

LEGAL NOTICE NO. 234

REPUBLIC OF TRINIDAD AND TOBAGO

THE STANDARDS ACT, 1997

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 32 OF THE
STANDARDS ACT, 1997

THE STANDARDS REGULATIONS, 2004

1. These Regulations may be cited as the Standards Regulations, Citation 2004.

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
committees

3. (1) Where the Bureau formulates or adopts a specification and proposes to declare that specification as a standard, it shall publish on three days, in any period of seven days, a notice to that effect in at least two daily newspapers circulating in Trinidad and Tobago.

Bureau to
publish notice
to declare a
standard

(2) The notice shall invite comments from the public on the specification or on the proposal to have it declared a standard and shall state—

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

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

Comments to be forwarded to advisory committee

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 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.

Copmpulsory Standard

5. (1) Where it is proposed to declare a compulsory standard the Bureau shall forward to the Minister the following:

- (a) the specification as formulated or adopted by the Bureau;
- (b) the report of the advisory committee on the public comments recieved;
- (c) the Bureau's recommendation in the matter; and
- (d) a copy of the notice published under regulation 3 and the dates of its publication.

(2) Where, notwithstanding the recommendation of the Bureau, the Minister does not make an Order declaring a compulsory standard, the Bureau may declare that specification as a standard.

PART II

USE OF STANDARD MARKS

Standard marks prescribed in the First Schedule

6. The Trinidad and Tobago Standard Mark, the standard marks called the Product Certification Mark, the TTTIC Mark, TTBS/ISO 9001 Mark, TTBS/ISO 14001 Mark and TTBS Q&EMS-SME Mark are set out in Part I, Part II, Part III, Part IV and Part V, respectively of the First Schedule.

Standard marks prescribed by Minister

7. In addition to the standard marks prescribed in the First Schedule, the Minister may by Order, on the recommendation of the Bureau, prescribe other standard marks.

Use of standard mark
Form I
Second
Schedule

8. (1) A person who seeks to use the standard mark in connection with any goods shall make application to the Bureau in the form set out as Form I in the Second Schedule which shall be accompanied by the requisite fee, as prescribed by the Bureau.

Form II
Second
Schedule

(2) All goods covered by a compulsory standard shall carry a standard mark approved by the Bureau and an application to use such standard mark shall be made in the form set out as Form II in the Second Schedule accompanied by the requisite fee, as prescribed by the Bureau.

(3) The Bureau may exempt any person from making an application under subregulation (2).

9. (1) The Bureau may in connection with an application under regulation 8— Bureau to undertake assessment

- (a) undertake the assessment of goods;
- (b) undertake inspections of—
 - (i) premises, raw materials and components;
 - (ii) quality control methods and procedures;
 - (iii) testing facilities;
 - (iv) records as may be necessary; and
- (c) require additional information to be supplied by the applicant.

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

10. (1) The Bureau shall, if satisfied that the goods conform to a standard or a compulsory standard grant a licence to the applicant to use a standard mark upon such terms and conditions, including payment of fees, as may be prescribed by the Bureau. Issue and expiration of licence

(2) A licence to use any standard mark shall expire on the anniversary date of its issue or as determined by the Bureau.

11. A licence to use a standard mark shall relate only to the goods specified therein. Licence to relate to specific goods

12. The Bureau may revoke a licence where—

- (a) any of its terms and conditions have been violated;
- (b) any statement or information contained in or provided with the application is false, deceptive or misleading; or
- (c) information required was not provided.

Revocation of licence

13. (1) Where a licence is revoked the Bureau may take all reasonable steps to prevent the continued use of any standard mark in connection with the goods named in the licence. Bureau to prevent continued use of standard mark

(2) The Bureau may require the person to whom the licence was issued to obliterate or remove the standard mark from any—

- (a) marking device;
- (b) die mark;
- (c) goods wrapping material; or
- (d) packaging or advertising matter,

on which he was authorised to use it under the licence.

