
STATUTORY INSTRUMENTS
SUPPLEMENT No. 25

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STATUTORY INSTRUMENTS SUPPLEMENT

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THE UGANDA NATIONAL BUREAU OF STANDARDS
(CERTIFICATION) REGULATIONS, 1995.

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STATUTORY INSTRUMENTS.

1995 No. 349

The Uganda National Bureau Of Standards (Certification) Regulation, 1995.

IN EXERCISE of the powers conferred upon the Minister by Section 42 of the Uganda National Bureau of Standards Act, 1983, and with the Resolutions of the National Standards Council passed at a meeting of the Council on the 8th day of August, 1995, these Regulations are made this 10th day of August, 1995.

Act No. 1
of 1983.

PART I — PRELIMINARY.

1. These Regulations may be cited as the Uganda National Bureau of Standards (Certification) Regulations, 1995.

Citation.

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

Interpre-
tation.

“Act” means the Uganda National Bureau of Standards Act, 1983;

“assessment” means a systematic and independent examination to determine whether quality activities and related results comply with planned arrangements effectively and are suitable to achieve quality objectives;

“calibration” means the set of operations which establish under specified conditions, the relationship between values indicated by a measuring instrument or measuring system, or values represented by a material measure, and the corresponding known values of a measure;

“certification” means a system that has its own rules of procedure and management for carrying out certification of conformity;

“Certification Body” means an organisation that conducts certification of conformity;

“conformity” means fulfillment of specified requirements.

“Inspector” means a Standards Inspector appointed under Section 12 of the Act;

“non-conformity” means the non-fulfillment of specified requirements;

“product” means a commodity, process or service;

“quality” means the totality of features and characteristic of the products or service that bear on its ability to satisfy a customer’s stated or implied needs;

“quality management” means that aspect of overall management function that determines and implements the quality policy;

“registration” means a procedure by which the Bureau indicates the relevant qualifications of a company or person in a publicly available list;

“Standard” means a document, established by consensus and approved by a recognised body that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context and which is based on the consolidated results of science, technology and experience, and aimed at the promotion of optimum community benefits;

“surveillance audits” means periodic evaluation of a permit holder’s quality control system to determine conformity with a relevant standard and the terms and conditions of the permit;

“testing laboratory” means a laboratory which measures, examines, calibrates or otherwise determines the characteristics or performance of materials or products;

“Uganda Quality System Certification Mark Scheme” means a system for certifying the quality of a management system to a relevant standard, using the Certification Mark;

Uganda Standards (US) Certification Mark Scheme” means a system for certifying the conformity of a product to a National Standard, using the Certification Mark.

PART II—GRANT AND RENEWAL OF A PERMIT TO USE THE UGANDA STANDARD CERTIFICATION MARK.

3. (1) Any person may apply to the Director for a permit to use the Uganda Standard (US) Certification Mark declared by the Council under paragraph (a) of subsection (1) of Section 7 of the Act.

Application
for permit
to use
Certificate
Mark.

(2) In the making of an application under sub-regulation (1) of this regulation, the applicant shall make a separate application—

- (a) for each product covered by the relevant standard declared for that product;
 - (b) for the same product where that product is manufactured at a different plant site; and
 - (c) for each brand of product manufactured by the application;
- (3) An application under this regulation shall be—
- (a) in triplicate;
 - (b) on terms to be provided by the Director;
 - (c) duly filled and filed at the office of the Director;
 - (d) be accompanied by;

- (i) Certificate of registration or incorporation.
- (ii) Memorandum and Articles of association;
- (iii) quality manual;
- (iv) process or the mode of production or manufacture of the product, for which the permit is sought, and of any scheme of inspection and testing which the applicant maintains or uses, or proposes to maintain or use and which is designed to control the quality of the product during the course of the process or production or manufacture;
- (v) scheme of inspection and testing which will adequately ensure that every product in respect of which a permit is sought shall conform to the appropriate relevant standards;
- (vi) records of inspection or the test results in appropriate test forms as well as copies of frequency tables, histograms and statistical control charts where available;
- (vii) a brief description of actions taken on defectives from raw materials to finished products including customer complaints;
- (viii) a list of measuring and testing equipment with nominal capacities and serial numbers at each inspection point and final product testing together with evidence of ownership;
- (ix) a brief description of equipment maintenance and calibration programme for all

testing and measuring equipment with their corresponding calibration certificates;

(x) vicinity or location map; and

(xi) any other information the Director may request for.

