

THE STANDARDS ACT

NOTICES

*(under section 7(4))**(Omitted)*

ORDER

(under section 7(7))

The Compulsory Standard Specification (Labelling of Commodities) L.N. 275w/71
 (General) Order, 1971

Similar Orders made in respect of—

<i>Labelling of Precious Metals and their Alloys</i>	L.N. 147/74
<i>Processed Foods</i>	303/74
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<i>Standard Hollow Concrete Blocks</i>	343/77
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<i>Manufacture and Testing of Portable Welded Aluminium Alloy Cylinders for containing Liquefied Petroleum Gases</i>	65/80

**[For subsequent Orders, please see the Guide to Subsidiary
Legislation]**

REGULATIONS
(under section 11)

- L.N. 417/74 The Standards (Labelling of Processed Food) Regulations, 1974
- L.N. 124/80 The Bureau of Standards (Additional Functions) Regulations, 1980
- L.N. 75iv/83 The Standards Regulations, 1983
168ii/84
70iv/86
10.v/89
59/99
116/2000
- L.N. 20iv/84 The Standard Marks Regulations, 1984

THE STANDARDS ACT

ORDER
(under section 7(7))

THE COMPULSORY STANDARD SPECIFICATION
(LABELLING OF COMMODITIES) (GENERAL) ORDER, 1971

(Made by the Minister on the 23rd day of July, 1971

L.N. 275B/71

[1st November, 1971.]

1. This Order may be cited as the Compulsory Standard Specification (Labelling of Commodities) (General) Order, 1971.

2. The standard specification relating to labelling of commodities notice of which was published in the Jamaica Gazette Supplement, Proclamations, Rules and Regulations on the 14th day of July, 1971, is hereby declared to be a compulsory standard specification.

THE STANDARDS ACT

REGULATIONS
(under section 11)

THE STANDARDS (LABELLING OF PROCESSED FOOD) REGULATIONS, 1974
(Made by the Minister on the 23rd day of September, 1974)

L.N. 417/74

[1st October, 1974.]

1. These Regulations may be cited as the Standards (Labelling of Processed Food) Regulations, 1974. Citation.

2. In these Regulations—

“container” includes any can or other receptacle containing or used for packing any food that is manufactured or processed for export or for sale but does not include—

Interpre-
tation.

(a) any receptacle into which food is placed by a retailer in the presence of the purchaser; or

(b) a shipping container or any other receptacle used solely for the transportation of food in bulk;

“food” includes any article used for food or drink by man and any ingredient intended for mixing with the food or drink of man for any purpose;

“information” includes illustrations;

“ingredient” means any substance used in, and present in the final product of, the manufacturing or processing of a food;

“label” includes any legend, word or mark attached to, included in, belonging to or accompanying any processed food or its container;

“letter” includes figures;

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“principal display panel” means the part of a package which is most likely to be displayed, presented, shown or examined under the customary conditions of display for retail sale;

“processed” means preheated, cooked, canned, preserved, condensed, evaporated, fermented, distilled, carbonated, dehydrated, milled, frozen, reconstituted or otherwise processed;

“reconstituted” means—

- (a) in relation to any dehydrated food, restored to its condition before dehydration by causing it to absorb water;
- (b) in relation to any food from which a natural ingredient was removed, restored to its original condition by restoring that ingredient.

Containers
to be
labelled.

3.—(1) Subject to the provisions of regulation 8 every container into which processed food is packed shall be labelled in accordance with these Regulations.

(2) The information on the label of every container referred to in paragraph (1) shall be in the English language.

(3) The label of any container referred to in paragraph (1) shall not contain any information which is false, misleading or deceptive or likely to create an erroneous impression regarding the nature, contents, value, quantity, weight, composition, grade, merit, purity, date of packing or other characteristics of the food in that container.

(4) The area of the principal display panel shall, except in the case referred to in sub-paragraph (c) of paragraph (5) exclude the neck, shoulder, top, bottom and flanges at the top and bottom, of the container and shall be sufficient to accommodate all the information required by these Regulations.

