



PV

TRINIDAD AND TOBAGO

**Act No. 38 of 1972**

[L.S.]

CD 116/74(223)  
8-7-74

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.

[Assented to 8th January, 1973]

BE IT ENACTED by the Queen's Most Excellent Majesty, by Enactment and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows:—

1. This Act may be cited as the Standards Act, 1972. Short title

## Interpretation

## 2. In this Act—

“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 20;

“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 Ordinance and livestock and agricultural produce within the meaning of the Central Marketing Agency Act, 1966;

“Minister” means the member of the Cabinet to whom responsibility for the subjects of industry and commerce is assigned;

“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, and includes a code of practice;

“standard” means a specification declared a standard by the Bureau under section 19.

Ord. No. 8  
—1960

Act No. 18  
—1966

## 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

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 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. In addition to the members appointed under section 4 the Minister may nominate the following persons to be members of the Council—

Additional members who are government officers

- (a) an officer of the appropriate department of government or Ministry responsible for the subject of Food and Drugs;
- (b) an officer of the appropriate department of government or Ministry responsible for the subjects of industry and commerce.

6. (1) In the event of absence or inability of the Chairman from whatever cause arising, the Minister may appoint a member to act temporarily in place of the Chairman and the member so appointed may exercise all the powers of the Chairman.

Power of Minister to appoint persons to act temporarily

(2) In the event of absence or inability of a member from whatever cause arising, the Minister may appoint any qualified person to act temporarily in place of such member.

7. 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

8. 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 payment 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 duties or functions conferred or imposed on him under this Act.

Names of members to be published in *Gazette*

9. 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

10. (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 and in addition to a casting vote, the member presiding at the meeting shall, in the case of an equality of votes have a casting vote.

Members to declare 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 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 such matter is being decided by the Council.

Custody and use of Seal

12. (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, 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

13. (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 deem expedient for the efficient conduct of its business.

14. 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

15. (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

(2) Where a transfer on secondment contemplated by subsection (1) is effected, the Governor-General 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 three years.

(4) Notwithstanding anything contained in any other law to the contrary, a person appointed by the Bureau to its staff under subsection (1) of section 13 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.

Government  
officer  
transferred  
to Bureau to  
become member  
of Pension Scheme

16. (1) An officer in the public service may, with the approval of the Minister, be transferred to the service of the Bureau and upon such transfer shall become a member of the Pension Scheme referred to in section 14 or if such officer's transfer becomes effective before the establishment of that scheme, he shall become a member within one year of its establishment.

(2) A transfer described in subsection (1) shall be on such terms as may be acceptable to the Government, the Bureau and the officer concerned.

### PART III

#### BUSINESS OF THE BUREAU

Functions of  
the Bureau

17. (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 subject to subsection (4) of section 19 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) do all other things as are necessary and expedient to secure the proper execution of the purposes of this Act.

18. (1) In addition to the functions specified in section 17 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.

19. (1) Subject to subsection (2) the Bureau may declare any specification a standard.

Bureau to declare standards

(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) Every standard and any variation or revocation thereof shall be published in the *Gazette*.

(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.

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

Voluntary and compulsory standards

- (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.

Standard mark

**21.** 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.

Use of standard mark

**22.** (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.

(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.

Restriction of the use of word "Standard" in certain names

**23.** (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".

(2) Where any enactment 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 the 14th July, 1972.

Bureau may examine goods manufactured locally

**24.** The Bureau may require the manufacturer of any goods to submit such goods for examination or testing and where such goods are intended for export the Bureau shall ensure that they meet the requisite specifications of the

country to which they are being exported, or, where there are no such requisite specifications in that country, international specifications or Trinidad and Tobago standards or reasonable levels of safety, performance and quality.

25. Goods intended for export that do not meet the requirements set out in section 24 shall not be exported. Deficient goods not to be exported

26. (1) The Minister may authorise any person and the Bureau may authorise any member of its staff to examine upon landing goods for which a standard has been declared and which are produced or manufactured outside Trinidad and Tobago and any customs entries in respect of such goods. A person authorised to examine goods under this section may take samples of such goods and submit such samples for analysis or testing. Examination of imports

(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, such goods shall not be entered for home use unless such 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 "entered for home use" means entered for consumption in Trinidad and Tobago.

27. (1) A person who is required to enter upon any premises for the purpose of the execution of his duties under this Act shall have power so to enter at all reasonable times having regard to the user of the premises without being liable to any legal proceedings or molestation whatever on account of such entry and such person may— Access to premises

- (a) open and examine any receptacle that he

- reasonably believes contains any goods which he desires to examine or test;
- (b) examine any books, documents or other records found upon such premises which he reasonably believes contain any information relevant to the enforcement of the provisions of this Act with respect to any matter to which this Act or the regulations apply and make copies thereof or extracts therefrom;
  - (c) seize and detain for such time as may be necessary any article by means of or in relation to which he reasonably believes any provision of this Act or the regulations has been violated.

(2) The owner or person in charge of any premises entered into under the provisions of subsection (1) and every person found therein shall render all reasonable assistance and furnish all such information as may be required by the person executing his duties under this Act.

(3) Admission to any premises shall not be demanded except upon the warrant of a magistrate for the purpose, so however that if it is shown to the satisfaction of a magistrate on sworn information in writing—

- (a) that admission to any premises has been refused, or that refusal is apprehended, or that an application for admission would defeat the object of the entry; and
- (b) that there is reasonable ground for entry into the premises for any purpose as is mentioned in subsection (1),

the magistrate may by warrant under his hand authorise entry on the premises, except that such a warrant shall not be issued unless the magistrate is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the giving of such notice would defeat the object of the entry.

## PART IV

### MISCELLANEOUS

#### Complaints

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

(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 such goods or the person supplying such service or engaged in such process or practice to cease operations.

Operation to  
cease by Court  
Order

29. 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 18 and from funds donated by the private sector and by government grants and subsidies.

Finance

30. (1) Every person who—

Offences

- (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) 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 such 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.
- (d) makes any statement or representation whether in writing or not, or uses any mark which conveys or is likely to convey 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 a person authorised by the Board or the Minister under section 26;
- (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 23,

shall be guilty of an offence and liable on summary conviction to a fine of five thousand dollars and to a further fine of one 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.

Proof of  
standard

**31.** A copy of any standard issued by the Bureau may be given as *prima facie* evidence of that standard in any legal proceedings.

Secrecy of  
information  
obtained for  
purposes of Act

**32.** (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.

**33.** 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 Crown or the Bureau. Protection  
against claims

**34.** The Minister may make regulations for the purposes of this Act, and for prescribing all things required to be prescribed, and in particular he may make regulations— 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 such mark may be used and for prescribing the fees to be paid in respect of such 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 such 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 five hundred dollars or imprisonment for six months;
- (h) prescribing anything required under this Act to be prescribed.

## Commencement

**35.** This Act shall come into operation on a day appointed by the Governor-General by Proclamation published in the *Gazette*.

Passed in the House of Representatives this 27th day of October, 1972.

J. E. CARTER  
*Acting Clerk of the House*

Passed in the Senate this 31st day of October, 1972.

R. L. GRIFFITH  
*Acting Clerk of the Senate*

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Sec 34 - 35/76(85),

Sec 19(3) - 50/77(111), 51/77(120), 53/77(127), 54/77(135), 58/77(142),  
62/77(157), 63/77(161), 188/77(579), 189/77(528), 209/77(635),  
211/77(659), 212/77(682)

Sec 20(3) - 159/77(365)

Sec 20(2) - 174/77(421)