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THE STANDARDS ACT,
(CAP. 130)

REGULATIONS

(Made under section 36 (1) and (3)(f))

THE STANDARDS (COOPERATION IN EXECUTION OF POWERS AND FUNCTIONS)
REGULATIONS, 2021

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THE STANDARDS (COOPERATION IN EXECUTION OF POWERS AND FUNCTIONS)
REGULATIONS, 2021

PART I
PRELIMINARY PROVISIONS

Citation 1. These Regulations may be cited as the
Standards (Cooperation in Execution of Powers and
Functions) Regulations, 2021.

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

Cap. 130 “Act” means the Standards Act;
“agent” means employee or representative of the seller;
manufacturer, distributor, importer of the products;
“Authority” means the Local Government (District
Authority) or Local Government (Urban Authority);
“Bureau” means the Tanzania Bureau of Standards as
established under section 3 of the Act;
“banned products or commodities” means locally produced
or imported products or commodities in the market which
have been proved by the Bureau to have negative effect
on the health, safety, environment, economy and therefore
prohibited to be used in the Country;
“condemned products or commodities” means locally

produced or imported products or commodities which have been declared by the Bureau to be unfit for use or consumption;

“Directors”-

(a) in relation to any District Council, means the District Executive Director appointed for that District Council under the Public Service Act; and

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(b) in relation to a Town, Municipality and City Councils, means the Directors appointed under the Public Service Act;

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

“defaulter” means the owner of the offending products or commodities, his agent, or representative alleged to have committed an offence under these Regulations;

“inspector” means an inspector appointed, under section 23 of the Act;

“responsible Minister” means the Minister responsible for Local Government Authorities;

“person” means any word or expression descriptive of a person and includes a public body, company, association or body of persons, corporate or unincorporated;

“premises” includes land, buildings, structures, basement and vessels used in relation to product, and-

(a) in relation to any building includes a part of a building and any cartilage, forecourt, yard or place of storage used in connection with building or part of that building;

(b) in relation to “vessel”, means ship, boat, air craft, and includes a carriage or receptacle of any kind, whether open or closed;

“pre-packaged food” means food that is processed to extend its shelf life, packaged, labelled, and complying with specified standards ready for offer to the consumer and

includes food supplements;

“product” means products or commodities and services designed to be released or launched in a market;

“standard” means set of rules or conditions prescribing recommending or relating to the state of being of a matter or thing as universally recognised for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at achieving an optimum degree of order in a given context including other recommendations made by the Bureau, relating to or governing the specification, code of practice, safety, trade description, sampling method, testing method or any other aspect, quality, nature or matter relating to or connected with-

(a) the production or marketing of any commodity or services; or

(b) any component, raw material, machinery, instrument, apparatus or other thing used directly or indirectly, in the production or marketing of any commodity or service, and includes, in relation to metrology, provisions approved or prescribed by the Bureau relating to the fundamental unit or physical constant and the testing of instruments and apparatus used for the determination of weights and measures; and

“shelf life” means the length of time a product may be stored without becoming unsuitable for use or consumption.

PART II

POWERS AND DUTIES OF THE AUTHORITY

Cooperation in
execution of
powers and
functions

3.-(1) The Bureau is hereby cooperating with the Authority in executing powers, duties and functions in respect to all matters specified in the First Schedule to these Regulations.

(2) The Regional and District Administrative Secretary shall oversee the performance of the Authority on the cooperation functions.

(3) Without prejudice to subregulation (1), the Director General or an employee of the Bureau shall not be prevented from performing or exercising the function, power, authority or duty.

Duties of
Authorities

4. In the exercise of duties under subregulation (1) of regulation 3 the Authority shall-

- (a) register and inspect any premises to ascertain its compliance with standards, codes of practice and guidelines as prescribed by the Bureau from time to time;
- (b) ensure cleanliness and sanitary nature of the premises, harvesting, slaughtering, milking and fishing operations for raw materials to be used in the manufacture or preparation of food and the environment in which the operations are carried out do not pose a threat to the safety of food;
- (c) ensure contaminants, pests and diseases of animal and plant origin are controlled in such a way not to pose a threat to food safety;
- (d) take health measures in a food premises, cleanliness of utensils and equipment;
- (e) issue registration certificate for food and cosmetics premises;
- (f) receive information from the Bureau regarding the presence of banned and condemned products or commodities;
- (g) inform the Bureau on out breaking of the food related diseases or the presence of banned and condemned products or commodities;
- (h) take lawful, necessary and reasonable measures to prevent the presence of banned and condemned products or commodities in the market; and
- (i) take necessary legal action in relation to violation of these Regulations.

