
THE ZANZIBAR STANDARDS ACT No. 1 OF 2011

The Zanzibar Standards (Certification) Regulations, 2014
[Made Under Section 36]

IN EXERCISE of the powers conferred upon me under section 36 of the Zanzibar Standards Act No. 1 of 2011, **I, NASSOR AHMED MAZRUI**, Minister of Trade, Industry and Marketing do hereby make the following Regulations. L.N. 77 of 2014

PART I
PRELIMINARY PROVISIONS

- 1.** These Regulations may be cited as the Zanzibar Standards (Certification) Regulations of 2014 and shall come into operation upon being published in the Official Gazette. Short title and Commencement.
- 2.** In these Regulations unless the context otherwise requires:- Interpretation
- “Act” means the Zanzibar Standards Act No. 1 of 2011;
- “Applicant” means an individual, firm or corporation applying for a license;
- “Bureau” means the Zanzibar Bureau of Standards as established under section 4 of the Act;
- “Certification” means a formal recognition or attestation of standards of product which is in compliance with the required condition and qualifications;
- “Director General” means the Director General appointed under section 6 of the Act;

“Standard Inspector” means an Inspector appointed under section 21 of the Act;

“Premises” means the houses, stores, or any place used or capable of being used for manufacturing, storing or selling goods;

“Minister” means the Minister responsible for Trade;

“Standards mark” means a mark attesting that a commodity is in conformity with a specific standard or technical specification;

PART II

PROVISIONS RELATING TO APPLICATION, GRANTING AND REFUSAL OF LICENSE

Prohibition
to use
standards
marks

3.-(1) No person shall use any standard mark to any commodity unless he is the holder of a license granted in accordance with the procedures prescribed by the Bureau.

(2) Any person who contravenes, or fails to comply with the sub regulation (1) of this regulation is guilty of an offence and shall up on conviction be liable to be punished in accordance with section 26 of the Act.

Prohibition
to use
standards
marks

4.-(1) Subject to section 13 of the Act an application for license shall be made to the Director General in duplicate form as prescribed in First Schedule to these Regulations.

(2) The applications shall be accompanied with the following;

(a) statement explaining in detail the scheme of inspection and testing which he is applying for.

(b) where the applicant is an individual or firm shall submit extract form of registered business name.

(c) Where the applicant is a body corporate shall submit to the Bureau a certificate of incorporation.

(3) Upon receipt the application the Bureau, shall assign a number signifying its order of receipt and acknowledge the receipt of that application.

(4) The Bureau after considering of the required conditions may either grant or refuse an application for non compliance.

5.-(1) Notwithstanding the provisions of sub regulation (3) of this Regulation, the Bureau may, after receipt of any application, by notice in writing call upon the applicant to furnish him with any further documents or other information in support or clarification of any statement made by him in the application.

Inquiry
proceeding
before
granting
license

(2) Where the applicant fails to comply with provisions of sub regulation (1) of this Regulation, within such time as specified by the Bureau in the notice the application shall not be considered.

(3) Where the Bureau considers that an application is properly made to him and is fit for consideration, it may:-

- (a) require the applicant to furnish proof that the commodity in respect of which the application for a license is made conforms to the standard and submit at the cost of the applicant, adequate samples to testing authority.
- (b) require the applicant to furnish proof of the existence and operation by him of a scheme of testing and inspection with the aim of ensuring that marked commodities or processes are in conformity with the standard in question;
- (c) appoint a standard inspector to inspect the premises of the applicant for purpose of verifying the truthfulness of any evidence submitted in pursuance of paragraph (a) or (b) of sub regulation (3); and

- (d) on the basis of any findings from an inspection carried out in pursuance of paragraph (c) of sub regulation (3), the Bureau may require the applicant to make alterations in the scheme of inspection and testing or in the process of manufacture used by the applicant and the applicant shall comply with any such requirement.

Inspection
and
procedures
of taking
sample

6.-(1) Where the Bureau requires that an inspection be carried out of the premises of any applicant or person holding a license where it is necessary to inspect the any premises under these Regulations:-

- (a) a reasonable notice of the proposed inspections may be given to the applicant or as the case may be the person, holding the license;
- (b) a standard inspector shall take samples of any article, material of substance in the presence of the owner or occupier of the premises being inspected or his representative or an independent witness;
- (c) a standard inspector may take duplicate samples and give one to the owner or occupier of the premises or representative; and shall do the same if the owner or occupier or representative of the premises being inspected requires him to do so;
- (d) the standard inspector may place each sample in a container and seal each sample in the presence of the owner or occupier or representative, labeling the sample necessary details, shall then show the impressions of the seals in his report;
- (e) every standard inspector shall issue a receipt for each sample he takes to the owner or occupier or representative of the premises inspected, and the duplicate copy of the receipt, both the original and the duplicate having been duly signed by the person in whose presence the sample was taken; and

(2) Nothing in this Regulation shall be interpreted as preventing the standard inspector from carrying out, at his discretion, an inspection without giving any prior notice to the owner or occupier of the premises to be inspected.

