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

(REFLECTING CLAUSES INCORPORATING PROPOSED AMENDMENTS)

**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;
  - (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 compliant GLP facilities.
- (2) In order to achieve its objects, SANAS may:
- (a) promote SANAS as the sole national accreditation body in its scope of activity;
  - (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 to principles adopted by the OECD for GLP facilities;
  - (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;
- (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;
- (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;
- (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;
- (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 the International Laboratory Accreditation Cooperation (ILAC) and the International Accreditation Forum ( IAF) logos; and
- (s) establish appropriate technical committees as follows:

- (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 significant immovable property may be acquired or disposed of only with the consent of the Minister;
- (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;
- (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.

(4) An agreement concluded in terms of sub-section (3)(f) may not conflict with any international requirement binding on SANAS.

### **Appointment of the 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
- (c) the rest of the members, who are non- executive members and appointed by the Minister.

(2) When appointing members to the Board, the Minister must ensure that those members—

- (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.

(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 be appointed by the Minister.

#### **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;
  - (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.

### **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.

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

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

### **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.

**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.

**Offences**

27. (1) Any person who knowingly—

- (a) makes or assist 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
- (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.