

## Control of Standards

Cap. 326A.

## CONTROL OF STANDARDS REGULATIONS, 1982

1982/203.

**Authority:** These regulations were made on 8th November, 1982 by the Minister under section 21 of the *Control of Standards Act*.

**Commencement:** 8th November, 1982.

1. These Regulations may be cited as the *Control of Standards Regulations, 1982*. Citation.

2. In these regulations Definitions.

"designated commodity" means any commodity for which compulsory standard specification is notified under the Act;

"designated laboratory or test house" means a laboratory or test house designated by the Minister for the purposes of analysis or testing of designated commodities for the purposes of the Act and these regulations;

"inspection" in relation to a commodity means, the process of determining whether a batch of goods of that commodity conforms to standard specification applicable to that commodity;

"Institution" means the Barbados National Standards Institution;

"quality control" means the process of determining the quality of a commodity, whether during manufacture or subsequently in order to ascertain whether it satisfies the standard specifications applicable to it;

"standard mark" means a mark applied to a commodity indicating conformity with an obligatory standard.

3. The forms contained in the *Schedule* must be used for the purposes of these regulations. Forms.  
Schedule.

4. (1) The Institution shall be responsible for the supervision of inspection and the analysis or testing of commodities for the purposes of these regulations. Supervision  
of Inspections, testing etc.

## THE LAWS OF BARBADOS

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(2) The Institution in the exercise of its function under these regulations shall be subject to such conditions as the Minister may impose.

Designation  
of labora-  
tories and  
test houses.

5. (1) The Minister may designate laboratories or test houses to test samples for the purposes of these regulations.

(2) Before the Minister designates a laboratory or test house under paragraph (1), he may consult with the Institution.

(3) A laboratory or test house designated by the Minister for the purposes of the Act

- (a) shall be equipped to carry out tests in connection with obligatory standards;
- (b) shall be staffed with personnel, competent to undertake tests in connection with obligatory standards;
- (c) must be kept in good repair and equipment calibrated in accordance with the requirements of the Institution;
- (d) shall report the results of all analysis and tests to the Minister, the Institution and the relevant inspector;
- (e) shall maintain records of tests carried out in connection with obligatory standards and other standards; and
- (f) shall charge the fees determined by the Minister for tests in connection with obligatory standards.

Application  
for designa-  
tion as a  
laboratory  
or test  
house.

6. (1) An application for the designation of a laboratory or test house may be made in writing to the Minister in Form I as set out in the *Schedule* and must include a statement containing:

- (a) details of scientific, engineering and technological apparatus with which the laboratory or test house is equipped and of the arrangement for their proper maintenance and repair;
- (b) names, training, qualifications and experience of personnel who may sign the test reports, and specimens of the signatures of those persons;
- (c) the goods, services, processes or practices which the laboratory or test house is competent and willing to investigate;
- (d) such other information as may be relevant or as the Minister requires.

(2) In case of a laboratory or test house in Barbados the application shall be accompanied by an undertaking by the applicant:

- (a) to allow a person designated by the Institution to inspect the laboratory or test house, its apparatus and equipment; and
- (b) to maintain the apparatus and equipment in a state of good repair including its calibration in accordance with the requirements of the Institution.

(3) In the case of a laboratory or test house located outside Barbados, the application shall be accompanied by a certificate issued by a competent authority or person acceptable to the Minister that the statements in the application are true and that the laboratory or test house is recognised in that country for testing the goods, services, processes or practices as specified in the certificate.

(4) Notwithstanding anything contained in regulation 5, the Minister may designate a laboratory or test house for the purposes of the Act, without application being made on its behalf if that laboratory or test house

- (a) is a department of Government or of a Statutory Board; or
- (b) is owned, operated, designated or certified as competent by an organisation outside Barbados charged with the formulation, application and enforcement of standards.

7. (1) The Minister must cause a notice of the designation of every laboratory or test house or the revocation thereof to be published in the *Official Gazette*.

Notifica-  
tion of  
designated  
laboratories  
or test  
houses.

(2) The Minister may cause a list of designated laboratories and test houses to be published annually in the *Official Gazette*.

8. (1) The Minister may, by notice in the *Official Gazette*, recognise a standard mark in relation to a designated commodity for the purpose of denoting that that commodity conforms to the requirements of compulsory standards applicable to it.

