

THE GAMBIA STANDARDS BUREAU ACT, 2010

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Supplement “C” to The Gambia Gazette No. 19 of 29th October, 2010
The Gambia Standards Bureau Act, 2010

THE GAMBIA
NO. 15 OF 2010
Assented to by The President,
This 29th day of October, 2010

YAHYA A.J.J. JAMMEH
President

L S

AN ACT to establish The Gambia Standards Bureau,
to standardise methods and produced or consumed in
The Gambia and for connected matters.

[29th October, 2010]

ENACTED by the President and the National
Assembly.

PART I – PRELIMINARY

Short title and
commencement

1. This Act may be cited as The Gambia Standards Bureau Act, 2010; and shall come into force on such day as the Minister appoints by notice published in the Gazette.

Interpretation

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

“Bureau” means The Gambia Standards Bureau;

“Director General” means the Director General of the Bureau;

“Goods” means any article, commodity, or thing that is a subject of trade or commerce;

“Mark” includes any device, brand, heading, label, ticket, name, signature, word, letter or numeral, or any combination thereof;

“Minister” means the Minister responsible for industrial development and “Ministry shall be construed accordingly;

“President” means the President of the Republic of The Gambia;

“Rules” means rules made under section 24 of this Act;

“Specification” means a description of any goods, process, practice or service by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age, or other characteristics or description of goods by reference to any mark or label on the goods and includes a glossary of terms, definitions or symbols and a recommended practice;

“Standard” means a document approved by a recognized body that provides for common and repeated use, rules, guidelines or characteristics for production methods and which may also include or deal exclusively with terminology, symbols, packaging, marking or labeling requirements as they apply to a product, process or production method;

“Standardisation” means the activity of establishing with regard to actual or potential problems provisions for common and repeated use, aimed at the achievement of the optimum degree of order in a given context.

“Standard mark” means a mark indicating a product or system certification mark; and

“Standard specification” means a specification established through a standardized process.

PART II – ESTABLISHMENT OF THE GAMBIA STANDARDS BUREAU AND ITS BOARD OF DIRECTORS, ETC

Establishment
of The Gambia
Standards
Bureau

3. (1) There is established by this Act, The Gambia Standards Bureau

(2) The Bureau is a body corporate with perpetual succession and a common seal and may

- (a) Sue and be used in its corporate name;
- (b) Enter into contracts and acquire, hold and dispose of property; and
- (c) So far as is possible for a body corporate, performance all other things or acts for the proper performance of its functions under this Act.

(3) The application of the common seal of the Bureau shall be Authenticated by the signature of the Director General or any other person authorized by the Bureau to sign on its behalf and every document bearing the imprint of the seal of the Bureau shall be deemed to be properly sealed unless the contrary is proved.

Objects of the
Bureau

- 4. The Object of the Bureau are to-
 - (a) Establish and promulgate standards for imported and locally produced goods;
 - (b) Promote standardization, conformity assessment and metrology in industry and commerce;
 - (c) Promote industrial efficiency and development;
 - (d) Promote standards in public and industrial welfare, health and safety; and
 - (e) Promote information dissemination on standards;

Function of the
Bureau

5. The Bureau shall-
- (a) Define, prepare, publish, modify or Amend standard specification;
 - (b) Promote training and research in relation to specifications and provide for the examination and testing of goods, processes, and practices in conformity with standards
 - (c) Inspect on request by Government or private bodies, consignments of goods supplied, received or prepared for export and to deliver certificate of their conformity or otherwise to requirements of standards
 - (d) Specify a standard mark called “The Gambia Standards Bureau certification mark
 - (e) Keep and maintain national primary standards of measurements in line with international standards and reference standard for calibration and verification of measures and measuring instruments; and
 - (f) Establish and ensure the functioning of the following technical committees-
 - (i) Technical committee on standards;
 - (ii) Technical committee on conformity assessment, certification and quality
 - (iii) Technical committee on metrology

Power of the
Bureau

6. The Bureau may-
- (a) Grant, renew, suspend or cancel a licence for the use of the Standard Mark and levy fees for the grant or renewal of any licence
 - (b) Inspect and take samples of any material or substance to confirm whether any goods or process in relation to which the Standard mark has been used conforms to the national standard or whether the standard mark has been improperly used in relation to that article or process;
 - (c) Establish branches, offices or agencies in or outside The Gambia
 - (d) Become a member of, or affiliate to any international or regional body concerned with standardization or
 - (e) Undertake any other activity likely to assist in the performance of its functions under this Act.

Establishment
and
composition of

7. (1) There is established by this Act, a Board of Directors which shall be the governing body of the Bureau
- (2) The Board shall consist of-
- (a) a Chairperson appointed by the President;
 - (b) the Director General of the Bureau;
 - (c) the Permanent Secretary of the Ministry or his or her designated representative

- (d) the Permanent Secretary of the Ministry responsible for trade or his or her designated representative and
- (e) a representative of the-
 - (i) Gambia Chamber of Commerce and Industry,
 - (ii) Consumer Association and
 - (iii) University of The Gambia or relevant research institute

(3) The Board shall appoint a secretary to the Board from amongst the senior staff of the Bureau.

(4) The members of the Board, who are not ex officio members shall be appointed by the President on the recommendation of the Minister

Functions of the Board

8. The functions of the Board are to-
- (a) determine the overall policy and strategy of the Bureau, with particular regard to the financial, operational, organizational and administrative programs and to ensure the implementation of the policy;
 - (b) control the management, property, business and funds of the Bureau and other matters relating to the Bureau;
 - (c) review and approve annual work programme and budget of the Bureau;

(d) support the Bureau in its resource mobilization strategy;

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(e) monitor the performance of the Bureau based on established performance indicators;

(f) obtain any information report of document it considers necessary from the Director General; and

(g) carry out other functions imposed on it under this Act or any other written law.

Tenure of office
of members of
the Board

9. (1) The members of the Board, other than of ex officio members shall hold office for a the term of three years and may be re-appointed for one more term only

(2) A member of the Board may resign from office by notice in writing addressed to the President through the Minister.

Disqualification
from Board
membership

10. A person is not qualified to be appointed or to continue as a member of the Board if he or she-

(a) has been convicted of an offence involving dishonesty or moral turpitude and has not been granted a pardon;

(b) is adjudged to be a person of unsound mind;

(c) has been declared an insolvent or bankrupt under the laws of the Gambia or any other country

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(d) has been dismissed from the Public Service of The Gambia for misconduct or is terminated for inefficiency or dishonesty; or

(e) has been disqualified for any reason from practicing his or her profession in The Gambia or any country

Meeting of the Board

11. (1) The Board shall meet for the discharge of its business at least four times in a year at a time and place appointed by the Chairperson of the Board.
- (2) The Chairperson shall preside at meetings of the Board, and in the absence of the Chairperson, the members present shall elect one of their number preside.
- (3) The Chairperson shall, at the written request of at least four members of the Board, convene a special meeting of the Board to transact any extraordinary business.
- (4) A written notice of special meeting of the Board shall be sent to each member at least twenty four hours before the meeting and specify the business to be transacted at the meeting.
- (5) Where it is proposed to be submit to a meeting of the Board a motion for an amendment of the rules, written notice of the motion shall be served on every member of the Board at least fourteen days before the date of the meeting.

(6) The quorum at a meeting of the Board shall be four members or a greater number determined by the Board in respect of an important matter or question relating to policy or finance.

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(7) The Board shall take decisions by a simple majority of the votes of members present and voting and where there is an equality of votes, the person presiding shall have a casting vote.

(8) The minutes of a meeting of the Board shall be recorded and signed by the Chairperson and the Secretary of the meeting after confirmation by members of the Board present at that meeting.

(9) The Board may, at any time co-opt a person to act as an adviser at its meeting, but that person is not entitled to vote at the meeting

(10) The validity of any proceeding of the Board shall not be affected by-

- (a) a vacancy among its members;
- (b) a defect in the appointment of any of its members; or
- (c) reason that a person not entitled to do so took part in the proceedings.

(11) Subject to this Act, the Bureau may regulate its own procedures

Disclosure of interest

12. (1) A member of the Board who has an interest in a matter for consideration by the Board shall-

- (a) disclose to the Board the nature of his or her interest; and

(b) not participate in the deliberation and voting of the Board in respect of that matter.

