

**SUBSIDIARY LEGISLATION**

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GOVERNMENT NOTICE No. 404 published on 25/12/2009

**THE STANDARDS ACT  
 (No.2 OF 2009)**

**REGULATIONS**

Made under section 36

**THE STANDARDS (TESTED PRODUCTS) REGULATIONS, 2009**

Citation and  
 commencement

1.-(1) These Regulations may be cited as the Standards (Tested Products) Regulations of 2009.

(2) These Regulations shall come into operation on such date as the Minister may, upon notice in the Gazette, appoint.

Interpretation

2. In these Regulations unless the context requires otherwise:-

“Act” means the Standards Act (No.2 of 2009);

“Bureau” means the Tanzania Bureau of Standards as defined under section 2 of the Act;

“Director General” means the Director General appointed under section 7 of the Act;

“Minister” means the Minister responsible for industry and trade;

“Specification” means a description of any commodity by reference to its nature, quality, strength, purity, composition, quality, dimension, weight, grade, durability, origin, age or other characteristics or to any

substance or material or with which, or the manner in which, any commodity may be manufactured, produced, processed or treated;

“Tested product” means a product in respect of which the Bureau has not issued a standard but which otherwise complies with the

G N. No. 404 (contd.)

appropriate standard recognized by the Bureau.

3.-( 1) The Director General may in his absolute discretion issue, in appropriate cases, a Tested Product Certificate in respect of any product for which he is satisfied that the product complies with all the conditions for issuance of the certificate by the Bureau.

Director General  
to issue Tested  
Product  
Certificate

(2) A Tested Product Certificate may only be issued to an applicant who satisfies the Bureau that he is a producer of goods complying with the appropriate requirements as defined by the product specification and recognized by the Bureau.

4.-(1) A manufacturer or a dealer of a product who wants to obtain a Tested Product Certificate may apply on a prescribed form to the Director General and the application shall be accompanied by a fee and inspection charges as laid down in the Schedule to these Regulations.

Procedure for  
obtaining a  
Tested Product  
Certificate

(2) The manufacturer or the dealer of a product shall submit to the Bureau a copy of the product specification including reference to national or international standards used as a basis for the specification.

(3) Separate applications shall be made where products are covered by different standards.

(4) The Bureau shall check the specifications submitted as to their suitability for approval.

(5) The Bureau shall, after checking the specification, arrange for a pre-certificate assessment of the factory and collect samples for testing against the requirements of the specification.

(6) A draft scheme of inspection and test which specifies the quality control procedures which the applicant is required to maintain and hold a Tested Product Certificate will be prepared by the Bureau and communicated to the firm.

5. A Tested Product Certificate shall be granted only when:-

(a) the specification has been approved by the Bureau;

(b) the applicant agrees to the scheme of inspection and test (SIT) and is able to implement its requirements;

(c) the samples are found to conform to product specification;

Condition for  
issue of a Tested  
Product  
Certificate

G N. No. 404 (contd.)

(d) the relevant fees have been paid as specified in the schedule of fees structure as shown in the Schedule; and

(e) the Tested Product Certificate shall be in a form prescribed in the Schedule.

Director General  
to give a hearing  
where he refuses  
to issue a Tested  
Product  
Certificate

6.-(1) Where the Director General, after considering an application made in terms of sub regulation 4(1) of these Regulations refuses to issue to a manufacturer or dealer of product a Tested Product Certificate he shall inform him of his decision, and where the applicant intends to make any representation to the Director General, he may do so within one month of being informed of the decision.

(2) Where the Director General is informed that an applicant whose application has been refused intends to make representations, he shall, within three months, arrange for a meeting whereby he shall give the applicant an opportunity to make his presentation.

(3) The Director General shall give a fourteen days notice of the time, date and place of any meeting to be held in terms of sub-regulation (2).

(4) After hearing any representation which may be made by an applicant on his behalf, the Director General shall decide the matter and his decision shall be final.

The Bureau to  
inspect regularly

7. The Bureau shall carry out surveillance inspections to ensure that the conditions of the certificate are being implemented and such inspections may be carried out without prior notice.

