

CHAPTER 164 STANDARDS ACT

• Act • Subsidiary Legislation •

ACT

Act No. 70 of 1992

Amended by

Act No. 28 of 2001

Act No. 38 of 2007

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CHAPTER 164 STANDARDS ACT

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

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines, and by the authority of the same, as follows.

[Act No. 70 of 1992 amended by Act No. 28 of 2001, Act No. 38 of 2007.]

[Date of commencement: 15th December, 1992.]

1. Short title

This Act may be cited as the Standards Act, 1992.

[Section 1 repealed and replaced by Act No. 28 of 2001.]

2. Interpretation

In this Act—

“**Bureau**” means the Saint Vincent and the Grenadines Bureau of Standards established under section 3;

“**business plan**”, for a financial year, means—

- (a) the business plan approved under section 19A; and

(b) all the amendments to the business plan approved under that section,
for the financial year;

[Definition of “business plan” inserted by Act No. 38 of 2007.]

“**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 such practice 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 10;

“**Council**” means the National Standards Council established by section 6;

“**financial year**” means the period of twelve months beginning on the 1st day of January and ending on the 31st day of December;

[Definition of “financial year” inserted by Act No. 38 of 2007.]

“**goods**” means commodities which are the subject of trade or commerce and include services, processes, and practices;

[Definition of “goods” substituted by Act No. 28 of 2001.]

“**Home Use**” means consumption within the State;

[Definition of “Home Use” inserted by Act No. 28 of 2001.]

“**Minister**” means the Minister charged with the responsibility for the Bureau of Standards;

[Definition of “Minister” substituted by Act No. 28 of 2001.]

“**practice**” includes advertising, labelling or packaging;

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

“**standard**” means a specification declared by the Bureau to be a standard;

“**Standard Mark**” means a Saint Vincent and the Grenadines Standard Mark attesting that a product or service is in conformity with a specific standard or technical specification;

[Definition of “Standard Mark” substituted by Act No. 28 of 2001.]

“**State**” means Saint Vincent and the Grenadines.

PART I

[Part I renamed by Act No. 28 of 2001.]

Establishment of Bureau and Council

3. Establishment of Bureau of Standards

There is established a body corporate to be known as the Saint Vincent and the Grenadines Bureau of Standards with perpetual succession and a common seal, and with power to acquire, hold and dispose of land and other property, to enter into contracts and to do all things necessary for the purpose of its functions.

3A. Establishment of National Standards Council

There shall be established a National Standards Council which shall be responsible for the general administration of the affairs of and the determination of policy guidelines for the Bureau of Standards.

[Section 3A inserted by Act No. 28 of 2001.]

3B. Appointment of Council members

(1) The Council shall comprise not less than eleven or more than fifteen members, two of whom shall be *ex officio* members, and the remainder of whom shall be appointed by Cabinet by instrument in writing as follows—

- (a) two persons, one of whom shall be the Chairman and, the other Vice-Chairman of the Council;
- (b) four persons appointed in consultation with national organisations, one each representing the following interest—
 - (i) the commercial sector,
 - (ii) the small business sector,
 - (iii) farmers,
 - (iv) consumers;
- (c) three persons appointed from the public sector, one each of whom is employed in a senior capacity in the Ministries of Agriculture, Health and Trade respectively;
- (d) such other persons not being more than four with qualifications in fields relating to standards or experience in business, or members of organisations committed to the maintenance or promotion of standards, as Cabinet may determine; and
- (e) two *ex officio* members, one being the Director of the Bureau who shall also be Secretary to the Council and the other being the manager of the Development Corporation or his nominee:

Provided that a member of the Standards Council appointed by Cabinet as a representative of a national organisation shall resign as a member of the Council when that member ceases to represent such organisation.

(2) A member, save for a member at subsection (1)(d), shall office for a period of two years and shall be eligible for re-appointment for a further period of two years on the expiration of his term of office.

[Section 3B inserted by Act No. 28 of 2001.]

3C. Chairman of Council meeting

Where the Chairman is absent or unable to act, the Vice-Chairman shall preside at Council meetings and in the case where both the Chairman and Vice-Chairman are absent or unable to act, the members of the Council shall elect one of their members to preside as Chairman.

