

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 41 OF 2003

The Standards Act
(Laws, Vol. 23, Cap. 416)

**The Standards (Imports) (Quality Monitoring)
Regulations, 2003**

IN EXERCISE of the powers contained in sections *seven and thirty-seven* of the Standards Act, the following Regulations are hereby made:

1. These Regulations may be cited as Standards (Imports) (Quality Monitoring) Regulations, 2003. Title
2. In these Regulations, unless the context otherwise requires— Interpretation
 - “Authority” means the Zambia Revenue Authority established under the Zambia Revenue Authority Act; Cap. 321
 - “Bureau” means the Zambia Bureau of Standards;
 - “consignment” means a batch of products bearing a brand name from the same manufacturer and same country of origin;
 - “foreign or international standard” means a standard developed by a foreign standards body or the International Organisation for Standardisation (ISO), International Electrotechnical Commission (IEC), Codex Alimentarius Commission or other international body which may be recognised by the Bureau for purposes of the Bureau Product Certification Mark Scheme;
 - “import certificate of conformance” means a document issued by the Bureau upon being satisfied of the evaluation of a consignment;
 - “import commodity clearance” means the clearance granted under regulation 7 in respect of imported commodities;
 - “import entry packing list” means a documented inventory of commodities in a consignment that is imported;
 - “importer” means an individual, firm, or organisation involved in the direct procurement of commodities from outside the boundaries of the Republic of Zambia, for the purposes of selling, distributing or processing or any other use;

“import quality certificate” means a document issued annually by the Bureau to an importer of a commodity of the same brand from the same manufacturer and the same country of origin after four consecutive import shipments have been evaluated and found to conform to the relevant standards determined under the Act; and

“test certificate” means a document, issued by a laboratory, indicating the test results of a product.

Application
for import
commodity
clearance

3. (1) An importer of a consignment containing a designated product listed in the First Schedule and to which standards declared under the Act apply shall apply to the Bureau for import commodity clearance before arrival of the consignment at a port of entry and prior to the Authority’s release of the consignment.

(2) An application for import commodity clearance shall be made by way of an Import Inspection Request Form, IQM 01, as set out in the Second Schedule.

(3) The Form shall be submitted to the Bureau triplicate together with an import entry packing list, the original copy of any test certificate, including the results if any, and any other shipping documents.

(4) The consignment referred to in subregulation (1) shall be subject to sampling and testing by an inspector.

Consignment
to be
evaluated

4. (1) A consignment that is imported shall be evaluated by an inspector to determine its conformity to the applicable standards declared under the Act.

(2) An inspector, shall subject to sub-regulation (3) take samples for the purposes of laboratory analysis and shall complete, and issue to the person from whom a sample is taken, Sample Request Form, IQM 02, as set out in the Third Schedule.

(3) The sampling and testing of a consignment that is imported into Zambia may be waived where:

(a) the consignment is certified by a reputable competent testing organisation in the country of origin and duly recognised by the Bureau or relevant government authorities as conforming with the applicable standards under the Act; and

(b) the first four consecutive imported consignments, notwithstanding the certification that they conform to standards declared under the Act, are sampled and tested by the Bureau and the technical findings are found consistent with foreign test certificates issued after the commodities are found to conform to a foreign or international standards, and the applicable standards declared under the Act.

(4) Where random checks, which may include sampling and testing, reveal inconsistencies between the actual quality of imported products and the foreign test certificates issued stating that the products conform to the standards declared under the Act, a subsequent import of a consignment from the country concerned shall be subject to sampling and testing by the Bureau, notwithstanding any certification from the country of origin, that the consignment conforms to the standards declared under the Act.

5. (1) Where the testing of any sample taken under sub regulation (2) of regulation 4 takes more than twenty days, an inspector may, upon the importer satisfying the Bureau's conditions for such release, conditionally release the consignment from the Authority's custody.

Conditional
release of
consignment

(2) An inspector shall seal an imported consignment—

(a) prior to releasing the consignment under sub regulation (1); or

(b) where the consignment is to be transferred from the authority's custody to the warehouse of the importer or consignee where an evaluation is to be performed.

(3) An importer or any other person shall not sell or transfer a consignment released under this regulation, whether in whole or as a part of it unless an importer commodity clearance is issued in respect of that consignment.

6. (1) The Director or any other person authorised by the Director so to do shall issue import commodity clearance on a consignment where satisfied that the imported consignment conforms to the standards declared under the Act.

Issuance of
import
commodity
clearance

(2) Certificates shall be issued for import commodity clearance in the following two categories:

(a) a batch import certificate of conformance, as set out in the Fourth Schedule; or

(b) an import quality certificate, as set out in the Fifth Schedule.

(3) The validity of a batch import certificate of conformance shall lapse upon the expiration of the shelf-life of the product to which it relates.

