



BELIZE

**STANDARDS ACT
CHAPTER 295**

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CHAPTER 295

STANDARDS

4 of 1992.
S. I. 67 of 1992.

[16th May, 1992]

PART I

Preliminary

1. This Act may be cited as the Standards Act.

Short title.

2. In this Act, unless the context otherwise requires,

Interpretation.

“article” includes,

- (i) any goods for which a compulsory standard has been declared;
- (ii) anything used in the manufacture, testing, preparation, processing, packaging, storage or sale of goods referred to in subparagraph (i); and
- (iii) any labelling or advertising material referring to such goods, whether bearing the standard mark or not;

“activity” includes,

- (i) any process or practice for which a compulsory standard has been declared;
- (ii) anything used in the performance of such process or practice referred to in subparagraph (i);

“Bureau” means the Belize Bureau of Standards established under section 3 of his Act;

“Belize Standard” means a standard declared by the Bureau under section 8 of the Act to be a Belize Standard;

“code of practice” means a description of the method of design or 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 9 of this Act;

“Council” means the Standards Advisory Council established in accordance with section 19 of this Act;

“court” means a court of summary jurisdiction;

“Director” means the Director of Standards appointed under section 4 of this Act;

“environment” includes the air, sea, soil and surface waters, and the animals and plants naturally present therein;

“home use” means consumption in Belize;

“Inspector” means an inspector appointed under section 4 of this Act and includes the Director;

“Minister” means the Minister for the time being responsible for the Bureau of Standards;

“practice” includes advertising, labelling or packaging;

“Quality Assurance Mark” means a Belize Quality Assurance Mark prescribed under section 12 of this Act;

“specification” means a description of any goods, service, process or practice by reference to its nature, quality, strength, purity, safety,

composition, quantity, dimensions, weight, grade, durability, origin, age or other characteristics, guide-lines for a process or practice, information, tables of data, and a code of practice;

“Standard” means a specification declared by the Bureau under section 8 of this Act to be a standard;

“Standard Mark” means a standard mark prescribed by the Minister under section 10 of this Act;

“test equipment” includes,

- (i) materials, instruments, apparatus, tools and other articles needed to perform a test accurately and reliably whether by direct observation and measurement or by simulation techniques on any specific goods, process or practice; and
- (ii) articles which represent, embody or reproduce a physical quantity, unit or any characteristic of any goods, service or practice, which can be used in assessing such goods, service or practice.

“voluntary standard” means the use of a standard at the option of the person selling or buying the goods, service, process or practice to which it relates, or by agreement between seller and buyer;

PART II

Establishment , Powers and Functions etc., of the Bureau of Standards

3. There shall be established under the Ministry for the time being responsible for Standards a department of Government to be known as “The Belize Bureau of Standards” for the preparation and promotion of standards in relation to goods, services and processes.

Establishment
of the Bureau of
Standards.

Staff of the Bureau.

4.—(1) The Bureau shall be headed by a public officer to be known as the “Director of Standards” who shall be appointed by the Governor-General in accordance with section 107 of the Belize Constitution, Cap. 4.

(2) There shall be appointed by the Public Services Commission standards officers, professional and technical officers, Inspectors, clerical, secretarial and such other staff as may be required for the carrying out of the provisions of this Act and the regulations made thereunder.

Functions of Inspectors.

5. The Inspectors appointed under section 4 of this Act may be required to perform all or any of the following functions,

- (a) to monitor compulsory standards;
- (b) to eliminate any process or practice the effects of which adversely affect the environment;
- (c) to prevent the access to the market-place of goods which are likely to be a danger to the health or safety of consumers; and
- (d) to perform functions under sections 15, 16 and 17 of this Act.

Functions of the Bureau.

6.—(1) The Bureau shall promote and encourage the maintenance and use of codes of practice, specifications and standards,

- (a) for the improvement of goods, services, processes, and practices used in Belize;
- (b) for ensuring industrial efficiency and development;
- (c) for promoting public and industrial welfare, health and safety; and
- (d) for the protection of the environment, subject to any rules and regulations made by the Ministry for the time being responsible for the environment.