4. (1) On receipt of an application for a permit under regulation 3, the Director shall require an assessment report by an Inspector on the applicant's record on compliance with the requirements of the relevant standard and any other terms or conditions on the permit on the use of the Certificate Mark made by the Director.

Assessment
of an appli-
cant for the
grant of a
Certification
Mark.

(2) An applicant shall provide all reasonable facilities to the Inspector under sub-paragraph (1) of this regulation to conduct assessment of the factory or other premises of the applicant for the purpose of verifying the documents submitted by the applicant and of obtaining such other information as is relevant to his application.

(3) Where any samples are required for making an assessment under this regulation, an applicant shall provide all reasonable facilities and assistance to the inspectors to draw and get samples of the product for testing by the Bureau or such other testing laboratory designated in writing by the Bureau as a testing laboratory.

(4) The cost of transporting any sample, instrument, equipment, apparatus, material, any test conducted or any other expense incurred in connection with the assessment under this regulation shall be borne by the applicant.

5. (1) On the basis of the Inspector's report under regulation 4, the Director may, in writing, return to the applicant the application submitted under regulation 3 requesting the applicant to carry out such alterations in, or additions to, the scheme of

Resubmission
of application
form after
modification.

inspection and testing or the mode of production or manufacture in use or to be used by the applicant, as the Director may think fit before resubmitting his application.

(2) The Director shall, before issuing a permit require an applicant to provide the facilities referred to in sub-regulation (2) and (3) of regulation 4 of these Regulations for a reasonable period of time.

Grant of permit to the use of the Certification Mark.

6. (1) Where the Director is satisfied that all the requirements of regulations 3, 4 and 5 have been complied with and after proper evaluation of the required qualifications especially with respect to the requisite skill, equipment, systems, resources and previous performance, finds, that the applicant is qualified to use the Certification Mark on its product, the Director shall approve the application and grant the corresponding permit authorizing them to use the Certification Mark for such product, on such terms and conditions as may be specified in the permit.

(2) The Director may refuse to grant a permit on not being so satisfied.

(3) A permit granted under this regulation shall be valid for a period of twelve months and is non-transferable.

Disqualification of an applicant for a permit.

7. (1) Where the application for a permit is made by a person who has been convicted under section 25, 27, 28, or 29 of the Act, the person shall not be eligible to apply for a period of twelve to twenty-four months from the date of such conviction.

(2) The period of disqualification shall be determined by the Director having regard to the facts and circumstances of each case and it shall not exceed a period of two years.

Renewal of permit to use the Certification Mark.

8. (1) The Director may, on an application by the permit holder at least one month before the expiry of the period for which the permit was granted and on being satisfied that—

(a) the product in respect of which a renewal of the per-

mit is sought conforms to the relevant standard;
and

- (b) the permit has in operation, during the period for which the permit is granted, a scheme of operation and testing which adequately ensure that the product conforms to the relevant standard, renew the permit for a further period of twelve months.

(2) The director may refuse to renew the permit on not being satisfied.

(3) The provisions of regulation 3 and 4 shall apply to an application for the renewal of a permit as they apply to an application for a grant for permit.

9. (1) Where the Director has refused to grant or renew a permit under regulation 6 or 8 respectively, the Director shall state his reasons for so refusing in writing and shall give an opportunity to the applicant to be heard if he wishes, either in person or through his authorised representative.

Opportunity
of applicant
to be heard.

(2) After the hearing under sub-regulation (1), the Director shall then decide whether he should grant or renew the permit or still further refuse to grant or renew it.

10. (1) A permit holder shall submit to the Director, for approval the facsimile of the Certification Mark to be used by him and shall not, until he has obtained the approval of the Director, use the Certification Mark.

Approval
and applica-
tion of the
Certification
Mark.

(2) In the case of a Certification Mark relating to—

- (a) a commodity, the Certification Mark shall be applied by the permit holder to the commodity itself or to any receptacle, container, or covering of a container for the commodity or to label attached or associated with the commodity; or
- (b) a process, the Director shall issue the permit holder

with a certificate to the effect that the Certification Mark has been granted for the process.

(3) The design of the Certification Mark shall be in the form in the First Schedule.

