



ST. CHRISTOPHER AND NEVIS

CHAPTER 23.15

NATIONAL BUREAU OF STANDARDS ACT

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NATIONAL BUREAU OF STANDARDS ACT

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CHAPTER 23.15

NATIONAL BUREAU OF STANDARDS ACT

AN ACT TO PROVIDE FOR THE PREPARATION, PROMOTION AND CONTROL OF STANDARDS IN RELATION TO COMMODITIES, SERVICES, PROCESSES AND PRACTICES AND FOR THAT PURPOSE TO ESTABLISH A NATIONAL BUREAU OF STANDARDS; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the National Bureau of Standards Act.

Interpretation.

2. In this Act, unless the context otherwise requires—

“Bureau” means the Bureau of Standards established under section 3 of this Act;

“Caribbean Common Market” means the Caribbean Common Market established by the Annex to the Treaty;

“Caribbean Community” means the Caribbean Community established by the Treaty;

“Caribbean Community Standard” means a standard proposed by the Caribbean Common Market Standards Council and approved by the Caribbean Common Market Council of Ministers;

“Caricom Standard Mark” has the meaning assigned to it by section 45 of this Act;

“code of practice” means a set of rules relating to the methods to be applied and the procedure to be adopted in connection with the construction, installation, testing, operation, or use of any article, apparatus, instrument, device or process;

“commodity” means any article or thing that is the subject of industry, trade, or commerce, except food, drugs, cosmetics and devices;

“covering” includes any cover, wrapper, stopper, cask, bottle, vessel, box, crate, capsule, case, frame or other container;

“distinctive mark” means a mark prescribed under section 24 of this Act;

“inspector” means an inspector appointed under section 17 of this Act;

“label” means any tag, brand, mark, pictorial or other descriptive matter written, printed or stencilled, marked on or attached to a commodity;

“laboratory” means a place where experiments aimed at determining technical data relevant to standards work and tests to facilitate the inspection and quality control function of the Bureau are conducted;

“licence” means a licence issued under section 41 of this Act;

“mandatory standard specification” shall be construed in accordance with the provisions of section 23 of this Act;

“Minister” means the Minister responsible for Industry;

“mark” includes any device, brand heading, label, ticket, pictorial representation, name, signature, work, letter, numeral or any combination thereof;

“process” means a practice, treatment or mode of manufacture;

“sell” includes exposing or offering for sale, or export for the purposes of sale, or having in possession for the purpose of sale or export or for any purpose of trade or manufacture;

“specification” means—

- (a) a description of any commodity, service, process or practice by reference to its nature, quality, strength, purity, safety, composition, quantity, dimension, weight, grade, durability, origin, age or other characteristic;
- (b) a specification relating to the labelling of any commodity, process or practice in relation to the information to be included in the labelling, together with style, manner, size, material, colour, position or other characteristics of the labelling;

“standard mark” means a mark applied to a commodity indicating conformity with a mandatory standard;

“standard specification” means a specification that has been issued as a standard by the Minister;

“Treaty” means the Treaty establishing the Caribbean Community and the Caribbean Common Market signed at Trinidad and Tobago on the 4th day of July, 1973 and to which Saint Christopher and Nevis is a party.

PART II

ESTABLISHMENT OF BUREAU

Establishment of Bureau.

3. (1) There is established a Bureau for Saint Christopher and Nevis to be known as the Bureau of Standards.

(2) The Bureau shall be a body corporate capable of suing and being sued in its corporate name with perpetual succession and a common seal.

(3) The Bureau shall, in its corporate name, be capable of holding, purchasing, or otherwise acquiring and disposing of any property.

(4) The Bureau may do such other things as are necessary for the purpose of its functions.

Functions of Bureau.

