



Sasco Africa

Accurately Measuring Africa

IS YOUR WEIGHBRIDGE LEGAL?

A New Regulatory Reality?

The regulatory landscape for the owners and operators of weighing equipment used for trade purposes and their associated scale companies could not have changed more fundamentally.

On 28th February, 2011 the two year Moratorium in respect of unapproved weighing equipment being used for trade purposes closed, meaning that no additional equipment can now be added. Owners and operators of unapproved weighing equipment used for trade purposes which was not placed on the Moratorium now face prosecution by the NRCS along with their associated scale companies.

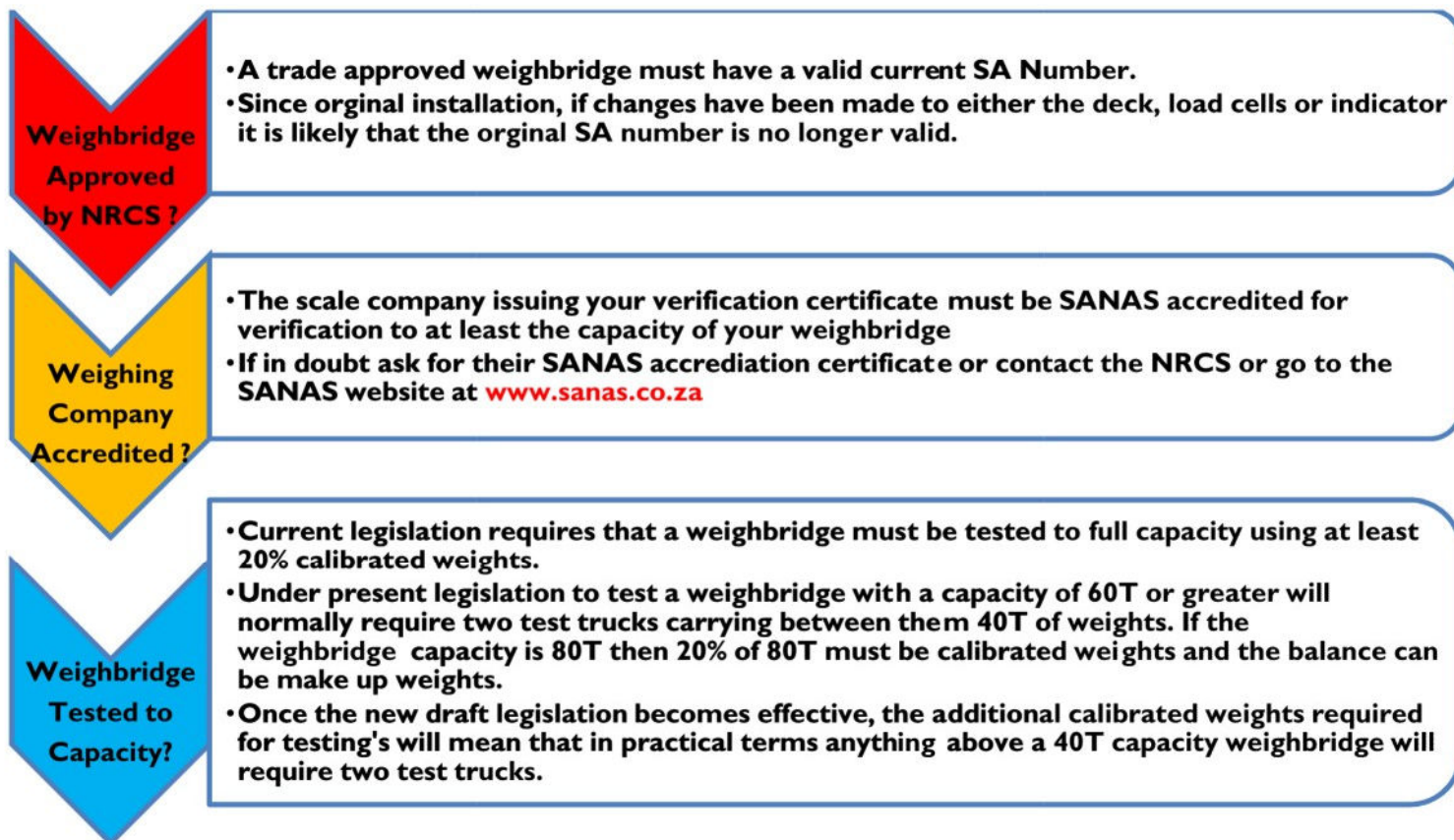
On 1st April, 2011 the Consumer Protection Act 68 2008 (“CPA”) came into effect. The CPA is applicable to all transactions carried out in the ordinary course of business in South Africa with the specific object of protecting consumers from unfair, unjust, unconscionable business practise and provides an effective and simple framework for securing damages.

