

Serial Number 1947/72



THE STANDARDS REGULATIONS 1947

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 14th day of
May, 1947

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL

PURSUANT to the Standards Act, 1941, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Standards Regulations 1947.

(2) These regulations shall come into force on the seventh day after notification in the *Gazette* of the making thereof.

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

“ The Act ” means the Standards Act, 1941 :

“ Committee ” means a committee of the Council :

“ Council ” means the Standards Council :

“ Executive officer ” means the person for the time being holding office as executive officer and secretary of the Council :

“ Licence ” means a licence to use a Standard Mark :

“ Licensee ” means a person who is holding a licence.

“ Register of Licensees ” means the Register of Licensees prescribed by these regulations.

3. (1) The Council may by resolution authorize any committee or person to act for the Council in the appointment of committees of the Council.

(2) The Council may at any time, with the prior approval of the Minister, revoke any appointment of a person to any committee.

(3) Each committee shall, at its first meeting and from time to time thereafter when the office of chairman becomes vacant, appoint one of its members to be chairman of the committee. Each appointment of a chairman of a committee shall be subject to the approval of the Council, and if the Council does not approve the appointment it may appoint another member of the committee to be chairman thereof in the place of the person appointed by the committee. Subject as

aforesaid, each chairman shall hold office for two years from the date of the first meeting at which he presides as chairman, unless he sooner ceases to be a member of the committee, and shall be eligible for reappointment. In the absence of the chairman from any meeting of a committee, the members present may appoint one of their number to be chairman of that meeting.

(4) Subject to the prior approval of the Council, any member of a committee of the Council may nominate in writing to the executive officer a deputy member to attend meetings of the committee when such member is unable to attend in person, and any deputy member appointed in terms of this subclause shall be deemed to be a member of the committee during the meetings or periods in respect of which he may be deputed to act in the stead of a member of the committee.

4. A quorum for the transaction of business by the Council or by any of its committees shall consist of one-quarter of all the members of the Council or of the committee, as the case may be, or, where the number of members is not divisible by four, shall consist of the number next above one-quarter :

Provided that in no case shall a quorum be less than five members in the case of the Council or less than three members in the case of any committee, unless on the appointment of the committee or at any subsequent time the Council determines that the quorum shall be less than three.

STANDARD SPECIFICATIONS

5. (1) When the Council or any committee acting under its authority in that behalf is satisfied that any specification is suitable for declaration as a standard specification, pursuant to section 8 of the Act, it shall recommend the Minister to declare such specification to be a standard specification. Every such recommendation shall be accompanied by a copy of the specification referred to therein and a report, which shall include satisfactory evidence that in the formulation of the specification the requirements of section 8 of the Act have been complied with.

(2) When the Minister is satisfied that a specification should be declared to be a standard specification pursuant to section 8 of the Act he shall declare the specification to be a standard specification in the form No. 1 in the First Schedule hereto.

6. (1) When the Council or any committee acting under its authority in that behalf is satisfied that any clause or clauses or part of a standard specification should be amended it shall submit to the Minister the amended clause or clauses or part and shall recommend him to revoke the clause or clauses or part which it is proposed to amend and to declare the amended clause or clauses or part submitted to him to be substituted therefor and thereby to become part of the standard specification so amended. Every such recommendation shall be accompanied by a report which shall include satisfactory evidence that in the formulation of the amendment the requirements of section 8 of the Act have been complied with.

(2) When the Minister is satisfied that any clause or clauses or part of a standard specification should be amended he shall revoke the clause or clauses or part and shall declare the amended clause or clauses or part to be substituted therefor. Such revocation and declaration shall be in the form No. 2 in the First Schedule hereto.

7. (1) When the Council or any committee acting under its authority in that behalf is satisfied that any standard specification should be revised it shall submit to the Minister the revised specification and shall recommend him to revoke the standard specification and to declare the revised specification to be a standard specification in substitution thereof. Every such recommendation shall be accompanied by a copy of the revised specification and a report, which shall include satisfactory evidence that the revision of the specification has been carried out in accordance with the requirements of section 8 of the Act.

(2) When the Minister is satisfied that a standard specification should be revised, he shall revoke the standard specification and declare the revised specification to be a standard specification in substitution thereof. Such revocation and declaration shall be in the form No. 3 in the First Schedule hereto.