Recogni-  
tion of  
standard  
mark.

(2) A standard mark affixed or applied to a designated commodity or to any covering containing, or label attached to such commodity is evidence that the commodity is in conformity with the compulsory standard applicable to it.

(3) Nothing in this regulation prevents an officer of the Customs Department or any other duly authorised persons from examining any consignment of a designated commodity if he has reason to suspect that the standard mark is not lawfully applied.

Inspection  
generally.

9. (1) An inspector may take photographs of an establishment and of any commodity to which the Act applies.

Schedule.

(2) Where an inspector has seized and detained any consignment of a designated commodity by means of or in relation to which he reasonably believes the Act is being contravened he shall attach to that commodity numbered detention tags in Form II as set out in the *Schedule* and the inspector may also take samples of the commodity for analysis or testing.

Schedule.

(3) Within 12 hours after attaching a detention tag the inspector shall deliver or post to the owner or person in possession of the commodity a notice of detention in Form III as set out in the *Schedule*.

(4) If on the basis of an analysis or test report on the samples the inspector is satisfied that the commodity referred to in paragraph (2) conforms to the requirements of an obligatory standard, he shall release the commodity and, for this purpose the inspector shall deliver or post to the owner or person in possession thereof a notice of release in Form IV as set out in the *Schedule*.

(5) If on the basis of an analysis or test it is found that the sample of the commodity does not conform to the requirements of the obligatory standard the inspector shall inform the Institution accordingly.

(6) If the Institution is satisfied that a commodity does not conform to the requirements of the obligatory standard, the Institution may recommend to the Minister that that commodity be

- (a) forfeited;
- (b) destroyed at the cost of the owner; or
- (c) returned to the owner for reprocessing.

(7) The recommendation specified in paragraph 6(c) may only be made if the Institution is satisfied that the commodity is capable of being made to conform to the obligatory standard under the supervision of a person designated by the Institution.

10. (1) When taking a sample for analysis or testing, an inspector shall, after procuring a suitable quantity of the commodity, give written notice to the owner thereof, or the person from whom the sample was obtained, of his intention to have the commodity analysed or tested. Sampling.

(2) If the owner or the person from whom the sample is obtained makes a request to retain part of the sample the inspector shall divide the commodity into 3 parts and shall

- (a) cause each of the 3 parts to be marked and sealed in such a manner as the nature of such sample permits;
- (b) deliver one of the parts to the owner or the person from whom the sample was obtained;
- (c) retain one of the parts for subsequent comparison or verification; and
- (d) submit the third part to the laboratory or test house for analysis or testing.

(3) If no request is made for the retention of part of a sample, the inspector shall

- (a) divide the same into 2 parts;
- (b) cause each of those parts to be marked and sealed in such a manner as the nature of sample permits; and
- (c) retain one of the parts for future comparison or verification and submit the other to the laboratory or test house for analysis or testing.

(4) Notwithstanding anything contained in this regulation, where in the opinion of the inspector division of the procured quantity of the sample may interfere with analysis or testing the inspector may, subject to paragraph (5), seal and submit the entire sample for analysis or testing.

(5) Where, at the time a sample is taken, the owner or the person, from whom the sample is taken objects to the procedure described in this regulation and supplies at his own expense a sufficient quantity of the sample, the inspector must follow the procedure described in paragraph (4).

(6) On completion of every analysis or test an authorised person at the laboratory or test house shall issue a certificate stating that an analysis or test has been carried out in respect of the article or sample submitted by an inspector.

Schedule.

(7) A certificate for the purposes of paragraph (6) must be in Form V as set out in the *Schedule*, with such variations as the circumstances may require.

Importation of commodities with obligatory standards.

11. (1) Where an obligatory standard is declared for any commodity, that commodity shall, if imported, be examined by an inspector on entry before being delivered out of the charge of the Customs Department.

(2) Where a sample of an imported commodity is taken, the inspector shall, as soon as may be practicable thereafter, submit the sample to a laboratory or test house.

(3) Where on the basis of an analysis or test it is determined that samples of an imported commodity are not in conformity with the relevant obligatory standard, the inspector shall send a report of the analysis or test to the Comptroller of Customs, and to the importer and, subject to paragraph (4), that commodity shall not be admitted into Barbados.