An owner or operator of weighing equipment who is still using an unapproved system, which was not placed on the Moratorium, faces a “perfect storm” in likely prosecution from the NRCS and action from associated consumers under the CPA.

The associated scale company who issued the “verification certificate” in respect of this equipment is also directly in the line of fire and is also liable.

Legal for Trade?

A weighbridge is a weighing instrument and the position as to whether it is legal for trade is as follows:



Moratorium?

For many years the provisions of the Trade Metrology Act were not enforced. Scale companies regularly changed indicators and or load cells on what was an approved system with different instrumentation. The new combination of deck, indicator and load cells was never approved leaving the owner or operator with an unapproved weighbridge, and therefore illegal for trade.

Approximately two years ago the NRCS was formed to act as the new regulator of the weighing industry. Recognising the problem of unapproved equipment, the weighing industry was given a two year Moratorium to disclose to the NRCS all such unapproved equipment.

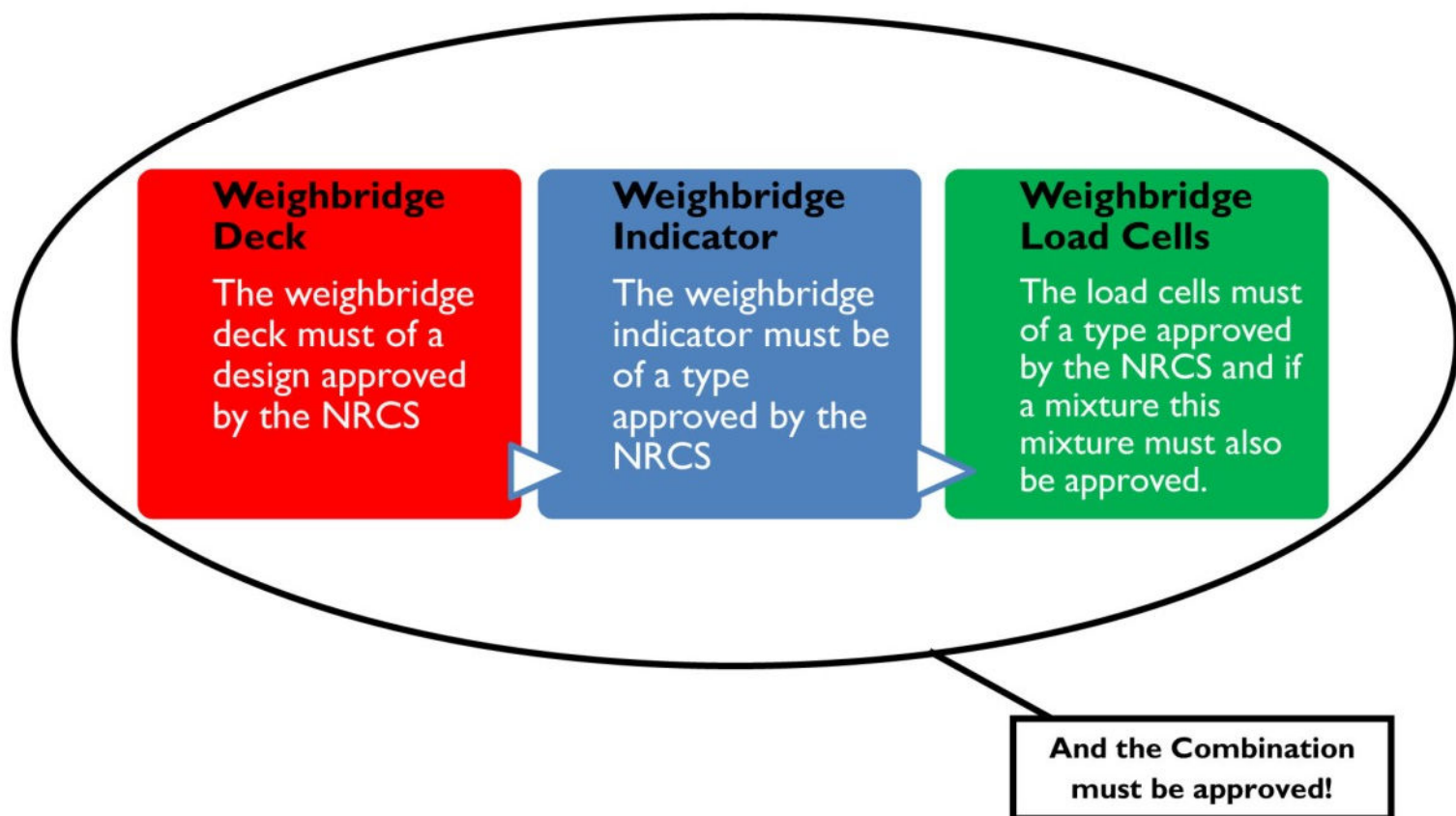
This Moratorium closed on 28th February, 2011. Equipment accepted by the NRCS onto the Moratorium can continue to be used for trade purposes. Weighing equipment used for trade purposes which does not have a valid SA number ("Unapproved Weighbridges") and which was not accepted onto the Moratorium cannot continue be used for trade purposes. To do so is a contravention of the law.