(3) In the performance of his functions under this regulation, an inspector may take sample of articles marked with standards mark, which he finds stocked in the premises, or which was offered for sale in the open market by the applicant or the owner or occupier of premises under inspection.

(4) The owner or occupier or representative of the premises inspected shall cause the facsimile of the standards mark to be used by him to be approved by the Bureau.

(5) Pursuance to sub regulation (3) of this regulation, the Inspector shall fill or cause to be filled an inventory form for a very sample taken by him during his inspection.

(6) The Bureau may cause to be carried out, in respect of every license holder in accordance with these Regulations, at least two inspections in every twelve months.

7. Every standard inspector shall make and submit to the Bureau:- Inventory form

- (a) an inventory form as prescribed under third Schedule relating to every inspection made by him pursuant to these Regulations.
- (b) an original copy of the inventory form shall be taken by inspector, where a duplicate form shall be left with the owner or occupier or representative of the premise inspected.

8.-(1) Where, after any inquiry, the Bureau is satisfied that the applicant is a qualified person, shall grant a license to use a standards mark in respect of the commodity. Grant of license.

(2) A license granted under sub-regulation (1) of this regulation shall:-

- (a) be in the form specified in the Second Schedule to these Regulations;
- (b) be an authority for the holder to use the standards mark in respect of the commodities or category of commodities manufactured by him or in respect of the process applied by him in any manufacture or work.
- (c) be in force for a period of not more than twelve months and may be endorsed for renewal at least one month before the expiry of the original period.

(3) Subject to regulation 9 of these regulation the terms and conditions may vary from time to time subject to a notice of not less than one month by Bureau to the license holder.

Terms and
conditions
of granting
License

9. Subject to section 13(2) of the Act the terms and conditions on granting license to use the standard Mark shall be as follows:-

- (i) that the commodity in which the mark is applied has not been registered and licensed by the Bureau;
- (ii) that the commodity in which the mark is applied is not resembling or similar to the existing in such manner to mislead the consumers;
- (iii) that the commodity in which the mark is applied is not immoral or illegal in accordance with laws of the land;
- (iv) the commodity in which the license is applied conforms to standard;
- (v) any other conditions as the bureau may think fit to impose.

10.-(1) The Bureau may, within two months from the date of receipt of the application, notify the application in writing on the refusal of his application with the reasons thereof and giving him an opportunity to be heard as may be just and reasonable.

(2) In the exercise of the right be heard as given to the applicant pursuant to sub regulation (1) of this Regulation, the applicant may appear in person, or by authorized representative.

(3) Before refusing the application, the Bureau may take into account any fact explanation argued by or on behalf of the applicant at any hearing held in accordance with this Regulation.

(4) The Bureau may at any stage of the application order the applicant to make amendment or alteration of his application.

(5) Nothing in this Regulation shall be interpreted as preventing the applicant from making new application having put the amendments as directed by the Bureau.

11. The Bureau may refuse to grant license on any of the following ground:- if

Ground
for refusal
to grant
license

- (a) the commodity on which the license is applied does not conform to standard;
- (b) the manufacturing process of the commodity does not consider hygienic conditions;
- (c) the application does not meet the requirements set under regulation 4 and 9 of these regulations;
- (d) it is discovered that the applicant intentionally mislead the Bureau in his application;

12.-(1) As soon as practicable after the grant, restoration or renewal of a license, the Bureau shall cause to be entered in a register, kept and maintained for the purpose and in such form as may be determined from time to time.

Register
of license
holder

(2) The register under sub regulation (1) of this regulation shall contain the following particulars:-

- (a) name, physical and postal address, where the applicant is an individual, and the business name, if any of this enterprise or where the holder of the license is a body of persons, the name of that body and its address;
- (b) the date of grant, renewal or restoration of license;
- (c) the serial number, if any, of the license
- (d) the commodity or commodities or the process or processes to which the license granted, renewed or restored relates;
- (e) the number and title of the standard to which the license relates;
- (f) particular of any suspension, alteration, cancellation or renewal in respect of the license; and
- (g) such other particulars as the Bureau may, from time to time direct.

(3) All changes in the particulars registered under sub regulation (2) of these regulations shall be entered in the register by the Bureau.

(4) The Bureau may, with the general or specific approval of the Board, cause to be rectified any substantive errors in the register or other document containing extracts from the register.

