

# CHAPTER 13.25 STANDARDS ACT

## Revised Edition

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• Act • Subsidiary Legislation •

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## ACT

### (Act 14 of 1990)

Act 14 of 1990 .. in force 15 December 1990

#### ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation

#### PART 1

##### ESTABLISHMENT AND FUNCTIONS OF BUREAU

3. Establishment of Bureau of Standards
4. Functions of the Bureau of Standards
5. Bureau to advise manufacturers on quality control
6. Appointment of Director and staff of the Bureau

#### PART 2

##### ADMINISTRATION OF THE BUREAU

7. Standards Council
8. Appointment of Council members.
9. Chairperson of Council meetings
10. Tenure of office of Council members
11. Resignation of Council members
12. Publication of membership of Council
13. Meetings and quorum of Council
14. Conflict of interest
15. Bureau's seal and authentication of documents
16. Immunity of Council members
17. Appointment of committees and co-opting of members

#### PART 3

##### BUSINESS OF THE BUREAU

18. Declaration and publication of standards
19. Voluntary and compulsory standards
20. Standard mark
21. Licences to use standard mark
22. Restriction on the use of the word "Standard"
23. Testing of goods for compliance with compulsory standard
24. Prohibition of sale or export of rejected goods
25. Examination of imported goods
26. Appointment and powers of inspectors

#### PART 4

##### MISCELLANEOUS

27. Complaints
28. Finance
29. Accounts and records
30. Annual reports
31. Returns
32. Offences
33. Forfeiture of articles on conviction of offenders
34. Evidence of standard
35. Secrecy of information
36. Protection against claims
37. Regulations

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## **CHAPTER 13.25 STANDARDS ACT**

AN ACT to provide for the preparation and promotion of standards in relation to goods, services, processes and practices by the establishment and operation of a Bureau of Standards to define the powers and functions of the Bureau of Standards and for incidental matters.

Commencement [15 December 1990]

### **1. Short Title**

This Act may be cited as the Standards Act.

### **2. Interpretation**

In this Act—

“**code of practice**” means a description of the method of production of any goods, or of the execution of any service, process or practice by which in the opinion of the Bureau a person adhering to it is able to produce goods or offer services which are likely to comply with a specification or standard;

“**compulsory standard**” means a standard so declared by order of the Minister under section 19;

“**Council**” means the National Standards Council established by section 7;

“**goods**” means commodities which are the subject of trade or commerce;

“**Minister**” means the Minister charged with the responsibility for standard matters;

“**practice**” includes advertising, labelling or packaging;

“**specification**” means a description of any goods, services, process or practice by reference to its nature, quality, strength, purity, safety, composition, quantity, dimensions, weight, grade, durability, origin, age, or other characteristics, and includes guidelines for a process or practice, tables of data and a code of practice;

“**standard**” means a specification declared by the Bureau to be a standard.

## **PART 1 ESTABLISHMENT AND FUNCTIONS OF BUREAU**

### **3. Establishment of Bureau of Standards**

There is established a body corporate to be known as the Saint Lucia Bureau of Standards (in this Act called the Bureau) with perpetual succession and a common seal, and with power to acquire, hold and dispose of land and other property, to enter into contracts and to do all things necessary for the purpose of its functions.

#### **4. Functions of the Bureau of Standards**

- (1) The Bureau shall promote and encourage the maintenance of standards—
  - (a) for the improvement of goods produced or used in Saint Lucia;
  - (b) for services produced or used in Saint Lucia; and
  - (c) in relation to processes and practices,  
for ensuring industrial efficiency and development and promoting public and industrial welfare and health and safety for safeguarding the environment and shall exercise such other functions as may be prescribed.
- (2) For the purposes of subsection (1) the Bureau may—
  - (a) promote the general adoption and implementation of standards relating to structure, goods, materials, processes, practices, operations and other matters, on a national and international level;
  - (b) promote research in relation to specifications, establish or designate laboratories and testing facilities, and provide for the examination and testing of goods, services, processes and practices;
  - (c) inspect or cause to be inspected—
    - (i) any operations carried out and any books or records, in connection with the production, manufacture, processing or treatment of any goods, and
    - (ii) the execution of any services, processes or practice for which a compulsory standard has been declared or for which application has been made to use the standard mark;
  - (d) declare standards and keep the standards under review;
  - (e) collect and publish for public information and guidance, data relating to specifications and standards;
  - (f) encourage and undertake educational programmes relating to standards;
  - (g) provide for the examination, testing and calibration of instruments, appliances and apparatus;
  - (h) co-operate with and advise manufacturers in setting up quality control systems and preparing standards;
  - (i) do such other things as may be expedient or necessary to secure the proper execution of the purposes of this Act.

#### **5. Bureau to advise manufacturers on quality control**

(1) In addition to the functions specified in section 4 the Bureau may provide advisory services for manufacturers as to the type and methods of quality control applicable to their products and may undertake the training of manufacturing staff in quality control.

(2) The Bureau shall have the power to charge fees for services rendered under this section.

#### **6. Appointment of Director and Staff of the Bureau**

(1) The Minister shall, after consultation with the Council, by notice published in the Gazette appoint a Director of the Bureau who shall be the Chief Executive of the Bureau.

(2) The Council shall, after consultation with the Director appoint such members and staff of the Bureau as the Council may deem necessary for the proper performance of the functions of the Bureau under this Act.

(3) A sum in excess of \$25,000 shall not be assigned as the annual salary to a post in the Bureau without the approval of the Minister.

(4) An officer may, with the approval of the Public Service Commission, be transferred on secondment—

- (a) from the public service to the Bureau; or
- (b) from the Bureau to the public service.

(5) When an officer is transferred under subsection (4), the Bureau shall make such arrangements as are necessary to preserve the right of the officer to any pension, gratuity or other benefit to which he or she would have been entitled had the transfer not been effected.

## **PART 2 ADMINISTRATION OF THE BUREAU**

### **7. Standards Council**

The general administration of the affairs of the Bureau shall be carried out by the Standards Council (in this Act called the Council) consisting of not less than 11 and not more than 15 members.

### **8. Appointment of Council members.**

The Council shall comprise the following—

- (a) two persons nominated by the Minister in his or her discretion, one of whom shall be appointed Chairperson, and the other Vice-Chairperson of the Council;
- (b) four persons nominated from the private sector, one each to be nominated by the Chamber of Commerce, the Saint Lucia Industrial and Small Business Association, the National Farmers' Association and the Consumer's Association or in the absence of the Consumer's Association such person as may be deemed to represent the consumer;
- (c) three persons nominated by the Minister from the public sector, each of whom is employed in a senior capacity in the Ministries of Agriculture, Health and Trade;
- (d) two *ex-officio* members, one being the Director of the Bureau/Standard Unit, who shall also be Secretary to the Council and the other being the Manager of the National Development Corporation or his or her nominee; and
- (e) such other persons not being more than 4 with qualifications in fields relating to standards or experience in business or members of organisations committed to the maintenance or promotion of standards, as the Minister may determine.