4. The functions of the Bureau shall be the following—

- (a) to prepare, promote and generally adopt standards on a national, regional or international basis relating to structures, commodities, materials, articles and other things offered to the public commercially;

- (b) to promote standardisation, quality assurance and simplification in industry and commerce;
- (c) to prepare, frame, modify or amend specifications and codes of practice;
- (d) to test precision instruments, gauges and scientific apparatuses, for the purpose of determining the accuracy and the calibration of standards used in industrial and commercial activities;
- (e) to maintain testing laboratories for the purpose of testing and providing facilities for examining commodities, products, materials, processes, and practices, and in so doing to conduct such research and investigations as may be necessary;
- (f) to facilitate the implementation of standards in the Federation;
- (g) to act as custodian of the national standards of mass, length, capacity, time, temperature and electrical measurement;
- (h) to certify those products, commodities and processes that conform to the national standards;
- (i) to publish standard marks of any design containing such details as the Bureau thinks fit for the purpose of representing a particular standard;
- (j) to control, in accordance with the provisions of this Act, the use of standardisation marks and distinctive marks;
- (k) to collect and disseminate information on standards and related technical matters, nationally, regionally and internationally;
- (l) to co-ordinate the efforts of producers and users of materials, products, appliances, processes and methods, for the improvement of the materials, products, appliances, processes and methods;
- (m) to recognise as a national standard, in relation to an article or process, any standard established by any other body approved by the Bureau;
- (n) to do such other things as may be necessary to provide for standardisation in the Federation.

PART III

ADMINISTRATION OF THE BUREAU

Establishment of a Standards Council.

5. (1) The affairs of the Bureau shall be administered by the Standards Council established under this section.

(2) The Council shall consist of not less than nine and not more than fifteen members all of whom shall be appointed by the Minister by instrument in writing.

(3) Members of the Council shall be chosen from among persons—

- (a) who have qualifications in fields relating to standards;
- (b) who have experience in business; or
- (c) who are members of organisations committed to the maintenance or promotion of standards.

(4) Members of the Council shall, subject to subsection (5) of this section, hold office for such period, not exceeding three years, as may be specified in their instruments of appointment, except that they will be eligible for re-appointment.

(5) A member whose period of appointment expires in accordance with the provisions of subsection (4) of this section shall continue to hold office until his or her successor is appointed.

(6) The names of the members of the Council as first constituted and every change in the membership thereof shall be published in the *Official Gazette*.

Chairperson and Vice-Chairperson of Council.

6. (1) The Minister shall appoint a Chairperson and a Vice-Chairperson from among the members of the Council.

(2) The Chairperson and Vice-Chairperson, unless any of them earlier vacates office as Chairperson or Vice-Chairperson, as the case may be, shall hold office for one year, except that they will be eligible for re-appointment to their respective offices.

(3) The Vice-Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson or where there is a vacancy in the office of Chairperson.

Resignation of Chairperson and members.

7. (1) The Chairperson may, at any time, in writing, resign his or her office and the resignation shall be addressed to the Minister.

(2) A member of the Council, other than the Chairperson, may, at any time, in writing, resign from office and the resignation shall be addressed to the Chairperson.

Termination of appointment of members.

8. The Minister may terminate the appointment of any member of the Council who—

- (a) becomes of unsound mind or incapable of carrying out his or her duties;
- (b) becomes bankrupt or compounds with, or suspends payment to his or her creditors;
- (c) is convicted and sentenced to a term of imprisonment;
- (d) is convicted of any offence involving dishonesty;
- (e) is found guilty of misconduct in relation to his or her duties;
- (f) is absent, except on leave granted by the Council, from three consecutive meetings of the Council; or
- (g) fails to carry out any of the duties or functions conferred or imposed on him or her by or under this Act.

Remuneration of members.

9. Members of the Council shall be entitled to such remuneration as the Minister may determine.

Proceedings etc., of the Council.

10. The Schedule to this Act shall apply to meetings and other matters of the Council as are specified in that Schedule.

Disclosure of interest.

11. (1) A member of the Council whose interest is likely to be affected whether directly or indirectly by a decision of the Council on any matter or is likely to evoke an allegation of bias, shall disclose the nature of his or her interest at the first meeting of the Council at which he or she is present after the relevant facts have come to his or her knowledge.

(2) A disclosure under subsection (1) of this section shall be recorded in the minutes of the Council and after the disclosure the member making the disclosure shall not vote on the matter and, unless the Council otherwise directs, shall not be present or take part in the deliberations at any meeting when such matter is being decided by the Council.

