

CHAPTER 416

THE STANDARDS ACT

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CHAPTER 416

STANDARDS

Act No.
20 of 1994
13 of 1994
6 of 1997

An Act to provide for standards of quality control for certain commodities; to continue the Zambia Bureau of Standards and to re-define its powers and functions; to establish the Standards Council of Zambia; to repeal the Zambia Bureau of Standards Act; and to provide for matters connected with or incidental to the foregoing.

[3rd June, 1994]

PART I

PRELIMINARY

1. This Act may be cited as the Standards (Amendment) Act, 1997, and shall be read as one with Standards Act, in this Act referred to as the principal Act.

Short title and commencement

Cap. 416

(2) This Act shall be deemed to have come into operation on the 1st February, 1997.

2. (1) In this Act, unless the context otherwise requires-
"Bureau" means the Zambia Bureau of Standards;

Interpretation

"Council" means the Standards Council of Zambia established by this Act;

"commodity" means any article or goods, whether manufactured or not;

"defect" includes a dangerous characteristic;

"defective commodity" means a commodity that does not comply with a compulsory standard for the commodity or is the subject of an order under section *sixteen* or *seventeen*;

"mark of conformity" means a mark declared under section *thirteen* to be a mark of conformity in relation to a commodity;

"compulsory standard" means a standard declared under section *seven* to be a compulsory standard;

"dangerous", in relation to any commodity, means likely to cause death or injury to the body or health of a person, whether the death or injury is likely to be caused directly or indirectly and whether or not because of-

(a) a failure to include with or on the commodity any instructions for its use;

(b) the inclusion with or on the commodity of instructions for the use of the commodity that are inaccurate or inadequate;

(c) a failure of the commodity to function in the manner represented by the manufacturer or supplier;

(d) the commodity's not being of the quality represented by the manufacturer or supplier; or

(e) the necessity for, or possibility of, the use of the commodity with any other commodity;

"Director" means the director of the Bureau appointed under this Act;

"export standard" means a standard declared under section *eight* to be an export standard;

"inspector" means a person appointed to be an inspector for the purposes of this Act;

"standard" means a specification or code of practice designed to regulate-

(a) the nature, strength, purity, composition, quantity, dimensions,

weight, grade, durability, origin, age or other characteristics of a commodity; or

(b) the material or substance from which a commodity may be produced, manufactured, processed, treated or finished;

and which is declared under this Act to be a voluntary, compulsory or export standard in relation to the commodity concerned;

"supplier" means a person who, in the course of a business, supplies any commodity;

"supply" includes-

(a) supply or re-supply by way of sale, exchange, lease, hire or hire-purchase; and

(b) exhibit, expose or have in possession for the purpose of sale, exchange, lease, hire or hire-purchase or for any purpose of manufacture or trade;

"voluntary standard" means a standard declared under section *six* to be a voluntary standard.

(2) Except in so far as the contrary intention appears, a reference in this Act to a standard is a reference to the standard as from time to time amended.

3. In the event of any inconsistency between this Act and the Pharmacy and Poisons Act, the Food and Drugs Act or any other Act, the provisions of this Act shall prevail to the extent of the inconsistency.

Relationship to
other laws
Cap. 299
Cap. 303

PART II

ADMINISTRATION

4. (1) The body corporate known as the Zambia Bureau of Standards established under the Zambia Bureau of Standards Act, 1982, is hereby continued in existence, notwithstanding the repeal of that Act by this Act.

The Zambia Bureau
of Standards
Act No. 22 of 1982

(2) The First Schedule has effect in respect of the Bureau, its governance and its staff.

5. (1) The functions of the Bureau shall be-

Functions of Bureau

(a) to promote and require the adoption of standards in industry and commerce, with a view to improving-

- (i) the quality of commodities;
- (ii) industrial efficiency and productivity; and
- (iii) after-sale support services and all aspects of quality assurance for commodities;

(b) to make arrangements or provide facilities for the examination and testing of-

- (i) commodities to which standards apply; and
- (ii) the material or substance from which a commodity may be produced, manufactured, processed, treated or finished;

(c) to provide schemes of pre-export inspection of export commodities;

(d) to provide for other schemes of quality control and quality assurance for commodities in order to promote and improve the export trade;

(e) to co-ordinate the efforts of producers and consumers in the improvement of appliances, processes, new materials and products;

(f) to provide testing facilities and such other facilities and technical services as may be required by the Government or industry in connection with-

- (i) structural, electrotechnical or mechanical engineering;
- (ii) biological or chemical technology, including fibre technology;
- (iii) any other industrial application of science or technology, and
- (iv) any scientific, technological or metrological matter to be determined for the purposes of any Act or law or for other purposes;

(g) to make arrangements or provide facilities for the testing and

calibration of precision instruments, gauges and scientific apparatus, for the determination of their degree of accuracy and the certification thereof;

(h) to act as consultants in the field of standards and provide advisory services to industry, including any service industry;

(i) to establish laboratories and other facilities for the performance of its functions;

(j) to encourage or undertake education in connection with standards; and

(k) to perform such other functions as may be conferred upon the Bureau by or under the Weights and Measures Act or any other written law. Cap. 403

(2) The Council may by resolution delegate any of the powers and functions of the Bureau to any person in the Bureau or to any committee formed by the Council or, with the consent of the Minister, to any other person.

PART III

STANDARDS

6. The Bureau may, by notice in the *Gazette*- Voluntary Standards

(a) publish any specification or code of practice drawn up in relation to a commodity and declare the same to be a voluntary standard for that commodity; and

(b) from time to time make and publish amendments to, or at any time repeal, any standard so declared.

7. (1) If the Minister is satisfied, on the recommendation of the Bureau, that it is necessary or expedient to do so for the promotion of public safety or otherwise in the public interest, he may by statutory instrument- Compulsory standards

(a) publish any specification or code of practice drawn up in relation to a commodity and declare the same to be a compulsory standard for that commodity; and

(b) from time to time make and publish amendments to, or at any time repeal, any standard so declared.

(2) A compulsory standard shall not be declared, nor shall it be amended in a manner that, in the opinion of the Minister, affects a substantial variation, except after compliance with section *nine*.

8. (1) If the Minister is satisfied, on the recommendation of the Bureau, that it is necessary or expedient to do so for the promotion or development of the export trade, he may by statutory instrument-

Export standards

(a) publish any specification or code of practice drawn up in relation to an export commodity and declare the same to be an export standard for that commodity; and

(b) from time to time make and publish amendments to, or at any time repeal, any standard so declared.

(2) An export standard shall not be declared, nor shall it be amended in a manner that, in the opinion of the Minister, affects a substantial variation, except after compliance with section *nine*.

