

Second Session Fifth Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 18 of 1997

[L.S.]

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 12th August, 1997]

ENACTED by the Parliament of Trinidad and Tobago as ^{Enactment} follows:—

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Standards Act, 1997.

Interpretation

2. In this Act—

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

“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 18;

“goods” means commodities such as are the subject of trade or commerce and includes services, processes and practices;

“home use” means consumption in Trinidad and Tobago;

“Minister” means the minister to whom responsibility for trade and industry is assigned;

“practice” includes advertising, labelling or packaging;

“specification” means a description of any goods, 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 16 to be a standard and includes a Caribbean Community Standard;

“standard mark” means a mark attesting that a product or a service is in conformity with a specific standard or technical specification;

“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.

PART II

ESTABLISHMENT OF THE BUREAU

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

Establishment of the
Bureau of Standards

- (2) The Bureau shall be—
 - (a) the national standards body;
 - (b) the national quality certifying body; and
 - (c) the national laboratory accrediting body.

Management of
the Bureau

4. (1) The Bureau shall consist of—
 - (a) an Executive Director appointed under section 12; and
 - (b) not less than nine and not more than fifteen persons appointed by the Minister by instrument in writing—
 - (i) one of whom shall be a representative of the Ministry responsible for the administration of matters relating to industry and commerce; and
 - (ii) another of whom shall be a representative of the Ministry responsible for the administration of matters relating to food and drugs.

(2) In making an appointment under subsection (1)(b)(ii) the Minister shall act on the recommendation of the Minister to whom responsibility for the administration of matters relating to food and drugs is assigned.

(3) Members of the Bureau, one of whom shall be appointed Chairman and another Vice-Chairman by the Minister, shall have qualifications in fields relating to standards, or experience in business, or shall be members of organizations committed to the maintenance or promotion of standards.

(4) Members of the Bureau other than the Executive Director 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) The members of the Bureau shall be responsible for the management of the business of the Bureau.

5. No personal liability shall attach to any member Personal liability of members of the Bureau or its staff in respect of anything done, permitted to be done or omitted to be done in good faith and any sums of money, damages or costs which may be recovered against any member of the Bureau or its staff shall be paid out of the funds of the Bureau.

6. (1) A member of the Bureau, other than the Chairman, Executive Director and those members Resignation of members appointed by the Minister under section 4(1)(b)(i) and (ii) may resign his office at any time by giving notice in writing to the Minister through the Chairman.

(2) The Chairman may resign his office at any time by giving notice in writing to the Minister.

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

- (a) becomes of unsound mind or incapable of carrying out his duties;
- (b) becomes bankrupt 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 Bureau, from three consecutive meetings of the Bureau; 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 Bureau as first constituted and every change in membership shall be published in the *Gazette*.

Meetings

9. (1) The Bureau 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 Bureau consists of not more than eleven members the quorum shall be five and where the Bureau consists of more than eleven the quorum shall be seven.

(3) Where both the Chairman and Vice-Chairman are absent, the members present at a meeting shall choose one of their number, not being the Executive Director of the Bureau, to preside at that meeting.

(4) The decisions of the Bureau shall be adopted by a majority of votes.

Members to
declare interest

10. (1) A member of the Bureau whose interest is likely to be affected whether directly or indirectly by a decision of the Bureau on any matter whatsoever, shall disclose the nature of his interest at the first meeting of the Bureau 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 Bureau and after the disclosure the member making it shall not vote on the matter and unless the Bureau otherwise directs shall not be present or take part in the deliberations at any meeting when the matter is being deliberated by the Bureau.

Custody and
use of seal

11. (1) The Bureau shall have a seal that shall be kept in the custody either of the Executive Director or the Secretary as the Bureau may determine and shall

be authenticated by the Chairman, or in his absence the Vice-Chairman, the Executive Director and the Secretary.

(2) All documents, other than those required to be under seal and all decisions of the Bureau may be signified under the hand of the Chairman or the Secretary.

