

**LAWS OF TRINIDAD AND TOBAGO**

**STANDARDS ACT  
CHAPTER 82:03**

Act  
38 of 1972  
Amended by  
29 of 1985

**Current Authorised Pages**

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
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**Index**  
of  
**Subsidiary Legislation**

	Page
Compulsory Standard Order (G.N. 171/1977) ... ..	22
Standards Regulations (G.N. 35/1976) ... ..	23

**Subsidiary Legislation Omitted**

- A. For the publication of standards as required by section 18(3) of the Act see the following:
- Government Notices 50, 51, 53, 54, 58, 62, 63, 188, 189, 209, 211 and 212/1977; 105, 109, 110, 195 and 196/1978; 88 and 178/1979.
  - Legal Notices 85, 90, 102, 103, 125, 126, 127, 128, 129, 145, 146, 149, 150, 167, 171, 172 and 177/1980; 47/1981; 22, 23, 40, and 46/1984; 98, 99, 100 and 140/1985.
- B. For notice of intention to make a compulsory standard under section 19(3) see the following:
- Government Notices 159/1977; 131/1979;
  - Legal Notices 109, 110/1980; 118/1985.
- C. For the notification of import inspection see the following:
- Legal Notice 48/1982
- D. For the names of persons required to enter premises under sections 26, and 27 see the following:
- Legal Notices 154 and 155/1981.
- E. For the list of names and addresses of manufacturers registered under TTS 21 10 500 Part 3—1976 see the following:
- Government Notice 79/1979 and Legal Notice 111/1981.

CHAPTER 82:03  
STANDARDS ACT

## ARRANGEMENT OF SECTIONS

## SECTION

1. Short title.
2. Interpretation.

## PART I

## ESTABLISHMENT OF THE BUREAU

3. Establishment of Bureau of Standards.
4. Management of Bureau.
5. *Ex officio* nominated members.
- 5A. Members to appoint *ad hoc* Chairman.
6. Resignation of member.
7. Termination of appointment of member.
8. Names of members to be published in *Gazette*.
9. Meetings.
10. Members to declare interest.
11. Custody and use of Seal.

## PART II

## STAFF OF THE BUREAU

12. Appointment and training of staff.
13. Establishment of a pensions scheme.
14. Transfer on secondment.
15. Officers may be transferred from or to Public Service.

## PART III

## BUSINESS OF THE BUREAU

16. Functions of the Bureau.
17. Bureau to advise manufacturers on quality control.
18. Bureau to declare standards.
- 18A. Power to designate or revoke designation of test equipment.
19. Voluntary and compulsory standards.
20. Standard mark.
21. Use of standard mark.
22. Restriction of the use of word "Standard" in certain names.
23. Minister may authorise test for conformity with.
24. Deficient goods.
25. Examination of imports.
26. Designation and duties of Inspectors where standard is compulsory.

PART IV

MISCELLANEOUS

27. Complaints.  
Operation to cease by Court order.
28. Finance.
- 28A. Exemption.
29. Offences.
30. Evidence of standard.
31. Secrecy of information obtained for purposes of Act.
32. Protection against Claims.
33. Regulations.

## CHAPTER 82:03

## STANDARDS ACT

An Act to provide for the preparation and promotion of standards in relation to goods, services, processes and practices by the establishment and operation of a Bureau of Standards, to define the powers and functions of the Bureau of Standards and for matters incidental thereto. 38 of 1972.

[8TH JULY 1974]

Commencement.  
116/1974.

1. This Act may be cited as the Standards Act.

Short title.

2. In this Act—

Interpretation.  
[29 of 1985].

“code of practice” means a description of the method of production of any goods, or of the execution of any service, process or practice by which in the opinion of the Bureau a person adhering to it is able to produce goods or offer services which are likely to comply with a specification or standard;

“compulsory standard” means a standard so declared by Order of the Minister under section 19;

“goods” means commodities such as are the subject of trade or commerce except food, drugs and cosmetics within the meaning of the Food and Drugs Act and livestock and agricultural produce within the meaning of the Central Marketing Agency Act;

Ch. 30:01.

Ch. 68:01.

“practice” includes advertising, labelling or packaging;

“specification” means a description of any goods, service, process or practice by reference to its nature, quality, strength, purity, safety, composition, quantity, dimensions, weight, grade, durability, origin, age or other characteristics, guidelines for a process or practice, tables of data, and a code of practice;

“standard” means a specification declared by the

Bureau under section 18, to be a standard;  
“test equipment” includes—

- (i) materials, instruments, apparatus, tools and other articles needed to perform a test accurately and reliably whether by direct observation and measurement or by simulation techniques on any specific goods, process or practice; and
- (ii) articles which represent, embody or reproduce a physical quantity, unit or any characteristic of any goods, service or practice, which can be used in assessing such goods, service or practice;

“Trinidad and Tobago Standard” means a standard declared by the Bureau under section 18 to be a Trinidad and Tobago standard.

## PART I

### ESTABLISHMENT OF THE BUREAU

Establishment  
of Bureau of  
Standards.

3. There is hereby established a body corporate to be known as the Trinidad and Tobago Bureau of Standards hereinafter called “the Bureau”.

Management  
of Bureau.  
[29 of 1985].

4. (1) The Bureau shall be managed by a Standards Council hereinafter called “the Council”, consisting of not less than nine and not more than fifteen persons appointed by the Minister by instrument in writing.

(2) Members of the Council, one of whom shall be appointed Chairman and another Vice-Chairman, shall have qualifications in fields relating to standards, or experience in business or shall be members of organisations committed to the maintenance or promotion of standards and shall hold office upon such terms and conditions as the Minister may determine and for such period as may be prescribed in the instrument of appointment.

5. (1) In addition to the members appointed under section 4 the Minister shall nominate the following persons to be members of the Council; Ex officio nominated members [29 of 1985].