Does My Weighbridge Have A Valid SA Number?

A weighbridge used for trade purposes must have a valid SA Number.

Full details of equipment and their SA Numbers can be found on the NRCS website at www.nrccs.org.za.

In order for this to be possible the following individual approvals must be in place together with an approval for the combined system being the combination of the weighbridge deck with the weighbridge indicator and the weighbridge load cells:



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Is My Weighbridge on the Moratorium?

The obligation to place Unapproved Weighbridges on the Moratorium rested with the scale company that last “verified” that equipment.

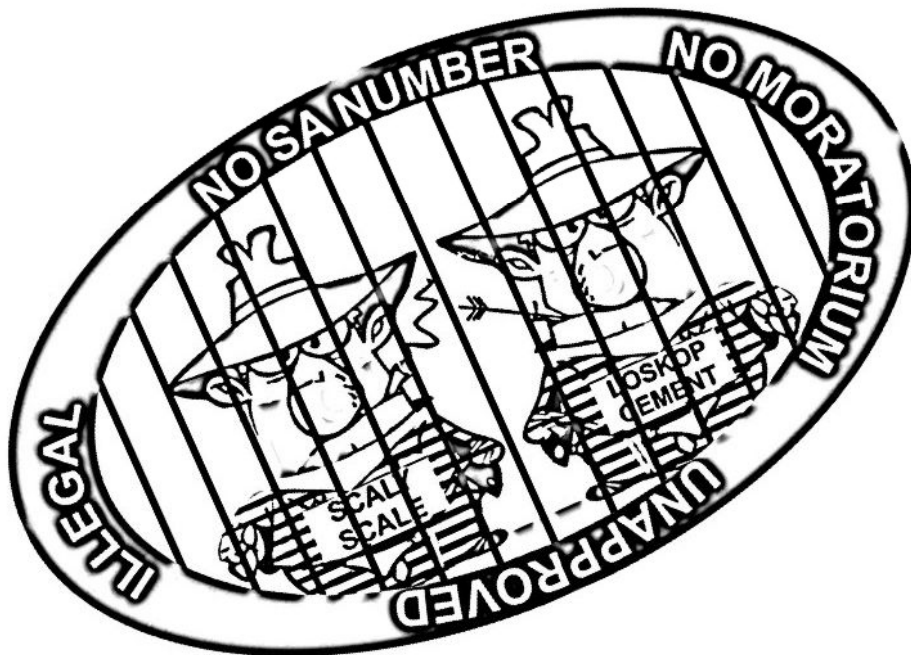
A scale company which issued a verification certificate for equipment which is unapproved and is used for trade purposes and subsequently failed to place this equipment on the Moratorium will have as a consequences of this inaction exposed the client in question to prosecution and potential claims.

Sasco accounted for the vast majority of all disclosures accepted by the NRCS and in doing so ensured that both Sasco and all its clients where 100% compliant.

How Do I Get Help?

If you are in any doubt about the status of your equipment it will be advisable to immediately seek clarification.

This can be done by contacting the NRCS directly or through sending an email to Sasco's Market Compliance Manager at legal@sascoafrica.com



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