Delegation of power.

12. (1) The Council may, subject to the approval of the Minister, delegate to any member of the Council or to any employee of the Bureau any functions conferred on the Council by this Act.

(2) A delegation of power made under subsection (1) of this section may be revoked by the Council, and notwithstanding such a delegation the Council may exercise any function so delegated.

Immunity of Council members.

13. (1) No action, suit, prosecution or other proceedings may be brought or instituted against a member of the Council in his or her personal capacity, in respect of any act done or omitted to be done by him or her in good faith in execution or purported execution of his or her duties under this Act.

(2) Where a member of the Council is exempt from liability by reason only of this section the Bureau shall be liable for the acts of the member on the principle of agency.

PART IV**STAFF OF THE BUREAU****Director of Bureau.**

14. (1) The Council shall, with the approval of the Minister, appoint a person who is suitably qualified, scientifically and technically, to be the Director of the Bureau.

(2) The conditions of employment, including the remuneration, of the Director shall be determined by the Minister.

(3) The Director shall be responsible for organising, carrying out and directing the work of the Bureau in accordance with the policy adopted by the Council.

Recruitment of staff of Bureau.

15. (1) The Bureau may employ, at such remuneration, terms and conditions as it thinks fit, such other officers and other employees as the Council considers necessary for the purpose of carrying out the functions of the Bureau.

(2) No salary in excess of such amount as the Minister may specify shall be assigned to any office without the prior approval of the Minister.

(3) The Council shall, within two years of the commencement of this Act, provide for the establishment and maintenance of a pension scheme for the benefit of the staff of the Bureau.

(4) The Director shall be—

(a) the Chief Executive Officer of the Bureau;

(b) subject to the directions of the Council; and

(c) responsible for the execution of the policy of the Council and the management of the Bureau.

(5) The Bureau may, at any time, retain the services of experts and other professional persons, and may pay such remuneration in respect thereof as the Council, with the approval of the Minister, may determine.

(6) Where a public officer is seconded or temporarily transferred from a pensionable office within the meaning of the Pensions Act, Cap. 22.06 to an office with the Bureau, the relevant provisions of that Act shall apply to him or her as if his or her service with the Bureau were service in a public office.

(7) Where a public officer is appointed to an office with the Bureau, his or her service with the Bureau shall be some other public service within the meaning of, and for the purpose of, the Pensions Act, Cap. 22.06 and the Pension Regulations.

(8) Subsections (6) and (7) shall apply *mutatis mutandis* in relation to a teacher to whom the Pensions Act applies and who is employed by the Bureau.

Power of Council to discipline its staff.

16. The Council shall have power to exercise disciplinary control over the Director of the Bureau and any other officer or employee of the Bureau.

Appointment of inspectors.

17. (1) The Council may appoint members of its staff who are suitably qualified as inspectors for carrying out the purposes of this Act.

(2) The inspectors shall be entitled to such remuneration as the Council may determine.

Powers of inspectors.

18. An inspector may, at reasonable times, and on production of a certificate of appointment—

(a) enter any place where he or she reasonably believes any commodity in respect of which there is in force a mandatory standard specification, is manufactured, prepared, packaged, stored or kept for export or imported for sale;

- (b) examine commodities and take samples thereof free of any charge, and examine anything that he or she reasonably believes to be used or to be capable of being used for the manufacture, preparation, processing, packing, storing or keeping of a commodity;
- (c) open and examine any container that he or she reasonably believes contains any commodity in respect of which a mandatory standard specification is in force;
- (d) detain and affix a temporary detention tag to, or issue a detention order in respect of, commodities which he or she reasonably believes to be in contravention of this Act;
- (e) examine any label used on commodities;
- (f) test any commodity detained by him or her, or any sample therefrom, or any sample taken by him or her;
- (g) inspect articles or processes in relation to which a standard mark is used, for the purpose of determining whether—
 - (i) an article or process conforms to a standard;
 - (ii) a standard mark has been used without a licence; or
 - (iii) a standard mark has been otherwise improperly used;
- (h) take samples of any article, material or substance used in any process or other article in relation to which a standard mark is used; and
- (i) carry out a technical audit of any activity or operation relating to a particular product or process with which a certification mark is associated.

