

CHAPTER 90:16

GUYANA NATIONAL BUREAU OF STANDARDS ACT

ARRANGEMENT OF SECTIONS

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An Act to provide for the preparation and promotion of Standards in relation to commodities, services, processes and practices by the establishment and operation of a Bureau of Standards, to establish the Guyana National Bureau of Standards and the National Standards Council, to vest the management of the Bureau in the Council, to define the objects of the Bureau and the powers and functions of the Council and for matters incidental thereto. 11 of 1984

[22ND JUNE, 1984]

PART I

PRELIMINARY

1. This Act may be cited as the Guyana National Bureau of Standards Act. Short title.

2. In this Act, unless the context otherwise requires— Interpretation.
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“analyst” means any person appointed as an analyst under section 27;

“Bureau” means the Guyana National Bureau of Standards established by section 3;

“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;

“Chief Inspector” means the Chief Inspector appointed under section 27;

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“commodity” means any article or thing which is the subject of industry, trade or commerce except food, drugs, cosmetics and devices within the meaning of the Food and Drugs Act;

“compulsory standard specification” means a specification so declared by the Minister by order under section 20;

“Council” means the National Standards Council established by section 6;

“Director” means the Director of the Bureau appointed under section 24(1);

“distinctive mark” means a mark which has been prescribed under section 20;

“home-use” means consumption in Guyana of any imported commodity which conforms to a compulsory standard specification;

“inspector” means an inspector appointed under section 27;

“laboratory” means a place for the conduct of experiments aimed at determining technical data relevant to standards work and also for the conduct of spot tests to facilitate the inspection and quality control function of the Bureau;

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“mark” includes any device, brand, heading, label, ticket, pictorial representation, name, signature, word, letter, numeral or any combination thereof;

“permit” means a permit issued under section 23;

“practice” includes advertising, labelling or packaging;

“sell” includes expose or offer for sale, or export for the purposes of sale, or have in possession for the purpose of sale or export or for any purpose of trade or manufacture;

“specification” means a description of any commodity, service, process, or practice by reference to its nature, quality, strength, purity, safety, composition, quantity, dimension, weight, grade, durability, origin, age or other characteristic, and includes a code of practice;

“standardization mark” means a mark which has, under section 17(1) been declared to be a standardization mark;

“standard specification” means a specification which is the subject of a notice under section 17.

PART II

ESTABLISHMENT OF THE BUREAU

3. There is hereby established a bureau to be known as the Guyana National Bureau of Standards.

Establishment of Bureau of Standards.

4. The objects of the Bureau shall be—

Objects of Bureau.

(a) to promote standardization in industry and commerce;

(b) to prepare, frame, modify or amend specifications and codes of practice;

(c) to make arrangements or provide facilities for the testing and calibration of precision instruments, gauges and

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scientific apparatus, for the determination of their degree of accuracy by comparison with standards approved by the Minister on the recommendation of the Council and for the issue of certificates in regard thereto;

(d) to make arrangements or provide facilities for the examination and testing of commodities and any material or substance from or with which, and the manner in which commodities may be manufactured, produced, processed or treated;

(e) to control, in accordance with the provisions of this Act, the use of standardization marks and distinctive marks;

(f) to encourage or undertake educational work in connection with standardization;

(g) to provide for co-operation with any person, association or organization outside Guyana having objects similar to those for which the Bureau is established;

(h) to assist in the rationalization of industry by coordinating the efforts of producers and consumers for the improvement of appliances, processes, raw materials and products;

(i) to establish, form, furnish and maintain information systems and laboratories for the purpose of furthering the practice of standardization;

(j) to provide for the testing, at the request of the Minister and on behalf of the Government, of locally manufactured and imported commodities with a view to determining whether such commodities comply with the provisions of this Act or any other law dealing with standards of quality;

(k) to do such other acts as may be expedient or necessary for the attainment of the objects of the Bureau referred to in this section.

Management
of Bureau

5. The Bureau shall be managed by the Council.

PART III

NATIONAL STANDARDS COUNCIL, ITS FUNCTIONS AND POWERS

6. (1) There is hereby established a body corporate to be known as the National Standards Council consisting of the following members—

- (a) the Director of the Bureau;
- (b) not more than fifteen members appointed by the Minister by instrument in writing.

Establishment and incorporation of National Standards Council. [2 of 1997]

(2) Members of the Council appointed shall have qualifications in fields relating to standards, or experience in business or shall be members of organizations committed to the maintenance or promotion of standards.

