

GOVERNMENT NOTICE NO. 137 published on 3/8/84

THE STANDARDS ACT, 1975

(No. 3 of 1975)

**REGULATIONS**

*Made under section 31 (f)*

TESTED PRODUCTS REGULATIONS, 1984

1. These Regulations may be cited as the Tested Products Regulations, 1984.

2. In these Regulations —

“Tested product” means a product in respect of which the Bureau has not issued a standard but which otherwise complies with the appropriate standard as specified by the product specification and approved by the Specification Approval Committee of the Tanzania Bureau of Standards.

3. — (1) The Director may in his absolute discretion issue, in appropriate cases, a Tested Product Certificate in respect of any product for which he is satisfied that the product complies with all the conditions for issuance of the certificate by the Bureau.

(2) A Tested Product Certificate may only be issued to an applicant who satisfies the Bureau that he is a producer of goods complying with the appropriate requirements as defined by the product specification and approved by the Specification Approval Committee (SAC) of the Tanzania Bureau of Standards.

4. — (1) A manufacturer or a dealer of a product who wants to obtain a “tested product” certificate may apply, on a prescribed form, to the Director and the application shall be accompanied by a fee and inspection charges as laid down in the Schedule to these Regulations.

(2) The manufacturer or the dealer of a product shall submit to the Tanzania Bureau of Standards a copy of the product specification, including reference to national or international standards used as a basis for the specification.

(3) Separate applications shall be made where products are covered by different standards.

(4) The Tanzania Bureau of Standards shall check the specifications submitted as to their suitability for approval.

(5) The Tanzania Bureau of Standards shall after checking the specifications, arrange for a pre-certificate assessment of the factory and collect samples for testing against the requirements of the specification.

(6) A draft scheme of inspection and test which specifies the quality control procedures which the applicant is required to maintain and hold a “tested product” certificate will be prepared by the Tanzania Bureau of Standards and communicated to the firm.

5. A “Tested Product” Certificate shall be granted only when—

- (a) the specification has been approved by the Tanzania Bureau of Standards;
- (b) the applicant agrees to the Scheme of Inspection and Test (SIT) and is able to implement its requirements;
- (c) the samples are found to conform to product specification;
- (d) the relevant fees have been paid as specified in the schedule of fees as shown in the Schedule;
- (e) the Tested Product Certificate shall be in a form prescribed in the Schedule.

6.— (1) Where the Director, after considering an application made in terms of sub-regulation (1) refuses to issue to a manufacturer or dealer of a product a “Tested Product” Certificate he shall inform him of his decision, and where the applicant intends to make any representation to the Director, he may do so within one month of being informed of the decision.

(2) Where the Director is informed that an applicant whose application has been refused intends to make representations, he shall, within three months arrange for a meeting whereby he shall give the applicant an opportunity to make his representation.

(3) The Director shall give fourteen days notice of the time, date and place of any meeting to be held in terms of sub-regulation (2).

(4) After hearing any representation which may be made by an applicant in his behalf, the Director shall decide the matter and his decision shall be final.

7. The Tanzania Bureau of Standards shall carry out surveillance inspections to ensure that the conditions of the certificate are being implemented, and such inspections may be carried out without prior notice.

8. A certificate may be terminated by a certificate holder upon giving one month's notice.

9. A certificate holder shall—

- (a) at all times comply with the scheme of inspection and test appropriate to the certificate, which shall have been determined by TBS;

- (b) pay—
  - (i) an annual fee for each certificate granted;
  - (ii) additional fees for inspection, testing, supervision and administration, such as shall be from time to time determined by TBS to be fair and appropriate to a particular scheme of inspection and test having regard to TBS's costs relating to the efficient running of the schemes.
- (c) discontinue any form of statement with reference to the authority of the certificate holder which is in the opinion of TBS to be misleading;
- (d) supply annually, or at such other period as TBS may determine, a certificate signed by a responsible person approved by TBS that the scheme of inspection and test has been duly carried out; that the agreed records have been kept, and that the certificate holder has complied with the conditions of the certificate;
- (e) upon the termination of the certificate (however determined) forthwith discontinue any advertising that makes reference to the certificate;
- (f) undertake to replace or restore or refund the value of any goods which are defective within the meaning of the certificate;
- (g) grant the inspectors of TBS access to the manufacturing or testing premises at all reasonable time for the purposes of surveillance inspection and sample collection, and shall inform TBS of any periods of prolonged closure or shut-down.

10. A register of certificate holders shall be kept by the Director and shall be open to inspection by the public.

11. Any notice or other communication required to be sent or sent under these Regulations by the Bureau shall be deemed to be duly given or sent if sent by post to the address of the certificate holder known to the Bureau and shall be deemed to be given at the time when the same would have been delivered in the ordinary course of post.