(4) Where, in the opinion of the inspector, an imported commodity is capable of being suitably modified so as to effect conformity with the obligatory standard, the commodity may be admitted for the modification to be carried out under the supervision of and to the satisfaction of the Institution.

(5) The Minister may waive the requirements of sampling and analysis of any shipment of a designated imported commodity if

- (a) a sample of a similar commodity from the same country or origin is analysed or tested by a designated laboratory or test house and is found to be in conformity with the obligatory standard;
- (b) a sample of the commodity taken from a shipment is analysed or tested in the country of origin by a designated laboratory or test house and is found to be in conformity with the obligatory standard, and a certificate of the analysis or test submitted is acceptable to the Minister; or
- (c) the commodity is marked with a standard mark that is recognised by the Minister under regulation 8.

Export of commodities with obligatory standard.

12. (1) Commodities manufactured in Barbados for which an obligatory standard intended to ensure quality of goods produced for export is declared, may not be exported unless the export

consignment is accompanied by a certificate of export worthiness issued by the Institution stating that the consignment conforms to the relevant obligatory standard.

(2) Inspection of the designated export commodity shall be carried out at the time when the consignment is ready for export.

13. (1) Subject to paragraph (4), a person intending to export a designated commodity shall by notice inform the Institution and shall submit along with that information a declaration of the specifications stipulated in the export contract giving details of all technical characteristics to the Institution so as to enable it to carry out an inspection in accordance with regulation 12(2).

Export of  
designated  
commod-  
ity.

(2) A notice under this regulation must be in Form VI as set out in the *Schedule* and shall be accompanied by such fee as the Minister determines.

Schedule.

(3) On receipt of notice and declaration under paragraph (1) the Institution shall cause an inspection of the consignment to be carried out in accordance with these regulations.

(4) A notice and declaration under paragraph (1) shall reach the office of the Institution not less than 10 days before the consignment is ready for export.

(5) On completion of inspection the packages in the consignment shall be sealed in a manner so as to ensure that the sealed goods cannot be tampered with, but in case of rejection, if the exporter so desires, the consignment may not be sealed by them and the exporter shall not be entitled to enter any appeal against the rejection.

(6) If the Institution is satisfied that the consignment of the designated commodity conforms to the requirements of the relevant standard, it shall issue a certificate of export worthiness to the exporter.

(7) The certificate of export worthiness under paragraph (6) shall be prepared in quadruplicate in Form VII as set out in the *Schedule*, 3 copies of which must be made available to the exporter.

Schedule.

(8) The refusal to issue a certificate of export worthiness shall be communicated to the exporter in Form VIII as set out in the *Schedule*.

Schedule.

Place of  
inspection  
of exports.

14. Inspection of the export consignment for the purpose of these regulations shall be carried out at the premises of the manufacturer, or at the premises at which the consignment is kept by the exporter if adequate facilities for the purpose exist at those premises.

Affixation  
of standard  
mark.

15. (1) Subject to paragraph (2), if an export consignment is affixed with a standard mark recognised by the Minister, no further inspection of the consignment prior to export is required for the purposes of these regulations, and the consignment may be exported without a certificate of export worthiness.

(2) Nothing in this regulation applies to the export of samples of a designated export commodity to prospective buyers if the value thereof does not exceed \$100.

Labelling.

16. (1) The Minister may direct that any labelling used in connection with any foods, service, process or practice for which an obligatory standard is declared be published or used in the course of trade.

(2) When an obligatory standard is declared for the practice of labelling, the Minister may require that any label in use in violation of that standard shall be withdrawn from use and amended as the Minister directs.

Certificate  
of appoint-  
ment of  
inspector.  
Schedule.

17. A certificate of appointment of an inspector must be in Form IX as set out in the *Schedule*.

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SCHEDULE

(Regulation 3)

FORM I

(Regulation 6 (1))

CONTROL OF STANDARDS ACT, CAP. 326A

APPLICATION FOR DESIGNATION OF A LABORATORY/  
TEST HOUSE

The Minister responsible for  
Consumer Affairs  
Government of Barbados.

