

**COMMONWEALTH OF DOMINICA**

## ARRANGEMENT OF REGULATIONS

Regulation

**PART I  
Preliminary**

1. Short title.
2. Interpretation.

**PART II  
Declaration of Standards**

3. The Bureau may appoint advisory committee.
4. Bureau to publish notice to declare a standard.
5. Comments to be forwarded to advisory committee.
6. Compulsory standard.

**PART III  
Compulsory Standards**

7. Bureau may petition court for cessation.
8. Imports to be sampled and examined.
9. Bureau may waive sampling and examination.
10. Locally manufactured goods may be exported.

**Part IV  
Use of the Standard Mark**

11. Dominica Standard Mark.
12. Prohibition.
13. Application for licence to use Standard Mark.
14. Inspection of premises.
15. Issue of licence.
16. Licence to relate to specific goods, etc.

17. Duration of licence.
18. Revocation of Licence.
19. Register of licences.
20. Publication.
21. Fees.
22. Use of mark other than Standard Mark

#### **Part V**

#### **Designation of Laboratories and Testing Facilities**

23. Designation of laboratories and testing facilities.
24. Requirements of designated laboratories and testing facilities.
25. Application for designation to be made to Bureau.
26. Bureau may designate without application being made.
27. Notice of designation.
28. Publication of designated laboratories and testing facilities.
29. Designated laboratory may charge a fee for a test report.
30. Report to be *prima facie* evidence of statements.

#### **PART VI**

#### **Testing of Articles Submitted or Seized**

31. Testing and examination of goods.
32. Bureau to purchase samples.
33. Goods for testing to be marked, labelled and packaged.
34. Where duplicate samples are requested.
35. Court may order test.
36. Disposal of samples.

#### **PART VII**

#### **Advertising, Labelling and Packaging**

37. Approval of Bureau
38. Bureau may require withdrawal of advertisement.

- 39. Offence and penalty relating to advertising, labelling, packaging.

**PART VIII**  
**Miscellaneous**

- 40. Bureau to publish list of fees.
- 41. Fees charged by laboratories, etc. to be determined by Bureau.
- 42. General penalty.

SCHEDULE 1

SCHEDULE 2

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**2020**

**STANDARDS**

**S.R.O. 7**

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2020

STANDARDS

S.R.O. 7

## COMMONWEALTH OF DOMINICA

STATUTORY RULES AND ORDERS No. 7 OF 2020.

### REGULATIONS

MADE by the Minister under section 41 of the Standards Act 1999 (No. 4 of 1999).

(Gazetted 5<sup>th</sup> March , 2020.)

#### PART I

##### Preliminary

1. These Regulations may be cited as the -

Short title.

#### **STANDARDS REGULATIONS, 2020.**

2. In these Regulations -

Interpretation.

“advertisement” includes any representation by any means whatever for the purpose of promoting directly or indirectly the sale, disposal, or use of any goods, service, process or practice;

“designated laboratory or testing facility” means a laboratory or testing facility designated under Part V;

“fee” means a fee published under regulation 40;

“laboratory” means an undertaking engaged in tests, investigations or research, whether or not for reward and using specification tests, which is managed, directed or operated by persons qualified and trained in science, engineering or technology;

“licence” means a licence issued under regulation 15;

“licencee” means a person who holds a valid licence;

“specification test” means a method of test that is -

- (a) included in or referred to in a specification;
- (b) published by the Bureau or by an organisation recognised by the Bureau as competent in designing methods of test of a type useful in applying specifications; or
- (c) recognised by the Bureau as applicable to any specified goods, service, process or practice;

“testing facilities” includes the equipment and personnel necessary for carrying out a specification test;

Act No. 4 of 1999.

“the Act” means the Standards Act 1999.

## PART II Declaration of Standards

The Bureau may appoint advisory committee.

**3.** The Bureau may appoint advisory committees to assist in the formulation or adoption of specifications.

Bureau to publish notice to declare a standard.

