

**CHAPTER 325A**

**BARBADOS NATIONAL STANDARDS INSTITUTION  
(CERTIFICATION MARKS)**

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**SECTION**

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## CHAPTER 325A

### BARBADOS NATIONAL STANDARDS INSTITUTION (CERTIFICATION MARKS)

*An Act to make provisions respecting the certification marking of goods.* 1981-11.

[ 1st September, 1981] Commence-  
ment.  
S.I. 1981  
No. 146.

1. This Act may be cited as the *Barbados National Standards Institution (Certification Marks) Act*. Short  
title.

2. In this Act

Interpre-  
tation.

“covering” means any cover, wrapper or stopper, and includes any cask, bottle, vessel, box, crate, capsule, case, frame, or other container;

“mark” means a device, brand, heading, label ticket, pictorial presentation, name, signature, word, letter or numeral, or a combination thereof;

“process” means a practice, treatment or a mode of manufacture;

“standard mark” means the Barbados National Standard Institution Certification mark, specified by the Institution to represent conformity to a particular Barbados National Standard.

3. The functions of the Barbados National Standards Institution, referred to in this Act as “the Institution”, are Functions  
of Institu-  
tion.

(a) to prepare, promote and generally adopt standards on a national, regional or international basis, relating to structures, commodities, materials, articles and other things offered to the public commercially;

(b) to establish and publish in the prescribed manner a standard in respect of any article or process;

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- (c) to recognise as a standard, in relation to an article or process, any standard established by any other institution approved by the Institution;
  - (d) to promote standardisation, quality control and simplification in industry and commerce;
  - (e) to facilitate the implementation of standards in Barbados;
  - (f) to revise as may be necessary any national standard;
  - (g) to act as custodian of the national standards of mass, length, capacity, time, temperature and electrical measurements;
  - (h) to certify those products, commodities and processes that conform to the national standards;
  - (i) to publish certification marks of any design, containing such details as the Institution thinks fit, for the purpose of representing a particular standard;
  - (j) to maintain testing laboratories, for the purpose of testing and examining commodities, products, materials, processes and practices, and in so doing to conduct investigations or research as may be necessary;
  - (k) to test precision instruments, gauges and scientific apparatus both for the purpose of determining their accuracy and calibration; and the calibration of standards used in industrial and commercial activities;
  - (l) to collect and disseminate information on standards and related technical matters, nationally, regionally and internationally;
  - (m) to co-ordinate the efforts of producers and users of materials, products, appliances, processes and methods, for the improvement of the materials, products appliances, processes and methods;
  - (n) to do such other things as may be necessary to provide for standardisation in Barbados.

Powers  
of Institu-  
tion.

**4. The Institution may, with the approval of the Minister**

- (a) grant, renew, suspend or cancel a licence or permit to use a standard mark;

- (b) determine, impose or levy rates, charges, dues, or fees for
    - (i) services performed by or on behalf of the Institution,
    - (ii) the use by a person of a facility provided by the Institution, or
    - (iii) the grant to any person of a certificate, licence or permit;
  - (c) appoint inspectors for the purposes of this Act;
  - (d) prohibit, control or regulate the use by any person of a standard mark or facility used for the purposes of certification marking.
5. (1) An inspector appointed under section 4 may at all reasonable times enter upon premises for the purposes of Powers of entry.
- (a) inspecting articles or processes in relation to which a standard mark is used, for the purpose of determining whether
    - (i) an article or process conforms to a standard,
    - (ii) a standard mark has been used without a licence, or
    - (iii) a standard mark has been otherwise improperly used;
  - (b) taking samples of any article, material or substance used in any process or other article in relation to which a standard mark is used; and
  - (c) carrying out a technical audit of any activity or operation relating to a particular product or process with which a certification mark is associated.
- (2) An inspector must, upon entering premises, produce a certificate of appointment issued to him by the Institution.
6. (1) An applicant for a licence to use a standard mark must submit to the Institution such information, samples of materials or substances used in relation to any article or process as the Institution determines. Information.
- (2) Information submitted under subsection (1) or obtained by an inspector in the course of his duty is confidential and may not be disclosed by any person except with the consent of the Institution.

Marking  
of  
articles.

7. An article is marked with a standard mark if the covering or label attached to that article is so marked.

Offences.

8. (1) A person is guilty of an offence and liable on summary conviction to a fine of \$2 000, or imprisonment for 12 months, or both, and in the case of a continuing offence to a further fine of \$100 for each day or part thereof during which the offence continues after a conviction is first obtained, who

- (a) in relation to any article or process, in a title or any patent, or in a trade mark or design, uses a standard mark or any colourable imitation thereof without having a licence granted by the Institution;
- (b) uses a standard mark in relation to any article or process that does not conform to the standard published or recognised by the Institution;
- (c) without the permission of the Institution in writing, uses
  - (i) a name that so nearly resembles the name of the Institution, the words, "Barbados National Standard" or any abbreviation thereof so as to deceive, or be likely to deceive, any other person, or
  - (ii) a mark or trade mark in relation to any article or process containing the words "Barbados National Standard", "Barbados National Standard Specification", or an abbreviation thereof.

Regula-  
tions.

9. The Institution may, with the approval of the Minister, make regulations respecting any of the following:

- (a) the publication and recognition of standards;
- (b) the design, particulars and publication of standard marks;
- (c) the granting, renewal, suspension or cancellation of a licence or permit to use a standard mark;
- (d) the fees to be paid by an applicant for a licence or permit;
- (e) the conduct of an inspection or a technical audit and the taking of samples;

- (f) the forms to be used under this Act;
- (g) the keeping of a register of licencees;
- (h) the keeping of a register of testing laboratories; and
- (i) generally, for giving effect to the provisions of this Act.