- (2) In the exercise of its functions, the Bureau shall,
- (a) formulate, or, in accordance with section 8 of this Act, adopt specifications;
 - (b) promote research in relation to specifications and provide for the examination and testing of goods, services, processes, and establish or accredit laboratories and testing facilities therefor;
 - (c) declare standards and keep such standards under review;
 - (d) collect and publish for public information and guidance data relating to specifications and standards;
 - (e) encourage and undertake educational programs for consumers in connection with standards;
 - (f) co-operate with and co-ordinate the work of other institutions in the formulation and publication of specifications;
 - (g) inspect or cause to be inspected any operations carried out, and any books or records, in connection with the production, manufacture, processing or treatment of any goods, the execution of any services, process, or practice for which a compulsory standard has been declared or for which application has been made to use the Standard Mark;
 - (h) inspect or cause to be inspected any activities which may adversely affect the environment;
 - (i) co-operate with and advise manufacturers in setting up quality assurance systems, preparing specifications, and applying standards or codes of practice;

- (j) maintain liaison with foreign, regional, and international bodies dealing with standardization of goods of importance in Belize;
- (k) acquire, maintain, and use test equipment to provide reliable and accurate services to industry, commerce, government and consumers in Belize;
- (l) certify the quality of goods for home use or for export;
- (m) carry out any functions assigned to it by any written law; and
- (n) do all other things as are necessary and expedient to secure the proper execution of the purposes of this Act.

Bureau to advise manufacturers on quality control.

7.-(1) In addition to the functions specified in section 6 of this Act, the Bureau may provide advisory services to organizations on specifications or standards relevant to their work, the type and methods of quality assurance applicable to their products, and the test facilities they may find of use,

Provided that no said advice given by the Bureau shall give rise to any claim against the Bureau or the Government.

(2) The Bureau may provide training through experienced and competent personnel for the staff or organizations in the fields mentioned in subsection (1) of this section.

(3) The Bureau may charge fees for services rendered under this section, and issue certificates of training.

Bureau to declare Standards.

8.-(1) Subject to subsection (2) of this section, the Bureau may declare any specification to be a standard or a Belize Standard.

(2) No specification may be declared a standard and no standard may be varied or revoked unless the Bureau is satisfied that persons who

may be affected thereby have had an opportunity to consider it and to comment thereon.

(3) The Bureau shall approve the declaration of a standard or a Belize Standard.

(4) Where it is impracticable for the Bureau to formulate specifications, it may adopt any international or other specifications formulated elsewhere than in Belize.

(5) The Bureau shall,

- (a) publish in the *Gazette*, in at least one newspaper circulating in Belize and in other media, a notice of every declaration, variation or revocation of a standard; and
- (b) have available copies of every standard and any variations thereof.

9.—(1) For the purpose of this Act, a standard may be voluntary or compulsory.

Voluntary and Compulsory Standards.

(2) On the recommendation of the Bureau, the Minister may order that a standard become compulsory where such standard is intended primarily,

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

- (e) to ensure quality in any case where there is restriction in choice of source of supply.

(3) The Minister shall, by publication in the *Gazette*, give at least thirty days' notice of his intention to make an Order declaring a compulsory standard and shall thereby indicate the date on which it is intended that the compulsory standard shall come into effect and, having regard to subsection (2)(a) to (e) of this section, the Order shall state the purpose for which the standard is intended.

Standard Mark.

10. The Minister may, on the recommendation of the Bureau, prescribe a standard mark, which shall be called the Belize Standard Mark, the property of which shall vest in the Bureau and which shall be used in relation to goods, services, processes and practices to distinguish those which conform to a standard from those which do not.

Use of Standard Mark.

11.—(1) A person desiring to use the Standard Mark in connection with any goods, service, process or practice shall make application 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.

Use of Quality Assurance Mark.

12.—(1) The Minister may, on the recommendation of the Bureau, prescribe a Belize Quality Assurance Mark, the property of which shall vest in the Bureau, and which shall be used in relation to goods, services, processes or practices to distinguish those which are produced or operated in accordance with a quality assurance system approved by the Bureau.

(2) Application, assessment, and approval of a licence to use the Belize Quality Assurance Mark, shall be in accordance with procedures prescribed by the Bureau, including the payment of fees.

Restriction on the use of the word "Standard" in certain names.

13.—(1) Except with the consent of the Bureau, no person, whether a body corporate or not, shall carry on any business or perform any function under a name which contains the word "Standard".

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

(3) Nothing in this section shall apply to the use of any name that was in use in Belize immediately before the commencement of this Act.