(3) Each of the members of the Council shall be appointed to hold office for such period, not exceeding three years, as may be specified in their respective instruments of appointment.

(4) A member of the Council who vacates office by expiration of time shall be eligible for re-appointment.

(5) On the expiration of the period for which a member is appointed, he shall continue to hold office until his successor is appointed.

(6) Every change in the membership of the Council shall be published in the *Gazette*.

(7) The Council may, subject to the approval of the Minister, delegate to any member of the Council or to any member of the staff of the Council the power and authority to carry out such of its functions as the Council may determine.

(8) Every delegation under this paragraph shall be revocable by the Council and no delegation shall prevent the exercise by the Council of any function delegated.

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Chairman and
Vice-
Chairman.

7. (1) The Minister shall appoint from among the members of the Council a Chairman and a Vice-Chairman.

(2) The Chairman and Vice-Chairman, unless any of them earlier vacates office as Chairman or Vice-Chairman, as the case may be, shall hold office for one year but shall be eligible for re-appointment to that office.

(3) The Vice-Chairman shall perform the duties of the Chairman in the absence of the Chairman or where there is a vacancy in the office of Chairman.

Resignation of
Chairman and
members.

8. (1) The Chairman may at any time resign his office by instrument in writing addressed to the Minister.

(2) A member of the Council, other than the Chairman, may at any time resign his office by instrument in writing addressed to the Chairman.

Termination of
appointment of
members.

9. The Minister may terminate the appointment of any member of the Council who—

(a) becomes of unsound mind or incapable of carrying out his duties;

(b) becomes bankrupt or compounds with, or suspends payment to his creditors;

(c) is convicted and sentenced to a term of imprisonment;

(d) is convicted of any offence involving dishonesty;

(e) is guilty of misconduct in relation to his duties;

(f) is absent, except on leave granted by the Council, from three consecutive meetings of the Council; or

(g) fails to carry out any of the duties or functions conferred or imposed on him by or under this Act.

Remuneration
of members.

10. There shall be paid to the members of the Council such remuneration whether by way of salaries or travelling or other allowances, as the Minister may determine.

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11. (1) The Council shall meet at least once in each quarter and at such other times as may be necessary or expedient for the transaction of 'tine business of the Council.

Meetings of
Council and
procedure.
[2 of 1997]

(2) The Chairman shall give at least ten days' notice in writing of every meeting of the Council to each of the members of the Council and shall specify in such notice the business to be dealt with at such meeting.

(3) The Chairman shall summon a special meeting of the Council within fourteen days after being requested in writing to do so by three members of the Council.

(4) One half of the members of the Council in office shall form a quorum at any meeting of the Council.

(5) In the absence of the Chairman and Vice-Chairman at a meeting of the Council, a member not being the Director of the Bureau, elected by the members present at the meeting from amongst themselves, shall preside thereat.

(6) A decision of the Council shall be by a majority of votes and in addition to an original vote, in any case in which the voting is equal, the Chairman or Vice-Chairman or other member presiding at the meeting shall have a casting vote.

(7) The proceedings at every meeting of the Council shall be recorded in a minute book and shall, subject to any amendments that may be made, be confirmed by the Council at a subsequent meeting.

(8) Subject to the foregoing provisions of this section, the Council may determine its own procedure.

12. (1) A member of the Council, whose interest is likely to be affected whether directly or indirectly by a decision of the Council on any matter whatsoever, shall disclose the nature of his interest at the first meeting of the Council at which he is present after the relevant facts have come to his knowledge.

Members
declare
interest.

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(2) A disclosure under subsection (1) shall be recorded in the minutes of the Council and after the disclosure the member making it shall not vote on the matter and, unless the Council otherwise directs, shall not be present or take part in the deliberations at any meeting when such matter is being decided by the Council.

Custody and
use of seal.

13. (1) The seal of the Council shall be kept in the custody of the Director or Chairman as the Council may determine.

(2) The affixing of the seal of the Council to any instrument other than an instrument referred to in subsection (3) shall be in the presence of and be attested by—

(a) the Chairman and another member of the Council who is authorised by the Director to act on behalf of the Council on such an occasion; or

(b) such member of the Council and such member of the staff of the Council as the Director may authorise to act on behalf of the Council on such occasion.

(3) The affixing of the seal of the Council to an instrument containing an agreement for the rendering of any service by the Council shall be in the presence of, and be attested by the Director or, in his absence, any member of the staff of the Council who is authorised by the Director to act on behalf of the Director on such an occasion.

Committees.

