

HAZARDOUS SUBSTANCES ACT, 1973  
(ACT No. 15 OF 1973)

REGULATIONS RELATING TO GROUP III  
HAZARDOUS SUBSTANCES

I, Michael Hendrik Veldman, Deputy Minister of National Health, acting on behalf of and on assignment by the Minister of National Health and Population Development, have, in terms of section 29 of the Hazardous Substances Act, 1973 (Act No. 15 of 1973), made the regulations contained in the Schedule hereto.

WET OP GEVAARHOUDENDE STOWWE, 1973  
(WET No. 15 VAN 1973)

REGULASIES BETREFFENDE GROEP III-  
GEVAARHOUDENDE STOWWE

Ek, Michael Hendrik Veldman, Adjunk-minister van Nasionale Gesondheid, handelende namens en in opdrag van die Minister van Nasionale Gesondheid en Bevolkingsontwikkeling, het kragtens artikel 29 van die Wet op Gevaarhoudende Stowwe, 1973 (Wet No. 15 van 1973), die regulasies in die Bylae hiervan vervaardig.

## SCHEDULE

## Definitions

1. In these regulations "the Act" shall mean the Hazardous Substances Act, 1973 (Act No. 15 of 1973), and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context otherwise indicates—

(i) "applicable standard", in relation to a listed electronic product, shall mean a standard which shall be determined by the Director-General as a condition of a licence and with which such product shall comply; (xvi)

(ii) "approval" shall mean a written notice of approval referred to in regulation 3 (6) (a); (vii)

(iii) "approved dealer" shall mean a dealer to whom an approval has been issued; (vi)

(iv) "dealer" shall mean any person who sells or leases a listed electronic product; (viii)

(v) "defect", in relation to an electronic product, shall mean a defect, whether latent or not, which causes or may cause the emission of electronic product radiation which is unnecessary for the accomplishment of such product's primary purpose or which creates or may create a risk of injury to any person; (iii)

(vi) "identification" shall mean a description of an electronic product which, in terms of regulation 3 (4), is permanently affixed to such product on a label or is inscribed on such product; (x)

(vii) "injury" shall mean an injury induced by an electronic product (ii)

(viii) "licence" shall mean a licence referred to in section 4 (b); (xii)

(ix) "licensed", in relation to an electronic product, shall mean that a licence has been issued in respect of a model of such product; (iv)

(x) "licensee" shall mean the holder of a licence; (xiii)

(xi) "listed electronic product" shall mean an electronic product which has been declared a Group III hazardous substance in terms of section 2 (1) (b) by the Minister by notice in the *Gazette*; (v)

(xii) "model" shall mean an electronic product to which a specific name has been assigned in order to differentiate between such electronic product and similar electronic products; (xiv)

(xiii) "modification", in relation to a listed electronic product, shall mean an alteration to such product which increases the danger associated with the use thereof, and "modify" shall have a corresponding meaning; (xv)

(xiv) "purchaser", in relation to a listed electronic product, shall mean any person who buys or otherwise acquires an electronic product for purposes other than the sale thereof or who leases such product for purposes other than the subleasing thereof; (xi)

(xv) "repair", in relation to a listed electronic product, shall mean any work done on such product for the purpose of restoring the original function thereof but shall not include any modification of such product; (ix)

(xvi) "section" shall mean a section of the Act. (i)

## BYLAE

## Woordomskrywing

1. In hierdie regulasies beteken "die Wet" die Wet op Gevaarhoudende Stowwe, 1973 (Wet 15 van 1973), en het 'n uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken—

(i) "artikel" 'n artikel van die Wet; (xvi)

(ii) "besering" 'n besering wat deur 'n elektroniese produk veroorsaak is; (vii)

(iii) "defek", met betrekking tot 'n elektroniese produk, 'n defek, hetsy latent of nie, wat die emissie van elektroniese produkstraling veroorsaak of kan veroorsaak wat vir die vervulling van sodanige produk se primêre doel onnodig is of wat die risiko van besering van enige persoon skep of kan skep; (v)

(iv) "gelisensieer", met betrekking tot 'n elektroniese produk, dat 'n lisensie ten opsigte van 'n model van sodanige produk uitgereik is; (ix)

(v) "gelyste elektroniese produk" 'n elektroniese produk wat kragtens artikel 2 (1) (b) deur die Minister by kennisgewing in die *Staatskoerant* tot 'n Groep III-gevaarhoudende stof verklaar is; (xi)

(vi) "goedgekeurde handelaar" 'n handelaar aan wie 'n goedkeuring uitgereik is; (iii)