(5) Any clerical errors may be rectified by the Bureau with information to the Board

13.-(1) The Bureau may suspend any license granted under these Regulations if is satisfied that:-

- (a) the commodities marked with the standards mark under a license do not in fact comply with the relevant standard;
- (b) the holder of the license has used the standards mark in relation to the process which does not comply with the relevant standards;
- (c) the holder of the license has failed or refused to provide cooperation to any standard inspector to facilitate the discharge of his functions in relations to the license concerned;
- (d) the holder of the license has without the permission of the Bureau and without reasonable excuse, failed or refused to comply with any of the conditions or terms to which the license was granted.

(2) Upon such suspension, subject to such conditions as the Bureau may deem fit to impose, the license shall cease to have effect.

14.-(1) The Bureau may, either of his own motion or upon the petition of any person, cancel any license granted under these Regulations, if is satisfied that the holder of the License:-

Cancela-
tion of
license

- (a) made a false statement in his application or at any inquiry or inspection prior to the grant of the license;
- (b) has longer meets any of the conditions prerequisite to which the license was granted;
- (c) has been convicted of an off once under the Act or these Regulations involving the disregard of standards prescribed in connection with the commodities which he produces under the authority of the license;
- (d) has been guilty of fraudulent or dishonesty in his business in relation to matters concerning the maintenance of standards.

Notification of suspension or cancellation of

15.-(1) When a license is suspended or cancelled, the Bureau shall cause a notification to be given to the holder informing him of that fact and of the reasons for the suspension or cancellation

(2) Before suspension or cancellation of license, the holder of the license shall thereafter been given a reasonable opportunity to be heard.

**PART III
MISCELLANEOUS PROVISION**

Decisions and findings

17. All decisions made by the Director General in relation to any application or license shall be made known to the applicant by any appropriate means available.

Penalty

18. Any person who contravenes, or fails to comply with the provisions of these Regulations commit an offence and shall upon conviction be liable for punishment in accordance with section 26 of the Act.

Fees and Charges

19. There shall be a fee charges in respect of the matters specified in the Fourth Schedule to these Regulations.





ZANZIBAR BUREAU OF STANDARDS
FIRST SCHEDULE

(Made under Regulation 4(1))

APPLICATION FOR LICENSE TO USE THE STANDARDS MARK

To:

The Director General Zanzibar Bureau of Standards

copy

1. I/We, Carrying on business at.....(full business address)
Under the style of.....(full name of individual or firm) hereby for apply for license to use the Standards mark in respect of the product or class or products / process* which conforms to the National Standard (s) listed below.

(a) Product :.....
Type
Grade

(b) Process

(c) Related ZN standard(s)
No..... Title.....
No..... Title.....

2. The above product(s) is/are manufactured by.....
Process is carried out.....(Name of the factory) On premises situated at (Address)

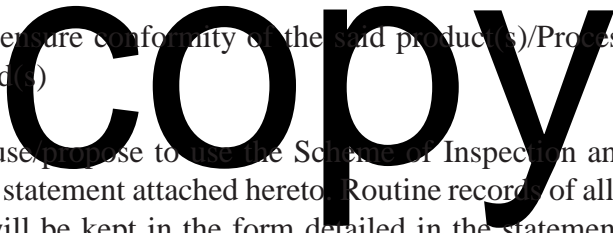
3. Production figures for the said product(s) process and the value thereof is to the best my/our knowledge and estimate as follows

| Year | Production | Unit | Value Tshs |
|---|------------|------|---------------|
| Last year from | | | |
| To | | | |
| Current year from to..... (estimate) | | | |

*Strike out one not applicable

Only one of the two items (a) and (b) shall be covered by one application. Strike out the other one

4. In order to ensure conformity of the said product(s)/Process to the related ZN Standard(s)



*I/We have in use/propose to use the Scheme of Inspection and Testing (SIT) described in the statement attached hereto. Routine records of all inspections and test are being/will be kept in the form detailed in the statement. *I/We further undertaken to modify, amend or alter my/our Scheme of Inspection and Testing to bring in line with that which may be specified by Bureau from time to time.

*I/We have at present no Scheme of Inspection and Testing in operation

*I/We however undertake to put in operation any such scheme as recommended by the Bureau.

5. Should any initial enquiry be made by the Bureau. *I/We agree to extend to the Bureau all reasonable facilities at my/our command and *I/We also agree to pay all expenses of the said enquiry including charges for testing, as and when required by the Bureau.

