisa ukwaziwa kwebhodi ngabasebenzisi bezivumelwano zokuhlolwa; 10
- (f) ukunxulumana nebhodi ezikwinqanaba lelizwe nehlabathi kunye namaqumrhu ezochwephesho nomiselo lwemithetho kunye ne-metrology nayo nayiphi na imithetho engqamene kunye nokuvunyelwa ngokusemthethweni;
- (g) ukunxulumana kunye nabaseki bomthetho ngokumayela kunye nemibandela efana nokuvunyelwa ngokusemthethweni; 15
- (h) ukukhuthaza ukusetyenziswa kwebhodi ezifanele ukufundisa ngorhwebo;
- (i) ukucebisa amaqumrhu kwisizwe, kwingingqi kunye nehlabathi ngemigaqo yokuvunywa ngokusemthethweni kwaneminye imibandela ehlobene noku;
- (j) ukumilisele kwanokugcina uxwebhu oluqulethe onke amaqumrhu okuqinisekisa akwi-Riphabliki; 20
- (k) ukuqalisa, ukuxoxa, ukugqiba kwanokugcina ukufana kokujongwa kwamalungiselo;
- (l) ukuxhasa urhulumente kwimibandela yokufana kokujongwa kwesivumelwano; 25
- (m) ukuphanda ngeendlela zokufundiswa ngorhwebo ngokwesivumelwano esisemthethweni;
- (n) ukufumana kwanokugcina amalungu equmrhu likazwe lonke kunye nawehlabathi nangathi ancede kwi-SANAS ukuze iphumeze imigaqo yayo kwanokuthabatha inxaxheba kula maqumrhu; 30
- (o) ukuthabatha inxaxheba ekwenziweni kwemigaqo/umhlaha ndlela kunye nemigaqo ukuqwalasela imeko yokuvunywa ngokesisukweni;
- (p) ukwenza kwanokukuqalisa ngemigaqo yelizwe kunye nemilinganiselo ukufundisa ngemeko yokuvunywa ngokusesikweni;
- (q) ukuphuhlisa ukuqwalaselwa kunye nokhuseleko lokusetyenziswa kwelogo yeSANAS kumazwe angaphandle kunye nehlabathi; 35
- (r) ukuphuhlisa kwanokukhusela amalungiselelo eelogo ngamaqumrhu akwinqaba lelizwe kunye nehlabathi nafana ne—*International Laboratory Accreditation Cooperation (ILAC)* kunye ne—*International Accreditation Forum (IAF)*; kunye 40
- (s) ukumilisele ikomiti efanelekileyo yezobuchwepheshe equka oku kulandelayo:
- (i) iikomiti zesivumelwano zifanele ukuba ziphengulule zihlole izicelo zokuvunywa ngokusemthethweni;
- (ii) IiKomiti zeeNgcali zezobuchwepheshe. 45
- (3) SANAS ifanele ukuba yenze konke okufanelekileyo okanye emiselwe ukuba ikwenze kuquka—
- (a) ukufumana okanye ukuveza naliphina na ilungelo okanye kwimpahla, kodwa ubunini kwimpahla engashukumayo bufanele ukuba bufunyanwe ukuvunywa okanye bunikezelwe ngemvume koMphathiswa; 50
- (b) ukuvula nokusebenzisa ibhanka ngaphantsi kwegama le-SANAS;
- (c) ukutyala imali yequmrhu le SANAS;
- (d) ukukhusela i-SANAS—
- (i) kwilahleko, ukonakaliswa okanye ingozi;
- (ii) nakuyo nayiphi inkcitho enokuthi yenzeke ekusetyenzisweni kwalo mthetho; 55
- (e) ukwenza izinto ezisemthethweni, kuquka nezenzo ezayanyanise negama lomntu okanye ilungu laseburhulumenteni;
- (f) kujoliswe kumhlathana we (4), ukugqibezela izivumelwano kunye namalungu aseburhulumenteni kwanabanye abantu; 60
- (g) ukwazisa okanye ukukhusela nawaphi na amanyathelo omthetho.
- (4) Isivumelwano esithe sagqitywa ngokomhlathana we (3)(f) awufanele uphazamise nemigaqo ekwinqanaba lehlabathi nebophelela i-SANAS.

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Application of Public Finance Management Act

6. (1) SANAS is required to comply with the provisions of the Public Finance Management Act applicable to national public entities.
- (2) For the purposes of the Public Finance Management Act—
- (a) the Board is the accounting authority as contemplated by section 49(2)(a) of the Public Finance Management Act; 5
 - (b) the Minister is the executive authority as contemplated by section 52 of the Public Finance Management Act; and
 - (c) any delegation of the Board's responsibilities in terms of the Public Finance Management Act must be in accordance with section 56 of that Act. 10

Application of international accreditation standards and criteria

7. SANAS is required to comply with international accreditation standards and criteria relevant to its scope of activity.

CHAPTER 3

BOARD OF SANAS 15

Appointment of Board and chairperson

8. (1) The Board consists of not less than 10 and not more than 15 members and is made up as follows:
- (a) The chief executive officer of SANAS by virtue of his or her office;
 - (b) not more than two members of the senior management of SANAS by virtue of their office; and 20
 - (c) the rest of the members, who are non-executive members and are appointed by the Minister.
- (2) When appointing members to the Board, the Minister must ensure that those members— 25
- (a) are broadly representative of the demographics of the country, including with regard to gender and disability; and
 - (b) have sufficient knowledge, experience or qualifications relating to the functions of SANAS and the responsibilities of the Board including, in particular, business management, finance, marketing, international or regional accreditation, standardisation and technical regulatory matters. 30
- (3) The chairperson of the Board must be selected by the members of the Board from amongst their number at the first meeting of a newly appointed board and must be appointed by the Minister.