(vii) "goedkeuring" 'n skriftelike kennisgewing van goedkeuring bedoel in regulasie 3 (6) (a); (ii)

(viii) "handelaar" iemand wat 'n gelyste elektroniese produk verkoop of verhuur; (iv)

(ix) "herstel", met betrekking tot 'n gelyste elektroniese produk, enige werk wat aan sodanige produk gedoen word met die doel om sy oorspronklike funksie te herstel, maar nie ook 'n modifikasie van sodanige produk nie; (xv)

(x) "identifikasie" 'n beskrywing van 'n elektroniese produk wat ingevolge regulasie 3 (4) op 'n etiket permanent op sodanige produk aangebring of op sodanige produk gegraveer word; (vi)

(xi) "koper", met betrekking tot 'n gelyste elektroniese produk, iemand wat sodanige produk koop of andersins bekom vir ander doeleindes as die verkoop daarvan of wat sodanige produk huur vir ander doeleindes as die onderverhuur daarvan; (xiv)

(xii) "lisensie" 'n lisensie bedoel in artikel 4 (b); (viii)

(xiii) "lisensiehouer" die houer van 'n lisensie; (x)

(xiv) "model" 'n elektroniese produk waaraan 'n spesifieke naam toegewys is sodat daar tussen sodanige elektroniese produk en soortgelyke elektroniese produkte onderskei kan word; (xii)

(xv) "modifikasie", met betrekking tot 'n gelyste elektroniese produk, 'n verandering aan sodanige produk wat die gevaar verbonde aan die gebruik daarvan verhoog, en het "modifiseer" 'n ooreenstemmende betekenis; (xiii)

(xvi) "toepaslike standaard", met betrekking tot 'n gelyste elektroniese produk, 'n standaard wat deur die Direkteur-generaal as 'n lisensievoorwaarde bepaal word en waaraan sodanige produk moet voldoen. (i)

**Licensing for the purpose of the sale of listed electronic products**

2. (1) A licence for the purpose of the sale of listed electronic products shall be issued in respect of a model and not in respect of each individual product of such model.

(2) Where the Director-General has issued a licence in terms of section 4 (b) in respect of a model and such licence has not been withdrawn or suspended in terms of section 7 such licence shall, for the purposes of section 3 (1) (b), be deemed to be in force in respect of each separate listed electronic product of that model.

(3) The issue of a licence or the sale of a listed electronic product in respect of which a licence has been issued shall be subject not only to such conditions as the Director-General, in terms of section 4, may have determined in general or in a particular case, but also to the conditions prescribed in these regulations.

(4) For the purposes of this regulation, "sell" shall include "lease".

**Application for a licence**

3. (1) Application for a licence shall be made by a dealer to the Director-General in writing.

(2) A dealer referred to in subregulation (1) shall, together with such application, submit to the Director-General for approval a report on the model for which a licence is required.

(3) Such report shall be clearly marked "Initial Report on a Listed Electronic Product for Licensing Purposes" and shall contain the full name under which the dealer carries on his business, as well as his postal address, and shall, in respect of each model—

(a) specify, for identification purposes, the date and place of manufacture, the brand name, the model name and the serial number;

(b) describe the following, namely—

(i) the electronic product radiation, the operating characteristics affecting such radiation and the known or intended uses of the product concerned;

(ii) the physical and electrical characteristics, with special reference to shielding and electronic circuitry, so far as the said characteristics have a bearing on the standards or design specifications referred to in paragraph (c);

(iii) the methods and procedures, if any, employed in the testing and measuring of the model in regard to electronic product safety, including the methods and procedures for the testing and measuring of unnecessary, secondary or leakage electronic product radiation, and the basis for selecting the said methods and procedures; and

(iv) the methods and procedures by which and the frequency with which listed electronic products liable to produce an increased risk of injury with ageing are tested for durability and stability in regard to electronic product safety: Provided that such description shall also include a specification of the basis for selecting such methods and procedures or, where no such testing or quality control procedures are applied, the basis on which such testing and quality control procedures are deemed unnecessary;

**Lisensiering vir doeleindes van die verkoop van gelyste elektroniese produkte**

2. (1) 'n Lisensie vir doeleindes van die verkoop van 'n gelyste elektroniese produk word uitgereik ten opsigte van 'n model en nie ten opsigte van elke afsonderlike produk van sodanige model nie.

(2) Waar die Direkteur-generaal 'n lisensie kragtens artikel 4 (b) ten opsigte van 'n model uitgereik het en sodanige lisensie nie kragtens artikel 7 ingetrek of opgeskort is nie, word sodanige lisensie by die toepassing van artikel 3 (1) (b) geag van krag te wees ten opsigte van elke afsonderlike gelyste elektroniese produk van daardie model.