14. (1) The Council may establish committees to assist it in the performance of its functions and may appoint such persons, whether or not they are connected with the Council or the Bureau, as it may deem fit to be members of any such committee:

Provided that the Chairman of every such committee shall be a member of the Council.

(2) The Council may assign to a committee so established such of its functions as it may deem fit, but shall not be divested of any function which it may have assigned to a Committee. Council may amend or revoke any decision made by a committee.

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(3) The members of any such committee may out of the funds of the Council receive such remuneration and allowances as the Council may determine with the concurrence of the Minister.

(4) A committee may regulate its own procedure.

15. The functions of the Council shall be—

Functions of
Council.
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(a) subject to any law for the time being relating to weights and measures, to be the custodian of the National Standards of Weight and Measure;

(b) to formulate on broad national lines the policy which, subject to the approval of the Minister, shall be adopted by it with a view to achieving the objects for which the Bureau is established;

(c) to advise the Minister in regard to any matter within his purview under this Act;

(d) to establish laboratories and other facilities for carrying out the objects for which the Bureau is established;

(e) to prepare standards, specifications and codes of practice;

(f) to provide facilities for testing of all products and materials;

(g) to determine minimum standards of local industrial products by inspection and testing of all such products;

(h) to licence and register standard marks and inspect factories so as to enforce conformity to the standards declared by the Minister;

(i) to compare the standards used in engineering, manufacturing, commerce and research with the standards adopted or recognised by the Government;

(j) to construct when necessary standards and their multiples and sub-multiples;

(k) subject to any law for the time being relating to weights and measures, to test and calibrate standard measuring and weighing apparatus;

(l) to find solutions for problems which arise in connection with standards;

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(m) to determine physical constants and the properties of materials when such data are of great importance to scientific or manufacturing interests and cannot, of sufficient accuracy, be obtained elsewhere;

(n) to promote research in relation to specifications;

(o) to assess quality management systems in relation to commodities, services, processes and practices to which this Act applies and to control such systems.

(p) to establish and manage a national laboratory accreditation systems;

(q) to make such arrangement for training of its staff as it may consider expedient for the efficient conduct of its work;

(r) to provide advisory services for manufacturers and to undertake the training of manufacturing staff in quality assurance;

(s) to do all things incidental or conducive to the performance of its functions under the Act.

Powers of Council.

16. The Council shall have power—

(a) to apply for, purchase, receive by assignment or otherwise acquire in accordance with the laws of Guyana or any other country, any patents, inventions, concessions, licenses and the like conferring exclusive or non-exclusive or limited rights to use information as to any invention or discovery and to develop, use, exercise, assign, transfer, sell, grant licences in respect of, or otherwise exploit the property, rights and information so acquired;

(b) to utilise the services of other laboratories within Guyana which are recognised by the Council;

(c) to do all such things as are necessary for the attainment of the objects of the Bureau, or the performance of any functions, or the exercise of any powers of the Council or to enhance the value of or render profitable any of the property or rights of the Council.

Standardization marks.

17. (1) Subject to subsection (2), the Council may, with the approval of the Minister, by notice published in the *Gazette*, declare any marks which has been adopted by the Council in respect of a

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specification framed by it for any commodity, or for the manufacture, production, processing or treatment of any commodity, to be a standardization mark in respect of that commodity or of the manufacture, production, processing or treatment of that commodity and may in like manner amend any such mark.

(2) No mark which is identical with any trade mark registered in respect of any commodity under the Trade Marks Act or which so nearly resembles any such trade mark as to be likely to be mistaken for it, shall under subsection (1) be declared a standardization mark in respect of that commodity or any similar commodity or in respect of the manufacture, production, processing or treatment of that commodity or any similar commodity.

c. 90:01

(3) A notice under subsection (1) shall contain such information in regard to the relevant specification or amendment thereof as the Council may consider necessary.

18. No person shall cause any mark which is identical with a mark which has been declared under section 17 (1) to be a standardization mark, or which so nearly resembles a mark so declared as to be likely to be mistaken for a standardization mark, to be registered as a trade mark under the Trade Marks Act.

Prohibition of registration of marks identical with standardization marks as trade marks.
c. 90:01

19. (1) Whenever the Council has published any notice under section 17(1), no person shall apply the standardization mark mentioned in that notice to any commodity—

Standardization marks not to be applied to commodities unless authorised by permits.

(a) except under a permit issued by the Council or a person authorised by the Council; and

(b) unless that commodity complies with the relevant specification or has been manufactured, produced, processed or treated in accordance with that specification.