- (a) a representative of the Ministry responsible for the administration of matters relating to Industry and Commerce;
- (b) a representative of the Ministry responsible for the administration of matters relating to Food and Drugs; and
- (c) the Director appointed under section 12(1) who shall have no vote.

(2) In making a nomination under paragraph (b) the Minister shall act on the recommendation of the member of the Cabinet to whom responsibility for the administration of matters relating to Food and Drugs is assigned.

5A. Where both the Chairman and Vice-Chairman are absent, the members present at a meeting shall choose one of their number, not being the Director of the Bureau, to preside at that meeting of the Council. Members to appoint ad hoc Chairman [29 of 1985].

6. A member of the Council (other than the members nominated by the Minister) may resign his office at any time by giving notice to the Minister through the Chairman. Resignation of member.

7. The Minister may terminate the appointment of any member who— Termination of appointment of member.

- (a) becomes of unsound mind or incapable of carrying out his duties;
- (b) becomes bankrupt or compounds with, or suspends payments to his creditors;
- (c) is convicted and sentenced to a term of imprisonment;
- (d) is convicted of any offence involving dishonesty;
- (e) is guilty of misconduct in relation to his 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 functions conferred or imposed on him under this Act.

Names of  
members to  
be published  
in *Gazette*.

8. The names of all members of the Council as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Meetings.

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

(2) Where the Council consists of not more than eleven members the quorum shall be five and where the Council consists of more than eleven the quorum shall be seven.

(3) The decisions of the Council shall be adopted by a majority of the votes.

Members to  
declare  
interest.

10. (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 whatsoever, shall disclose the nature of his interest at the first meeting of the Council at which he is present after the relevant facts have come to his knowledge.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the Council and after the disclosure the member making it 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 the matter is being decided by the Council.

Custody and  
use of Seal.  
[29 of 1985].

11. (1) The Seal of the Bureau shall be kept in the custody either of the Director or the Secretary as the Council may determine and shall be authenticated by the Chairman, or in his absence the Vice-Chairman, the Director and the Secretary.

(2) 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 Chairman or the Secretary.

## PART II

## STAFF OF THE BUREAU

12. (1) For the purpose of the proper discharge of its functions the Bureau shall have power to appoint a Director, a Secretary and such other staff as it may require.

Appointment and training of staff.

(2) An annual salary in excess of twenty-four thousand dollars shall not be assigned to any post in the Bureau without the approval of the Minister.

(3) The Bureau may out of its funds make such arrangements for the training of its staff as it may consider expedient for the efficient conduct of its business.

13. The Bureau shall, within two years of its establishment with the approval of the Minister, provide for the establishment and maintenance of a compulsory pension scheme for the benefit of its staff.

Establishment of a pensions scheme.

14. (1) Subject to subsection (2), an officer in the public service may, with the approval of the Minister, be transferred on secondment to the service of the Bureau or from the service of the Bureau to the public service.

Transfer on secondment. [29 of 1985].

(2) Where a transfer on secondment contemplated by subsection (1) is effected, the President or the Bureau as the case may be shall make such arrangements as may be necessary to preserve the rights of the officer so transferred to any pension, gratuity or other benefit for which he would have been eligible had he remained in the public service or in the service of the Bureau, as the case may be.

(3) A period of transfer on secondment shall not in any case exceed seven years.

(4) Notwithstanding anything contained in any other law to the contrary, a person appointed by the Bureau to its staff under section 12(1) or an officer transferred on secondment from the public service to the service of the Bureau, shall not in the performance of his duties with the Bureau, be regarded as the holder of an office in the public service.

15. (1) An officer in the Public Service may, with the approval of the appropriate Service Commission and the

"Officers may be transferred from or to

Public  
Service  
[29 of 1985].

consent of the officer, be transferred to the service of the Bureau and an officer in the service of the Bureau may be transferred to the Public Service with the approval of the appropriate Service Commission.

(2) Where an officer is transferred to the Bureau under subsection (1) he shall become a member of the Pensions Scheme referred to in section 13.

(3) All rights which may have accrued to an officer transferred under subsection (1) shall be preserved and such transfer shall be on terms which are acceptable to the Government, the Bureau and the officer concerned, but in any case shall be terms no less favourable than those enjoyed by the officer before he was so transferred.

### PART III

#### BUSINESS OF THE BUREAU

Functions of  
the Bureau.  
[29 of 1985].

16. (1) The Bureau shall promote and encourage the maintenance of standards for the improvement of goods produced or used in Trinidad and Tobago, for ensuring industrial efficiency and development and promoting public and industrial welfare, health and safety.

(2) In the exercise of its functions the Bureau shall—

- (a) formulate or in accordance with section 18(4) adopt specifications;
- (b) promote research in relation to specifications and provide for the examination and testing of goods, services, processes and practices and establish or designate laboratories and testing facilities therefor;
- (c) inspect or cause to be inspected any operations carried out, and any books or records, in connection with the production, manufacture, processing or treatment of any goods, the execution of any services, process or practice for which a compulsory standard has been declared or for which application has been made to use the Standard Mark;

- (d) declare standards and keep such standards under review;
- (e) collect and publish for public information and guidance data relating to specifications and standards;
- (f) encourage and undertake educational programmes in connection with standards;
- (g) co-operate with and co-ordinate the work of other institutions in the formulation and publication of specifications;
- (h) co-operate with and advise manufacturers in setting up quality control systems and preparing standards;
- (i) carry out any functions assigned to it by any written law; and
- (j) do all other things as are necessary and expedient to secure the proper execution of the purposes of this Act.

17. (1) In addition to the functions specified in section 16 the Bureau may provide advisory services for manufacturers as to the type and methods of quality control applicable to their products and may undertake the training of manufacturing staff in quality control.