(4) A certificate may be re-issued in respect of a consignment subject to the consignment being re-evaluated.

7. (1) The Bureau shall withdraw an import quality certificate issued under paragraph (b) of sub regulation (2) of regulation 6 from an importer on the following grounds:

Withdrawal
of import
quality
certificate

(a) if upon random sampling, on the open market of a product covered by the certificate and imported by the holder of a certificate the product is found to be non conforming to the standards declared under the Act;

- (b) If the importer contravenes any provision of the Act; or
- (c) If the importer fails to pay any fee as required by these Regulations:

Provided that prior to withdrawing the certificate the Bureau shall give the importer concerned notice of the intention to withdraw the certificate and shall afford the importer, in such period the Bureau shall specify in the notice, an opportunity to show cause why the certificate should not be withdrawn.

(2) The Bureau shall upon withdrawing an import quality certificate under sub regulation (1)—

- (a) order the withdrawal of the imported product from the market;
- (b) inform the public, by such means as it may determine, of the dangers of using or consuming the particular non-conforming product; and
- (c) direct the importer to dispose of any recoverable non-conforming imported product.

(3) The expenses incurred by the Bureau in undertaking all the activities under sub-regulation (2) shall be borne by the importer of the non-conforming product.

(4) A person who sells an imported product shall ensure that the imported product is duly certified, by the Bureau, as conforming to the standards declared under the Act.

(5) A person who sells an imported product to which these Regulations apply shall, when required to do so by Bureau or an inspector disclose the name of the supplier of the product.

(6) If a person when required to do so by the Bureau or an inspector refuses to disclose the name of the supplier of an imported product referred to in regulation (5), the Bureau shall conduct an evaluation on the product or consignment in accordance with the procedures laid down in these Regulations and that person shall bear the costs incurred during such evaluation.

Disposal of
sample

8. (1) The Bureau shall, wherever possible, return to the importer all samples drawn from a consignment for testing and laboratory analysis including those that have undergone destructive testing.

(2) The importer shall withdraw the samples from the Bureau within thirty days after receipt of notice to recover the samples.

(3) Where the importer fails to withdraw the samples after the specified date, the Bureau may dispose off the samples as it considers appropriate.

9. (1) An importer shall, prior to a consignment being cleared by the authority, pay to Bureau the following:

- (a) expenses incurred by an inspector for the purpose of attending at the place and carrying out the inspection and returning from the inspection;
- (b) testing fees charged by the Bureau or any laboratories designated by the Bureau for the testing of the imported products; and
- (c) the fees charged for the issuance of a report and the batch import conformance certificate.

10. Every person who imports, displays, distributes or sells any product which is subject to standards declared under the act is deemed to warrant to the immediate purchaser that the product conforms to all requirements under the Act.

Warranty

11. A person who contravenes these Regulations commits an offence and shall be subject to legal proceedings under the Act.

Penalties

FIRST SCHEDULE

(Regulations 3)

DESIGNATED PRODUCTS SUBJECT TO IMPORT QUALITY MONITORING

Name of product

Beer

Biscuits

Cattle feeds

Compound fertilizers

Household and dishwashing liquid detergent

Lead-acid starter batteries

Poultry feeds

Refined edible vegetable oil

Rubber condoms (single use)

Toilet soap

Wheat flour

SECOND SCHEDULE

(Regulation 3)

Form I QM O1

ZAMBIA BUREAU OF STANDARDS

The Standard (Imports) (Quality Monitoring) Regulations

IMPORT INSPECTION REQUEST FORM

(Please complete 1 to 8 of this form and fax/forward to the Zambia Bureau of Standards. Please not that incomplete information may cause delays in processing your application).

1. Importer (Name and Address) Tel: _____ Fax: _____	2. Supplier (Name and Address) Tel: _____ Fax: _____																											
3. Forwarding Agent Tel: _____ Fax: _____	4. Product brand																											
Container No.(s): _____ Serial No: _____	5. No. and Kind of package:																											
7. Importer's specifications:	6. Quantity																											
8. TO THE DIRECTOR, ZAMBIA BUREAU OF STANDARDS Please Kindly inspect the import consignment described above and issue an import certificate of conformance/import quality certificate. The consignment can be inspected at..... which is km from Lusaka. I undertake to settle all fees chargeable and abide by the Declaration Order governing the Import Quality Monitoring Scheme (IQMS) <i>Name of Importer/Representative</i> <i>Signature of Importer/Representative</i>	9. FOR OFFICIAL USE ONLY (PARAMETERS AND IQMS FEES) Parameter(s) Applicable standards under the Act. <table border="1"> <thead> <tr> <th>Item</th> <th>Rate</th> <th>Amount (ZMK)</th> </tr> </thead> <tbody> <tr> <td>*Registration</td> <td></td> <td></td> </tr> <tr> <td>*Inspection & sampling</td> <td></td> <td></td> </tr> <tr> <td>*Testing</td> <td></td> <td></td> </tr> <tr> <td>*Transporting</td> <td></td> <td></td> </tr> <tr> <td>*Reporting</td> <td></td> <td></td> </tr> <tr> <td>*Certification</td> <td></td> <td></td> </tr> <tr> <td>*Subsistence allowance</td> <td></td> <td></td> </tr> <tr> <td></td> <td>TOTAL</td> <td></td> </tr> </tbody> </table> <div style="text-align: right;"> Signature of ZABS Officer *As stipulated in the ZABS Product Certificate Mark Scheme Date:..... </div>	Item	Rate	Amount (ZMK)	*Registration			*Inspection & sampling			*Testing			*Transporting			*Reporting			*Certification			*Subsistence allowance				TOTAL	
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	TOTAL																											