(2) Any person who —

(a) applies a standardization mark to any receptacle or covering of any commodity or any label attached to any

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commodity or attached to any receptacle or covering thereof; or

(b) places or encloses any commodity in a receptacle or covering to which any standardization mark has been applied, or in a receptacle or covering to which is attached a label to which any such mark has been applied; or

(c) makes, in connection with the sale of any commodity, any reference, directly or indirectly, to a standardization mark in a manner or under circumstances calculated to convey the impression that the commodity complies with the specification to which the standardization mark relates, or that it has been manufactured, produced, processed or treated in accordance with that specification,

shall, for the purposes of subsection (1), be deemed to have applied that standardization mark to that commodity.

(3) No person shall in connection with the sale of any commodity make any reference directly or indirectly to the Bureau or the Council or a specification framed and approved, or purporting to have been framed and approved, by the Council unless --

(a) the Council has declared any mark to be a standardization mark in respect of the specification framed by the Council for the commodity in question or for the manufacture, production, processing or treatment of that commodity; and

(b) such person is in possession of a permit issued by the Council authorizing him to apply such standardization mark to that commodity.

Power of
Minister by
order to
declare
compulsory
standard
specification.

20. (1) The Minister may, subject to the other provisions of this section, by order—

(a) on the recommendation of the Council, declare any standard specification for any commodity or for the manufacture, production, processing or treatment of any commodity to be, with effect from a date specified in the order, being a date not earlier than three months after the

date of the order, a compulsory standard specification for that commodity or for the manufacture, production, processing or treatment of that commodity; and

(b) prescribe, in respect of any compulsory standard specification, a distinctive mark for any commodity which complies with that specification or which has been manufactured, produced, processed or treated in accordance with that specification.

(2) If the order under subsection (1) relates to any commodity, or the manufacture, production, processing or treatment of any commodity, which is the subject matter of any other law, the order shall be made by the Minister after consultation with the Minister to whom the administration of such other law has been assigned.

(3) An order made under subsection (1) may in like manner be amended by a subsequent order.

(4) Before such order is made under subsection (1) the Minister shall publish a notice in the *Gazette* declaring his intention to make such an order and specifying a date on or before which representations on the proposed Order may be made to the Minister.

(5) Any interested person may on or before the date specified in the notice under subsection (4), lodge with the Director a written representation on the proposed order.

(6) The Director shall consider the representation made to him under subsection (5) and communicate his decision to the Minister.

(7) The Minister shall not make an order under subsections (1) unless he is satisfied that the Director has given due consideration to the representations made to him under subsection (5).

21. *Prima facie* evidence of any standard specification or compulsory standard specification may be given in any proceedings by the production of a copy of the notice referred to in section 17 or of a copy of the order referred to in section 20 (1) (a) as the case may be.

Proof of
specification.

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Sale of commodity to which section 20 applies prohibited except under permit and unless commodity complies with specification, etc.

22. (1) Where the Minister has by order under section 20 declared a standard specification to be a compulsory standard specification for any commodity or for the manufacture, production, processing or treatment of any commodity, no person shall, with effect from the date specified in that order, sell that commodity —

(a) except under a permit issued by the Director or other officer authorized by the Director; and

(b) unless that commodity —

(i) complies with that specification; or

(ii) has been manufactured, produced, processed or treated in accordance with that specification.

(2) Where the Minister has by order under section 20 prescribed a distinctive mark in respect of any compulsory standard specification, no person shall, with effect from the date specified in the order, apply that mark to any commodity to which that specification applies—

(a) except under a permit issued by the Director or other officer authorized by the Director; and

(b) unless that commodity—

(i) complies with that specification; or

(ii) has been manufactured, produced, processed or treated in accordance with that specification.

Examination of certain imports and powers of inspector with regard thereto. [2 of 1997]

23. (1) Where any commodity for which a compulsory standard specification has been declared, is produced or manufactured outside Guyana, the Council may instruct in writing any inspector to examine any customs entries in respect of such commodity and to examine such commodity to ascertain its conformity with such compulsory standard specification.

(2) An inspector instructed to examine any commodity under subsection (1) may take samples thereof and submit the samples to an analyst for analysis or examination.

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(3) Where an analyst has made an analysis or examination he shall issue to the inspector a certificate or report setting forth the results of his analysis or examination.

(4) A commodity to which this section applies may be refused admission for home-use, if—

(a) any report or certificate issued under subsection (3) states that the commodity does not comply with any compulsory standard specification as is applicable to such commodity; or

(b) the importer of such commodity fails to provide the Council at its request, with a certificate of examination and compliance with such compulsory standard specification issued by a laboratory or other similar institution, in the country where the commodity is manufactured, recognised by the Bureau; or

(c) the manufacturer of such commodity fails to comply with any request made under section 28C(1).

