

Section 24

S.I. 39/1993.

**Seychelles Bureau of Standards (Standard Marks)
Regulations**

Citation.

[21st June, 1993]

Interpretation.

1. These Regulations may be cited as the Seychelles Bureau of Standards (Standard Marks) Regulations.

2. In these Regulations -

"applicant" means a person who applies to the Director for a permit under section 17(4) of the Act;

"standard mark" means the Standard Mark authorised under section 17 of the Act;

"commodity" means a commodity which conforms to a standard specification;

"permit-holder" means a person who holds a valid permit;

"practice" means a practice which conforms to a standard specification;

"process" means a process which conforms to a standard specification.

Standard mark.

Application for a permit.

3. The standard mark shall be as set out in the First Schedule.

4.(1) Every application for a permit to use the standard mark shall be -

(a) made to the Director in the Form set out in the Second Schedule;

(b) accompanied by -

(i) the application fee specified in the Third Schedule;

(ii) a statement in such form as the Director may require giving details of the process, or the mode of production or manufacture of the

commodity, for which the permit is sought, and of any scheme of supervision and control which the applicant maintains or uses, or proposes to maintain or use and which is designed to control, during the course of the process, production or manufacture, the quality of the process or of the commodity;

(c) signed by the applicant.

(2) Upon receipt of an application under subregulation (1) and before the grant of a permit, the Director may require the applicant -

(a) to produce evidence to his satisfaction that -

- (i) the commodity, process or practice in respect of which a licence is sought conforms to the appropriate standard specification;
- (ii) the applicant has in operation a scheme of supervision and control which will adequately ensure that every commodity, process or practice in respect of which a permit is sought shall conform to the appropriate standard specification;

(b) to provide all reasonable facilities to an inspector to inspect the premises of the applicant for the purpose of-

- (i) verifying the evidence produced by the applicant;
- (ii) selecting samples of the commodity for testing;
- (iii) checking the process or the mode of production or manufacture of the commodity and the records relating thereto;
- (iv) obtaining such other information as is relevant to the application;

(c) (i) to submit for a reasonable period of time samples of the commodity for testing or such instrument, equipment, apparatus or material as would enable the process to be tested by the Bureau or such other testing authority the Director considers appropriate;

(ii) to carry out such alterations in, or additions to, the scheme of supervision and control or the mode of production or manufacture in use or to be used by the applicant as the Director may think fit.

(3) The application fee tendered under subregulation (1) (b) shall in no circumstances be refunded.

Permit.

5.(1) A permit granted by the Bureau under section 17(3) of the Act shall be in the Form set out in the Fourth Schedule.

(2) No permit shall be granted except on payment of the fee specified in the Third Schedule.

(3) Where the Bureau refuses to grant a permit, the Director shall forthwith communicate the decision in writing to the applicant.

(4) A permit may cover -

(a) a number of brand names;

(b) a number of related or allied products within the scope of different standard specifications, provided such grouping has been approved by the Director;

(c) more than one factory belonging to the same permit holder where the commodity is manufactured or the process is carried out, provided this has been approved by the Director.

(5) Every permit -

(a) shall be valid for a period of one year from the date of grant; and

- (b) may be renewable on payment of the renewable application fee specified in the Third Schedule for a further period of one year.

(6) An application for the renewal of a permit shall -

- (a) be made at least two months before its date of expiry;
- (b) be treated as a fresh application for the purposes of regulation 4(2).

(7) The Director may, where he is satisfied that a permit has been destroyed, lost or defaced, issue to the permit-holder a duplicate permit.

6.(1) Subject to subregulation (2) a permit may be revoked or suspended by the Bureau for any period within the validity of the permit if it is satisfied that -

Revocation or
suspension of a
permit

- (a) the permit-holder uses the standard mark in respect of a commodity, process or practice which does not comply with the standard specification relating thereto; or
- (b) the permit-holder has failed to provide reasonable facilities for inspection or testing; or
- (c) the permit-holder has failed to comply with the conditions of the permit; or
- (d) notwithstanding any other law, the permit-holder has contravened any of the provisions of this Act.

(2) The Bureau shall not revoke or suspend a permit unless it has -

- (a) given the permit-holder 14 days notice in writing of his intention to revoke or suspend the permit, which notice shall specify the grounds of revocation or suspension; and
- (b) considered any representations made by the permit holder within the period of the notice.

(3) Where the Bureau has revoked or suspended a permit -

- (a) the Director shall forthwith inform the permit holder by notice in writing of the revocation or suspension;
- (b) the permit-holder shall forthwith discontinue the use of the standard mark and shall -
 - (i) take necessary steps to have the mark removed from any commodity or otherwise cancelled, defaced or erased;
 - (ii) return the permit issued.

Conditions of a
permit.

