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THE LAWS OF BARBADOS

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CHAPTER 326A

CONTROL OF STANDARDS

An Act to provide for the control of standards and the labelling of commodities. 1981-10.

[1st September, 1981] Commence-
ment.
S.I. 1981
No. 145.

1. This Act may be cited as the *Control of Standards Act*.

Short title.

2. In this Act

Interpreta-
tion.

“Barbados National Standard” means a standard established and published by the Barbados National Standards Institution, in relation to any article or process, indicative of the quality of, and specifications for, that article or process, and includes a standard established by any other standards body that is recognised by the Barbados National Standards Institution;

“label” means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed on, or attached to the commodity;

“obligatory standard specification” means a standard specification that has been so declared by the Minister;

“pre-packaged product” means any product that is packaged in a container in such a manner that it is ordinarily sold to, or used or purchased by, a consumer without being repackaged;

“sell” includes offer for sale, export, or have in possession for sale or export;

“specification” means a description of a commodity, process or practice by reference to its nature, quality, strength,

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purity, composition, quantity, dimensions, weight, grade, durability, origin, age and other characteristics, and includes a specification relating to the labelling of any commodity, process or practice in relation to the information to be included in the labelling, together with style, manner, size, material, colour, position or other characteristics of the labelling;

“standard specification” means a specification that has been issued as a standard by the Barbados National Standards Institution.

Obligatory standard specification.

3. (1) For the purposes of this Act, a standard specification may either be obligatory or optional.

(2) The Minister may by order declare a standard specification to be obligatory if it is intended primarily

- (a) to protect the consumer against danger to health or safety;
- (b) to ensure quality in commodities produced for consumption in Barbados or for export;
- (c) to protect the economy of Barbados;
- (d) to prevent fraud or deception arising from misleading advertising or labelling; or
- (e) to require adequate information to be given to the consumer.

(3) Before making an order under subsection (2), the Minister must give at least 30 days notice published in the *Official Gazette* and in a daily newspaper published in Barbados, of his intention to make the order, and the notice must contain the date on which it is intended that the obligatory standard specification will take effect.

Prohibition of production, sale etc. of commodity.

4. No person shall produce, sell, import, export or use in a commodity, a specification that has been declared to be an obligatory standard specification, or carry out work the technical rules or the processes of which are so declared, unless the commodity or the process involved in the work conforms to the requirements of the obligatory standard specification.

5. The Minister may, for the prevention of danger to life or property by order prohibit the possession or use for any purpose of a commodity the specification of which has been declared to be an obligatory standard specification, unless the commodity conforms to the requirements of that standard specification.

Prohibition of possession or use of commodity.

6. If an obligatory standard specification is declared in respect of a commodity, the High Court may upon application by the Minister order a person who is engaged in the manufacture of the commodity to cease the manufacture after a date specified in the order, if the manufacturer fails to comply with the standard specification.

Power of Court.

7. (1) The Minister may by order prohibit the sale or importation of a commodity for sale in Barbados if the commodity is proved by the Institution or a laboratory approved by the Institution to be unsafe for use.

Prohibition of sale or importation.

8. Except with the written consent of the Minister, no individual or body of persons may exercise the functions for which that individual or body is formed under a name that contains the word "standard" or "standardised" or the words "Barbados Standard" or any abbreviation of these words.

Restriction of use of certain words.

9. Where an Act provides for the registration of any individual or body of persons, the registering authority may refuse registration if in its opinion the use of the name by which the individual or body desires to be registered is prohibited by section 8.

Power of registering authority.

10. Except with the written consent of the Minister, no trade mark that contains the word "standard" or "standardised" may be registered under the *Trade Marks Act*.

Registration of trade-marks.
Cap. 319.

11. Sections 8 to 10 do not apply

Exemptions.

(a) to the use by any person of any name that was in use in Barbados by that person or any predecessor in the business of that person on 1st September, 1981;

(b) to any trade mark registered on 1st September, 1981.

Labelling of commodities.

12. No person shall label commodities contrary to the Barbados National Standard.

Prohibition of sale, importation etc. of pre-packaged products.