Powers of
inspectors

5. An inspector may, for the purposes of these Regulations, at all reasonable times -

- (a) enter and inspect any premises to ascertain adherence to standards, code of practice and guidelines issued by the Bureau;
- (b) seize non pre-packed food, pre-packed food, banned and condemned products found in the course of inspection;
- (c) call for or require any person to produce any documents relating to any products under inspection;
- (d) dispose banned and condemned products in a manner prescribed by Bureau;
- (e) inspect food and cosmetics premises, their environment, cleanliness of utensils and equipment, hygienic condition of a person who owns, operates or is in charge of food premises;
- (f) inspect and take samples of any commodity or any material or substance used, or likely to be, or capable of being used or sold; and
- (g) take any reasonable actions as the case may be.

Implementatio
ns of duties
and powers

6.-(1) Duties and powers provided under these Regulations shall be implemented by inspectors.

(2) Subject to subregulation (1), all acts done by inspector in implementing his duties under these Regulations shall be deemed to be done by the Authority.

Role of
Authorities

7.-(1) The Directors shall perform cooperation functions within the institutional arrangement of the Authorities by allocating the cooperation functions to the relevant Committees.

(2) The Directors shall prepare and submit progress report to the Bureau on quarterly basis of which the contents shall indicate the followings:

- (a) list of registered premises;
- (b) valid and invalid licence;
- (c) number of inspections conducted;
- (d) extent of non-conforming inspection;
- (e) expenditure and collection reports of the funds for the delegated functions; and
- (f) list of banned and condemned products or commodities.

(3) The Authority shall be accountable for the decision taken under the cooperation functions.

Administrative Secretaries to issue instructions

8. Notwithstanding the provisions of regulation 4, the Regional or District Administrative Secretaries as representative of the Government at the Region or District in which the Authority is established may, upon consultation with the Director General, cause to be issued any administrative instructions to facilitate the enforcement of functions and powers cooperated to such Authority.

Representation of Bureau

9. The Bureau zonal offices shall be the representative of the Bureau within the jurisdiction of relevant Authority for which such zone is established.

Inspection

10. For purposes of implementing these Regulations or to determine compliance with rules or order prescribed under these Regulations, inspector shall-

- (a) exercise his powers in the geographical jurisdiction where the Authority is established;
- (b) fill a Notice of Seizure as provided under Second Schedule to these Regulations in duplicate and serve a copy to the owner of a commodity, or seller or a person representing the owner of the

product before leaving the scene of incidence and take necessary legal action; and

- (c) submit the Notice of Seizure or inspection report to the Director after inspection.

PART III

COOPERATION ON IMPLEMENTING FUNCTIONS

Cooperation
between
Bureau and
Authorities

11. The Director General shall ensure that the Bureau and Authorities maintain cooperation in enforcing the provisions of these Regulations.

Cooperation
with Bureau

12. For the better implementation of these Regulations, the Authority shall cooperate with the Bureau with respect to-

- (a) exchange of information and data relating to the performance of the duties of the Authority under these Regulations;
- (b) issuance of guidelines;
- (c) investigation and judicial process;
- (d) technical interventions; and
- (e) any other matter relevant to the implementation of these Regulations.

Joint meetings

13.-(1) The Bureau may, where necessary hold a joint meeting through zonal offices with the Regional Administrative Secretary and the Authority to review performance of cooperated functions.

(2) Where any resolutions are made pursuant to subregulation (1) the Authority and the Bureau may cause them to be implemented under the Regional Administrative Secretary.

