

**STANDARDS, PRODUCTIVITY AND
INNOVATION BOARD ACT**
(CHAPTER 303A)

**STANDARDS, PRODUCTIVITY AND
INNOVATION BOARD (CONFORMITY
ASSESSMENT) REGULATIONS**

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**STANDARDS, PRODUCTIVITY AND
INNOVATION BOARD ACT
(CHAPTER 303A, SECTION 43)**

**STANDARDS, PRODUCTIVITY AND
INNOVATION BOARD (CONFORMITY ASSESSMENT)
REGULATIONS**

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[1st April 2002]

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the Standards, Productivity and Innovation Board (Conformity Assessment) Regulations.

Definitions

2. In these Regulations, unless the context otherwise requires —
- “CAB” means a conformity assessment body;
 - “country” includes a customs territory;
 - “Designating Authority” means the Standards, Productivity and Innovation Board established under section 3 of the Act;
 - “IEC” means the International Electrotechnical Commission;
 - “IECEE” means the International Electrotechnical Commission system for conformity testing and certification of Electrical Equipment;
 - “ISO” means the International Organisation for Standardisation;
 - “MRA” means a mutual recognition agreement or arrangement between Singapore and any other country;
 - “RTL” means a recognised testing laboratory recognised by the Designating Authority under Part V.

PART II

DESIGNATION OF CABs

Designation of CABs

3.—(1) An application by any person to be designated by the Designating Authority as a CAB (Local) or a CAB (Local – MRA) shall be made in accordance with the provisions of this Part.

(2) A person may apply to be designated as a CAB (Local) to carry out any testing or certification of any product supplied in Singapore specified in the First Schedule to the Consumer Protection (Safety Requirements) Regulations 2002 (G.N. No. S 23/2002), for conformity to any safety requirements specified under those Regulations.

(3) A person may apply to be designated as a CAB (Local – MRA) to carry out any testing or certification of any product supplied in a country other than Singapore, for conformity to any requirements specified under an MRA.

(4) A person who, not being designated as a CAB (Local) or a CAB (Local – MRA), issues a certificate of conformity for the purposes of the registration of any product under the Consumer Protection (Safety Requirements) Regulations 2002 or for the purposes of an MRA (as the case may be) shall be guilty of an offence.

Criteria for designation

4. Any person may apply to the Designating Authority to be designated as a CAB (Local) or a CAB (Local – MRA) if the applicant —

- (a) carries on his business of conformity assessment in Singapore;
- (b) has sufficient capital and financial resources to maintain viable operations as a CAB;
- (c) is accredited by the Singapore Accreditation Council in accordance with an ISO/IEC standard relevant to his designation or, in the case of a designation in respect of an electrical or electronic product, is a member of an IECEE scheme relevant to his designation;
- (d) has the knowledge, capability, competence and equipment to perform the tests or certification for conformity to the requirements relevant to his designation;
- (e) does not carry on or otherwise have any interest in any business which may cause the applicant to test or certify any product for which he is designated in an unfair or a biased manner; and

- (f) in the case of an application for designation as a CAB (Local – MRA), also satisfies all criteria required for his designation under the relevant MRA.

Application for designation

5.—(1) An application for designation shall be made to the Designating Authority in such form as the Designating Authority may determine.

(2) For the purposes of an application under paragraph (1) —

- (a) the applicant shall provide to the Designating Authority such documents and information as the Designating Authority may require; and
- (b) the applicant shall provide the Designating Authority or such person as the Designating Authority may authorise access to the laboratory or other premises of the applicant to enable the Designating Authority or such person to observe and assess the testing procedures of the applicant, as may be necessary.

Application fee, costs and expenses for designation

6.—(1) The fee specified in the Schedule shall be payable together with an application referred to in regulation 5 and shall not be refundable.

(2) Where the Designating Authority or such person as the Designating Authority may authorise conducts any observation under regulation 5 (2) (b), the Designating Authority may require the applicant to pay to it all reasonable costs and expenses incurred by the Designating Authority or that person in conducting the observation.