PART III

STAFF OF THE BUREAU

12. (1) The Bureau may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, an Executive Director, a Secretary and such other staff as it considers necessary for carrying out the provisions of this Act. ^{Appointment and training of staff}

(2) The Bureau shall obtain the prior approval of the Minister in respect of the remuneration for any post equivalent to or higher than the post of Administrative Officer II in the Public Service.

(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. (1) Subject to subsection (2), an officer in the Public Service or in the Bureau may, with the approval of the appropriate Service Commission and the consent of the Bureau, consent to be seconded to the service of the Bureau or from the service of the Bureau to the Public Service as the case may be. ^{Secondment}

(2) Where a secondment contemplated by subsection (1) is effected, the rights of the officer 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, shall be preserved.

(3) A period of 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 under section 12(1) or an officer seconded 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.

Transfer of
officers

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

(2) Where an officer is transferred to the Bureau under subsection (1) he shall become a member of any pension scheme established by the Bureau.

(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 on terms no less favourable than those enjoyed by the officer before he was so transferred.

PART IV

BUSINESS OF THE BUREAU

Functions of
the Bureau

15. (1) The Bureau shall promote and encourage the development and maintenance of standards and further shall establish standards—

(a) for the improvement of goods produced or used in Trinidad and Tobago;

- (b) to ensure industrial efficiency and development;
- (c) to promote public and industrial welfare, health and safety; and
- (d) for the protection of the environment.

(2) The Bureau shall, for the purpose of the discharge of its functions under subsection (1)—

- (a) formulate or, in accordance with section 16(5), adopt specifications;
- (b) promote research in relation to specifications and provide for the examination and testing of goods 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, processes or practices for which a compulsory standard has been declared or for which application has been made to use a 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 or specifications;
- (h) co-operate with, and advise manufacturers in setting up quality control systems and in preparing standards;

- (i) liaise with foreign, regional and international bodies dealing with standardization and the quality of goods;
- (j) promote the carrying on of activities, not inconsistent with the purposes of this Act, by other bodies and for that purpose establish or expand, or promote the establishment or expansion of, other bodies to carry on any such activities either under the control or partial control of the Bureau or independently, and to give assistance to such bodies or to other bodies appearing to the Bureau to have facilities for the carry on of any such activities;
- (k) carry out any functions assigned to it by any written law;
- (l) provide advisory services for manufacturers and organizations as to the type and methods of quality control applicable to their goods and undertake the training of their staff in quality control;
- (m) institute a National Quality System and establish, administer and operate schemes of standardization and certification of goods including—
 - (i) administering the certification of such goods;
 - (ii) assessing quality systems and administering the certification of systems thus assessed;
 - (iii) assessing the competence of quality practitioners offering consultancy, training and other services;
 - (iv) accrediting laboratories, and administering schemes with regard to such laboratories thus accredited; and

(n) do all such other things as are necessary and expedient to secure the proper execution of the purposes of this Act.

(3) The Bureau may charge fees for services rendered under this section and may offer these services inside or outside of Trinidad and Tobago.

16. (1) Subject to subsections (2) and (3) the Bureau may declare any specification to be a standard. Bureau to declare a standard

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

(3) No specification for food, devices, drugs and cosmetics, as defined under the Food and Drugs Act, shall be declared standards, but the Bureau shall make recommendations to the Minister of Health who, after consultation with the Minister, may make regulations, under the Food and Drugs Act, in respect of the said specifications. Chap. 30:01

(4) 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.

(5) Where it is impracticable for the Bureau to formulate a specification it may adopt another specification formulated elsewhere than in Trinidad and Tobago to be a standard.

17. (1) The Bureau may designate test equipment for the purpose of measuring, comparing or testing the characteristics of any goods or process. Power to designate test equipment

(2) The Bureau may designate and develop appropriate facilities, equipment, personnel and procedures to support quality management systems and the National Quality System referred to in section 15(2)(m).

(3) The Bureau shall publish in the *Gazette* a notice of designation of test equipment and of any designation or development undertaken under subsection (2) above.