(5) The area of the principal display panel shall—

- (a) in the case of a rectangular container of which an entire side can be considered as the principal display panel, be the product of the height times the width of that side;
- (b) in the case of a cylindrical or near cylindrical container, be 40 per cent of the product of the height times the circumference of the container;

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- (c) in the case of a container with an obvious principal display panel such as the top of a triangular or circular package of cheese, consist of the whole of such obvious principal display panel;
- (d) in any other case, be 40 per cent of the total area of the container.

(6) The unqualified word "fresh" shall not appear on the label of any processed food.

(7) No false claim for tonic or other beneficial effects, or special dietary use, shall be stated on, or implied by the title or name which appears on, the label of any processed food; and nutrients shall not be declared on such label except in a manner approved in writing by the Bureau.

4.—(1) The label of every container into which processed food is packed shall—

Information
to be set
out on
labels.

- (a) state, on the principal display panel, the name of the food, which shall indicate the true nature of the food, any other name commonly or usually applied to that food, the brand name, and the registered trade mark, if any;
- (b) where the food is processed in Jamaica, contain the words "made in Jamaica", or "manufactured in Jamaica", or "processed in Jamaica", or "distilled in Jamaica", or "bottled in Jamaica", or "packed in Jamaica", or "grown in Jamaica", or "product of Jamaica", as the case may be;
- (c) where the food is processed in any country other than Jamaica, state the name of that country;
- (d) state the name and identifiable business address of the processor, manufacturer, packer, importer or distributor;
- (e) contain a declaration setting out clearly and accurately the net contents of the container;
- (f) contain a list of the ingredients in decreasing order of proportion to the net contents of the container by weight or volume, and any two or more ingredients which are

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of the same proportion to such net contents shall be listed in alphabetical order; if the proportions are shown as percentages the label shall state whether such percentages are by weight or by volume;

- (g) in the case of processed food for which grades have been prescribed under the Processed Food Act, contain a grade declaration in one of the following forms, that is to say—
- (i) CHOICE; or
 - (ii) CHOICE QUALITY; or
 - (iii) CHOICE
QUALITY; or
 - (iv) CHOICE GRADE; or
 - (v) CHOICE
GRADE,

so, however, that the word "Jamaica" may, at the option of the person making such declaration, precede the declaration;

- (h) where the food requires a special method of storage or handling or preparation, contain instructions for the storage, handling or preparation thereof.

(2) Where the consumer acceptance of any processed food containing more than one food ingredient is likely to be influenced by the proportion of the most expensive of such food ingredients, the label shall show the quantity, by weight or volume, of each of such food ingredients present in the container.

(3) If brine is used in quality separation of frozen vegetables the declaration of the ingredients of the container shall show that salt is included in such ingredients.

(4) In the list of the ingredients reference to spice, flavouring or colouring shall have the respective meanings of such terms as commonly understood by consumers, and an ingredient having the properties of both a spice and a colouring or of both a flavouring and a colouring shall be designated as both.

(5) On the principal display panel the word "reconstituted" shall precede or follow the name of any food which is reconstituted, and the size of the letters of the word "reconstituted" shall be at least

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the same as that of the letters in the declaration of the net contents of the container.

(6) Where the true name of any processed food consists of the names of two or more fruit or vegetables or other ingredients, such as mango and papaya nectar or peas and carrots, the name of the predominating fruit or vegetable or other ingredient shall appear first, but the letters of all such names shall be of the same size.

(7) Where the name of any processed food consists of two or more words all the letters of such words shall be of the same size.

(8) Ingredients prescribed under the Processed Food Act, or approved by the Bureau, and falling in the class of animal fats, or animal oils, or vegetable fats, or vegetable oils, or herbs, or spices, or starches (except modified starches), or anticaking agents, or antioxidants, or bleaching agents, or colouring, or emulsifiers, or flavouring, or maturing agents, or chemical preservatives, or stabilizers, or thickening agents (including modified starches), or vegetable gums, may be listed on the label by means of the respective class names when preceded by the word "approved" (for example "approved antioxidants", or "approved stabilizers").