(3) Die uitreiking van 'n lisensie of die verkoop van 'n gelyste elektroniese produk ten opsigte waarvan 'n lisensie uitgereik is, is, benewens aan die voorwaardes wat die Direkteur-generaal kragtens artikel 4 in die algemeen of in 'n besondere geval bepaal het, ook onderworpe aan die voorwaardes in hierdie regulasies voorgeskryf.

(4) By die toepassing van hierdie regulasie beteken "verkoop" ook "verhuur".

**Aansoek om 'n lisensie**

3. (1) Aansoek om 'n lisensie word skriftelik deur 'n handelaar by die Direkteur-generaal gedoen.

(2) 'n Handelaar bedoel in subregulasie (1) dien, tersaem met sodanige aansoek, by die Direkteur-generaal vir goedkeuring 'n verslag in oor die model waarvoor 'n lisensie verlang word.

(3) Sodanige verslag moet duidelik gemerk word "Aanvanklike Verslag oor 'n Gelyste Elektroniese Produk vir Lisensieringsdoeleindes" en moet die volle naam waaronder die handelaar handel dryf sowel as sy opadres bevat en moet, ten opsigte van elke model—

(a) vir identifikasiedoeleindes die datum en plek van vervaardiging, die handelsnaam, die modelnaam en die reeksnommer spesifiseer;

(b) die volgende beskryf, naamlik—

(i) die elektroniese produkstraling, die bedryfseienskappe wat sodanige straling beïnvloed en die bekende of beoogde gebruike van die betrokke produk;

(ii) die fisiese en elektriese eienskappe, met besondere aandag aan afskerming en elektroniese stroombane, vir sover genoemde eienskappe betrekking het op die standaarde of ontwerpspesifikasies bedoel in paragraaf (c);

(iii) die metodes en prosedure, as daar is, wat vir die toetsing en meting van die model met betrekking tot elektroniese produkveiligheid aangewend word, met inbegrip van die metodes en prosedures vir die toetsing en meting van onnodige, sekondêre of lekelektroniese produkstraling, en die basis waarop genoemde metodes en prosedures geselekteer is; en

(iv) die metodes en prosedures waarvolgens en die frekwensie waarmee gelyste elektroniese produkte wat met veroudering 'n toenemende risiko van besering kan skep, getoets word vir duursaamheid en stabiliteit ten opsigte van elektroniese produkveiligheid: Met dien verstande dat sodanige beskrywing ook 'n uiteensetting moet insluit van die basis waarop sodanige metodes en prosedures geselekteer is of, waar sodanige toetsing of gehaltebeheerprosedures nie toegepas word nie, van die basis waarop sodanige toetsing en gehaltebeheerprosedures onnodig geag word;

(c) state the standards or design specifications, if any, with respect to electronic product safety; and

(d) furnish the particulars of all warning signs, labels and instructions for installation, operation and use in respect of electronic product safety.

(4) After such report has been approved and a licence issued by the Director-General, the particulars referred to in subregulation 3 (a), the licence number pertaining to the model concerned and any other identification particulars required by the Director-General shall as an identification be affixed to or inscribed on each listed electronic product of the licensed model: Provided that, in the case of such a product which cannot be identified in the said manner, the Director-General may approve any other method by which such product can be identified.

(5) (a) Prior to the marketing of a modified model of a licensed listed electronic product, the approved dealer concerned shall submit to the Director-General for approval a supplementary report on the modified model clearly marked "Supplementary Report on . . . (model) . . ." and stipulating the changes in the information submitted in the initial report.

(b) No person shall sell or lease a listed electronic product belonging to a modified model, unless the modification concerned has been approved by the Director-General on the basis of such supplementary report.

(6) (a) The Director-General shall, after considering the report referred to in subregulation (2) or (5), as the case may be, and after having satisfied himself that the listed electronic product concerned or the modified model thereof will, to the best of his knowledge and belief, entail no risk of injury to any person approve such product or model, as the case may be, and issue a written notice of such approval to the dealer.

(b) The Director-General may, in considering a report referred to in paragraph (a), require the following:

- (i) Oral or written substantiation by the dealer concerned;
- (ii) an on-the-spot inspection or examination by an inspector of the listed electronic product concerned;
- (iii) the delivery for evaluation purposes of such product to an address specified by him; or
- (iv) the provision, by the dealer concerned, of any other information which he may deem necessary.