### **9. Chairperson of Council Meetings**

Where the Chairperson is absent or unable to act the Vice-Chairperson shall preside at council meetings. In case both the Chairperson and Vice-Chairperson are absent or unable to act, the members of the Council present at a meeting shall elect one of their members to preside as Chairperson.

### **10. Tenure of Office of Council Members**

(1) The Minister shall appoint members nominated to the Council by instrument in writing for a period not exceeding 3 years and a member so appointed is eligible for reappointment on the expiration of his or her period of office.

(2) The Minister may terminate the appointment of the Chairperson or any other nominated member of the Council who—

- (a) becomes of unsound mind or incapable of carrying out his or her duties;
- (b) becomes bankrupt or compounds with, or suspends payments to his or her 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 or her duties;
- (f) is absent, except on leave granted by the Council, from 3 consecutive meetings of the Council; or
- (g) fails to carry out any of the functions conferred or imposed on him or her under this Act.

### **11. Resignation of Council members**

A member of the Council, other than members nominated by the Minister under section 8(c), may resign his or her office at any time by letter addressed to the Minister, and conveyed through the Chairperson and such resignation takes effect from the date the letter is received by the Minister.

### **12. Publication of membership of Council**

The names of the members of the Council shall be published in the Gazette, and any subsequent change in the members of the Council shall be similarly gazetted.

### **13. Meetings and quorum of Council**

(1) The Council shall meet at least once in every quarter and at such other times as may be necessary or expedient for transacting the business of the Bureau.

(2) Where the Council consists of not more than 11 members the quorum shall be 5 and where the Council consists of more than eleven members the quorum shall be 7.

(3) The decision of the Council shall be taken by a majority of the votes.

### **14. Conflict of interest**

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

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Council and after the disclosure the member concerned may not vote on the matter, and unless otherwise directed by the Council shall not be present at any meeting when the matter is being decided by the Council.

### **15. Bureau's Seal and authentication of documents**

(1) The seal of the Bureau shall be kept in the custody of the Secretary of the Council and shall be authenticated by the Chairperson or in his or her absence, by the Vice-Chairperson and the Secretary of the Council.

(2) All documents other than those required to be under seal and all decisions of the Council may be authenticated by the Chairperson or the Secretary.

## **16. Immunity of Council members**

(1) An action, suit, prosecution or other proceedings shall not be brought or instituted against a member of the Council in his or her personal capacity, in respect of any act done or omitted to be done by him or her in good faith in execution or purported execution of his or her duties under this Act.

(2) Where a member of the Council is exempt from liability by reason only of this section the Bureau is liable for the acts of the member on the principles of agency.

## **17. Appointment of committees and co-opting of members**

(1) The Council may appoint committees for the better regulation and management of any matter with which the Council is concerned and may determine—

- (a) the number of members of a committee so appointed;
- (b) the terms of appointment of the members;
- (c) the quorum of the committee;
- (d) the functions of the committee as a whole and of individual members; and
- (e) the area and scope of the committee's authority.

(2) The Council may co-opt members to a committee appointed under subsection (1) and in such case section 14 applies to the co-opted member as it applies to a Council member.

## **PART 3 BUSINESS OF THE BUREAU**

## **18. Declaration and publication of standards**

(1) The Bureau may declare a specification to be a standard and a standard to be a Saint Lucia Standard.

(2) A specification shall not be declared a standard and a standard shall not be varied or revoked unless the Bureau is satisfied that persons who may be affected thereby have had an opportunity to consider and comment on the standard.

(3) The Bureau shall keep a copy of every standard and every variation of a standard available for public inspection and shall cause every declaration, variation or revocation of a standard to be published in the Gazette, and in such other publication as the Minister may direct.

(4) The Bureau may adopt any international specification or other specification formulated outside Saint Lucia where it is impractical to formulate its own specification.

## **19. Voluntary and compulsory standards**

(1) A standard may be voluntary or compulsory.

(2) A standard which is intended primarily—

- (a) to protect the consumer or user against danger to health or safety;
- (b) to prevent fraud or deception arising from misleading advertising or labelling;
- (c) to ensure quality in goods produced for export;
- (d) to require adequate information to be given to the consumer or user;
- (e) to ensure quality in any case where the choice of source of supply is restricted; or

- (f) to generally ensure the quality of goods and services,  
may on the recommendation of the Bureau, be declared by order of the Minister to be a compulsory standard.

(3) An order made under subsection (2) shall state the purpose for which the standard is intended.

(4) The Minister shall, by Notice published in the Gazette, give at least 30 days notice of his or her intention to make an order to declare a standard to be a compulsory standard and shall in the Notice indicate the date on which it is intended that the compulsory standard shall come into effect.

## **20. Standard Mark**

The Minister may on the recommendation of the Bureau prescribe a mark which shall be called the Saint Lucia Standard Mark (in this Act called the Standard Mark), the property of which vests in the Bureau, and which shall be used in relation to goods, services, processes or practices to signify conformity to a standard.

## **21. Licences to use Standard Mark**

(1) A person desiring to use the Standard Mark in connection with any goods, service, process or practice shall apply to the Bureau in such manner as may be prescribed.

(2) The Bureau may, if satisfied that the goods, service, process or practice conforms to a standard, grant a licence to the applicant to use the Standard Mark upon such terms and conditions, including the payment of a fee, as may be prescribed.

## **22. Restriction on the use of the word "Standard"**

(1) A person shall not carry on a business or perform any function under a name which contains the word "Standard" without the consent of the Bureau.

(2) Where a written law provides for the registration of an association of persons, the registering authority shall refuse registration if in its opinion the use of the name by which the association desires to be registered is prohibited by subsection (1).

(3) This section does not apply to a name that was in use in Saint Lucia before the commencement of this Act.

## **23. Testing of goods for compliance with compulsory standard**

(1) The Minister may—

- (a) direct the Bureau; or
- (b) by letter authorise the Bureau to obtain the service of a public officer or other person having such qualifications as may be prescribed,  
to test or examine the quality of any goods for which a compulsory standard has been declared.

(2) The Bureau or a public officer or other person as mentioned in subsection (1)(b) may require any person in Saint Lucia to submit goods manufactured by him or her for testing or examination where—

- (a) that person has a licence to use the standard mark in respect of the goods; or
- (b) a compulsory standard has been declared for the goods.

