

SEYCHELLES BUREAU OF STANDARDS BILL, 2012

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A BILL

OF

An Act to repeal and replace the Seychelles Bureau of Standards Act, 1987 to make better provision for the development, promotion and maintenance of standardisation and for matters connected therewith and incidental thereto.

ENACTED-8(y)1 23(e)2.98.2964 Tf9.93596.07GS15 TD7830008 Tc.2042 Tw3(ent)-7PART I

Interpretation

2. In this Act –

"Board" means the Board of the Seychelles Bureau of Standards constituted under section 5;

"Bureau" means the Seychelles Bureau of Standards established by section 3;

"Chief Executive Officer" means the Chief Executive Officer of the Bureau appointed under section 11;

"commodity" means an article, product or thing which is the subject of trade and commerce;

"conformity assessment" means the procedure used to determine, directly or indirectly, that the relevant requirements in a technical regulation or a standard are fulfilled;

"consensus" means general agreement, characterised by the absence of sustained opposition to substantial issues by an important part of the concerned interests, arrived at by a process that involves seeking to take into account the views of the parties concerned and to reconcile any conflicting arguments;

"inspector" means a person appointed under section 21(1) as an inspector;

"mandatory standard" means a Seychelles standard declared mandatory under section 17(1);

"mark" includes any device, brand, heading, label, ticket, name, signature, word, letter or numeral or any combination thereof;

"Minister" means the Minister responsible for Industry;

“premises” means –

- (i). a place where any business, industry, production or trade is carried on by a person whether by himself or through an agent;
- (ii). any part of a dwelling used for the purpose of carrying on any business, industry, production or trade;
- (iii). a place where any record, register or other document pertaining to any business, industry, production or trade is kept;
- (iv). a place where any instrument, weight or measure is manufactured, repaired, sold, used or kept for use in any trade;
or
- (v). a place where any prepacked commodity is manufactured, made, packed, stored, distributed, sold, kept or offered for sale;

"Seychelles Standard" means a document declared under section 14(1);

"standard" means a document established by consensus and approved by a recognised body, that provides rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context;

"standard mark" means a mark authorized under section 20(1);

"technical regulation" means a document which lays down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory. It may include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method.

PART III— THE BOARD AND COMMITTEES

5.(1) The Bureau shall be managed by a Board appointed by the President and shall consist of –

- (a) a representative of the Ministry responsible for industry;
- (b) a representative of the Ministry responsible for Finance and Trade;
- (c) a representative of the Ministry responsible for Environment;
- (d) a representative of the Ministry responsible for Health;
- (e) a representative of the Ministry responsible for Agriculture;
- (f) a representative of the Ministry responsible for Physical Planning;
- (g) Three members from the academia or any NGO with sufficient knowledge and expertise in business

(3) The President shall cause the names of the members of the Board to be published in the Official Gazette.

(4) The Chief Executive Officer shall be an ex-officio member of the Board but not hold any other office on the Board and shall not have the right to vote.

(5) The President shall appoint one of the members of the Board

6.(1) The Board shall meet at least 4 times in a year and at such other times as the chairperson may determine.

(2) Two thirds of the number of members of the Board shall constitute a quorum for any meeting of the Board.

(3) The Chairperson or, in the absence of the Chairperson, a

9. The Minister may give the Bureau directions in writing on the policy to be followed by the Bureau in the performance of its functions and the Bureau shall comply with those directions.

10. (1) Where the Board deems it desirable that any matter relating to the functions of the Bureau or the Board be referred to a committee of the Board, the Board may appoint such committee.

(2) The Bureau may appoin

PART IV – SEYCHELLES STANDARDS

14.(1) The Bureau shall formulate and implement a procedure for the development of Seychelles Standards which —

- (a) details the process for the development, approval and publication of a Seychelles Standard based on international best practices;
- (b) ensures that the interests of all parties concerned are considered;
- (c)

(6) The Bureau may, having regard to any objection or representation lodged under subsection (5), confirm with or without modification the draft standard and declare by notice published in the Official Gazette the draft standard as a Seychelles Standard.

(7) The notice under section (6) shall state the title and number of

(2) The reference under subsection (1) shall refer at least to the title and the number of the relevant Seychelles Standard.

(3) If the Seychelles Standard or any provision, incorporated under subsection (1) is amended or revised, such amendment or revision is deemed to be incorporated as well.

17.(1) The Minister may, on the recommendation of the Board, in respect of any commodity which may affect public safety, health or the environment, declare a Seychelles Standard mandatory or withdraw the Seychelles Standard previously declared mandatory, by notice in the Gazette

(2) The notice under subsection (1) shall —

(a) refer to the title of the Seychelles Standard, and the

(4) The Minister shall consult any Ministry or department responsible for the import, sale or supply of any commodity that is subject of a preliminary notice under subsection (3).

18. Where a mandatory standard has come into operation in respect of a commodity every person concerned at any stage of the manufacture, production, processing, treatment or distribution of that commodity shall ensure compliance with that mandatory standard.

19.(1) A person shall not import, sell or supply a commodity to which a mandatory standard applies except in accordance with that mandatory standard.

(2) Any person who imports, sells or supplies a commodity to which a mandatory standard applies, shall keep or supply to the Bureau such records as may be prescribed by the Minister in the administrative provisions.

20.(1) The Minister may, on the recommendation of the Bureau, authorise a Standard Mark.

(2) A standard mark shall distinguish a commodity, process or practice which conforms to a Seychelles Standard from those that are not recognised as conforming to that standard.

(3) The Bureau may, subject to such conditions as it may impose, permit a person to use a standard mark authorised under subsection (1) where the commodity, process or practice in respect of which it is used conforms to a Seychelles Standard.

(4) An application for a permit under subsection (3) shall be made in writing to the Chief Executive Officer in the form and manner prescribed

(2) Every inspector shall be issued with an identity card including

23. Except for the purposes of this Act or when required by any court, an inspector or other officer shall not disclose information in relation to any commodity, process or practice acquired in the exercise of functions under this Act.

PART VI — ASSETS, FINANCE AND ACCOUNTS

24.(1) The Bureau shall have its own Fund and all payments by the Bureau shall be made the Fund.

- (2) The funds of the Bureau shall consist of:-
- (a) moneys granted under an appropriation Act or otherwise by the National Assembly;
 - (b) moneys lawfully received by the Bureau for the purpose of the Bureau;
 - (c) moneys lawfully charged by the Bureau.
- (3) The funds of the Bureau shall be applied by the Bureau in the -
- (a) payment or discharge of debts, expense and other obligations of the Bureau; and
 - (b) payment of emoluments, fees and allowances payable to

(2) Subsection (1) shall not apply to a person using a name described in that subsection prior to the commencement of this Act or to any name so used prior to such commencement.

29. Where a commodity, process or practice conforms or is alleged to conform to a Seychelles Standard or a standard mark is used in

- (a) prevents, hinders or obstructs an inspector in the exercise of the inspector's functions under this Act;
- (b) fails to produce any document or to appear or answer any questions when required to do so under section 22 (2);

commits an offence and is liable for a conviction to a fine of SCR 25,000.

33. Where the Chief Executive Officer is satisfied that a person