8. (1) When the Council or any committee acting under its authority in that behalf is satisfied that a standard specification should be revoked it shall recommend the Minister to revoke such standard specification. Every such recommendation shall be accompanied by a report thereon by the Council or committee.

(2) When the Minister is satisfied that a standard specification should be revoked he shall revoke such standard specification in the form No. 4 in the First Schedule hereto.

9. (1) When the Minister has declared any specification to be a standard specification the executive officer shall cause to be inserted in the *Gazette* a notice of the declaration, giving the number and title of the standard specification, and the address at which copies of the standard specification may be obtained. The executive officer shall also take all reasonable steps to notify all associations or organizations of persons who may be substantially affected that the specification has been declared to be a standard specification, and shall take all reasonable steps to facilitate its use by all persons who would benefit thereby.

(2) When the Minister has revoked or amended any standard specification or has declared a revised specification to be a standard specification in substitution for any previously existing standard specification, the executive officer shall cause to be inserted in the *Gazette* a notice of the revocation, amendment, or revision, giving the number and title of the revoked standard specification or the amended or revised standard specification, as the case may be, and the address at which copies of the amended standard specification or revised standard specification may be obtained. The executive officer shall so far as is practicable, give notice of any such revocation, amendment, or revision to each person who has regularly obtained a copy of the standard specification which has been revoked, amended, or revised, and shall likewise give notice to each person who has been granted a license to use a Standard Mark upon or in connection with commodities, processes, or practices conforming to any such standard specification.

(3) The executive officer shall take all reasonable steps to maintain adequate stocks of all specifications which have been declared to be standard specifications for sale and distribution, and shall maintain a record of all persons to whom copies of such standard specifications have been sold or distributed.

STANDARD MARK

10. Applications for licences to use a Standard Mark pursuant to section 10 of the Act shall be in the form No. 1 in the Second Schedule hereto, and shall include all the relevant information in accordance with the directions appearing on the form or as the Minister may otherwise require. Each application shall be forwarded to the executive officer at the office of the Council, and shall be signed by the applicant or, where the application is made by a body corporate, it shall bear the common seal of the applicant attached thereto in the prescribed manner.

11. (1) When so directed by the Minister, the executive officer shall on his behalf issue a licence to use a Standard Mark to any applicant who has applied for such licence on the prescribed application form. The licence shall be in the form No. 2 in the Second Schedule hereto and shall be subject to the conditions therein prescribed and such other conditions as the Minister in his discretion may prescribe. Each licence shall bear the facsimile signature of the Minister and shall be countersigned in each case by the executive officer. The executive officer shall, from time to time, as directed by the Minister, report to him concerning the licences which have been issued, and shall furnish such other information as the Minister may require.

(2) A licence may relate to any number of standard specifications, but shall not relate to more than one class of commodity.

(3) Each licence shall upon expiry be deemed to be renewed pursuant to subsection (3) of section 10 of the Act unless the Minister notifies the licensee by letter addressed to him at his registered address not less than thirty days before the date of expiry that it is his intention not to renew the licence.

12. Upon the grant of a licence and upon each renewal thereof the licensee shall pay a fee of £1 which shall be a debt due to the Crown.

13. If the Minister has cause to believe that a licensee is not complying with the terms and conditions subject to which a licence has been granted, he may, after giving notice to the licensee at his registered address, suspend the licence for such period not exceeding one month as he may think necessary for the purpose of carrying out any investigation he may deem expedient.

14. (1) The executive officer shall keep a register wherein shall be entered the names, addresses, and business occupations of all licensees; the number of the licence in each case; the numbers and titles of the standard specifications to which each licence relates; notification of renewals, suspensions, modifications, and revocations of licences, and changes in the names and alterations of the addresses of licensees; any condition of licence that may be imposed; and such other matters relating to licensees as the Minister may from time to time direct.

(2) Any licensee whose trade or business address is changed shall notify the executive officer accordingly, and the executive officer shall cause the appropriate alteration to be made in the Register of Licensees.

(3) The Register of Licensees shall be open to public inspection at all convenient times during the ordinary hours of business.

(4) The entry in the Register of Licensees of the name of a person as a licensee shall be *prima facie* evidence that that person is the holder of the licence therein referred to, and of the terms and conditions imposed or prescribed in respect of the licence.