(4) The Certification Mark may be enlarged or reduced to an appropriate size, provided that its dimensions conform to the specifications in the First Schedule.

Surveillance
Audits.

11. (1) the grant of a permit shall be followed by surveillance audits. The frequency and extent of audits shall be determined by the Bureau.

(2) The surveillance audits may be without notice to the permit holder to ensure that the systems and procedures already assessed are being maintained.

(3) The special surveillance audit shall be necessary where a permit holder fails to observe the conditions of the permit or where there have been significant changes in the organisation of the permit holder.

PART III—SUSPENSION, WITHDRAWAL OR CANCELLATION OF A PERMIT.

Suspension,
withdrawal
or cancella-
tion of a
permit.

12. (1) A permit may be suspended, withdrawn or cancelled for such period as the Council may determine if it is satisfied that —

- (a) the product marked with a Certification Mark under a permit does not conform with the relevant standard;
- (b) the permit holder has used the Certification Mark in respect of the product which does not conform with the standard;
- (c) the permit holder has failed to provide reasonable facilities to the Inspector to enable him to discharge the duties imposed on him by or under these regulations or under the Act;
- (d) has contravened any of the provisions of regulations 7, 10 or 16; or

(e) the permit holder has failed to comply with any of the terms or conditions of the permit.

(2) No permit shall be suspended, withdrawn or cancelled unless the Council—

(a) has served the permit holder with a written notice of not less than fourteen days of its intention to do so and also stating the grounds for the proposed action; and

(b) has considered any written explanation, given by a permit holder within fourteen days.

(3) Where a written explanation is submitted by the permit holder, the Council shall consider the explanation and if the permit holder so wishes give him an opportunity to be heard as soon as possible.

(4) Where no explanation is submitted by the permit holder, or in the opinion of the Council the explanation submitted is unsatisfactory, the Council may, on the expiry of the notice, suspend, withdraw or cancel the permit.

(5) If, in the opinion of the Council, the explanation submitted is satisfactory, the Council shall not suspend, withdraw, or cancel the permit.

(6) Where the Council suspends, withdraws, or cancels a permit under sub-regulation 4 of this regulation, it shall immediately, in writing, inform the permit holder of the suspension, withdrawal or cancellation.

(7) Where the Council has suspended, withdrawn or cancelled a permit, the suspension, withdrawal or cancellation shall take effect notwithstanding that an appeal has been made under regulation 15 through the Director to the Minister by the aggrieved permit holder.

13. (1) Where a permit has been suspended, withdrawn, cancelled, or has not been renewed on the expiry of the period of

**Removal of
the
Certification
Mark.**

its validity, the permit holder shall immediately discontinue the use of the Certification Mark and shall, if the Council so requires, take the necessary steps to have the Certification Mark on the products removed or return the certification issued under paragraph (b) of sub-regulation (2) of regulation 10.

(2) A person who contravenes the provisions of sub-regulation (1) of this regulation shall be guilty of an offence and is liable on conviction to any of the penalties prescribed under section 26, 27, 28 or 29 of the Act.

Terms of
use of
Certification
Mark.

14. No permit holder shall use a Certification Mark otherwise than in accordance with the terms and conditions of his permit.

Appeal.

15. An applicant who is aggrieved by a decision of the Director under regulation 5 or 7; and one whose permit has been suspended, withdrawn or cancelled under regulation 10 may, appeal as provided for under section 24 of the Act.

Publication
of status of
permit holders.

16. Where a permit has been granted, renewed, suspended, withdrawn or cancelled, the Director shall publish particulars of such permit in the Registry of Permits.

Terms and
conditions
of the permit.

17. The permit holder shall be bound by the following terms and conditions of the permit—

(a) shall observe and abide by the provisions of the Act and any instructions, rules or subsidiary legislation, and shall comply with any and all directions and orders which the Ministry of Trade and Industry and the Bureau may issue if necessity so warrants in pursuance with their authority under law;

(b) ensure that the product in respect of which a Certification Mark is being used conforms at all

times to the relevant standard, and for this purpose he shall establish and maintain to the satisfaction of the Bureau a system of control, including inspection and testing;

