

REPUBLIC OF LIBERIA

DRAFT STANDARD BODY
REGULATION

THE STANDARDS ACT (MODEL 1)

This Regulation to promote standardization and quality in production and service sectors and to provide for the establishment of the National Bureau Standards; to define its functions and provide for its management and control; and for matters incidental to, and connected with the foregoing.

1.0 PRELIMINARY

Sec. 1.1 This Act may be cited as the Standards Act.

In this Act, unless the context otherwise requires "Bureau" means the National Bureau of Standards established by Section 2 of this Act; "Code of practice" means a set of rules relating to the methods to be applied or the procedure to be adopted in connection with the construction, installation, testing, operation or use of any article, apparatus, instrument, device or process; "Compulsory standard specification" means a specification

“Standard specification” means a specification which has been declared to be a compulsory standard specification under section 6.7Ofthis Act;

THE NATIONAL BUREAU OF STANDARDS

There is hereby created and established a National Bureau of Standards whose Chief Executive Officer shall be the Director General. The Director General shall be appointed by the President upon the advice and consent of the Senate and hold office at his/her pleasure. He shall have and use an official seal on all notices, documents, reports and other official documents issued by his office.

The President upon advice and consent of the Senate may appoint such deputies and assistants as are necessary to assist the Director General in the Administration of this Title.

2.3 (1) the functions of the Bureau shall be: to promote standardization and quality in industry and commerce; to make arrangements or provide facilities for the testing and calibration of precision instruments, gauges and scientific apparatus, for the determination of their degree of accuracy by comparison with standards approved by the

- Rubber Planters' Association Inc. of Liberia

- University of Liberia.

Sec. 3.3 Permanent members shall hold office for a period of six years as of the date of publication of the Regulation after which they may be reappointed for the same number of years continuously.

Sec. 3.4 Non-permanent members shall hold office for three years after which they may be reappointed by the President on the recommendation of the Chairperson of the commission, who may consider a different organization in the interest of effective contribution from the sector represented.

Sec. 3.4 The President may, after consultation with the Council , appoint not more than two persons to be additional members of the Council being persons whose assistance or advice it may require from time to time.

4.0 POWERS OF THE COUNCIL

4.1 The Council shall have power

(a) To supervise and control the administration and financial management of the Bureau;

(b) To advise and obtain advice from the Minister in regard to any matter within his purview under this Act;

(c) To formulate matters of policy for the purpose of providing general or specific guidance to the Bureau for the better performance of its functions under this Act;

(d) To do all things necessary for the better carrying out of the provisions and purposes of this Act except where otherwise provided.

Sec. 4.2 The Council may, whether or not for reward, at the request of any person, carry out or cause to be carried out.

(a) Any study, examination or test in respect of any particular commodity or class of commodity;

(b) Any comparative study, examination or test in respect of commodities of different makes or brands or of different specification whether produced in Liberia or elsewhere.

(b) Places or encloses any commodity in a receptacle or covering to which a standardization mark has been applied, or in a receptacle or cover to which is attached a label to which any such mark has been applied; shall, for the purposes of Sec. 6.3 be deemed to have applied that standardization mark to that commodity.

Sec. 6.5 The issue of a permit under Sec. 6.3 of this section, shall be at the discretion of the Bureau or a person acting under its authority, and any such permit may be issued subject to condition to be specified therein and subject to the payment of such fees as the Council may, determine.

Sec. 6.6 Any person who contravenes any of the provisions of Sec. 6.3 or who contravenes any of the conditions which may be specified in a permit issued to him, shall be guilty of an offence.

Sec. 6.7 The Minister may, on the recommendation of the Council and subject to the provisions of this section,

(a) declare a standard specification for any commodity or for the manufacture,, production, processing or treatment of any commodity to be a compulsory standard specification in relation thereto with effect from a date specified in such notice being a date not less than two months after the date of publication thereof; prescribed, amend any compulsory standard specification in the manner/in paragraph.

(c) prescribe a distinctive mark for any commodity which complies with a compels standard specification or which has been manufactured, produced, processed or treated in accordance therewith and may abolish or amend any such mark.

such objection is upheld or until after every such objector has had an opportunity to be heard and their reasons for the objection of any such objection have been furnished in writing to that objector or his representative.

C. 6.11 Every notice published by virtue of this section shall contain particulars of the relevant standard specification or the amendment thereof.

c. 6.12 whenever the Minister has, under Sec. 6.7 declared a standard specification to be a compulsory standard specification no person shall sell the commodity to which the standard specification relates after the date specified unless it complies with that standard specification or has been manufactured, produced, processed or treated in accordance therewith.

Sec. 6.13 After a distinctive mark has been prescribed in accordance with paragraph

(c) of Sec. 6.7 No person shall apply that mark to any commodity except under and by virtue of a permit issued to him under this Act and unless that commodity or its manufacture, production, processing or treatment complies with the compulsory standard specification relative thereto.

Sec. 6.14 Any person who contravenes any of the provisions of Sec. 6.12 and 6.13 shall be guilty of an offence.

