



# **LAWS OF SEYCHELLES**

## **SEYCHELLES BUREAU OF STANDARDS ACT**

### **CHAPTER 212**

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## CHAPTER 212

## SEYCHELLES BUREAU OF STANDARDS ACT

Act 8 of 1987.

*(20th October 1987)*

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PART I - PRELIMINARY

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

Interpretation      2. In this Act-

Act 11 of 1995

“Board” means the Board constituted under section 12;  
 “Bureau” means the Seychelles Bureau of Standards established by section 3;  
 “Code of practice” means a set of rules relating to methods and procedures to be applied or adopted in respect of any commodity, process or practice;  
 “Director General” means the Director General of the Bureau appointed under section 5;  
 “Commodity” means an article, product or thing which is the subject of trade or commerce;  
 “Inspector” means a person appointed under section 6(2) as an inspector;  
 “Mandatory standards specification” means a standard specification declared under section 16(1);  
 “Mark” includes any device, brand, heading, label, ticket, name, signature, word, letter or numeral or any combination thereof;

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

“standard code practice” or “standard specification” means a code of practice or a specification declared under section 15(5);

“Standard mark” means a mark authorised under section 17(1);

## PART II - THE BUREAU

3. There is hereby established the Seychelles Bureau of Standards which shall be a body corporate.

Establishment of the Bureau.

4. The functions of the Bureau are—

Functions of the Bureau.

- (a) to promote standardisation in industry and commerce;
- (b) to prepare draft specifications and codes of practice and to declare the standard specifications and standard codes of practice;
- (c) to make arrangements or provide facilities for the examination and testing of commodities and any material or substance from which or with which they may be manufactured, produced, processed or treated and for the manner of such manufacture, production, processing or treatment;
- (d) to provide for use of standard marks;
- (e) to provide for the examination, testing and calibration of instruments, appliances, apparatus and, subject to the Weights and Measures Act, weights and measures and weighting and measuring instruments in relation to their accuracy;
- (f) to provide for the testing of commodities manufactured in Seychelles or imported into Seychelles for the purpose of determining whether the commodities comply with the provisions of this Act or any other law dealing with specifications;

Cap. 245.



Cap. 245.

(g) subject to the Weight and Measure Act, to be place of deposit for the National Standard and secondary standards for weights and measure and to calibrate the working standards kept under that Act;

(h) to do such thing as may be expedient or necessary for the proper performance of its functions, including the levy of such fees and charges for the performance of its functions as may be prescribed;

Cap. 245.

(i) to exercise the functions conferred on any person by or under the Weight and Measures Act, other than those conferred by or under that Act on the Minister responsible for the administration of that Act and to do such things as may be incidental to or consequential upon the exercise of those functions;

(j) to prepare, implement and execute, at the request and subject to the directions if the Minister, programmes in areas of industry, science and technology and energy; and

(k) to maintain a national information centre on matters of standardisation, industry, science and technology and energy.

Director

5.(1) The Minister shall appoint a person to be the Director of the Bureau on terms and conditions applicable to employees of public bodies.

(2) The Director shall be a person who, in the opinion of the Minister, is suitably qualified in science ad technology relevant to the functions of the Bureau.

(3) Where the Director is for any reason unable to perform the function of his office, the Minister may appoint a person to perform the functions of the Director until the Director assumes the functions of the office.

6.(1) The Bureau may employ such persons as are necessary to assist the Director in the performance of his functions on terms and conditions and according to the procedures applicable to employees of public bodies. Investigation

(2) In exercise of the powers under subsection (1), the Bureau shall appoint inspectors and may appoint and inspector appointed under section 7 of the Weight and Measures Act as an inspector under this Act. Cap. 245.

7.(1) The funds of the Bureau shall consist of - Funds of the Bureau

(a) moneys appropriated by the Appropriation Act and paid to the Bureau;

(b) moneys lawfully charged by the Bureau.

(2) The funds of the Bureau may be applied by the Bureau -

(a) in payment of expenses incurred by the Bureau in the performance of its functions;

(b) in payment of remuneration, fees and allowances payable to its staff including that of the Directors.

8.(1) For each financial year of the Bureau, the Bureau shall prepare and submit to the Minister and the Minister responsible for Finance the estimates of income and expenditure; Estimates

(2) The Minister may, acting after consultation with the Minister responsible for finance, approve with or without modification the estimates submitted under subsection (1);

(3) After the Minister approves the estimates under subsection (2), the estimates so approved shall be the estimates of the bureau for the financial year for which it is prepared.

(4) The financial year of the bureau shall be a period of 12 months ending on the 31st of December of any year.

9.(1) The Bureau shall keep proper accounts and records in relation to the accounts and shall prepare in respect of each financial year of the Bureau a statement of accounts in such form as the Minister, acting after consultation with the Minister responsible for finance, may direct. Accounts

(2) The accounts and the statement of accounts shall be audited by an auditor appointed by the Minister acting after consultation with the Minister responsible for Finance.

