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THE STANDARDS ACT,
(CAP. 130)

REGULATIONS

(Made under section 36(1))

THE STANDARDS (TESTED PRODUCTS) (AMENDMENT) REGULATIONS, 2021

ARRANGEMENT OF REGULATIONS

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12. Addition of regulations 12 to 16.
13. Amendment of Schedule.

THE STANDARDS ACT,
(CAP. 130)

REGULATIONS

(Made under section 36(1))

THE STANDARDS (TESTED PRODUCTS) (AMENDMENT) REGULATIONS, 2021

Construction
GN. No.
404 of 2009

1. These Regulations may be cited as the Standards (Tested Products) (Amendment) Regulations, 2021 and shall be read together with the Standards (Tested Products) Regulations, 2009, hereinafter referred to as the “principal Regulations”.

Amendment
of
regulation 1

2. The principal Regulations are amended in regulation 1 by –
(a) deleting subregulation (2);
(b) redesigning subregulation (1) as regulation 1.

Amendment
of regulation
2

3. The principal Regulations are amended in regulation 2, by inserting the words “commodity or” between the words “means a” and the word “product” appearing in the definition of the term “tested product”.

Amendment
of regulation
3

4. The principal Regulations are amended in regulation 3 by-
(a) inserting the words “set out in the Second Schedule to these Regulations” between the words “certificate” and the words “in respect” appearing under subregulation (1); and
(b) adding the words “as specified under regulation 5” at the end of subregulation (1);
(c) adding immediately after subregulation (2) the following:

“(3) The procedure for registration of pre-packaged food, cosmetics and premises shall be as prescribed in the Standards (Certification of Products and Registration of Premises) Regulations, 2021.”.

Amendment
of regulation
4

5. The principal Regulations are amended in regulation 4 by –

(a) deleting subregulation (1) and substituting for it the following:

“4.-(1) Save for food and cosmetics, a manufacturer of any other product who wants to obtain a Tested Product Certificate shall apply in a form set out in the First Schedule to these Regulations to the Director General accompanied by the relevant fees and inspection charges as prescribed under the Standards (Fees and Charges) Regulations, 2021.”;

(b) deleting the word “firm” appearing at the end of subregulation (6) and substituting for it the word “applicant”.

GN. No.
496L of 2021

Amendment
of regulation
5

6. The principal Regulations are amended in regulation 5 by-

(a) deleting paragraph (d) and substituting for it the following:

“(d) the relevant fees as specified in the Standards (Fees and Charges) Regulations, 2021 have been paid;

(b) inserting in paragraph (e) the word “Second” immediately before the word “Schedule”

GN. No.
496L of 2021

Amendment
of regulation
6

7. The principal Regulations are amended in regulation 6 by–

(a) inserting the words “within fourteen days” between

the words “shall” and “decide”;

(b) deleting the words “and his decision shall be final” appearing at the end of subregulation (4); and

(c) adding immediately after subregulation (4) the following:

“(5) Where the applicant is aggrieved with the decision of the Bureau under subregulation (4) he shall appeal to the Minister in accordance with the Act.”.

Amendment
of regulation
7

8. The principal Regulations are amended in regulation 7 by deleting the marginal note and substituting for it the words “Surveillance inspection”.

Amendment
of regulation
8

9. The principal Regulations are amended by deleting regulation 8 and substituting for it the following:

Cancellation, withdraw
and suspension of tested
product certificate

“8. The procedures for cancellation, withdrawal and suspension of Tested Product Certificate shall be as prescribed under the Standards (Certification of Products and Registration of Premises) Regulations, 2021.”

Amendment
of regulation
9

10. The principal Regulations are amended in regulation 9(e) by deleting the word “termination” appearing immediately after the words “upon the” and substituting for it the word “cancellation”.

Amendment
of regulation
10

11. The principal Regulations are amended in regulation 10 by inserting the words “and maintained” between the word “kept” and the words “by the”.

Addition of
regulations 12
to 16

12. The principal Regulations are amended by adding immediately after regulation 11 the following:

“Responsibilities of
licence holder

12. A licence holder shall be responsible for-

(a) all information supplied in support of the application for registration, certification and variation thereof; and

(b) ensuring safety and quality of the registered cosmetic and that the product complies with all requirements as prescribed under these Regulations.

Labelling

13.-(1) A person shall not sell any product or commodity unless its marking and labelling complies with required standards prescribed by the Minister upon recommendation of the Bureau.

(2) A person shall not sell a product or commodity in a container or package which is labelled or marked in such a way that-

(a) it falsely describes the cosmetic; or

(b) it is likely to be misleading as to the nature, quality or uses of the cosmetic.

Notification of change and approval

14.-(1) Where for any reason the licence holder changes any matter related to composition, packaging or labelling he shall, before launching the cosmetic to the market, notify the Bureau.

(2) The Bureau shall, upon verification of the changes-

(a) approve and register the changes; or

(b) reject the notification if the reasons submitted do not warrant the intended changes and shall inform the licence holder the reasons for

rejection.

General penalty

15. A person who commits an offence under these Regulations where no specific penalties has been prescribed commits an offence and upon conviction shall be liable to a fine not less than five million shillings and not exceeding one hundred million shillings or a term of imprisonment not exceeding five years or to both.

Fees and charges

16. There shall be charged and paid such fees in respect of the matters specified under these Regulations as prescribed in the Standards (Fees and Charges) Regulations, 2021.”

GN. No.
496L of 2021

Amendment
of Schedule

13. The principal Regulations are amended by deleting the Schedule and substituting for it the following:

“

FIRST SCHEDULE

(Made under regulation 4(1))

APPLICATION FOR TESTED PRODUCT CERTIFICATE

Name of Applicant

Address

Address of factory (ries) if different from above

Contact Person Position

Telephone No Email address

Description of product including model or type:

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

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

Details of approvals granted by other authorities.

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

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) In unavoidable circumstances testing and inspection may be subcontracted.

N.B. The Applicant shall be accountable to all information supplied in support of his application for Tested Product Certificate and any false declaration constitutes an offence.

Enclosed cheque number Amount

Date.....Signature

*Product specification may be an existing published National, International or Company standard.

SECOND SCHEDULE

(Made under regulation 3(1) and 5(e))

TESTED PRODUCT CERTIFICATE

This certificate relates to:.....Manufactured
by:.....No.

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. 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.

This certificate shall be valid from to and may be renewed in accordance with the provisions of the Regulations.

Date at : this day of

DIRECTOR GENERAL

Dodoma,
1st September, 2021

KITILA A. MKUMBO
Minister for Industries and Trade