Term of office of members of Board 35

9. (1) Non-executive members of the Board hold office for a period not exceeding five years and are eligible for reappointment for one further term only.
- (2) If a member of the Board dies or vacates office the Minister may appoint any person in that member's place for the unexpired period of his or her office.
- (3) A member may resign by giving at least one month's written notice. 40

Disqualification of members of Board

10. (1) A person is not eligible to be appointed to or to continue to serve as a member of the Board if that person—
- (a) is an unrehabilitated insolvent;
 - (b) has at any time been convicted of an offence involving dishonesty; 45

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Umilisele loMthetho wokuPhathwa kweeMali zoLuntu

6. (1) I-SANAS ifanele ukuba ihambisane nemimisele yomthetho wolawulo lweemali zoluntu nohambisana namalungu elizwe.
- (2) Ngenxa yeenjongo zomthetho wokuPhathwa kweeMali zoLuntu—
- (a) ibhodi ligunya lophicotho—zincwadi ngokuchazwa ngumhlathi 49(2)(a) 5
womthetho wokuPhathwa kweeMali zoLuntu;
- (b) UMphathiswa ulilungu eliphezulu logunyaziso nanjengoko sichaza isahluko sama-52 somthetho wokuPhathwa kweeMali zoLuntu; kunye
- (c) nakuphi na ukuchakwa koxanduva lwebhodi ngokomthetho kufanele ukuba kubeselungelweni lomthetho wokuPhathwa kweeMali zoLuntu ngokomhlathi 10
wama-56 walo mthetho.

Umilisele lwemigangatho kunye nemilinganiselo yobhaliso olugunyazisiweyo lwehlabathi

7. I SANAS ifaneleke ukuba ithobele imigangathoyokuhlola kunye nobhaliso olugunyazisiweyo lwehlabathi yokuhlolwa kunye nemilinganiselo ehambelana memimandla yosetyenziso. 15

ISAHLUKO 3

IBHODI YE-SANAS

UChongo lweBhodi kunye nosihlalo

8. (1) Ibhodi iquka amalungu angekho ngaphantsi kweshumi kwaye angekho 20
ngaphezulu kweshumi elinesihlanu lamalungu kwaye yenziwe ngolu hlobo:
- (a) Umlawuli oyintloko we-SANAS ngokwenqanaba leofisi yakhe;
- (b) amalungu esigqeba esiphezulu esilawulayo kwiSANAS kodwa angagqithi kwisibini ngokwenqanaba leofisi; kunye
- (c) amanye amalungu angekho kwisigqeba solawulo achongwa ngumphathiswa. 25
- (2) Xa kuchongwa amalungu ebhodi, umphathiswa ufanele ukuba aqinisekise ukuba lo malungu—
- (a) amele ubuninzi babemi beli lizwe, kuquka nezimalunga nezobuni kunye nokukhubazeka; kwaye
- (b) banolwazi oluphangaleleyo, amava okanye izakhono ezayamene nemisebenzi 30
kunye noxanduva lwe SANAS kunye nebhodi, ingakumbi kumacandelo aquka, ezoshishino, ezezimali, ezentengiso, ubhaliso olusemthethweni yezobugcisa kwihlabathi nengingqi, ubeko-mgangathweni mnye kunye nemibandela yemimisele yezobuchwepheshe.
- (3) Usihlalo webhodi ufanele ukuba onyulwe ngamalungu webhodi kulawo malungu 35
akhoyo kwintlanganiso yokuqala yebhodi entsha eyonyuliweyo kwaye ufanele ukuba uchongwa nguMphathiswa.

Ixesha lokulawula lamalungu eBhodi

9. (1) Abo bangengomalungu esigqeba esilawulayo sebhodi bathi bahlale eofisini ixesha elingagqithanga kwiminyaka emihlanu kwaye bayakwazi ukuthi bonyulwe 40
kwakhona isithuba esinye esilandelayo.
- (2) Ukuba kuthe kwenzeka ukuba ilungu lebhodi lisweleke okanye liyishiye iofisi umphathiswa angathi onyule omnye umntu nozakuthabatha indawo yelolungu eloxeshana besele lishiyekile.
- (3) Ilungu lingathi lilahle/liyeke ngokuthi linikezele isaziso esibhaliweyo inyanga 45
enye.

Unqunyanyiso lwamalungu eBhodi

10. (1) Umntu akavumelekanga ukuba onyulwe okanye asebenze njengelungu lebhodi ukuba—
- (a) utshone ematyaleni emali akavelanga nangonwele; 50
- (b) nokuba ngaba wayekhe wabanjwa wafunyaniswa ubutyala kuquka ukunganyaniseki;

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- (c) has, as a result of improper conduct, been removed from an office of trust; or
(d) has been declared by a court to be mentally ill or unfit.

(2) A member of the Board must vacate his or her office if he or she is absent from three consecutive meetings of the Board without the prior leave of the chairperson.

(3) The Minister may at any time, after consulting the Board, terminate the term of office of any member of the Board if there are good reasons for doing so. 5

Conditions of appointment of members of Board

11. (1) The conditions of appointment of members of the Board who are not in the employ of an organ of state are determined by the Minister.

(2) The conditions of appointment may include remuneration and allowances payable by SANAS to the members of the Board as determined by the Minister after consultation with the Minister of Finance. 10

(3) Members who are employed by an organ of state are not entitled to remuneration and allowances but must be reimbursed for out of pocket expenses by SANAS.

(4) Non-executive members of the Board are appointed part-time. 15

Operating procedures of Board

12. (1) The Board must meet at least four times a year.