Compulsory
standard

18. (1) A standard which is intended primarily to—
- (a) protect the consumer or user against danger to health or safety;
 - (b) protect public or industrial health, welfare or safety;
 - (c) protect the environment;
 - (d) ensure acceptable quality in products whether produced for home use or export;
 - (e) ensure acceptable quality in any case where there is restriction in choice of source of supply;
 - (f) require adequate information to be given to the consumer or user;
 - (g) prevent fraud or misrepresentation arising from misleading advertising or labelling,

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

(2) 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 (g) of subsection (1) the Order shall state the purposes for which the standard is intended.

19. The Minister may, on the recommendation of the Bureau, prescribe standard marks which shall be used in relation to goods.

Standard
marks

20. (1) A person desiring to use a standard mark in connection with any goods 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 conform to a standard, grant a licence to the applicant to use a standard mark upon such terms and conditions, as may be prescribed.

21. (1) Except with the consent of the Bureau no person shall carry on any business or perform any function under a name which contains the word "Standard".

Restriction of
use of word
"standard"

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

22. (1) A person possessing such qualifications as may be prescribed for the testing or examination of the quality of goods may be appointed either by the Minister on the advice of the Bureau or by the Bureau at the direction of the Minister.

Test or
examination of
quality

(2) The direction of the Minister may be general or specific, conditional or unconditional.

(3) The Bureau, or the person appointed 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 a standard mark in respect of such goods; or
- (b) a compulsory standard has been declared for such goods,

and in pursuance of its functions under section 15(2)(b) the Bureau may rank the results of any test or examination and may publish the ranking for the information of consumers.

(4) Where a compulsory standard has not been declared or a foreign specification exists with respect to certain goods, the Bureau may—

(a) certify that the goods comply; or

(b) report that the goods do not comply,

with the standard or foreign specification.

(5) In the exercise of his duties under this Act the appointee referred to in this section shall be accountable to the Executive Director.

Deficient
goods

23. (1) Subject to subsection (2), where a standard is compulsory and goods tested or examined under section 22 fail to conform with the required standard such goods shall not be exported and shall not be released for home use unless clearly stamped or marked “export rejects”, “seconds” or “imperfect” or some other 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.

(3) Goods which are in circulation but fail to conform to the compulsory standard shall be recalled, at the expense of the manufacturer or supplier by such means as the Bureau may reasonably decide.

Examination
of imports

24. (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 person to assist the staff of the Bureau,

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

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

(3) Where imported goods are found to bear any mark so closely resembling a standard mark as to be misleading or which falsely represents a mark of compliance with a specification 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.

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

- (a) upon an examination 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 recognized by the Bureau.

(5) Where there is reason to believe that goods imported or about to be imported are likely to be a danger to the health or safety of consumers or likely to threaten the environment, whether a standard exists for such goods or not, the Bureau may require the importer or vendor to submit such goods for testing, and the goods may only be entered for home use or sold if—

- (a) upon examination of the goods they are found to be safe; or

- (b) the importer or vendor shows proof, satisfactory to the Bureau, that the goods are safe.

Duties of
Inspectors
where standards
compulsory

25. (1) In pursuance of its functions under section 15(2)(c) and of this Act generally the Minister may, on the advice of the Bureau and by instrument in writing designate an employee of the Bureau or any other suitably qualified person to be an inspector for the following purposes:

- (a) to monitor compulsory standards;
- (b) to eliminate any process or practice the effect of which adversely affects the environment;
- (c) to prevent the access to the market place of goods which are likely to be a danger to the health or safety of consumers; and
- (d) to monitor any service, process or practice.

(2) An inspector may at any reasonable time on production of his credentials and with or without assistance and equipment as may to him seem necessary—

- (a) request to 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) request to 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) which he has reasonable grounds to believe contain 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;
- (e) examine any customs entries relating to the goods referred to in section 24 and take samples of the goods and submit the samples to the Bureau, or to a designated test facility for analysis or examination; and
- (f) 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) Where 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, the magistrate may, by warrant under his hand, authorise entry on the premises.

