

# LAWS OF BARBADOS

## BARBADOS NATIONAL STANDARDS INSTITUTION (CERTIFICATION MARKS) ACT

### CHAPTER 325A

#### (SUBSIDIARY LEGISLATION)

## SUBSIDIARY LEGISLATION INDEX

### **Barbados National Standards Institution**

1. (Certification Marks) Regulations, 1982 .....A1
2. (Certification Marks)(Establishment of Barbados National Standards) Notice, 1993 .....B1

**Barbados National Standards Institution  
(Certification Marks)**

Cap. 325A.

**BARBADOS NATIONAL STANDARDS INSTITUTION  
(CERTIFICATION MARKS)  
REGULATIONS, 1982**

1982/204.  
1993/61.

**Authority:** These regulations were made on 8th November, 1982 by the Barbados National Standards Institute with the approval of the Minister under section 9 of the *Barbados National Standards Institution (Certification Marks) Act*.

**Commencement:** 15th November, 1982.

1. These Regulations may be cited as the *Barbados National Standards Institution (Certification Marks) Regulations, 1982*. Citation.

2. In these regulations

Definitions.

"applicant" means a person or organization who makes application to the Institution for a licence to use a standard mark;

"licence" means a licence granted under the Act and in the manner specified in these regulations to use a standard mark in relation to any article or process which conforms to a particular Barbados National Standard; and "licensee" has the corresponding meaning;

"standard" means a Barbados National Standard as defined by section 2 of the *Control of Standards Act*, and any other standard recognized by the Barbados National Standards Institution in accordance with these regulations. Cap. 326A.

3. The forms set out in the *Schedule* are to be used for the purposes of these regulations. Forms. Schedule.

4. (1) Where the Barbados National Standards Institution, in these regulations referred to as "the Institution" has Notification and publication of standard.

(a) established a standard;

(b) recognized a standard;

(c) amended an established standard; or

(d) cancelled an established standard,

the Institution shall cause the notification of that fact to be published in the *Official Gazette*.

(2) Without prejudice to paragraph (1), the Institution shall publish, in the manner approved by the Minister, every standard that is established, recognized, amended or cancelled.

(3) In a publication for the purposes of paragraph (2) the following particulars must be specified

(a) the number and title of the standard that is established, recognized or cancelled;

(b) the number and title of any standard that is superseded by a new standard;

(c) in the case of a standard that is recognized by the Institution, the name of the organisation which prepared and established the standard; and

(d) any other particulars as the Institution determines.

(4) Unless otherwise specified, all standards and any amendments thereof take effect from the date of publication of the notice thereof in the *Official Gazette* in accordance with paragraph (1).

Publication  
of standard  
marks.

5. (1) The Institution shall cause the design and description of each standard mark and the number and title of the standard to which it relates to be published in the manner approved by the Minister.

(2) No mark that resembles or is identical with any mark published by the Institution as a standard mark shall be registered as a trade mark under any other enactment.

(3) When a standard mark is published in respect of an article or process no person, other than a licensee, may make any public claim that his product conforms to the relevant standard or that it is entitled to bear the relevant standard mark.

(4) Where a standard mark is not published in relation to an article or process, a person may, with the written approval of the Institution, make public claim that his production or process conforms to the relevant standard if that product or process in fact conforms to the published standard.

6. All standards published by the Institution may be
- (a) purchased at the headquarters of the Institution; or
  - (b) examined at the Public Library.

Purchase and examination of standards.

7. (1) Every application for a licence to use a standard mark

Applications for licences. Schedule.

- (a) must be in Form I as set out in the *Schedule* and must be completed and signed by the applicant or a person authorized by him;
- (b) must be accompanied by a statement giving details of any scheme of inspection and testing maintained by the applicant for controlling the quality of the article or process in respect of which the licence is sought; and
- (c) must be accompanied by the prescribed fee.

(2) The Institution must cause written acknowledgement to be given in respect of every application received.

8. (1) In the determination of an application the Institution may

Determination of application.

- (a) require the applicant to produce evidence that the article or process in respect of which the licence is sought conforms to the appropriate standard;
- (b) require the applicant to produce evidence of a scheme of testing and inspection that is designed to ensure that the product in relation to which the mark has been applied for conforms to the relevant standard;
- (c) require the applicant to provide reasonable facilities that would enable an inspector to verify evidence supplied in support of an application;
- (d) request any supplementary documentary evidence in support of any statement in the application;
- (e) direct the applicant to submit samples, at his own expense, to a designated laboratory or test house; or

(f) require the applicant to carry out alterations to the scheme for testing and inspection.

(2) No application is complete unless all matters that are requested or required to be submitted to the Institution are so submitted.

(3) In the determination of an application, the Institution may, with the approval of the Minister, afford an applicant or a person authorized by him, a reasonable opportunity to make oral representations to the Institution in support of his application.