(2) The first meeting of the Board must be held at the time and place determined by the Minister.

(3) The chairperson of the Board decides when and where the Board will meet, but a majority of the members of the Board may request the chairperson in writing to convene a meeting at a time set out in the request. 20

(4) If the chairperson is absent from a meeting, the Board may elect another member to preside at that meeting.

(5) A majority of the members of the Board constitute a quorum for a meeting of the Board. 25

(6) Decisions of the Board require a supporting vote of a majority of members present at a meeting.

(7) The Board must keep minutes of its proceedings and decisions.

(8) The Board may, by resolution, make rules to further regulate its proceedings. 30

Committees of Board

13. (1) The Board must establish the committees necessary to enable it to perform its functions.

(2) The Board must determine the composition, rules and procedures of committees established in terms of subsection (1). 35

(3) The Board may from time to time dissolve or reconstitute a committee.

Advisory forum

14. (1) (a) The Board must establish an advisory forum consisting of representatives of bodies with an interest in accreditation and of representatives of accredited bodies.

(b) The Board must ensure that different interests are adequately represented in the advisory forum. 40

(2) The advisory forum must advise the Board on—

(a) matters in respect of which SANAS could play a role; and

(b) any other matter on which the Board requests advice.

(3) The Board must establish a constitution and, if necessary, rules for the advisory forum. 45

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- (c) ngokuthi, ngenxa yokungaziphathi kakuhle wasuswa/wagxothwa kwiofisi yequmrhu yokuthenjwa; okanye
(d) uthe wavakaliswa yinkundla ukuba ugula ngengqondo okanye akomelelanga.
(2) Ilungu lebhodi lifanele ukuba liphume eofisini ukuba ngaba lithe alaphumelela kwintlanganiso zebhodi ezintathu ngokulandelelana ngaphandle kokunikezelwa ikhefu ngusihlalo. 5
(3) UMphathiswa unelungelo lokuba nangaliphi na ixesha emva kokudibana nebhodi asinqumamise isivumelwano selungu lebhodi ukuba ngaba kukho izizathu zoko.

Iimeko zokuchongwa kwamalungu eBhodi

11. (1) Ukuchongwa kwamalungu ebhodi angaphangeli ngaphantsi kwamacandelo karhulumente athi achongwe nguMphathiswa. 10
(2) Iimeko zokuchongwa ziquka umrholo kunye nesibonelelo esihlawulwa yi-SANAS ku malungu eBhodi njengokugqitywe nguMphathiswa emva kokuthethisana noMphathiswa weZemali.
(3) Amalungu aqeshwe ngaphantsi kukarhulumente awafanele kufaumana umrholo nesibonelelo kodwa bafanele ukuba banikezelwe imbuyekezo yendleko zabo liqumrhu le SANAS. 15
(4) Abo bangengomalungu esigqeba esilawulayo sebhodi ingqesho yabo ayisosigxina.

Iimfuneko zokusebenza ezilandelwayo zeBhodi

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12. (1) Ibhodi ifanele ukuba ihlangane kane ngonyaka.
(2) Intlanganiso yokuqala ifanele ukuba ibanjwe kwindawo nangexesha elithe lachazwa nguMphathiswa.
(3) Usihlalo webhodi uthi agqibe ukuba iza kuba, ngaliphi ixesha intlanganiso yebhodi, kodwa inxalenye yamalungu ingathi ifake isicelo sembalelwano kusihlalo imcele ukuba intlanganiso ibanjwe ngexesha elichazwe kwisicelo eso. 25
(4) Ukuba ngaba usihlalo akaphumelelanga entlanganisweni, ibhodi ifanele ukuba yonyule elinye ilungu neliza kuba ngumhlali ngaphambili.
(5) Uninzi lwamalungu ebhodi lwenza inxalenye yokuthabatha izigqibo entlanganisweni yebhodi. 30
(6) Izigqibo zebhodi zifuna inxaso yeevoti zesiininzi samalungu akhoyo entlanganisweni ukuxhasa isigqobo eso.
(7) Ibhodi ifanele ukuba igcine imuzuzu yentlanganiso kunye nezigqibo zayo.
(8) Ibhodi ifanele, ukuba ngesigqibo, yenze imithetho yokuqhubeka neenkqubo zayo.

IiKomiti zeBhodi

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13. (1) Ibhodi ifanele ukuba ichonge iikomiti ezifanelekileyo ukuze ikwazi ukwenza imisebenzi yayo.
(2) Ibhodi ifanele ukuba iqulunqe isakhiwo imithetho nemigaqo yeekomiti eyilwe ngokomhlathana wokuqala.
(3) Ibhodi iyakwazi ukurhoxisa ikomiti iphinde yonyule enye. 40

Isigqeba esinika lingcebiso yeeNgcobiso

14. (1) (a) Ibhodi ifanele ukuba imisele isigqeba seengcebiso nesiquka abameli bamalungu abanomdla kukuvunywa ngokusesikweni kwakunye nabameli bamaqumrhu avumelekileyo agunyazisiweyo.
(b) Ibhodi ifanele ukuba iqinisekise ukuba imfuno ezahlekeneyo zimelwe kwisigqeba seengcebiso. 45
(2) Esi sigqeba sengcebiso sifanele ukuba sicebise ibhodi kwi—
(a) kwimibandela apho iqumrhu leSANAS lifanele ukuba lidlale indima; kwaye
(b) nakweyiphi na into apho ibhodi ifuna ingcebiso.
(3) Ibhodi ifanele ukuba imilisele umgaqosiseko kwaye, ukuba kunyanzelekile, imigaqo nenokusetyenziswa sisigqeba seengcebiso. 50