(3) An export standard may be declared whether or not there is an existing voluntary or compulsory standard.

9. (1) The Bureau shall, before making any recommendation for the purposes of section *seven* or *eight*, by notice in the *Gazette* publish a draft of its proposed recommendation, together with-

Publicity

(a) a summary of the purpose and effect of the proposed standard or, as the case may be, the proposed amendment;

(b) in the case of a proposed new standard, a reference to any existing voluntary or other standards affecting the commodity

concerned; and

(c) an invitation to any interested persons to lodge with the Bureau, in writing addressed to the Director and lodged within a specified time, any objections they may wish to make to the substance of the recommendation.

(2) Subsection (1) does not apply to a recommendation of the Bureau for the repeal of a standard or for its amendment in a manner that, in the opinion of the Minister, affects a purely formal or otherwise insubstantial variation.

(3) The time specified for the purposes of paragraph (c) of subsection (1) shall not be less than two months.

(4) The Bureau shall consider any objection duly lodged and may, if it thinks fit, for that purpose hold an inquiry at which the objector shall be entitled to be present and, by himself or by counsel, to be heard.

(5) The Bureau's final response to any such objection, whether or not the subject of an inquiry, shall be notified to the objector.

(6) It shall be the duty of the Bureau, when making any recommendation for the purposes of section *seven* or *eight*, to bring to the notice of the Minister the nature and grounds of any objection that was made to the proposed recommendation and the Bureau's response to that objection.

10. A person shall not-

Compliance with standards

(a) supply to another person any commodity to which a compulsory standard applies; or

(b) export any commodity to which an export standard applies; unless the commodity concerned complies with the standard.

11. (1) If a commodity is supplied to a person in contravention of section *ten*-

Supply of commodity not complying with standard

(a) the supplier shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand penalty units or to imprisonment for a term not exceeding one year, or to both; and

(b) the person to whom the commodity was supplied may recover from the supplier as a debt any money paid for the commodity, whether or not the supplier has been convicted of an offence in respect of its supply.

(2) If judgement is given for the plaintiff in an action under paragraph (b) of subsection (1), the judgement debt may, if the court so directs, be satisfied by repair or modification of the commodity in such a manner that-

(a) the commodity concerned would have complied with the relevant standard if the commodity had been supplied as repaired or modified; or

(b) the repaired or modified commodity is accepted by the plaintiff on or before a day specified in the direction.

(As amended by Act No. 13 of 1994)

12. (1) A person who manufactures a commodity to which a compulsory standard applies or who obtains such a commodity in Zambia otherwise than by being supplied with it shall not supply the commodity to another person unless the Bureau has given, and has not withdrawn, its authority in writing for the supply.

Permission for
supply or export

(2) A person shall not export a commodity to which an export standard applies unless the Bureau has given, and has not withdrawn, its authority in writing for the export.

(3) Except as provided by subsection (6), the Bureau shall give the requisite authority under this section unless it is satisfied that the commodity concerned does not comply with the relevant standard or that there is reason to think that it will not do so in the future.

(4) The authority may be given unconditionally or may be given on such terms and conditions as the Bureau considers necessary to ensure continued compliance by the commodity with the relevant standard.

(5) Except as provided by subsection (6), the Bureau may by notice in writing withdraw its authority if it is satisfied that the commodity concerned no longer complies with the relevant standard or with any terms and conditions on which the authority was given.

(6) If, in the case of a commodity to which an export standard applies, the Bureau is satisfied that-

(a) an exporter of the commodity is required under contract to export the commodity in accordance with specifications contained in the contract;

(b) by reason of those specifications, the commodity does not comply with the standard; and

(c) the specifications were not made in the contract with the object of defeating the operation of the other provisions of this section;

the Bureau may, for the purpose of enabling the exporter to perform his contractual obligations, give the authority required by this section or, as the case may require, refrain from withdrawing it.

(7) For the purposes of this section, the Bureau shall, to such extent as it thinks necessary, cause the commodity concerned to be inspected, before giving its authority and from time to time thereafter, to ascertain whether it complies or continues to comply with the relevant standard.

(8) A person who supplies or exports any commodity in contravention of this section shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding twenty thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

(As amended by Act No. 13 of 1994)

PART IV

PROMOTION OF COMMODITIES

13. (1) The Minister, on the recommendation of the Bureau, may by Declaration of marks statutory order declare a mark depicted or described in the order to be a mark of conformity with respect to a standard.

(2) No mark of conformity shall be declared which so closely resembles a trade mark registered under the Trade Marks Act as to be likely, in the opinion of the Minister, to be mistaken for the trade mark. Cap. 401

14. (1) A person shall not apply a mark of conformity to any commodity except with the authority in writing of the Bureau. Use of marks

(2) The Bureau shall give the requisite authority under this section unless it is satisfied that the commodity concerned does not comply with the relevant standard or that there is reason to think that it will not do so in the future.

(3) A person shall not apply to a commodity, or otherwise use in connection with the supply or promotion of a commodity, any mark that so closely resembles a mark of conformity as to be likely to be mistaken for the mark of conformity, unless it was registered as a trade mark before the commencement of this Act.

(4) A person shall not, in connection with the supply or promotion of a commodity, make any reference to the Council or the Bureau or to any mark of conformity, except to the extent authorised under subsection (1).

(5) A person who contravenes this section shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

(6) For the purposes of this section, a mark of conformity or other mark shall be deemed to be applied to a commodity if it is applied to any wrapper, covering, container or label used in connection with the commodity.

(As amended by Act No. 13 of 1994)

15. (1) A person shall not, except with the written approval of the Minister-

Prohibition on use of certain words

(a) under any law register a society, company, firm, trade, business or association; or

(b) start any activity, society, trade, business, occupation or association;

under any name that contains the words "Bureau of Standards", "Standards Bureau", "Council of Standards", "Standards Council" or other words that may create the impression that the person is, or is connected or associated with, the Bureau or the Council.

(2) A person shall not, except with the written approval of the Minister-

(a) under any law register any trade or trade name that contains the word "standard"; or

(b) supply any commodity under a mark or description that contains the word "standard", otherwise than as authorised under this Part; in a manner likely to create the impression that the commodity to which the trade mark, trade name, mark or description relates complies with any standard under this Act.

(3) A person who contravenes this section shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

(4) Where the Minister is satisfied that any approval given by him under this section is being abused, he may withdraw his approval.

