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The following Bill which will be introduced in the National Assembly is published for general information.

F. A. Narain,
Clerk of the National Assembly



GUYANA

BILL No. 17 of 1996

GUYANA NATIONAL BUREAU OF STANDARDS (AMENDMENT) BILL 1996

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 2 of the Principal Act.
3. Amendment of section 6 of the Principal Act.

4. Amendment of section 11 of the Principal Act.
5. Amendment of section 15 of the Principal Act.
6. Insertion of new sections 22A and 22B in the Principal Act.
7. Insertion of new section 25A in the Principal Act.
8. Amendment of section 27 of the Principal Act.
9. Amendment of section 28 of the Principal Act.
10. Insertion of new sections 28A, 28B and 28C in the Principal Act.
11. Amendment of section 39 of the Principal Act.
12. Amendment of section 40 of the Principal Act.

A BILL

A.D. 1996

Intituled

AN ACT to amend the Guyana National Bureau of Standards
Act 1984.

Enacted by the Parliament of Guyana:-

1. This Act, which amends the Guyana National Bureau of Standards Act 1984, may be cited as the Guyana National Bureau of Standards (Amendment) Act 1996.

Short Title.

No. 11 of 1996

2. Section 2 of the Principal Act is hereby amended as follows -

Amendment of

section 2 of the

Principal Act

(a) by the insertion immediately before the definition of "Bureau" of the following definition -

"analyst" means any person appointed as an analyst under section 27;";

(b) by the insertion immediately after the definition of "distinctive mark" of the following definition -

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

3. Section 6 of the Principal Act is hereby amended by the substitution for subsection (1) of the following subsection-

Amendment of

section 6 of the

Principal Act.

"(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."

**Amendment of
section 11 of the**

4. Section 11 of the Principal Act is hereby amended as follows -

Principal Act.

- (a) in subsection (4), by the substitution for the word

"third" of the word "half";

- (b) by the insertion immediately after subsection (4) of the following subsections -

"(4A) 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.

(4B) 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."

5. Section 15 of the Principal Act is hereby amended by the renumbering of paragraph (n) as paragraph (s) and the insertion immediately after paragraph (m) of the following paragraphs -

Amendment of
section 15 of the
Principal Act.

- "(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 national² laboratory accreditation system;
- (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;"

6. The Principal Act is hereby amended by the insertion immediately after section 22 of the following sections -

Insertion of new
sections 22A and 22B
in the
Principal Act.

Examination
of certain
imports
and powers
of inspector
with regard
thereto.

22(A). (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.

(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.

Registration of importer and manufacturer of certain commodities.

22(R). (1) Every importer of any commodity to which section 22A 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).

(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."

Section of 7. The Principal Act is hereby amended by the insertion after new section 25A of the following section-
n o Principal Act.

Additional
assistance.

25A. (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 required therefor the Council may provide the required assistance.

request the
Minister to

(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 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."

Amendment of 8. Section 27 of the Principal Act is hereby amended as section 27 of the follows -
Principal Act.

- (a) in the marginal note, by the substitution for the words "Chief Inspector" of the words "Chief Inspector, analysts";
- (b) in subsection (1), by the substitution for the words "qualified as inspectors" of the words "qualified as inspectors or analysts" and
- (c) in subsection (2), by the substitution for the words "every inspector" of the words "every inspector or analyst".

Amendment of 9. Section 28 of the Principal Act is hereby amended as section 28 of the follows

Principal Act (a) in subsection (1), by the substitution of a semi colon for the full stop at the end of paragraph (g) and the insertion immediately thereafter of the following paragraph

"(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 in relation to, which he has reasonable grounds to believe any provision of this Act has been contravened." -

(b) by the insertion immediately after subsection (3) of the following subsections -

"(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 to the State and may be destroyed or otherwise disposed of as the Minister may direct."

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 Insertion of new sections 28A, 28B and 28C in the Principal Act.

"Analysis. 28A. (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.

(2) 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.

Investigation of Complaints. 28B(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.

28C.(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 there is 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 that country and that its sale therein would not constitute a contravention of the law thereof."

Amendment of 11 Section 39 of the Principal Act is hereby amended by
 section 39 of the The relettering of paragraph (j) as paragraph (i) and the
 Principal Act. insertion immediately after paragraph (i) of the following
 paragraphs

"(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;"

Amendment of 12. Section 40 of the Principal Act is hereby amended by the
 section 40 of the insertion after subsection (2) of the following subsection
 Principal Act

"(3) Where a person is convicted for
 contravention of section 12(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 forthwith the manufacture,
 production, processing, treatment or selling, of any
 commodity to which such contravention relates for such
 period as the court may direct."

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Guyana National Bureau of Standards Act 1984 in order to make the Bureau more effective in its work of promoting standardization in industry and commerce.

The amendments made by the Bill provide for the appointment of analysts to carry out testing of locally and imported commodities with a view to determining whether such commodities comply with applicable standards fixed under the above-mentioned Act (clauses 2 and 8). The Director of the Bureau is given membership status on the Standards Council and the number of members in attendance at meetings to form a quorum has been increased. Provision is also made for meetings to continue notwithstanding the absence of the Chairman or Vice-Chairman of the Standards Council or both of them (clauses 3 and 4).

The functions of the Standards Council have been extended to enable it to promote research, assess quality management systems, establish a national laboratory accreditation system and arrange various types of training (clause 5). Provisions for verifying that imported commodities comply with applicable standards (clause 6) and seeking the assistance of personnel in outlying areas to assist the Council in its work (clause 7) have been introduced.

The seizure, detention and investigative powers of the Council have been enhanced (clauses 9 and 10). The enforcement provisions under the Act have also been enhanced through additional offences and penalties.



Senior Minister of Trade,

Tourism and Industry.