(7) If a listed electronic product or a modified model thereof is not approved on the basis of a report referred to in subregulation (2) or (5), the Director-General shall in writing notify the dealer concerned accordingly stating—

- (a) his reason(s) for such non-approval; and
- (b) the latest date by which such dealer may make further representations.

#### Appeal

4. Where an application made in terms of section 4 or 5, as the case may be, has been refused by the Director-General, an appeal in terms of section 6 shall be in the form of an affidavit directed to the Minister and shall be delivered to the Director-General by registered post or by hand at his office address in Pretoria to reach him not later than three months after the date of such refusal.

(c) die standaarde of ontwerpsspesifikasies, as daar is, met betrekking tot elektronieseproduktveiligheid vermeld; en

(d) besonderhede verstrek van alle waarskuwingstekens, etikette en instruksies ten opsigte van installering, bedryf, bediening en gebruik, wat betrekking het op elektronieseproduktveiligheid.

(4) Nadat die Direkteur-generaal sodanige verslag goedgekeur en 'n lisensie uitgereik het, moet die besonderhede bedoel in subregulasie (3) (a), die lisensienommer wat betrekking het op die betrokke model, sowel as enige ander identifikasiebesonderhede wat die Direkteur-generaal verlang, as identifikasie op elke gelyste elektroniese produk van die gelisensieerde model aangebring of gegraveer word: Met dien verstande dat, in die geval van so 'n produk wat nie op bedoelde wyse geïdentifiseer kan word nie, die Direkteur-generaal 'n ander metode kan goedkeur waarvolgens die produk geïdentifiseer kan word.

(5) (a) Voordat 'n gemodifiseerde model van 'n gelisensieerde gelyste elektroniese produk bemark word, moet die betrokke goedgekeurde handelaar by die Direkteur-generaal vir goedkeuring 'n aanvullende verslag oor die gemodifiseerde model, duidelik gemerk "Aanvullende Verslag oor . . . (model) . . .", indien waarin die veranderings in die gegewens wat in die aanvanklike verslag vervat is, gestipuleer word.

(b) Niemand mag 'n gelyste elektroniese produk van 'n gemodifiseerde model verkoop of verhuur nie, tensy die Direkteur-generaal die betrokke modifikasie goedgekeur het op grond van sodanige aanvullende verslag.

(6) (a) Die Direkteur-generaal moet, na oorweging van 'n verslag bedoel in subregulasie (2) of (5), na gelang van die geval, en nadat hy hom daarvan vergewis het dat die betrokke gelyste elektroniese produk of gemodifiseerde model daarvan na sy beste wete en oortuiging geen risiko van besering vir enige persoon inhou nie, sodanige produk of model, na gelang van die geval, goedkeur en 'n skriftelike kennisgewing van sodanige goedkeuring aan die handelaar uitreik.

(b) Die Direkteur-generaal kan, by oorweging van 'n verslag bedoel in paragraaf (a), die volgende vereis:

- (i) Mondelinge of skriftelike motivering deur die betrokke handelaar;
- (ii) 'n inspeksie of ondersoek ter plaatse van die betrokke gelyste elektroniese produk deur 'n inspekteur;
- (iii) die lewering van sodanige produk vir evalueringdoeleindes by 'n adres deur hom bepaal; of
- (iv) die verstrekking deur die betrokke handelaar van enige ander inligting wat hy nodig ag.

(7) Indien 'n gelyste elektroniese produk of 'n gemodifiseerde model daarvan nie op grond van 'n verslag soos bedoel in subregulasie (2) of (5) goedgekeur word nie, stel die Direkteur-generaal die betrokke handelaar skriftelik dienooreenkomstig in kennis en verstrek hy—

- (a) sy rede(s) vir die afkeuring; en
- (b) die laaste datum waarop verdere verdoel deur sodanige handelaar ingedien kan word.

#### Appel

4. Waar 'n aansoek kragtens artikel 4 of 5, na gelang van die geval, deur die Direkteur-generaal van die hand gewys is, moet 'n appel kragtens artikel 6 in die vorm van 'n beëdigde verklaring, gerig aan die Minister, wees en per geregistreerde pos versend of per hand afgelewer word aan die Direkteur-generaal sodat dit hom by sy kantooradres te Pretoria nie later nie as drie maande na die datum van sodanige vandiehandwysing bereik.