Certificate may  
be terminated

8. A certificate may be terminated by a certificate holder upon giving one month's notice.

Certificate  
holder to  
comply with  
conditions

9. A certificate holder shall:-

(a) at all times comply with the scheme of inspection and test appropriate to the certificate, which shall have been determined by the Bureau;

(b) pay:-

(i) an annual fee for each certificate granted;

(ii) additional fees for inspection, testing, supervision and administration, such as shall from time to time be determined by the Bureau to be fair and appropriate to a particular scheme of inspection

G N. No. 404 (contd.)

and test having regard to the Bureau's costs relating to the efficient running of the schemes;

(c) discontinue any form of statement with reference to the authority of the certificate holder which is in the opinion of the Bureau to be misleading;

(d) supply annually, evidence that the scheme of inspection and test has been duly carried out; that the agreed records have been kept, and that the certificate holder has complied with the conditions of the certificate;

(e) upon the termination of the certificate (however determined) forthwith, discontinue any advertising that makes reference to the certificate;

(f) undertake to replace or restore or refund the value of any goods which are defective within the meaning of the certificate; and

(g) grant inspectors of the Bureau access to the manufacturing or testing premises at all reasonable times for the purposes of surveillance inspection and sample collection, and inform the Bureau of any periods of prolonged closure or shut-down.

10. A register of certificate holders shall be kept by the Director General and shall be open to inspection by the public.

Director General  
to keep register

11. Any notice or other communication required to be sent or sent under these Regulations by the Bureau shall be deemed to be duly given or sent if sent by post to the address of the certificate holder known to the Bureau and shall be deemed to be given at the time when the same would have been delivered in the ordinary course of post.

Communication  
to be deemed to  
have been given

G N. No. 404 (contd.)

**SCHEDULE**



**FO2/CER/001**

**TANZANIA BUREAU OF STANDARDS  
APPLICATION FOR TESTED PRODUCT CERTIFICATE**

Name of firm.....

Address.....

Address of factory (ies) if different from above.....

Contact Person.....Position.....

Description of product including model or type:

.....  
.....  
.....  
.....  
.....

\*A copy of the product specification is to be attached.

Details of approvals granted by other authorities:

.....  
.....  
.....  
.....

G N. No. 404 (contd.)

I hereby undertake:

(a) To conform to the regulations of the use of the Tested Product Certificate and the requirements of the basic scheme of Inspection and Test.

(b) To pay all costs connected with assessment, testing and administration in the pre-certificate stage, irrespective of the eventual granting of a certificate.

**Note: 1) This application is valid for a maximum period of three months from the date of receipt.**

**2) Testing and inspection may be subcontracted.**

Enclosed cheque number, .....Amount .....

Date..... Signature .....

\*Product specification may be an existing published National, International, Foreign or Company Standard.

#### FEE STRUCTURE FOR TESTED PRODUCT CERTIFICATION SCHEME

1. A non-refundable application fee payable upon filling the application form.
2. Pre-certificate inspection fees covering transport, board and lodging costs for inspector. This varies depending on factory location.
3. Testing fees for the pre-certificate sample. This varies depending on type of product.
4. Annual certificate fees covering transport accommodation, inspection costs, purchase of market samples, testing fees for surveillance samples and third party certification guarantee fees.

G N. No. 404 (contd.)

**TANZANIA BUREAU OF STANDARDS  
SHIRIKA LA VIWANGO TANZANIA**



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**TESTED PRODUCT CERTIFICATE**

**No.**

This certificate relates to: .....  
Manufactured by: .....

This certifies that.....manufactured by.....  
has been tested by the Tanzania Bureau of Standards, TBS and found to comply with the specification as detailed in the second part of this certificate. Furthermore that this product is manufactured in accordance with a quality control system acceptable to TBS. The company shall be permitted to use the above certificate number in relation to the tested product in a manner acceptable to TBS. TBS shall carry out regular surveillance visits to the manufacturing site for the selection of samples for independent test and to ensure that the approved quality control system is in operation. The TBS Regulations for Tested Products: Government Notice No. 404 published on 25/12/2009 are applicable to this certificate.

.....  
Signed for the Manufacturer

.....  
Signed for TBS

Date: .....

Date: .....

Dar es Salaam,  
....., 2009

MARY M. NAGU  
*Minister for Industry, Trade  
and Marketing*