(9) Where the brand name on the label of any container is likely to be misleading as to the true origin or identity of the food packed in such container, the word "brand" shall appear on the label immediately after or below the brand name.

(10) The information required by paragraph (1) to be set out on labels shall be in letters of not less than 1/16 inch in height, so, however, that—

(a) on the label of any container of processed food for which grades have been prescribed under the Processed Food Act, the height of the letters in the declaration of the grade and of the ingredients shall be not less than $\frac{1}{8}$ inch where the net contents of the container do not exceed 10 ounces or where the container, irrespective of the net contents thereof, is made of glass, and $\frac{1}{4}$ inch in any other case;

(b) the height of the letters in the declaration of the net contents of the container shall be not less than—

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- (i) $\frac{1}{16}$ inch (or $\frac{1}{8}$ inch if the declaration is blown, embossed or moulded on a glass or plastic surface) where the area of the principal display panel is not more than 5 square inches;
- (ii) $\frac{1}{8}$ inch where the area of the principal display panel is more than 5 but not more than 25 square inches;
- (iii) $\frac{3}{16}$ inch where the area of the principal display panel is more than 25 but not more than 100 square inches;
- (iv) $\frac{1}{4}$ inch where the area of the principal display panel is more than 100 but not more than 400 square inches;
- (v) $\frac{1}{2}$ inch where the area of the principal display panel is more than 400 square inches.

(11) The declaration of the net contents of the container shall be in easily legible boldface print or type (by typography, lithography, layout, colour embossing or moulding) in distinct contrast to the background and other information on the label, and shall be separated from other information on the label—

- (a) above and below the declaration by a space not less in height than the letters of the declaration;
- (b) to the left and right of the declaration by a space not less in width than twice the width of the letter "N" of the style or type used in the declaration.

The declaration may be blown, embossed or moulded on a glass or plastic surface when all the other information required to be shown on the label is so formed on the surface.

Declara-
tion of
net con-
tents.

5.—(1) The declaration of the net contents of the container shall accurately state the net quantity (exclusive of the container or packaging material)—

- (a) of liquid foods by volume;
- (b) of solid foods by weight (or by count if such foods are usually sold by number);

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(c) of semi-solid or viscous foods by either weight or volume, and terms (such as "jumbo quart" and "full gallon") which tend to exaggerate the quantity shall not be used.

(2) If the label of any container contains representations as to the number of servings in such container, it shall show also, in letters of the same height as those in which such representations are made, the quantity in volume, weight or count of each serving; and in any representation as to the number of cupfuls or tablespoonfuls, 1 cupful shall be equal to 10 fluid ounces and 1 tablespoonful shall be equal to 5/8 ounce.

(3) Where the Bureau is satisfied that in accordance with the general usage of consumers or the custom of traders the quantity of any liquid is usually stated by weight or the quantity of any solid is usually stated by fluid measure, the declaration of the net contents of the container may, with the approval in writing of the Bureau, state the quantity in accordance with such usage or custom.

(4) Wherever weight or volume is expressed in units different in name or size from units of the Imperial system, the equivalent in units of the Imperial system or another system approved in writing by the Bureau shall be stated in letters of at least the same height as those used to express the weight or volume, and where the weight or volume is expressed in units of the system of the United States of America, the letters "U.S." shall precede and be equal in height to those expressing such units.

(5) The declaration of the net contents of the container shall—

- (a) where such contents are offered for sale in a refrigerated or chilled condition and the quantity is stated by volume, state the volume at the temperature at which such contents are offered for sale;
- (b) where such contents are food packed in a liquid medium, state the drained weight of the food;
- (c) where such contents are food which is packed under pressure with a propellant, state the net quantity of the food (excluding the propellant) which at the time of retail sale will be expelled when the instructions for use are followed.

6.—(1) Every container into which processed food is packed shall bear a code showing the date on which the food was packed therein,

Code showing date, etc., of packing.

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the process batch, the name of the processor and the place at which such food was processed, and identifying the contents of the container.