(3) The Bureau may—

- (a) certify that the goods comply with; or

- (b) report that the goods do not comply with a standard or specification where the standard is voluntary or where a foreign specification exists with respect to certain goods.

#### **24. Prohibition of sale or export of rejected goods**

Where a standard is compulsory and goods tested or examined under section 23 fail to conform to the standard, the goods shall not be exported or released for home use, unless the goods are clearly stamped or marked with the words "rejects" or "seconds" or "imperfect" or other similar words as may be prescribed.

However, where the compulsory standard is declared to protect the consumer or user against danger to health or safety, the goods may neither be exported nor released for home use, but shall be disposed of as the Bureau thinks fit.

#### **25. Examination of imported goods**

(1) Despite the provisions of any other law, the Bureau may authorise a member of its staff to examine goods manufactured outside Saint Lucia and any custom entries relating to such goods, where a standard is declared for the goods.

(2) The Minister may in writing—

- (a) authorise a public officer; or
- (b) retain at a fee to be prescribed a suitable qualified consultant, to assist the staff of the Bureau in an examination carried out under subsection (1).

(3) A person who examines goods under this section may take and submit samples of the goods for testing or analysis.

(4) Where goods imported into Saint Lucia bear a mark so closely resembling the standard mark as to be misleading or which falsely represents a mark of compliance with a specification formulated or adapted outside Saint Lucia, the goods shall not be entered for home use unless the mark is removed or substantially changed.

(5) Where a standard is compulsory, goods produced or manufactured outside Saint Lucia may be entered for home use if—

- (a) upon an examination of samples the goods comply with the standard; or
- (b) the goods are accompanied by a certificate of examination and compliance with the standard issued by a laboratory or other similar institution in the country of origin, recognised by the Bureau.

(6) In this section and in section 24, "**home use**" means consumption in Saint Lucia.

#### **26. Appointment and powers of Inspectors**

(1) For the purpose of monitoring compulsory standards, or eliminating any process or practice the effect of which adversely affects the environment, the Minister may on the advice of the Bureau designate employees of the Bureau or public officers to be inspectors and shall provide every inspector with documentary evidence of his or her designation.

(2) An inspector may at any time with or without a warrant issued by a magistrate enter a place—

- (a) where he or she has reasonable grounds to believe that an article to which this section applies is manufactured, prepared, stored or offered for sale, to examine and take samples of the article; or

- (b) where he or she has reasonable grounds to believe that an article to which this section applies is carried out to inspect or investigate the activity and take samples of any article, material or substance relating to the activity, and while there may
- (c) open and examine any receptacle or package that he or she has reasonable grounds to believe contains an article to which this section applies;
- (d) examine and make copies of or transcribe extracts from any book, document or other record found in the place which he or she has reasonable grounds to believe contains information relevant to the enforcement of this Act; and
- (e) seize and detain for such time as may be necessary, any article by means of which or in relation to which he or she has reasonable grounds to believe any provision of this Act has been infringed.

(3) A magistrate shall issue a warrant under this section where he or she is satisfied by sworn information in writing that admission to any premises has been refused, or that refusal is apprehended or that a request for admission could defeat the purpose of the entry.

(4) In this section—

**“article to which this section applies”** means any goods for which a compulsory standard is declared and includes—

- (i) anything used in the manufacture, testing, preparation, processing, packaging, storage or sale of the goods; and
- (ii) any labelling or advertising material referring to the goods, whether or not bearing the Standard Mark; and

**“activity to which this section applies”** includes any process or practice for which a compulsory standard has been declared and anything used in the performance of the process or practice.

(5) Where an inspector enters a place under this section, the owner or person in charge of the place and any servant or agent present at the time shall give to the Inspector all reasonable assistance and shall furnish him or her with such information as he or she may reasonably require.

(6) An inspector may in his or her discretion leave any article seized under subsection (2)(e) in the place where it was seized or remove it to be stored in another place, and upon being satisfied that this section has been complied with shall release all seized articles not destroyed by testing.

(7) Where an article is seized under subsection (2)(e) and the owner or person from whom the article is seized consents to its destruction, the article forfeits to the State and may be destroyed or otherwise disposed of as the Minister may direct.

(8) An inspector may prosecute in courts of summary jurisdiction in cases arising from violation of this Act.

## **PART 4 MISCELLANEOUS**

### **27. Complaints**

(1) The Bureau shall investigate complaints regarding goods, services, processes and practices referred to it by consumers and users and may institute legal proceedings against the manufacture or other person supplying the defective goods or service or engaged in the defective process or practice.

(2) Where upon representations made by the Bureau the court is of the opinion that any goods, service, process or practice is dangerous to the public, the court may

order the manufacturer of the goods or the person supplying the service or engaged in the process or practice to cease operations of that service, process or practice.

## **28. Finance**

The Bureau shall be financed by moneys appropriated by Parliament for the purpose, by fees charged for examination, testing, certification, use of the standard mark and for any service rendered under section 5 and by Government grants and subsidies.

## **29. Accounts and records**

(1) The Bureau shall keep proper accounts and other records in relation to its business and shall prepare annually a statement of accounts in a form satisfactory to the Minister.

(2) Accounts kept in accordance with subsection (1) shall be submitted to be audited with vouchers to the Director of Audit or such other auditor as the Minister may approve.

## **30. Annual Reports**

(1) The Bureau shall, as soon as practicable after the end of each financial year, cause to be made and transmitted to the Minister—

- (a) a statement of its accounts audited in accordance with section 29(1);
- (b) a report dealing generally with activities of the Bureau during the financial year, and containing such information relating to the proceedings and policy of the Bureau.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon to be laid on the respective tables of both Houses of Parliament.

## **31. Returns**

The Bureau shall furnish the Minister with such returns, accounts and other information as he or she may require with respect to the activities of the Bureau, and shall afford to him or her facilities for verifying such information in such manner and at such times as he or she may reasonably require.