**Records to be kept by approved dealers**

5. (1) Every approved dealer shall, if the Director-General so requires, keep in respect of the model concerned a record of—

(a) every sale and leasing of any listed electronic product belonging to such model, and such record shall include the following:

(i) The name and postal address of the purchaser;

(ii) the brand name, model name and serial number of such product; and

(iii) the date of such sale or leasing;

(b) (i) the quality control procedures instituted with respect to such product to ensure electronic product safety;

(ii) the results of tests carried out on such product with a view to electronic product safety, including the control of unnecessary, secondary or leakage electronic product radiation;

(iii) the results of durability and stability tests on such product, showing up ageing effects which may increase the risk of injury; or

(iv) such other procedures pertaining to the control of such product as the Director-General may deem necessary.

(2) The provisions of subregulation (1) (a) shall apply *mutatis mutandis* to any dealer who sells or leases such listed electronic product and the information referred to in subregulation (1) shall, on request, be supplied to the approved dealer concerned by such dealer.

(3) The records referred to in subregulations (1) and (2) shall—

(a) at all times, save when they have been withdrawn from use or have been removed for the purposes of these regulations or of any law, be kept on the business premises of the approved dealer or dealer concerned, as the case may be, in a place which is reasonably protected against fire and theft;

(b) be updated daily;

(c) at all reasonable times be made available for inspection at the request of an inspector;

(d) in the event of a change of ownership of the business concerned, be handed over to the new owner;

(e) at the request of the Director-General, as a complete record or in part or in the form of extracts, be forwarded to or delivered at, as the case may be, an address specified by him; and

(f) be disposed of only in such manner as may be approved by the Director-General.

**Aantekeninge wat deur goedgekeurde handelaars gehou moet word**

5. (1) Elke goedgekeurde handelaar moet, indien die Direkteur-generaal dit verlang, ten opsigte van die betrokke model aantekening hou van—

(a) elke verkoping en verhuring van 'n gelyste elektroniese produk van sodanige model, en die aantekeninge moet die volgende insluit:

(i) Die naam en posadres van die koper;

(ii) die handelsnaam, modelnaam en reeksnommer van sodanige produk; en

(iii) die datum van sodanige verkoping of verhuring;

(b) (i) die gehaltebeheerprosedures wat ten opsigte van sodanige produk ingestel is om elektroniese produkveiligheid te verseker;

(ii) die uitslae van toetse op sodanige produk gedoen met die oog op elektronieseprodukveiligheid, met inbegrip van die beheer van onnodige, sekondêre of lekelektronieseprodukstraling;

(iii) die uitslae van duursaamheids- en stabiliteitstoetse op sodanige produk wat verouderingseffekte aan die lig bring wat die risiko van besering moontlik kan laat toeneem; of

(iv) sodanige ander prosedures met betrekking tot die beheer oor sodanige produk as wat die Direkteur-generaal nodig ag.

(2) Die bepalinge van subregulasie (1) (a) is *mutatis mutandis* van toepassing op elke handelaar wat bedoelde gelyste elektroniese produk verkoop of verhuur, en die inligting bedoel in subregulasie (1) moet, op aanvraag, deur sodanige handelaar aan die betrokke goedgekeurde handelaar verstrek word.

(3) Die aantekeninge bedoel in subregulasies (1) en (2) moet—

(a) te alle tye, uitgesonderd wanneer hulle by die toepassing van hierdie regulasies of van 'n wetsbepaling verwyder is of nie gebruik word nie, op die besigheidspersoneel van die betrokke goedgekeurde handelaar of handelaar, na gelang van die geval, op 'n plek bewaar word wat redelik teen brand en diefstal beskerm is;

(b) daagliks bygehou word;

(c) te alle redelike tye op aanvraag deur 'n inspekteur aan hom beskikbaar gestel word vir inspeksie;

(d) in die geval van 'n oordrag van die betrokke besighedsonderneming aan die nuwe eienaar oorhandig word;

(e) op versoek van die Direkteur-generaal, in die geheel, gedeeltelik of in die vorm van uittreksels daaruit, na of by 'n adres deur die Direkteur-generaal bepaal, na gelang van die geval, gestuur of afgelewer word; en

(f) oor beskik word alleen op 'n manier deur die Direkteur-generaal goedgekeur.

*Provisions relating to a defect and non-compliance with an applicable standard*

6. (1) When it comes to the notice of an approved dealer or when an approved dealer has reason to suspect that a listed electronic product of a licensed model has a defect or fault since it does not comply with an applicable standard or no longer fits the description of such model contained in the report on it submitted in terms of regulation 3 (2) or (5), as the case may be, such approved dealer shall immediately—

(a) notify the Director-General in accordance with subregulation (2) of the relevant facts or suspicion;

(b) if he is of the opinion that such defect or fault can be rectified, submit to the Director-General for approval, together with the notification referred to in paragraph (a), a plan or procedure for such rectification; and

(c) if directed by the Director-General to do so, forward a notification, in accordance with subregulation (3), to the purchaser or any other person who, either directly or through reasonable inquiry, can be identified as the present user of such listed electronic product, and furnish the Director-General with a copy of such notification.