PART V

FINANCIAL PROVISIONS

Funds and resources of Bureau.

- 19.** (1) The funds and resources of the Bureau shall consist of—
- (a) such sums as may be provided by Parliament;
 - (b) revenue obtained by virtue of the provisions of section 20;
 - (c) such moneys or other assets as may accrue to, or vest in the Bureau by way of grants, subsidies, bequests, donations or gifts;
 - (d) all other sums or property that may in any manner become payable to or vested in the Bureau in respect of any matter incidental to its powers and duties.
- (2) The expenses of the Bureau including any remuneration of its officers and employees shall be paid out of the funds and resources of the Bureau.

Charging of fees for services rendered.

- 20.** Subject to the provisions of any regulations made under section 42 of this Act, the Bureau may, in respect of any services rendered by it under this Act charge such fees or make such financial arrangements as it thinks fit.

Accounts and audit.

21. (1) The financial year of the Bureau shall end on the thirty first day of December of each year.

(2) The Bureau shall keep proper accounts and other records in respect of its operations, and the accounts shall be audited annually by an auditor appointed by the Council with the approval of the Minister.

(3) All books of accounts kept by the Bureau shall be subject to examination and audit at any time by the Director of Audit.

(4) The members, officers and employees of the Bureau shall grant to the auditor appointed under subsection (2) of this section and the Director of Audit access to all books, documents, cash and securities of the Bureau and shall give him or her on request all such information as may be within their knowledge in relation to the operation of the Bureau.

Report.

22. (1) The Council shall, not later than six months after the end of each financial year, submit to the Minister a report containing—

- (a) an account of the Bureau's transactions throughout the preceding financial year in such detail as the Minister may direct; and
- (b) a statement of the accounts of the Bureau audited in accordance with section 21 of this Act.

(2) A copy of the Council's report with a copy of the Director of Auditor's report shall be laid before Parliament.

PART VI**PREPARATION, PROMOTION AND CONTROL OF STANDARDS****Mandatory and Voluntary standards.**

23. (1) Subject to this section, a standard may be mandatory or voluntary.

(2) The Minister may, by Order, declare the following standards to be mandatory—

- (a) Caricom standards adopted by the Bureau as national standards;
- (b) standards that are primarily intended—
 - (i) to protect the consumer or user against danger to health or safety;
 - (ii) to ensure quality in goods produced for export;
 - (iii) to prevent fraud or deception arising from misleading advertising or labelling;
 - (iv) to require adequate information to be given to the consumer or user;
 - (v) to ensure quality in any case where there is restriction in choice of source of supply.

(3) The Minister shall, before making an Order under subsection (2) of this section, give at least thirty days notice published in the *Official Gazette* and in a daily newspaper published in the Federation, of his or her intention to make the Order, and the notice shall contain the date on which it is intended that the standard specification shall become mandatory.

Declaration of other mandatory standard specification by the Minister.

24. (1) Subject to this section, the Minister may, by Order—

- (a) on the recommendation of the Council, declare any standard specification in respect of any commodity for the manufacture, production, processing or treatment of that commodity to be, with effect from a date not earlier than three months after the date of the Order, a mandatory standard specification for the commodity or for the manufactured, production, processing or treatment of that commodity; and
- (b) prescribe, in respect of any mandatory standard specification, a distinctive mark for any commodity which complies with that specification or which has been manufactured, produced, processed or treated in accordance with that specification.

(2) Where an Order made under subsection (1) of this section relates to any commodity, or the manufacture, production, processing or treatment of any commodity, which is the subject matter of any other law, the Order shall be made by the Minister after consultation with the Minister to whom the administration of such other law is assigned.

(3) The Minister shall, before an Order is made under subsection (1) of this section, publish a notice in the *Gazette* declaring his or her intention to make such an Order and specifying a date on or before which representations on the proposed Order may be made to the Minister.