7.(1) Every permit-holder shall

- (a) before use, submit to the Bureau for approval, a facsimile of the standard mark intended to be used;
- (b) place the standard mark in such a manner as to be easily visible as a distinct mark on the commodity or any container, wrapping or binding of the commodity;
- (c) specify on the commodity, container, wrapping or binding in such a manner as to be easily and distinctly visible beneath or beside the mark -
 - (i) the number of the appropriate standard specification;
 - (ii) the name of the permit-holder;
 - (iii) the registered trade mark, if any.

(2) Every permit-holder shall -

- (a) ensure that the commodity, process or practice in respect of which the standard mark is used conforms at all times to the standard specification;
- (b) establish and maintain to the satisfaction of the Director, a system of control, including inspection and testing;
- (c) maintain a complete and up to date record of the system of control, including inspection and testing for the purpose of establishing that control is consistently maintained;

- (d) make available for inspection on demand by an inspector the record referred to in subparagraph (c);
- (e) permit the removal of the record from his premises to the Bureau for closer scrutiny.

8.(1) An applicant who is aggrieved by a refusal of the Bureau to grant a permit may appeal in writing to the Minister within 14 days of the receipt of the decision. Appeals.

(2) A permit-holder who is aggrieved by the suspension or revocation by the Bureau of the permit granted to him may appeal in writing to the Minister within 14 days of the receipt of the notice of revocation or suspension.

(3) The Minister may affirm or reverse the decision of the Bureau.

(4) The Bureau shall give effect to the decision of the Minister under subregulation (3).

FIRST SCHEDULE

(Regulation 3)

THE STANDARD MARK



SECOND SCHEDULE

(Regulation 4)

**APPLICATION FOR LICENCE TO USE THE
STANDARD MARK**

To
The Director
Seychelles Bureau of Standards
P.O. Box 648
Victoria

1. I/We, carrying on business at
.....
(full business address) under the style of

.....
(full name of applicant) hereby apply for a permit under the
Seychelles Bureau of Standards Act to use the standard mark in
respect of the commodity/process/practice which conforms to the
standard specification.

Seychelles Standard Specification (s) listed below:

(a) *Commodity

Type

Size

(b) *Process/Practice

(c) Related Seychelles Standard Specification (s)

No Title

No Title

2.(a) The Trade Mark(s) /Brand Name(s) used by us are as
follows.

.....
.....

- (b) I/We intend to apply the Standard Mark on or in relation to the commodity bearing the following Trade Mark(s) /Brand Name (s):
-

- (c) Registration No. and Date of Trade Mark(s) /Brand Name(s) proposed to be covered under the Standard Mark.
-

3. The above practice/commodity/process is manufactured/
carried out by
(Name of factory) on the premises situated at
..... (address).
4. In order to ensure that the said commodity conforms to the related Seychelles Standard Specification (s) -
I/We have in use/propose to use the Scheme and Supervision and Control described in the Statement attached hereto. Routine records of all the inspections and tests are being/will be kept in the form detailed in the statement. I/We further undertake to modify, amend or alter my/our Scheme of Supervision and Control to bring it in line with that which may be specified by you from time to time.
I/We have at present no Scheme of Supervision and Control in operation. I/We, however, undertake to put in operation any such scheme as recommended by the Bureau.
5. Should the permit be granted and as long as it will remain operative, I/We hereby undertake to abide by all the terms and conditions of the permit. In the event of the permit being suspended or revoked, I/We also undertake to cease with immediate effect the use of the standard mark on any commodity covered by the permit and to withdraw all relevant advertising matters and to take such other steps as may be necessary to fulfill the provisions of the Act and any regulations prescribed under it.
6. Dated this day of.....
One thousand nine hundred and
.....

Signature

Name

Designation

(Name of Firm)

For and on behalf of

SEAL OF FIRM

*Delete where not applicable.

THIRD SCHEDULE

(Regulations 4 and 5)

FEES

<i>Matter in which fee may be taken</i>	<i>Amount of fee</i>
	R
1. Application fee	500
2. Annual permit fee	2000
3. Renewal application fee ...	500

FOURTH SCHEDULE

(Regulation 5)

PERMIT FOR USE OF STANDARD MARK**A. GENERAL PARTICULARS**

Permit No

Name of Permit-holder

Address of Permit-holder

Validity of Permit

B. SCOPE OF PERMIT

The permit-holder may use the standard mark on or in respect of the commodity, process or practice set out in the first column which is in accordance with the related standard specification set out in the second column.

FIRST COLUMN	SECOND COLUMN
Commodity/Process/Practice	Seychelles Standard Specification
.....
.....
.....

C. CONDITIONS.

The permit is issued subject to the conditions that:

1. The requirements of the Seychelles Bureau of Standards Act and the regulations made thereunder are duly complied with; and
2. The Scheme of Supervision and Control annexed to this permit is maintained;
3. The licence should not be transferable or assignable.

Dated this day of 19

(Director)

Seychelles Bureau of Standards