(2) Each notification, referred to in subregulation (1) (a) furnished to the Director-General shall be in writing and shall include the following information:

(a) An identification of the listed electronic product concerned;

(b) the date on which and the circumstances under which such defect or fault was discovered or first suspected;

(c) a description of such defect or fault or the reason why it is suspected that such defect or fault existed or developed;

(d) an evaluation of the risk of injury resulting from such defect or fault;

(e) the number of units of the product concerned which have been manufactured or imported, the number sold and the number leased; and

(f) proposed instructions, if any, for approval by the Director-General, on the use of the product concerned pending the rectification thereof.

(3) Each notification referred to in subregulation (1) (c) to a purchaser or user shall be in writing and in addition to any other relevant information, if any, that is to be furnished on the instruction of the Director-General shall include the following information:

(a) An identification of the product or products concerned;

(b) a description of the defect or fault concerned;

(c) a clear evaluation in non-technical terms of the risk of injury resulting from such defect or fault; and

(d) instructions approved by the Director-General, if any, on the use of the product concerned pending the rectification thereof.

*Bepalings betreffende 'n defek en nie-voldoening aan 'n toepaslike standaard*

6. (1) Wanneer dit onder die aandag van 'n goedgekeurde handelaar kom of wanneer 'n goedgekeurde handelaar rede het om te vermoed dat 'n gelyste elektroniese produk van 'n gelisensieerde model 'n defek het of gebrekkig is aangesien dit nie aan 'n toepaslike standaard voldoen of nie meer aan die beskrywing van sodanige model soos vervat in die verslag daaroor ingedien ingevolge regulasie 3 (2) of (5), na gelang van die geval, beantwoord nie, moet sodanige goedgekeurde handelaar onmiddellik—

(a) die Direkteur-generaal ooreenkomstig die bepalinge van subregulasie (2) van die tersaaklike feite of vermoede in kennis stel;

(b) indien hy van mening is dat sodanige defek of gebrek reggestel kan word, tesame met die kennisgewing bedoel in paragraaf (a), 'n plan of prosedure vir sodanige regstelling vir goedkeuring by die Direkteur-generaal indien; en

(c) indien hy deur die Direkteur-generaal daartoe gelas word, 'n kennisgewing ooreenkomstig subregulasie (3) besorg aan die koper of enige ander persoon wat, of direk of deur redelike navraag, as die huidige gebruiker van so 'n gelyste elektroniese produk geïdentifiseer kan word, en die Direkteur-generaal van 'n afskrif van sodanige kennisgewing voorsien.

(2) Elke in subregulasie (1) (a) bedoelde kennisgewing aan die Direkteur-generaal moet skriftelik wees en die volgende inligting bevat:

(a) 'n Identifikasie van die betrokke gelyste elektroniese produk;

(b) die datum waarop en die omstandighede waarin sodanige defek of gebrek ontdek of aanvanklik vermoed is;

(c) 'n beskrywing van sodanige defek of gebrek of die rede waarom daar vermoed word dat so 'n defek of gebrek bestaan of ontstaan het;

(d) 'n evaluasie van die risiko van besering as gevolg van sodanige defek of gebrek;

(e) die getal eenhede van die betrokke produk wat vervaardig of ingevoer is, die getal wat verkoop is en die getal wat verhuur is; en

(f) voorgestelde instruksies, as daar is, vir goedkeuring deur die Direkteur-generaal, oor die gebruik van die betrokke produk in afwagting van die regstelling daarvan.

(3) Elke in subregulasie (1) (c) bedoelde kennisgewing aan 'n koper of gebruiker moet skriftelik wees en, benewens enige ander tersaaklike inligting, as daar is, wat in opdrag van die Direkteur-generaal verstrek moet word, die volgende inligting bevat:

(a) 'n Identifikasie van die betrokke produk of produkte;

(b) 'n beskrywing van die betrokke defek of gebrek;

(c) 'n duidelike evaluasie in nie-tegniese terme van die risiko van besering as gevolg van sodanige defek of gebrek; en

(d) instruksies deur die Direkteur-generaal goedgekeur, as daar is, oor die gebruik van die betrokke produk in afwagting van die regstelling daarvan.