Bureau to advise manufacturers on quality control.

(2) The Bureau shall have the power to charge fees for services rendered under this section.

18. (1) Subject to subsection (2) the Bureau may declare any specification a standard and any standard to be a Trinidad and Tobago Standard.

Bureau to declare standards.  
[29 of 1985].

(2) No specification may be declared a standard and no standard may be varied or revoked unless the Bureau is satisfied that persons who may be affected thereby have had an opportunity to consider it and to comment thereon.

(3) The Bureau shall—

- (a) publish in the *Gazette* and in such other publication as the Minister may direct, a notice of every declaration, variation or revocation of a standard; and

(b) have available copies of every standard and any variation thereof.

(4) Where it is impracticable for the Bureau to formulate specifications it may adopt any international or other specifications formulated elsewhere than in Trinidad and Tobago.

Power to designate or revoke designation of test equipment. [29 of 1985].

18A. (1) The Bureau may designate or revoke the designation of test equipment for the purpose of measuring, comparing or testing the characteristics of any goods or process.

(2) The Bureau shall publish in the *Gazette* a notice of designation or revocation of designation of test equipment.

Voluntary and compulsory standards. [29 of 1985].

19. (1) For the purposes of this Act, a standard may be voluntary or compulsory.

(2) A standard which is intended primarily—

- (a) to protect the consumer or user against danger to health or safety;
- (b) to ensure quality in goods produced for export;
- (c) to prevent fraud or deception arising from misleading advertising or labelling;
- (d) to require adequate information to be given to the consumer or user; or
- (e) to ensure quality in any case where there is restriction in choice of source of supply,

may, on the recommendation of the Bureau, be declared by Order of the Minister to be a compulsory standard.

(3) The Minister shall by publication in the *Gazette* give at least thirty days notice of his intention to make an Order declaring a compulsory standard and shall thereby indicate the date on which it is intended that the compulsory standard shall come into effect and having regard to paragraphs (a) to (e) of subsection (2) the Order shall state the purpose for which the standard is intended.

Standard mark.

20. The Minister may on the recommendation of the Bureau prescribe a standard mark which shall be called the Trinidad and Tobago Standard Mark, the property

of which shall vest in the Bureau and which shall be used in relation to goods, services, processes and practices to distinguish those which conform to a standard from those which do not.

21. (1) A person desiring to use the standard mark in connection with any goods, service, process or practice shall make application to the Bureau in such manner as may be prescribed. Use of standard mark.

(2) The Bureau may, if satisfied that the goods, service, process or practice conforms to a standard, grant a licence to the applicant to use the standard mark upon such terms and conditions, including the payment of a fee, as may be prescribed.

22. (1) Except with the consent of the Bureau no person whether a body corporate or not shall carry on any business or perform any function under a name which contains the word "Standard". Restriction of the use of word "Standard" in certain names.

(2) Where any written law provides for the registration of any association of persons the registering authority may refuse registration if in its opinion the use of the name by which the association desires to be registered is prohibited by subsection (1).

(3) Nothing in this section shall apply to the use of any name that was in use in Trinidad and Tobago on 14th July, 1972.

23. (1) The Minister may direct the Bureau or through the Bureau authorise in writing any public officer possessing such qualifications as may be prescribed, to test or examine the quality of any goods for which a compulsory standard has been declared. Minister may authorize test for conformity with [29 of 1985].

(2) The Bureau, or any person authorised by the Minister pursuant to subsection (1) may require a manufacturer in Trinidad and Tobago to submit for testing or examination any goods manufactured by him where—

- (a) the manufacturer has a licence to use the standard mark in respect of such goods; or
- (b) a compulsory standard has been declared for such goods.

(3) Where a standard is voluntary or a foreign specification exists with respect to certain goods, the Bureau may—

- (a) certify that goods comply; or
- (b) report that goods do not comply, with the standard or specification.

Deficient  
goods  
[29 of 1985].

24. (1) Subject to subsection (2), where a Standard is compulsory and goods tested or examined under section 23 fail to conform to the required standard such goods shall not be exported and shall not be released for home use unless clearly stamped or marked “export rejects” or “seconds” or “imperfect” or some similar classification as may be prescribed.

(2) Where a compulsory standard is declared in order to protect the consumer or user against danger to health or safety, and goods fail to conform to the required standard such goods may neither be exported nor released for home use, but shall be disposed of as the bureau may reasonably decide.

Examinations  
of imports.  
[29 of 1985].

25. (1) Where goods for which a standard has been declared, are produced or manufactured outside Trinidad and Tobago—

- (a) the Bureau may authorise any member of its staff, and
- (b) the Minister may in writing authorise any public Officer or, at a fee to be prescribed, any suitably qualified consultant to assist the staff of the Bureau,

to examine the goods upon landing and any customs entries in respect of such goods.

(1a) A person authorised to examine goods under this section may take samples thereof and submit the samples for analysis or testing; and

(2) Where imported goods are found to bear any mark so closely resembling the Standard Mark as to be misleading or which falsely represents a mark of compliance with specifications formulated or adopted elsewhere than in Trinidad and Tobago, the goods shall not be entered for home use unless the mark is removed or substantially changed.

(3) Where the standard declared is compulsory, goods referred to in subsection (1) may be entered for home use, if and only if—

- (a) upon an examination of samples, it is found that the goods comply with the compulsory standard; or
- (b) they are accompanied by a certificate of examination and compliance with the compulsory standard issued by a laboratory or other similar institution in the country of origin recognised by the Bureau.

(4) In this section and in section 24 “home use” means consumption in Trinidad and Tobago.

26. (1) For the purpose of monitoring compulsory standards or eliminating any process or practice the effects of which adversely affect the environment, the Minister may, on the advice of the Bureau, designate one or more employees of the Bureau or public officers to be Inspectors and shall furnish every such person with documentary evidence of such designation.