(4) The decision of the Institution in respect of every application under paragraph (1) must be communicated to the applicant in writing; and where an application is refused the grounds for the refusal shall also be stated in the communication.

Form and  
duration of  
licence.  
Schedule.

9. (1) A licence to use a standard mark

(a) must be in the Form II as set out in the *Schedule*;

(b) is valid for a period of one year but may be renewed if the licensee makes application therefor at least 1 month before the expiration of his licence;

(c) takes effect on payment of the annual licence fee specified in paragraph (3) of regulation 18;

(d) is subject to such terms and conditions as the Institution determines.

(2) An application for the renewal of a licence must be in Form III as set out in the *Schedule* and must be accompanied by the fee specified in paragraph (1) of regulation 18.

(3) If the Institution determines that the terms and conditions subject to which a licence is granted should be varied, the Institution must give 1 month's prior notice to the licensee.

Suspension or  
cancellation of  
licence.

10. (1) The grounds upon which a licence may be suspended or cancelled are:

(a) that the articles marked with a standard mark do not conform to the relevant standard;

- (b) that the licensee has used the standard mark in respect of a process that does not conform to the relevant standard;
- (c) that the licensee has failed to facilitate an Inspector in the performance of his duties under the Act;
- (d) that the licensee has failed to comply with any term or condition of the licence.

(2) Before the Institution suspends or cancels a licence, it shall cause the licensee to be given 14 day's notice of its intention to suspend or cancel his licence and the grounds upon which the proposed action is based.

(3) On receipt of a notice under paragraph (2) the licensee may, within 7 days of the receipt of that notice, make written submissions to the Institution; and that Institution may grant the licensee a hearing within 14 days of the receipt of such written submissions.

(4) A decision of the Institution to suspend or cancel a licence and the ground upon which it is based shall be communicated in writing to the licensee.

(5) The Institution shall cause the suspension or cancellation of a licence and the particulars of that licence to be published in the *Official Gazette*.

11. (1) Where a licence is suspended or cancelled or a term thereof is varied in accordance with these regulations the licensee shall immediately discontinue the use of the standard mark; and where a term thereof is varied the licensee may only use the standard mark in accordance with the terms of the licence as varied.

Effect of suspension or cancellation of licence.

(2) Where a licensee has in his possession or control any articles that are marked in a manner that is inconsistent with a suspension or cancellation of a licence or with the variation of a term of that licence, the licensee shall take all reasonable steps to ensure that the standard mark on those articles is removed, cancelled, defaced or erased.

12. (1) A licensee shall establish and maintain, to the satisfaction of the Institution, a system of control by means of testing and inspection that is designed to ensure that the quality of his production or process is consistent with the terms and conditions of his licence.

Licensee's arrangements for inspection and testing.

THE LAWS OF BARBADOS

(2) A licensee shall maintain a permanent record of all tests and inspections and other data as may be specified in the licence as evidence of his satisfactory compliance with the system of control referred to in paragraph (1).

(3) A record maintained for the purposes of paragraph (2) shall be made available to an inspector on demand.

Procedure  
at inspec-  
tions.

**13.** Where an inspector makes an inspection for the purposes of the Act the following procedures must be followed:

- (a) if an inspector proposes to take a sample of any material or substance he must do so in the presence of the licensee or the applicant or a person authorised to represent the licensee or applicant, as the case may be;
- (b) where an inspector considers it prudent that a sample should be covered and sealed or if a licensee or applicant so requests, the inspector must cover and seal the sample in the presence of the licensee or applicant;
- (c) an inspector shall give a receipt for each sample taken and shall retain a duplicate copy of that receipt signed by the person in whose presence the sample is taken;
- (d) samples taken by an inspector must be labelled and the respective labels must contain details relating to each sample;
- (e) impressions of the seals used must be recorded in the inspector's report.

Technical  
audit.

**14.** In carrying out a technical audit of any activity or operation relating to a particular product or process with which a certification mark is associated, an inspector may examine

- (a) the raw materials;
- (b) the process and the process of control;
- (c) the intermediate products, if any;
- (d) the scheme of inspection and testing;
- (e) testing equipment or facilities;
- (f) equipment, maintenance and calibration schedule;
- (g) records relating to products sold or exported;



(h) records of test results; and

(i) records of raw materials purchases, of a licensee or an applicant.

15. (1) An inspector's certificate of appointment must be in Form IV as set out in the *Schedule*. Inspectors and Inspections. Schedule.

(2) An inspector shall submit to the Institution a detailed report of every inspection made by him for the purposes of the Act.

(3) The Institution shall cause at least 6 inspections to be made in every year in respect of each licence.

(4) If a special inspection is made at the request of an applicant or licensee, the Institution shall charge a reasonable fee to cover the expenses incurred in making the inspection.