6. Should the license be granted and as long as it will remain operation, *I/We hereby undertake to abide by all the terms and conditions of the license and Regulations prescribed under the aforesaid Act. In the event of the license being suspended or cancelled, *I/We also undertake to cease with immediate effect to use the Standards Mark on any article covered by the license and to withdraw all relevant advertising matters and to take such other steps as may be necessary to fulfill the provisions of the aforesaid regulations.
7. **This application is valid for a maximum period of three months from the date of receipt**
8. **In unavoidable circumstances testing and inspection may be subcontracted.**

Dated this Day of

Signature

Name

Designation

for and on behalf of

.....(Name of firm)

*Strike out one applicable.



ZANZIBAR BUREAU OF STANDARDS
P.O.BOX 1136, ZANZIABR

SECOND SCHEDULE
[Made under regulation 8(2)]

LICENCE
to use the Mark of the Bureau
No.

copy

1. By virtue of the power conferred on it by the ZANZIBAR STANDARDS ACT No. 1 OF 2011 and its regulations the BUREAU hereby grants to M/S
..... (hereinafter called "the licensee"
this licence to use the Standard Mark set out in the first column of the table hereto upon and in respect of the product(s) set out in the second column of the said table which is (are) manufactured in accordance with the related ZN Standard(s) referred to in the third columns of the said table as from time to time amended or revised.
2. This licence carries the right and obligations stipulated in the regulations made under the above mentioned Act. In pursuance of his obligations, the licensee shall pay in due manner and time the schedule Marking Fees set out in the Fourth Schedule here to and maintain to the satisfaction of the Bureau, the Scheme of Inspection and Testing a copy of which is attached hereto.
3. This licence shall be valid from to and may be renewed as prescribed in the Regulations.

Signed and sealed for the on behalf of the Bureau

DIRECTOR GENERAL



ZANZIBAR BUREAU OF STANDARDS
P.O.BOX 1136, ZANZIABR

THIRD SCHEDULE
[Made under regulation 7]

INVENTORY FORM

Name of the inspector.....

Name of the owner/occupier/representative.....

Inspected premises.....

Purpose of inspection.....

Type of inspection.....

Sample taken if any.....

Observation of the inspector.....

.....

.....

.....

Signature of the owner/occupier/representative..... Date.....

Signature of inspector..... date

..

copy



ZANZIBAR BUREAU OF STANDARDS
P.O.BOX 1136, ZANZIABR

FOURTH SCHEDULE
[Made under regulation 19]

FEES STRUCTURE FOR STANDARDS MARK LICENCE

1. Anon-refundable application fee payable upon filling the applications form 10,000/=.
2. Pre-license inspection fees covering transport, board and lodging cost (if any) for inspector minimum 50,000/=.
3. Testing fees for the sample. This varies depending on product.
4. Annual license fee.

copy

ZANZIBAR
.....2014

A handwritten signature in black ink, appearing to read 'Nassor Ahmed Mazrui', is written over a light blue rectangular background.

(NASSOR AHMED MAZRUI)
Minister of Trade Industry and Marketing
Zanzibar

THE ZANZIBAR STANDARDS ACT NO. 1 OF 2011

The Zanzibar Standards (Tested Products) Regulations, 2014

(Made under section 36)

IN EXERCISE of the powers conferred upon me under section 36 of the zanzibar Standards Act No. 1 of 2-11 I, **NASSOR AHMED MAZRUI**, Minister of Trade, Industry and Marketing do hereby make the following Regulations. L.N. 78 of 2014.

PART I PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Zanzibar Standards (Tested Products) Regulations of 2014 and shall come into operation upon being published in the Official Gazette. Short title and Commencement.
2. In these Regulations unless the context otherwise requires: Interpretation.

“Act” means the Zanzibar Standards Act No. 1 of 2011;

“Board” means Board of Directors established under Section 8 of the Act;

“Bureau” means the Zanzibar Bureau of Standards established under section section 4 of the Act;

“Director General” means the Director General appointed under section 6(1) of the Act;

“Scheme of Inspection and Test (SIT)” means a document which specifies the control over production process which the certificate holder is required to follow in his production processes;

“Special Technical Committee” means a Committee established under Regulation 3(1) of these Regulations;

“Tested Product” means a product in respect of which the Bureau has not issued a standard but which otherwise comply with the appropriate standard recognized by the Bureau;

“Tested Product Certificate” means a certificate issued by the Bureau of Standards confirming that certain product(s) have been tested and found to comply with the appropriate standards acceptable by the Bureau.

PART II ESTABLISHMENT POWERS AND FUNCTIONS OF THE SPECIAL TECHNICAL COMMITTEE

Establishment of Technical Committee.

3.-(1) There is hereby established a committee to be known as Special Technical Committee and its abbreviations “STC”.

(2) The committee shall consist of at least three members from the technical staff of the Bureau appointed by the Director General in the field of laboratory, standards, inspection and quality assurance.