(5) Where any imported commodity falsely bears any standardisation mark or distinctive mark or which falsely bears a mark of compliance with any specification required under the law of a country outside Guyana, such commodity shall not be admitted for home-use.

(6) Where any commodity to which this section applies is examined by an analyst, the Council may require the importer of such commodity to pay such examination fee, as the Council may, with the approval of the Minister, determine.

24. (1) Every importer of any commodity to which section 23 applies and every manufacturer of any commodity for which a compulsory standard specification has been declared, shall register with the Council annually as an importer or manufacturer, as the case may be, in accordance with subsection (2).

Registration if importer and manufacturer of certain commodities. [2 of 1997]

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(2) Every application for registration as an importer or manufacturer shall be in the prescribed form and shall be accompanied with such fees as the Council may, with the approval of the Minister, prescribe.

Permits.

25. (1) Every application for a permit for the purpose of this Act shall be made in writing to the Director or other officer authorised by the Director.

(2) The issue of a permit under this section shall be in the discretion of the Director or other officer authorised by the Director, and where a permit is issued it may be subject to such conditions as may be specified therein and shall be upon payment by the person to whom it is issued of such fee as the Council may, with the approval of the Minister, determine.

(3) A permit issued under this section shall be valid for such period as may be specified therein and may at any time be cancelled after notice in writing thereof has been given to the person to whom it has been issued.

(4) Where an application for a permit under this section is refused, notice of such refusal shall be given by the Director or other officer authorised by the Director to the person making such application.

(5) Any person who is aggrieved by the refusal of the Director or other officer authorised by the Director, to issue a permit, or by the cancellation of a permit may, within fifteen days after the date of the notice of such refusal or cancellation, appeal in writing to the Minister. The decision of the Minister on any such appeal shall be final and conclusive.

PART IV

STAFF OF THE COUNCIL

26. (1) The Minister shall appoint a person who is suitably qualified, scientifically and technically, to be the Director of the Bureau. The conditions of employment, including the remuneration, of the Director shall be determined by the Minister.

Appointment of Director of Bureau.

(2) Whenever the Director is unable to perform his functions through absence or illness or any other cause the Minister may appoint a suitably qualified member of the staff of the Council to act in his place.

(3) The duties of the Director shall be to organise, carry out and direct the work of the Bureau in accordance with the policy adopted by the Council in terms of section 15.

27. (1) The Council may employ at such remuneration and on such other terms and conditions it thinks fit (including the payment of pensions, gratuities or other like benefits by reference to the service of its officers and other employee,) such other officers and other employees as the Council considers necessary for the purpose of carrying out its functions end 'achieving the objects of the Bureau:

Employment of staff of Council.

Provided that—

(a) no salary in excess of such amount as may be specified in directions issued by the Minister shall be assigned to any office without the prior approval of the Minister;

(b) no appointment shall be made to any office to which a salary, in excess of an amount specified under paragraph (a) is assigned, without the prior approval of the Minister;

(c) no provision shall be made for the payment of any pensions, gratuities or other like benefits to the officers and other employees of the Council by reference to their service, without the approval of the Minister.

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(2) The Director shall be the chief executive officer of the Bureau and, subject to any general or special directions of the Council, shall be responsible for the execution of the policy adopted by the Council and answerable therefor to the Minister.

(3) The Council may, at any time, retain the services of experts and other professional persons and may pay such remuneration in respect thereof as the Council, with the approval of the Minister, may determine.

(4) Where a public officer is seconded or temporarily transferred from a pensionable office within the meaning of the Pensions Act to an office with the Council section 5 of that Act shall apply to him as if his service with the Council were service in a public office.

(5) Where a public officer is appointed to an office with the Council, his service with the Council shall be other public service within the meaning of, and for the purpose of, such provisions applicable in relation thereto as are contained in, the Pensions Act (including the Pensions Regulations 1957).

(6) Subsections (4) and (5) shall, as they apply in relation to a public officer, apply *mutatis mutandis* in relation to a teacher to whom the Teachers' Pension Act applies and who is employed by the Council.

Additional
assistance.
[2 of 1997]

28. (1) Where in opinion of the Council, the inspection service of the Council is inadequate to discharge its functions in any part of Guyana and additional assistance is request therefor the Council may request the Minister to provide the required assistance.