16. (1) The Institution shall cause to be maintained a register of all licences. Register of licences.

(2) The register of licences shall contain all material information respecting

(a) all licences and licensees; and

(b) all renewals, suspensions and cancellation of licences.

17. (1) The Institution shall cause to be maintained a separate register of each testing laboratory that is recognized by it for testing samples of articles or processes in relation to a particular standard. Register of laboratories.

(2) A register for the purposes of paragraph (1) must be in Form V as set out in the *Schedule*. Schedule.

18. (1) An application for the grant of a licence shall be accompanied by a fee of \$50; and an application for the renewal of a licence shall be accompanied by a fee of \$20. Fees.

(2) A fee submitted under paragraph (1) is not refundable.

(3) An applicant who is granted a licence shall pay an annual licence fee of \$100 and a marking fee proportionate to the quantum of the annual production of the article or process in respect of which the licence is granted.

(4) The Institution may, with the approval of the Minister, determine the marking fee; and the fee so determined shall be published in the *Official Gazette*.

Payment  
of fees.

19. (1) The annual licence fee shall, in the first year, be paid at the time of the grant of the licence and thereafter within 1 month of the date of expiration specified in the licence.

(2) The marking fee shall be paid in the manner specified in the second schedule to the licence.

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SCHEDULE

(Regulation 3)

FORM I

(Regulation 7(1))

BARBADOS NATIONAL STANDARDS INSTITUTION  
(CERTIFICATION MARKS) ACT, CAP. 325A

APPLICATION FOR LICENCE TO USE A STANDARD MARK

TO: The Director, Barbados National Standards Institution

1. \*I/We carrying on business at .....  
..... (full business address)  
under the style of ..... (full name of individual  
or firm) hereby apply for a licence under the BARBADOS NATIONAL  
STANDARDS INSTITUTION (CERTIFICATION MARKS) ACT, Cap.  
325A, to use the Standard Mark in respect of Articles/class of  
Articles/process which conform to the Barbados National Standard(s)  
listed below:

(a) \*\* Article

Type .....

Size .....

Grade .....

Brand Name .....

- (b) **\*\*Class of Articles**  
 Type .....  
 Size.....  
 Grade .....  
 Brand Name .....
- (c) **\*\*Process** .....
- (d) **Related Barbados National Standard(s)**  
 NO..... TITLE.....  
 NO..... TITLE.....  
 NO..... TITLE.....

2. The above article/process is manufactured/carried out by  
 .....  
 on premises situated at .....
3. Production figures for the said article/process and the value thereof to the best of my/our knowledge and the estimates are as follows:

Year	Production	Unit	Value BDS \$
Last year from.....			
.....			
current year from .....			
.....			
to .....			
..... (estimates).			

4. In order to ensure conformity of the said article/process to Barbados Standard No.:
- 

\*Strike out one not applicable

\*\*Only one of the three items under (a), (b) and (c) may be covered by one application; strike out the other two.

\*I/We have in use/propose to use the scheme of inspection and testing described in the statement attached hereto. Routine records of all the inspections and tests are being/will be kept in the manner specified in the statement. \*I/We further undertake to modify, amend or alter \*my/our scheme of inspection and testing to bring it into conformity with that which may be specified by the Institution from time to time.

\*I/We have at present no schemes of inspection and testing in operation.

\*I/We however undertake to put into operation any such schemes as recommended by the Institution.

5. Should any initial enquiry be made by the Institution \*I/We agree to extend to the Institution all reasonable facilities at \*my/our command and \*I/We also agree to pay all expenses of any such enquiry including charges for testing, as and when required by the Institution.
6. Should the licence be granted and as long as it remains operative, \*I/We hereby undertake to abide by all the terms and conditions of the licence and the *Barbados National Standards Institution (Certification Marks) Regulations, 1982*. In the event of licence being suspended or cancelled, \*I/We also undertake to cease with immediate effect to use and to withdraw all relevant advertising matters and to take such other steps as may be necessary to comply with the provisions of the abovementioned regulations.

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\*Strike out one not applicable

Dated this ..... day of .....

one thousand nine hundred and .....

Signature .....

Name .....

Designation .....

For and on behalf of .....

.....(Name of Firm)

FORM II

(Regulation 9(1))

BARBADOS NATIONAL STANDARDS INSTITUTION  
(CERTIFICATION MARKS) ACT, CAP. 325A

LICENCE FOR THE USE OF A STANDARD MARK

*Licence No.* .....

1. The Barbados National Standards Institution, by virtue of power conferred on it by the *Barbados National Standards Institution (Certification Marks) Act, Cap. 325A*, hereby grants to .....