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(2) The President may remove from the Board, a member who contravenes sub-section (1) on the recommendation of the Minister.

Allowances to members of the Board

13. The members of the Board and persons co-opt into the Board shall be paid the allowances approved by the Minister.

Committees of the Board

14. (1) The Board may appoint such committees as it considers appropriate for the purpose of advising the Bureau on matters relating to its functions.

(2) Subject to the rules and to the directions given by the Board, a committee may regulate its own procedure.

PART III – MANAGEMENT AND STAFF

Director General of the Bureau

15. (1) The President shall, after consultation with the Board and the Public Service Commission, appoint the Director General of the Bureau who shall be the Chief Executive officer of the Bureau

(2) The Director General-

(a) shall hold office on the terms and conditions that are specified in his or her letter of appointment

(b) shall be generally responsible to the Board for maintaining and promoting good order and efficiency; and

(c) may, with the prior consent in writing of the Board, delegate any of his or her functions to a subordinate officer

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- Staff of the Bureau 16. (1) The Board shall, after consultation with Director General, appoint such staff of the Bureau as the Board deems necessary for the proper performance of the functions of the Bureau under this Act.
- (2) Subject to this Act, the Board may make rules and regulations relating to the terms and conditions of service of employees of the Bureau and in particular on discipline remuneration and security.
- Genuine acts 17. A member of the Board, a member of a committee or an employee of the Bureau shall not be personally liable for an act done or default made by the Bureau or a Committee or the employee in good faith in the performance of a function under this Act.
- Secrecy 18. (1) All information obtained by the Bureau or by any officer or employee thereof, or by any other person in the course of administration of this Act as to any formula, process or practice shall be treated as confidential and shall only be used for a purpose connected with the administration of this Act.
- (2) The disclosure of any information relating to any formula process, or practice to the bureau or to any person for purpose connected with the administration of this Act shall not prejudice any application subsequently made for a patent.

PART IV – FINANCIAL PROVISIONS

- Funds of the 19. The Bureau shall maintain a fund into which shall be paid-
- (a) moneys appropriate to it by the National Assembly;

- (b) grants and gifts, provided that the terms and conditions attached to the grant or gift are not inconsistent with its functions;
- (c) moneys derived from the sale of property held by or on behalf of the Bureau

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- (d) moneys derived from standards and metrology services provided;
- (e) moneys derived from fines and penalties; and
- (f) any other money and property lawfully received by the Bureau.

Bank Accounts
of the Bureau

20. (1) The moneys received for or on behalf of the Bureau by an officer or employee of the Bureau shall as soon as possible, be paid into the bank account determined by the Board
- (2) Moneys shall not be withdrawn or transferred from an account of the Bureau, except by an instrument signed and countersigned by officers or employees of the Bureau approved by the Board

Estimate,
account and
audit

21. (1) The Bureau shall, not later than three months before the end of each financial year, prepare and submit to the Minister for approval, estimates of the income and expenditure of the Bureau for the ensuing year.
- (2) The Bureau shall keep proper records and book of accounts of its income, expenditure and transfers
- (3) The Bureau shall prepare, in respect of each financial year, a statement of accounts
- (4) The Bureau shall, within three months after the end of each financial year, submit its statement of account to the Auditor General for audit

(5) The Audited accounts of the Bureau and the Auditor General's report on those accounts shall form part of the Auditor General's overall annual report to the National Assembly.

Annual Report 22. (1) the Board shall, within two months after the end of each financial year, submit to the Minister, an annual report dealing generally with the activities and operations of the Bureau within that financial year.
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(2) The report under sub-section (1) shall include-

(a) a statement on the income, source of income and application of the moneys of the Bureau

(b) information with regard to the operation of the Bureau; and

(c) such other information as the Minister may request

(2) The Minister shall, not later than three months after the end of the financial year, cause the report to be laid before the National Assembly.

PART V – STANDARDS

Standard 23. (1) The Board may, in accordance with the advice of Specifications the appropriate committee appointed under section 14 declare a specification, including an international or any other foreign specification for the purpose of this Act and may also amend or revoke that declaration.

(2) Where the Board declares a specification to be a standard specification or amends or revokes a standard specification, the Minister shall publish the fact of the declaration, amendment or revocation by notice in the Gazette.