CHAPTER 4**EXECUTIVE MANAGEMENT****Appointment of chief executive officer**

15. (1) The Board, after consulting the Minister, must appoint a suitably qualified person as the chief executive officer. 5
- (2) The chief executive officer is an employee of SANAS and is accountable to the Board.
- (3) The chief executive officer is responsible for the efficient management of SANAS and must perform any duty assigned or delegated to the chief executive officer by the Board. 10
- (4) The chief executive officer holds office for an agreed term not exceeding five years and may be reappointed upon expiry of that term of office.
- (5) The chief executive officer may appeal to the Minister against a decision of the Board to terminate his or her contract of employment prior to its expiry
- (6) The appeal contemplated in subsection (5) must— 15
- (a) be lodged in writing within 14 days from the date of notification of the decision to terminate the contract; and
- (b) comply with any other requirements that may be prescribed in respect of an appeal.
- (7) If the chief executive officer is unable to perform his or her functions, the Board may appoint an acting chief executive officer to perform those functions. 20

Employment contract and performance agreement

16. (1) The employment contract of the chief executive officer must be in writing and must incorporate in an appropriate form the provisions of section 57 of the Public Finance Management Act. 25
- (2) The Board and the chief executive officer must conclude a performance agreement for the chief executive officer—
- (a) within a reasonable time after the appointment of the chief executive officer; and thereafter
- (b) annually within one month of the commencement of each financial year. 30
- (3) The performance agreement must include—
- (a) measurable performance objectives and targets that must be met and the time frames within which those performance objectives and targets must be met;
- (b) standards and procedures for evaluating performance and intervals for evaluation; and 35
- (c) the consequences of substandard performance.

Appointment of staff

17. The chief executive officer, after consulting the Board, may—
- (a) appoint staff to assist SANAS in carrying out its functions; and
- (b) determine the remuneration, allowances, benefits and other terms and conditions of appointment of members of staff taking into account the Public Service Act, 1994 (Proclamation No. 103 of 1994). 40

Services of non-employees

18. SANAS may enter into a contract with any person other than an employee to perform any of its functions for and on behalf of SANAS. 45

Delegation and assignment

19. (1) The Board may delegate any of its powers and assign any of its duties to the chief executive officer, excluding the power to make rules for the Board.

ISIAHLUKO 4**ISIGQEBA ESILAWULAYO****Uchongo lwegosa elongameleyo elilawulayo**

15. (1) Ibhodi emva kokuba ithe yangqubanisa iintloko kunye noMphathiswa, ifanele ukuba ichonge umntu ofanelekileyo noza kuba ligosa elilawulayo. 5
- (2) IGosa eliLawulayo eloNgameleyo lithi libe ngumsebenzi kwiqumrhu le-SANAS kwaye linoxanduva lokufaka ingxelo kwibhodi.
- (3) IGosa eliLawulayo eloNgameleyo linoxanduva lokulawula ngobuchule imicimbi yeSANAS kwaye lifanele ukuba lenze oko lithe lakuyalelwa yibhodi.
- (4) IGosa eliLawulayo eloNgameleyo lithi libambe esi sikhundla ngokwexesha lesivumelwano nekuyiminyaka engokho ngaphezulu kwemihlanu kwaye emva koko lingathi liphinde lonyulwe emva kokuphela kweminyaka yesivumelwano. 10
- (5) Umlawuli oyintloko unelungelo lokubhena kuMphathiswa ukuba ithe ibhodi yayqiba ekubeni imsuse esikhundleni lingekafiki ithuba lokuphelelwa kwesivumelwano. 15
- (6) Isibheni ekubhekiswa kuso kumhlathana (5) kufuneka—
- (a) sifanele ukuba sibhalwe phantsi kwintsuku ezilishumi elinesine emva kokufumana isaziso sokunqunyanyiswa kwesivumelwano somsebenzi; kwaye
- (b) athobele nayiphi na imigaqo efanelekileyo xa kufakwa isibheni. 20
- (7) Ukuba ngaba umlawuli oyintloko akakwazi ukwenza imisebenzi ethile ibhodi ifanele ukuba yonyule ibambela-mlawuli ukuze lenze lo msebenzi.

Isivumelwano sengqesho nonqophiswano lokusebenza

16. (1) Isivumelano sengqesho somlawuli oyintloko sifanele ukuba sibhalwe phantsi kwaye sifanele ukuba siquke imigaqo equelethe kumhlathi wama-57 womthetho wokuPhathwa kweeMali zoLuntu. 25
- (2) Ibhodi kunye nomlawuli oyintloko bafanele ukuba benze umnqophiso wokusebenza womlawuli—
- (a) ngethuba elifanelekileyo emva kokuchongwa komlawuli oyintloko, nasemva koko 30
- (b) ngonyaka ngenyanga enye yokuqala konyaka mali.
- (3) Isivumelwano somsebenzi sifanele ukuba siqulathe oku—
- (a) imimiselo yomsebenzi noko kufanele ukuba kwenziwe ngexesha elibekiweyo kwakunye nokumiliselwa kwexesha lokugqitywa kwalo misebenzi emiselelweyo mazizalisekise; 35
- (b) imilinganiselo kunye nemigaqo yokujonga inkqubela kunye nekhefu lokuhlola; kunye
- (c) imiphumela yomsebenzi okwizinga elisezantsi ephela nge 31 kaMatshi olandela loo mhla.