## **32. Offences**

A person who—

- (a) sells, offers for sale or supplies to another person any goods, service, process or practice for which a compulsory standard is declared and which does not conform to that standard;
- (b) labels, packages or advertises goods or services, process or practice otherwise than in compliance with a compulsory standard;
- (c) makes any statement or representation or uses a mark with reference to any goods, service, process or practice which conveys or is likely to convey the impression that a person who is not entitled to use the Standard Mark is so entitled, or falsely represents that any goods, process or practice complies with a specification formulated or adopted outside Saint Lucia;
- (d) obliterates or otherwise removes a stamp or mark which denotes deficiencies before offering or exposing for sale goods which do not conform to a required standard;

- (e) makes any statement or representation whether in writing or not, or uses a mark which conveys or is likely to convey that any goods, service, process or practice complies with a standard when it does not;
- (f) without the authority of the Bureau and for the purpose of gain or profit makes a statement or representation whether in writing or not comparing any goods, service, process or practice with a standard declared by the Bureau, unless he or she proves that he or she acted without intention to defraud;
- (g) hinders, or obstructs or knowingly makes a false or misleading statement to any person in the execution of his or her duty under this Act;
- (h) with intent to defraud represents that he or she is an Inspector or a person authorised by the Bureau or the Minister to perform a function under this Act;
- (i) being entitled to use the standard mark uses it in contravention of the terms and conditions of the licence or after he or she is no longer entitled to use the mark;
- (j) uses the word "Standard" in a name contrary to section 22;
- (k) impersonates an inspector;
- (l) obstructs an inspector by not giving him or her reasonable assistance or access to records, documents or information relevant to the performance of his or her functions under this Act; or
- (m) tampers with an article seized by an inspector in such a way as to change any of the characteristics of the article described in the standard applicable on such article,

is liable on summary conviction to a fine of \$10,000 and to an additional penalty of \$1,000 for every day on which the offence continues or to imprisonment for 6 months.

### **33. Forfeiture of articles on conviction of offenders**

Where a person is convicted of an offence under this Act, the court—

- (a) may order the forfeiture of any article by means of or in relation to which the offence was committed or any similar item in the possession of that person or found with such article whether or not the item is proved to be in contravention of section 26, and may order such article or item be disposed of as the Minister may direct; and
- (b) may order the person to cease and desist from performing any activity by means of or in relation to which the offence was committed until such time as the court may direct.

### **34. Evidence of Standard**

A copy of a standard authenticated by the Bureau together with a copy of the Gazette notice declaring or amending the standard is *prima facie* evidence of that standard in legal proceedings.

### **35. Secrecy of information**

(1) All information obtained by the Minister, the Council, the Bureau or any member of 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, except for any purpose connected with the administration of this Act.

(2) The disclosure of any information relating to any formula, process or practice to the Minister, the Council, the Bureau or any member of its staff or to any other

person for purposes connected with the administration of this Act, shall not prejudice a subsequent application for the patent of the formula, process or practice.

### **36. Protection against claims**

A person does not have a claim against the Crown or against the Bureau by reason only of the fact that the standard mark is used in connection with any goods, or that any goods, service, process or practice conforms or is alleged to conform to a standard.

### **37. Regulations**

The Minister may make regulations for the purpose of this Act, and for prescribing all things required to be prescribed and in particular he or she may make regulations—

- (a) regarding the declaring of standards including compulsory standards;
- (b) concerning the use of the standard mark and the terms and conditions subject to which the mark may be used and the fees to be paid in respect of such use;
- (c) regarding packaging, labelling and advertising of any goods;
- (d) regarding the examination and testing of goods, processes and practices and entry upon premises for that purpose;
- (e) requiring any person to keep and produce in relation to any goods, services, process or practice, such records as the Bureau may consider necessary for the purposes of this Act;
- (f) prescribing matters in respect of which fees are to be paid, the amount of the fees and the persons by whom the fees are to be paid and authorising the refund or remission of fees in such circumstances as may be prescribed;
- (g) prescribing penalties for the breach of any regulation not exceeding a fine of \$5,000 or imprisonment for 12 months;
- (h) prescribing the qualifications, powers and duties of persons authorised under section 23 to examine goods upon landing and of persons designated inspectors under this Act; and
- (i) prescribing anything required under this Act to be prescribed.

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## **CHAPTER 13.25 STANDARDS ACT**

### **SUBSIDIARY LEGISLATION**

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#### *List of Subsidiary Legislation*

1. Standards Regulations – Section 37
  2. Standards (Compulsory Standards) Orders – Section 19
  3. Standards (Fees) Regulations – Section 37
  4. Standards (Compulsory Standard) Order – Section 19(2)
  5. Standards (Compulsory Standards) (No. 1) Order – Sections 19(2) and (3)
  6. Standards (Compulsory Standards) (No. 2) Order – Section 19(2) and (3)
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## **Standards Regulations – Section 37**

### **(Statutory Instrument 10/2000)**

Statutory Instrument 10/2000 .. in force 5 February 2000

#### **ARRANGEMENT OF REGULATIONS**

##### **PART 1**

##### **DECLARATION OF STANDARDS**

1. Citation
2. Appointment of technical committees
3. Publication of notice to declare a standard
4. Comments to be forwarded to technical committee
5. Compulsory standard

##### **PART 2**

##### **USE OF THE STANDARD MARK**

6. Standard mark
7. Application for licence to use standard mark
8. Bureau to undertake inspections of premises, etc
9. Licence to expire on 31 December
10. Licence to relate to specific goods, etc.
11. Revocation of licence
12. Bureau to prevent continued use of standard mark
13. Bureau to keep register of licences
14. Names of licensees to be published
15. Bureau to charge fees for use of standard mark
16. Use of mark, other than standard mark

##### **PART 3**

##### **DESIGNATION OF LABORATORIES AND TESTING FACILITIES**

17. Definitions
18. Designation of laboratories
19. Requirements of designation
20. Application for designation to be made to Director
21. Bureau may designate without application being made
22. Notice of designation to be published in Gazette
23. Bureau to publish list of designated laboratories
24. Designated laboratory may charge a fee for a test report
25. Report, prima facie evidence of statements therein

##### **PART 4**

##### **FEES**

26. Publication of table of fees by Minister

##### **PART 5**

##### **TESTING OF ARTICLES SUBMITTED OR SEIZED**

27. Bureau to ensure goods are tested
28. Bureau to purchase samples
29. Goods for testing to be marked, labelled and packaged
30. Where duplicate samples requested
31. Court may order test
32. Disposal of samples

##### **PART 6**

##### **ADVERTISING, LABELLING AND PACKAGING**

33. Definition
34. Approval of Bureau
35. Bureau may require withdrawal of advertisement
36. Offence and penalty

**PART 7  
COMPULSORY STANDARDS**

- 37. Bureau may petition court
  - 38. Imports to be tested, etc. on entry
  - 39. Bureau may waive sampling
  - 40. Locally manufactured goods may be exported
  - 41. Offences and General penalty clause
- Schedule 1  
Schedule 2

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**STANDARDS REGULATIONS – SECTION 37**

Commencement [5 February 2000]

**PART 1  
DECLARATION OF STANDARDS**

**1. Citation**

These Regulations may be cited as the Standards Regulations.

**2. Appointment of technical committees**

The Director of the Bureau of Standards (in these Regulations referred to as “the Director”) may in consultation with the Council appoint technical committees to assist in the formulation or adoption of specifications.

