

Control of Plants (Accreditation, Certification and Inspection Marks) Rules 2019

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CONTROL OF PLANTS ACT
(CHAPTER 57A)

CONTROL OF PLANTS
(ACCREDITATION, CERTIFICATION
AND INSPECTION MARKS) RULES 2019

In exercise of the powers conferred by section 49 of the Control of Plants Act, the Minister for National Development makes the following Rules:

Citation and commencement

1. These Rules are the Control of Plants (Accreditation, Certification and Inspection Marks) Rules 2019 and come into operation on 1 April 2019.

Definitions

2. In these Rules, unless the context otherwise requires —

“advertisement” includes any notice, circular, pamphlet, brochure, sign, label, wrapper, invoice or other document, and any public announcement or notice made orally, in writing or by means of producing or transmitting light or sound;

“approved standard” means the standard for a system, scheme or product accepted by the Board for the purpose of issuing a certificate for that system, scheme or product, as the case may be;

“certificate” means a document issued by the Director-General under these Rules —

(a) attesting to the conformity of a system, scheme or product with an approved standard; and

(b) authorising the use of a certification mark;

“certificate holder” means a person who holds a valid certificate;

“certification mark” means a certification mark of the Board specified in the National Parks Board (Certification Marks) Notification 2019 (G.N. No. S 270/2019).

Application for or renewal of certificate

3.—(1) Every application for the issue or renewal of a certificate must be —

- (a) made to the Board in the form or manner required by the Director-General; and
- (b) accompanied by the information and documents required by the Director-General.

(2) In determining whether to issue or renew a certificate, the Director-General may inspect the system, scheme or product in respect of which the application has been made and, if necessary, take any sample of any article, material, substance or thing for further examination.

(3) The costs of any inspection or examination under paragraph (2) must be borne by the applicant for the certificate.

Issue of certificate

4.—(1) The Director-General may, subject to such conditions as he or she thinks fit, issue a certificate to the applicant if the Director-General is satisfied that —

- (a) the system, scheme or product in respect of which the application is made conforms to the approved standard; and
- (b) the applicant has in operation procedures for inspection, monitoring and testing to ensure that the system, scheme or product in respect of which the applicant has applied for a certificate continue to meet the approved standard for the duration of the certificate.

(2) In determining whether to issue a certificate, the Director-General may consider —

- (a) the character and fitness of the applicant to be issued with a certificate, or where the applicant is a body corporate, the character and fitness of the members of its board of directors or management committee;
- (b) the ability of the applicant to comply with the requirements of the Board for certification of the system, scheme or product in respect of which the application is made; and
- (c) the suitability of the applicant's business premises, including facilities and equipment in those premises, for the system, scheme or product in respect of which the application is made.

(3) Every certificate must be in such form as the Board determines.

(4) The Director-General may at any time add to, vary or revoke any of the conditions subject to which a certificate has been issued.

Director-General may refuse to issue certificate

5.—(1) The Director-General may, in his or her discretion, refuse to issue a certificate to an applicant if —

- (a) the applicant has failed to satisfy the Director-General of any of the matters specified in rule 3(1) or (3);
- (b) the applicant has failed to satisfy the Director-General of any of the matters specified in rule 4(1); or
- (c) for any other reason, the Director-General is of the opinion that it is undesirable to issue a certificate to the applicant.

(2) Where the Director-General is of the opinion that an application for the issue of a certificate must not be granted, the Director-General may give to the applicant an opportunity of showing cause why the application should not be refused.

(3) Where the Director-General refuses to issue a certificate, the Director-General must, if requested to do so by the applicant, state in writing the reasons for the refusal.

Duration of certificate

6. Every certificate is valid for a period of 12 months, or such other period as may be specified in the certificate, and may be renewed upon its expiry.

Certificate not transferable or assignable

7. A certificate holder who is authorised under these Rules to use a certification mark must not transfer, assign or otherwise dispose of the certificate.

Suspension or cancellation of or refusal to renew certificate

8.—(1) The Director-General may suspend, cancel or refuse to renew a certificate if the Director-General is satisfied that —

- (a) the certificate was obtained by fraud or misrepresentation;
- (b) the system, scheme or product to which the certificate holder applies or has applied the certification mark no longer conforms to the approved standard;
- (c) the certificate holder has contravened —
 - (i) any provision of the Act or these Rules; or
 - (ii) any condition subject to which the certificate was issued;
- (d) the certificate holder has ceased to carry on business in relation to the