(As amended by Act No. 13 of 1994)

PART V

DANGEROUS OR DEFECTIVE COMMODITIES

16. (1) The Minister, on the recommendation of the Director, may by order prohibit, or impose conditions on, the supply of a commodity of any specified kind or description, if the Minister considers that the commodity is so defective that, in the interests of public safety, supply of the commodity should be prohibited or restricted immediately.

Interim order prohibiting or restricting supply of commodity

(2) An order under this section may be made under the hand of the Minister or by statutory instrument.

(3) An order under this section under the hand of the Minister takes effect when written notice of the order is given to the supplier.

(4) Unless sooner revoked, an order under this section expires thirty days after it takes effect.

(5) An order under this section may be once renewed by further order made in the same manner, but only if application has been made to the High Court for an order under section *seventeen*.

17. (1) On the application of the Director, the High Court may by order prohibit, or impose conditions on, the supply of a commodity of any specified kind or description, if the Court considers that the commodity is defective and that, in the interests of public safety or otherwise in the public interest, supply of the commodity should be prohibited or restricted.

Order of High Court prohibiting or restricting supply of commodity

(2) An application may be made under this section whether or not an order has been made under section *sixteen* with respect to the commodity concerned.

(3) An order of the High Court under this section revokes any order under section *sixteen* in force with respect to the same commodity.

18. A person who-

Contravention of orders

(a) supplies a commodity in contravention of an order under section *sixteen* that was made by statutory instrument or of which the person was given due notice; or

(b) supplies a commodity in contravention of an order of the High Court under section *seventeen*;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

(As amended by Act No. 13 of 1994)

19. (1) If a commodity is supplied to a person in contravention of an order under this Part, the person may recover from the supplier as a debt any money paid for the commodity, whether or not the supplier has been convicted of an offence in respect of its supply. Remedy for supply of commodity in contravention of order

(2) If judgment is given for the plaintiff in an action under this section, the judgment debt may, if the court so directs, be satisfied by repair or modification of the commodity in such a manner that-

(a) the contravention relied on by the plaintiff would not have occurred if the commodity had been supplied as repaired or modified; or

(b) the repaired or modified commodity is accepted by the plaintiff on or before a day specified in the direction.

20. (1) The Minister may by order under his hand require a supplier of any defective commodity to do any one or more of the following: Order for recall of defective commodities

(a) recall the commodity, and all others of the same type that were supplied by him, in the manner, and within the period, specified in the order;

(b) disclose to the public, or to a class of persons specified in the order, in the manner and within the period so specified, one or more of the following:

(i) the nature of any defect in any commodities identified in the order;

(ii) the circumstances in which the use of any such commodities is dangerous;

(iii) procedures for disposing of any such commodities;

(c) notify the public, or a class of persons specified in the order, in the manner and within the period specified in the order, that the supplier undertakes to do whichever of the following the supplier thinks is appropriate:

- (i) repair the defective commodity;
- (ii) replace the defective commodity;
- (iii) refund to a person to whom the commodity was supplied (whether by the supplier or by another person) the price of the commodity;

within the period specified in the order.

(2) If an order under this section so provides, where-

(a) the supplier undertakes to refund the price of any commodity;
and

(b) a period of more than twelve months has elapsed since any person (whether or not the person to whom the refund is to be made) acquired the commodity from the supplier;

the amount of the refund may be reduced by an amount that is attributable to the use which a person has had of the commodity and is calculated as specified in the order.

(3) If a supplier undertakes to repair any commodity, the supplier shall cause the commodity to be repaired so that-

(a) any defect in the commodity identified in the order is remedied;
and

(b) if there is a compulsory standard for commodities of that kind, the commodity complies with the standard.

(4) If a supplier undertakes to replace a commodity, the supplier shall replace the commodity with a like commodity which-

(a) does not contain any defect in the commodity that was identified in the order; and

(b) complies with any compulsory standard for commodities of that

kind.

(5) If a supplier undertakes to repair a commodity or replace a commodity, the cost of the repair or replacement, including any necessary transportation costs, shall be borne by the supplier.

(6) While an order made under this section is in force, a supplier of a commodity to which the order relates who-

(a) fails to comply with a requirement of, or a direction in, the order;

(b) where the order identifies a defect in the commodity, supplies a commodity of the kind to which the order relates and which contains that defect;

(c) in a case other than a case referred to in paragraph (b), supplies a commodity of the kind to which the order relates;

(d) fails to carry out an undertaking notified by the supplier under this section; or

(e) having given such an undertaking to repair or replace a commodity, fails to comply with this section in relation to the action undertaken;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

(As amended by Act No. 13 of 1994)

21. (1) A supplier who of his own volition takes action to recall any commodity shall give to the Director a notice in writing, not later than two days after that action is taken-

Voluntary recall of commodities

(a) stating that the commodity is subject to recall;

(b) if the commodity has a defect, stating the nature of the defect; and

(c) if the commodity does not comply with a standard for the commodity, stating the nature of the non-compliance.

(2) A supplier who fails to comply with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand penalty units.

(As amended by Act No. 13 of 1994)

22. (1) If a supplier fails to carry out an undertaking given under section *twenty* to refund the price of a commodity, the amount that should have been refunded is recoverable as a debt due by the supplier to the person to whom the undertaking was given.

Certain amounts recoverable

(2) If a supplier fails to carry out an undertaking under section *twenty* to repair or replace a commodity, the supplier shall be deemed to have given instead an undertaking, notified under that section, to refund the price of the commodity within the period specified for the repair or replacement of the commodity.

23. (1) The liability of an insurer under a contract of insurance with any person, being a contract relating to the recall of commodities supplied or proposed to be supplied by him or to his liability with respect to possible defects in any such commodities, shall not be affected only because he gives to the Minister, or to the Bureau or the Director or any officer of the Bureau, any information relating to any commodity supplied or proposed to be supplied by him.

Certain action not to affect insurance contracts

(2) A contract of insurance is void and of no effect to the extent that it contains any provision that would defeat the operation of this section.

PART VI

FINANCIAL PROVISIONS

24. (1) The Bureau shall establish a Standards Development Fund, into which shall be paid all sums of money-

Standards Development Fund

(a) payable to the Bureau from time to time from moneys

appropriated by Parliament;

(b) payable to the Bureau under this or any other Act or statutory instrument;

(c) obtained by way of grants or donations to the Bureau;

(d) accruing to or vested in the Bureau from time to time, whether in the course of the exercise of its functions or otherwise; or

(e) accrued to or vested in the Bureau immediately before the commencement of this Act.

(2) The Fund shall be applied by the Bureau to defray the costs of the exercise and performance of its powers and functions.

(3) Such amounts standing to the credit of the Fund as are not immediately required by the Bureau may be invested in Government-issued securities or in any manner authorised by law for the investment of trust funds.