(3) Appointment under sub regulation (2) of this regulation shall be subject to approval of the Board.

Powers and Functions of Special Technical Committee.

4. Powers and functions of the Special Technical Committee shall be:

- (i) to approve product specification;
- (ii) to advise the Bureau on any matters in respect of product specification;
- (iii) to review any document in respect revommendation to the Bureau;
- (iv) to make follow up of all matters in relation to product specification;

- (v) any other matter assigned by the Director General in respect to product specification.

5.-(1) Any manufacture or a dealer of a product who wants to obtain a “tested product certificate” shall apply to the Bureau on a manner prescribed under **First Schedule** to these Regulations.

Application Products for obtaining a Tested Product Certificate.

(2) The application shall be accompanied by a sample which needs to be tested.

(3) The manufacturer or the dealer of a product shall submit to the Bureau a copy of the product specification written in English or Swahili, including reference to national or international standards used as a basis for the specification.

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

(5) The Bureau shall, after looking into the specification arrange for a pre-certificate assessment of the product 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.

6. A “Tested Product” Certificate shall be issued only when:

- (a) the specification has been approved by the Technical Committee of the Bureau;
- (b) the applicant Complied with the Scheme of Inspection and Test (SIT) as and is able to implement its requirements;
- (c) the samples conform to the approved specification;

Condi-tions for issuance of a Tested Product Certificate.

- (d) the required fees have been paid by the applicant.

Issuance
of Tested
Product
Certificate.

7.-(1) The Director General may after consultation with Special Technical Committee issue in appropriate cases, annual Tested Product Certificate in respect of any product.

(2) The Tested Product Certificate shall be in a form as prescribed in the **Second Schedule** to this regulations.

Appeal
against
refusal of
issuing
a Tested
Product
Certificate.

8.-(1) Any person who is aggrieved by:-

- (a) the refusal of the Bureau to issue a Tested Product Certificate; or
- (b) any condition attached to a Tested Product Certificate;
or

(c) the variation, cancellation or suspension of any Tested Product Certificate.

copy

may within fourteen days of the notification of act complained of being received by him, appeal in writing to the Minister who shall, within thirty days, either confirm, set aside or vary the decision complained.

(2) Any person who is dissatisfied by the decision of the Minister may refer the matter to the High Court of Zanzibar.

Duties and
Obligations of the
Certificate
Holder.

9. A certificate holder shall have the following duties and obligations:

- (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 administrative, such as shall from time to time be determined by the Bureau to be fair and appropriate to a particular scheme of inspection and test having regard to the efficient running of the schemes;
- (c) disclose 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;
- (e) kept records agreed by the Bureau and comply with the conditions of the certificate;
- (f) upon the termination of the certificate forthwith, discontinue any advertising that makes reference to such certificate;
- (g) not to obstruct standard inspectors of the Bureau to the manufacturing or testing premises at all times for the purposes of inspection and sample collection.

PART III MISCELLANEOUS

10. The Bureau shall undertake inspection to ensure that the conditions of the certificate are complied with and such inspections may be carried out with or without prior notice.

Inspection by the Bureau.

11.-(1) The Bureau may, either of its own motion or upon the petition of any person terminate tested product certificate issued under these regulations if the certificate holder failed to comply with the duties and obligations as prescribed under regulation 9 of these regulations.

Termination of tested product certificate.

(2) A certificate may be terminated by Bureau upon giving one month notice.

The
Director
General
to keep
Register.

12. The Bureau shall keep register of all certificate holders and shall be open to public upon payment of prescribed charge.

Communi-
cations.

13. Any notice or other communication required to be made or given under these Regulations by the Bureau shall be exercised direct to the intended person or his representative in the ordinary and common means available.

Fees and
Charges.

14. There shall be charged and paid such fees in respect of the matters specified in the **Third Schedule** to these Regulations.

Penalty.

15. Any person who contravenes, or fails to comply with the provisions of these Regulations commit an offence and shall upon conviction be liable for punishment in accordance with section 26 of the Act.

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ZANZIBAR BUREAU OF STANDARDS

APPLICATION FOR “TESTED PRODUCT” CERTIFICATE

FIRST SCHEDULE
(Made under regulation 5(1))

Name of firm/corporation.....

Address

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

Contact person..... Position.....

Description of product including model or type.....

copy

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 inspections may be subcontracted.

Enclosed cheque/bank slip Amount

DateSignature

*Product specification may be an existing published national, Regional, International or Company standards.

copy



ZANZIBAR BUREAU OF STANDARDS

P.O. BOX 1136
ZANZIBAR.