(4) Any interested person may, on or before the date specified in the notice referred to in subsection (3) of this section, lodge with the Director a written representation on the proposed order.

(5) The Director shall consider the representation made to him or her under subsection (4) of this section and communicate his or her comments to the Minister.

(6) The Minister shall not make an Order under subsection (1) of this section unless he or she is satisfied that the Director has given due consideration to the representations made to him or her under subsection (4) of this section.

Prohibition of production, sale etc. of non-conforming commodities.

25. (1) No person shall produce, sell, import, export or use in a commodity a specification that has been declared to be a mandatory standard specification, or carry out work the technical rules or the processes of which are so declared, unless the commodity or the process involved in the work conforms to the requirements of the mandatory standard specification.

(2) Where no mandatory standard specification has been declared in respect of a commodity no person shall import that commodity into the Federation unless the commodity complies with a Caricom standard, if any.

Prohibition of possession or use of non-conforming commodities.

26. The Minister may, for the prevention of danger to life or property, by Order, prohibit the possession or use for any purpose of a commodity the specification of which has been declared to be a mandatory standard specification, unless the commodity conforms to the requirements of that standard specification.

Powers of the Court.

27. If a mandatory standard specification is declared in respect of a commodity, the High Court may, upon application by the Minister, order a person who is engaged in the manufacture of the commodity to stop manufacturing the commodity after a date specified in the order, if the manufacturer fails to comply with the standard specification.

Prohibition of sale or importation of unsafe commodities.

28. The Minister may, by Order, prohibit the sale or importation of a commodity for sale in the Federation if the commodity is proved by a laboratory, approved by the Minister, to be unsafe for use.

Restriction on use of certain words.

29. Except with the written consent of the Minister, no individual or body of persons may exercise the functions for which that individual or body is formed under a name that contains the word “standard” or “standardised” or any abbreviation of those words.

Power of registering authority.

30. Where an Act provides for the registration of an individual or body of persons, the registering authority may refuse to register the individual or body if, in the opinion of the authority, the use of the name by which the individual or body wishes to be registered is prohibited by the provisions of section 29 of this Act.

Registration of trade marks.

31. Except with the written consent of the Minister, no trade mark that contains the word “standard” or “standardised” may be registered under the Marks, Collective Marks and Trade Names Act, Cap. 18:22.

Use of Caricom Standards.

32. No Caricom standard mark shall be used in relation to any standard, except with the prior authorisation of the Caribbean Community Secretariat.

Non-application of sections 29 and 30.

33. Sections 29 and 30 of this Act shall not apply—
- (a) to the use by any person of any name that was in use in the Federation by that person or any predecessor in the business of that person prior to the commencement of this Act;
 - (b) to any trade mark that is registered prior to the commencement of this Act.

Labelling of commodities.

34. No person shall label any commodity contrary to the National Standard.

Prohibition of sale, etc. of pre-packaged products.

35. No person shall sell, import or advertise any pre-packaged product, unless the product has applied to it a label conforming to the National Standard or a Caribbean Community Standard.

Commodities for export to conform to certain standards.

36. (1) For the purpose of protecting the reputation of the Federation in the export market, the Minister may, by Order, declare that a specified commodity may be exported only if it conforms to the relevant standard for that commodity.

(2) No person shall sell for export from the Federation a Commodity, unless that commodity conforms to the specified standard.

Duty of owner etc. to assist Inspector.

37. If an inspector enters into any premises pursuant to the provisions of section 18 of this Act, the owner, person in charge of the premises, or a person employed in the premises shall give the inspector such reasonable assistance as he or she may require, and shall furnish the inspector with such information within the knowledge of the owner, person in charge of the premises, or the employee to carry out his or her functions under this Act.

Minister may stop manufacture etc. of any commodity.

38. The Minister may direct that the owner or person in charge of an establishment who fails to comply with the directions of an inspector cease forthwith to manufacture, prepare, or process any prescribed commodity for such period as the Minister considers necessary and the owner or person in charge shall comply with the directions.

Inspector to release detained commodity.