14.—(1) The Bureau may designate or revoke the designation of test equipment for the purpose of measuring, comparing, or testing the characteristics of any goods or process.

Designation of test equipment.

(2) The Bureau shall publish in the *Gazette* an Order of the designation or revocation of designation of test equipment.

15.—(1) The Minister may direct the Bureau, or through the Bureau authorise in writing any public officer with appropriate qualification, to test or examine the quality of any goods for which a compulsory standard has been declared.

Bureau may examine goods manufactured locally.

(2) The Bureau, or any person authorised by the Minister pursuant to subsection (1) of this section, may require a manufacturer in Belize to submit for testing or examination any goods manufactured by him where,

- (a) the manufacturer has a licence to use the Standard Mark in respect of such goods; or
- (b) a compulsory standard has been declared for such goods.

(3) Where a standard is voluntary or a foreign specification exists with respect to certain goods, the Bureau may,

- (a) certify that goods comply; or
- (b) report that goods do not comply,

with the standard or specification.

Deficient goods not to be exported.

16.—(1) Subject to subsection (2) of this section, where a standard is compulsory and goods tested or examined under section 15 of this Act fail to conform to the required standard, such goods shall not be exported and shall not be released for home use unless clearly stamped or marked “export rejects” or “seconds” or “imperfect” or some similar classification as may be prescribed.

(2) Where a compulsory standard is declared in order to protect the consumer or user against danger to health or safety, and goods fail to conform to the required standard, such goods may neither be exported nor released for home use, but shall be disposed of as the Bureau may reasonably decide.

Examination of imports.

17.—(1) Where goods for which a standard has been declared are produced or manufactured outside Belize,

- (a) the Bureau may authorise any member of its staff; and
- (b) the Minister may in writing authorise any public officer or, at a fee to be prescribed, any suitably qualified consultant to assist the staff of the Bureau,

to examine the goods upon landing and any customs entries in respect of such goods.

(2) A person authorised to examine goods under this section may take samples thereof and submit the samples for analysis or testing.

(3) Where the standard declared is compulsory, goods referred to in subsection (1) of this section may be entered for home use, if and only if,

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

(4) Where imported goods are found to bear any mark so closely resembling the Standard Mark as to be misleading, or which falsely represents a mark of compliance with specifications formulated or adopted elsewhere than in Belize, the goods shall not be entered for home use unless the mark is removed or substantially changed.

(5) Where there is reason to believe that goods imported, or about to be imported, into Belize are likely to be a danger to the health or safety of consumers, whether a standard exists for such goods or not, the Bureau may require the importer or vendor to submit such goods for testing, and the goods referred to in this section may be entered for home use or sold, if, and only if,

- (a) upon examination of the samples the goods are found to be safe; or
- (b) the importer or vendor shows proof, satisfactory to the Bureau, that the goods are safe.

18.-(1) An inspector or any other officer of the Bureau authorized in writing by the Director may, at any reasonable time, and on production, if required, of his credentials (with or without assistance or equipment as may to him seem necessary),

Access to premises.

- (a) enter any place where he has reasonable grounds to believe any article to which this section applies is manufactured, prepared, stored or offered for sale, and examine any such article and take samples thereof;
- (b) enter any place where he has reasonable grounds to believe that any activity to which this section or the regulations apply is carried on and inspect or investigate any such activity and take samples of any articles, materials or substances related to such activity;
- (c) open and examine any receptacle or package that he has reasonable grounds to believe contains any article to which this section applies;

- (d) examine any goods, documents or other records found in any place mentioned in paragraph (a) and (b) of this subsection which he has reasonable grounds to believe contains any information relevant to the enforcement of this section with respect to any matter or to any article or activity to which this section applies and make copies or transcribe extracts therefrom;
- (e) examine any customs entries relating to the goods referred to in section 17 of this Act, take samples of the goods and submit the samples to the Bureau, or to a designated test facility, for analysis or examination; and
- (f) seize and detain for such time as may be necessary any article by means of which or in relation to which he has reasonable grounds to believe any provisions of the Act have been infringed.

(2) Where it is shown to the satisfaction of a magistrate, on sworn information in writing, that admission to any premises has been refused, or that a request for admission would defeat the object of the entry, the magistrate may, by warrant under his hand, authorise entry on the premises.