TELEPHONE +255 24 2232225
TELEX/FAX +255 24 2232225

SECOND SCHEDULE

(Made under regulation 7(1))

TESTED PRODUCT CERTIFICATE

NO.

NAME OF STANDARD
copy

This certificate relates to:

Manufactured by

This certifies that Manufactured by

has been tested by the Zanzibar Bureau and found to comply with the specifications. Furthermore, this product is manufactured in accordance with a quality control system acceptable to ZBS. The company firm shall be permitted to use the above certificate number in relation to the tested product in a manner acceptable to ZBS.

.....
DIRECTOR GENERAL

Date

Note: ZBS shall carry out regular inspection to the manufacturing site for the taking of samples for independent test and to ensure that the approved quality control system is in operation.

THIRD SCHEDULE

(Made under regulation 14)

FEES AND CHARGES FOR TESTED PRODUCT CERTIFICATE

- 1. A non-refundable application fee 10,000/-
- 2. Pre-certificate inspection fees covering transport, board and lodging costs for inspector(s) if applicable. This varies depending on factory location.

Town area..... 30,000/-

Rural area..... 50,000/-

Pemba250,000/-

- 3. Testing fees for the pre-certificate sample. This varies depending on type of product.
- 4. Annual Tested product certificate fees.

copy

SIGNED on this day of, 2014



ZANZIBAR
.....2014

(NASSOR AHMED MAZRUI)
Minister of Trade Industry and Marketing
Zanzibar

THE ZANZIBAR STANDARD ACT No. 1 OF 2011

The Zanzibar Standards (Compulsory Batch Certification of Imports) Regulations, 2014

[Made Under Section 36]

IN EXERCISE of the power conferred upon me under section 36 of the Zanzibar Standards Act No. 1 of 2011 **I, NASSOR AHMED MAZRUI**, Minister of Trade, Industry and Marketing do hereby make the following Regulation. L.N. 79 of 2014.

PART I PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Zanzibar Standards (Compulsory Batch Certification of Imports) Regulations, 2014 and shall come into operation upon being published in the Official Gazette. Short title and Commencement.
2. In these Regulations unless the context otherwise requires: Interpretation.
 - “Act” means the Zanzibar Standards Act No.1 of 2011;
 - “Bar Code” means a machine-readable code in the form of numbers and a pattern of parallel lines which varies widths, printed on to identifying a product;
 - “Bilateral Agreement” means an agreement entered between the Bureau and the exporting country’s National Standards Body or recognized accredited laboratory abroad to do the inspection and evaluation on behalf of the Bureau;
 - “Bureau” means the Zanzibar Bureau of Standards established under section 4 of the Act;
 - “Batch Certificate (BC)” means a certificate issued by the Bureau certifying or attesting that a particular import consignment or shipment of the commodity as sampled and tested

conforms to the specified National standards or regional standards or international or foreign standard recognized by the Bureau;

“Competent Agent” means a company appointed by the Bureau certifying or attesting that a particular export consignment or shipment of the commodity destined to Zanzibar conform with the specified National Standard or regional or International or Foreign Standard recognized by the Bureau;

“Compulsory Batch Certification (CBC)” means collection of samples of the imported product from a consignment either at the port of entry into Zanzibar or at agreed premises by the Bureau’s inspectors or some other Bureau’s authorized third party impartial body, followed by subsequent testing and issuance of a test certificate testifying the clearance of the import for entry and sale into Zanzibar;

“Compulsory Standard” means a standard which has been declared by the Minister, under section 16 of the Act;

“Certificate of Conformity (CoC)” means a certificate issued by a competent Agent appointed by the Bureau certifying or attesting that a particular export consignment or shipment of the commodity destined to Zanzibar as sampled and tested conforms with the specified National Standard or regional or International or Foreign Standard recognized by the Bureau;

“Conditional Release Certificate (CRC)” means a certificate issued by the Bureau to the importer allowing release of the imported goods from the custody of customs after compliance with customs requirements while awaiting issuance of the batch certificate from the Bureau;

“Import Standard Mark (ISM)” means special mark on an imported product or goods showing such goods or products are in

conformity to a specified National Standard or regional or International or Foreign Standard;

“Pre-shipment Verification of Conformity (PVoC)” means a conformity assessment process used to verify that products to be imported into Zanzibar are in conformity with the applicable National standards or regional or approved foreign or International standards before shipment;

“Third Party Impartial Body” means a neutral, governmental or non-governmental body possessing the necessary competence, resource and reliability to test and certify products for conformity with the requirements of national standards or other designated regional or international or foreign standards.

PART II APPLICATION FOR BATCH CERTIFICATE

3.-(1) Any importer of products covered by compulsory Zanzibar Standards shall, at least two weeks before the arrival of their import shipment, apply to the Bureau for the Batch Certificate.