25. Repealed by Act No. 6 of 1997.

Acquisition of patent rights, etc.

PART VII

MISCELLANEOUS

26. The Bureau may-

(a) apply for, purchase, receive by assignment or otherwise acquire in accordance with the laws of Zambia or any other country, any patent brevets, inventions, concessions, licences or similar rights to use information relating to any invention or discovery; and

(b) develop, use, exercise, assign, transfer, sell, grant licences in respect of or otherwise turn to account the property rights or information so acquired.

Rights of Bureau in discoveries, etc., within the Bureau

27. (1) Where in the course of his duties an employee of the Bureau makes any discovery, whether by way of invention or improvement, the

National calibration service

Bureau shall be deemed to be the owner for all purposes of the rights therein.

(2) The Bureau may pay to the employee such bonus, fees or royalties therefor, or make such arrangement for that employee to share in the profits therefrom, as the Bureau may determine.

28. (1) The Minister may establish a national calibration service to be operated by the Bureau which shall provide for the calibration of measuring instruments and measurement standards or etalon. Inspection of commodities, etc.

(2) The Director may on application register a person, subject to such conditions as he may determine, as a participant in the national calibration service.

(3) An application for registration shall be accompanied by such data as the Director may require to enable the Director to assess the suitability of the applicant to participate in the national calibration service.

(4) The Bureau shall publish guidelines specifying the requirements for a person to participate in the service.

29. (1) Subject to the other provisions of this Act, an inspector whom the Bureau has generally or specifically authorised in writing in that behalf may, at all reasonable times, enter any premises in or upon which he has reason to believe that an export commodity or a commodity which is the subject of a compulsory standard is produced, manufactured, processed, treated, finished or stored and may- Co-operation with other agencies

(a) inspect or take samples of any such commodity;

(b) inspect or take samples of any material or substance which he has reason to believe is used or is intended to be used in the production, manufacture, processing, treatment or finishing of any such commodity;

(c) open any package or container which he has reason to believe contains any such commodity or any such material or substance;

(d) inspect any process or operation which is carried on in connection with the production, manufacture, processing, treatment or finishing of any such commodity;

(e) examine and make copies of or take extracts from any book, notice, record, list or document which relates to any such commodity;

(f) require any person to explain any entry in any such book, notice, record, list or document;

(g) carry out any other investigations in connection with any such commodity; and

(h) exercise such other powers as are connected with or incidental to his powers under this section.

(2) The person in charge of the premises shall provide such facilities as are reasonably necessary for the performance by the inspector of his functions.

(3) The inspector when entering the premises may be accompanied by an employee of the Bureau and may take such equipment as may appear to him to be necessary for the exercise of his powers.

(4) Any person who hinders or obstructs an inspector in the course of his duty or who wilfully fails to comply with any requirement lawfully made under this section shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding two thousand penalty units or to imprisonment for a term not exceeding one year, or to both.

(As amended by Act No. 13 of 1994)

30. With the approval of the Minister, the Bureau may co-operate or provide for co-operation with any person, association or organisation within or outside Zambia having objects similar to those of the Bureau.

Production of
authority

31. An inspector exercising any power under this Act shall, on demand by any person affected thereby, produce for inspection his certificate of appointment.

Unauthorised
publication of
information

32. (1) A person shall not, without consent in writing given by or on behalf of the Bureau, publish or disclose to any person, otherwise than in the course of his duties, the contents of any document, communication or information which relates to and which has come to his knowledge in the course of his duties under this Act. Proceedings for offences

(2) Any person who knowingly contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five thousand penalty units or to imprisonment for a term not exceeding one year, or to both.

(3) A person having information which to his knowledge has been published or disclosed in contravention of subsection (1) and who unlawfully publishes or communicates the information to any other person shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five thousand penalty units or to imprisonment for a term not exceeding one year, or to both.

(As amended by Act No. 13 of 1994)

33. Proceedings for an offence against this Act or the regulations shall not be instituted except by or with the written consent of the Director of Public Prosecutions. Offences by bodies corporate

34. If a body corporate is convicted of an offence against this Act or any regulations made under this Act, every person-

(a) who is a director of the corporation; or

(b) who is concerned in the management of the corporation;

shall be deemed to have committed the same offence if he knowingly authorised or permitted the act or omission constituting the offence.

35. (1) Where a person is convicted of any offence under this Act, the court may, in addition to any sentence that it may impose, make an order- Additional powers of the court

(a) confiscating all or any part of any commodity in respect of which the offence was committed;

(b) prohibiting the manufacture or supply of that commodity unless

it complies with the relevant standard; and

(c) that any commodity which is the subject of an order under paragraph (a) shall be disposed of in such manner as it may direct.

(2) Where a complaint is made in respect of an offence under paragraph (a) of subsection (1) of section *eleven*, the court may-

(a) on application made *ex parte* by an inspector; and

(b) on receiving evidence that the commodity, method or procedure complained of, or its manufacture or supply, fails to comply with the relevant standard;

make an order prohibiting, either absolutely or on such terms and conditions as the court thinks fit, the manufacture or supply of that commodity or, as the case may require, the carrying on of that method or procedure, until the complaint is determined.

36. (1) No act, matter or thing done or omitted by any member, officer or employee of the Bureau or the Council shall subject him to any personal liability if the matter or thing was done or omitted in good faith in the exercise or performance of any powers and functions conferred or imposed by this Act.

Immunity from suit

(2) The fact that any commodity complies or is alleged to comply with any standard or specification declared or approved under this Act, or has or is alleged to have been manufactured, treated, adjusted or otherwise dealt with in accordance with any such specification, shall not give rise to any action, claim, suit or demand against the Government, the Bureau or the Council or against any member, officer or employee thereof.

37. (1) The Minister may by statutory instrument make regulations prescribing all matters that by this Act are required or permitted to be prescribed or that are necessary or expedient to be prescribed for carrying out or giving effect to this Act.

Regulations

(2) Without limiting the generality of subsection (1), regulations may be made for or with respect to-

- (a) the operation of the national calibration service;
- (b) the charges that may be made for calibrations, consultancies and any other services provided by the Bureau to public or private sector customers;
- (c) such transitional provisions as the Minister considers necessary or expedient to be made in consequence of the enactment of this Act.