Sir,

I..... on behalf  
of the organisation known under the name of .....  
..... hereby make application  
for designation as a laboratory/test house for analysis/testing of commodities  
under the *Control of Standards Act, Cap. 326A* for the following  
commodities \* .....  
.....  
and furnish detailed particulars in Part II of the application.

On behalf of the above-mentioned organisation, I hereby undertake to carry  
out all analysis/testing in accordance with the *Control of Standards Act, Cap.  
326A* and regulations made thereunder and any directions given by the  
Barbados National Standards Institution in this connection.

Yours faithfully,

Signature and Stamp of the Applicant

\*attach separate sheet if necessary

## PART II

NAMES OF CONSTITUENTS OF THE ORGANISATION WITH THEIR  
POSITION AND EXTENT OF INTERESTS

1. Names.....  
Position and extent of interest:
2. Places where laboratories/test houses within the country of operation are located
3. Details of Testing staff at each laboratory/test house indicating names, qualification, specialisation and experience
4. Detailed account of each laboratory:
  - (a) Names and description of instruments, equipment etc. available;
  - (b) Names and qualifications of technical staff working in these laboratories;
  - (c) Products which could be tested as per relevant standard specifications.
5. Previous experience in the field, if any
6. Names of exporters or foreign importers or local purchase organisations on whose behalf analysis/testing was done
7. Names of commodities analysed/tested
8. Whether any of these test reports were rejected by the buyers? If so, details of the same
9. How long employed in the business of analysis/testing?
10. References, if any (here give the names of three established export houses and three foreign import houses that you may wish to use as references for reputation of business)

FORM II

*(Regulation 9(2))*

CONTROL OF STANDARDS ACT, CAP. 326A

DETENTION TAG

HELD
HELD UNDER THE AUTHORITY OF THE CONTROL OF STANDARDS ACT AND THE REGULATIONS MADE THEREUNDER
DATE .....
Establishment .....
.....
Inspector.....

FORM III

(Regulation 9(3))

CONTROL OF STANDARDS ACT, CAP. 326A

NOTICE OF DETENTION

Place ..... Date .....

To ..... Address .....

.....

TAKE NOTICE THAT: The ..... cases

of ..... marked .....

brand and said to have originated at .....

and now located at ..... are hereby held under

HELD TAG NOS. ....

The reasons for the detention are as follows: .....

.....

.....

.....

.....

Remarks .....

.....

.....

.....

You are hereby forbidden to move or cause or allow the same to be moved until

you have the written authority of an inspector appointed under the *Control of*

*Standards Act, Cap. 326A.*

.....

*Acknowledged*

*Inspector*

FORM IV

(Regulation 9(4))

CONTROL OF STANDARDS ACT, CAP. 326A

NOTICE OF RELEASE

Place ..... Date .....

To ..... Address .....

.....

TAKE NOTICE THAT: With reference to the .....

.....

.....

.....

which were placed under detention on .....

by Mr. ...., an inspector appointed

under the *Control of Standards Act, Cap. 326A*, have been satisfactorily dealt

with and released. The details of the commodities are as follows: .....

.....

.....

.....

.....

.....

Held Tag No. ....

Inspector .....

THE LAWS OF BARBADOS

FORM V

(Regulation 10(7))

CONTROL OF STANDARDS ACT, CAP. 326A

CERTIFICATE OF ANALYSIS/TESTS

NAME OF DESIGNATED LABORATORY OR TEST HOUSE .....

.....

I ....., being a person duly authorised as an officer of the above-mentioned Laboratory/Test House designated under the *Control of Standards Regulations, 1982* do hereby certify as follows:

- (1) That on the ..... day of ..... 19 ..... I received from ..... a sealed package, which said package was unopened and the seals thereon unbroken.
- (2) That I broke the seals and opened the said package and removed therefrom a sample, submitted as a sample of ..... taken from ..... of .....
- (3) That I duly analysed or examined the said sample for the purpose of determining if the same conformed to the requirements of the *Control of Standards Act, Cap. 326A* and the regulations made thereunder, and I obtained the following results:

Certified this ..... day of ..... 19 .....

.....  
*Designation*

.....  
*Analyst/Tester*

FORM VI

(Regulation 13(2))

CONTROL OF STANDARDS ACT, CAP. 326A

NOTICE OF INTENTION TO EXPORT A DESIGNATED  
COMMODITY

To: The Barbados National Standards Institution

From: (i) .....