Ukuchongwa kwabasebenzi 40

17. Umlawuli oyintloko emva kokuba ethe wadibana nebhodi, ufanele ukuba—
- (a) achonge abasebenzi ukuncedisa iqumrhu le —SANAS ukwenza imisebenzi yalo; kwanoku
- (b) ukwazisa ngomvuzo, isibonelelo, iimfanelo kunye nemithetho efanele ukuba ilandelwe ngokomthetho wezeMisebenzi yoLuntu ka-1994(IsiNdululo esinguNombolo 103 ka-1994). 45

Iinkonzo zabo bangengobasebenzi

18. Iqumrhu le-SANAS lingathi lenze isivumelano kuye nabani na umntu nongengomsebenzi ukuba enze imisebenzi yayo kunye naleyo eyenzela iSanas.

Usatyalaliso lwamagunya nemisebenzi 50

19. (1) Ibhodi ingathi yenyule ikwanikezela ngemisebenzi namagunya kumlawuli oyintloko, ibekela bucala igunya lokwenza imithetho efanele ibhodi.

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(2) The chief executive officer may delegate any power conferred on him or her under or duty assigned to him or her by this Act to any other person with appropriate knowledge and experience who is under the control of the chief executive officer.

- (3) A delegation or assignment under subsection (1) or (2) must be in writing and—
- (a) may be subject to any conditions or restrictions determined by the Board or chief executive officer; 5
 - (b) does not prevent the exercise of that power by the Board or chief executive officer; and
 - (c) may be withdrawn or amended by the Board or chief executive officer.

CHAPTER 5 10

FINANCIAL MANAGEMENT

Funds and investments

20. (1) The funds of SANAS consist of—
- (a) money appropriated by Parliament;
 - (b) accreditation fees; 15
 - (c) annual fees paid by accredited organisations;
 - (d) fees generated as a result of training or other projects;
 - (e) money received from any other source.
- (2) SANAS may invest any of its funds not immediately required—
- (a) subject to any investment policy that may be prescribed in terms of section 7(4) of the Public Finance Management Act; and 20
 - (b) in such a manner as may be approved by the Minister.

Financial year and accounting

21. The financial year of SANAS is from 1 April in any year to 31 March of the following year except that for the year in which it is established, the financial year will commence on the date that this Act comes into operation, and ends on 31 March next following that date. 25

CHAPTER 6

GENERAL PROVISIONS

Applications for accreditation or GLP compliance monitoring 30

22. (1) Any person seeking accreditation or GLP compliance status from SANAS must apply in accordance with the procedures determined by the Board.

- (2) SANAS must—
- (a) evaluate every application for accreditation or GLP compliance monitoring in accordance with procedures and criteria determined by the Board and in accordance with the appropriate national or international criteria; and 35
 - (b) issue a certificate of accreditation or GLP compliance to applicants that meet required criteria, specifying any conditions applicable to the accreditation or GLP compliance monitoring.

(3) The Board may formulate and make publicly available rules consistent with the provisions of this Act on any matter necessary or expedient for the administration of this Act including— 40

- (a) the form and procedure for applications for accreditation or GLP compliance;
- (b) the fees applicable to different categories of accreditation or GLP compliance;
- (c) the fees for training or other projects undertaken; 45
- (d) the proper use within the Republic of the name, accreditation body logo or accreditation symbol of SANAS; and
- (e) the proper use of regional and international logos such as those of ILAC and IAF.

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(2) Umlawuli oyintloko angathi onyule nokuba ngubani na ongaphantsi kolawulo lwakhe ukuba enze imisebenzi ibimiselwe yena ngokwalo mthetho mntu lowo ofanele ukuba abenamava nezakhono ezifanelekileyo.

(3) Usatyalaliso okanye umsebenzi othunyelweyo ngokwaphantsi komhlathana (1) okanye (2) kufuneka ube ubhaliwe phantsi yaye—

- (a) uya kuthi ube ngaphantsi kwemiqathango kunye nemilinganiselo eyenziwe yibhodi okanye ngumlawuli oyintloko;
- (b) ayithinteli setyenziso mandla ebhodi okanye umlawuli oyintloko; kwaye
- (c) ungathi urhoxiswe okanye uxokomezelelwe yibhodi okanye umlawuli oyintloko.

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ISIAHLUKO 5

UKUPHATHWA KWEZEMALI

Imali kunye notyalo-mali

20. (1) Inxowa-mali ye-SANAS iquka—

- (a) imali evunyelwe yiPalamente;
- (b) imirhumo yobhaliso evunyelwe ngokusesikweni;
- (c) imirhumo yonyaka ehlawulwa ngamaqumrhu avunyelwe ngokusesikweni;
- (d) imirhumo eyenziwe ngokuqeqesha okanye kwezinye iprojekthi;
- (e) imali efumaneke nokuba kukweliphi iziko.

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(2) Iqumrhu le-SANAS lingathi lityale imali yalo nengafuneki ngokungxamise- kileyo—

- (a) nengaphantsi kwemiqathango yotyalo mali nechazwe ngokomthetho 7(4) wezokuPhathwa kweeMali zoLuntu; kunye
- (b) kananjalo nokuhambisana kunye noMphathiswa.

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Unyaka-mali kunye nezokubala

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21. Unyaka mali we-SANAS uqala ngomhla wokuqala kwinyanga ka-Apreli ukuya kutsho ngomhla wamashumi amathathu nanye kwinyanga kaMatshi kunyaka olandelayo, ngaphandle konyaka ethe yamiselwa ngawo, unyaka mali uyakuthi uqale ngomhla wokuqala kokusebenza kwalo Mthetho.

ISIAHLUKO 6

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IMIBANDELA EFANELE UKUJONGWA

Izicelo zobhaliso olugunyazisiweyo okanye uthotyelo lukakhala we-GLP

22. (1) Naye nawuphi na umntu ofuna ukugunyaziswa ngokusemthethweni okanye uthobelo zinga le-GLP kwi-SANAS ufanele ukuba afake isicelo ngokwemigaqo echazwe yibhodi.