**4.** (1) Where the Bureau formulates or adopts a specification and proposes to declare that specification as a standard, it shall publish a notice to that effect in three consecutive issues in the *Gazette* and at least two notices, one in each of two newspapers in general circulation in Dominica.

(2) A notice issued under subregulation (1) shall invite comments from the public on the specification or on the proposal to have it declared a standard, and shall state -

- (a) the title and scope of the specification;

- (b) the address at which details of the specification may be obtained;
- (c) the last date on which comments may be submitted;
- (d) the name or other designation of any other specification used in the formulation of the specification the subject of the notice or the specification from which it was adopted.

(3) Where the Bureau proposes that a specification be declared a compulsory standard, the notice under subregulation (1) shall so indicate and shall in addition to the matters set out at subregulation (2) state the date from which it is proposed the compulsory standard will have effect and the reasons for proposing a compulsory standard on the comments.

**5.** (1) The Bureau shall forward to the advisory committee that assisted in the formulation or adoption of the specification all comments received in response to the notice referred to in regulation 4 for its recommendations and the committee shall report thereon to the Bureau.

Comments to be forwarded to advisory committee.

(2) A report under subregulation (1) may include a recommendation that the specification be modified or amended before being declared a standard.

**6.** Where a compulsory standard is proposed, the Bureau shall forward to the Minister the specification as formulated or adopted by the Bureau, the report of the advisory committee, if any, on the public comments received and the Bureau's recommendation on the matter, a copy of the notices published under regulation 4 and information of the dates of their publication.

Compulsory standard.

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**PART III**  
**Compulsory Standards**

Bureau may petition  
court for cessation.

**7.** Where a compulsory standard is declared for any goods, the Bureau may petition the court to order any person manufacturing the goods in Dominica to cease manufacture of the goods after a specified date if in the opinion of the Bureau that person is unable to comply with the compulsory standard.

Imports to be sampled  
and examined.

**8.** (1) Where a compulsory standard is declared for any goods, imports of the goods shall, subject to subregulation (2), be sampled and examined on entry before being delivered out of the charge of the Customs department.

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

(3) Where from examination or testing samples of imports are found not to comply with the relevant compulsory standards, the Bureau shall send a report of the examination or test to the Comptroller of Customs and to the importer and subject to subregulation (4) the imports shall not be admitted.

(4) Where in the opinion of the Bureau the imports may be modified to effect compliance with the compulsory standard the imports may be conditionally admitted for the modification to be carried out to the satisfaction of the Bureau and in any case, or where the modification is not to the satisfaction of the Bureau, the imports shall not be properly admitted.

Bureau may waive  
sampling and  
examination.

**9.** The Bureau may waive the requirements of sampling and examination of any import of goods to which regulation 8 refers where -

(a) a sample of similar goods from the same country of origin has been examined or tested by a laboratory or

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testing facility acceptable to the Bureau and found to comply with the compulsory standard; or

- (b) a sample of goods taken from the import has been examined or tested in the country of origin by a laboratory or other similar institution, recognized by the Bureau and found to comply with the compulsory standard and a certificate of the examination or test has been submitted to and accepted by the Bureau.

**10.** A person shall not export goods manufactured in Dominica for which a compulsory standard exists unless the Bureau has issued a certificate to the manufacturer stating that the goods conform to the compulsory standard.

Locally manufactured goods may be exported.

#### **PART IV**

##### **Use of the Dominica Standard Mark**

**11.** The Dominica Standard Mark is the mark set out in Schedule 1.

Dominica Standard Mark.  
Schedule 1.

**12.** A person shall not use the Dominica Standard Mark unless he holds a licence.

Prohibition.

**13.** (1) A person who wishes to obtain a licence to use the Dominica Standard Mark shall make an application in writing in Form A set out in Schedule 2.

Application for licence to use Dominica Standard Mark.  
Schedule 2.

(2) An application under subregulation (1) must be accompanied by the appropriate application fee.

(3) Where an application is refused, one-half of the application fee shall be refunded to the applicant.