Designation  
and duties of  
Inspectors  
where  
standard is  
compulsory.  
[29 of 1985].

(2) An Inspector may at any reasonable time with warrant issued by a magistrate (with or without assistance as may to him seem necessary)—

- (a) enter any place where he has reasonable grounds to believe any article to which this section applies is manufactured, prepared, stored or offered for sale, and examine any such article and take samples thereof;
- (b) enter any place where he has reasonable grounds to believe that any activity to which this section or the Regulations apply is carried on and inspect or investigate any such activity and take samples of any articles, materials or substances related to such activity;
- (c) open and examine any receptacle or package that he has reasonable grounds to believe contains any article to which this section applies;
- (d) examine any books, documents or other records found in any place mentioned in paragraphs

(a) and (b) of this subsection which he has reasonable grounds to believe contains any information relevant to the enforcement of this section with respect to any matter or to any article or activity to which this section applies and make copies or transcribe extracts therefrom; and

(e) seize and detain for such time as may be necessary any article by means of which or in relation to which he has reasonable grounds to believe any provision of the Act has been infringed.

(3) No warrant shall be issued under this section unless it is shown to the satisfaction of a Magistrate on sworn information in writing that admission to any premises has been refused or that refusal is apprehended or that a request for admission would defeat the object of the entry.

(4) For the purposes of subsection (2)—

(a) the expression “article to which this section applies” includes—

- (i) any goods for which a compulsory standard has been declared;
- (ii) anything used in the manufacture, testing, preparation, processing, packaging, storage or sale of goods referred to in subparagraph (i); and
- (iii) any labelling or advertising material referring to such goods whether bearing the standard mark or not;

(b) the expression “activity to which this section applies” includes—

- (i) any process or practice for which a compulsory standard has been declared;
- (ii) anything used in the performance of such process or practice referred to in subparagraph (i).

(5) Where an Inspector enters a place pursuant to this section, the owner, or person in charge of the place and any of his servants or agents found in such place shall give to the Inspector all reasonable assistance and furnish

him with such information as he may reasonably require.

(6) Any article seized under this section may at the option of the Inspector either be kept in the building or place where it was seized or be removed to be stored in any other place.

(7) An Inspector shall release any article seized under this section and not destroyed by testing, when satisfied that all the provisions of the section have been complied with.

(8) Where an Inspector seizes an article under this section and the owner or the person in whose possession the article was at the time of seizure consents to its destruction, the article shall be forfeited to the State and may be destroyed or otherwise disposed of as the Minister may direct.

(9) Where a person has been convicted of an offence under this Act the Court may order that—

- (a) any article by means of or in relation to which the offence was committed or any article or thing of a similar nature either in the possession of that person or found with such article whether or not that other article or thing has been proven to be in violation of this section shall be forfeited to the State and may be disposed of as the Minister may direct; and
- (b) that person shall cease and desist from performing any activity by means of or in relation to which the offence was committed, until such time as the Court may direct.

(10) An Inspector may prosecute in courts of summary jurisdiction in cases arising from violations of this Act or the Regulations.

## PART IV

### MISCELLANEOUS

27. (1) The Bureau shall investigate complaints regarding goods, services, processes and practices referred to it by Complaints.

consumers and users and may institute legal proceedings against the manufacturer or other person supplying the defective goods or service or engaged in the defective process or practice.

Operation to  
cease by Court  
order.

(2) Where upon representations made by the Bureau the Court is of the opinion that any goods, service, process or practice is dangerous to the public, the Court may order the manufacturer of the goods or the person supplying the service or engaged in the process or practice to cease operations.

Finance.

28. The Bureau shall be financed by moneys appropriated by Parliament for the purpose, fees charged for examination, testing, certification, use of the Standard Mark, and for any services rendered under section 17 and from funds donated by the private sector and by government grants and subsidies.

Exemption.  
[29 of 1985].

28A. (1) Notwithstanding any rule of law to the contrary, the President may by Order exempt the Bureau in whole or in part from the payment of any tax imposed by or under any written law.

(2) In this section "tax" includes assessments, fees, charges, impositions and such other levies as form part or are intended to form part of the revenue.

Offences.  
[29 of 1985].

29. (1) Any person who—

- (a) sells or offers for sale or supplies to any other person any goods, service, process or practice for which a compulsory standard has been declared and which does not conform to that standard;
- (b) labels, packages or advertises any goods or advertises any service, process or practice otherwise than in compliance with any compulsory standard therefor;
- (c) (i) makes any statement or representation whether in writing or not or uses any mark with reference to any goods, service, process or practice which conveys or is likely to convey the impression that a person who is not entitled to use the Standard Mark with reference to the goods, service, process or

- practice is so entitled to use the Standard Mark or falsely represents that any goods, process or practice complies with specifications formulated or adopted elsewhere than in Trinidad and Tobago;
- (ii) before offering or exposing for sale, goods which do not conform to the required standard, obliterates or otherwise removes any stamp or mark which denotes the deficiency.
  - (d) makes any statement or representation whether in writing or not, or uses any mark which conveys or is likely to convey the impression that any goods, service, process or practice complies with a standard when it does not;
  - (e) without the authority of the Bureau and for the purposes of gain or profit, makes any statement or representation whether in writing or not, whereby comparison is made in respect of any goods, service, process or practice with the standard declared by the Bureau or the Minister unless he proves that he acted without intent to defraud;
  - (f) hinders or obstructs or knowingly makes any false or misleading statement to any person authorised by the Minister or the Bureau in that behalf, in the execution of his duty under this Act;
  - (g) with intent to defraud, represents that he is an Inspector or a person authorised by the Minister or Bureau under this Act;
  - (h) having been entitled to use the Standard Mark uses it after he is no longer so entitled or otherwise than in accordance with the terms and conditions of such use;
  - (i) uses the word "Standard" in any name contrary to the provisions of section 22;
  - (j) impersonates an Inspector;
  - (k) obstructs an Inspector by not giving him reasonable assistance or access to records, documents or information relevant to the

- performance of his functions under this Act;
- (l) interferes with any article seized by an Inspector in such a way as to change any of the characteristics of the article described in the standard applicable to such article;

is liable on summary conviction to a fine of ten thousand dollars and to a further fine of two hundred dollars for every day on which the offence is continued or to imprisonment for two years.