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(2) I-SANAS ifanele ukuba—

- (a) iqwalasele zonke izicelo ezifanele ukugunyaziswa ngokusemthethweni okanye isivumelwano seGLP sokuhlola nesihambisana kunye nemigaqo okanye iindlela ezichazwe yibhodi kwaye nezisekwe ngaphezu kwenqanaba lelizwe okanye lelabathi; kunye
- (b) ukukhutshwa kwesiqinisekiso sokugunyaziswa ngokusemthethweni okanye isivumelwano seGLP kwabo bafake izicelo abafikeleleyo kwimigaqo ebekiweyo, ichaza okufanelekileyo okanye isivumelwano seGLP.

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(3) Ibhodi ifanele ukuba iqulunkqe yazise gabalala imithetho engqamene nalo Mthetho nayiphi na imibandela efanelekileyo okanye efanele ukuba ilandelwe ukusetyenziswa kwalo Mthetho kuquka—

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- (a) ubume bamaxwebhu azaliswayo kunye nemigaqo yokufakwa kwezicelo zokugunyaziswa ngokusemthethweni okanye isivumelwano se-GLP;
- (b) imirhumo efanele ngokokwahluka kwamanqanaba okugunyaziswa ngokusemthethweni okanye isivumelwano seGLP;
- (c) imirhumo yoqeqesho okanye ezinye iprojekthi ezithe zenziwa;
- (d) ukusetyenziswa ngendlela kwegama kwiRiphabliki, uphawu logunyaziso ngokusemthethweni okanye isimboli yesivumelwano seSANAS; kunye

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Accreditation certificates

23. (1) An accreditation certificate or certificate of GLP compliance issued in terms of section 22(2)(b), must be signed by the chief executive officer or a person with delegated authority to do so in terms of section 19.

(2) SANAS may authorise a person in the employ of SANAS to certify a copy of an accreditation certificate or a certificate of GLP compliance issued in terms of subsection (1) as being a true copy of the certificate. 5

(3) In any legal proceedings, a document that purports to be a certificate issued in terms of subsection (1) or a copy of such certificate certified in terms of subsection (2) is upon its production evidence of the facts contained therein. 10

(4) An accreditation certificate or certificate of GLP compliance is the property of SANAS and must be returned by an accredited body when requested to do so.

Maintenance of accreditation by accredited body

24. (1) Accredited bodies have a responsibility to comply at all times with SANAS accreditation criteria including the specific competencies specified in their accreditation certificate. 15

(2) Misuse of accreditation, including misrepresentation of data from an accredited body or misuse of the accreditation symbol, is an offence.

Certificate issued by accredited body

25. In any legal proceedings, a document that purports to be a certificate issued by an accredited body in terms of their approved accreditation and signed by a person deemed by SANAS as competent to do so is upon its production evidence of the facts contained therein. 20

Regulations

26. The Minister may make regulations concerning— 25

- (a) the scope of activity within which SANAS may grant accreditation or monitor compliance with OECD principles for GLP;
- (b) responsibilities of accredited bodies; and
- (c) generally, any other ancillary or incidental administrative or procedural matter that is necessary to prescribe for the proper implementation or administration of this Act. 30

Offences

27. (1) Any person who knowingly—

- (a) makes or assists in making a report, return, notice or any other document to be sent to any other person, as required by this Act, that contains an untrue statement of a material fact; or 35
- (b) omits to state a material fact in or on any of the documents referred to in paragraph (a),

is guilty of an offence.

(2) Any person who contravenes or who fails to comply with this section, section 24 or section 28 is guilty of an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding 24 months or to both a fine and such imprisonment. 40

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- (e) nokusetyenziswa ngendlela kweempawu zelizwe nehlabathi nezifana neziqinisekiso ze- ILAC kunye ne IAF.

IZIQINISEKISO ZOGUNYAZISO

23. (1) isiqinisekiso sokugunyaziswa okanye isiqinisekiso sesivumelwano seGLP nesifanele ukuba sikhuthswe ngokomhlathi wama 22(2)(b), sifanele ukuba sityikitywe ngumlawuli oyintloko okanye umntu onegunya lokwenza njalo ngokomhlathi we-19. 5

(2) Iqumrhu le-SANAS lifanele ukuba ligunyazise umntu noqeshwe lilo ukuba aqinisekise ikopi zesiqinisekiso sesivumelwano okanye isiqinisekiso sesivumelwano seGLP nesikhutshwe ngokomhlathana (1) njengekopi yobuqu besiqinisekiso.

(3) Kuzo naziphi na iinkqubo ezisemthethweni, uxwebhu olubonakala ngathi sisiqinisekiso esikhutshwe ngokomhlathana (1) okanye ikopi yeso siqinisekiso esiqinisekise ngokomhlathana wesi-(2) nalapho kuthi kuvezwe ubuqu besiqinisekiso njengobungqina. 10

(4) Isiqinisekiso sogunyaziso ngokusemthethweni okanye isiqinisekiso sesivumelwano se-GLP siliungelo le-SANAS kwaye sifanele ukuba sibuyiselwe iyibhodi egunyazisiwayo xa oko kuceliwe. 15

Ulondolozo lobhaliso logunyaziso liqumrhu elibhalisiweyo eligunyazisiweyo

24. (1) Amalungu ogunyaziso anoxanduva lokuhamba maxa onke ngokwemigaqo yogunyaziso ye-SANAS maxa onke kuquka nezibakala ezithe zachazwa kwiziqinisekiso zogunyaziso. 20

(2) Ukusetyenziswa ngendlela engeyiyo kogunyaziso, kuquka ukuchazwa ngendlela engeyiyo kolwazi oluvela kwelinye ilungu logunyaziso, ukusetyenziswa ngokungekho semthethweni kwesimboli/logo yogunyaziso kuchasene nomthetho kulityala.