Bureau to keep register of licences

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

- (a) the name and address of any person to whom a licence was issued;
- (b) the goods named in the licence;
- (c) the date of issue, renewal or revocation of the licence; and
- (d) such other terms and conditions as the Bureau may determine.

Names of licensees to be published

15. At least once every year, the names of persons to whom licences have been issued and the goods in connection with which such persons may use the standard mark shall be published by the Bureau.

Bureau to charge fees for use of standard mark

16. (1) The Bureau shall charge fees for a licence to use any standard mark in connection with any goods.

(2) Fees charged under subregulation (1) shall be based on—

- (a) the sales of the goods;
- (b) the frequency of the use of the standard mark;
- (c) the necessity to purchase samples for testing; and
- (d) such other considerations as the Bureau may think appropriate.

PART III

TESTING OF ARTICLES

Bureau to ensure goods are tested

17. Where goods are submitted for examination or testing in compliance with a requirement of the Bureau or where goods are seized, the Bureau shall ensure those goods are tested or examined by a laboratory or testing facility registered or accredited for that purpose.

Bureau may purchase samples

18. The Bureau may purchase goods or articles required for testing in order to determine whether they comply with any standard or whether the conditions attaching to the use of any standard mark in connection with those goods or articles have been fulfilled.

Goods for testing to be marked, labelled and stored

19. (1) Goods that have been—

- (a) submitted for examination;
- (b) seized; or
- (c) purchased by the Bureau for testing,

shall be marked, labelled and stored in such a manner as to be clearly identified and protected from reasonably foreseeable damage.

(2) The goods referred to in subregulation (1) shall be delivered to the laboratory or testing facility where the required test or examinations are to be conducted.

20. (1) Where the manufacturer or vendor of any goods or articles taken or seized, requests that a duplicate sample be taken for testing or examination, the person taking or seizing the goods or articles shall— Where duplicate samples requested

- (a) select goods or articles similar to those taken or seized;
- (b) mark them so that they may be clearly identified;
- (c) store them to protect them from foreseeable damage;
- (d) label the goods or articles "Duplicate Sample"; and
- (e) deliver the goods to the manufacturer or the 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 making one part the "Duplicate Sample".

21. In any proceedings under the Act, the Court may order that the duplicate sample referred to in regulation 20 be tested or examined. Court may order test

PART IV

ADVERTISING, LABELLING AND PACKAGING

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

23. The Bureau may direct that any advertisement, label or package used in connection with any goods 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

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

- Penalty 25. A person who—
- (a) advertises, labels or packages contrary to the requirements of any compulsory standard; and
 - (b) fails to make modifications to conform to such standard as required by the Bureau,
- commits an offence and is liable on summary conviction, to a fine of five hundred dollars.

PART V

ENFORCEMENT OF COMPULSORY STANDARDS

Imports to be examined and tested on 26. (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 Comptroller of Customs and Excise, except where otherwise provided by the Bureau.

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

(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 Excise 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.

(5) Where goods are not admitted, the Bureau may require and shall obtain reasonable evidence from the importer and the Comptroller of Customs and Excise as to the disposal of goods not so admitted.

Bureau may waive sampling 27. The Bureau may waive the requirement of sampling and examination of any shipment of goods to which regulation 26 refers where—

- (a) a representative sample of similar goods from the same country of origin has been examined or tested by a laboratory or testing facility registered or accredited by the Bureau and found to comply with the compulsory standard;
- or

- (b) a representative sample of goods taken from the shipment has been examined or tested in the country of origin by an accredited laboratory or other similar institution, recognised by the Bureau and found to comply with the compulsory standard and a certificate of conformity or test report has been submitted to and accepted by the Bureau.

28. (1) Where imported goods for which a compulsory standard has been declared, are exhibited for sale the Bureau may request samples or may purchase such samples for examination and testing and where the goods are found from examination or testing not to conform to the relevant compulsory standard the Bureau shall be entitled to—

Imports
exhibited for
sale to be
examined
and tested

- (a) prohibit the sale of such goods;
- (b) direct the removal of such goods by the person exhibiting the goods for sale within a time specified by the Bureau;
- (c) direct the closure of the business premises in which the goods are exhibited for sale; and
- (d) seize the goods.