(2) Every offence against this Act or the Regulations shall be triable summarily.

Evidence of standard  
[29 of 1985].

30. A copy of any standard issued by the Bureau together with a copy of the notice in the *Gazette* relating to the declaration or amendment of the standard shall be *prima facie* evidence of that standard in any legal proceedings.

Secrecy of information obtained for purposes of Act.

31. (1) All information obtained by the Minister or by the Council or by the Bureau or any member of its staff 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 purposes connected with the administration of this Act.

(2) The disclosure of any information relating to any formula, process or practice to the Minister or to the Council or to the Bureau or any member of its staff 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.

Protection against claims.

32. The fact that any goods, service, process or practice conforms or is alleged to conform to a standard or the fact that the Standard Mark is used in connection with any goods shall not give rise to any claim against the State or the Bureau.

Regulations.  
[29 of 1985].

33. The Minister may make Regulations for the purposes of this Act, and for prescribing all things required to be prescribed, and in particular may make Regulations—

- (a) regarding the declaring of standards (including compulsory standards);

- 
- (b) concerning the use of the Standard Mark and for prescribing the terms and conditions subject to which the mark may be used and for prescribing the fees to be paid in respect of the use;
  - (c) regarding packaging, labelling and advertising;
  - (d) regarding the examination or testing of goods, processes and practices and the entry upon premises for that purpose;
  - (e) requiring such persons as may be prescribed to keep and produce in relation to any goods, services, processes or practices such records as the Bureau may consider necessary for the purposes of this Act;
  - (f) prescribing matters in respect of which fees shall be paid, the amount of the fees and the persons by whom they shall be paid and authorising the refund or remission of fees in such circumstances as may be prescribed;
  - (g) prescribing penalties for the breach of any regulation not exceeding a fine of one thousand dollars or imprisonment for six months;
  - (h) prescribing the qualifications, powers and duties of persons authorised under section 25 to examine goods upon landing and of persons designated Inspectors under this Act; and
  - (i) prescribing anything required under this Act to be prescribed.

[Subsidiary]

## SUBSIDIARY LEGISLATION

171/1977.  
Ch. 3:03s, 21).

## COMPULSORY STANDARDS ORDER

*made under section 19*Citation and  
commencement

1. This Order may be cited as the Compulsory Standard Order.

"Compulsory  
standards  
declared.  
(180/1979  
134/1980  
135/1980).

2. On the recommendation of the Bureau, the Standards specified in the first and second columns of the table below and published respectively in the Legal Notices in the third column of the table are declared Compulsory Standards as from the respective dates specified in the third column of the table—

<i>Reference No.</i>	<i>Title</i>	<i>Legal Notices and dates</i>
171/1977. TTS 21 10 500 Part 2 1976	Requirement for labelling. Labelling of prepackaged goods.	50/1977 30th November 1977
171/1977. TTS 21 10 500 Part 3 1976	Requirement for labelling. Labelling of garments.	51/1977 30th November 1977
180/1979. TTS 26 25 500 1977	Specification for Tungsten Filament lamps for General Use.	212/1977 (as amended by 178/1979) 1st December 1979
134/1980. TTS 21 10 500 Part 7 1980	Requirement for labelling. Labelling of Textile.	125/1980 1st August 1980
135/1980. TTS 21 10 500 Part 9 1980	Requirement for labelling. Labelling of footwear.	126/1980 1st August 1980
135/1985. TTS 21 10 500 Part 8 1980	Requirements for labelling. Retail packages of Pesticides.	135/1985 5th August 1985

## STANDARDS REGULATIONS

## ARRANGEMENT OF REGULATIONS

## REGULATION

1. Citation.

## PART I

## DECLARATION OF STANDARDS

2. Bureau may appoint advisory committee.
3. Bureau to publish notice to declare a standard.
4. Comments to be forwarded to advisory committee.
5. Compulsory standard.
6. Voluntary standard.

## PART II

## USE OF THE STANDARD MARK

7. Standard Mark.
8. Application for licence to use Standard Mark.
9. Bureau to undertake inspections of premises, etc.
10. Licence to expire on 31st December.
11. Licence to relate to specific goods, etc.
12. Revocation of licence.
13. Bureau to prevent continued use of Standard Mark.
14. Bureau to keep register of licences.
15. Names of licensees to be published.
16. Bureau to charge fees for use of Standard Mark.
17. Use of mark other than Standard Mark.

## PART III

## DESIGNATION OF LABORATORIES AND TESTING FACILITIES

18. Definitions.
19. Designation of laboratories.
20. Requirements for designation.
21. Application for designation to be made to Bureau.
22. Bureau may designate without application being made.
23. Notice of designation to be published in *Gazette*.
24. Bureau to publish list of designated laboratories.
25. Designated laboratory may charge not more than \$20.00 for a test report.
26. Report to be *prima facie* evidence of statements therein.

[Subsidiary]

Standards Regulations

PART IV

FEEs

27. Bureau to publish table of fees.
28. Fees charged by laboratories, etc. to be determined by Bureau.
29. Fees may be varied by Order of Bureau.

PART V

TESTING OF ARTICLES SUBMITTED OR SEIZED

30. Bureau to ensure goods are tested.
31. Bureau to purchase samples.
32. Goods for testing to be marked, labelled and packaged.
33. Where duplicate samples requested.
34. Court may order test.
35. Disposal of samples.