**14.** (1) In order to be satisfied that the statements made in the application are true the Bureau shall undertake such inspections of premises, raw materials, components, quality control methods

Inspection of premises.

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and procedures, quality and environmental management system and records, testing facilities and records of tests carried out, as may be necessary in every case.

(2) The cost of all goods, raw materials, and components required to be tested by the Bureau shall be met by the applicant.

Issue of licence.

**15.** On receipt of an application made under regulation 13 the Bureau may issue a licence to the applicant.

Licence to relate to specific goods, etc.

**16.** A licence shall relate only to the goods, services, processes, or practices that are specified in it and may contain in it terms and conditions that the Bureau may determine.

Duration of licence.

**17.** A licence expires on 31<sup>st</sup> December of each year but may be renewed upon application being made for renewal and on payment of the appropriate application fee.

Revocation of licence.

**18.** (1) The Bureau may revoke a licence where any of its terms and conditions are violated or upon discovery that any statement in the application was false, deceptive or misleading.

(2) Where a licence is revoked the Bureau may take all reasonable steps to prevent the continued use of the Dominica Standard Mark in connection with the goods, services, processes or practices named in the licence and may require the licensee to obliterate or remove the Dominica Standard Mark from any marking device or die or from any goods, wrapping material, packaging or advertising matter on which the licensee was authorised to use it under the licence.

Register of licences.

**19.** The Bureau shall keep a register of licences issued and the register shall contain -

(a) the name and address of the licensee;

(b) the goods, service, process or practice named in the licence; and

- (c) the dates of issue, renewal or revocation of the licence.

**20.** The names of licencees and the goods, services, processes or practices in connection with which the licencees may use the Dominica Standard Mark shall be published at least annually in the *Gazette* and at least two newspapers in general circulation in Dominica.

Publication.

**21.** The Bureau shall charge fees for a licence to use the Dominica Standard Mark in connection with any goods and such fees shall be based on the sales of the goods, the frequency of the use of the Dominica Standard Mark, the necessity to purchase samples for testing and on any other considerations that the Bureau considers appropriate.

Fees.

**22.** A licencee shall not use the Dominica Standard Mark together with another mark representing compliance with specifications formulated or adopted outside Dominica unless the Bureau and the organisation that controls the other mark consent to the use.

User of mark other than Dominica Standard Mark.

## PART V

### Designation of Laboratories and Testing Facilities

**23.** The Bureau may appoint a committee consisting of the Director and persons qualified by reason of their training, skill and experience to assist in the designation of laboratories and testing facilities for the purposes of the Act.

Designation of laboratories and testing facilities.

**24.** A designated laboratory or testing facility, shall -

Requirements of designated laboratories and testing facilities.

- (a) be equipped to carry out specification tests;
- (b) be staffed by competent experienced personnel with training to undertake specification tests;
- (c) be kept in good repair and its equipment calibrated as the Bureau may require;

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- (d) maintain records of specification tests carried out;
  - (e) charge fees as prescribed by the Bureau for specification tests.

Application for designation to be made to Bureau.

**25.** (1) A person who wishes to have a laboratory or testing facility designated as such by the Bureau for the purposes of the Act shall make an application for the designation of the laboratory or testing facility to the Bureau in writing.

(2) An application under subregulation (1) shall include -

- (a) details of the scientific, engineering and technological apparatus with which the laboratory or testing facility is equipped and of the arrangements for their proper maintenance and repair;
- (b) names, training, qualifications and experience of persons who would sign reports of specification tests, and specimens of those persons' signatures;
- (c) a statement of the goods, services, processes or practices which the laboratory or testing facility is competent and willing to investigate;
- (d) any other information that may be relevant or that the Bureau may require; and
- (e) any report required by the Bureau.

(3) In the case of a laboratory or testing facility in Dominica the application shall be accompanied by an undertaking from the applicant -

- (a) to allow the Bureau to inspect the laboratory or testing facility, its apparatus and equipment; and

(b) to maintain the apparatus and equipment in a state of repair including calibration as the Bureau may from time to time require.