(2) Any person who fails to comply with a directive of the Bureau made in accordance with subregulation (1) commits an offence and is liable on summary conviction, to a fine of one thousand dollars.

29. (1) Where a compulsory standard is declared for goods locally manufactured for home use or for export, the Bureau may request samples from the manufacturers or may purchase samples for examination and testing.

Goods locally
manufactured
to be
examined
and tested

(2) Where samples of locally manufactured goods are found from examination or testing not to comply with the relevant compulsory standards, the Bureau may request and allow the manufacturer to carry out modifications necessary for compliance with the relevant compulsory standards.

(3) Where the modifications referred to in subregulation (2), are not made to the satisfaction of the Bureau, the Bureau may—

- (a) direct the manufacturer to cease manufacture of the goods and where such goods are in circulation to recall the same at the expense of the manufacturer;
- (b) direct that the goods shall not be exported; or
- (c) direct that the goods shall not be released for home use, unless clearly stamped or marked “export rejects”, “seconds”, “imperfect” or some other similar classification.

(4) A manufacturer who fails to carry out a directive of the Bureau made in accordance with this regulation, commits an offence and is liable to a fine of one thousand dollars.

Bureau may
petition Court 30. Without prejudice to the provisions of regulation 29, where a compulsory standard is declared for any goods, the Bureau may petition the court to order any person manufacturing the goods in Trinidad and Tobago to cease manufacture of the goods after a specified date if in the opinion of the Bureau that person has failed to comply with the compulsory standard.

PART VI

QUALITY CERTIFICATION

Bureau
quality
certifying
body 31. The Bureau is the national quality certifying body and shall operate in compliance with the relevant national, regional and international standards, guides and other requirements.

Bureau to issue
certificate of
conformity 32. The Bureau shall certify against national, regional and international standards, guides and other requirements and shall issue certificates of conformity.

Bureau to
maintain
integrity and
impartiality 33. The Bureau shall maintain integrity and impartiality in the application of the relevant standards, guides and other requirements.

Quality
practitioners 34. (1) The Bureau shall establish a register for all national, regional and international persons offering consultancy, training and other related services in quality management.

(2) Each quality practitioner shall—

(a) submit his qualifications to the Bureau or to a qualified registrar determined by the Bureau; and

(b) undergo an assessment by the Bureau on his competence as a quality practitioner.

(3) Where after an assessment the Bureau decides to enter the quality practitioner's name in the register, a licence shall be issued to the quality practitioner upon payment of the requisite fee as prescribed by the Bureau.

Registrar and
other bodies 35. All local, regional and international bodies performing certification and accreditation services in Trinidad and Tobago shall register with the Bureau subject to such terms, conditions and payment of fees prescribed by the Bureau.

Bureau to
publish register
of quality
practitioners 36. The Bureau shall publish annually, by Notice in the *Gazette*, the register of quality practitioners.

37. Any person who is refused registration, a certificate or a licence ^{Procedure for appeals} after examination and assessment by the Bureau under this Part may, appeal in writing against such refusal in accordance with the appeals procedure prescribed from time to time by Order of the Minister in consultation with the Bureau.

PART VII

ACCREDITATION OF LABORATORIES

38. In this part—

Interpretation

“laboratory” means any facility that—

- (a) offers testing or calibration services and includes facilities for the biological, biophysical, cytological, pathological or other examination of materials derived from the human body in the assessment of health or for the diagnoses, prevention or treatment of disease; and
- (b) provides a consultation or advisory service relating to any aspect of laboratory investigation including the interpretation of results, advice on further investigations and procedures for determining, measuring or describing the presence or absence of various substances or micro-organisms;

“TTLAS” means the Trinidad and Tobago Laboratory Accreditation Service established under regulation 39.

39. The Bureau is the national body for accrediting laboratories ^{Bureau to function as TTLAS} and shall carry out this function as the Trinidad and Tobago Laboratory Accreditation Service.