(4) If the Director-General on the basis of testing, inspection, research or the examination of reports or data is of the opinion that a listed electronic product of a licensed model has a defect or fault since it no longer complies with an applicable standard, he shall notify the approved dealer, in writing, of such defect or fault and shall specify the following in such notification:

(a) His findings, with reference to the tests, inspections, studies or reports upon which they are based;

(b) the latest date by which such approved dealer, if he so wishes, may make representations in regard to such defect or fault;

(c) such approved dealer's responsibilities under regulation 7; and

(d) the conditions, if any, on which any person may use, operate or modify or dispose of the product concerned, until such time as the submitted plan or procedure is approved by the Director-General in terms of regulation 8 (2) and is effectively carried out.

(5) Every approved dealer who receives a notification under subregulation (4) shall advise the Director-General, in writing, on or before the date referred to in subregulation (4) (b) of the number of units of the product concerned which have been manufactured or imported, the number sold and the number leased.

(6) If, after the date referred to in subregulation (4) (b) and after considering the representations, submitted by the approved dealer concerned if any, the Director-General is of the opinion that the product has still not been rectified, he may direct such approved dealer to forward a notification to the purchaser or user referred to in subregulation (1) (c) in the manner laid down in subregulation (3) and within a period determined by the Director-General.

7. (1) Notwithstanding anything to the contrary contained in these regulations the Director-General may, if he is of the opinion that the use of listed electronic products of a specific model is injurious or may be injurious to the health of any person, by notice given in such manner as in his opinion is best calculated to bring it to the notice of the persons concerned—

(a) direct any manufacturer or importer of such model to—

(i) stop the manufacture of importation thereof; or

(ii) request any person to return any number of units of such model which he has in his possession to the manufacturer or importer concerned or to deliver or send such number of units to a person designated by the Director-General;

(b) in cases where no specific manufacturer or importer of such model is known to the Director-General, request any person having such model in his possession or custody or under his control to deliver or send any number of units of such model to a person designated by the Director-General.

(2) The Director-General may by written notice direct any manufacturer or importer of such model who has in his possession any number of units thereof, including any number returned to him in accordance with a direction given under subregulation (1), or any other person to whom any number of such units have been delivered or sent, to deal with or dispose of the said units in such manner as the Director-General may determine.

(4) Indien die Direkteur-generaal op grond van toetsing, inspeksie, navorsing of die ondersoek van verslae of data, van mening is dat 'n gelyste elektroniese produk van 'n gelisensieerde model 'n defek het of gebrekkig is aangesien dit nie meer aan 'n toepaslike standaard voldoen nie, moet hy die goedgekeurde handelaar skriftelik van sodanige defek of gebrek in kennis stel, en in die kennisgewing die volgende vermeld:

(a) Sy bevindings, met verwysing na die toetse, inspeksies, studies of verslae waarop dit gebaseer is;

(b) die laaste datum waarop sodanige goedgekeurde handelaar vertoë met betrekking tot sodanige defek of gebrek kan indien, sou hy dit verkies;

(c) sodanige goedgekeurde handelaar se verantwoordelikhede ingevolge regulasie 7; en

(d) die voorwaardes, as daar is, waarop iemand die betrokke produk kan gebruik, bedien of modifiseer of daaroor kan beskik, tot tyd en wyl die ingediende plan of prosedure deur die Direkteur-generaal kragtens regulasie 8 (2) goedgekeur is, en effektief uitgevoer is.

(5) Elke goedgekeurde handelaar wat 'n kennisgewing ingevolge subregulasie (4) ontvang, moet die Direkteur-generaal skriftelik voor of op die datum bedoel in subregulasie (4) (b) verwittig van die getal eenhede van die betrokke produk wat vervaardig of ingevoer is, die getal wat verkoop is en die getal wat verhuur is.

(6) Indien die Direkteur-generaal na die datum bedoel in subregulasie (4) (b) en na oorweging van die vertoë deur die betrokke goedgekeurde handelaar ingedien, as daar is, van mening is dat die produk nog steeds nie reggestel is nie, kan hy sodanige goedgekeurde handelaar gelas om 'n kennisgewing aan die koper of gebruiker bedoel in subregulasie (1) (c) te besorg op die wyse in subregulasie (3) voorgeskryf en binne 'n tydperk deur die Direkteur-generaal bepaal.