(2) The code referred to in paragraph (1) shall—

(a) in the case of a metal container, be embossed on the container or be borne on the container or label if the Bureau, upon being satisfied that it cannot conveniently be embossed, grants permission in writing for its inclusion on the container or label;

(b) in any other case, be borne on the label or in such other manner as the Bureau may approve in writing.

(3) The manufacturer, processor, importer or distributor of any processed food in relation to which the code referred to in paragraph (1) is used shall, at the request of the Bureau, supply to the Bureau the key to such code.

7. Any package into which containers of processed food are placed by or on behalf of the manufacturer, processor, importer or distributor of such food shall—

(a) be marked on one panel with the information required by paragraph (1) of regulation 4 to be given on the labels of such containers;

(b) bear a declaration stating how many containers are placed therein and setting out the net contents of each container;

(c) bear a code setting out the information required by paragraph (1) of regulation 6 to be given in respect of each of such containers.

8.—(1) The Bureau may, at the request of any manufacturer, processor, importer or distributor of any processed food, grant him a permit in writing—

(a) to ship or sell such processed food in unlabelled containers where such shipment or sale is intended for manufacturing purposes;

(b) to use, in relation to any of such food which is intended for export only, containers and labels which do not comply with the requirements of these Regulations if such containers and labels comply with any law or

Information to be given on packages and containers.

Permits to use containers and labels which do not satisfy these Regulations.

regulations of the country to which the food is intended to be exported;

- (c) to use, in relation to such processed food, containers and labels which do not satisfy the requirements of these Regulations in such respect as shall be specified in the permit and in a notice of the grant of the permit which shall be published in the *Gazette* as soon as practicable after the grant of the permit.

(2) Subject to the provisions of paragraph (1) a permit may be granted under this regulation unconditionally or subject to such terms and conditions as may be specified in the permit.

9.—(1) Any manufacturer, processor, importer or distributor who exports or sells, or has in his possession for export or sale, or attempts to export or sell processed food in any container which does not comply with these Regulations and in respect of which no permit was granted under regulation 8 shall be guilty of an offence and be liable on summary conviction before a Resident Magistrate to a fine not exceeding two thousand dollars and in default of payment to imprisonment for a term not exceeding twelve months.

(2) If any person to whom a permit was granted under regulation 8 uses the containers or labels in respect of which the permit was granted for any purpose other than the purpose for which the permit was granted, or contrary to any condition specified in such permit, he shall be guilty of an offence and be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred dollars and in default of payment to imprisonment for a term not exceeding four months.

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REGULATIONS

(under section 11)

THE BUREAU OF STANDARDS (ADDITIONAL FUNCTIONS) REGULATIONS, 1980

(Made by the Minister on the 27th day of August, 1980)

L.N. 124/80

1. These Regulations may be cited as the Bureau of Standards (Additional Functions) Regulations, 1980.

2. The Bureau shall have power to investigate complaints of persons who report that they have suffered loss or injury arising from—

- (a) any false or misleading representation as to the quantity, quality, or any other characteristic, of any commodity sold to those persons or to any other person from whom they obtained that commodity; or
- (b) any deficiency in the means of production of any commodity offered for sale to the public,

whether a standard specification or compulsory standard specification exists for that commodity or not.

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(under section 11)

THE STANDARDS REGULATIONS, 1983

(Made by the Minister on the 20th day of July, 1983)

I.N. 75B/83
 Amdt:
 L.Nn. 168E/84
 70O/86
 10A/89
 59/99
 Citation.

1. These Regulations may be cited as the Standards Regulations, 1983.

2. In these Regulations—

Interpreta-
 tion.

“inspector” means any employee or agent of the Bureau designated by the Bureau to perform inspection services;

“licensee” means a person who holds a valid licence to use a standard mark in connection with a commodity, process or practice.

3.—(1) Every application for a licence to use a standard mark in connection with any commodity, process or practice shall be made in writing to the Bureau and shall—

Application
 for licence
 to use
 standard
 mark.

- (a) state the name and business address of the applicant, and the name of the company or business;
- (b) describe the commodity, process or practice in connection with which the standard mark is proposed to be used;
- (c) state the standard specification to which such commodity, process or practice conforms;
- (d) where the application is in connection with a commodity, state the estimated annual production and the method of quality control of such commodity and contain an undertaking that the applicant will supply to the Bureau free of charge, such samples of the commodity as may be reasonably required for testing.

(2) A person who wishes to use a standard mark in connection with more than one commodity, process or practice or in connection with any combination of commodity, process and practice shall make

a separate application for a licence for each commodity, process and practice.

(3) Before considering an application for a licence to use a standard mark, the Bureau shall cause an inspector—

- (a) to examine the commodity, process or practice in connection with which the mark is proposed to be used;
- (b) to examine materials, processes, finished articles and, where necessary, to obtain samples free of charge for testing;
- (c) to investigate the manner of selection of raw materials, methods of testing and methods of keeping records; and
- (d) to make such other investigations or enquiries as may be relevant to the application.

Granting of licences.

4.—(1) The Bureau shall consider every application for a licence to use a standard mark, together with the inspector's report, and may grant such licence without conditions other than those specified in this regulation, or subject to such additional conditions as may be specified in such licence, or may refuse such licence.

(2) Where the Bureau grants a licence subject to conditions in addition to those specified in this regulation, the Bureau may from time to time vary such additional conditions in such manner as it may think necessary.

(3) A licence shall be valid for a period of one year from the date on which it is issued, unless it is sooner revoked and may be renewed annually.

(4) The fee to be paid in respect of a licence shall be fifty dollars for each commodity, process or practice and shall accompany the application:

Provided that where the Bureau refuses to grant or to renew a licence one-half of such fee shall be refunded to the applicant.

Register of licences.

5.—(1) The Bureau shall keep a register in which shall be entered the name and business address of every person to whom a licence has been granted, the commodity, process or practice in connection with which the mark is to be used, and any revocation, suspension and restoration of the licence.

(2) The register shall be kept at such place as the Bureau may from time to time determine, and shall be open to inspection by the

public at all reasonable times on payment of a fee of one dollar for each such inspection.

6.—(1) A licensee may enter into a written agreement with the Bureau under which the Bureau shall provide **certification services** in accordance with the terms and conditions of that agreement and any endorsement attached thereto and the licensee shall comply with the terms and conditions of that agreement and endorsement and with these Regulations. Certification.

(2) A licensee who has entered into an agreement referred to in paragraph (1)—

- (a) shall pay to the Bureau an annual fee which shall be calculated according to the formula set out in Part A of the First Schedule; First Schedule.
- (b) shall submit to the Bureau for its approval the form in which he proposes to use the standard mark;
- (c) shall comply in all respects with the scheme of supervision approved by the Bureau in respect of the commodity, process or practice in connection with which he is a licensee;
- (d) shall, upon the request of an inspector, permit that inspector to enter any premises under the control of the licensee in which at the time of the request, any commodity or any component thereof is being manufactured, tested, processed or stored or any process or practice is being carried out, and to inspect that commodity and any materials, processes, practices and records in those premises.

7.—(1) A licensee shall use a standard mark—

- (a) in such manner and subject to such conditions as may be specified in his licence;
- (b) in connection with the commodity, process or practice specified in his licence.

Restrictions
on use of
standard
mark.

(2) A licensee shall not, without written permission from the Bureau, advertise that he is licensed to use the standard mark in connection with any commodity, process or practice, then omit to use the standard mark in connection with that commodity, process or practice while he is so licensed.

(3) If the Bureau informs a licensee in writing that—

- (a) the Bureau objects to the manner in which the licensee is using the standard mark; or
- (b) the Bureau is of opinion that some statement made by the

licensee with reference to his authority to use the standard mark or with reference to any other matter relating to the standard mark may tend to mislead the public, the licensee shall forthwith discontinue using the standard mark in the manner to which the objection is made, or discontinue the making of the statement specified by the Bureau.

(4) A licensee who intends to discontinue using the standard mark while his licence is still valid shall give to the Bureau notice in writing of his intention not less than fourteen days before he discontinues the use of the standard mark.

(5) A licensee shall, upon the suspension or termination of his licence—

- (a) discontinue the use of the standard mark and all advertising matter which contains the standard mark or any reference thereto;
- (b) if the Bureau so requires, obliterate the standard mark from any article which is in his possession.

8. In addition to the general power conferred upon the Bureau by section 10 of the Act to revoke a licence, the Bureau may revoke a licence if the licensee—

- (a) uses the standard mark in connection with any commodity, process or practice which does not comply with a standard specification relating to that commodity, process or practice;
- (b) claims the right to use the standard mark in a form that may, in the opinion of the Bureau, tend to mislead the public;
- (c) contravenes these Regulations;
- (d) becomes bankrupt or makes any arrangement or composition with his creditors or, being a company, enters into liquidation (whether voluntary or compulsory, but not including voluntary liquidation for purposes of reconstruction) or has a receiver appointed to its business;
- (e) fails to comply with a request from the Bureau to recall a lot or batch of a product which has been verified to have failed to comply with a standard specification; or
- (f) attempts to transfer to another person the right to use the standard mark, or attempts to use the standard mark in connection with a commodity, process or practice other than the one in respect of which the licence was granted.

8A.—(1) Subject to the provisions of paragraphs (2) and (3), any person who imports into Jamaica (other than for personal use), manufactures or processes any commodity for which a compulsory standard specification has been declared shall mark or cause to be marked on that commodity or the label thereof the words “Jamaican Standard.”

Description of commodities for which compulsory standard specification has been declared.

(2) The Bureau may grant to any person referred to in paragraph (1) permission in writing—

- (a) to add to the words “Jamaican Standard” such words, symbols or numerals as shall be specified in the permission;
- (b) to import and sell the commodity without the words “Jamaican Standard” where the commodity is marked with some other word or symbol required under the law of the country from which it is imported, showing that the commodity conforms to a standard set by that country and recognized by the Bureau; or
- (c) to sell the commodity during such period as shall be specified in the permission, without the words “Jamaican Standard” being marked thereon.

(3) Paragraph (1) does not apply to a person who manufactures or processes a commodity in connection with which he holds a valid licence to use a standard mark.

8B.—(1) Subject to the provisions of paragraph (2), every person who imports into Jamaica (other than for personal use), manufactures or processes any commodity for which a compulsory standard specification has been declared shall be registered under this regulation in respect of that commodity.

Importer, manufacturer and processor to be registered.

(2) A person who manufactures or processes a commodity in connection with which he holds a valid licence to use a standard mark is not required to be registered under this regulation in respect of that commodity.

(3) Every application for registration under this regulation shall be made in writing to the Bureau and shall—

- (a) state the name and business address of the applicant and the name of the company or business;
- (b) describe the commodity in respect of which the application is being made; and
- (c) state the estimated annual production or importation and the method of quality control of the commodity.

(4) The Bureau may carry out such investigations as it thinks fit—

- (a) when considering an application for registration under this regulation; and
- (b) at such other times after registration as it thinks necessary, and may, subject to paragraph (4B), charge for those investigations, a fee in accordance with paragraph (4A).

(4A) The fee referred to in paragraph (4) shall—

- (a) in relation to commodities manufactured or processed in Jamaica, be a fee calculated in accordance with the formula set out in Part A of the First Schedule; and
- (b) in relation to commodities imported into Jamaica, be payable, in accordance with the formula set out in Part B of the First Schedule, in respect of each shipment of such commodities, upon the importation thereof.

First
Schedule.

(4B) No fee shall be payable under this regulation in relation to commodities specified in the Second Schedule.

Second
Schedule.

(5) A registration under this regulation shall be valid for one year from the date of the receipt by the Bureau of the application therefor in accordance with paragraph (3).

(6) Upon the expiry of a registration, an application for renewal of registration may be made in accordance with paragraph (3) for another year, and the provisions of paragraphs (4) and (5) shall apply in relation to a renewal as they apply to an original registration.

(7) The Bureau shall keep a register in which it shall cause to be entered the name and business address of every person who is registered under this regulation and the commodity in respect of which he is so registered.

(8) The register shall be open to inspection by the public at all reasonable times on payment of a fee of one dollar for each inspection.

9. Upon the declaration of a compulsory standard specification the Bureau may, by notice published in the *Gazette*, grant a permit for the sale or use, during such period as shall be specified in the notice, of any commodity, process or practice which was being sold or used immediately before that declaration and does not, after that declaration, conform with the compulsory standard specification. Permits.

10.—(1) Any inspector may at any reasonable time— Powers of inspectors.

- (a) enter premises in or upon which any operation is being carried out in connection with the manufacture, production, processing or treatment of any commodity, process or practice for which a standard specification or a compulsory standard specification has been declared, or in or upon which any such commodity is offered for sale or stored;
- (b) inspect such operation and such commodity, process or practice, take samples of such commodity, free of charge, for testing or analysis and examine anything that he reasonably believes is used or is capable of being used for the manufacture, production, processing or treatment of such commodity;
- (c) examine the packaging and labelling of such commodity;
- (d) examine any books and records kept in relation to such commodity, process or practice;
- (e) make such other investigations as may appear to him to be necessary in order to determine whether such commodity, process or practice conforms to the relevant standard specifications or to any conditions subject to which a licence to use a standard mark was granted.

(2) Where an inspector takes samples for analysis, he shall inform the owner of the commodity or such other person from whom the sample is obtained that the sample will be tested or analysed.

(3) Where after considering the result of a test or analysis of a sample, the Bureau is satisfied that a further test or analysis of another sample of the commodity should be carried out, an inspector shall—

- (a) take another sample of the commodity from the batch from which the first sample was obtained;
- (b) divide the sample into three parts;
- (c) identify the three parts as the owner's part, the sample, and the duplicate sample;
- (d) so seal each part that it cannot be opened without breaking the seal; and

- (e) deliver the part identified as the owner's part to the owner or the person from whom the sample was obtained, and cause the sample to be tested or analysed as the case may require, and retain the duplicate sample.

(2) Any person who refuses to permit an inspector to enter any premises or carry out any examination and investigation specified in paragraph (1), or who attempts to obstruct him in the execution of his duty under these Regulations shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding two thousand dollars and in default of payment to imprisonment for a term not exceeding twelve months.

Failure to conform with compulsory standard specification an offence.

11.—(1) No person shall sell, or use in any trade or business any commodity, process or practice in respect of which a compulsory standard specification has been declared unless he does so in accordance with a permit granted under regulation 9, or unless such commodity, process or practice conforms to the compulsory standard specification.

(2) Any person who contravenes this regulation shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding two thousand dollars, and in default of payment to imprisonment for a term not exceeding twelve months.

Bureau may order withdrawal of commodity.

11A.—(1) If any person offers for sale any commodity—

- (a) which does not conform to a compulsory standard specification relating to that commodity; and
- (b) for the sale of which no permit has been granted under regulation 9,

the Bureau may by notice in writing require that person to withdraw that commodity from sale within such period as the notice shall specify.

(2) Any person who fails to comply with the requirement of a notice under this regulation shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two thousand dollars and in default of payment to imprisonment for a term not exceeding twelve months.

Seizure and detention of commodity.

11B.—(1) Where a person served with a notice under regulation 11A(1) refuses to withdraw a commodity within the time specified in that notice, an inspector may seize and detain such commodity.

(2) Upon taking action under paragraph (1), the inspector shall notify the person concerned of the action taken and that person may—

- (a) enter into an agreement in writing with the Bureau to take such steps as are necessary to rehabilitate the commodity in order to satisfy the compulsory standard specification;
- (b) appeal against the seizure and detention of the commodity to a Judge in Chambers.

(3) An agreement referred to in paragraph (2) (a) shall contain the following—

- (a) a statement signed by the inspector that the commodity contravenes the compulsory standard specification;
- (b) a requirement for the person concerned to pay the costs of storage, handling and supervision of the commodity by the Bureau during the period of detention;
- (c) an undertaking by the person concerned that the rehabilitation of the commodity will be carried out under the supervision of the Bureau at that person's expense.

11C.—(1) Subject to paragraph (2), a commodity shall not be detained under regulation 11B for any period exceeding thirty days. Period of detention.

(2) A commodity may be detained for any period exceeding thirty days in the following circumstances—

- (a) where rehabilitation of the commodity is being carried out; or
- (b) where an appeal against seizure and detention has not been determined.

11D.—(1) A commodity which fails to satisfy the compulsory standard specification may be condemned by an inspector who shall give notice in writing of such condemnation to the owner of that commodity. Condemnation and forfeiture of commodity.

(2) Where —

- (a) a commodity is seized, detained and condemned;
- (b) a person is convicted of an offence under regulation 11A(2) in respect thereof; and
- (c) the Court is satisfied that the commodity fails to satisfy the compulsory standard specification and that—

- (i) the commodity cannot be rehabilitated in order to meet that standard;
- (ii) the person notified under regulation 11B(2) refuses to take such steps as are necessary to rehabilitate the commodity in order to satisfy that standard,

the Court may, on the application of the prosecution, order the forfeiture of that commodity.

(3) Where the Clerk of the Court intends to apply for forfeiture of any commodity under paragraph (2), he shall give notice of that intention and the reasons therefor to any person who, to his knowledge, was the owner thereof at the time of seizure:

Provided that such a notice shall not be required to be given if the seizure was made in the presence of the owner or of any of the owners of the commodity or any servant or agent of such owner.

(4) A notice under paragraph (3) may, without prejudice to any other form of service, be given by publication in a daily newspaper printed and circulating in the Island.

(5) Any person having a claim to any commodity to which this regulation applies may appear before the Court at the hearing of the application and show cause why an order for forfeiture should not be made.

(6) If no person appears before the Court to show cause as mentioned in paragraph (5), the Court shall presume that the commodity has been abandoned.

(7) If, upon the application of any person prejudiced by an order made by the Court under paragraph (2), the Court is satisfied that it is just to revoke that order, the Court—

- (a) may revoke the order on such terms and conditions as it deems appropriate; and
- (b) shall require the person to pay such charges as may be imposed by the Bureau in respect of storage and administrative expenses in relation to the commodity.

(8) An application to the Court for revocation of an order shall be made within thirty days of the date of the order or within such longer time, not exceeding three months as the Court may allow.

(9) Where a commodity is forfeited under paragraph (2), the Bureau shall take all necessary steps to have the commodity destroyed or otherwise disposed of, other than by sale, as the Bureau considers fit.

12. Any person who—

Penalties.

- (a) contravenes any of the provisions of regulations 7, 8A and 8B; or
- (b) not being licensed so to do, uses a standard mark in connection with any commodity, process or practice, or in the title of any patent, or in any trade mark or design,

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two thousand dollars and in default of payment to imprisonment for a term not exceeding twelve months.

THE STANDARDS ACT

REGULATIONS
(under section 11)

THE STANDARD MARKS REGULATIONS, 1984

(Made by the Minister on the 6th day of February, 1984)

L.N. 20n/84

1. These Regulations may be cited as the Standard Marks Regulations, 1984.

2.—(1) The marks designated as No. 1 and No. 2 in the Schedule shall be the standard marks to be used in relation to commodities which conform to a standard specification to distinguish them from other commodities which do not conform to that specification. Schedule.

(2) A person who holds a valid licence to use a standard mark in connection with any commodity may elect to use either the standard mark designated as No. 1 in the Schedule or the standard mark designated as No. 2 in the Schedule.

3. The mark designated as No. 3 in the Schedule shall be the standard mark to be used in relation to processes and practices which conform to a standard specification to distinguish them from other processes and practices which do not conform to that specification.

SCHEDULE

(Regulations 2 and 3)



No. 1



No. 2



No. 3