**3. Publication of notice to declare a standard**

(1) Where the Bureau formulates or adopts a specification and proposes to declare that specification a standard, it shall publish a notice to that effect in 3 consecutive issues of the Saint Lucia Gazette and at least 3 notices in different newspapers in circulation in Saint Lucia.

(2) The notice under subregulation (1) shall invite comments from the public on the specification or on the proposal to have it declared a standard, and shall state the—

- (a) title and scope of the specification;
- (b) address at which details of the specification may be obtained;
- (c) last date on which comments may be submitted;
- (d) name or other designation of any other specification from which the subject specification was drawn or from which it was adopted.

(3) Where it is proposed that the specification be declared a compulsory standard, the notice shall so indicate and shall in addition to the matters set out at subregulation (2)(a), (2)(b), (2)(c) and (2)(d) state the date from which it is proposed the compulsory standard shall have effect and the reasons for proposing a compulsory standard.

**4. Comments to be forwarded to technical committee**

(1) The Director shall forward to the technical committee that assisted in the formulation or adoption of the specification for its recommendations, all comments received in response to the notice referred to in regulation 3 and the technical committee shall report thereon to the Director.

(2) The report may include a recommendation that the specification be modified or amended before being declared a standard.

## **5. Compulsory standard**

Where it is proposed to declare a compulsory standard the Director shall furnish the Minister with—

- (a) the specification as formulated or adopted by the Bureau;
- (b) the report of the technical committee (if any) on the public comments received and the Bureau's recommendation on the matter; and
- (c) copies of the notices published under regulation 3 and informed of the dates of their publication.

## **PART 2 USE OF THE STANDARD MARK**

### **6. Standard Mark**

(1) For the purpose of this Part "licensee" means a person who holds a valid licence to use the standard mark in connection with any goods, service, process or practice.

(2) The Saint Lucia Standard Mark (in these Regulations referred to as "Standard Mark") is as set out in Schedule 1.

### **7. Application for licence to use Standard Mark**

(1) Application for a licence to use the standard mark on any goods or in connection with any service, process or practice, shall be made in writing in the form set out as Form A in Schedule 2, and shall be accompanied by the requisite application fee, prescribed by the Minister.

(2) Where an application is refused,  $\frac{1}{2}$  of the application fee shall be refunded to the applicant.

### **8. Bureau to undertake inspections of premises, etc.**

(1) In order to be satisfied that the statements made in the application are true the Bureau shall undertake such inspections of premises, raw materials, components, quality control methods and procedures, quality and environmental management systems and records, testing facilities and records of tests carried out, as may be necessary in every case.

(2) The cost of all goods, raw materials and components required to be tested by the Bureau shall be met by the applicant.

### **9. Licence to expire on 31 December**

A licence to use the standard mark shall expire on 31 December of each year but may be renewed upon application being made thereof and on payment of the requisite fee.

### **10. Licence to relate to specific goods, etc.**

A licence shall relate only to such goods, services, processes or practices as are specified in the licence and may contain such terms and conditions as the Bureau may determine.

### **11. Revocation of licence**

The Bureau may revoke a licence where any of its terms and conditions are violated or upon discovery that any statement in the application was false, deceptive or misleading.

## **12. Bureau to prevent continued use of Standard Mark**

Where a licence is revoked, the Bureau shall take all reasonable steps to prevent the continued use of the standard mark in connection with the goods, services, processes or practices specified in the licence and shall require the licensee to obliterate or remove the standard mark from any marking device or die from any goods, wrapping material, packaging or advertising matter on which the licensee was authorised to use it under the licence.

## **13. Bureau to keep register of licences**

The Bureau shall keep a register of licences issued and the register shall contain—

- (a) the name and address of the licensee;
- (b) the goods, service, process or practice named in the licence; and
- (c) the dates of issue, renewal or revocation of the licence.

## **14. Names of licensees to be published**

The names of licensees and the goods, services, processes or practices in connection with which such licensees may use the standard mark shall be published at least, annually in the Gazette and newspapers, for public information.

## **15. Bureau to charge fees for use of Standard Mark**

The Bureau shall charge fees for a licence to use the standard mark in connection with any goods, and such fees shall be based on the sale of the goods, the frequency of the use of the standard mark, the necessity to purchase samples for testing and on such other considerations as the Director may deem appropriate.

## **16. Use of mark, other than Standard Mark**

Where the Bureau has issued a licence for the use of the standard mark in connection with any goods, some other mark representing compliance with specifications formulated or adopted elsewhere than in Saint Lucia may be used in connection with these goods only with the consent of the Bureau and of the organisation that controls that other mark.

# **PART 3 DESIGNATION OF LABORATORIES AND TESTING FACILITIES**

## **17. Definitions**

For the purpose of this Part—

“**laboratory**” means an undertaking engaged in tests, investigations or research, whether or not for reward and using specification test, which is managed, directed or operated by persons qualified and trained in science, engineering or technology;

“**specification test**” means a method of test that is—

- (a) included in or referred to in a specification;
- (b) published by the Bureau or by an organisation recognised by the Bureau as competent in designing methods of test of a type useful in applying specifications; or
- (c) recognised by the Bureau as applicable to any specified goods, service, process or practice;

“**testing facilities**” includes the equipment and personnel necessary for carrying out a specification test.

## **18. Designation of laboratories**

The Council may appoint a committee consisting of the Director and persons qualified by reason of their training, skills and experience to assist in the designation of laboratories and testing facilities.

## **19. Requirements of designation**

A laboratory or testing facility designated by the Director for the purposes of the Act, shall—

- (a) be equipped to carry out specification tests;
- (b) be staffed by competent and experienced personnel with training to undertake specification tests;
- (c) be kept in good repair and its equipment calibrated as the Bureau may require;
- (d) maintain records of specification tests carried out;
- (e) charge fees as prescribed by the Minister for specification tests and reports.

## **20. Application for designation to be made to Director**

(1) Application for the designation of a laboratory or testing facility shall be made to the Director in writing and shall include—

- (a) details of the scientific, engineering and technological apparatus with which the laboratory or testing facility is equipped and of the arrangements for their proper maintenance and repair;
- (b) names, training, qualifications and experience of persons who would sign reports of specifications tests, and specimens of those persons' signatures;
- (c) a statement of the goods, services, processes or practices which the laboratory or testing facility is competent and willing to investigate;
- (d) such other information as may be relevant or that the Director may require;
- (e) reports.

(2) In the case of a laboratory or testing facility in Saint Lucia the application shall be accompanied by an undertaking from the applicant—

- (a) to allow the Bureau to inspect the laboratory or testing facility, its apparatus and equipment; and
- (b) to maintain the apparatus and equipment in a state of repair including calibration as the Bureau may require.