39. An inspector shall release any commodity detained by him or her if he or she is satisfied that the commodity satisfies the mandatory standard specification.

Prohibited imports.

40. Where samples of imports are found on examination not to satisfy the relevant mandatory standard specification, the imports shall not be allowed to be distributed in the Federation.

Powers of Bureau.

41. The Council may, with the approval of the Minister—

- (a) grant, renew, suspend or cancel a licence or permit to use a standard mark;
- (b) determine, impose or levy rates, charges, dues, or fees for—
 - (i) services performed by or on behalf of the Bureau;
 - (ii) the use by a person of a facility provided by the Bureau; or
 - (iii) the grant to any person of a certificate, licence or permit;

- (c) prohibit, control or regulate the use by any person of a standard mark or facility used for the purposes of certification marking.

Information.

42. (1) An applicant for a licence to use a standard mark shall submit to the Council such information, samples of materials, or substances used in relation to any article or process as the Minister may determine.

(2) Information submitted under subsection (1) of this section or obtained by an inspector in the course of his or her duty shall be confidential and shall not be disclosed by any person except with the consent of the Bureau.

Secrecy.

43. (1) All information obtained by the Bureau, any member of the staff of the Bureau, any member of the Council, or by any other person in the course of the administration of this Act, as to any formula, process or practice shall be treated as confidential save for the purposes connected with the administration of this Act.

(2) The disclosure of any information relating to any formula, process or practice to the Minister, the Bureau, the Council, any member of the Council, the staff of the Bureau, or to any other person for purposes connected with the administration of this Act, shall not prejudice any application subsequently made for the patent of the formula, process, or practice.

Rights in discoveries and improvements by staff of Bureau.

44. (1) The rights in all discoveries and inventions and all improvements made in respect of processes, apparatuses and machines made by an officer of the Bureau shall vest in and be the property of the Bureau, and shall be made available for use in the public interest subject to such conditions and the payment of such fees or royalties as the Council may determine.

(2) The Council may, out of the funds of the Bureau, pay to an officer of the Bureau who has made any discovery, invention or improvement referred to in subsection (1) of this section such rewards, or make provision for such officer to participate in the profits derived from that discovery, invention or improvement, as the Council may determine.

(3) The Council may apply for a patent in respect of any invention made by any officer of the Council and shall, for the purpose of this Act, be regarded as the assignee of the inventor.

Marking of articles.

45. An article shall be deemed to be marked with a standard mark if the covering or label attached to that article is marked as follows:

“The Caricom Standard Mark’ means the mark or design approved by the Caribbean Common Market Council of Ministers to be licensed for use on goods or in connection with processes, practices or services that conform to the requirements of the Caribbean Community standard and so declared by the Minister by Order published in the *Official Gazette*.”

Regulations.

46. The Council may, with the approval of the Minister, make regulations respecting—

- (a) the declaration of mandatory standard specifications;
- (b) the sale or disposal of goods found to be deleterious to the welfare of consumers;
- (c) the labelling of commodities;
- (d) the exemption from such requirements of this Act, as it thinks fit;
- (e) the inspection of specified commodities that are to be exported;
- (f) the manufacture, sale, importation or exportation of goods for which a mandatory standard specification has been declared;
- (g) the conduct of inspection, and examination of commodities and the taking of samples;
- (h) the forms to be used under this Act;
- (i) the publication and recognition of standards;
- (j) the design, particulars and publication of standard marks;
- (k) the granting, renewal, suspension or cancellation of a licence or permit to use a standard mark;
- (l) the fees to be paid by an applicant for a licence or permit;
- (m) the conduct of an inspection or a technical audit and the taking of samples;
- (n) the keeping of a register of licensees;
- (o) the keeping of a register of testing laboratories; and
- (p) generally, for giving effect to the provisions of this Act.

Offences.

47. (1) A person who produces, imports, sells or exports a commodity that does not conform—

- (a) to a mandatory standard that is applicable to that commodity; or
- (b) to a Caribbean Community standard applicable to that commodity, if there is no such mandatory standard,

commits an offence and is liable, on conviction, to a fine not exceeding five thousand dollars or a term of imprisonment of not more than two years or both.

