

# THE GAMBIA STANDARDS BUREAU ACT, 2010

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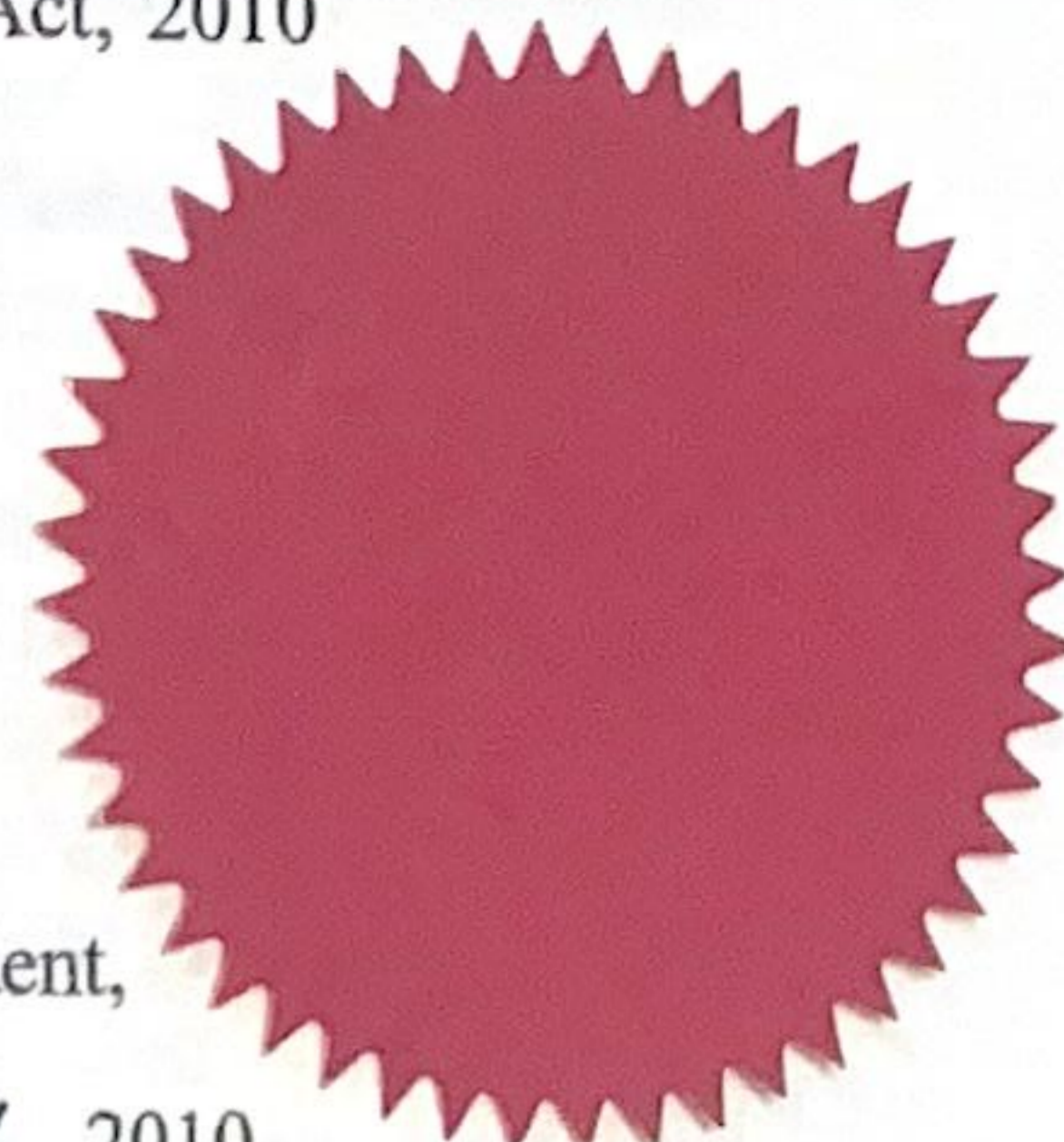
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THE GAMBIA

NO. 15 OF 2010

Assented to by The President,

this 25<sup>th</sup> day of October, 2010

YAHYA A. J. J. JAMMEH  
 President

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

[ ]

**ENACTED** by the President and the National Assembly.

**PART I – PRELIMINARY**

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.

Short title and  
 commencement

## 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 recognised body that provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and 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 standardised process.

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

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-

Establishment  
of The Gambia  
Standards  
Bureau

- (a) sue and be sued 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, perform 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 authorised 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 objects of the Bureau are to -

- (a) establish and promulgate standards for imported and locally produced goods;
- (b) promote standardisation, 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.

Functions of the Bureau

5. The Bureau shall-

- (a) define, prepare, publish, modify or amend standard specifications;
- (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 certificates 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 standards 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, and
- (iii) technical Committee on metrology.

Powers 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 standardisation or a related matter; and

(e) undertake any other activity likely to assist in the performance of its functions under this Act.

Establishment and composition of the Board

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) Consumers Association, and
  - (iii) University of The Gambia or a 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, organisational 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 mobilisation strategy;
- (e) monitor the performance of the Bureau based on established performance indicators;

(f) obtain any information, report or 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 ex officio members shall hold office for a 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;

(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 other country.

Meetings 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 to 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 a 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 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.

(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 Board 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.

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

Allowances to members of the Board

**13.** The members of the Board and persons co-opted 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.

Staff of the Bureau

**16.** (1) The Board shall, after consultation with the 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 purposes connected with the administration of this Act shall not prejudice any application subsequently made for a patent.

#### PART IV – FINANCIAL PROVISIONS

Funds of the Bureau

**19.** The Bureau shall maintain a fund into which shall be paid –

- (a) moneys appropriated 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;
- (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.

Estimates, accounts 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 books 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 accounts 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.

(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 Specifications

**23.** (1) The Board may, in accordance with the advice of the appropriate committee appointed under section 14 declare a specification, including an international or any other foreign specification, to be a standard 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 authorized committee of the Board.

## Rules

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

- (a) regulating 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 terms and conditions of a licence or consent issued or given 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) authorising the refund or remission of the fees payable under this Act or under the 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.

## 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 and on such terms and conditions as it considers necessary; and
- (c) publish and disseminate the work of the Bureau.

## Licence to use standard marks

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 is 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 is 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 a 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.

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

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,

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 convicted 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.

National policy

**30.** The Ministry shall-

(a) formulate a national policy for the development of a quality infrastructure; and


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

Regulations

**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

  
for

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.

  
for

D. C. M. Kebbeh

*Clerk of the National Assembly.*