- (c) maintain a complete and up-to-date record of such system of control, including inspection and testing, for the purpose of establishing, to the satisfaction of the Bureau, that such system of control is being consistently maintained, every such record shall be made available for inspection by an Inspector on demand and the permit holder shall, at the request of the Inspector permit the removal of such record to the premises of the Bureau for closer scrutiny;
- (d) affix the Certification Mark only on certified product covered by a valid permit;
- (e) give the Inspector reasonable access to the premises where the product specified in the permit is manufactured for the purpose of evaluating materials, production processes, finished product, quality assurance facilities, records and others in accordance with the guidelines as issued by the Bureau;
- (f) in the case of transfer of plant site, notice must be given within one month before the transfer is implemented and in such cases the permit shall be deemed valid only after factory and product assessment and evaluation of factory facilities at the new site by the Inspector show continued compliance with the Bureau's requirements and final approval by the Director;
- (g) on the suspension, withdrawal or cancellation of the permit, the permit holder shall discontinue its use

and immediately withdraw all promotional and advertising matter which contains any reference to that permit;

- (h) any intended modification in the product or manufacturing process shall be notified by the permit holder to the Director within one month before any modification is made;
- (i) pay the fees and expenses lawfully incurred and levied by the Bureau; and
- (j) inform the Director of any change in the management of the company or business.

(2) Failure to comply with any of the terms and conditions in sub-regulation (1) of this regulation is sufficient ground for commencing the procedure for suspension, withdrawal or cancellation of the permit by the Council.

Powers of
Inspectors.

18. (1) An Inspector shall exercise the powers conferred on him under section 13 of the Act and this regulation.

(2) Every applicant and permit holder shall afford an Inspector such reasonable facilities as the Inspector may require for carrying out his duties under the Act and this regulation.

(3) The following procedure shall apply in the case of an assessment relating to any product where a permit for the use of a Certification Mark in respect of that product has been granted, or an application has been made for a permit—

- (a) an Inspector may give an applicant or permit holder at least two hours notice of his intended visit;
- (b) where during an inspection, an Inspector wishes to take samples of any article, product, material, substance or thing, he shall do so in the presence of the applicant, permit holder or a person authorised by the applicant or the permit holder;
- (c) an Inspector shall, in the presence of the permit holder or the applicant or a person authorized by

the permit holder or the applicant, obtain three sets of the sample, store each sample securely, apply a seal to the sample and indicate complete details of the sample on the label attached to the sample;

(d) the Inspector shall give one of the samples under paragraph (c) of this regulation to the applicant or the permit holder or such person authorized under paragraph (b) of sub-regulation (3) of regulation 18; and

(e) the Inspector shall give a receipt for any sample or samples so taken.

19. An Inspector shall make a detailed report to the Director of every assessment made by him in such form as the Director may require.

Inspector's
report.

20. (1) The fees for a permit to use the Certification Mark shall be eight hundred thousand shillings (800,000=) to be collected by the Bureau.

Fees and
expenses.

(2) The Council may vary the fees charged under sub-regulation (1).

(3) A person who fails to pay any fees or expenses under sub-regulation (1) of this regulation commits an offence and is liable on conviction to the penalty prescribed under section 26 of the Act.

PART IV—QUALITY SYSTEMS CERTIFICATION PERMIT.

21. (1) A person may apply to the Director for a Quality Systems Certification Permit.

Application
for permit
for quality
system.

(2) An application for the permit shall be made in triplicate on a specified form obtainable from the Bureau.

(3) The application shall be duly subscribed and sworn to by the applicant and shall be filed at the Bureau's office together with its Quality Manual.

Document
review.

22. (1) Upon the receipt of an application for a permit, the Director shall assign an Inspector to thoroughly review the application and the Quality Manual of the company.

(2) If there is any deficiency or discrepancy noted in their documents, the company shall submit to the Director the revised or additional documents.

(3) The Inspector may conduct if necessary a factory visit to clarify matters relative to an application.

Assessment
of applicant.

23. (1) After document review and before the grant of a permit, the Director shall require—

(a) an assessment of the company by the Bureau's assessment team as to its compliance with the requirements of the relevant standard on quality system and other rules of the Bureau on permits for quality systems;

(b) that all documentation of the company relating to the quality system for which the permit is sought, should be made available to the assessment team;

(c) all relevant records of the company relating to implementation of the Quality System to be made available to the assessment team;

(d) an applicant to appoint a designated person to ensure that prescribed quality system procedures are observed.