PART VI

ADVERTISING, LABELLING AND PACKAGING

36. Definition.
37. Approval of Bureau.
38. Bureau may require withdrawal of advertisement.
39. Offence and penalty.

PART VII

COMPULSORY STANDARDS

40. Bureau may petition Court.
41. Imports to be tested, etc. on entry.
42. Bureau may waive sampling.
43. Locally manufactured goods may be exported.
44. Offences.

FIRST SCHEDULE.

SECOND SCHEDULE.

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## STANDARDS REGULATIONS

35/1976.

*made under section 33*

1. These Regulations may be cited as the Standards Regulations. Citation.

## PART I

## DECLARATION OF STANDARDS

2. The Bureau may appoint advisory committees to assist in the formulation or adoption of specifications. Bureau may appoint advisory committee.

3. (1) Where the Bureau formulates or adopts a specification and proposes to declare that specification a standard, it shall publish on three days, in any period of seven days, a notice to that effect in a daily newspaper in circulation in Trinidad and Tobago. The notice shall invite comments from the public on the specification or on the proposal to have it declared a standard, and shall state— Bureau to publish notice to declare a standard.

- (a) the title and scope of the specification;
- (b) the address at which details of the specification may be obtained;
- (c) the last date on which comments may be submitted;
- (d) the name or other designation of any other specification used in the formulation of the specification the subject of the notice or from which it was adopted.

(2) Where it is proposed that the specification be declared a compulsory standard, the notice shall so indicate and shall in addition to the matters set out at subregulation (1)(a), (b), (c) and (d) state the date from which it is proposed the compulsory standard shall have effect and the reasons for proposing a compulsory standard.

4. The Bureau shall forward to the advisory committee that assisted in the formulation or adoption of the specification for their recommendations, all comments received in response to the notice referred to in regulation 3 and the Comments to be forwarded to advisory committee.

[Subsidiary]

*Standards Regulations*

committee shall report thereon to the Bureau. The report may include a recommendation that the specification be modified or amended before being declared a standard.

Compulsory standard.

5. Where it is proposed to declare a compulsory standard the Bureau shall forward to the Minister, the specification as formulated or adopted by the Bureau, the report of the advisory committee (if any) on the public comments received and the Bureau's recommendation in the matter. In addition the Minister shall be furnished with a copy of the notice published under regulation 3 and informed of the dates of its publication.

Voluntary standard.

6. Where, notwithstanding the recommendation of the Bureau, the Minister does not make an Order declaring a compulsory standard, the Bureau may nonetheless declare the specification a voluntary standard.

## PART II

## USE OF THE STANDARD MARK

Standard Mark First Schedule.

7. The Trinidad and Tobago Standard Mark (hereinafter referred to as "the Standard Mark"), is as set out in the First Schedule.

Application for licence to use Standard Mark. Form I. Second Schedule.

8. (1) Application for a licence to use the Standard Mark on any goods or in connection with any service, process or practice, shall be made in writing in the form set out as Form I in the Second Schedule, and shall be accompanied by the requisite application fee, as published from time to time by the Bureau.

(2) Where an application is refused, half of the application fee shall be refunded to the applicant.

Bureau to undertake inspection of premises, etc.

9. (1) In order to be satisfied that the statements made in the application are true the Bureau shall undertake such inspections of premises, raw materials, components, quality control methods and procedures, testing facilities and records of tests carried out, as may be necessary in every case.

## Standards Regulations

[Subsidiary]

(2) All goods, raw materials and components required to be tested shall be supplied to the Bureau by the applicant free of charge.

10. A licence to use the Standard Mark shall expire on 31st December of each year but may be renewed upon application being made therefor and on payment of the requisite fee.

Licence to expire on 31st December.

11. A licence shall relate only to such goods, services, processes or practices as are specified therein and may contain such terms and conditions as the Bureau may determine.

Licence to relate to specific goods, etc.

12. The Bureau may revoke a licence where any of its terms and conditions are violated or upon discovery that any statement in the application was false, deceptive or misleading.

Revocation of licence.

13. Where a licence is revoked the Bureau may take all reasonable steps to prevent the continued use of the Standard Mark in connection with the goods, services, processes or practices named in the licence and may in this behalf require the person to whom the licence was issued to obliterate or remove the Standard Mark from any marking device or die or from any goods, wrapping material, packaging or advertising matter on which he was authorised to use it under the licence.

Bureau to prevent continued use of Standard Mark.

14. The Bureau shall keep a register of licences issued and the register shall contain—

Bureau to keep register of licences.

- (a) the name and address of the person to whom a licence was issued;
- (b) the goods, service, process or practice named in the licence; and
- (c) the dates of issue, renewal or revocation of the licence.

15. From time to time, names of persons to whom licences have been issued and the goods, services, processes or practices in connection with which such persons may use the Standard Mark shall be published for public information.

Names of licensees to be published.

## [Subsidiary]

## Standards Regulations

Bureau to  
charge fees for  
use of Standard  
Mark.

16. (1) The Bureau shall charge fees for a licence to use the Standard Mark in connection with any goods and such fees shall be based on the sales of the goods, the frequency of the use of the Standard Mark, the necessity to purchase samples for testing and on such other considerations as the Bureau may think appropriate.

(2) The Bureau shall refund to the applicant any moneys remaining unspent from the amount provided for the purchase of samples.

Use of mark  
other than  
Standard Mark.

17. Where the Bureau has issued a licence for the use of the Standard Mark in connection with any goods some other mark representing compliance with specifications formulated or adopted elsewhere than in Trinidad and Tobago may be used in connection with these goods only with the consent of the Bureau and of the organisation that controls that other mark.