THIRD SCHEDULE
(Regulation 4[2])

ZAMBIA BUREAU OF STANDARDS

Form IQM 02

The Standards (Import) (Quality Monitoring) Regulations

SAMPLE REQUEST FORM

Name of Importer or Agent..... Address:.....

..... Phone:..... Fax:.....

Name or Description of Product(s):

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

Identification marks:.....

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

Title and number of standard specification (s) applicable to the products (s).....

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

Consignment(s) size:.....

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

Sample(s) size:.....

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

Identification marks on sample:.....

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

Name of ZABS Inspector:.....

Designation.....

Date:.....

FOURTH SCHEDULE

(Regulation 7(2)(a))

ZAMBIA BUREAU OF STANDARDS

Form IQM 03

The Standards (Imports) (Quality Monitoring) Regulations

BATCH IMPORT CERTIFICATE OF CONFORMANCE

Consignee (Name and address)	Certificate No: Reference No:	
	Date of issue:	
	Country of origin:	
Consignor (name and address)	Agent (name and address)	
Mode of transport : Sea <input type="checkbox"/> Rail <input type="checkbox"/> Road <input type="checkbox"/> Air <input type="checkbox"/>		
Port of entry:	Place of customs clearing:	Final destination:
Product brand name and description:		
Batch identification:		
Parameter	Specification	Results

CERTIFICATION AND CONDITION OF ISSUE

THIS IS TO CERTIFY that the above mentioned brand of product bearing the indicated batch identification has been found to conform to the standards declared under the Act. This certificate only applies to the consignment or batch from which the sample was obtained and tested. Issued under the law and procedures governing the Import Quality Monitoring Scheme of the Zambia Bureau of Standards.

Seal of issuing authority:

Name:.....

Signature

Designation.....

Date.....

FIFTH SCHEDULE

(Paragraph 7(2) (b))

The Standards (Imports) (Quality Monitoring) Regulations

IMPORT QUALITY CERTIFICATE

This is issued to:.....

of:.....

For the product(s) set out in the Table below in which to conform the standards applicable under the Act.

This certificate is valid for the product(s) and validity dates stated (or up to and including the dates of expiry (if applicable)).

ARTICLE DESCRIPTION

Name of product(s)	Expiry date (if applicable)	Standard(s) applicable under the Act	Quantity	Port of entry	Origin	Certificate validity date

CERTIFICATE AND CONDITIONS OF ISSUE:

THIS IS TO CERTIFY that the above mentioned product(s) bearing the brand name..... has/have been found to conform to the standards applicable under the Act. This certificate only applies to the consignment (s) of the brand name from which the sample was obtained and tested. Issued under the laws and procedures governing the Import Quality Monitoring Scheme of the Zambia Bureau of Standards:

Seal of issuing authority

Name:.....

Signature.....

Designation.....

Date.....

LUSAKA

4th April, 2003

[MCTI.105/8/1]

D. K. A. PATEL,

*Minister of Commerce, Trade
and Industry*

Supplement to the Republic of Zambia Government
Gazette dated Friday, 2nd May, 2003

GOVERNMENT OF ZAMBIA**STATUTORY INSTRUMENT No. 42 of 2003**

The Inquiries Act
(Laws, Volume 4, Cap. 41)

(S.I. No. 42) Amendment to the Commission

IN EXERCISE of the powers contained in section three of the Inquiries Act, the commission issued under Statutory Instrument No. 40 of 2003 and published in accordance with the provisions of section two of the Inquiries Act, is here amended-

(a) by the deletion of the name “NGANDE MWANAJITI” Wherever it appears; and

(b) by the insertion after the name “DALE LITANA” wherever it appears of the following names:

“ROBERT HENRY MATAKA ESQ
DOCTOR JOSHUA KANGANJA