(2) The assessment shall involve an in-depth appraisal of the applicant's procedures for the conformity to the requirements prescribed by the Bureau. The applicant shall be required to demonstrate the practical application of the documented procedures.

(3) The assessment team after the assessment shall analyze the capability of the applicant to operate the Quality System Certification Scheme.

(4) The assessment team shall prepare a detailed report against each of the item or clause given in the relevant standard on Quality System against which the assessment has been carried out. A copy of the report shall be sent to the applicant for his acceptance.

(5) If there are corrective actions to be undertaken by the applicant, the applicant shall produce evidence that corrective actions have been taken to meet all the relevant requirements within the time limits specified by the Bureau. The Bureau may undertake a full or partial reassessment or accept written declaration that corrective action has been taken, to be confirmed by the Bureau during a surveillance audit.

24. (1) If the Director, after company assessment and evaluation of the required qualification concerning requisite skill, equipment, system, resources and previous performance finds that the applicant meets all the requirements relevant to the issuance of the permit, the Director, shall approve the application and issue the corresponding permit authorizing them to use the Certification Mark subject to the terms and conditions of the Bureau.

Approval of
permit for
quality sys-
tems.

(2) The Director may refuse to grant a permit if not all the requirements have been satisfied.

(3) When the application for a permit is made by a person who has been convicted under section 25, 27, 28 or 29 of the Act, that person shall not be eligible to apply for a period of twelve to twenty-four months from the date of such conviction. The period of disqualification shall be determined by the Bureau having regard to the facts and circumstances of each case it shall not exceed a period of two years.

(4) A permit granted under this regulation shall be valid for a period of three years and is non-transferable.

25. The Director may, on an application made by the permit holder at least one month before the expiry of the period for

Renewal of
permit for
quality sys-
tems.

which the permit has been granted renew the same for another three years. The renewal will be done by reassessing the capabilities of the permit holder the fee of which shall be borne by the permit holder.

Surveillance
audits.

26. (1) The grant of permit shall be followed by surveillance audits. The frequency and extent of audits shall be determined by the Bureau.

(2) The surveillance audits may be without notice to the permit holder to ensure that the systems and procedures already assessed are being maintained.

(3) The special surveillance audit shall be necessary where a permit holder fails to observe the conditions of the permit or where there have been significant changes in the organisation of the permit holder.

Changes to
the Quality
Systems.

27. (1) The permit holder shall inform the Bureau promptly about any intended changes to the Quality systems or other changes which may affect conformity to the requirements prescribed by the Bureau.

(2) The permit holder shall accept the decision of the Bureau as to whether the intended changes require re-assessment or further investigation.

(3) The Bureau shall inform promptly its permit holder of any change in the Quality System procedures.

Use of the
Bureau's
Certification
Mark.
Publicity.

28. The permit holder may use the Certification Mark only as authorized by the Bureau.

29. (1) The Bureau shall maintain a register of permit holders and make it available for public information.

(2) The full and exact details of the Permit and status of the permit holder shall be contained in the Register of Permit Holders.

(3) The permit holder shall display the Permit in a conspicuous place in his premises.

(4) The Permit holder shall state in documentation brochures or through advertising media that the organisation or location at which the permit applies have been assessed and approved by the Bureau.

(5) A permit holder who has been granted a permit for Quality System Certification shall not claim or imply that the product manufactured by him has been certified or approved by the Bureau unless he is holding a valid permit for that product under the recognized product certification scheme of the Bureau.

30. (1) The permit holder shall be bound by the following terms and conditions of the permit—

(a) the permit shall at all times comply with the requirements of the permit as set out in that permit and comply with the Act, and also the bye-laws and regulations made under the Act.

(b) only claim that he is holding a permit in respect of the capability which is the subject of the permit and which relates to the products or processes in accordance with the permit requirements.

Terms and
conditions
of the per-
mit.

(c) shall not use the permit in any manner to which the Bureau may object and shall not make any statement concerning the authority of the permit holder's use of the permit which in the opinion of the Bureau may be misleading.

(d) submit to the Bureau for approval the form in which he proposes to use his permit or proposes to make references to the permit.