[Section 3C inserted by Act No. 28 of 2001.]

3D. Tenure of Office of Council members

Cabinet may terminate the appointment of the Chairman or any other appointed member of the Council who—

- (a) becomes of unsound mind or is incapable of carrying out his duties;

- (b) becomes bankrupt or compounds with or suspends payments to his creditors;
- (c) is convicted and sentenced to a term of imprisonment;
- (d) is convicted of any offence involving dishonesty;
- (e) is guilty of misconduct in relation to his duties;
- (f) is absent for three consecutive meetings of the Council except on leave granted by the Council; or
- (g) fails to carry out any of the functions imposed on him under this Act.

[Section 3D inserted by Act No. 28 of 2001.]

3E. Resignation of Council members

A member of the Council other than members appointed under section 3B(1)(e) may resign his office at any time by letter addressed to Cabinet, and conveyed through the Chairman and such resignation shall take effect from the date the letter is received by the Cabinet:

Provided that any member appointed to fill a vacancy under section 3E shall be from the same category of persons, and shall serve only for the remainder of the term of office of the person vacating.

[Section 3E inserted by Act No. 28 of 2001.]

3F. Publication of membership of members

The names of the members of the Council first appointed shall be published in the *Gazette*, and any subsequent change in the members of the Council shall be similarly gazetted.

[Section 3F inserted by Act No. 28 of 2001.]

3G. Meetings and quorum of Council

(1) The Council shall meet at least once in every quarter and at such other times as may be necessary or expedient for transacting 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 members the quorum shall be six.

(3) The decision of the Council shall be taken by a majority of the votes.

(4) The Chairman of the Council or the person presiding pursuant to subsection (2) shall have an original and a casting vote.

[Section 3G inserted by Act No. 28 of 2001.]

3H. Conflict of interest

(1) A member of the Council whose interest may be directly or indirectly affected by a decision of the Council on any matter, shall disclose the nature of his interest at the first meeting of the Council of 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 meeting of the Council and after the disclosure the member concerned shall not vote on any matter; and unless otherwise directed by the Council shall not be present at any meeting when the matter is decided by the Council.

[Section 3H inserted by Act No. 28 of 2001.]

3I. Seal of Bureau and authentication of documents

The seal of the Bureau shall be kept in the custody of the Secretary of the Council and shall be authenticated by the Chairman or in his absence by the Vice-Chairman and the Secretary of the Council.

[Section 3I inserted by Act No. 28 of 2001.]

3J. Immunity of Council

(1) No action, suit, prosecution or other proceedings may be brought or instituted against a member of the Council in his personal capacity, in respect of any act done or omitted to be done by him in good faith in execution or purported execution of his duties under this Act.

(2) Where a member of the Council is exempt from liability by reason only of this section, the Bureau shall be liable for the acts of the member on the principles of agency.

[Section 3J inserted by Act No. 28 of 2001.]

3K. Appointment of committee and co-opting of members

(1) The Council may appoint committees for the better regulation and management of any matter with which the Council is concerned and may determine—

- (a) the number of members of a committee so appointed;
- (b) the terms of appointment of the members;
- (c) the quorum of the committee;
- (d) the functions of the committee as a whole and of the individual members; and
- (e) the area and scope of the committee’s authority.

(2) The Council may co-opt members to the committee appointed under subsection (1) and in such case section 3H applies to the co-opted member as it applies to a Council member.

[Section 3K inserted by Act No. 28 of 2001.]

4.

[Section 4 repealed by Act No. 28 of 2001.]

5.

[Section 5 repealed by Act No. 28 of 2001.]

6.

[Section 6 repealed by Act No. 28 of 2001.]

7.

[Section 7 repealed by Act No. 28 of 2001.]

PART IA

Staff of the Bureau

8. Appointment of Director and staff of Bureau

(1) The Minister shall, after consultation with the Council, by notice published in the *Gazette* appoint a Director of the Bureau who shall be the chief executive officer of the Bureau.

(2) The Council shall, after consultation with the Director, appoint such members and staff of the Bureau as the Council may think necessary for the proper performance of the functions of the Bureau under this Act, and may pay them such remuneration as may be decided by the Council.

(3) No sum in excess of the prescribed rate may be assigned as the annual salary to a post in the Bureau without the prior approval of the Minister.

(4) No appointment may be made to any post to which a salary in excess of the prescribed rate is assigned without the prior approval of the Minister.

(5) For the purposes of subsections (3) and (4), the “**prescribed rate**” means a rate of twenty-five thousand dollars per annum or such higher rate as the Minister may, by order, prescribe.

(6) An officer may, with the approval of the Public Service Commission, be transferred—

- (a) from the Public Service to the Bureau; or
- (b) from the Bureau to the Public Service.

(7) When an officer is transferred pursuant to subsection (6), the Bureau shall make such arrangements as are necessary to preserve the right of the officer to any pension, gratuity or other benefit to which he would have been entitled had the transfer not been effected.

PART II

Business of the Bureau

9A. Functions of the Bureau

(1) The Bureau shall be the national standards body and shall—

- (a) promote the improvement of goods produced or used in the State;
- (b) promote services produced or used by the State;
- (c) promote the manufacturing of processes and practices;
- (d) carry out any functions assigned to it by any written law,

for ensuring industrial efficiency and development and promoting public and industrial welfare, health and safety in order to safeguard the environment and shall exercise such other functions as may be prescribed.

(2) For the purposes of subsection (1), the Bureau shall—

- (a) promote the general adoption and implantation of standards relating to structure, goods, materials, processes, practices, operation, and other matters on a national and international level;
- (b) promote research in relation to specifications, establish or designate laboratories and testing facilities to provide for the examination of services and the testing of goods, services, processes and practices;
- (c) inspect or cause to be inspected—

- (i) any operations carried out and any books or records in connection with the production, manufacture, processing or treatment of any goods, and
 - (ii) the execution of any service, process or practice for which a compulsory standard has been declared or for which an application has been made to use a Standard Mark;
- (d) declare standards and keep them under review;
 - (e) collect and publish for public information and guidance data relating to investigations and standards;
 - (f) encourage and undertake educational programmes relating to standards;
 - (g) provide for the examination, testing and calibration of instruments, appliances and apparatus;
 - (h) co-operate with and advise manufacturers in setting up quality control systems and preparing standard;
 - (i) carry out any functions assigned to it by any written law;
 - (j) do such other things as may be expedient or necessary to secure the proper execution of the purposes of this Act.

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

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

[Section 9A inserted by Act No. 28 of 2001.]

9B. Declaration and publication of standards

(1) The Bureau may declare a specification to be a standard and a standard to be a Saint Vincent and the Grenadines standard.

(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 and comment on the standard.

(3) The Bureau shall keep a copy of every standard and every variation of a standard available for public inspection and shall cause every declaration, variation or revocation of a standard to be published in the *Gazette*, and in such other publication as the Minister may direct.

(4) The Bureau may adopt any international specification or other specification formulated outside the State where it is impractical to formulate its own specification.

[Section 9B (formerly 9) renumbered as such by Act No. 28 of 2001.]

10. Compulsory standard

(1) A Standard may be voluntary or compulsory.

(2) A standard which is intended primarily to—

- (a) protect the consumer or user against danger to health or safety;
- (b) prevent fraud or deception arising from misleading advertising or labelling;
- (c) ensure quality of goods and services produced for export and home use;
- (d) require adequate information to be given to the consumer or user;

- (e) ensure quality in any case where the choice of source of supply is restricted;
or
- (f) protect the environment,

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

(3) An Order made under subsection (2) shall state the purpose for which the standard is intended.

(4) The Minister shall, by notice published in the *Gazette*, give at least thirty days notice of his intention to make an Order to declare a standard to be a compulsory standard and shall in the notice indicate the date on which it is intended that the compulsory standard shall come into effect.

[Section 10 amended by Act No. 28 of 2001.]

11. Standard Mark(s)

The Minister may, on the recommendation of the Bureau, prescribe marks which shall be called Saint Vincent and the Grenadines Standard Mark (in this Act called the Standard Marks), the property of which vests in the Bureau, and which shall be used in relation to goods, services, processes or practices to signify conformity to a standard.

[Section 11 amended by Act No. 28 of 2001.]

12. Use of Standard Marks

(1) A person desiring to use a 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 a Standard Mark upon such terms and conditions, including the payment of a fee, as may be prescribed.

[Section 12 amended by Act No. 28 of 2001.]

13. Restriction on the word “standard”

(1) No person shall carry on a business or perform any function under a name which contains the word “Standard” without the consent of the Bureau.

(2) Where a written law provides for the registration of an association of persons, the registering authority shall 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) This section does not apply to a name that was in use in the State before the commencement of this Act.

[Section 13 short title amended by Act No. 28 of 2001.]

14. Test or examination of quality

(1) The Minister may—

- (a) direct the Bureau; or
- (b) authorise the Bureau in writing to obtain the service of a public officer or other person having 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 public officer or other person as mentioned in subsection (1)(b) may require any person in the State to submit goods manufactured or offered for sale by him for testing or examination where—

- (a) that person has a licence to use the Standard Mark in respect of the goods; or
- (b) a compulsory standard has been declared for the goods.

(3) The Bureau may—

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

a standard or specification, where the standard is voluntary or where a foreign specification exists with respect to certain goods.

[Section 14 short title amended by Act No. 28 of 2001.]

15. Deficient goods

(1) Where a standard is compulsory and goods tested or examined under section 14 fail to conform to the standard, the goods shall not be exported or released for home use, unless the goods are clearly stamped or marked with the words “rejects” or “seconds” or “imperfect” or other similar words as may be prescribed.

(2) Where the compulsory standard is declared to protect the consumer or user against danger to health or safety, the goods may neither be exported nor released for home use, but shall be disposed of as the Bureau thinks fit.

[Section 15 amended by Act No. 28 of 2001.]

16. Examination of Imports

(1) Notwithstanding the provisions of any other law, the Bureau may authorise a member of its staff to examine goods manufactured outside the State and custom entries relating to such goods, where a standard is declared for the goods.

(2) The Minister may in writing—

- (a) authorise a public officer; or
- (b) retain at a fee to be prescribed a suitable qualified consultant,

to assist the staff of the Bureau in an examination carried out under subsection (1).

(3) A person who examines goods under this section may take and submit samples of the goods for testing or analysis.

(4) Where goods imported into the State bear a mark so closely resembling a Standard Mark as to be misleading or which falsely represents a mark of compliance with a specification formulated or adapted outside the State, the goods shall not be entered for home use unless the mark is removed or substantially changed.

(5) Where a standard is compulsory, goods produced or manufactured outside the State may be entered for home use if—

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

(6)

[Section 16 amended by Act No. 28 of 2001.]

17. Duties of inspectors where standards are compulsory

(1) For the purpose of monitoring compulsory standards or eliminating any process or practice the effect of which adversely affects the environment, the Minister may, on the advice of the Bureau, designate employees of the Bureau or public officers to be inspectors and shall provide every inspector with documentary evidence of his designation.

(2) An inspector suitably identified may at any reasonable time request entry to a place.

(3) A Magistrate shall issue a warrant under this section where he is satisfied by sworn information in writing that admission to any premises has been refused, or that refusal is apprehended or that a request for admission could defeat the purpose of entry.

(4) Where an inspector enters a place pursuant to this section, the owner or person in charge of the place and any servant or agent present at the time shall give to the inspector all reasonable assistance and shall furnish him with such information as he may reasonably require.

(5) An inspector may in his discretion leave any article seized under subsection (2)(b)(iii) in the place where it was seized or remove it to be stored in another place, and upon being satisfied that this section has been complied with shall release all seized articles not destroyed by testing.

(6) Where an article is seized under subsection (2)(b)(iii) and the owner or person from whom the article is seized consents to its destruction, the article forfeits to the State and may be destroyed or otherwise disposed of as the Minister may direct.

(7) An inspector may prosecute in courts of summary jurisdiction in cases arising from violation of this Act.

(8) In this section—

“activity to which this section applies” includes any process or practice for which a compulsory standard has been declared and anything used in the performance of the process or practice;

“article to which this section applies” includes—

- (i) any goods for which a compulsory standard is declared;
- (ii) anything used in the manufacture, testing, preparation, processing, packaging, storage or sale of the goods; and
- (iii) any labelling or advertising material referring to the goods, whether or not bearing the Standard Mark.

[Section 17 amended by Act No. 28 of 2001.]

18. Investigation of complaints

(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, services, process or practice is dangerous to the public, the Court may order the manufacturer of the goods or the person supplying the service or engaged in the process or practice to cease operations of that service, process or practice and in the case of the dangerous goods such goods shall be forfeited to the State.

[Section 18 amended by Act No. 28 of 2001.]

PART III

Financial

19. Funds and resources

The Bureau shall be financed by monies appropriated by Parliament for the purpose, by fees charged for examination, testing, certification, use of the Standard Mark and for any service rendered under section 5 and by Government grants and subsidies.

[Section 19 short title substituted by Act No. 28 of 2001.]

19A. Annual business plan

(1) The Bureau Board shall, not later than four months before the commencement of each financial year and in such form as the Minister requires, prepare in respect of the financial year, and submit to the Minister, a proposal for a business plan for the financial year that must contain—

- (a) a statement of the Bureau's objectives and priorities in carrying out its responsibilities for the financial year and the following two financial years;
- (b) a comprehensive financial plan that—
 - (i) shows how resources, including but not limited to financial resources, will be allocated to meeting the objectives and priorities of the Bureau for the financial year, and
 - (ii) includes pro forma financial statements as required by the Minister;
- (c) a comparison of the pro forma financial statements with the actual financial statements for the previous financial year;
- (d) a statement as to how the Council proposes to measure its performance in carrying out its responsibilities in the financial year; and
- (e) any other information required by the Minister by written notice to the Council.

(2) The Minister, on request of the Council, extend the time for submitting a proposal for a business plan.

(3) The Minister shall, as soon as practicable, consider the proposal for a business plan and may, after consulting with the Minister of Finance—

- (a) approve the proposal as submitted;
- (b) with the approval of the Council, amend the proposal and approve it as amended; or
- (c) refer the proposal back to the Council with directions that the Council take any further action with respect to it that the Minister considers appropriate.

(4) Where the Minister refers the proposal for a business plan back to the Council under subsection (3)(c), he shall provide the Council with his reason for not approving it.

(5) A proposal for a business plan that is referred back to the Council under subsection (3)(c) must be resubmitted to the Minister as directed by the Minister and, where it is resubmitted, subsections (3) and (4) apply.

(6) When a proposal in relation to a financial year is approved by the Minister, it becomes the business plan for that financial year.

(7) The Council—

- (a) may, of its own motion, submit to the Minister a proposal to amend an approved business plan; and

- (b) shall, on request of the Minister and within the time required by the Minister, submit to the Minister a proposal to amend an approved business plan.

(8) Subsections (3), (4), (5) and (6) apply to a proposal submitted to the Minister under subsection (7).

[Section 19A inserted by Act No. 38 of 2007.]

19B. Council obligated to implement business plan

The Council—

- (a) shall in each financial year implement the business plan for that financial year; and
- (b) shall establish a mechanism for monitoring the implementation of the financial plan.

[Section 19B inserted by Act No. 38 of 2007.]

20. Accounts

(1) The Council shall—

- (a) keep proper books of accounts of its income and other receipts and expenditures; and
- (b) ensure that—
 - (i) all money received is promptly and properly brought to account,
 - (ii) all payments out of its money are correctly made and properly authorised, and
 - (iii) adequate control is maintained over its property and over the incurring of liabilities by the Bureau.

(2) The books of account kept under subsection (1) shall—

- (a) be sufficient to record and explain the Bureau's transactions;
- (b) enable the Bureau's financial position to be determined with reasonable accuracy at any time; and
- (c) be sufficient to enable financial statements to be prepared and audited in accordance with this section.