(4) In the case of a laboratory or testing facility elsewhere than in Dominica the application shall be accompanied by a certificate issued by a competent authority or person, acceptable to the Bureau, that the statements in the application are true and that the laboratory or testing facility is recognised in its own country for testing such goods, services, processes or practices as are specified in the certificate.

**26.** (1) The Bureau may designate a laboratory or testing facility for the purpose of the Act, without application being made in any case where the laboratory or testing facility is -

Bureau may designate without application being made.

- (a) a department of Government or a statutory authority or is otherwise in receipt of public funds;
- (b) an educational or research institution competent to carry out specification tests or specialising in investigations involving such test and in receipt of public funds; or
- (c) owned, operated, designated or certified as competent by an organisation outside of Dominica charged with the formulation, application and enforcement of specifications.

(2) In the case of a laboratory or testing facility designated under this regulation, the Bureau may direct that the holder of a specified post who is qualified by training and experience shall sign reports of specification tests.

**27.** Notice of the designation of a laboratory or testing facility

Notice of designation.

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and notification of every revocation thereof shall be published by the Bureau in the *Gazette* and in at least two newspapers in circulation in Dominica.

Publication of designated laboratories and testing facilities.

**28.** Within one year after these Regulations come into operation and thereafter annually, the Bureau shall publish a list of designated laboratories and testing facilities and names of persons who, for the purposes of the Act may sign reports of specification tests.

Designated laboratory may charge a fee for a test report.

**29.** A designated laboratory or testing facility may charge a fee approved by the Bureau for a report of a specification test, save that the fee shall be waived on the request of the Bureau where the test was carried out for the Bureau or for a consumer whose complaint is being investigated by the Bureau with a view to commencing legal proceedings.

Report to be *prima facie* evidence of statements.

**30.** (1) A report of a specification test issued by a designated laboratory or testing facility and signed by the person named by the Bureau for that purpose is *prima facie* evidence of the statements contained in the report.

Schedule 2.

(2) Reports intended for use in legal proceedings shall be in Form B set out in Schedule 2.

## PART VI

### Testing of Articles Submitted or Seized

Testing and examination of goods.

**31.** Where goods intended for export are submitted for examination or testing in compliance with a requirement of the Bureau made under section 23 of the Act, or where goods are seized under section 29(2)(e) of the Act, the Bureau shall ensure that the goods are tested or examined by a designated laboratory or testing facility.

Bureau to purchase samples.

**32.** Except in the circumstances referred to in regulation 31 or where compliance with a compulsory standard is in question, the Bureau shall purchase all goods or articles required for testing in

order to determine whether they comply with a specification or whether the conditions attached to the use of the Dominica Standard Mark in connection with those goods or articles have been fulfilled.

**33.** Goods submitted for examination or seized or purchased by the Bureau for testing shall be marked, labelled and packaged so as to be clearly identified and protected from reasonably foreseeable damage and delivered at the laboratory or testing facility where the required tests or examinations are to be carried out.

Goods for testing to be marked, labelled and packaged.

**34.** (1) Where the manufacturer or vendor of any goods or articles taken or seized under the Act requests that a duplicate sample be taken for testing or examination, the person, taking or seizing the goods or articles shall select goods or articles similar to those taken or seized and mark them so that they may be clearly identified and package them to protect them from foreseeable damage and label the package "Duplicate Sample" and deliver the package to the manufacturer or vendor, as the case maybe.

Where duplicate samples are requested.

(2) Where the manufacturer or vendor of any goods, taken or seized under the Act does not request a duplicate sample, the person taking or seizing the goods or articles may purchase a duplicate sample or may divide the goods or articles taken or seized into two similar parts marking one part "Duplicate Sample".

**35.** In any proceedings under the Act, the Court may order that the duplicate sample referred to in regulation 34 be tested or examined.

Court may order test.