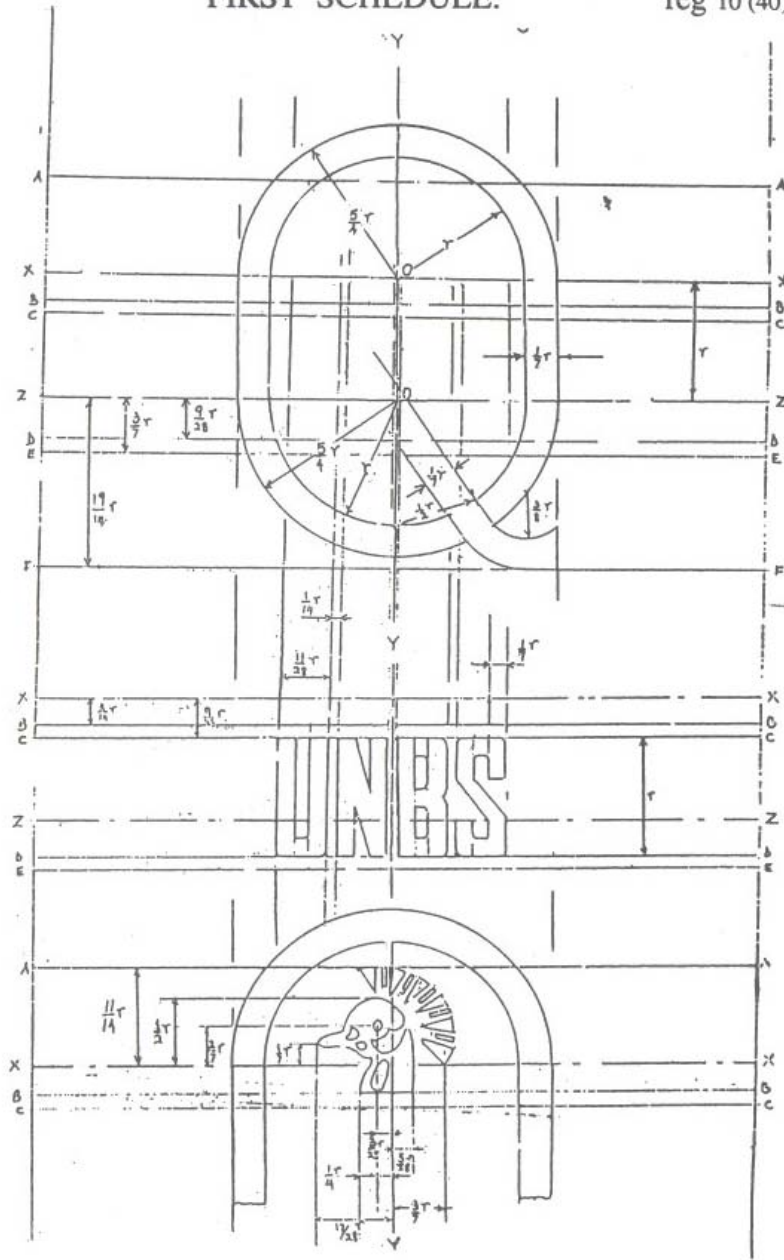
(e) upon suspension or termination of the permit, however determined, immediately discontinue its use and withdraw all promotional and advertising matter which contains any reference to that permit.

- (f) not make any change in the Quality System which form the basis for the grant of a permit and which prevents his compliance with the scheme without prior approval of the Bureau.
- (g) submit to the Bureau any amendments to the Quality Manual.
- (h) document all changes made to the Quality System and make records of such changes available to the Bureau's designated officers on request. A change in key personnel in relation to quality assurance and technological functions or senior management shall be notified to the Bureau by the permit holder.
- (i) permit access to a team appointed by the Bureau for purposes of assessment audit or surveillance. The permit holder shall allow the Bureau's officers access to all relevant records and documents during assessment.
- (j) a permit holder shall be required to produce evidence of continuing operations for the products or processes covered by the permit. A permit holder shall notify the Bureau in writing of discontinuance in such operations exceeding three months. Discontinuance of a permit in excess of six months or more may lead to cancellation of the permit in such cases and a new application shall be lodged with the Bureau and an assessment visit will be necessary prior to grant of a new permit.
- (k) a permit holder shall pay all financial dues to the Bureau in the manner prescribed by it, even for the period of discontinuance or suspension of the permit.

31. The fee for a permit for quality systems shall be determined by the Council. Fees.

FIRST SCHEDULE.

reg 10 (40).



H. KAIJUKA,
Minister of Trade and Industry.