38. The savings and transitional provisions contained in the Second Schedule shall apply in respect of the Bureau, the Council and other matters. Savings

39. The Zambia Bureau of Standards Act, 1982 is hereby repealed. Repeal of Act No. 22 of 1982

FIRST SCHEDULE

(Section 4)

THE BUREAU

1. (1) The Bureau shall be governed by a body of fifteen persons, to be known as the Standards Council of Zambia, which shall be responsible for the exercise and performance of the powers and functions of the Bureau. The Standards Council of Zambia
- (2) In the exercise and performance of its powers and functions, the Council shall be subject to the control and direction of the Minister.
2. (1) The Council shall consist of the following members: Composition of Council
- (a) a representative of or above the rank of Deputy Permanent Secretary, from each of the Ministries responsible for-
- (i) industry;
 - (ii) finance;
 - (iii) planning;
 - (iv) health; and
 - (v) local government;
- (b) a representative from each of the following organisations:
- (i) the National Council for Scientific Research;
 - (ii) the School of Engineering of the University of Zambia;
 - (iii) the Engineering Institution of Zambia;
 - (iv) the Zambia Consumers Protective Association;
 - (v) the Zambia Confederation of Commerce and Industry;
 - (vi) the Zambia Association of Manufacturers;
 - (vii) the Zambia Federation of Employers; and
 - (viii) the Zambia Congress of Trade Unions; and
- (c) two persons who, in the opinion of the Minister, have experience in matters relating to standards.
- (2) The members referred to in sub-items (a) and (b) of sub-paragraph (1) shall be nominated by their respective Ministries or organisations, and shall be appointed in writing by the Minister.
3. (1) A member of the Council other than the Director shall, subject to this Act, hold office Term of office and vacancy

for a term of not more than three years.

(2) A member of the Council shall, if otherwise qualified, be eligible for re-appointment upon the expiry of his term of office.

(3) Upon the expiration of the term for which a member is appointed he shall continue to hold office until his successor has been appointed, but in no case shall any such extension of the term exceed three months.

(4) The office of a member shall be vacated-

(a) upon his death;

(b) if he is adjudged bankrupt;

(c) if he is absent, without the prior approval of the Council, from three consecutive meetings of the Council of which due notice was given to him;

(d) upon the expiry of one month's notice of his intention to resign his office given by him in writing to the Minister;

(e) upon the expiry of one month's notice of his removal given to him in writing by the Minister;

(f) if he becomes mentally or physically incapable of performing his duties as a member; or

(g) on ceasing to be a representative of the Ministry or organisation that nominated him.

(5) The Council may act notwithstanding any vacancy of office among its members.

4. (1) The Council shall from among its members elect a Chairman and a Vice-Chairman.

Chairman
and Vice-
Chairman

(2) The Chairman or Vice-Chairman ceases to hold office-

(a) on ceasing to hold office as a member of the Council;

(b) upon the expiry of one month's notice of his intention to resign his office given by him in writing to the Council at a duly convened Council meeting; or

(c) on being removed from office by resolution of the Council.

5. (1) Subject to the other provisions of this Act, the Council may regulate its procedure.

Business of the
Council

(2) The Council shall meet as often as necessary or expedient for the conduct of its business, but at least once in every four months, and such meetings shall be held at such places, times and days as the Chairman may determine.

(3) The Chairman may at any time call a meeting of the Council and shall call a special meeting to be held within seven days of receipt of a written request for that purpose addressed to him by a least four members of the Council.

(4) There shall preside at any meeting of the Council-

(a) the Chairman;

(b) in the absence of the Chairman, the Vice-Chairman; or

(c) in the absence of both the Chairman and Vice-Chairman, such member as the members

present may elect for the purpose of the meeting.

(5) The decision of the Council shall be by a majority of votes and in the event of an equality of votes, the Chairman or other person presiding at the meeting, in addition to his deliberative vote, shall have a second or casting vote.

(6) The Council may invite any person whose presence is in its opinion desirable to attend and to participate in the deliberations of a meeting of the Council, but such a person shall have no vote.

(7) The Director shall be entitled to attend any meeting of the Council, subject to the right of the meeting to exclude him from its deliberations on any particular matter for reasons of a conflict of interest.

(8) The validity of any act, decision or proceedings of the Council shall not be affected by any defect in the appointment of any member or by reason of the fact that any person took part in its proceedings who was not entitled to do so.

(9) Eight members of the Council shall form a quorum at any meeting of the Council.

(10) Minutes of each meeting of the Council shall be kept and shall be confirmed as soon as practicable thereafter at a subsequent meeting.

6. (1) Where any member of the Council referred to in sub-item (a) or (b) of sub-paragraph (1) of paragraph *two* of this Schedule is for any reasonable cause unable to attend any meeting of the Council, the Ministry or organisation whose representative he is may in writing nominate another person to attend the meeting in his stead. Alternative members

(2) A person so nominated shall, for the purposes of the meeting concerned, be deemed to be a member of the Council.

7. A member of the Council or any committee thereof shall be entitled to such allowances as the Minister may determine in respect of him. Allowances

8. (1) If any person is present at a meeting of the Council or any committee of the Council at which any matter is the subject of consideration and in which matter that person is directly or indirectly interested, he shall as soon as is practicable after the commencement of the meeting disclose the interest and shall not, unless the Council or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question touching that matter. Disclosure of interest

(2) A disclosure of interest shall be recorded in the minutes of the meeting.

9. (1) The Council may for the purpose of performing its functions establish technical, advisory or other committees. Committees

(2) The Council may appoint as members of any such committee persons who are or are not members of the Council and such persons shall hold office for such period as the Council may determine.

(3) Subject to any specific or general direction of the Council, a committee may regulate its own procedure.

10. (1) The Council shall, on such terms and conditions as it may determine, appoint a Director of the Bureau. The Director

(2) The Director shall be the chief executive officer of the Bureau, and shall be responsible for the administration of the Bureau and for the implementation of decisions of the Council.

(3) The Director may, with the approval of the Council, establish such organisational structures for the Bureau as he may consider necessary for the proper performance of the functions of the Bureau.

11. The Council may appoint a Deputy Director of the Bureau whose functions shall be- The Deputy Director
(a) to assist the Director in the exercise and performance of his powers and functions; and
(b) to exercise and perform the powers and functions of the Director whenever the office of Director is vacant or the Director is absent or is for any other cause unable to act.

12. The Council shall, on such terms and conditions as it may determine, appoint such other staff as may be necessary for the exercise and performance of the powers and functions of the Bureau. Staff of the Bureau

13. (1) The Bureau shall under paragraph *twelve* appoint sufficient inspectors for the purposes of this Act. Inspectors

(2) An inspector shall be provided with a certificate of appointment, which shall be prima facie evidence of his appointment.