Application for Batch Certificate.

(2) An application under sub-regulation (1) of this Regulation shall be made in the prescribed forms as provided in the **First Schedule** to these regulations which obtained from the Bureau.

(3) The applicant shall in making an application under this regulation, submit to the Bureau the application forms in triplicates together with the documents listed below:

- (a) packing list;
- (b) invoice;
- (c) bill of lading or airway bill;
- (d) Pre Verification of Conformity to Standards Certificate (PVoC);

- (e) Clean report prepared in English language of findings from competent authority of the exporting country, if available.

(4) Where the products covered by the Compulsory Standards include foods and food products, the test certificate under paragraph (d) of sub- regulation (3) shall indicate that the foods or food products are fit for human consumption in their country of origin.

(5) In case of any other products covered by the Compulsory Standards the test certificate under paragraph (d) of sub- regulation (3) shall indicate that products are safe for human being and environment.

Issuance
of Batch
Certifi-
cates.

4.-(1) Where the import shipment or consignment complies with the requirements of the applicable National Standards or regional or International standards or, the foreign standard recognized by the Bureau, the Bureau may issue a Batch Certificate on a per shipment or consignment basis. It may be revealed on the bill of lading or air way bill as prescribed under **Second Schedule** of these regulations.

(2) The Batch Certificate issued under sub-regulation (1) shall be duly signed and sealed by the Director General of the Bureau or any other officer authorized in this behalf.

Sampling
and evalu-
ation of
products.

5.-(1) Where an import shipment or consignment does not accompanied with certificate under regulation 3(3) (d) of these regulations shall be inspected, sampled by the standard inspector and evaluated by the Bureau's duly authorized personnel to determine its compliance with the requirements of the applicable standards or the recognized international or foreign standards.

(2) There shall be an inspection form filled and signed by inspector and the importer shipment or consignment as prescribed under **Third Schedule** to the regulations soon after inspection.

(3) Notwithstanding sub-regulation (1), where Bilateral agreement has been signed between the Bureau and the exporting country's

National Standards Body or recognized accredited laboratory abroad to do the inspection and evaluation on behalf of the Bureau, the Bureau shall issue Batch Certificate to the importer without collecting samples for further evaluation.

(4) The exporting country's National Standards Body or recognized accredited laboratory abroad shall issue a detailed report of the results to the Bureau certifying that the product has been sampled and evaluated.

6.-(1) Where shipments or consignments have been already certified abroad under sub-regulation (2) of regulation 4, the Bureau may randomly take samples from the shipment or after release of the shipment and retested.

Circumstances of Taking Random Samples and re-testing.

(2) Where the randomly picked up samples of the imported shipment reveal inconsistencies of the quality of the actual imported products with the test certificates issued by the country of origin, all further subsequent shipments of these products from the country shall be subjected to individual shipment sampling and testing by the Bureau, regardless of the certification procedure.

(3) Individual sampling and testing under sub-regulation (2) shall continue until such a time that consistent quality of the test certificates issued by the country of origin is re-established to the satisfaction of the Bureau.

(4) Where the importer fails to re-establish quality of the test certificates issued by the country of the origin to the satisfaction of the Bureau, the bilateral agreement may be terminated and the Bureau shall carry out all inspections, sampling and testing of all the products from the country.

7.-(1) The Bureau may, issue separate guidelines relating to the implementation of the Batch Certification for the products when need arises.

Issuance of guidelines.

(2) The guidelines, issued under sub-regulation (1) of these Regulations, shall have concurrence with the respective industry, importers, the Zanzibar National Chamber of Commerce, Industry and Agriculture and other Regulatory Authority.

Exemption to apply for a Batch Certificate.

8. Where products imported into Zanzibar are manufactured by foreign companies licensed by the Bureau to use the “ZBS” Standards Mark, the manufacturer or importer of such products shall not be required to apply for a Batch Certificate.

Imports Standards Mark (ISM).

9.-(1) The Batch Certificate or “CoC” issued under these regulations shall form the basis for the importers to use the Imports Standards Mark (ISM) in respect of the commodities detailed on the particular bill of lading or airway bill.

(2) The importer shall submit to the Bureau the Bar Code details for all commodities shown in bill of lading or airway bill for the purpose of commodities identification during inspections.

(3) The Bureau after being satisfied with the submission by the importer and sub-regulation (1) of this regulation, an official letter shall be issued to the importer authorizing him to print stickers of the Imports Standard Mark.

(4) There shall be electronic verification of authenticity of the Imports Standards Mark which is to be carried out by the Bureau during inspections based on bar codes traceable to the Bureau’s database.