(2) A person who, without lawful authority—

- (a) wilfully uses or imitates any—
 - (i) detention tag;
 - (ii) certificate; or
 - (iii) order placed on or issued in relation to an article;
- (b) removes, alters, defaces or obliterates, wholly or partially, any detention tag, order or certificate,

commits an offence and is liable, on conviction, to a fine not exceeding five thousand dollars or a term of imprisonment of not more than two years or both.

(3) A person who—

- (a) sells, moves, causes or allows to be moved, an article detained under this Act;
- (b) assaults, hinders or obstructs an inspector in the performance of his or her functions;
- (c) fails to comply with any directions given by an inspector pursuant to the provisions of section 18 of this Act;
- (d) bribes or attempts to bribe an inspector in connection with any matter arising in the performance of his or her functions;
- (e) being an inspector, accepts any bribe in connection with any matter arising in the performance of his or her functions,

commits an offence and is liable, on conviction, to a fine not exceeding five thousand dollars or to a term of imprisonment of not more than two years or both.

(4) A person who—

- (a) in relation to—
 - (i) any article or process;
 - (ii) a title or patent; or
 - (iii) a trade mark or design,

uses a standard mark or any colourable imitation of the standard mark without a licence granted by the Minister in that respect;

- (b) in relation to any article or process, uses a standard mark or distinctive mark in relation to that article or process that does not conform to the standard or distinctive mark published or recognised by the Minister;
- (c) without the written permission of the Minister, uses—
 - (i) a name that so nearly resembles the name of the Bureau, the words “National Standard” or any abbreviation thereof so as to deceive or be likely to deceive, any other person; or
 - (ii) a mark or trade mark in relation to any article or process containing the words “National Standard Specification” or an abbreviation of that expression,

commits an offence and is liable, on conviction, to a fine not exceeding five thousand dollars or a term of imprisonment of not more than two years, or both, and in the case of a continuing offence to a further fine of \$100.00 for each day during which the offence continues.

SCHEDULE

(Section 10)

PROCEEDINGS ETC. OF COUNCIL

Meetings and procedure of Council.

1. (1) The council shall meet at least once in each quarter and at such times as may be necessary or expedient for the transaction of the business of the Council.

(2) The Chairperson shall give at least ten days' notice in writing of every meeting of the Council to each of the members of the Council, and shall specify in such notice the business to be dealt with at such meeting.

(3) The Chairperson shall summon a special meeting of the Council within fourteen days after being requested in writing to do so by three members of the Council.

(4) One third of the members of the Council in office shall form a quorum at any meeting of the Council.

(5) The proceedings at every meeting of the Council shall be recorded in a minute book and shall, subject to any amendments that may be made, be confirmed by the Council at the subsequent meeting.

(6) Subject to this paragraph, the Council may determine its own procedure.

Custody and use of seal.

2. (1) The seal of the Bureau shall be kept in the custody of the Director or Chairperson as the Council may determine.

(2) The affixing of the seal of the Council to any instrument shall be authenticated by the Chairperson or in his or her absence, the Vice-Chairperson, the Director, and the Secretary.

(3) All documents, other than those required to be under seal, made by, and all decisions of, the Council may be signified under the hand of the Chairperson or Secretary.

Committees.

3. (1) The Council may establish committees to assist it in the performance of its functions and may co-opt such persons, whether or not they are connected with the Council or the Bureau, as it thinks fit, to be members of the committees.

(2) The Chairperson of a committee referred to in sub-paragraph (1) of this paragraph shall be a member of the Council.

(3) The Council may assign to a committee referred to in sub-paragraph (1) of this paragraph such Council's functions as it thinks fit, but shall not be divested of any function that it may have assigned to a committee.

(4) The Council may amend or revoke any decision made by a committee.

(5) The members of any committee may, out of the funds of the Council, receive such remuneration and allowances as the Council may determine with the concurrence of the Minister.

(6) Subject to the provisions of this paragraph, a committee may regulate its own procedure.