(3) Notwithstanding sub-section (2), the Board may publish the standard specification, amendment or revocation in any other manner it considers expedient.

(4) A specification shall not be declared to be a standard specification, and a standard specification shall not be amended or revoked unless the Minister is satisfied that the persons who may be affected by the declaration, amendment or revocation have had an opportunity to consider and comment on it to the Minister, the Board or an

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Rules

24. The Board may by a notice published in the Gazette, make rules-

- (a) regulations the issue of licenses for using standard marks, prescribing the terms and conditions on or subject to which the licenses may be issued and providing for and regulating the renewal, suspension or revocation of licenses;
- (b) prescribing the methods of proving the existence or non-existence or the term and conditions of a licence or consent issued or giving under this Act;
- (c) prescribing the forms required for the purpose of this Act;
- (d) prescribing the sale price or method of fixing the sale price of copies of standard specification or any other publications for the purpose of this Act.
- (e) Prescribing matters in respect of which fees are payable under this Act or under the rules, the amount of the fees, and the persons liable to pay the fees
- (f) Authorizing the refund or remission of the fees payable under this Act or under Rules, in the circumstances that are specified in the rules
- (g) Providing for the custody and use of the property and the common seal of the Bureau; and

- (h) Providing for matters that are necessary or expedient for the administration of the affairs of the Bureau or that are required to be prescribed under this Act.

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Information and
Publicity

- 25. The Bureau shall-
 - (a) establish and maintain a standards information library of the highest quality;
 - (b) make the facilities of the library available to persons it thinks fit on such terms and conditions as it consider necessary; and
 - (c) publish and disseminate the work of the Bureau

Licence to use

- 26.
 - (1) A person who desires to use a standard mark in connection with any goods, process or practice may apply to the Board in the prescribed manner.
 - (2) The Board may, if it satisfied that the goods, process or practice with respect to which the applicant desires to use a standard mark conforms to a standard specification, grant to the applicant a licence to use the standard mark in accordance with or subject to the prescribed conditions.
 - (3) A licence granted under this section s valid for two years from the date of issue and may be renewed.
 - (4) A person aggrieved by a refusal of the Board to grant or renew licence may appeal to the Minister within fourteen days of the communication of the refusal to him or her.
 - (5) A person to whom a licence is granted under this section shall, when required by the Board, submit a

sample for examination or testing or submit the information required by the Board on payment of the prescribed fee.

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| Register of Licences | 27. (1) The Bureau shall keep a register in which shall be recorded the details of every licence granted under this section;

(2) The register shall be opened at reasonable times for inspection by the public at the offices of the Bureau; |
| Revocation of Licence | 28. (1) The Board may revoke a licence granted under this Act for good cause;

(2) A person who is aggrieved by a revocation may appeal to the Minister not later than thirty days after the date of the revocation and the Minister may confirm, reverse or otherwise vary the decision of the Board; |

PART VI – MISCELLANEOUS PROVISIONS

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| Offences and Penalties | 29. (1) A person who-

(a) makes a statement or representation whether in writing or not or uses any mark which conveys or is likely to convey the impression that any goods, process or practice complies with a standard specification when it does not so comply; or

(b) having been licensed to use a standard mark, uses the standard mark after the revocation of his or her licence, or otherwise than in accordance with the terms and conditions of the licence; |
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commits an offence and is liable on conviction to a fine not exceeding five hundred thousand dalasis and in default to imprisonment for a minimum of five years and a maximum of ten years.

(2) A person shall not be convict under subsection (1), if he or she proves that the offence was committed without his or her knowledge or that he or she exercised due diligence to prevent the commission of the offence;

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National Policy

30. The Minister shall-

(a)

(b) monitor and evaluate the implementation of the policy and strategies developed for the implementation of the quality infrastructure.

Regulation

31. The Minister may, on the advice of the Board, make regulations in respect of-

(a) a matter which is required by this Act to be prescribed; and

(b) any other matter in furtherance of the aims of the Bureau.

PASSED in the National Assembly this 30th day of September
in the year of Our Lord Two Thousand and Ten

D. C. M. Kebbeh
Clerk of the National Assembly

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed in the National Assembly, and found by me to be a true and correct copy of the said Bill

D. C. M. Kebbeh
Clerk of the National Assembly