(2) Where the Minister receives a request for assistance, he may cause to be authorised in writing any officer or employee of the local democratic organ for that part of Guyana to which such request relates or a member of the Police Force operating there, to discharge the functions of an inspector or other officer or employee of the Council, and such authorised officer or employee or member of the Police

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Force, as the case may be, shall have and may discharge all the powers and functions of an inspector or other officer or employee of the Council.

29. (1) The Council shall have the power to exercise disciplinary control, other than the power of dismissal, over the Director of the Bureau.

Power of Council to exercise disciplinary control over its staff.

(2) The Council shall have the power to exercise disciplinary control over, and dismiss, any other officer or employee of the Council.

30. (1) The Council may appoint any member of its staff who is suitably qualified as the Chief Inspector, and such other members of the staff of the Council, as may be necessary, who are suitably qualified as inspectors or analysts for the purposes of this Act.

Appointment of Chief Inspector and inspectors. [2 of 1997]

(2) The Chief Inspector and every inspector or analyst shall be provided with a certificate of his appointment by the Director.

(3) The Chief Inspector shall exercise general supervision and control over every inspector and may exercise any power or perform any duty conferred or imposed on an inspector by or under this Act.

31. (1) Any inspector may, for the purposes of this Act, if instructed by the Council in writing—

Powers of inspectors. [2 of 1997]

(a) without previous notice at any reasonable time, enter upon any premises in or upon which any commodity specified in such ins suctions, for which, or for the manufacture, production, processing or treatment of which, there is a compulsory standard specification or a standardization mark, is or is reasonably suspected to be manufactured, produced, processed or treated, or in or upon which any such commodity is or is reasonably suspected to be kept for the purpose of trade;

(b) inspect or take samples of such commodity or any material or substance used or suspected to be intended for use in the manufacture, production, processing or treatment

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thereof, and open any package or container which contains or is suspected to contain any quantity of any such commodity, material or substance;

(c) inspect any operations carried out in or upon any such premises in connection with the manufacture, production, processing or treatment of any commodity for the manufacture, production, processing or treatment of which there is a compulsory, standard specification or a standardization mark;

(d) at any time 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 that person or of any other person on his behalf;

(e) examine any such book, notice, record, list or document, make copies of or take extracts from any such book, notice, record, list or document which relates to any commodity referred to in paragraph (a) or to any permit issued or to be issued under this Act, require from any person an explanation of any entries therein, and seize any such book, notice, record, list or document as in his opinion may afford evidence of any offence under this Act;

(f) question either alone or in the presence of any other person, as he thinks fit, with respect to any matter which is being investigated by him, every person whom he finds on the premises entered by him by virtue of the aforesaid powers or whom he has reasonable grounds for believing to or to have been employed on any such premises or to be in the possession, or control of anything referred to in this subsection;

(g) require any person referred to in paragraph (d), (e) or (f) to appear before him at time and place fixed by him, and question that person concerning any matter which is being investigated by him;

(h) seize and detain for such time as may be necessary for the purposes of any examination, investigation, trial or inquiry, any commodity by means of, or relation to, which he has reasonable grounds to believe any provisions of this Act has been contravened.

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(2) A person who is in charge of any premises referred to in subsection 1(a) shall at all times furnish such facilities as are required by an inspector for the purpose of exercising his powers under the said subsection.

(3) Any inspector exercising any powers conferred upon him by this section shall, on demand, produce the certificate provided him in terms of section 27 (2) and the written instructions referred to in subsection (1) of this section.

(4) Any commodity seized under this Act may at the option of an inspector be kept or stored in the building or place where it was seized or may at the direction of an inspector be removed to any other proper place.

(5) Where an inspector in exercise of his powers under this Act has taken a sample of any commodity, material or substance to which this Act applies and it appears from any examination or investigation by the inspector or the analyst that the sale of or dealing with such commodity, material or substance would not be in contravention of this Act, the inspector shall pay compensation to the owner of the sample if it cannot be returned to the owner without prejudice to the owner.

(6) An inspector shall release any commodity seized by him under this Act when he is satisfied that all the provisions of this Act with respect thereto have been complied with.

(7) Where an inspector has seized any commodity under this Act and the owner thereof or the person in whose possession the commodity was at the time of seizure consents to the destruction thereof the commodity shall thereupon be forfeited in the State and may be destroyed or otherwise disposed of as the Minister may direct.

32. (1) An inspector may submit any sample taken in accordance with section 28(1)(b), or any commodity seized by him under section 28(1) (h) or any sample from such commodity, to an analyst for analysis or examination.