(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, transportation, 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 a 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 or 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 V

FINANCIAL PROVISIONS

26. (1) The funds and resources of the Bureau shall ^{Funds and resources} consist of—

- (a) such amounts as may be appropriated by Parliament for the use of the Bureau;
- (b) fees derived from the sale of publications and fees charged for examination, testing, certification, use of a standard mark, for any services rendered under section 15 and for any other services rendered by the Bureau;
- (c) grants, covenants, donations and other receipts from persons, including national and international bodies;
- (d) sums borrowed by the Bureau in accordance with section 27; and

(e) all other sums or property that may in any manner become lawfully payable to or vested in the Bureau in respect of any matters incidental to its functions, powers and duties.

(2) The Bureau may, with the approval of the Minister build up reserves, the limit of which shall be determined by the Minister.

(3) The donations and such other funds received by the Bureau not immediately required to be expended to meet any obligation or discharge of any function may be invested in a fixed deposit or Government securities as the Bureau, with the approval of the Minister, considers fit.

Power to
borrow

27. (1) Subject to subsection (2), the Bureau may borrow any money required by it for the efficient exercise of its functions or for meeting its obligations.

(2) Borrowing may be effected only with the approval of the Minister.

(3) Approval of the Minister in respect of borrowing may be either general or limited to a particular transaction and may be either unconditional or subject to conditions.

(4) The Bureau shall not pledge its assets as security for any loan without the written approval of the Minister.

(5) For the purposes of this section and section 26, "Minister" means the Minister to whom responsibility for finance is assigned.

Application
of funds

28. The funds of the Bureau may be applied in defraying the following expenditure—

(a) the remuneration, fees and allowances of the members of the Bureau and of members of committees established by the Bureau;

- (b) the salaries, fees, allowances, advances, loans, gratuities and pensions of, and other payments to, the staff of the Bureau;
- (c) the capital and operating expenses including maintenance and insurance of the property of the Bureau;
- (d) the making and maintenance of investments by the Bureau in the discharge of its duties and functions; and
- (e) any other expenditure authorised by the Bureau in the discharge of its duties, functions and contractual obligations.

29. (1) The Bureau shall keep proper accounts and other records in relation to its functions and obligations, and shall prepare annually a statement of its accounts and may by resolution make rules for the proper control of its finances and the system of accounting. Accounts of the Bureau

(2) The accounts of the Bureau shall be audited annually by auditors to be appointed annually by the Bureau.

(3) The Bureau shall, within three months of the end of each financial year, submit to the Minister—

- (a) a report dealing generally with the activities of the Bureau during the preceding financial year including a balance sheet and such other financial statements and such information relating to the operations and policies of the Bureau as the Minister may require; and
- (b) the annual report of the auditor appointed in accordance with subsection (2).

(4) The Minister shall cause a copy of every report submitted under subsection (3) to be laid before Parliament, within ninety days of its receipt by him, or if Parliament is not then in session, within ninety days of the commencement of its next sitting.

Bureau a
statutory authority
Chap. 71:81

30. The Bureau is a statutory authority for the purposes of the Guarantee of Loans (Statutory Authorities) Act.

Tax exemptions

31. (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.

PART VI

MISCELLANEOUS

Regulations

32. The Minister may make regulations for carrying the provisions of this Act into effect and without prejudice to the generality of this provision, may make regulations—

- (a) in respect of the declaration of standards;
- (b) concerning the use of a standard mark and for prescribing the terms and conditions subject to which a standard mark may be used;
- (c) in respect of packaging, labelling and advertising;
- (d) in respect of the examination or testing of goods;
- (e) in respect of the keeping and production of records in relation to any goods;
- (f) in respect of the payment of fees;
- (g) prescribing the qualifications, powers and duties of persons authorised under section 22 and of inspectors;
- (h) in respect of the grant of licences; and
- (i) for prescribing penalties not exceeding a fine of one thousand dollars and imprisonment for six months.