Approval of designation and issue of Certificate of Designation

7.—(1) On receipt of an application under regulation 5, the Designating Authority may, in its discretion —

- (a) approve the application, subject to such conditions as it thinks fit; or
- (b) refuse the application.

(2) Where the Designating Authority approves an application under regulation 5, the Designating Authority shall issue to the applicant a Certificate of Designation in such form as the Designating Authority may determine.

Duration and renewal of designation

8.—(1) Subject to these Regulations, the designation of a CAB shall be valid for a period of 3 years and may be renewed subject to such additional conditions as the Designating Authority thinks fit.

(2) Unless the Designating Authority otherwise allows, an application for renewal of designation of a CAB shall be made to the Designating Authority not less than 6 months before the designation of the CAB expires.

Application of regulations to renewal of designation

9. Regulations 4 to 8 shall, with the necessary modifications, apply to a renewal of designation of a CAB.

Register of CABs

10.—(1) The Designating Authority shall keep and maintain a register in which shall be entered the names and such particulars of the CABs designated by the Designating Authority as the Designating Authority may determine.

(2) The Designating Authority may, upon an application by any person accompanied by the fee specified in the Schedule, provide a certified copy of an entry in the register to the person.

(3) Where —

- (a) the designation of the CAB expires and is not renewed in accordance with regulation 8;
- (b) the CAB applies to the Designating Authority for its designation to be withdrawn; or
- (c) the designation of the CAB is suspended or withdrawn under Part IV,

the Designating Authority may remove the details of the CAB from the register or indicate against the details of the CAB in the register the fact of such expiry, suspension or withdrawal of designation.

PART III

DUTIES AND OBLIGATIONS OF CABs
DESIGNATED BY DESIGNATING AUTHORITY**Information to be provided to Designating Authority**

11.—(1) A CAB designated by the Designating Authority shall maintain and make available to the Designating Authority a list of product certifications, submissions of testing, evaluation reports, certification reports, evidence of participation in proficiency testing or any other comparison exercise referred to in regulation 15 (3) (b), and such other documents and information in connection with the business of conformity assessment of the CAB relevant to its designation as the Designating Authority may require.

(2) Where a CAB (Local) knows or has reason to believe that a product certified by it as conforming to any safety requirements for purposes of the Consumer Protection (Safety Requirements) Regulations 2002 (G.N. No. S 23/2002) no longer conforms to such requirements, the CAB (Local) shall immediately notify in writing the Designating Authority and any person to whom it has provided such certification.

(3) A CAB designated by the Designating Authority shall notify the Designating Authority in writing of the occurrence of any of the following not later than 2 weeks before such occurrence:

- (a) the cessation of its business of conformity assessment for which it is designated;
- (b) where the CAB is a company, any change to its shareholding;
- (c) any change to its organisational structure;
- (d) any change to its accreditation status or its IECCE scheme membership, as the case may be;
- (e) any change to its key personnel;
- (f) any change to its business address; and
- (g) any change which may affect its ability to properly test or certify any product for conformity to the requirements for which it is designated.

(4) A CAB which contravenes paragraph (1) or (3) shall be guilty of an offence.

(5) In paragraph (3), “key personnel” means any board director, managing director, technical manager, quality manager or testing personnel of the CAB.

Complying with request for conformity assessment without delay

12. Where a CAB designated by the Designating Authority accepts a request to test or certify any product for conformity to the requirements for which it is designated, it shall carry out such request without delay, unless it has good reason for not doing so.

Certifying CAB to accept test conducted by testing CAB, RTL or testing laboratory

13. Where a CAB (Local) is requested to certify that a product conforms to any safety requirements for the purposes of the Consumer Protection (Safety Requirements) Regulations 2002 (G.N. No. S 23/2002), the CAB shall accept as being correct a test report on that product issued by —

- (a) a CAB (Local) designated by the Designating Authority to conduct the test specified in such report;
- (b) an RTL recognised by the Designating Authority to conduct the test specified in such report; or
- (c) a testing laboratory appointed by a country other than Singapore for purposes of its MRA with Singapore to conduct the test specified in such report,

and shall not conduct such test again unless the CAB (Local) certifying the product has reason to believe that —

- (i) such test was improperly or incorrectly conducted; or
- (ii) such test was conducted by the CAB (Local), RTL or testing laboratory when its designation, recognition or appointment was suspended or withdrawn.

