

Agri-Food and Veterinary Authority (Certification Marks) Regulations 2004

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AGRI-FOOD AND VETERINARY AUTHORITY ACT
(CHAPTER 5)

AGRI-FOOD AND VETERINARY AUTHORITY (CERTIFICATION MARKS)
REGULATIONS 2004

In exercise of the powers conferred by sections 43 and 45(1) of the Agri-Food and Veterinary Authority Act, the Agri-Food and Veterinary Authority, with the approval of the Minister for National Development, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Agri-Food and Veterinary Authority (Certification Marks) Regulations 2004 and shall come into operation on 6th February 2004.

Definitions

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

“advertisement” includes any notice, circular, pamphlet, brochure, sign, label, wrapper, invoice or other document, and any public announcement or notification 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 Authority for the purpose of issuing a certificate for that system, scheme or product, as the case may be;

“authorised officer” means the Chief Executive or an officer authorised by the Authority in accordance with section 14(1) of the Act;

“certificate” means a document issued by an authorised officer under these Regulations, attesting to the conformity of a system, scheme or product with an approved standard, and authorising the use of a certification mark;

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

“certification mark” means a certification mark specified by the Authority under section 12(q) of the Act.

Offences relating to use or forgery of certification mark or certificate

3.—(1) No person shall use a certification mark or colourable imitation thereof in

respect of any system, scheme or product, or in any advertisement, trade mark or design unless —

- (a) he holds a valid certificate in respect of that certification mark; or
- (b) he is authorised by the Authority to use the certification mark for a specific purpose.

(2) Any person who holds a valid certificate or is authorised under paragraph (1)(b) shall not use any modification of the certification mark unless he has obtained the prior approval of an authorised officer to use the modification.

(3) No person who holds a valid certificate or is authorised under paragraph (1)(b) shall use a certification mark otherwise than in accordance with the terms and conditions of the certificate or authorisation, as the case may be.

(4) No person shall forge or, without lawful authority, alter a certificate or certification mark of the Authority.

(5) Any person who contravenes this regulation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

Application for issue or renewal of certificate

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

- (a) made to the Authority in such form or manner as an authorised officer may require; and
- (b) accompanied by such information and documents as the authorised officer may require.

(2) In determining whether to issue or renew a certificate, an authorised officer 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) shall be borne by the applicant for the certificate.

Issue of certificate

5.—(1) An authorised officer may, subject to such conditions as he thinks fit, issue a certificate to the applicant if he 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 he has applied for a certificate shall continue to meet the approved standard for the duration of the certificate.

(2) In determining whether to issue a certificate, the authorised officer 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 Authority 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 therein, for the system, scheme or product in respect of which the application is made.

(3) Every certificate shall be in such form as the Authority may determine.

(4) An authorised officer may at any time add to, vary or revoke any of the conditions subject to which a certificate has been issued.

Duration of certificate

6. Every certificate shall be 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.

Authorised officer may refuse to issue certificate

7.—(1) An authorised officer may, in his discretion, refuse to issue a certificate to an applicant if —

- (a) the applicant has failed to meet the requirements of regulation 4(1) or (3);
- (b) the applicant has failed to satisfy the authorised officer of any of the matters specified in regulation 5(1); or
- (c) for any other reason, the authorised officer is of the opinion that it is undesirable to issue a certificate to the applicant.

(2) Where the authorised officer is of the opinion that an application for the issue of a certificate shall not be granted, the authorised officer may give to the applicant an opportunity of showing cause why his application should not be refused.