(3) In the case of a laboratory or testing facility out of Saint Lucia the application shall be accompanied by a certificate issued by a competent authority or person, acceptable to the Bureau, that the statements in the application are true and that the laboratory or testing facility is recognised in its own country for testing such goods, services, processes or practices as are specified in the certificate.

## **21. Bureau may designate without application being made**

(1) The Director may designate a laboratory or testing facility for the purpose of the Act, without application being made in any case where the laboratory or testing facility is—

- (a) a department of Government or a statutory authority or is otherwise in receipt of public funds;

- (b) an educational or research institution competent to carry out specification tests or specialised investigations involving such test and in receipt of public funds;
- (c) owned, operated, designated or certified as competent by an organization outside Saint Lucia charged with the formulation, application and enforcement of specifications.

(2) In the case of a laboratory or testing facility designated under this regulation the Director may direct that the holder of a specified post who is qualified by training and experience shall sign reports of specification tests.

## **22. Notice of designation to be published in Gazette**

Notice of the designation of a laboratory or testing facility and notification of every revocation thereof shall be published by the Bureau in the Gazette and in at least 3 newspapers in circulation in Saint Lucia.

## **23. Bureau to publish list of designated laboratories**

Within one year after these Regulations come into operation and thereafter annually, the Bureau shall publish a list of designated laboratories and testing facilities and names of persons who, for the purpose of the Act may sign reports of specification tests.

## **24. Designated laboratory may charge a fee for a test report**

A laboratory or testing facility designated by the Director may charge a fee specified under regulation 26 for a report of a specification test where that report is intended to be used as evidence in court, except that, that fee may be waived on the authority of the Bureau where the test was carried out for the Bureau or for a consumer whose complaint is being investigated by the Bureau (with a view to commencing legal proceedings).

## **25. Report, prima facie evidence of statements therein**

(1) A report of a specification test issued by a laboratory or testing facility designated by the Director and signed by the person named by the Director for that purpose shall be prima facie evidence of the statements contained in the report.

(2) Reports intended for use in legal proceedings shall be in the form set out as Form B in Schedule 2.

## **PART 4 FEES**

## **26. Publication of table of fees by Minister**

(1) The Minister may by Notice, published in the Gazette, specify fees including the application fee for a licence, payable for the services of the Bureau but may at any time waive such fees in respect of any person.

(2) Despite subregulation (1) the Minister may on the advice of the bureau by notice, published in the Gazette, specify fees chargeable for examinations, inspections, specifications or other tests carried out by a laboratory or testing facility in respect of any goods, service, process or practice for which a compulsory standard has been declared or where a specification is commonly recognised as applicable.

**PART 5**  
**TESTING OF ARTICLES SUBMITTED OR SEIZED**

**27. Bureau to ensure goods are tested**

Where goods intended for export are submitted for examination or testing in compliance with a requirement of the Bureau made under section 23 of the Act, or where goods are seized under section 26(2)(e) of the Act, the Director shall ensure that such goods are tested or examined by a laboratory or testing facility designated for the purpose.

**28. Bureau to purchase samples**

Except in the circumstances referred to in regulation 27 or where compliance with a compulsory standard is in question, the Director shall purchase all goods or articles required for testing in order to determine whether they comply with a specification or whether the conditions attaching to the use of the standard mark in connection with those goods or articles have been fulfilled.

**29. Goods for testing to be marked, labelled and packaged**

Goods submitted for examination or seized or purchased by the Bureau for testing shall be marked, labelled and packaged so as to be clearly identifiable and protected from reasonably foreseeable damage and delivered at the laboratory or testing facility where the required tests or examinations are to be carried out.

**30. Where duplicate samples requested**

(1) Where the manufacturer or vendor of any goods or articles taken or seized under the Act requests that a duplicate sample be taken for testing or examination, the person, taking or seizing the goods or articles similar to those taken or seized shall mark them so that they may be clearly identified and package them to protect them from foreseeable damage and label the package "Duplicate Sample" and deliver the package to the manufacturer or vendor, as the case may be.

(2) Where the manufacturer or vendor of any goods, taken or seized under the Act does not request a duplicate sample, the person taking or seizing the goods or articles may purchase a duplicate sample or may divide the goods or articles taken or seized into 2 similar parts marking one part "Duplicate Sample".

**31. Court may order test**

In any proceedings under the Act, the court may order that the duplicate sample referred to in regulation 30 be tested or examined.

**32. Disposal of samples**

(1) Goods or articles seized or taken for testing or examination and not consumed shall be returned to the manufacturer or vendor, as the case may be.

(2) Samples purchased by the Bureau shall be disposed of as the Council may determine taking into consideration the appropriate technical advice.

**PART 6**  
**ADVERTISING, LABELLING AND PACKAGING**

**33. Definition**

In this Part "**advertisement**" includes any representation by any means whatever for the purpose of promoting directly or indirectly the sale or disposal or use of any goods, service, process or practice.

### **34. Approval of Bureau**

The Director may direct that any advertisement, label, or package used in connection with any goods, service, process or practice for which a compulsory standard has been declared, be published or used in trade, only with the approval of the Bureau.

### **35. Bureau may require withdrawal of advertisement**

Where a compulsory standard is declared for the purpose of advertising, the Director may require that an advertisement in violation of that standard shall be withdrawn from publication and amended as the Bureau may direct in order to bring it into conformity with the compulsory standard.

### **36. Offence and penalty**

Any person who advertises, labels or packages contrary to any direction of the Director or without obtaining the approval of the Director where such approval is required commits an offence and, is liable on summary conviction to a fine not exceeding \$10,000 and to an additional penalty of \$1,000 for every day on which the offence continues or to imprisonment for 6 months.

## **PART 7 COMPULSORY STANDARDS**

### **37. Bureau may petition Court**

Where a compulsory standard is declared for any goods, the Director may petition the court to order any person manufacturing such goods in Saint Lucia to cease manufacturing the goods after a specified date, if in the opinion of the Director that person is unable to comply with the compulsory standard.

### **38. Imports to be tested on entry**

(1) Where a compulsory standard is declared for any goods, importation of the goods shall, subject to subregulation (2) be sampled and examined on entry before being delivered out of the charge of Customs authorities.

(2) Samples of imports may be taken without the payment of import duties or other taxes or charges, to a laboratory or other testing facility to be tested at the expense of the importer.

(3) Where samples of imports are found from examination or testing not to comply with the relevant compulsory standards, the Director shall send a report of the examination or test to the Comptroller of Customs and to the importer and subject to sub-regulation (4) the imports shall not be admitted.