## PART III

## DESIGNATION OF LABORATORIES AND TESTING FACILITIES

## Definitions.

18. For the purposes of this Part—

“laboratory” means an undertaking engaged in tests, investigations or research, whether or not for reward and using specification tests, which is managed, directed or operated by persons qualified and trained in science, engineering or technology;

“specification test” means a method of test that is—

- (a) included in or referred to in a specification; or
- (b) published by the Bureau or by an organisation recognised by the Bureau as competent in designing methods of test of a type useful in applying specifications; or
- (c) recognised by the Bureau as applicable to any specified goods, service, process or practice;

“testing facilities” includes the equipment and personnel necessary for carrying out a specification test.

*Standards Regulations*

[Subsidiary]

19. The Bureau may appoint a committee consisting of the Director and persons qualified by reason of their training, skill and experience to assist in the designation of laboratories and testing facilities.

Designations of laboratories.

20. A laboratory or testing facility designated by the Bureau for the purposes of the Act, shall—

Requirements for designation.

- (a) be equipped to carry out specification tests;
- (b) be staffed by competent experienced personnel with training to undertake specification tests;
- (c) be kept in good repair and its equipment calibrated as the Bureau may require;
- (d) maintain records of specification tests carried out;
- (e) charge fees as prescribed by the Bureau for specification tests.

21. (1) Application for the designation of a laboratory or testing facility shall be made to the Bureau in writing and shall include—

Application for designation to be made to Bureau.

- (a) details of the scientific, engineering and technological apparatus with which the laboratory or testing facility is equipped and of the arrangements for their proper maintenance and repair;
- (b) names, training, qualifications and experience of persons who would sign reports of specification tests, and specimens of those persons' signatures;
- (c) a statement of the goods, services, processes or practices which the laboratory or testing facility is competent and willing to investigate;
- (d) such other information as may be relevant or that the Bureau may require.

(2) In the case of a laboratory or testing facility in Trinidad and Tobago the application shall be accompanied by an undertaking from the applicant—

- (a) to allow the Bureau to inspect the laboratory or testing facility, its apparatus and equipment; and

[Subsidiary]

Standards Regulations

(b) to maintain the apparatus and equipment in a state of good repair including calibration as the Bureau may from time to time require.

(3) In the case of a laboratory or testing facility elsewhere than in Trinidad and Tobago the application shall be accompanied by a certificate issued by a competent authority or person, acceptable to the Bureau, that the statements in the application are true and that the laboratory or testing facility is recognised in its own country for testing such goods, services, processes or practices as are specified in the certificate.

Bureau may designate without application being made.

22. (1) The Bureau may designate a laboratory or testing facility for the purposes of the Act, without application being made in any case where the laboratory or testing facility is—

- (a) a department of Government or of a Statutory Authority or is otherwise in receipt of public funds;
- (b) an educational or research institution competent to carry out specification tests or specialising in investigations involving such tests and in receipt of public funds;
- (c) owned, operated, designated or certified as competent by an organisation outside Trinidad and Tobago charged with the formulation, application and enforcement of specifications.

(2) In the case of a laboratory or testing facility designated under this regulation the Bureau may direct that the holder of a specified post who is qualified by training and experience shall sign reports of specification tests.

Notice of designation to be published in *Gazette*.

23. Notice of the designation of a laboratory or testing facility and notification of every revocation thereof shall be published by the Bureau in the *Gazette* and in a newspaper in circulation in Trinidad and Tobago.

Bureau to publish list of designated laboratories.

24. One year after these Regulations come into operation and thereafter annually, the Bureau shall publish a list of designated laboratories and testing facilities and names

## Standards Regulations

[Subsidiary]

of persons who, for the purposes of the Act may sign reports of specification tests.

25. A laboratory or testing facility designated by the Bureau may charge a fee not exceeding twenty dollars for a report of a specification test where that report is intended to be used as evidence in Court, save that the fee may be waived on the authority of the Bureau where the test was carried out for the Bureau or for a consumer whose complaint is being investigated by the Bureau (with a view to commencing legal proceedings).

Designated laboratory may charge not more than \$20.00 for a test report.

26. (1) A report of a specification test issued by a laboratory or testing facility designated by the Bureau and signed by the person named by the Bureau for that purpose shall be *prima facie* evidence of the statements contained in the report.

Report to be *prima facie* evidence of statements therein.

(2) Reports intended for use in legal proceedings shall be in the form set out as Form 2 in the Second Schedule.

Form 2. Second Schedule.

## PART IV

## FEES

27. The Bureau shall publish by notice in the *Gazette* a table of fees including the application fee for a licence, payable for its services but may at any time waive such fees in respect of any person.

Bureau to publish table of fees.

28. Fees chargeable for examinations, inspections, specification or other tests carried out by a laboratory or testing facility of or in connection with any goods, service, process or practice for which a compulsory standard has been declared or where a specification is commonly recognised as applicable shall be determined and published by the Bureau.

Fees charged by laboratories, etc., to be determined by Bureau.

29. Fees referred to in regulation 25 and in this Part may be varied or amended by Order of the Bureau.

Fees may be varied by Order of Bureau.

[Subsidiary]

Standards Regulations

## PART V

## TESTING OF ARTICLES SUBMITTED OR SEIZED

Bureau to ensure goods tested.

30. Where goods intended for export are submitted for examination or testing in compliance with a requirement of the Bureau made under section 23 of the Act, or where goods are seized under section 26(1) of the Act, the Bureau shall ensure that such goods are tested or examined by a laboratory or testing facility designated for the purpose.

Bureau to purchase samples.

31. Save in the circumstances referred to in regulation 30 or where compliance with a compulsory standard is in question, the Bureau shall purchase all goods or articles required for testing in order to determine whether they comply with a specification or whether the conditions attaching to the use of the Standard Mark in connection with those goods or articles have been fulfilled.

Goods for testing to be marked, labelled and packaged.