13. No person shall sell, import or advertise any pre-packaged product unless the product has applied to it a label conforming to the Barbados National Standard.

Commodities for export.

14. (1) For the purpose of protecting Barbados' reputation in the export market, the Minister may by order declare that a specified commodity may be exported only if it conforms to the relevant standard of that commodity.

(2) No person shall sell for export from Barbados a commodity unless that commodity conforms to the specified standard.

Appointment of inspectors.

15. (1) The Minister may appoint persons to be inspectors for carrying out the purposes of this Act.

(2) The inspectors are entitled to such remuneration as the Minister determines.

Powers of inspectors.

16. An inspector may, at reasonable times, and on production of a certificate of appointment

- (a) enter any place where he reasonably believes any commodity in respect of which there is in force an obligatory standard specification, is manufactured, prepared, packaged, stored or kept for export or imported for sale;
- (b) examine commodities and take samples thereof free of any charge, and examine anything that he reasonably believes to be used or to be capable of being used for the manufacture, preparation, processing, packing, storing or keeping of a commodity;
- (c) open and examine any container that he reasonably believes contains any commodity in respect of which an obligatory standard specification is in force;
- (d) detain and affix a temporary detention tag to, or issue a detention order in respect of, commodities which he reasonably believes to be in contravention of this Act;

- (e) examine any label used on commodities;
- (f) test any commodity detained by him, or any sample therefrom, or any sample taken by him.

17. The owner or person in charge of premises that an inspector has entered pursuant to section 16, and any person employed therein, shall give the inspector such reasonable assistance as he may require, and shall furnish the inspector with such information within his knowledge so as to enable the inspector to carry out his functions under this Act.

Duty of owner or person in charge.

18. The Minister may direct that the owner or person in charge of an establishment who fails to comply with the directions of an inspector cease forthwith the manufacture, preparation, or processing of any prescribed commodity for such period as the Minister considers necessary; and the owner or person in charge shall comply with the directions.

Power of Minister to order cessation of manufacture etc. of prescribed commodity.

19. An inspector must release any commodity detained by him if he is satisfied that it complies with the obligatory standard specification.

Inspector to release detained commodity.

20. Where samples of imports are found on examination not to comply with the relevant obligatory standard specification, the imports shall not be admitted for distribution in Barbados.

Prohibited imports.

21. The Minister may make regulations respecting

Regulations.

- (a) the declaration of obligatory standard specifications;
- (b) the sale or disposal of goods found to be deleterious to the welfare of the consumer;
- (c) the labelling of commodities;
- (d) the exemption from such requirements of this Act, as he thinks fit;
- (e) the inspection of specified commodities that are to be exported;
- (f) the manufacture, sale, importation or exportation of goods for which an obligatory standard specification has been declared;

- (g) the conduct of inspection, examination of commodities and the taking of samples;
- (h) the forms to be used under this Act;
- (i) generally for giving effect to the purposes of this Act.

Offences.

22. (1) A person who produces, imports, sells or exports a commodity that does not conform to an obligatory standard specification is guilty of an offence and liable on summary conviction to a fine of \$5 000, or imprisonment for 2 years.

(2) A person is guilty of an offence and liable on summary conviction to a fine of \$2 500 or imprisonment for 1 year who,

- (a) without lawful authority wilfully uses or imitates any detention tag, certificate or order placed on, or issued in relation to an article, or without lawful authority removes, alters, defaces or obliterates, wholly or partially, any detention tag, order or certificate;
- (b) sells, moves, or causes or allows to be moved, an article detained under this Act;
- (c) assaults, hinders or obstructs an inspector in the performance of his functions;
- (d) fails to comply with any directions of an inspector under section 18;
- (e) bribes an inspector in connection with any matter arising in the performance of his functions;
- (f) being an inspector, accepts any bribe in connection with any matter arising in the performance of his functions.

(3) A person who fails to comply with section 17 is guilty of an offence and liable on summary conviction to a fine of \$1 000 or to imprisonment for 6 months.

Expenses.

23. All expenses incurred in the administration of this Act are to be defrayed out of moneys voted for the purpose by Parliament.