(hereinafter called the "Licensee") this licence to use the Standard Mark set out in the first column of *First Schedule* hereto, upon or in respect of the article(s) set out in the second column of the said Schedule which is/are manufactured in accordance with/conforms to the relevant Barbados National Standard(s) referred to in the third column of the said Schedule.

2. This licence carries the rights and obligations stipulated in the *Barbados National Standards Institution (Certification Marks) Regulations, 1982*. In pursuance of those said obligations the licensee has paid the marking fee specified in the *Second Schedule* hereto and shall maintain to the satisfaction of the Institution the scheme of inspection and testing a copy of which is hereto attached.
3. This licence shall be valid from ..... and may be renewed as specified in the Regulations.

Signed, sealed and dated this                      day of  
19   .

.....  
*Director, Barbados National Standards Institution.*

**CAP. 325A Barbados National Standards Institution (Certification Marks) Regulations, 1982**

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**FIRST SCHEDULE**

STANDARD MARK (1)	ARTICLE/PROCESS (2)	BARBADOS NATIONAL STANDARD (3)

**SECOND SCHEDULE**

**SCHEDULE OF MARKING FEE FOR LICENCE NO.**

ARTICLE/PROCESS (1)	UNIT (2)	MARKING FEE PER UNIT (3)	MANNER OF PAY- MENT (4)

**ATTACHMENT**

To: Licence No. ....  
 Scheme of Testing and Inspection

FORM III

(Regulation 9(2))

BARBADOS NATIONAL STANDARDS INSTITUTION  
(CERTIFICATION MARKS) ACT, CAP. 325A

APPLICATION FOR RENEWAL OF LICENCE TO USE  
A STANDARD MARK

To:

Director, Barbados National Standards Institution

1. \*I/We carrying on business at .....  
.....  
(Full factory and office address) under the business name of  
.....  
.....  
or firm apply for renewal of Licence No. ....  
Dated ..... by the Institution under the *Barbados National Standards Institution (Certification Marks) Act, Cap. 325A* and Regulations for a further period of .....  
year(s), the terms and conditions being the same as stipulated in \*my/our previous application and the aforesaid licence, and/or such other conditions which the Institution may specify.
2. \*I/We furnish a report overleaf of \*my/our performance in the production of goods bearing the standard mark for your consideration with this application.

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Strike out one not applicable.

3. The licence, complete with the attachments, is sent herewith for necessary action.
4. The renewal application fee of \$20 (Twenty dollars) along with the licence fee of \$100 (one hundred dollars) are also enclosed herewith vide cheque No. .... dated .....

THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,  
by the authority of the Government of Barbados

Dated this .....day of .....

Signature .....

Name .....

Designation .....

Seal of Firm For and on behalf of .....

**REPORT OF PERFORMANCE \*\***

(From..... up to the date of submission of this application  
(Attachment to the Application for Renewal)

1. Name of the article(s) .....
2. Total Production of article(s) licensed for Certification Marking .....
3. Total Production of articles conforming to Barbados National Standard ....
4. Quantity covered with standard mark and its approximate value
  - (a) Quantity .....
  - (b) Value BDS \$ .....
5. Quantity of article (s) carrying standard mark exported and its value
  - (a) Quantity .....
  - (b) Value BDS \$ .....
6. Name and address of importers of article(s) carrying standard mark .....
7. Name and addresses of local purchasers of article(s) carrying standard mark .....



8. Quantity not covered with standard mark, if any, and reasons for not applying the mark.....  
.....
9. Brand/Trade Name(s) of article(s) carrying standard mark.....  
.....
10. Total amount of marking fee due and paid during the year  
.....
11. Brief information regarding difficulties, if any, experienced in operating the licence .....  
.....  
.....  
.....

**NOTE:** In case the arrears of fees are not cleared before the renewal date, renewal of licence will not be considered.

\*\*This part is for official use only.

FORM IV

(Regulation 15(1))

BARBADOS NATIONAL STANDARDS INSTITUTION  
(CERTIFICATION MARKS) ACT, CAP. 325A

CERTIFICATE OF APPOINTMENT OF INSPECTOR

This is to certify that Mr./Mrs./Miss. ....  
..... (name and designation)  
whose signature and photograph appear hereunder has been appointed as an Inspector under section 4 of the *Barbados National Standards Institution (Certification Marks) Act, Cap. 325A*.

**CAP. 325A Barbados National Standards Institution (Certification Marks) Regulations, 1982**

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Assignment .....

.....

.....

Photograph

.....  
Signature of Inspector

Director,  
Barbados National Standards Institution.

FORM V

(Regulation 17(2))

**BARBADOS NATIONAL STANDARDS INSTITUTION  
(CERTIFICATION MARKS) ACT, CAP. 325A**

**REGISTER OF TESTING LABORATORY**

Name of Testing Laboratory	
Location of Testing Laboratory	
Test(s) Laboratory is capable of performing	
Date(s) and nature of test(s)	