40. (1) TTLAS shall establish a register for all laboratories which ^{Register of laboratories} term shall include testing facilities and laboratories shall—

- (a) submit details of the physical accommodation of the laboratory;
- (b) submit details of the scientific, engineering and technological apparatus with which the laboratory is equipped and of the arrangements for their proper housing and maintenance; and
- (c) allow TTLAS to inspect the laboratory.

(2) After inspection TTLAS may enter the laboratory into the register subject to such terms and conditions and payment of fees as prescribed by the Bureau.

- Bureau to publish register of laboratories
Exemption
41. The Bureau shall publish annually, by Notice in the *Gazette*, the register of laboratories.
42. The Minister may on the recommendation of the Bureau exempt any laboratory from the requirements of regulation 40(1).
- TTLAS to comply and to accredit against relevant standards
43. (1) TTLAS shall operate in compliance with relevant national, regional and international standards, guides and other requirements and shall accredit against—
- (a) national, regional and international standards;
 - (b) guides and other requirements; and
 - (c) publicly available criteria agreed by the Minister.
- TTLAS to promote T & T system of accreditation
44. TTLAS shall promote national, regional and international recognition for the Trinidad and Tobago system of accreditation and will encourage the adoption of this system into accepted international models.
- TTLAS to act with integrity
45. TTLAS shall maintain integrity and impartiality in the application of the relevant standards, guides and other requirements and judge conformity to those standards, guides and other requirements.
- Procedure for accreditation Appeals
46. Any person may appeal in writing against a decision of TTLAS under this Part in accordance with the appeals procedure as may be prescribed from time to time by the Minister, in consultation with the Bureau.

PART VIII

FEES AND OFFENCES

- Bureau to publish list of fees
47. (1) The Bureau may publish by notice in the *Gazette* a list of its fees including the application fee for a licence and fees payable for its services.
- (2) The Bureau may, from time to time, vary the fees referred to in subregulation (1), by notice in the *Gazette*.
- Offences
48. Subject to regulations 25, 28 and 29, a person who contravenes any of these Regulations, commits an offence and is liable on summary conviction, to a fine of one thousand dollars or to imprisonment for six months.

FIRST SCHEDULE

(Regulation 6)



Part I
Product Certification



Part II
TTTIC Mark



Part III
TTBS/ISO 9001



Part IV
TTBS/ISO 14001



Part V
TTBS Q&EMS-SME Mark

SECOND SCHEDULE

Regulation 8(1)

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 20 to 31st December 20

This year 1st January 20 to 31st December 20 .

(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 any enquiry into the quality of the goods prior to being issued a licence to use the Standard Mark the Bureau may be given free of charge samples of any goods, raw materials or components needed for tests by the Bureau so that the Bureau may be satisfied that the Standard Mark may be used on the goods and that the goods conform with the Trinidad and Tobago standards mentioned about;
- (b) I/We agree to allow the Bureau to make such inspections of processes, practices as may be necessary;
- (c) I/We agree that any costs for testing or consultations involved in assessing the quality of the goods prior to being issued a licence to use the Standard Mark shall be paid by me/us at the Bureau's request;
- (d) I/We undertake to abide by the terms of any licence to use the Standard Mark issued to me/us by the Bureau so long as the licence is in force, and to observe the provisions of the Standards Act and Regulations. In the event of the licence being revoked, I/We undertake to cease immediately any use of the Standard Mark.

Signed

Name in Block Letters

Position

For and on behalf of

Dated this day of , 20 .

FORM II

Regulation 8(2)

REPORT OF SPECIFICATION TEST

- 1. I, the undersigned, state that on the day of , 20..... I received a sample of marked from
 - 2. I carried out an examination/analysis/test using the method specified in T & T Standard TTS as a test/analysis/examination for
 - 3. I obtained the following results
 - 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

Dated (.....).

Dated this 23rd day of July, 2004.

K. VALLEY
Minister of Trade and Industry