**36.** (1) Goods or articles seized or taken for testing or examination and not consumed by the testing or examination process shall be returned to the manufacturer or vendor.

Disposal of samples.

(2) The Bureau shall dispose of samples purchased by the Bureau in the manner determined by the Bureau.

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**PART VII**  
**Advertising, Labelling and Packaging**

Approval of Bureau.

**37.** The Bureau may direct that any advertisement, label or package used in connection with any goods, service, process or practice for which a compulsory standard has been declared be published or used in trade only with the approval of the Bureau.

Bureau may require withdrawal of advertisement.

**38.** Where a compulsory standard is declared for the practice of advertising, the Bureau may require the withdrawal of an advertisement in violation of that standard from publication and the amendment of the advertisement as the Bureau may direct in order to bring it into conformity with the compulsory standard.

Offence and penalty relating to advertising, labeling, packaging.

**39.** A person who advertises, labels or packages goods, service, process or practice contrary to any direction of the Bureau or without obtaining the approval of the Bureau where approval is required, is guilty of an offence and liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

**PART VIII**  
**Miscellaneous**

Bureau to publish list of fees.

**40.** (1) The Minister shall, on the advice of the Bureau, publish by notice in the *Gazette* a table of fees, including the application fee for a licence, payable for the services of the Bureau but may at any time, on the advice of the Bureau, waive such fees in respect of any person.

(2) Fees published under subregulation (1) may be amended by notice published in the *Gazette*.

Fees charged by laboratories, etc. to be determined by Bureau.

**41.** The Bureau shall determine and publish fees chargeable for examinations, inspections, specification, or other tests carried out by a laboratory or testing facility of or in connection with any goods, service, process or practice for which a compulsory

standard has been declared or where a specification is commonly recognised as applicable.

**42.** A person who contravenes any of these regulations is guilty of an offence and liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

General penalty.

### SCHEDULE 1

(Regulation 11)

### DOMINICA STANDARD MARK



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**SCHEDULE 2** (Regulations 13, 30)
**FORM A**
**APPLICATION FOR A LICENCE TO USE THE  
DOMINICA STANDARD MARK**

1. I/We,.....carrying on business at .....(address) (business name)..... hereby apply for a licence to use the Dominica Standard Mark in connection with the goods/service/practice mentioned below.
  - (1)
    - (a) description of goods.....
    - (b) brand name.....
    - (c) type, size, grade, style.....
  - (2) Description of service practice.....
2. Related Dominica Standards -
 

No.....	Title.....
No.....	Title.....
No.....	Title.....
3. Information on production (calendar years)  
No. of Units/Value ex works
 

Last year 1st January 20		to 31st December 20
This year 1st January 20		to 31st December 20
.....(estimated)		
4. Sources of raw materials/components purchased.
5. Standards or specifications used for checking raw materials/components purchased.
6. Testing facilities available to applicant:
  - (a) in factory
  - (b) elsewhere in the Commonwealth of Dominica

- (c) in other countries.
- 7. We operate/do not operate a quality assurance programme for sampling and testing products and inputs (if so, give details).

**DECLARATION**

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

Signed.....

Name in block letters.....

Position.....

For and on behalf of.....

Date this      day of                      ,20

Signed.....

*Owner or person in charge of the goods and services, etc.*

FORM B

REPORT OF SPECIFICATION TEST

1. I the undersigned, state that on the .....day of.....20..... I received a sample of ..... marked ..... from.....
2. I carried out an examination/analysis/test the method specified in Dominica DNS .....as a test/analysis/examination for .....
3. I obtained the following results .....
4. It is my conclusion that the goods submitted in this sample did/did not comply with the requirements of Dominica Standard DNS .....

**2020**

**STANDARDS**

**S.R.O. 7**

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Signed ..... a person authorized to sign reports for the purposes of the Standards Act.

See *Gazette* No.

Date (            )

Made this 21<sup>st</sup> day of February, 2020.

**IAN DOUGLAS**  
*Minister for Trade*

**DOMINICA**

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