(3) As soon as the accounts and statement of accounts shall be audited pursuant to subsection (2), the Bureau shall send to the Minister, and the Minister responsible for finance a copy of the statement together with a copy of any report made by the Bureau in the performance of its functions and the Bureau shall comply with those directions.

Directions of  
the Minister

10. The Minister may, give to the Bureau directions in writing on the policy to be followed by the Bureau in the performance of its functions and the Bureau shall comply with those directions.

### PART III - THE BOARD AND TECHNICAL COMMITTEES

Board

11. The Board shall be managed by a Board constituted under section 12.

Constitution  
of the Board

12.(1) The Board shall consist of -

- (a) a representative of the Ministry responsible for industry nominated by the Minister responsible for industry;
- (b) a representative of the Ministry responsible for trade nominated by the Minister responsible for trade;
- (c) a representative of the Ministry responsible for environment nominated by the Minister responsible for environment;
- (d) a representative of the Ministry responsible for health nominated by the Minister responsible for health;
- (e) a representative of the Ministry responsible for agriculture nominated for agriculture;
- (f) a representative of the Ministry responsible for physical planning nominated by the Minister responsible for physical planning; and
- (g) such other persons as may be nominated by the Minister.



(2) When a Minister referred to in subsection (1) is responsible for more than one subject matter referred to in that subsection, the representative of that Ministry nominated by the Minister shall represent on the all such subject matters.

(3) The Direction General shall be an ex-officio member of the Board.

(4) The Minister shall appoint one of the members of the Board to be its Chairman.

(5) The Minister shall publish in the Gazette the names of the members of the Board constituted under subsection (1) and the members shall hold office for a period of two years from the date of the publication.

(6) In the case of a vacancy in the membership of the Board, other than on expiration of the period of office, the Minister who nominated the member who vacated membership shall nominate another person to fill the vacancy and on the publication in the Gazette of the name of the person so nominated, the person shall hold office as member for the unexpired period of membership of the member who vacated membership.

(7) The Board shall meet not less than once every month and at such other times as the Chairman may determine.

(8) On half the number of members of the Board shall constitute a quorum for any meeting of the Board.

(9) The Chairman or, in the absence of the Chairman, a member elected by the members present at the meeting, shall preside at a meeting of the Board.

(10) Subject to this Act, the Board shall regulate its own proceedings.

13. Subject to the directions of the Board, the Director General -

- (a) shall have supervision over and direction of the day-to-day affairs of the Bureau and shall be its chief executive officer;
- (b) shall perform the functions of the Bureau;
- (c) shall have power to sign documents on behalf of the Bureau; and
- (d) may delegate any of the powers of the Director General to any other employee of the Bureau shall be

Exercise of the  
functions of  
Bureau



referred to a technical committee for the consideration of such committee the Board shall appoint a technical committee

Technical  
committee

14.(1) Where the Board deems it desirable that any matter relating to the functions of the Bureau shall be referred to a technical committee for the consideration of such committee the Board shall appoint a technical committee.

(2) The composition and functions of the technical committee and the terms and conditions of appointment of its members shall be determined by the Board.

(3) A technical committee shall cease to function after it has considered the matter referred to it and has rendered its advise to the Boar.

(4) Subject to the directions of the Board, a technical committee shall regulate its own proceedings."

#### **PART IV-SPECIFICATIONS, CODES OR PRACTICE AND MARKS**

15.(1) Where the Bureau deems it desirable to declare a standard specification or standard code of practice, it shall prepare a draft specification or a draft code of practice.

(2) Where a commodity, process or practice in respect of which a draft specification or draft code of practice is prepared is under the control or supervision of any Ministry or Government department, the Bureau shall consult that Ministry or Department.

(3) The Bureau shall by a notice published in a local newspaper and by such other means determined by the Bureau, give wide publicity to the draft specification or draft code of practice prepared pursuant to subsection (1), and specify in such notice a place for the inspection of the draft specification or code.

(4) Any person may within 30 days of the publication or the notice under subsection (3) lodge with the Director a written objection or representation in respect of the draft specification or draft code of practice.

(5) The Bureau may, having regard to the objections or representation (if any) lodged under subsection (4), confirm with or without modification, the draft specification or code of practice and declare by notice published in a local newspaper a standard specification or a standard code of practice.

16.(1) The Minister may by notice published in a local newspaper and the *Gazette* declare a standard specification to be mandatory standard specification with effect from a date specified in the notice.

Mandatory  
standard  
specification.

(2) Where the Minister declares a mandatory standard specification, every person concerned at any stage of the manufacture, production, processing, treatment or distribution of the commodity in respect of which the declaration is made shall ensure compliance with that specification.