- Evaluation
14. The Bureau shall make an arrangement to evaluate the functions cooperated to the Authority based on the following:
- (a) assessment of the quarterly progress reports submitted to the Bureau;
 - (b) a register of inspection reports;
 - (c) adherence to standards, codes of practice and guidelines;
 - (d) handling of non-compliances; and
 - (e) orders made under these Regulations.

CHAPTER IV FUNDING OF THE ACTIVITIES

- Allocation of funds
15. The Authority shall, in its annual budget, allocate funds for the effective implementation of the cooperated powers and functions.

- Collection of fee and charges
16. The Authority shall ensure that-
- (a) each fee and charges in relation to the cooperated functions within their jurisdiction are collected and deposited in account prescribed by the Authority; and
 - (b) collected funds are used in the execution of the cooperated functions.

PART V GENERAL PROVISIONS

- Prohibition of selling or advertising of products or commodities
17. A person shall not sell, display or advertise, offer for sale any products or commodities which are banned or condemned by the Bureau.

- Offence
18. Any person who fails to comply with a lawfully

order given or provided under these Regulations commits an offence.

Obstruction

19. Any person who-

- (a) resists, hinders or obstruct an inspector to perform his duties; or
- (b) wilfully fails to comply with any requirement made to him,

commits an offence.

General
penalty

20.-(1) Any person who contravenes any provision of these Regulations where no specific penalties have been provided, commits an offence, and upon conviction, shall be liable to a fine of not less than five million shillings, but not exceeding one hundred million shillings or a term of imprisonment not exceeding five years or to both.

(2) In addition to the penalty provided under subregulation (1), the court may order that, the product involved in the commission of the offence be-

- (a) destroyed; or
- (b) disposed off in such a manner the court deems fit.

(3) A defaulter or agent whose products or commodities are subjected to disposal under subregulation (2)(b), shall bear the costs for disposal of the products or commodities and disposed in manner as prescribed by the Standards (Recall, Seizure and Disposal of Products) Regulations, 2021.

Defaulters
register

21.-(1) There shall be registers for defaulters' cases and inspection reports for activities executed under these Regulations.

(2) Notwithstanding the provisions of subregulation (1), the registers stated shall be kept and maintained by the Director who shall, on six months basis, report to the responsible Minister and send a copy to the Minister .

(3) The responsible Minister may, upon receipt of the report, take necessary action for implementation of these Regulations.

(4) The Register shall contain the name and address of the defaulter, commodity in question, quantity and value of the products or commodities and any other information as the responsible Minister may determine.

List of banned
and
condemned
products or
commodities

22. The Bureau may, from time to time, declare a list of banned and condemned products and such list shall be provided to the Authority.

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FIRST SCHEDULE
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(Made under regulation 3(1))

COOPERATED FUNCTIONS

1. Receive applications, grant premise registration certificate and collect fees and charges for slaughterhouses or abattoir, butchery, restaurants, bars and canteen, groceries, food store, posho mills, food vendors, caterers and retail food shops; save for industrial warehouse for pre-packaged food, exporter and importer warehouse for pre-packaged food, supermarkets, hotel containing more than 20 rooms with either restaurant or bar or both.
2. Conduct routine inspections of food premises and products as per provided guidelines.
3. Conduct routine inspection of cosmetics premises and products as per provided guidelines.
4. Conduct inspections of banned and condemned products in the market as per provided guidelines.
5. Conduct monitoring and evaluation of cooperated functions
6. In exercising the cooperation functions, the Authority shall collaborate with all relevant government organs that have been mandated to perform these functions.

SECOND SCHEDULE

(Made under regulation 10(b))

NOTICE OF SEIZURE

To:

The following goods stored in situated at are seized as goods proved/suspected to be substandard/unsafe under the provisions of the Standard Act, Cap. 130; that is to say (nature of the goods and problems):

SN	Description of product(s)	Quantity	Unit	Value

REMARKS

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Any claim against the seizure shall be submitted to the Director within fourteen days of the seizure. In the event of your failure to file a claim within the time stipulated herein the Authority may pose dispose of the above goods as may deem fit under the law.

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Inspector (s) Designation Signature
Date

.....
The owner/representative Designation Signature Date
of the seized products

Dodoma,
1st September, 2021

KITILA A. MKUMBO
Minister for Industries and Trade