(3) Within three months after the end of each financial year, the Council shall cause to be prepared—

- (a) the following financial statements together with proper and adequate explanatory notes—
 - (i) a statement of the assets and liabilities of the Bureau at the end of the financial year,
 - (ii) a statement of the revenue and expenditure of the Bureau during the financial year,
 - (iii) such other financial statements for the financial year as may be specified in writing by the Minister; and
- (b) an annual report of the Bureau on the implementation of the business plan and such other matters as the Council considers advisable or the Minister directs.

(4) Without delay after the completion of the financial statements and the annual report, the Council shall furnish a copy of each to Director of Audit.

[Section 20 amended by Act No. 28 of 2001 and substituted by Act No. 38 of 2007.]

21. Audit by Director of Audit and report to the House

(1) Not later than three months after receipt of the financial statements and annual report from the Council, the Director of Audit shall audit the financial statements in accordance with the Audit Act.

(2) Without delay after the completion of his audit of the Bureau, the Director of Audit shall submit a copy of his report together with the financial statements and annual report to the Minister, the Minister of Finance and the Council.

(3) The Minister of Finance shall, not later than seven days after the House of Assembly first meets after he has received the report together with the financial statements and annual report of the Bureau, lay it before the House.

(4) If the Minister fails to lay the report together with the financial statements and the annual report of the Bureau before the House of Assembly in accordance with subsection (3), the Director of Audit shall transmit the report, the financial statements and the annual report to the Speaker who shall, as soon as practicable, present them to the House of Assembly.

(5) As soon as reasonably practicable after the report together with the financial statements and the annual report of the Bureau have been laid before the House of Assembly, the Council shall cause the report, the financial statements and the annual report of the Bureau to be published in the *Gazette*.

[Section 21 amended by Act No. 28 of 2001 and substituted by Act No. 38 of 2007.]

22. Submission of returns to the Minister

The Bureau shall furnish the Minister with such returns, accounts and other information as he may require with respect to the activities of the Bureau, and shall afford to him facilities for verifying such information in such manner and at such times as he may reasonably require.

[Section 22 short title substituted by Act No. 28 of 2001.]

PART IV

Miscellaneous

23. Evidence of standard

A copy of a standard authenticated by the Bureau together with a copy of the *Gazette* notice declaring or amending the standard is *prima facie* evidence of that standard in legal proceedings.

24. Secrecy of information

(1) All information obtained by the Minister, the Council, 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, except disclosed for any purpose connected with the administration of this Act.

(2) The disclosure of any information relating to any formula, process or practice to the Minister, the Council, 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 a subsequent application for the patent of the formula, process or practice.

25. Protection against claims

No person has claim against the State or against the Bureau by reason only of the fact that the Standard Mark is used in connection with any goods, or that any goods, service, process or practice conforms or is alleged to conform to a standard.

26. Regulations

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

- (a) regarding the declaration of standards including compulsory standards;
- (b) concerning the use of the Standard Mark and the terms and conditions subject to which the Mark may be used and the fees to be paid in respect of such use;
- (c) regarding packaging, labelling and advertising of any goods;
- (d) regarding the examination and testing of goods, process and practices and the entry upon premises for that purpose;
- (e) requiring any person to keep and produce in relation to any goods, service, process or practice, such records as the Bureau may consider necessary for the purposes of this Act;
- (f) prescribing matters in respect of which fees are to be paid, the amount of the fees and the persons by whom the fees are to be paid and authorising the refund or remission of fees in such circumstances as may be prescribed;
- (g) prescribing for the breach of any regulation penalties not exceeding a fine of five thousand dollars or imprisonment for a term not exceeding twelve months;
- (h) prescribing the qualifications, powers and duties of persons authorised under section 16 to examine goods upon landing and of persons designated inspectors under this Act; and
- (i) prescribing anything required under this Act to be prescribed.

27. Offences

A person who—

- (a) sells, offers for sale or supplies to another person any goods, service, process or practice for which a compulsory standard is declared and which does not conform to that standard;
- (b) labels, packages or advertises goods or services, process or practice otherwise than in compliance with a compulsory standard;
- (c) makes any statement or representation or uses a 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 is so entitled, or falsely represents that any goods, process or practice complies with a specification formulated or adopted outside Saint Vincent and the Grenadines;
- (d) obliterates or otherwise removes a stamp or mark which denotes deficiencies before offering or exposing for sale goods which do not conform to a required standard;
- (e) makes any statement or representation whether in writing or not, or uses a mark which conveys or is likely to convey that any goods, service, process or practice complies with a standard when it does not;

- (f) without the authority of the Bureau and for the purpose of gain or profit makes a statement or representation whether in writing or not comparing any goods, service, process or practice with a standard declared by the Bureau, unless he proves that he acted without intention to defraud;
- (g) hinders, obstructs or knowingly makes a false or misleading statement to any person acting 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 Bureau or the Minister to perform a function under this Act;
- (i) being entitled to use the Standard Mark uses it in contravention of the terms and conditions of the licence or after he is no longer entitled to use the Mark;
- (j) uses the word “Standard” in a name contrary to section 13;
- (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; or
- (m) tampers with an 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,

commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding six months and to an additional penalty not exceeding one thousand dollars for every day during which the offence continues after conviction.

28. Forfeiture of articles

Where a person is convicted of an offence under this Act, the Court may—

- (a) order the forfeiture of any article by means of or in relation to which the offence was committed or any similar item in the possession of that person or any person found with such article, whether or not the item is proved to be in contravention of section 17, and may order that such article or item be disposed of as the Minister may direct; and
- (b) order the person to 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.

[Section 28 short title substituted by Act No. 28 of 2001.]

Schedule

[Repealed by Act No. 28 of 2001.]

CHAPTER 164 STANDARDS ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Standards Act (Intention to Make an Order Declaring Compulsory Standards) Notice
2. Standards Act (Declaration of Compulsory Standards) Order
3. Standards (Fees) Regulations

Standards Act (Intention to make an Order Declaring Compulsory Standards) Notice

SRO 47 of 2002

ARRANGEMENT OF NOTICES

1. Citation.
 2. Declaration of intention.
 3. Reasons for declaration.
 4. Availability of standards.
- Schedule

STANDARDS ACT (INTENTION TO MAKE AN ORDER DECLARING COMPULSORY STANDARDS) NOTICE

In exercise of the powers conferred by section 10(4) of the Standards Act, the Minister of Telecommunications, Science, Technology and Industry gives the following Notice.

[SRO 47 of 2002.]

[Date of commencement: *29th October, 2002.*]

1. Citation

This Notice may be cited as the Standards Act (Intention to Make an Order Declaring Compulsory Standards) Notice, 2002.

2. Declaration of intention

The Minister on recommendation from the Bureau of Standards intends to make an Order declaring the Standards listed in the Schedule compulsory national standards with effect from the 6th of December, 2002.

3. Reasons for declaration

These standards will be declared compulsory for the following reasons—

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

(f) to protect the environment.

4. Availability of Standards

The standards are available at the Bureau of Standards at Campden Park.

Schedule

<i>Reference No.</i>	<i>Title</i>
1. SVGNS 1:2000 Part 2	Requirements for Labelling Part 2. Labelling of Prepackaged Goods
2. SVGNS 1:2000 Part 3	Requirements for Labelling Part 3. Labelling of Prepackaged Foods
3. SVGNS 1:2001 Part 4	Requirements for Labelling Part 4. Labelling of Domestic Electrical Appliances
4. SVGNS 1: 2002 Part 5	Requirements for Labelling Part 5. Labelling of Retail Packages of Cigarettes
5. SVGNS 2:2001	Requirements for Labelling of Brewery Products (Beer, Stout, Shandy, Malta)
6. SVGNS 3:2001	Specification for Pneumatic Passenger Car Tyres

Standards Act (Declaration of Compulsory Standards) Order

SRO 26 of 2003

ARRANGEMENT OF ORDERS

1. Citation.
2. Declaration of Standards.
3. Reasons for declaration.
4. Availability of standards.

Schedule

STANDARDS ACT (DECLARATION OF COMPULSORY STANDARDS) ORDER

In exercise of the powers conferred by section 10 of the Standards Act, the Minister of Telecommunications, Science and Technology and Industry on the recommendation of the Bureau of Standards, makes the following Order.