Analysis.
[2 of 1997]

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(2) Where an analyst has made analysis or examination he shall issue to the inspector a certificate or report setting forth the results of his analysis or examination.

Investigation of complaints.
[2 of 1997]

33. (1) The Council shall, through its inspectorate, cause to be investigated, complaints regarding commodities, services, processes or practices referred to it by consumers and users.

(2) Where any complaint is found to be true on investigation, the Council may cause to be instituted legal proceedings against the manufacturer or other person supplying the defective commodity or service or engaged in the defective process or practice.

Declaration by local manufacturer and certificate in respect of imported commodities.
[2 of 1997]

34. (1) Where any compulsory standard specification has been declared in respect of any commodity, the Council may request the manufacturer of such commodity to furnish a declaration in the prescribed form that such commodity has been manufactured in accordance with such specification as is applicable to such commodity and any manufacturer who fails to comply with any such request shall be guilty of an offence.

(2) Where any commodity for which where no compulsory standard specification is manufactured outside Guyana such commodity shall not be imported into Guyana unless it wholly conforms to any specification under the law of the country in which it is manufactured and is accompanied by a certificate in the prescribed form certifying that the commodity conforms to such specification under the law of the country and that its sale therein would not constitute a contravention of the law thereof.

PART V

FUNDS OF THE COUNCIL

Funds and resources of Council.

35. The funds and resources of the Council shall consist of—

- (a) such sums as may be provided by Parliament;
- (b) revenue obtained by virtue of the provisions of section 30;

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(c) such moneys or other assets as may accrue to, or vest in the Council by way of grants, subsidies, bequests, donations or gifts;

(d) all other sums or property that may in any manner become payable to or vested in the Council in respect of any matter incidental to its powers and duties.

(2) The expenses of the Council including any remuneration of its officers and employees shall be paid out of the funds and resources of the Council.

36. Subject to the provisions of any regulations made under section 42, the Council may, in respect of any services rendered by it under this Act charge such fees or make such financial arrangements as it may deem fit.

Charging of fees for services rendered.

37. The financial year of the Council shall end on the thirty first day of December.

Accounts and audit.

(2) the Council shall keep proper accounts and other records in respect of its operations and the accounts shall be audited annually by an auditor appointed by the Council with the approval of the Minister.

(3) All books of account kept by the Council shall be subject to examination and audit at any time by the Auditor General.

(4) The members, officers and employees of the Council shall grant to the auditor appointed under subsection (2) or the Auditor General access to all books, documents, cash and securities of the Council and shall give him on request all such information as may be within their knowledge in relation to the operation of the Council and the Bureau.

38. (1) The Council shall not later than six months after the end of each financial year submit a report to the Minister containing—

Report.

(a) an account of its transactions throughout the preceding financial year in such detail as the Minister may direct: and

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(b) a statement of the accounts of the Council audited in accordance with section 31.

(2) A copy of the report together with a copy of the auditor's report shall be printed and laid before the National Assembly.

PART VI

MISCELLANEOUS

Protection
against claims.

39. The fact that any commodity complies, or is alleged to comply, with a standard specification or a compulsory standard claims specification or has been or is alleged to have been manufactured, produced, processed or treated in accordance with any such specification or that a standardization mark or distinctive mark is used in connection with any commodity, shall not give rise to any suit or prosecution against the Council or any member thereof or any member of the staff thereof.

Secrecy.

40. (1) All information obtained by the Bureau, or the Council or any member of the Council or its staff or by any other person in the course of the administration of this Act, as to any formula, process or practice shall be treated as confidential save for purposes connected with the administration of this Act.

(2) The disclosure of any information relating to any formula, process or practice to the Minister, or the Bureau, or the Council or any member of the Council or its staff, or to any other person for purposes connected with the administration of this Act, shall not prejudice any application subsequently made for the patent of the formula, process or practice

Rights in
discoveries,
inventions and
improvements
made by staff
of Council to
vest in
Council.

41. (1) The rights in all discoveries and inventions and all improvements in respect of processes, apparatuses and machines made by an officer of the Council shall vest in and be the property of the Council and shall be made available for use in the public interest subject to such conditions and the payment of such fees or royalties as the Council may determine.

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(2) The Council may, out of the funds of the Council, pay to an officer of the Council who has made any discovery, invention or improvement referred to in subsection (1) such reward, or make provision for such officer to participate in the profits derived from that discovery, invention or improvement, as the Council may determine.