(3) Where an inspector enters a place pursuant to this section, the owner or person in charge of the place and any of his servants or agents found in such place shall give to the Inspector all reasonable assistance and furnish him with such information as he may reasonably require.

(4) Any article seized under this section may, at the option of the Inspector either be kept in the building or place where it was seized or be removed to be stored in any other place.

(5) An Inspector shall release any article seized under this section and not destroyed by testing, when satisfied that all the provisions of the section have been complied with.

(6) Where an Inspector seizes an article under this section and the owner or the person in whose possession the article was at the time of seizure consents to its destruction, the article shall be forfeited to the Government and may be destroyed or otherwise disposed of as the Minister may direct.

(7) Where a person has been convicted of an offence under this Act, the court may order that ,

- (a) any article by means of or in relation to which the offence was committed or any article or thing of a similar nature either in the possession of that person or found with such article whether or not that other article or thing has proven to be in violation of this section shall be forfeited to the Government and may be disposed of as the Minister may direct; and
- (b) that person shall 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.

(8) An Inspector may prosecute in courts of summary jurisdiction in cases arising from violations of this Act or the regulations made thereunder.

19.-(1) There is hereby established a Standards Advisory Council for the purpose of advising the Minister on all matters appertaining to standardisation, with particular reference to the following,

Standards Advisory Council.

- (a) improvement of goods produced or used in Belize;
- (b) ensuring industrial efficiency and development; and
- (c) promoting public and industrial welfare, health and safety.

(2) The provisions of the Schedule to this Act shall have effect in regard to the constitution, practice and procedure of the Standards Advisory Council, and the said Schedule may, from time to time, be amended by the Minister by Order published in the *Gazette*.

PART III

Miscellaneous

Offences and Penalties.

20.—(1) Any person who ,

- (a) sells or offers for sale or supplies to any person any goods, service, process or practice for which a compulsory standard has been declared and which does not conform to that standard;
- (b) labels, packages or advertises any goods or advertises any service, process or practice otherwise than in compliance with any compulsory standard therefor;
- (c) (i) makes any statement or representation whether in writing or not or uses any 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 with reference to the goods, service, process or practice is so entitled to use the Standard Mark or falsely represents that any goods, process or practice complies with specifications formulated or adopted elsewhere than in Belize;
- (ii) before offering or exposing for sale, goods which do not conform to the required standard, obliterates or otherwise removes any stamp or mark which denotes the deficiency;

- (d) makes any statement or representation, whether in writing or not, or uses any mark, which conveys or is likely to convey that any goods, service, process or practice complies with a standard when it does not;
- (e) without the authority of the Bureau and for the purposes of gain or profit, makes any statement or representation, whether in writing or not, whereby comparison is made in respect of any goods, service, process or practice with the standard declared by the Bureau or the Minister unless he proves that he acted without intent to defraud;
- (f) hinders or obstructs or knowingly makes any false or misleading statement to any person authorised by the Minister or the Bureau in that behalf, in the execution of his duty under this Act;
- (g) with intent to defraud, represents that he is an Inspector or a person authorised by the Minister or Bureau under this Act;
- (h) having been entitled to use the Standard Mark or the Quality Assurance Mark, uses it after he is no longer so entitled or otherwise than in accordance with the terms and conditions of such use;
- (i) uses the word “Standard” in any name contrary to the provisions of section 13 of this Act;
- (j) impersonates an Inspector;
- (k) obstructs an Inspector by not giving him reasonable assistance or access to records, documents or information relevant to the performance of his functions under this Act;

- (l) interferes with any article seized by an Inspector in such a way as to change any of the characteristics of the article described in the standard applicable to such article;
- (m) disobeys an order of the court made under section 21 (2) of this Act,

is liable on summary conviction to a fine not exceeding ten thousand dollars and to a further fine of two hundred dollars for every day on which the offence is continued, or to imprisonment for two years.

(2) Every offence against this Act or the regulations made thereunder shall be triable summarily.

Complaints. Operations to cease by court order.

21.—(1) The Bureau may investigate complaints regarding goods, services, processes and practices referred to it by consumers and users and may institute legal proceedings against the manufacturer 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 or to the environment, the court may order the manufacturer or seller of the goods or the person supplying the service or engaged in the process or practice to cease such manufacturing, sales, services, or operations on such conditions as the court may decide.

Bureau to charge fees for services.