(5) Any mark not traceable to the Bureau’s database shall be treated as illegal and the owners shall be construed to have committed an offence under the regulations.

**PART III
MISCELLANEOUS PROVISIONS**

Conditional Release Certificate.

10.-(1) Where the importer has complied with customs requirements and if a hundred percent (100%) inspection and testing of the shipment is needed, and completion of tests will take more than twenty working

days, due to the nature of testing specifications and procedure, the Bureau may issue conditional release certificate of an import shipment or consignment from the custom's custody.

(2) No person shall, pending the issuance of the Batch Certificate, distribute, sell, use or transfer the shipment or consignment either in part or in whole to any person or any place other than to the address specified in the conditional release certificate.

11.-(1) The Bureau shall for a period of two weeks after the issuance of Batch Certificate, retain all remaining samples drawn from a shipment or consignment

Disposition of samples.

(2) The importer or owner of the samples retained under sub-regulation (1) of this regulation shall be required to collect the samples from the Bureau after the expiry of two weeks from the date of issuance of Batch Certificate.

(3) Where the importer fails to collect the samples after the due date as required under sub-regulation (2) of this regulation the Bureau shall have power to dispose of the samples in accordance with the standing procedure of the Bureau.

12. There shall be a fee charges in respect of the matters specified in the **Fourth Schedule** to these Regulations.

Fees and Charges.

13. Any person who contravenes any provision of these regulations commits an offence and on conviction, shall be liable to a punishment as specified under Section 26 of the Act.

General Penalty.



ZANZIBAR BUREAU OF STANDARDS

FIRST SCHEDULE

APPLICATION FOR BATCH CERTIFICATE

[Made under regulation 3(2)]

Name of Applicant.....

Full Address of individual or firm or corporation.....

Contact Person if different from above Position.....

*Description of product including brand, model or type.....

copy

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

Enclosed Cheque/Bank Slip number..... Amount.....

Date..... Signature

copy



ZANZIBAR BUREAU OF STANDARDS

P.O. BOX 1136
ZANZIBAR.

TELEPHONE +255 24 2232225
TELEX/FAX +255 24 2232225

BATCH CERTIFICATE

NO.

SECOND SCHEDULE

(Made under regulation 4(1))

copy

This certificate relates to.....

Imported by

This certifies that

has been tested by the Bureau/Authorized Agent, and found to comply with the required specifications.

The certificate holder shall be permitted to use this certificate in relation to the tested product in a manner acceptable by the Bureau.

.....
DIRECTOR GENERAL

Date

Note: the Bureau shall carry out regular market surveillance for quality assurance.



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TELEX/FAX +255 24 2232225

THIRD SCHEDULE

(Made under regulation 5(2))

BATCH CERTIFICATE INSPECTION FORM

1. Name and address of importer:
2. Product (s):
3. Quantity:
4. Inspection Point:
5. Pre-shipment inspection certificate?
Yes/No.....
6. Container number:
7. Packing list Yes/No:
8. Physical condition of products:
9. Sample size:
10. Sample method:

copy

11. Reason for sampling:.....

12. Conditional release. Yes/no:

13. Remarks:

.....

.....

.....
Importer/Agent Designation Signature Date

.....
ZBS Inspector Designation Signature Date

copy

FOURTH SCHEDULE

[Made under regulation 12]

FEES PAYABLE TO THE BUREAU

1. A non-refundable application fee payable upon filling the application forms 10,000/-
2. Transport, boarding and lodging costs of the Bureau's inspectors during the inspection and sampling of the shipment if applicable 50,000/-
3. Testing fees which include all expenses pertaining to testing of samples by the Bureau or any other accredited laboratory as clearly recalled in the schedule of fees available from the Bureau ; and
4. Batch certificate fee or fee equivalent to 0.2 percent of FOB Cost as well as random market surveillance samples after release of the consignment to the market.
5. Where the quantity of imports has been verified at source by a designated PVoC Contractor , the fees payable to the Bureau shall be in accordance with the PVoC Contract.
6. Petroleum products certification fee T Shs 1.10 per liter

Penalty when an importer defaults on import regulation is minimum Tshs. 3million

7. PVoC FEES

i. ROUTE A

0.5% of FOB (free on board) value subject to a minimum of \$ 250

ii. ROUTE B

0.45% of FOB (free on board) value subject to a minimum of \$ 250

iii. ROUTE C

0.25% of FOB (free on board) value subject to a minimum of \$ 250

Maximum payment per consignment 3000 USD

SIGNED on this Day of2014

ZANZIBAR
..... 2014

copy


(ASSOCIATE MINISTER)
Minister for Trade, Industry and Marketing
Zanzibar.