TAKE NOTICE THAT: It is our intention to export a designated commodity and we are hereby requesting an inspection of the consignment, particulars of which are given below, for the issuance of a "Certificate of Export Worthiness" as required under the *Control of Standards Regulations, 1982* for export of the commodity.

I/We am/are enclosing a cheque/draft No. .... dated .....  
for \$..... on ..... towards the  
inspection fee for this consignment.

1. Name and address of exporter:
2. Name and address of the manufacturer:
3. Buyer's order No./Export Contract No:
4. Description of the Consignment:
  - (a) Name of the commodity:
  - (b) Brand Name, if any:
  - (c) Grade, Size etc.:
  - (d) Quantity:
  - (e) Number of packages:

Note: (i) Insert name and address of exporter.

(f) Value (F.O.B./C.I.F.):

(g) Shipping Marks:

5. Exact address where the goods are lying for inspection:

6. Technical requirements including specifications stipulated in the export contract:

7. Details of shipment:

(a) probable date of loading into the ship:

(b) name of ship:

(c) date of sailing:

(d) port of shipment:

8. Details of seals, if any:

9. Any other relevant information.

It is hereby certified that the consignment mentioned above has been manufactured/processed to satisfy the conditions relating to the quality control/inspection applicable to it under the *Control of Standards Act, Cap. 326A* and the regulations made thereunder.

Date: .....

Signature: .....

Designation .....

Seal of the Exporter



FORM VII

(Regulation 13(7))

CONTROL OF STANDARDS ACT, CAP. 326A

CERTIFICATE OF EXPORT WORTHINESS

NO:

- 1. Name and address of the exporter: .....
- 2. Name and address of the manufacturer: .....
- 3. Buyer's order number/export contract number: .....
- 4. Description of consignment:
  - (a) name of the commodity: .....
  - (b) brand name, if any: .....
  - (c) grade, size etc.: .....
  - (d) quantity as declared by the exporter: .....
  - (e) No. of packages: .....
  - (f) value: .....
  - (g) shipping marks: .....
- 5. Details of manufacturer's seal if any: .....
- 6. Details of seals of the Institution: .....
- 7. Carrier and destination: .....
- 8. Remarks, if any: .....

It is hereby declared that the consignment as per details given above has been inspected as required under the *Control of Standards Act, Cap. 326A* and the regulations made thereunder. It satisfies the conditions relating to quality control and inspection as applicable to it and is certified export worthy.

.....  
*Inspector*

.....  
*Date*

Place of issue:

(SEAL OF THE BARBADOS NATIONAL STANDARDS INSTITUTION)

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FORM VIII

*(Regulation 13(8))*

CONTROL OF STANDARDS ACT, CAP. 326A

NOTICE REGARDING REFUSAL TO ISSUE CERTIFICATE OF  
INSPECTION FOR EXPORT OF DESIGNATED COMMODITY

No.: .....

To: .....

Messrs.....

From: Barbados National Standards Institution

Subject: Pre-shipment inspection of .....

Ref: Your notice No..... Dated .....

TAKE NOTICE THAT: On inspection of the above consignment of

.....

it has been found that the consignment does not conform to the obligatory standard established/recognised under the *Control of Standards Act, Cap. 326A* and the regulations made thereunder, for the following reasons:

As such it is regretted that the certificate of inspection for export cannot be issued in respect of the above-mentioned consignment.

Date:

Place:

.....  
*Inspector*

\_\_\_\_\_  
FORM IX

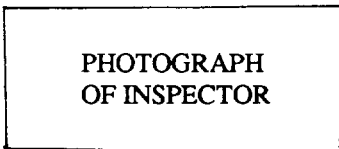
*(Regulation 17)*

**CONTROL OF STANDARDS ACT, CAP. 326A**

**CERTIFICATE OF APPOINTMENT OF INSPECTOR**

This is to certify that .....  
whose signature and photograph appear hereunder has been appointed an Inspector under section 15 (1) of the *Control of Standards Act, Cap. 326A*.

.....  
Minister responsible for Consumer Affairs



.....  
*Signature of Inspector*