22. The Bureau may charge fees for examination, testing, certification and use of the Standard Mark, and for any service rendered under section 7.

Proof of Standard.

23. A copy of any standard issued by the Bureau, together with a copy of the notice in the *Gazette* relating to the declaration, amendment, or compulsory status of the standard, shall be *prima facie* evidence of that standard in any legal proceedings.

Secrecy of information obtained for purposes of this Act.

24.—(1) All information obtained by the Minister or by the Council or by 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 save for the purposes connected with the administration of this Act.

(2) The disclosure of any information relating to any formula, process or practice to the Minister or to the Council or to 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 any application subsequently made for the patent of the formula, process or practice.

25. The fact that any goods, service, process or practice conforms or is alleged to conform to a standard or the fact that the Standard Mark or Quality Assurance Mark is used in connection with any goods or services shall not give rise to any claim against the Government or the Bureau.

Protection against claims.

26.—(1) The Minister may make regulations for the better carrying out of the provisions of this Act.

Regulations

(2) Without prejudice to the generality of the foregoing, the Minister may make regulations for all or any of the following,

- (a) regarding the declaring of standards (including compulsory standards);
- (b) concerning the use of the Standard Mark and Quality Assurance Mark and for prescribing the terms and conditions subject to which these marks may be used and for prescribing the fees to be paid in respect of the use;
- (c) regarding packaging, labelling and advertising;
- (d) regarding the examination or testing of goods, processes and practices and the entry upon premises for that purpose;
- (e) requiring such persons as may be prescribed to keep and produce such records in relation to any goods, services, processes or practices as the Bureau may consider necessary for the purpose of this Act;

- (f) prescribing matters in respect of which fees shall be paid, the amount of the fees and the persons by whom they shall 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 regulations not exceeding a fine of one thousand dollars or imprisonment for six months;
- (h) prescribing the qualifications, powers and duties of persons authorised under section 17 of this Act to examine goods upon import;
- (i) prescribing anything required under this Act to be prescribed.

Application.

27. This Act shall not apply to,

- (a) any product which is a drug within the meaning of the Food and Drugs Act, Cap. 291;
- (b) any product which is a pesticide within the meaning of the Pesticide Control Act, Cap.216.

SCHEDULE

STANDARDS ACT
Standards Advisory Council
[Section 19 (2)]

1.-(1) The Council shall consist of not less than nine and not more than fifteen members appointed by the Minister by instrument in writing, who shall include,

- (a) a representative of the Ministry responsible for the administration of matters relating to Trade and Commerce;
- (b) a representative of the Ministry responsible for the administration of matters relating to Food and Drugs;
- (c) a representative of the Ministry responsible for the administration of matters relating to Agriculture;
- (d) the Director appointed under section 4, who shall have no vote;
- (e) a representative of the Ministry responsible for the administration of matters relating to Industry.

(2) In making appointments under paragraphs (b), (c) and (e) above, the Minister shall act on the recommendations of the members of Cabinet to whom responsibility for the administration of matters relating to Food and Drugs, Agriculture and Industry is respectively assigned.

(3) Members of the Council, other than *ex officio* members, shall have qualifications in fields relating to standards (such as analysis and testing, industrial production and engineering) or experience in business, or shall be members of organizations committed to the maintenance, use or promotion of standards.

2. Of the members, the Minister shall appoint one as the Chairperson and another as the Vice-Chairperson of the Council.
3. Members of the Council, other than *ex officio* members, shall hold office upon such terms and conditions as the Minister may determine and for such period as may be prescribed in the instrument of appointment.
4. A member of the Council (other than an *ex officio* member) may resign his office at any time by giving notice to the Minister through the Chairperson.
5. The Minister may at any time terminate the appointment of a member, other than an *ex officio* member, for any fit and proper cause.
6. The names of all the members of the Council as first constituted and every change in the membership thereof shall be published in the *Gazette*.
- 7.—(1) The Council shall meet at least once in each quarter and at such other times as may be necessary or expedient for the transaction of business.
 - (2) Where the Council consists of not more than eleven members, the quorum shall be five, and where the Council consists of more than eleven, the quorum shall be seven.
 - (3) The decisions of the Council shall be adopted by a majority of the votes.
 - (4) Where both the Chairperson and Vice-Chairperson are absent, the members present shall choose one of their number, other than the Director of the Bureau, to preside at that meeting of the Council.