FEES, ALLOWANCES, AND TRAVELLING-EXPENSES

15. There shall be payable to each member of the Council and of any committee, not being a person employed in the service of the Crown, fees, allowances, and travelling-expenses incurred in connection with the performance of his service as a member of the Council or committee, as follows :—

- (a) The cost of transport, including sleeping-accommodation on trains and deck cabin accommodation on boats and including also air transport if it is more economical or if it is essential and surface means of transport are not readily available :
- (b) A travelling-allowance at the rate of 25s. a day for the time spent in connection with the performance of such service, including the time spent in travelling to and from his home :
- (c) A mileage-allowance where a private motor-car is used, computed by the shortest practicable route, at the rate of 5d. a mile where the horse-power of the car does not exceed $9\frac{1}{2}$, $5\frac{3}{4}$ d. a mile where the horse-power of the car exceeds $9\frac{1}{2}$ but does not exceed $14\frac{1}{2}$, and $6\frac{1}{4}$ d. a mile where the horse-power of the car exceeds $14\frac{1}{2}$:
- (d) Reimbursement for direct and actual loss of salary or wages incurred in connection with the performance of such service, but no such reimbursement shall exceed £2 a day without the approval of the Minister.

OFFENCES

16. Every person commits an offence and shall be liable accordingly who,—

- (a) Delays or fails or neglects to pay as herein prescribed any fee lawfully payable by him :
- (b) Being a licensee, fails to submit for examination or testing, whenever required so to do by the Minister or by the Council or by any person acting under the authority of the Minister or of the Council, a sample of any commodity in respect of which the licence has been granted, or, whenever so required, fails to submit any information relating to the production and testing of the commodity or relating to any process or practice in respect of which the licence has been granted :
- (c) Being a licensee, fails to comply with the terms and conditions of the licence :
- (d) Makes any false or misleading statement in any application or objection or in any representation to the Minister or the Council or any committee upon or in relation to any application, licence, objection, commodity, process, or practice, or otherwise in connection with matters which pertain to the administration of the Act or these regulations :
- (e) Obstructs, impedes, or delays the Minister or the Council or any person appointed by the Minister or the Council in the selection of a sample of any commodity required by the Minister or the Council under the provisions of subsection (4) of section 10 of the Act or under these regulations :
- (f) In any other way whatsoever fails to comply with any provision of the Act or of these regulations or with any duty imposed on him by the Act or by these regulations.

SCHEDULES

FIRST SCHEDULE

Form No. 1

DECLARATION OF STANDARD SPECIFICATION(S)

PURSUANT to the powers vested in him by section 8 of the Standards Act, 1941, the Minister of Industries and Commerce doth hereby declare the specification(s) described in the Schedule hereto to be a standard specification(s).

THE SCHEDULE

Number of Specification.	Title of Specification.

Dated at Wellington, this day of, 194..

.....
Minister of Industries and Commerce.

Form No. 2

AMENDMENT OF STANDARD SPECIFICATION

PURSUANT to the powers vested in him by the Standards Act, 1941, and by regulations made thereunder, the Minister of Industries and Commerce doth hereby amend the standard specification described in the first column of the Schedule hereto by revoking the clauses or parts thereof described in the second column of the said Schedule, and by substituting therefor the clauses or parts set out in the amendment hereunder or attached hereto which is hereby declared to be incorporated in the said standard specification.

SCHEDULE

Number and Description of Standard Specification.	Numerical or other Description of Clauses or Parts thereof revoked.

Amendment

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

Dated at Wellington, this day of, 194 .

.....
Minister of Industries and Commerce.

Form No. 3

REVISION OF STANDARD SPECIFICATION

PURSUANT to the powers vested in him by the Standards Act, 1941, and regulations made thereunder, the Minister of Industries and Commerce doth hereby revoke the standard specification described in the first column of the Schedule hereto, and doth hereby declare the revised specification described in the second column of the said Schedule to be a standard specification and to be in substitution for the standard specification hereby revoked.

SCHEDULE

<i>Revoked Specification</i>	<i>Revised Specification</i>
Number :	Number :
Description :	Description :
.....
Date of Issue :	Date of Issue :

Dated at Wellington, this day of, 194..

.....
Minister of Industries and Commerce.

Form No. 4

REVOCATION OF STANDARD SPECIFICATION

PURSUANT to the powers vested in him by the Standards Act, 1941, and regulations made thereunder, the Minister of Industries and Commerce doth hereby revoke the standard specification described in the schedule hereto.

SCHEDULE

No. of Specification :

Description :

.....

Date of Issue :

Dated at Wellington, this day of, 194..