[SRO 26 of 2003.]

[Date of commencement: *3rd June, 2003.*]

1. Citation

This Order may be cited as the Standards Act (Declaration of Compulsory Standards) Order, 2003.

2. Declaration of Standards

The Saint Vincent and the Grenadines National Standards listed in the Schedule are hereby declared Compulsory National Standards effective 6th December, 2002.

3. Reasons for declaration

The standards listed in the Schedule are declared Compulsory for the following reasons—

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

4. Availability of Standards

The standards are available at the Bureau of Standards at Campden Park, Saint Vincent and the Grenadines.

Schedule

<i>Reference No.</i>	<i>Title</i>
1. SVGNS 1: Part 2:2000	Requirements for Labelling Part 2. Labelling of Prepackaged Goods
2. SVGNS 1: Part 3:2000	Requirements for Labelling Part 3. Labelling of Prepackaged Foods
3. SVGNS 1: Part 4:2001	Requirements for Labelling Part 4. Labelling of Domestic Electrical Appliances
4. SVGNS 1: Part 5:2002	Requirements for Labelling Part 5. Labelling of Retail Packages of Cigarettes
5. SVGNS 2:2001	Requirements for Labelling of Brewery Products (Beer, Stout, Shandy, Malta)
6. SVGNS 3:2001	Specification for Pneumatic Passenger Car Tyres

Standards (Fees) Regulations

SRO 32 of 2003

ARRANGEMENT OF REGULATIONS

- 1. Citation.
 - 2. Imposition of fees.
 - First Schedule Fees for National Standards and Codes of Practice Documents
 - Second Schedule Fees for Certification Services
 - Third Schedule Fees for Laboratory Services
-

STANDARDS (FEES) REGULATIONS

In exercise of the powers conferred by section 26 of the Standards Act, the Minister makes the following Regulations.

[SRO 32 of 2003.]

[Date of commencement: 26th August, 2003.]

1. Citation

These Regulations may be cited as the Standards (Fees) Regulations, 2003.

2. Imposition of fees

The fees set out in the Schedules shall be imposed and collected by the Saint Vincent and the Grenadines Bureau of Standards.

First Schedule

Fees for National Standards and Codes of Practice Documents

<i>Grade</i>	<i>Pages</i>	<i>Prices (EC \$)</i>
I	1-10	10.00
II	11 - 20	15.00
III	21 - 30	20.00
IV	30 - 40	25.00
V	> 40	40.00
X	Draft Document	5.00

Second Schedule

Fees for Certification Services

<i>Certificate</i>	<i>Fees (EC \$)</i>
I. Certificate of Conformity – Labelling Requirements	20.00 (per product)
II. Certification of Inspection/Recommendation	20.00
III. Certification of Conformity – Products	25.00

Third Schedule

Fees for Laboratory Services

Microbiology:

<i>Tests</i>	<i>Fees (EC \$)</i>
Coliform – total	45.00
Conform – faecal	45.00
E. Coli (bacteria)	25.00
Total Aerobic Plate Count	45.00
Streptococcus/Staphylococcus	40.00
Yeast and Moulds	45.00

Salmonella	55.00
Biological Oxygen Demand	50.00
<i>Chemistry:</i>	
Brix	10.00
Conductivity	10.00
Moisture Content	15.00
pH – solids	20.00
pH – water/liquids	10.00
Salt (NaCl) Content	40.00
Specific Gravity	20.00
Density – liquids/solids	25.00
Total Acidity	35.00
Turbidity	15.00
Vitamin C	35.00
Extraneous/Foreign Matter	20.00
Ash	30.00
Percentage Alcohol/Proof	20.00
Weight (net, drained)	15.00
Liquid Measure – small volumes	15.00
“Wet” Analysis	20.00
“Dry” Analysis	10.00