33. (1) The Bureau may investigate complaints Complaints regarding goods referred to it by consumers and its staff and may institute legal proceedings against the person supplying the defective goods.

(2) Where upon representations made by the Bureau the court is of the opinion that any goods are dangerous to the public, the Court may order the person manufacturing or supplying the goods to cease operations and the defective goods shall be forfeited to the State.

(3) Where the person manufacturing or supplying the goods does not immediately comply with the order of the Court he shall be liable to a fine of five thousand dollars for every day the operation continues and the seizure and forfeiture of the equipment and all properties real or personal which have been used in the commission of the offence.

34. (1) Any person who—

Offences

- (a) sells or offers for sale or supplies to any other person any goods for which a compulsory standard has been declared and which do not conform to that standard;
- (b) labels, packages or advertises any goods otherwise than in compliance with any compulsory standard;
- (c) makes any statement or representation whether in writing or not or uses any mark with reference to any goods which conveys or is likely to convey the impression that a person who is not entitled to use a standard mark with reference to the goods is entitled to use a standard mark or falsely represents that any goods complies with specifications formulated or adopted elsewhere than in Trinidad and Tobago;
- (d) 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;

- (e) 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 comply with a standard when they do not or have been certified, calibrated, examined, tested or approved by the Bureau when they have not;
- (f) 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 with a standard declared by the Bureau or the Minister unless he proves that he acted without intent to defraud;
- (g) 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;
- (h) with intent to defraud, represents that he is an inspector or a person authorised by the Minister or Bureau under this Act;
- (i) having been entitled to use a standard mark uses it after he is no longer so entitled or otherwise than in accordance with the terms and conditions of such use;
- (j) uses the word "Standard" in any name contrary to the provisions of section 21;
- (k) impersonates an inspector;
- (l) 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;

(m) interferes with any article seized by inspector in such a way as to change any of the characteristics of the article described in the standard applicable to such articles;

(n) engages in any process or practice the effect of which adversely affects the environment,

is guilty of an offence and liable on summary conviction to a fine of fifteen thousand dollars and to a further fine of five hundred dollars for every day on which the offence continues and to imprisonment for two years.

(2) Expenses incurred by the Bureau in respect of any tests, evaluation, examination or analysis are recoverable by the Bureau from the defendant, upon conviction.

(3) No personal liability shall attach to a member of a company, firm or unincorporated body for anything done or permitted to be done or omitted to be done in good faith in respect of any offence against the Act or regulations made hereunder.

(4) Where any person is convicted under this Act, it shall be competent for the Bureau to cause the name and place of business of the person, the nature of the contravention, the fact that the person has been so convicted and such other particulars as the Bureau may consider to be appropriate in the circumstances of the case to be published in a daily newspaper in circulation in Trinidad and Tobago.

(5) No publication under subsection (4) shall be made until any period for preparing an appeal against the order of the Court has expired without any appeal having been prepared, or such an appeal having been prepared, has been disposed of.

(6) The expenses of publication under subsection (4) are recoverable from the person as if it were a fine imposed by the Court.

Evidence of
standard

35. (1) 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.

(2) Notwithstanding provisions contained in any other law—

(a) the copyright in any standard or other publication issued by the Bureau shall vest in the Bureau; and

(b) no person shall, without the authority of the Bureau, publish, reproduce or record in any manner or form, any document or part thereof in respect of which the copyright vests in the Bureau unless such copy is for the person's own use.

Secrecy of
information
obtained

36. (1) All information obtained by the Minister 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 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

37. The fact that any goods conform or is alleged to conform to a standard or the fact that a standard mark is used in connection with any goods shall not give rise to any claim against the state or the Bureau.

Chap. 82:03
repealed

38. The Standards Act is hereby repealed.

Passed in the Senate this 17th day of June, 1997.

N. COX
Clerk of the Senate

Passed in the House of Representatives this 18th day
of July, 1997.

J. SAMPSON
Clerk of the House