
Fourth Session Second Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 29 of 1985

[L.S.]

AN ACT to amend the Standards Act, Chap. 82:03

[Assented to 9th August, 1985]

WHEREAS it is enacted by subsection (1) of section 13 ^{Preamble} of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in subsection (2) of the said section 13, that an Act of Parliament to which that section applies is one the Bill which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment

NOW, THEREFORE, BE IT ENACTED by the Parliament of Trinidad and Tobago as follows:—

Short title

1. (1) This Act may be cited as the Standards (Amendment) Act, 1985.

Act at variance with Constitution

(2) This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Section 2 of Chap. 82:03 amended

2. Section 2 of the Standards Act (hereinafter referred to as "the Act") is amended—

(a) by inserting in the appropriate alphabetical order the following definitions—

“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.”;

(b) by substituting for the definition of “specification” the following definition:

“ “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;”.

3. Section 4(2) of the Act is amended by inserting immediately after the word “Chairman” occurring in line two, the words “and another Vice-Chairman”. Section 4 of the Act amended

4. Section 5 of the Act is repealed and replaced as follows: Section 5 of the Act repealed and replaced

“Ex officio
nominated
members

5. (1) In addition to the members appointed under section 4 the Minister shall nominate the following persons to be members of the Council—

(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.”.

New section inserted

5. The Act is amended by inserting after section 5 the following new section:

“Members to appoint ad hoc Chairman

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.”.

Section 11 of the Act amended

6. Section 11(1) of the Act is amended by substituting for the words “shall be authenticated by the Chairman,” the words “shall be authenticated by the Chairman or in his absence the Vice-Chairman;”.

Section 14 of the Act amended

7. Section 14(3) of the Act is amended by substituting for the words “three years” the words “seven years.”

Section 15 of the Act repealed and replaced

8. Section 15 of the Act is repealed and replaced as follows:

“Officers may be transferred from or to Public Service

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

9. Section 16 of the Act is amended in subsection (2)—

Section 16
of the Act
amended

- (a) by substituting for the words “subject to” occurring in paragraph (a) the words “in accordance with”;
- (b) by inserting after paragraph (g) new paragraphs (h) and (i) as follows:
 - “(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”

Re-letter paragraph (h) as (j).

10. Section 18 of the Act is amended—

Section 18 of the
Act amended

- (a) in subsection (1) by including immediately after the word “standard” occurring in the second line thereof the words “and any standard to be a Trinidad and Tobago standard”;
- (b) by repealing and replacing subsection (3) as follows:
 - “(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.”.

New section inserted

11. The Act is amended by inserting immediately after section 18 the following section:

“Power to designate or revoke designation of test equipment

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.”.

Section 19 of the Act amended

12. Section 19 of the Act is amended—

In subsection (3) by adding immediately after the word “effect” occurring in the last line of this subsection the words, “and having regard to paragraphs (a) to (e) of subsection (2) the Order shall state the purpose for which the standard is intended.”.

Section 23 of the Act repealed and replaced

13. Section 23 of the Act is repealed and replaced as follows:

“Minister may authorise test for conformity with

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.

(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.”.

14. Section 24 of the Act is repealed and replaced as follows—

Section 24 of the Act repealed and replaced

“Deficient goods

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.

15. Section 25 of the Act is amended—

Section 25 of the Act amended

- (a) by repealing and replacing subsection (1) with the following—

“ (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

(b) by repealing and replacing subsection (4) with the following—

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

Section 26 of the Act repealed and replaced

16. Section 26 of the Act is repealed and replaced as follows—

“Designation and duties of Inspectors where standard is compulsory

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.

(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 (1).

(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.”.

17. The Act is amended by inserting immediately after section 28 the following new section—

“Exemption 28A (1) Notwithstanding any rule of law to the contrary, the President may by

**New section
inserted**

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."

Section 29 of the
Act amended

18. Section 29(1) of the Act is amended—

(a) by renumbering paragraph (c) as (c)(i) and by adding thereto the following new subparagraph—

"(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.";

(b) by repealing and replacing paragraph (g) as follows—

"(g) with intent to defraud, represents that he is an Inspector or a person authorised by the Minister or Bureau under this Act;"

(c) by adding the following new paragraphs—

"(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;"

19. Section 30 of the Act is repealed and replaced as follows—

<sup>“Evidence of
standard</sup>

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.”

Section 30
amended

20. Section 33 of the Act is amended—

Section 33 of the
Act amended

(a) by inserting immediately after paragraph (g) the following new paragraph—

“(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

(b) by renumbering paragraph (h) as paragraph (i).

Passed in the Senate this 16th day of April, 1985.

R. L. GRIFFITH
Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate that is to say by the votes of 19 Senators.

R. L. GRIFFITH
Clerk of the Senate

Passed in the House of Representatives this 28th day of June, 1985.

J. E. CARTER
Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House that is to say by the votes of 31 members of the House.

J. E. CARTER
Clerk of the House