.....
Minister of Industries and Commerce.

SECOND SCHEDULE

Form No. 1

The Standards Act, 1941

APPLICATION FOR LICENCE TO USE A STANDARD MARK

To the Hon. Minister of Industries and Commerce.

[For use by individuals I, *[Full name of applicant]*, *[Full address and description and corporate bodies]* *(Registered office of corporate body)*]

[For use by partnerships] We, *[Full names of partners]*, carrying on business at *[Full business address]*, under the style of *[Full name of partnership or firm]*, hereby apply for a licence to use the Standard Mark referred to in the First Schedule hereto on and in respect of commodities, processes, or practices which conform to the standard specification or standard specifications listed in the Second Schedule hereto, including any amendment thereof that may hereafter be issued or any specification that may hereafter be issued in substitution thereof, subject to such conditions and regulations as may be prescribed, and I (we) hereby undertake that all commodities, processes, or practices on or in respect of which the Standard Mark is so used shall conform to the said standard specification or standard specifications and any amendment thereof or specification issued in substitution thereof as aforesaid. The said commodities, processes, or practices are manufactured or carried on by on premises situate at

FIRST SCHEDULE

Standard Mark for use of which Application is made

SECOND SCHEDULE

Number.	Title.

Dated this day of, 194..

Signature :

[SEAL]

NOTE.—This form is to be signed by the applicant.

In the case of a partnership the appropriate (second) introduction should be used and the signature should be in the firm name, followed by the signature of the partner who has signed in the firm name.

If the application be made by a body corporate, the application is to be executed *under seal* with proper attestation.

Form No. 2

[Arms]

New Zealand

No.....

THE STANDARDS ACT, 1941

THE MINISTER OF INDUSTRIES AND COMMERCE hereby grants to..... of..... (hereinafter called "the licensee"), the right and license to use the Standard Mark a facsimile of which appears in the Second Schedule hereto on and in respect of commodities, processes, or practices which conform to the standard specification or standard specifications set out in the First Schedule hereto, including any amendment thereof which may hereafter be issued or any specification which may hereafter be issued in substitution therefor. This license is granted pursuant to the above-mentioned Act and subject to compliance with the conditions endorsed hereon or attached hereto.

FIRST SCHEDULE

Numbers and Titles of Standard Specifications

Number.	Title.

SECOND SCHEDULE

Facsimile of Standard Mark

Dated this.....day of....., 194..

.....
 Minister of Industries and Commerce.

.....
 Executive Officer.

CONDITIONS

The licence to use the Standard Mark as shown on the front hereof is subject to compliance with the following conditions :—

(1) The licence shall continue in force for one year from the date of issue and shall be deemed to have been renewed from time to time for periods of one year unless specifically revoked.

(2) The imprint of the Standard Mark shall include in association with the Mark the number of the licence, the number of the New Zealand Standard Specification or specifications in respect of which the licence grants the right to use the Mark, together with particulars of the class, type, or grade of the commodity, process, or practice in terms of the designations used in the said standard specification or specifications as may be required. These particulars in the said imprint shall be subject to the approval of the executive officer.

(3) The Standard Mark used pursuant to the licence shall be a facsimile, as shown in the Second Schedule to the licence, of sufficient size and so reproduced as to be distinctly legible. A proof copy of each imprint of the mark to be so used, as provided in condition (2) hereof, shall be submitted to the executive officer and approved by him before it is so used.

(4) When called upon so to do, the licensee shall inform the Standards Council of the nature of the commodities, processes, or practices in respect of which the Standard Mark is or is intended to be used by the licensee.

(5) The licensee shall institute and maintain to the satisfaction of the Minister, the Council, and any person acting under the authority of the Minister or the Council a control of his production by the use of such production methods, inspections, and tests of raw materials, partly processed, and finished products as will ensure that the commodities, processes, or practices on and in respect of which the Standard Mark is to be used will comply with the relevant standard specifications. The licensee shall also maintain adequate records of these inspections and tests and such other data as is necessary to establish to the satisfaction of the Minister, Council, or other authorized person that the required control of production as aforesaid has been, and is being, maintained.

(6) The licensee shall comply with such other conditions as may be added or attached hereto or conveyed to the licensee by memorandum under registered post from time to time.

W. O. HARVEY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 22nd day of May, 1947.

These regulations are administered in the office of the Standards Council,
Department of Industries and Commerce.