14. The financial year of the Bureau shall be the period of twelve months ending on 31st December in each year. Financial year

15. (1) The Bureau shall cause proper accounts to be kept of its assets and liabilities and of its income and expenditure for each financial year. Accounts and audit

(2) The accounts of the Bureau for each financial year shall be audited by one or more persons who publicly carry on the profession of accountants in Zambia, and who shall be appointed by the Bureau with the approval of the Minister.

16. (1) The Bureau shall, not later than six months after the end of each financial year of the Bureau, submit to the Minister a report of its activities, together with a copy of its audited accounts for that financial year. Annual report

(2) The Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of such report, lay it before the National Assembly.

17. (1) The seal of the Bureau shall be such device as may be determined by the Council.

Seal of
Bureau

(2) The Council may use a wafer or rubber stamp in lieu of the seal.

(3) The affixing of the seal shall be authenticated by the Chairman or the Vice-Chairman together with two other persons authorised in that behalf by a resolution of the Council.

(4) Any contract or instrument which if entered into or executed by a natural person would not require to be under seal may be entered into or executed without seal on behalf of the Bureau by the Director or by any other person generally or specifically authorised by the Council in that behalf.

(5) Any document purporting to be a document executed under the seal of the Bureau or issued on behalf of the Bureau shall be received in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof unless the contrary is proved.

SECOND SCHEDULE

(Section 37)

SAVINGS AND TRANSITIONAL PROVISIONS

1. In this Schedule-
"the appointed day" means the day appointed under section *one*;
"the former Bureau" means the Zambia Bureau of Standards established under the repealed Act;
"the repealed Act" means the Zambia Bureau of Standards Act, 1982. Interpretation
2. A person who, immediately before the appointed day, held office as one of the members of the former Bureau referred to in any of paragraphs (*b*) - (*k*) of subsection (1) of section *four* of the repealed Act shall hold office, subject to this Act, as members of the Council until replaced by persons appointed for the purposes of sub-items (*a*) and (*b*) of subparagraph (1) of paragraph *two* of the First Schedule to this Act. Act No. 22 of 1982 Former members of Bureau to be members of Council for a time
3. Nothing in this Act affects the rights of any person employed by the Bureau immediately before the appointed day. Staff of former Bureau
4. Any voluntary, compulsory or export standard in force immediately before the appointed day under the repealed Act shall be deemed to be a voluntary, compulsory or export standard declared and in force under this Act. Standards
5. Any mark declared, under the repealed act, to be a certification mark for any standard in force under that Act immediately before the appointed day shall be deemed to be a mark of conformity for the purposes of this Act with respect to the same standard. Certification marks
6. Any authority granted by the former Bureau under section *twenty-one* or *twenty-two* of the repealed Act and in force immediately before the appointed day shall be deemed to be an authority granted for like purposes, and on the same terms and conditions, under section *twelve* of this Act. Authorities
7. In any Act or statutory instrument or other document, a reference to the repealed Act or any provision thereof shall be read and construed as a reference to this Act or the corresponding provision thereof, except to the extent that the contrary intention appears. References

SUBSIDIARY LEGISLATION

SECTION 37-THE STANDARDS (STANDARDS AND CERTIFICATION MARKS) REGULATIONS*

*Statutory Instrument
72 of 1994*

*These Regulations made under Act. No. 22 of 1982 (repealed) are continued in force by the provisions of section 15 of the Interpretation and General Provisions Act (Cap. 2).

Regulations by the Minister

1. These Regulations may be cited as the Zambia Bureau of Standards (Standards and Certification Marks) Regulations. Title
2. In these Regulations, unless the context otherwise requires-

"authority" means the written authority obtained from the Bureau to apply a certification mark;

"authorised person" means a person who has been granted authority to use a certification mark;

"inspection" includes the process of examining and conducting of relevant tests by the Bureau to determine the conformity of any commodity with a declared standard.

3. The written Authority referred to in section 14 (1) of the Act shall be in Form ZABS/1 set out in the Schedule. Authority
4. An application for use or renewal of authority shall be in Form ZABS/2 set out in the Schedule. Application for authority
5. The Bureau shall not consider an application for an authority unless an inspector has been to the applicant's premises and has together with the applicant completed Form ZABS/3 set out in the Schedule. Inspection
6. (1) The authority issued by the Bureau shall be subject to the Condition of authority

following general conditions-

(a) the authorised person shall comply with the general and specific conditions and scheme of supervision and control which the Bureau may issue from time to time;

(b) the authority shall not be transferable;

(c) costs incurred by inspectors, to determine whether commodities to which a certification mark has been applied fulfil the applicable requirements laid down by the Bureau, shall be borne by the authorised person to the extent specified in the scheme of supervision and control for the commodities listed in the authority;

(d) the right to use a certification mark applies only to the commodities listed in the authority;

(e) costs incurred in applying a certification mark shall be borne by the authorised person;

*These Regulations made under Act. No. 22 of 1982 (repealed) are continued in force by the provisions of section 15 of the Interpretation and General Provisions Act (Cap. 2).

(f) the Bureau reserves the right to revise the procedures for marking standardised commodities;

(g) if the declared standard on which the authority is based is revised, the authority shall be valid only if the authorised person agrees to comply with the requirements set out in the revised declared standard;

(h) the authority shall be valid for one year from the date of issue unless earlier revoked.

(2) The Bureau shall impose any other conditions on the Authority as it thinks fit.

7. The Bureau shall periodically send an inspector to the authorised person's premises and the inspector shall complete Form ZABS/4 set out in the Schedule. Periodic inspection

- 8.** Any person aggrieved by the refusal of the Bureau to grant authority may within twenty-one days declare a dispute by completing Form ZABS/5 set out in the Schedule. Declaration of dispute
- 9.** The Bureau shall keep a register of all authorised persons and the products in respect of which an authority has been issued Register of authorised persons and products
- 10.** Any person may, on payment of the appropriate fee, inspect the register. Inspection of register

FORM ZABS/1

THE REPUBLIC OF ZAMBIA

THE STANDARDS ACT

(Cap. 416)

THE STANDARDS (STANDARDS AND CERTIFICATION MARKS)
REGULATIONS.

AUTHORITY TO USE A CERTIFICATION MARK

(Regulation 3)

No.....

This authority is granted to

of

to use the certification mark specified in Statutory Instrument No

of 19....., and in respect of

commodity/process which commodity/process

conforms to

declared standard or approved specification mark.

This authority is issued subject to the general conditions contained in the Zambia

Bureau of Standards (Standards and Certification Marks) Regulations, 1987, and the following additional condition(s).

Date.....