(4) Where in the opinion of the Director the imports may be modified so as to effect compliance with the compulsory standard the imports may be admitted for the modification to be carried out to the satisfaction of the Bureau.

(5) In any other case, or where the modification is not to the satisfaction of the Director, the imports shall not be admitted.

### **39. Bureau may waive sampling**

The Director may in consultation with Council waive the requirement of sampling and examination of any shipment of goods to which regulation 38 refers where—

- (a) a sample of similar goods from the same country of origin has been examined or tested by a laboratory or testing facility designated by the Director and found to comply with the compulsory standard; or

- (b) a sample of goods taken from the same shipment has been examined or tested in the country of origin by a laboratory or other similar institution, recognised by the Bureau and found to comply with the compulsory standard and a certificate of the examination or test has been submitted to and accepted by the Bureau.

#### 40. Locally manufactured goods may be exported

Goods manufactured in Saint Lucia for which a compulsory standard intended to ensure quality produced for export, is declared, may be exported only if the Bureau issues a certificate to the manufacturer stating that the goods conform to the compulsory standard.

#### 41. Offences and General penalty clause

A person who contravenes any Regulation for which a penalty has not been prescribed in this Act commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 or to imprisonment for 6 months.

### Schedule 1

SAINT LUCIA STANDARD MARK



### Schedule 2

#### Form A

#### APPLICATION FOR A LICENCE TO USE THE STANDARD MARK

1. I/We ..... carrying on business at .....  
(address) (business name) .....  
hereby apply for a licence to use the standard mark in connection with the goods/service/practice mentioned below.
  - (1) (a) description of goods
  - (b) brand name
  - (c) type, size, grade, style
  - (2) Description of service/practice.
2. Related Saint Lucia Standards—
 

No.	Title
No.	Title
No.	Title
3. Information on production (calendar years)
 

<i>No. of Units/Value ex works</i>	
Last year 1 January 20	to 31 December 20
This year 1 January 20	to 31 December 20 (estimated)
4. Sources or raw materials/components purchased.
5. Standards or specification used for checking raw materials/components purchased.
6. Testing facilities available to applicant—

- (a) in factory;
  - (b) elsewhere in Saint Lucia;
  - (c) in other countries.
7. We operate/do not operate a quality assurance programme for sampling and testing products and inputs (if so, give details).

**DECLARATION**

8. (a) I/We agree that for the purpose of an enquiry into the quality of the goods prior to being issued licence to use the standard mark the Bureau may be given free of charge samples of any goods, raw material or components needed for tests by the Bureau that the Bureau may be satisfied that the goods conform with the Saint Lucia standards mentioned above.
- (b) I/We agree to allow the Bureau to make such inspections of processes or practices as may be necessary.
- (c) I/We agree that any costs for testing or consultation or involved in assessing the quality of the goods prior to being issued a licence to use the standard mark shall be paid by me/us at the Bureau's request.
- (d) I/We undertake to abide by the terms of any licence to use the standard mark issued to me/us by the Bureau so long as the licence is in force, and to observe the provisions of the Standards Act and Regulations.
- (e) In the event of the licence being revoked, I/We undertake to cease immediately any use of the standard mark.

Signed .....

Name in Block Letters .....

Position .....

For and on behalf of .....

Dated this ..... day of ....., 20

Signed .....

*Owner or person in charge of the goods and service, etc.*

**FORM B**

**REPORT OF SPECIFICATION TEST**

1. I, the undersigned, state that on the ..... day of ..... 20 ..... I received a sample of ..... marked ..... from .....
2. I carried out an examination/analysis/test the method specified in Saint Lucia Standard SLNS ..... as a test/analysis/examination for .....
3. I obtained the following results
- .....
- .....
- .....
- .....
- .....
4. It is my conclusion that the goods submitted in this sample did/did not comply with the requirements of Saint Lucia Standard SLNS .....

Signed ..... a person authorised to sign reports for the purpose of the Standard Act.

See Gazette No.

Date ( ..... ).

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**Standards Orders – Section 19**

*(See Statutory Instruments 230/2000, 3/2001, 28/2003, 60/2003, 66/2003, 14/2004, 76/2004, 91/2018, 92/2018, 93/2018, 94/2018 and 24/2021)*

Statutory Instrument 230/2000 .. in force 25 November 2000  
Statutory Instrument 3/2001 .. in force 25 November 2000  
Statutory Instrument 28/2003 .. in force 31 March 2003  
Statutory Instrument 60/2003 .. in force 1 October 2001  
Statutory Instrument 66/2003 .. in force 1 July 2003  
Statutory Instrument 14/2004 .. in force 13 April 2004  
Statutory Instrument 76/2004 .. in force 1 November 2004  
Statutory Instrument 91/2018 .. in force 29 October 2018  
Statutory Instrument 92/2018 .. in force 29 October 2018  
Statutory Instrument 93/2018 .. in force 29 October 2018  
Statutory Instrument 94/2018 .. in force 29 October 2018  
Statutory Instrument 24/2021 .. in force 1 July 2019

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### **Standards (Fees) Regulations – Section 37**

#### **(Statutory Instruments 47/2003, 62/2004, 10/2020 and 50/2022)**

Statutory Instrument 47/2003 .. in force 29 June 2002  
Amended by S.I. 62/2004 .. in force 30 August 2004  
Amended by S.I. 10/2020 .. in force 20 January 2020  
Amended by S.I. 50/2022 .. in force 1 May 2022

#### **ARRANGEMENT OF REGULATIONS**

1. Citation
  2. Fees for the application of a licence and for the services of the Bureau
- Schedule

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### **STANDARDS (FEES) REGULATIONS – SECTION 37**

Commencement [29 June 2002]

#### **1. Citation**

These Regulations may be cited as the Standards (Fees) Regulations.

#### **2. Fees for the application of a licence and for the services of the Bureau**

The fees for the application for a licence and for the services of the Bureau under section 37(f) of the Standards Act are as prescribed in the Schedule.