32. Goods submitted for examination or seized or purchased by the Bureau for testing shall be marked, labelled and packaged so as to be clearly identified and protected from reasonably foreseeable damage and delivered at the laboratory or testing facility where the required tests or examinations are to be carried out.

Where duplicate samples requested.

33. (1) Where the manufacturer or vendor of any goods or articles taken or seized under the Act requests that a duplicate sample be taken for testing or examination, the person taking or seizing the goods or articles shall select goods or articles similar to those taken or seized and mark them so that they may be clearly identified and package them to protect them from foreseeable damage and label the package "Duplicate Sample" and deliver the package to the manufacturer or vendor, as the case may be.

(2) Where the manufacturer or vendor of any goods, taken or seized under the Act does not request a duplicate sample, the person taking or seizing the goods or articles may purchase a duplicate sample or may divide the goods or articles taken or seized into two similar parts marking one part "Duplicate Sample".

34. In any proceedings under the Act, the Court may order that the duplicate sample referred to in Regulation 33 be tested or examined.

Court may order test.

35. Goods or articles seized or taken for testing or examination shall be returned to the manufacturer or vendor, as the case may be. Samples purchased by the Bureau shall be disposed of as the Council may determine.

Disposal of samples.

## PART VI

### ADVERTISING, LABELLING AND PACKAGING

36. In this Part "advertisement" includes any representation by any means whatever for the purpose of promoting directly or indirectly the sale or disposal or use of any goods, service, process or practice.

Definition.

37. The Bureau may direct that any advertisement, label or package used in connection with any goods, service, process or practice for which a compulsory standard has been declared may be published or used in trade only with the approval of the Bureau.

Approval of Bureau.

38. Where a compulsory standard is declared for the practice of advertising, the Bureau may require that an advertisement in violation of that standard shall be withdrawn from publication and amended as the Bureau may direct in order to bring it into conformity with the compulsory standard.

Bureau may require withdrawal of advertisement.

39. Any person who advertises, labels or packages contrary to any direction of the Bureau or without obtaining the approval of the Bureau where such approval is required, is liable on summary conviction to a fine of five hundred dollars or imprisonment for six months.

Offence and penalty.

[Subsidiary]

Standards Regulations

## PART VII

## COMPULSORY STANDARDS

Bureau may  
petition Court.

40. Where a compulsory standard is declared for any goods, the Bureau may petition the Court to order any person manufacturing such goods in Trinidad and Tobago to cease manufacture of the goods after a specified date if in the opinion of the Bureau that person is unable to comply with the compulsory standard.

Imports to be  
tested, etc. on  
entry.

41. (1) Where a compulsory standard is declared for any goods, imports of the goods shall subject to subregulation (2) be sampled and examined on entry before being delivered out of the charge of the Customs authorities.

(2) Samples of imports may be taken to a laboratory or other testing facility without the payment of import duties or other taxes or charges.

(3) Where samples of imports are found from examination or testing not to comply with the relevant compulsory standard, the Bureau shall send a report of the examination or test to the Comptroller of Customs and to the importer and subject to subregulation (4) the imports shall not be admitted.

(4) Where in the opinion of the Bureau the imports may be modified so as to effect compliance with the compulsory standard the imports may be admitted for the modification to be carried out to the satisfaction of the Bureau. In any other case, or where the modification is not to the satisfaction of the Bureau, the imports shall not be admitted.

Bureau may  
waive sampling.

42. The Bureau may waive the requirement of sampling and examination of any shipment of goods to which regulation 41 refers where—

- (a) a sample of similar goods from the same country of origin has been examined or tested by a laboratory or testing facility designated by the Bureau and found to comply with the compulsory standard; or
- (b) a sample of goods taken from the shipment has been examined or tested in the country

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*Standards Regulations***[Subsidiary]**

of origin by a laboratory or other similar institution, recognised by the Bureau and found to comply with the compulsory standard and a certificate of the examination or test has been submitted to and accepted by the Bureau.

43. Goods manufactured in Trinidad and Tobago for which a compulsory standard intended to ensure quality in goods produced for export, is declared, may be exported only if the Bureau issues a certificate to the manufacturer stating that the goods conform to the compulsory standard.

Locally  
manufactured  
goods may  
be exported.

44. A person who contravenes any of these Regulations is liable on summary conviction to a fine of one thousand dollars or imprisonment for six months.

Offences.



## SECOND SCHEDULE

Regulation 8

## FORM I

## APPLICATION FOR A LICENCE TO USE THE STANDARD MARK

1. I/We, .....carrying on  
business at.....(address)

(business name).....

hereby apply for a licence to use the standard Mark in connection with  
the goods/service/practice mentioned below.

- (1) (a) description of goods  
(b) brand name  
(c) type, size, grade, style.

(2) Description of service/practice.

2. Related Trinidad and Tobago Standards—

No.	Title
No.	Title
No.	Title.

3. Information on production (calendar years)

*No. of Units Value ex works*

Last year 1st January 19      to 31st December 19

This year 1st January 19      to 31st December 19  
(estimates)

4. Sources of raw materials/components purchased.

5. Standards or specifications used for checking raw materials/components  
purchased.

6. Testing facilities available to applicant:

- (a) in factory  
(b) elsewhere in Trinidad and Tobago  
(c) in other countries.

7. We operate/do not operate a quality assurance programme of sampling  
and testing products and inputs (if so, give details).

## DECLARATION

8. (a) I/We agree that for the purposes of an enquiry into the quality of  
the goods prior to being issued a licence to use the Standard Mark



.....  
.....  
.....

4. It is my conclusion that the goods submitted in this sample did/did not comply with the requirements of T&T Standard TTS.....

.....

Signed....., a person who may sign reports for the purposes of the Standards Act. See *Gazette* No.

Date (                    ).

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