Director

FORM ZABS/2
THE REPUBLIC OF ZAMBIA

THE STANDARDS ACT (Cap. 416)

THE STANDARDS (STANDARDS AND CERTIFICATION MARKS)
REGULATIONS

APPLICATION FOR GRANT/RENEWAL OF AUTHORITY

(Regulation 4)

The Director, Zambia Bureau of Standards

1. *I/We, carrying on business at.

(full business address) under

the name of

(full name of individual or firm) hereby apply for GRANT OF AUTHORITY/RENEWAL

OF AUTHORITY No to use the certification

mark in respect of the article/class of articles/process which conforms to the declared

standard(s) listed below:

(a) Article

Type

Size

Grade

(b) Class of articles.

Type

Size

Grade

(c) Process

*Delete as applicable.

Only one of the three items under (a), (b) and (c) may be covered by one application.

Delete the other two.

(d) Related declared standard(s)

No Title.....

No Title.....

2. The above article(s) is/are manufactured by

carried out

factory) on the premises

situated at (address)

3. Production figures for the said article(s)/process and the value thereof to the best of my/our knowledge and estimates are as follows:

Year	Production	Unit	Value
		K	
	last year from		
	to		
	Current year from		
	to		
	(estimates)		

4. In order to ensure conformity of the said article(s)/process to the related declared standard(s)-

*I/We have in use/propose to use the scheme of inspection and testing 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 inspection and testing to bring it in line with that which may be specified by the Bureau from time to time.

*I/We have at present no scheme of inspection and testing in operation.

I/We, however, undertake to put in operation any such scheme as recommended by the Bureau.

5. Should any initial enquiry be made by the Bureau I/We agree to extend to the Bureau all reasonable facilities at my/our command and I/We also agree to pay all expenses of the said enquiry, including charges for testing, as and when required by the Bureau.

6. Should the authority be granted and as long as it will remain operative, I/We hereby undertake to abide by all the terms and conditions of the Bureau and the Regulations prescribed under the Act. In the event of the authority being suspended or cancelled, I/We also undertake to cease with immediate effect to use the authority and to withdraw all relevant advertising matters and to take such other steps as may be necessary to fulfil the provisions of the Act.

Dated this.....day of

Signature

Name

Designation

For and on behalf of

.(name of firm)

FORM ZABS/3
THE REPUBLIC OF ZAMBIA

THE STANDARDS ACT (Cap. 416)

STANDARDS (STANDARDS AND CERTIFICATION MARKS) REGULATIONS.

PRELIMINARY INSPECTION REPORT

(Regulation 5)

No.....

1. GENERAL INFORMATION

1.1 Applicant's name `

1.2 Address

1.3 Situation of factory Telephone No.....

1.4 Management Staff Person(s) Contacted

(i)

(ii)

2. PRODUCTION INFORMATION

2.1 Product name

2.2 Applicable declared standard

2.3 Type Size Grade

3. RAW MATERIALS

3.1 Raw materials used:

(a)

(b)

(c)

(d)

3.2 Sources of supply:

(a)

(b)

(c)

(d)

3.3 Mode of receipt (batches, lots, nature of package)

3.4 Test certificate of suppliers

3.5 Arrangement for testing as received

3.6 Details of sampling

3.7 Methods of disposal of sub-standard raw materials

3.8 Record of tests with pro forma of records.

4. MANUFACTURE

4.1 Type/Grade being manufactured at the time of inspection:

(a)

(b)

(c)

4.2 Description of process from raw materials to finished product stage

4.3 Intermediate points where control has to be exercised

4.4 Details of records maintained and controls used

.

4.5 Methods of disposal of sub-standard products

.

4.6 Units of production

4.7 Production per day or per shift.

5. PACKAGING AND MARKING

5.1 Nature of package in

5.2 Quantity per packaging

5.3 Marking on article.

5.4 Method of marking

(printing, stencilling, embossing, etc.)

5.5 Form of label(s) if any

5.6 Batch or code numbering for identification

6. LABORATORY AND INSPECTION

6.1 Details of staff

6.2 Equipment and other facilities for complete specification testing

6.3 Accuracy of instruments and arrangements for calibration

6.4 Any laboratory where the firm could test its products

6.5 Records maintained in laboratory for routine tests

6.6 Stages of processing where laboratory reports are made available

6.7 Sampling and testing of end products

7. SAMPLE

7.1 Type, size and grade of the sample

7.2 Details of counter sample

7.3 How sealed

7.4 Laboratory to which despatched

7.5 Test results on a sample if tested in factory

7.6 Any further information regarding sample drawn

7.7 Information regarding sample of other type/grade applied for

8. OTHER INFORMATION

8.1 Main buyers and selling price

8.2 Storage facilities

8.3 Hygienic conditions (in case of food products)

8.4 Discussion with the firm on scheme of testing and inspection

9. CONCLUSION, RECOMMENDATIONS

Signature----- Inspected by-----
Date -----

**FORM ZABS/4
THE REPUBLIC OF ZAMBIA**

THE ZAMBIA BUREAU OF STANDARDS ACT

(Act No. 22 of 1982)

THE STANDARDS (STANDARDS AND CERTIFICATION MARKS)
REGULATIONS.

PERIODIC INSPECTION REPORT

(Regulation 7)

AUTHORITY NO-----

1. AUTHORISED PERSON

1.2 Address

1.3 Person(s) contacted

2. PRODUCT NAME

2.1 Date of inspection

3. PREVIOUS INSPECTION

3.1 Date----- Conducted by-----

3.3 Conclusion and recommendation

3.4 Action in advice rendered in previous inspection or otherwise asked for

4. Changes since previous inspection

4.1 TECHNICAL

Authority No-----

4.2 Administrative

5. DESCRIPTION OF ARTICLE(S) BEING MANUFACTURED AT THE TIME OF INSPECTION

6. RAW MATERIALS

6.1 Name of major ones* ----- Supplier* -----

6.2 Does the firm test the major raw materials or does it depend on test certificates from suppliers?

6.3 Maximum and minimum values of principal requirements

6.4 Disposal of sub-standard raw materials

7. PRODUCTION AND SUPPLY (from to.....)

- 7.1 Quantity produced
- 7.2 Quantity marked
- 7.3 Quantity unmarked
- 7.4 Reasons for not marking

- 7.5 Parties supplies to .

8. STORING, PACKING AND MARKING

- 8.1 Material held in stock
- 8.2 Condition of storing
- 8.3 Packing and marking on packages .
- 8.4 At what stage is marking done (after or before test results are known)

*Attach list

Authority No----- .