Isiqinisekiso esikhutshwe liqumrhu lobhaliso eligunyazisiweyo

25. Kuzo naziphi na iinkqubo zezomthetho uxwebhu olubonakala ngathi, sisiqinisekiso esikhutshwe lilungu lezigunyaziso ngokwesivumelwano sogunyaziso nesithe sityikitywa ngumntu ophuma kwi-SANAS novakaliswe njengomntu onelungelo lokwenza oko iingcombolo eziqulathwe luxwebu zibubungqima. 25

Imimiselo

26. Umphathiswa ufanele ukuba enze imimiselo equka — 30

- (a) okufanele kulandelwe liqumrhu le—SANAS ngethuba ligunyazisa okanye lihlola ukuhambisana kunye nemigaqo ye-OECD kwiGLP;
- (b) uxanduva lwamaziko/amalungu agunyazisayo; kunye
- (c) usetyenziso oluluncedo okanye olungalindelekanga okanye nokuba yimibandela efanele ukulandelwa ngendlela nechaza ngemigaqo eyiyo efanele ukuba ilandelwe xa kumiliselwa okanye ukwenziwa kwalo Mthetho. 35

Ulwaphulo-mthetho

27. (1) Nabani na umntu onolwazi—

- (a) ancedisane okanye ancede ekwenziweni kwengxelo, ukubuyisela, isibhengezo okanye naluphi na uxwebhu olufanele ukuba luthunyelwe komnye umntu, nanjengoko lo Mthetho ugunyazisa, neziqulethe ingxelo ezibubuxoki nokuba lufazi olukwanjalo; okanye
- (b) ukushiyelela ukuxela ingcombolo eyinyani ebambekayo okanye nawaphi na amaxwebhu achazwe kumhlathi we(a), 40

unetyala. 45

(2) Nabani na othe akaphumelela ukuthobela lo mhlathi, umhlathi 24 okanye umhlathi 28 uya kuthi atyatyekwe ngezityholo kwaye angathi ahlawuliswe okanye avalelwe entolongweni isithuba esingekho ngaphezu kweenyanga ezingamashumi amabivi anesine okanye abanjwe ekwahlawula ngaxesha nye.

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Breach of confidence

- 28.** (1) Any person who is or was involved in the performance of any function in terms of this Act shall not disclose any information which he or she obtained in the performance of such a function except—
- (a) to the Minister; 5
 - (b) to any person who of necessity requires it for the performance of his or her functions in terms of this Act;
 - (c) if he or she is a person who of necessity supplies such information in the performance of his or her functions in terms of this Act;
 - (d) if such information is required in terms of any law or as evidence in any court of law; 10
 - (e) to any competent authority which requires it for the institution, or an investigation with a view to the institution, of any criminal prosecution; or
 - (f) by or on the authority of the Minister, the chairperson of the Board or the chief executive officer. 15

Liability of SANAS

- 29.** (1) The State Liability Act, 1957 (Act No. 20 of 1957), applies in respect of SANAS, and in such application a reference in that Act to the Minister of a department concerned must be construed as a reference to the chief executive officer of SANAS.
- (2) No person is liable for anything done or omitted in good faith when performing a function or exercising a power in terms of this Act. 20

Transitional provisions

- 30.** (1) For the purposes of this section:
- (a) “**Companies Act**” means the Companies Act, 1973 (Act No. 61 of 1973);
 - (b) “**effective date**” means the date on which SANAS is established by section 3; 25
and
 - (c) “**the Association**” means the association not for gain established in terms of section 21 of the Companies Act (registration number 199600354/08), known as “South African National Accreditation System”.
- (2) As from the effective date— 30
- (a) the Association ceases to exist as an association not for gain incorporated in terms of section 21 of the Companies Act;
 - (b) all assets, liabilities, rights and obligations of the Association are deemed to be assets, liabilities, rights and obligations of SANAS;
 - (c) the chief executive officer and all other employees of the Association are transferred to SANAS as if section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995), were applicable; 35
 - (d) all accreditations by the Association that are valid immediately prior to the effective date are deemed to have been made by SANAS in terms of this Act.
- (3) The Registrar of Companies must deregister the Association as a company in terms of the Companies Act with effect from the effective date. 40
- (4) Any application for accreditation, appeal, complaint or other proceedings commenced prior to the effective date may be continued with as if they had been instituted in terms of this Act.
- (5) Any committees of the Association established prior to the effective date are deemed to have been established by the Board in terms of this Act, provided that an audit committee must be established in terms of this Act within two years of the promulgation of this Act. 45
- (6) The Minister may make regulations not inconsistent with this Act concerning any matter necessary or expedient for regulating the smooth transition of the Association from its status as an association not for gain established in terms of the Companies Act to a public entity. 50

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Intswela-ntembeko

28. (1) Nawuphi na umntu obandakanyekayo okanye owayebandakanyeka ekwenziweni kwento ethile ngokwemiqathango kulo Mthetho akafanele ukuluvakalisa olo lwazi, nowathi wakuva ngethuba lokwenza lo msebenzi ngaphandle kokuba—
- 5 (a) kukuMphathiswa;
 - (b) kukomnye umntu ofuna olo lwazi ukuze akwazi ukwenza umsebenzi othile nongqamene nolo lwazi ngokwalo Mthetho;
 - (c) ukuba ngaba ungumntu ofanele ukuba akhuphe olu lwazi ngenxeni yokwenza umsebenzi wakhe ngokwalo Mthetho;
 - 10 (d) ukuba ngaba ulwazi olunjalo luyafuneka ngokwawo nawuphi na umthetho okanye njengobungqina kwiinkundla zomthetho;
 - (e) kukuye nawuphi na ugunyaziwe oyifunela iziko, okanye uphando olujoliswe kwiziko, lwaso nasiphi na isenzo solwaphulo-mthetho; okanye;
 - 15 (f) kungokwegunya okanye igunya elite lakhutshwa nguMphathiswa, usihlalo weBhodi okanye umlawuli oyintloko.

Amatyala angekahlawulwa e-SANAS

29. (1) UMthetho wamaTyala angekahlawulwa kaRhulumente, 1957 (uMthetho onguNombolo ka-1957), usebenza kwi-SANAS, kwaye ngoko olo miliselo lwawo lisisalathisi kula Mthetho kuMphathiswa wesebe elichaphazelekayo kufuneka lithathwe
- 20 njengesalathisi kumlawuli we-SANAS.
- (2) Akukho namnye umntu onoxanduva lwento ethe yenzeka okanye ebekelwe bucala ngesihle ngethuba lokwenziwa komsebenzi okanye ukusebenzisa amandla okugunyazisa ngokwalo Mthetho.

Amalungiselelo ethutyana

- 25 30. (1) Ngenxa yeenjongo zesi sahluko:
- (a) **“Umthetho weeNkampani”** uthetha uMthetho weeNkampani ka-1973 (uMthetho onguNombolo 61 ka-1973);
 - (b) **“umhla wokusetyenziswa”** uthetha umhla apho iqumrhu le-SANAS lithe lamiselwa khona ngokomhlathi wesi-3; kwaye
 - 30 (c) **“iqumrhu”** lithetha elingenzi nzuzo nelimiselwe ngokomhlathi wama-21 womthetho wenkampani (nonenombolo ethi 199600354/08), eyaziwa njengequmrhu lokuqinisekisa eliyi-“South African National Accreditation System”.
- (2) Ukusukela ngomhla wokuqalisa—
- 35 (a) Iqumrhu liyayeka ukuba liqumrhu elingenzi ngeniso ngokuxokomezelelwa kulo mthetho kumhlathi we (21) woMthetho weenKampani;
 - (b) zonke ii-asethi, amatyala, amalungelo kunye neembophelelo zequmrhu ezibonwa njengee-asethi, amatyala, amalungelo kunye neembophelelo ze-SANAS;
 - 40 (c) umlawuli oyintloko kunye nabasebenzi beli qumrhu bathi bathunyelwe kwiqumrhu le-SANAS ngokwesolotyalo lomthetho we-197 womthetho wezobuDlelwane kwezabaSebenzi ka-1995 (uMthetho onguNombolo 66 ka-1995), ufanele ukusetyenziswa;
 - 45 (d) zonke iziqinisekiso zokugunyaziswa ngokusemthethweni liqumrhu nezisemthethweni ngelo xesha ngaphambi kokufika komhla wokusebenza komthetho zicingwa njengezenziwe liqumrhu le SANAS ngokwalo mthetho.
- (3) uMgcini-zincwadi zeeNkampani ufanele ukuba acime iqumrhu njengenkampani ngokomthetho wenkampani kanye ngomhla wokuqalisa komthetho.
- (4) Nasiphi na isicelo sokugunyaziswa, ukubhena, isikhalazo okanye nayiphi na
- 50 inkqubo ethe yenzeka ngaphambi komhla wokusebenza komthetho kufanele ukuba kuqhutywe nazo kunge zibandakanyeka kulo Mthetho.
- (5) Nayiphi ikomiti yequmrhu elite lamiselelwa ngaphambi komhla wokuqaliswa kufanele ukuba uthathwe njengomiselwe yibhodi ngokwalo Mthetho, kube kuza kumiselwa abahloli bencwadi ngokwalo Mthetho kwiminyaka emibini
- 55 yokusetyenziswa kwalo Mthetho.
- (6) UMphathiswa angathi enze imigaqo ehambisana nalo mthetho kuwonawuphi na umbandela oyimfuneko okanye ongxamisekileyo ekwenzeni utshintsho lwequmrhu

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(7) (a) The transition of the Association to a public entity shall not affect any licences that have been granted prior to the transition.

(b) SANAS shall replace the Association as the licensee in all licence agreements.

(c) The effect of this subsection is a substitution of the licensee and does not constitute a sub-licence agreement.

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Short title and commencement

31. This Act is called the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

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kwizinga lalo lokuba liqumrhu elingenzi nzuzo ngokomthetho weeNkampani ukuze ibe liziko loluntu.

(7) (a) Ukutshintsha kwequmrhu ukuba lilungu loluntu alifanele ukuba lichaphazele ilayisenisi eyayinikezelwe ngaphambi kotshintsho.

5 (b) Iqumrhu le-SANAS lakuthi lingene endaweni yeli qumrhu njengomni ndawo kuzo zonke izivumelwano zelayisenisi.

(c) Ukusebenza kwesi sahlukwana kukunciphiswa kwabanini bendawo kwaye kungenziwa isivumelwano selayisenisana engaphantsi.

Isihloko esifutshane nosungulo

10 31. Lo Mthetho ubizwa ngoku nguMthetho woGunyaziso oluseMthethweni loThotyelo loHlolo, uNgqamaniso nokusebenza ngokuchanekileyo elabhoretri, 2006, kwaye uza kumiliselwa ngokusesikweni ngosuku olwakuthi lube sisigxina oluza kwaziswa nguMongameli *kwiGazethi*.