Sec. 6.15 The provisions of Sec. 6.3 and 6.5 of this Act shall apply with reference to a distinctive mark as they apply to a standardization mark, and the provisions of Sec. 6.6 and 6.7 shall apply respectively to the issue of a permit and a permit issued under this section.

Sec. 6.16 Where a person is charged with contravening. Sec. 6.12 it shall be a defense for him to prove to the satisfaction of the court that he had no knowledge nor any reasonable means of ascertaining, whether before or at the time of sale, that the commodity specified in the charge did not comply with the standard specification relating thereto.

Sec. 6.18 Any person who is aggrieved by any decision of the Minister may in writing require the Minister to give the reasons for his decision and the Minister shall give his reasons in writing accordingly.

7.0 ENFORCEMENT

Sec.7.1 Every person to whom. a permit has been issued under this Act shall, if so requested by the Council in writing, furnish within such period as may be specified such samples of any commodity to which the permit relates and all such information in regard to such commodity or its manufacturer, production, processing or treatment as may be specified in the request.

Sec. 7.2 Any person who contravenes any of the provisions of this Act shall be guilty of an offence and liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

Sec. 7.3 The Minister may, at the request of the Council by notification appoint inspectors for the purposes of this Act any persons who, in his opinion, are suitably qualified.

Sec. 7.4 Every person so appointed shall be either a public officer or a member of the staff of the Bureau and shall be furnished with a certificate or appointment signed by the Director General, stating that such person is authorized by the Minister to act as an inspector for the purposes of this Act.

d) Require from any person the production of any book, notice, record, list or other document which is in the possession or custody or under the control of such person or of any other person on his behalf;

(e) examine and copy any or any part of such book, notice, record, list or other document which appears to him to have relevance to his inspection or inquiry, and require any person to give an explanation of ancestry therein, and take possession of any such books, notice, record, list or other document as he believes may afford evidence of an offence under this Act;

(f) Require information relevant to his inquiry from any person whom he has reasonable grounds to believe is or has been employed at any such premises or to have in his possession or custody or under his control any article referred to in this subsection.

Sec. 7.6 An inspector entering any premises under Sec. 7.5 of this section shall, if so required, produce the certificate issued to him in accordance with section 7.3 of this Act and may be accompanied, if necessary, by an interpreter.

Sec. 7.7 Any person, who resists, hinders or obstructs an inspector acting pursuant to section 7.5 or willfully fails to comply with any requirement made of him under the said subsection shall be guilty of an offence.

Sec. 7.7 (1) any person convicted of an offence under this Act for which no penalty is specifically provided shall be liable to imprisonment for a term not exceeding twelve months, or to a fine not exceeding ten thousand dollars, or to both such imprisonment and fine.

(2) On a second or subsequent conviction of any person for any offence under this Act he shall be liable to imprisonment for a term not exceeding three years or to fine, or to both such imprisonment and fine.

(3) On the conviction of any person for an offence under this Act the court may, in addition to any other penalty which may be imposed, order the confiscation of all or any part of any goods in respect of which the offence was committed, and all goods the subject of such an order shall be disposed of in such manner as the court may direct.

(4) Any person who employs any agent, clerk, servant or other person shall be answerable for any act or omission of such agent, clerk, servant or other person which is an offence under this Act or which would be an offence if committed or made by such employer, and every such employer and his agent, clerk, servant or other person shall be jointly and severally guilty of the offence and liable to the penalties provided therefor.

(5) Provided that it shall be a defense for such employer to prove that he did not know and could not reasonably be expected to know that the act or omission was taking place and he took all reasonable steps to ensure that the relevant provisions of this Act were being complied with.

MISCELLANEOUS

Sec. 8.1 The fact that any commodity complies or is alleged to comply with a standard specification or a compulsory standard specification or has been or is alleged to have been manufactured, produced, processed or treated in accordance with any such specification, or that a distinctive mark or standardization mark is used in connection with any commodity, shall not give rise to any claim against the Government, the Council, or the Bureau, or any member or employee thereof.

Sec. 8.2 Any person who is or has been engaged in the administration of this Act who discloses, except for the purpose of the exercise of his functions or when required to do so by a court or under an written law, any information acquired by him in the exercise or purported exercise of his functions under this Act to any other person shall be guilty of an offence.

Sec 8.3 No employer shall dismiss any person employed by him or reduce the rate of remuneration of such person or otherwise alter the conditions of his employment to conditions less favorable to him or alter his position to his disadvantage relative to other persons employed by such employer by reason of the fact that he believes or suspects (whether or not such belief or suspicion is justified or correct) that, that person has given any information which he could be required under this Act to give an inspector or has complied with any lawful requirement of an inspector or has given evidence in any proceedings under this Act.

Sec. 8.4 An employer who contravenes any of the provisions of Sec. 8.3 shall be guilty of an offence, and the court convicting an employer of any such contravention may in addition to any sentence which it imposes,

order such employer- (a) to restore a rate of remuneration, or conditions of employment, or the position of an employee to that which existed immediately before, and with effect from, the date of the reduction or alteration which gives rise to the conviction;

(b) To pay to any employee whose dismissal is the subject of such conviction a sum estimated by the court to be equal to his total remuneration for any period not exceeding twelve months calculated according to the rate at which he was being remunerated at the time of his dismissal.