17.(1) The Minister may on the recommendation of the Bureau authorise standard marks.

Standard marks.

(2) A standard mark shall distinguish a commodity, process or practice which conforms to a standard specification from those that do not conform to that specification.

(3) The Bureau may, subject to such conditions as it may impose, permit a person to use a standard mark authorised under subsection (1) where the commodity, process or practice in respect of which it is used conforms to a standard specification.

(4) An application for a permit under subsection (3) shall be made in writing to the Director and the Director may require the applicant to furnish such particulars as he may require.

#### PART V-MISCELLANEOUS

18.(1) An inspector or any person authorised by the Director may—

Entry of  
premises, etc.

- (a) at all reasonable times enter any premises in which any commodity, process or practice is or is reasonably suspected of being manufactured, produced, pro-

cessed, treated or kept for the purpose of any trade or business;

- (b) inspect or take samples of the commodity or of any material used or suspected to be intended for use in the manufacture, production, processing or treatment of the commodity;
- (c) inspect the process or practice and make any notes in relation to the process or practice;
- (d) inspect any operation carried out in the premises in connection with the commodity;
- (e) require any person to produce any document which is in his possession, custody or control and which relates to the commodity, process or practice;
- (f) examine and make copies or take extracts from the document; and
- (g) require any person to appear before him and answer any questions relating to the commodity, process or practice.

(2) An inspector or any person authorised under subsection (1) shall, if so required, produce his authority to exercise the powers under this section.

Secrecy.

19. Except for the purposes of this Act or any other Act or when required by any court, no person shall disclose any information in relation to any commodity, process or practice which he has acquired in the exercise of his functions under this Act.

Restrictions on  
use of certain  
words.

20.(1) No person, other than the Bureau, shall, except with the consent of the Minister in writing, use a name which contains any combination of the words "Seychelles Bureau of Standards" or "Seychelles Standards."

(2) Subsection (1) shall not apply to a person using a name described in that subsection prior to the commencement of this Act or to any name so used prior to such commencement.



cessed, treated or kept for the purpose of any trade or business;

- (b) inspect or take samples of the commodity or of any material used or suspected to be intended for use in the manufacture, production, processing or treatment of the commodity;
- (c) inspect the process or practice and make any notes in relation to the process or practice;
- (d) inspect any operation carried out in the premises in connection with the commodity;
- (e) require any person to produce any document which is in his possession, custody or control and which relates to the commodity, process or practice;
- (f) examine and make copies or take extracts from the document; and
- (g) require any person to appear before him and answer any questions relating to the commodity, process or practice.

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21. The fact that a commodity, process or practice conforms or is alleged to conform to a standard specification or a standard code of practice or the fact that a standard mark is used in connection with any commodity, process or practice shall not give rise to any claim against the Bureau.

Protection  
against claims.

22. Notwithstanding anything in any other law or in any undertaking in respect of disclosure of information, a worker shall not be liable to any penalty for disclosure of information to an inspector or any person when required to do so under section 18 and the employer of that worker shall not do anything to the prejudice of the worker on the ground of such disclosure.

Disclosure of  
information by  
worker.

23.(1) Any person who—

Offences.

- (a) prevents, hinders or obstructs any inspector or any person authorised under section 18 in the exercise of the inspector's or that person's functions under this Act;
- (b) fails to produce any document or to appear or answer any questions when required to do so under section 18;
- (c) contravenes section 19 or 20;
- (d) being a person concerned at any stage of the manufacture, production, processing, treatment or distribution of a commodity in respect of which a mandatory standard specification has been declared, contravenes section 16(2);
- (e) being an employer, contravenes section 22,

is guilty of an offence and liable on conviction to a fine of R.10,000.

(2) Any person who —

- (a) uses a standard mark without a permit granted by the Bureau or contravenes any conditions of the permit;

- (b) makes any statement or representation, whether in writing or not, or uses a standard mark which conveys or is likely to convey the impression that a commodity, process or practice conforms to a standard specification or a standard code of practice, as the case may be, when it does not do so;
- (c) without the consent of the Bureau in writing or fraudulently makes any statement or representation, whether in writing or not, whereby comparison is made in respect of any commodity, process or practice with any standard specification,

is guilty of an offence and liable on conviction to a fine of R.20,000 and to imprisonment for one year and is liable to a further fine of R.5,000 for each day he continues to commit that offence after conviction.

Regulations.

24.(1) The Minister may make regulations for carrying into effect the purposes and provisions of this Act.

(2) Without prejudice to the generality of subsection (1) regulations may provide for—

- (a) matters relating to packaging, labelling, description and advertising of any commodity for which a standard specification has been declared;
- (b) matters relating to inspection, taking samples and testing of commodities;
- (c) matters which by this Act are required to be prescribed or which are necessary or convenient to be prescribed;
- (d) offences and penalties not exceeding R.10,000 by way of fine.