#### **Schedule**

##### **1. Standards Implementation**

Technical Assistance	\$50/hr
(Quality Management Systems, Food Safety Management Systems, etc)	

##### **2. Approval of Labels**

General Requirements	
Labelling of Prepackaged Food	
Labelling of Prepackaged Goods	\$20
Specific Product Labelling Standards	\$25

	Certificate of Free Sale (per annum)	\$75
<b>3.</b>	<b>Licence to use Standards Mark</b>	
	<b>Micro-Enterprise</b>	<b>\$100</b>
	(Less than 5 persons employed; annual turnover not exceeding \$100,000; net assets not exceeding \$75,000)	(plus cost of laboratory analysis)
	<b>Small Enterprise</b>	<b>\$250</b>
	(5 to 50 persons employed; annual turnover does not exceed \$1,000,000; net assets not exceeding \$500,000)	(plus cost of laboratory analysis)
	<b>Medium Enterprise</b>	<b>\$1250</b>
	(51 to 250 persons employed; annual turnover between \$1000,000 to \$8,000,000; net assets between \$500,000 to \$2,500,000)	(plus cost of laboratory analysis)
	<b>Large Enterprise</b>	<b>\$5000</b>
	(More than 250 persons employed; annual turnover exceeds \$8,000,000; net assets exceed \$2,500,000)	(plus cost of laboratory analysis)
<b>4.</b>	<b>Compulsory Standards Compliance Programme</b>	
	Consignment of new tyres	0.5% C.I.F. value
	Consignment of used tyres for —	
	(a) trucks	\$9
	(b) machinery	\$12
	(c) other	\$6
	Other consignments —	
	(a) below a C.I.F. value of EC\$10,000	\$30
	(b) with a C.I.F. value of EC\$10,000 but less than EC\$50,000	\$60
	(c) with a C.I.F. value of EC\$50,000 but less than EC\$100,000	\$100
	(d) with a C.I.F. value of EC\$100,000 but less than EC\$500,000	\$175
	(e) with a C.I.F. value of EC\$500,000 and above	\$250
	Electrical testing for used household appliances —	
	(a) small	\$30
	(b) large	\$55
<b>5.</b>	<b>Compulsory Standards Pre-Entry and Pre-Shipment Compliance Inspection Programme</b>	
	Each new or used vehicle, excluding Government and diplomatic vehicles	\$100

(Amended by S.I. 62/2004, 10/2020 and 50/2022)

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## Standards (Compulsory Standard) Order – Section 19(2)

### (Statutory Instrument 40/2009 and 76/2018)

Statutory Instrument 40/2009 .. in force 31 March 2009

Amended by S.I. 76/2018 .. in force 2 October 2018

#### ARRANGEMENT OF SECTIONS

1. Citation and commencement
  2. Declaration of compulsory standard
  3. Purpose
- Schedule
-

## **STANDARDS (COMPULSORY STANDARD) ORDER – SECTION 19(2)**

Commencement [31 March 2009]

### **1. Citation**

This Order may be cited as the Standards (Compulsory Standard) Order.

### **2. Declaration of compulsory standard**

The standards listed in the Schedule are declared to be compulsory standards.

### **3. Purpose**

The standards are intended for the following purposes —

- (a) to protect the consumer or user against danger to health or safety;
- (b) to prevent fraud or deception arising from misleading advertising or labeling;
- (c) to require adequate information to be given to the consumer or user;
- (d) to ensure quality in goods produced for export;
- (e) to generally ensure the quality of goods and services.

### **Schedule**

(Section 2)

<b>Reference No.</b>	<b>Title</b>
SLNS CEI IEC 335-2-14:1994-06	Safety of household and similar electrical appliances – Part 2: Particular requirements for kitchen machines
SLNS EN 61558-1:1998	[with amendments] Safety of power transformers, power supply units and similar devices – Part 1: General requirements

*(Amended by S.I. 76/2018)*

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## **Standards (Compulsory Standards) (No. 1) Order – Sections 19(2) and (3)**

### **(Statutory Instrument 74/2018)**

Statutory Instrument 74/2018 .. in force 30 September 2018

#### ARRANGEMENT OF SECTIONS

- 1. Citation
  - 2. Declaration and purpose of standards
- Schedule

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## **STANDARDS (COMPULSORY STANDARDS) (NO. 1) ORDER – SECTIONS 19(2) AND (3)**

Commencement [30 September 2018]

## 1. Citation

This Order may be cited as the Standards (Compulsory Standards) (No. 1) Order.

## 2. Declaration and purpose of standards

(1) The standards specified in the Schedule to this Order are declared to be compulsory standards.

(2) The intended purpose of the standards specified in the Schedule to this Order are to —

- (a) protect the consumer or user against danger to health or safety;
- (b) prevent fraud or deception arising from misleading advertising or labelling;
- (c) require adequate information to be given to the consumer or user;
- (d) ensure quality in goods produced for export;
- (e) generally ensure the quality of goods and services.

### Schedule

(Section 2)

Reference No.	Title
SLNS/IEC 61558-2-13:2009	Safety of transformers, reactors, power supply units and similar products for supply voltages up to 1100 V. Particular requirements and tests for auto transformers and power supply units incorporating auto transformers.

## Standards (Compulsory Standards) (No. 2) Order – Section 19(2) and (3)

### (Statutory Instrument 75/2018 and 42/2019)

Statutory Instrument 75/2018 .. in force 2 September 2018

Amended by S.I. 42/2019 .. in force 29 April 2019

#### ARRANGEMENT OF SECTIONS

- 1. Citation
  - 2. Declaration and purpose of standards
- Schedule

## STANDARDS (COMPULSORY STANDARDS) (NO. 2) ORDER – SECTION 19(2) AND (3)

Commencement [2 September 2018]

## 1. Citation

This Order may be cited as the Standards (Compulsory Standards) (No. 2) Order.

## 2. Declaration and purpose of standards

(1) The standards specified in the Schedule to this Order are declared to be compulsory standards.

(2) The intended purpose of the standards specified in the Schedule to this Order are to –

- (a) protect the consumer or user against danger to health or safety;
- (b) prevent fraud or deception arising from misleading advertising or labelling;
- (c) require adequate information to be given to the consumer user;
- (d) ensure quality in goods produced for export;
- (e) generally ensure the quality of goods and services.

### Schedule

(Section 2)

Reference No.	Title
SLNS 28:2015	Specification for labelling of retail packages of pesticides and other toxic chemicals
SLNS IEC 60598-2-20:2014	Luminaires – Part 2-20: Particular requirements – Lighting chains
SLNS IEC 60335-2-25:2010	Household and similar electrical appliances – Safety – Part 2-25 Particular requirements for microwave ovens, including combination microwave ovens
SLNS IEC 60335-2-3:2012	Household and similar electrical appliances – Safety – Part 2-3 Particular requirements for electric irons
SLNS BS 1363 1:2016	13A Plugs, socket outlets, adaptors and connection units Part 1: Specification for wireable and non-wireable 13A fused plugs
SLNS BS 1363 – 2:2016	13A Plugs, socket outlets, adaptors and connection units Part 2: Specification for 13A switched and unswitched socket-outlets
SLNS BS 1363 – 3:2016	13A Plugs, Socket Outlets, Adaptors and Connection Units Part 3: Specification for Adaptors

(Amended by S.I. 42/2019)

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