- 8.5 Any change in the marking procedure from approved one

9. PRODUCTION CONTROL

- 9.1 How is the control system operated?
- 9.2 Variation in test results for principal requirements (append test results, if necessary or if required by the instruction sheet for the standard)

- 9.3 Are the test records maintained satisfactorily?
- 9.4 What is the percentage of rejections, their reasons and manner of disposal?
- 9.5 Whether the failure is due to inherent causes or chance cause

10. TESTING IN FACTORY

10.1 Requirements tested with results (use laboratory pro forma)

10.2 Comparison of results obtained with firm's records

10.3 Comparison of results with the requirements of the specifications

10.4 Are the instruments used calibrated periodically?

10.5 Are the instruments used reasonably accurate?

10.6 Any addition in the existing testing equipment?

....

11. SAMPLES FOR INDEPENDENT TESTS

11.1 Number of samples drawn

11.2 From where sampled?

Authority No-----

11.3 Code number/batch number/date of manufacture, etc., of the lot sampled and other markings

11.4 Test record of the batch from which sample is drawn

11.5 Samples brought in or left with the firm for despatch to testing laboratory

11.6 Laboratory to which sample is sent/proposed to be sent

11.7 Details of counter sample left with the firm

11.8 Any further information

12. FOOD ARTICLES (indicate the hygienic conditions maintained in the factory)

.

...

13. CONCLUSION AND RECOMMENDATIONS

13.1 Has the scheme operated satisfactorily for this period since last inspected?

13.2 Assessment of the operation of the scheme based on the present vis-a-vis past performance

13.3 Any discussion with the firm on any point of interest, e.g. any difficult in operation, irregularities observed in the operation

13.4 Any action to be taken including suspension

13.5 Any other observations/comments

File Ref.

Signature

Date

Authority No

REMARKS OF THE REVIEWING OFFICER

FORM ZABS/5
THE REPUBLIC OF ZAMBIA

THE STANDARDS ACT

Cap. 416

THE ZAMBIA BUREAU OF STANDARDS (STANDARDS AND CERTIFICATION
MARKS) REGULATIONS, 1987

DECLARATION OF A DISPUTE

(Regulation 8)

To: The Director, Zambia Bureau of Standards

*I/We, carrying on business at

(full business address)

under the name of

(full name of individual or firm) hereby, pursuant to the provisions of section 25 (2) of the
Zambia Bureau of Standards Act, declare a grievance stated hereunder:

(Here state the facts concisely in numbered paragraphs)

*I/We, the said do hereby
refer the said matters in grievance to the Arbitrators.

Dated this ----- day of-----

Signature-----

Name-----

*Delete as applicable.

Designation-----

For and on behalf of

SECTION 31-THE ZAMBIA BUREAU OF STANDARDS (CALIBRATION SERVICE) REGULATIONS*

*Statutory Instrument
72 of 1994*

*These Regulations made under Act. No. 22 of 1982 (repealed) are continued in force by the provisions of section 15 of the Interpretation and General Provisions Act (Cap. 2).

Regulations by the Minister

1. These Regulations may be cited as the Zambia Bureau of Standards (Calibration Service) Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"bureau" means the Bureau established by section *three* of the Zambia Bureau of Standards Act; *Act No.22 of 1982*

"calibration" means all stages of any process aimed at or determining the degrees of the errors of a measuring instrument, as well as, where necessary, for the purpose of determining other metrological properties;

"measuring instrument" includes any device such as a graduated rule, set of weights, equal-arm balance, U-tube manometer, clock, ammeter, and others intended for the purpose of measurement and which may reproduce one or more known values of a given quantity, or provide an indication of the value of the measured quantity of equivalent information or which combines these functions;

"metrology" means the field of knowledge concerned with measurements and includes theoretical and practical aspects of measurements, at whatever level of accuracy, and in whatever fields of science or technology they occur;

"primary standard" means a standard which has the highest metrological qualities;

"standard" means a material measure, measuring instrument or system such as the one kilogram mass, standard gauge block, the 100 ohm standard resistor, the standard ammeter, the caesium atomic frequency

standard and others, intended to define, realise, conserve or reproduce a unit or one or more known values of a quantity in order to transmit them to other measuring instruments by comparison;

"traceability" means the ability to trace the calibration of a measuring instrument to a more accurate and recognised standard.

3. (1) The Director shall, by notice, in the *Gazette* prescribe the categories of instruments and equipment which shall be calibrated by the Bureau and shall on that notice state-

Categories of instruments and equipment to be calibrated

*These Regulations made under Act. No. 22 of 1982 (repealed) are continued in force by the provisions of section 15 of the Interpretation and General Provisions Act (Cap. 2).

(a) the date by which all instruments and equipment within that category shall be calibrated;

(b) the Standard to be used for calibration;

(c) the interval between each calibration; and

(d) the fee to be paid for calibration.

(2) Where a notice has been published under sub-regulation (1), the person responsible for the operation of the equipment or instrument affected shall deliver to the Bureau all relevant information in the approved form.

(3) A person who operates a prescribed equipment or an instrument which should have been calibrated but does so without a calibration certificate in respect thereof shall be guilty of an offence.

4. Every person who supplies a measuring instrument shall provide the user of the instrument with all the necessary documentation relating to the operation, servicing or repairing of the measuring instrument:

Documentation received with instrument

Provided that the documentation shall be in accordance with the existing standard for such documentation.

- 5.** Every calibrated measuring instrument which is repaired or serviced shall, before being taken into use, be re-calibrated after such repair or service. Re-calibration of measuring instrument
- 6.** The Director may, by notice in writing, require a person to furnish information on any measuring or test instrument or piece of equipment within the period specified in the notice and a person who fails to comply with that notice shall be guilty of an offence. Information required
- 7.** (1) The Bureau shall issue a calibration certificate in respect of equipment or an instrument which has been calibrated and the certificate shall be in the approved form stating- Calibration certificate
- (a) the date and place of issue;
 - (b) details of the measurement results; and
 - (c) the calibration date.
- (2) Where a calibration certificate has been issued, a calibration mark in the form shown in the First Schedule to these Regulations shall be affixed to the calibrated instrument.
- (3) The Bureau shall seal access to adjustable devices on the calibrated instrument or equipment that are fixed at the time of calibration and a seal shall be so designed that any tampering with it shall destroy it.
- 8.** A person who commits an offence under these regulations shall be liable to a fine not exceeding one hundred penalty units or to imprisonment for a term not exceeding six months, or to both. Penalty
- (As amended by Act No. 13 of 1994)*

FIRST SCHEDULE

(Regulation 7)

CALIBRATION MARK

Zambia Calibration Service

Instrument:

Serial No.

Date Calibrated:

By:

Certificate No.

Recalibration due:

