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THE STANDARDS ACT, 1975

(No. 3 of 1975)

REGULATIONS

Made under section 31(2) (f)

THE STANDARDS (CERTIFICATION) REGULATIONS, 1981

1. These Regulations may be cited as the Standards (Certification) Regulations, 1981.
2. In these Regulations, unless the context requires otherwise – “the Act” means the Standards Act, 1975;

“applicant” means an individual or body of persons applying for a licence;

“the Director” means the Director of the Tanzania Bureau of Standards;

“licence” means licence granted in accordance with these Regulations entitling the holder to apply a standards mark or marks to any commodity, or process, manufactured, or used by him in the manufacture or treatment of any commodity;

“standards mark” means a standards mark devised and approved by the Bureau for use in identification of commodities or processes complying with standards framed by the Bureau.

3. — (1) No person shall apply any standards mark to any commodity or process unless he is the holder of a licence granted in accordance with these Regulations.

(2) Any person who contravenes, or fails or refuses to comply with, the provisions of this Regulation is guilty of an offence and shall be liable on conviction to be punished in accordance with section 23 of the Act.
- 4 — (1) every application for a licence shall be made to the Director, and he may in his discretion grant or refuse any application.

(2) Every application for a licence shall be made in triplicate in the FORM A specified in the First Schedule to these Regulations, and shall be accompanied with the prescribed fees.

(3) There shall be attached to every application a statement explaining in detail the scheme of inspection and testing which the applicant maintains or has in use or purposes to maintain or put into use for the purpose or regulating or securing the appropriate quality of the articles or process, during the manufacture of the article or the application of the process in respect of which the licence is sought.

(4) Every application shall —

- (a) where the applicant is an individual, be signed by him, and contain, in legible form, the full name of that individual, and
- (b) where the applicant is a body of persons, whether or not corporate, be signed by the person authorized to sign a declaration on behalf of that body of persons, clearly indicating his full name and the position whereof he holds the authority to sign the application on behalf of the body of persons.

(5) Upon receipt by the Director, every application shall be assigned a number signifying its order of receipt, and the Bureau shall acknowledge the receipt of that application.

5 — (1) Notwithstanding the provisions of paragraph (3) of this Regulation, the Director may, after receipt of any application, by notice in writing call upon the applicant to furnish him with any further documentary or other information in support or clarification of any statement made by him in the application.

(2) Where the Director calls upon an applicant to furnish further information in pursuance of the provisions of paragraph (1), non-compliance with the notice by the applicant, within such time as may have been specified by the Director in the notice shall be deemed to be withdrawal of the application by the applicant and the Director shall not be obliged to consider the application on the merits of the available information.

(3) Where the Director considers that any application is properly made to him and is fit for consideration, he may —

- a) require the applicant to furnish proof that the commodity or process in respect of which the application for a licence is made do conform to the standard or standards concerned, and may, for that purpose direct the applicant to submit, at the cost of the applicant, adequate samples to a testing authority specified by the Director;
- b) require the applicant to furnish proof of the existence and operation by him of a scheme of testing and inspection where with to ensure that all marked commodities or processes shall conform to the standard in question;
- c) appoint an inspector to inspect the premises of the applicant for the purpose of verifying the truthfulness of any evidence submitted in pursuance of subparagraph (a) or (b) of this paragraph;
- d) on the basis of any findings from an inspection carried out in pursuance of subparagraph (c), require the applicant to carry out such alterations in the scheme of inspection and testing or in the process of manufacture used by the applicant as the Director may specify;

and the applicant shall comply with any such requirement.

6. — (1) Where the Director requires that an inspection be carried out of the premises of any applicant, and where it is necessary to inspect the premises of any person holding a licence issued under these Regulations —
- a) a reasonable notice of the proposed inspection shall be given to the applicant or, as the case may be, the person holding the licence;
 - b) an inspector shall not take any sample of any article, martial or substance, save in the presence of the owner or occupier of the premises being inspected or his representative;
 - c) an inspector may at his discretion and shall if the owner or occupier of the premises being inspected requests him to do so, take duplicate samples and give one sample to the owner or occupier of the premises:
 - d) an inspector may at his discretion, and shall if the owner or occupier of the premises requests him to do so, place each sample in a container and seal each sample in the presence of the owner or occupier or his representative, labelling the sample all the necessary details, and shall then show the impressions of the seals in his report;
 - e) every inspector shall issue a receipt for each sample he takes to the owner or occupier of the premises inspected, and shall retain a duplicate copy of each receipt, both the original and the duplicate having been duly signed by the person in whose presence the sample was taken; and
 - f) the owner or occupier of the premises inspected shall cause the facsimile of the standards mark to be used by him to be approved by the Director.

(2) Nothing in this Regulation shall be interpreted as preventing an inspector from carrying out, at his discretion an inspection without giving any prior notice to the owner or occupier of the premises to be inspected.

(3) In the performance of his functions under this Regulation, an inspector may take sample of articles marked with a standards mark, which he finds stocked in the premises, or which are offered for sale in the open market, by the applicant or the owner or occupier of premises under inspection.

(4) The Director shall cause to be carried out, in respect of every licence held in accordance with these Regulations, at least two inspections in every twelve months.

7. Every inspector shall make and submit to the director a detailed report relating to every inspection made by him pursuant to Regulation 6.

8. — (1) Where, after any inquiry, the Director is satisfied that the applicant is a proper person to use a standards mark he shall grant a licence to the applicant.

(2) Every licence granted under paragraph (1) shall be in the FORM B specified in the Second Schedule to these Regulations.

(3) A licence granted under these Regulations shall be an authority for the holder to use the standards mark in respect of the commodities or category of manufactured by him or in respect of the process applied by him in any manufacture or work.

(4) The licence granted under this Regulation shall be subject to such conditions or terms as the Director may see fit to impose.

(5) Every licence shall be in force for a period of not more than twelve months and may be renewed, upon the grantee applying for renewal at least one month before the expiry of the original period. The licence shall not at any one time, be renewed for a period exceeding twelve months.

(6) Subject to giving a notice of not less than one month to the holder, the Director may at any time during the currency of a licence alter any of the conditions or terms subject to which the licence was granted.

9. — (1) As soon as practicable after the grant, restoration or renewal of a licence, the Director shall cause to be entered in a register, kept and maintained for the purpose and in such form as may be determined by him, in respect of the person permitted to hold or continue to hold a licence the following particulars —

- a) his name and address, where he is an individual, and the business name, if any, of his enterprise; where the holder of the licence is a body of persons, the name of that body and its address;
- b) the data of grant, renewal or restoration of licence;
- c) the serial number, if any, of the licence;
- d) the commodity or commodities or the process or processes to which the licence granted, renewed or restored relates;
- e) the number and titles of the standard or standards to which the licence relates;
- f) particulars of any suspension, cancellation or renewal in respect of the licence;
- g) such other particulars as the Director may, from time to time, direct.

(2) All changes in the particulars registered under paragraph (1) shall be entered in the register by the Director.

(3) The Director may, with the general or specific approval of the Council, cause to be rectified any clerical errors in the register or other document containing extracts for the register.

10. — (1) Where, after any necessary inquiry, the Director is of the view that a licence should not be granted to any applicant, he may, within three months from the date of receipt of the application, call upon the applicant to show cause why his application should not be refused, giving him such opportunity to be heard as may be just and reasonable.

(2) At any hearing given to the applicant in pursuance of the provisions of paragraph (1) and applicant may appear in person or by authorized representative.

(3) Before refusing the application the Director may take into account any fact explanation urged by or on behalf of the applicant at any hearing held in accordance with this Regulation.

11. — (1) The Director shall suspend any licence granted under these Regulations, if he is satisfied that —

- (a) the commodities marked with the standards mark under a licence do not in fact comply with the relevant standard;
- (b) the holder of a licence has used the standards mark in relation to a process which does not comply with a relevant standard;
- (c) the holder of a licence has, without reasonable excuse, failed or refused to provide reasonable facilities to any inspector to facilitate the discharge of his functions in relation to the licence concerned;
- (d) the holder of the licence has, without the permission of the Bureau and without reasonable excuse, failed or refused to comply with any of the conditions or terms to which the licence was made subject, and upon such suspension, subject to such conditions as the Director may deem fit to impose, the licence shall cease to have effect.

(2) The Director shall, either of his own motion or upon the petition of any person, cancel any licence granted under these Regulations, if he is satisfied that —

- (a) the holder of the licence knowingly made a false statement or a statement which he did not believe to be true in his applications or at any inquiry or inspection prior to the grant of the licence;
- (b) the holder of the licence no longer meets all or a majority of the conditions prerequisite to which the licence was granted;
- (c) the holder of the licence has been convicted of an offence under the Act or these Regulations involving the disregard of standards prescribed in connection with the commodities which he produces under the authority of the licence;
- (d) the holder of the licence has been guilty of fraudulence or dishonesty in his business in relation to matters concerning the maintenance of standards.

(3) A licence may be cancelled for grounds specified in paragraph (2) (c), upon the recommendation, or receipt of the judgment, of the court by which the holder of the licence was convicted of the offence.

(4) When a licence is suspended or cancelled, the Director shall cause a notification to be given to the holder informing him of that fact and of the reasons for the suspension or, as the case may be, the cancellation.

(5) Save in the case of cancellation under paragraph (2) (c), no licence shall be cancelled or suspended unless —

(a) the holder of the licence has previously been notified of the proposed measure and the reasons for it; and

(b) the holder of the licence has thereafter been given a reasonable opportunity to be heard, and

the Director takes into account the findings of inquiry so conducted, subject to Regulation 12.

12. — (1) The Director shall, prior to suspending or cancelling any licence, give to the holder a notice of not less than fourteen days, informing him of the intention to suspend or cancel the licence.

(2) Upon receipt of the notice, the holder of the licence may, within not more than seven days from receipt, submit such explanation to the Director as he may have.

(3) Where an explanation is submitted, the Director shall consider it and afford a hearing to the holder of the licence within fourteen days of its receipt or before the expiry of the notice, whichever is the latter occurrence; but where no explanation is submitted the Director may, on expiry of the notice, cancel or suspend the licence;

13. — (1) Where any licence is cancelled or suspended, the Director shall cause to be published in the *Gazette*, and in at least one newspaper published and circulated in the United Republic, the fact of the cancellation or suspension and the particulars of the licence cancelled or, as the case may be, suspended.

(2) Upon a licence being cancelled or suspended, or where a licence is not renewed, the holder of the licence shall forthwith discontinue the application of the standards mark concerned in respect of the commodity or process in question, notwithstanding that there is an appeal pending against the cancellation, suspension or non-renewal of the licence.

(3) Where a licence is cancelled, if there be with the holder or his agents any articles in stock which bear the standards mark concerned, the holder or his agents, as the case may be, shall take all necessary measures to remove, cancel, or deface the standards mark from these commodities.

14. All decisions made by the Director of the Bureau in relation to any application or licence, and all findings or conclusions reached by any inspector at the conclusion of every inspection, shall be made known to the applicant or holder of a licence, and shall be communicated in writing and sent by registered post to his last known address.

15. — (1) It shall be a condition attached to every licence that the holder shall institute and maintain a system of control to keep unreduced the quality of his production or process by means of a scheme of inspection and testing approved by the Bureau prior to the issue of the licence.

(2) Every holder of licence shall keep and maintain a detailed record of the application of the scheme of inspection and testing for the purposes of establishing the actual maintenance of the required control of the quality of the production or process, and the records shall be available for inspection on demand by any inspector or the Bureau.

(3) Where there is reasonable cause to believe that any standards mark has been or is being used in contravention of the Act or these Regulations, the Bureau may at any time cause an inspection to be carried out in accordance with section 21 of the Act.

16. There shall be charged and paid such fees in respect of the matters specified in the Third Schedule to these Regulations.