7. (1) Indien die Direkteur-generaal van mening is dat die gebruik van gelyste elektroniese produkte van 'n spesifieke model enigiemand se gesondheid benadeel of kan benadeel, kan hy, ondanks andersluidende bepalings van hierdie regulasies, by kennisgewing op 'n wyse wat na sy mening die beste daarop bereken is om dit onder die betrokke persone se aandag te bring—

(a) 'n vervaardiger of invoerder van sodanige model gelas om—

(i) die vervaardiging of invoer daarvan te staak; of

(ii) enigiemand te versoek om enige getal eenhede van sodanige model wat hy in sy besit het, aan die betrokke vervaardiger of invoerder terug te besorg of sodanige getal eenhede aan 'n persoon deur die Direkteur-generaal aangewys, af te lewer of te stuur;

(b) in gevalle waar 'n spesifieke vervaardiger of invoerder van sodanige model nie aan die Direkteur-generaal bekend is nie, enigiemand wat sodanige model in sy besit of bewaring of onder sy beheer het, versoek om enige getal eenhede van sodanige model aan 'n persoon deur die Direkteur-generaal aangewys, af te lewer of te stuur.

(2) Die Direkteur-generaal kan by skriftelike kennisgewing 'n vervaardiger of invoerder van sodanige model wat enige getal eenhede daarvan, met inbegrip van enige getal wat uit hoofde van 'n lasgewing kragtens subregulasie (1) aan hom terugbesorg is, in sy besit het, of enige ander persoon aan wie enige getal sodanige eenhede afgelewer of gestuur is, gelas om met daardie eenhede te handel of daaroor te beskik op 'n wyse wat die Direkteur-generaal bepaal.

(3) No person shall sell, lease or use any listed electronic product which is the subject of a notice given under subregulation (1).

8. (1) Every plan or procedure referred to in regulation 6 (1) (b) shall include the date by which the defect or fault concerned is expected to have been rectified in all units of the product concerned.

(2) (a) If, after considering such plan or procedure, the Director-General is of the opinion that the proposed action by the approved dealer concerned will effectively rectify the defect or fault, he shall notify such dealer in writing of his approval of the plan or procedure.

(b) Such approval shall be subject to the additional conditions the Director-General may deem necessary for the protection of all persons against the risk of injury by a listed electronic product.

(3) If such plan or procedure is not approved by the Director-General, he shall in writing notify the approved dealer concerned accordingly, and shall specify the following in such notification:

(a) The reason(s) for his refusal to approve such plan or procedure; and

(b) the latest date by which such approved dealer may make representations.

#### **Repair and modification of a listed electronic product**

9. No person shall—

(a) modify a licensed listed electronic product unless a supplementary report referred to in regulation 3 (5) has been submitted and has been approved by the Director-General; or

(b) repair a licensed listed electronic product unless such product carries a label or inscription referred to in regulation 3 (4).

#### **Penalties**

10. Any person contravening or failing to comply with any provision of these regulations shall be guilty of an offence and liable on conviction to the penalties prescribed by section 19.

(3) Niemand mag 'n gelyste elektroniese produk wat die onderwerp is van 'n kennisgewing kragtens subregulasie (1), verkoop, verhuur of gebruik nie.

8. (1) Elke plan of prosedure bedoel in regulasie 6 (1) (b) moet die datum insluit waarop die betrokke defek of gebrek by alle eenhede van die betrokke produk na verwagting reggestel sal wees.

(2) (a) Indien die Direkteur-generaal na oorweging van sodanige plan of prosedure van mening is dat die beoogde optrede deur die betrokke goedgekeurde handelaar sodanige defek of gebrek effektief sal regstel, verwittig hy sodanige handelaar skriftelik van sy goedkeuring van die plan of prosedure.

(b) Sodanige goedkeuring is aan die bykomende voorwaardes onderworpe wat die Direkteur-generaal nodig ag vir die beskerming van iedereen teen die risiko van besering deur 'n gelyste elektroniese produk.

(3) Indien die Direkteur-generaal sodanige plan of prosedure nie goedkeur nie, moet hy die betrokke goedgekeurde handelaar skriftelik dienooreenkomstig in kennis stel, en in die kennisgewing die volgende vermeld:

(a) Die rede(s) vir sy weiering om sodanige plan of prosedure goed te keur; en

(b) die laaste datum waarop verhoë deur sodanige goedgekeurde handelaar ingedien kan word.

#### **Herstel en modifikasie van 'n gelyste elektroniese produk**

9. Niemand mag—

(a) 'n gelisensieerde gelyste elektroniese produk modifiseer nie, tensy 'n aanvullende verslag soos bedoel in regulasie 3 (5) ingedien is en deur die Direkteur-generaal goedgekeur is; of

(b) 'n gelisensieerde gelyste elektroniese produk herstel nie, tensy sodanige produk 'n etiket of gravering soos bedoel in regulasie 3 (4) daarop het.

#### **Strafbepalings**

10. Iemand wat 'n bepaling van hierdie regulasies oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe voorgeskryf by artikel 19.