(3) The Council may apply for letters patent in respect of any inventions made by any officer of the Council and shall for the purpose of the Patents and Designs Act be regarded as the assign of the inventor.

c. 90:03

42. The Council shall be exempt from the payment of customs duty, capital gains tax, corporation tax, income tax, property tax, and purchase tax.

Exemption from taxes and duties.

43. (1) Except with the written approval of the Minister and subject to the provisions of subsections (3) and (4), no person shall carry on any activity, business, trade or occupation under any name which contains the words “Bureau of Standards”, “Standards Bureau” or of certain, such words which would create an impression that such person were the Bureau or is associated or connected with the Bureau.

Use by person carrying on activity, business, grade or occupation of certain words.

(2) Except with the written approval of the Minister and subject to the provisions of subsections (3) and (4)—

(a) no trade mark which contains the word “standard” shall be registered under the Trade Marks Act; and

c. 91:01

(b) no person shall, unless authorised thereto by a permit, sell any commodity under a mark which contains the word “standard” or under a description in which the said word is used in a manner which may create the impression that the commodity complies with a specification framed therefor by the Council.

(3) The Minister may at any time withdraw any approval given by him under subsection (1) or subsection (2) if, in his opinion, it is necessary to do so in order to avoid confusion or abuse.

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Duty of persons to whom permits have been issued to transmit samples of commodities or furnish information relating to commodities whenever required to do so.

44. Any person to whom a permit has been issued under this Act shall, upon a request in writing made by the Council—

- (a) transmit to the Council or any person approved by the Council, within such time as may be specified in such request, such samples as may be so specified of any commodity in respect of which that permit has been issued; or
- (b) furnish to the Council or to any person approved by the Council, within such time as may be specified in such request, such information as may be so specified in regard to such commodity or the manufacture, product-on, processing or treatment thereof,

and the first-mentioned person shall comply with the requirements of such request.

Offences.

45. Every person who—

- (a) contravenes the provisions of section 19 (1) or (3) or of section 22 (1) or (2);
- (b) contravenes the conditions of any permit issued under this Act;
- (c) contravenes the provisions of section 34 (1) or section 37 (1) or (2);
- (d) falsely holds himself out to be the Chief Inspector or an Inspector;
- (e) makes any relevant statement to the Chief Inspector or an inspector which is false in any material particular and which he knows to be false;
- (f) refuses or fails to answer any relevant question which the Chief Inspector or an inspector in the exercise of his powers has put to him;
- (g) refuses or fails to comply with any lawful direction made by the Chief inspector or an inspector;
- (h) hinders or obstructs the Chief Inspector or an inspector in the exercise or performance of his powers or duties;
- (i) fails to comply with any request under section 38;

(j) removes, alters or interferes in any way with any thing seized or detained under the authority of this Act, or with any detention or other tag attached to such thing, without the authority of an inspector;

(k) attempts to sell for home-use or export a commodity which does not conform to a compulsory standard specification.

(l) contravenes any other provision of this Act,

shall be guilty of an offence.

46. (1) Every person guilty of an offence under this Act shall on summary conviction be liable—

Penalties.
[2 of 1997
6 of 1997]

(a) in the case of an offence referred to in section 39 (a) or (b) or (j) to a fine not exceeding twenty-seven thousand five hundred dollars and to imprisonment for a period not exceeding three months;

(b) in the case of an offence referred to in section 39 (c) to (h), to a fine not exceeding one hundred and ten thousand dollars and to imprisonment for a period not exceeding one year; and

(c) in the case of an offence referred to in section 39 (i) to a fine not exceeding fifty-five thousand dollars and to imprisonment for a period not exceeding six months.

(2) Whenever any person is convicted of an offence referred to in subsection (1) (a) or (b) or of a contravention of section 37 (2), the court may, in addition to any other penalty which it may impose, order that all or any part of the commodities in respect of which the offence was committed be forfeited to the State, and the commodities so ordered to be forfeited shall be disposed of in such manner as the Minister may direct.

(3) Where a person is convicted for a contravention of section 19(1) or (3) or section 22 (1) or (2) the court convicting him may in addition to the penalty imposed order that the person convicted cease

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forthwith the manufacture, production, processing, treatment or selling of any commodity relates for such period as the contravention continues.

Prosecution.

47. The Council may institute or cause to be instituted and prosecution for the purpose of enforcing any of the provisions of this Act and any inspector or other authorised officer of the Council may appear as prosecutor for and on behalf of the Council.

Regulations.

48. The Minister may, after with the Council, make regulations for the carrying out of the provisions of this Act.