Technical file

14.—(1) A CAB designated by the Designating Authority shall maintain a technical file on every product which it tests or certifies.

(2) A technical file maintained by a CAB (Local) shall include such documents and information as the Designating Authority may require, and the CAB (Local) shall keep such file for a period of not

less than 10 years from the date of expiry of the last certificate of conformity issued by that CAB (Local) for the product in respect of which the file is maintained.

(3) A technical file maintained by a CAB (Local – MRA) shall include such documents and information, and shall be kept for such period of time, as may be required for purposes of the relevant MRA.

(4) A CAB designated by the Designating Authority shall make available to the Designating Authority any technical file maintained by it within 7 days of receipt by the CAB of a request from the Designating Authority for such technical file.

(5) A CAB designated by the Designating Authority which contravenes any provision of this regulation shall be guilty of an offence.

Standards of CABs

15.—(1) A CAB designated by the Designating Authority shall, throughout the period of its designation, maintain the criteria specified in regulation 4.

(2) A CAB designated by the Designating Authority shall, throughout the period of its designation —

(a) maintain such standards of practice as are necessary for the CAB to properly carry out the testing and certification of products to the relevant requirements for which it is designated; and

(b) comply with such guidelines as to standards of practice as the Designating Authority may, from time to time, issue.

(3) For the purpose of monitoring compliance with paragraphs (1) and (2), the Designating Authority may —

(a) conduct such surveillance assessments as it thinks fit; and

(b) require the CAB to participate in proficiency testing or such other comparison exercise as the Designating Authority may reasonably require.

(4) For the purposes of paragraph (3), the Designating Authority may require the CAB to pay to it all reasonable costs and expenses incurred by the Designating Authority in conducting any surveillance assessment.

(5) Any person who obstructs the Designating Authority or any person authorised by the Designating Authority in the conduct of any surveillance assessment referred to in paragraph (3) (a) shall be guilty of an offence.

Advertising as CAB designated by Designating Authority

16.—(1) A CAB designated by the Designating Authority shall not advertise or otherwise represent its designation in any way which suggests or implies any of the following:

- (a) that the CAB is entitled to test or certify any product for conformity to any requirements for which it is not designated;
- (b) that the Designating Authority is responsible for any service provided by the CAB or that the CAB is an agent or representative of the Designating Authority;
- (c) that the product the CAB is designated to test or certify is approved by the Designating Authority for any particular use.

(2) A CAB whose designation has been suspended or withdrawn under Part IV shall immediately discontinue any advertisement relating to its designation, and shall not make any further advertisement or other representation as to such designation.

PART IV

SUSPENSION AND WITHDRAWAL OF DESIGNATION

Suspension and withdrawal of designation

17.—(1) The Designating Authority may withdraw the designation of a CAB where —

- (a) the CAB ceases to carry on the business of conformity assessment for which it is designated;
- (b) the CAB fails or neglects to properly test or certify any product for conformity to the requirements for which it is designated;

- (c) the CAB has contravened, is contravening or is likely to contravene any provision of Part III;
- (d) the CAB is guilty of any offence involving fraud or dishonesty;
- (e) the CAB has contravened, is contravening or is likely to contravene any condition imposed by the Designating Authority on its designation;
- (f) the CAB is unable to properly test or certify any product for conformity to the requirements for which it is designated;
- (g) the CAB fails to pay to the Designating Authority any costs or expenses required under these Regulations;
- (h) the CAB is for some other reason not fit to continue as a CAB designated by the Designating Authority; or
- (i) in the case of a CAB (Local – MRA), where the relevant MRA so requires.

(2) Where the Designating Authority is satisfied that any ground for withdrawing the designation of a CAB exists, the Designating Authority shall notify the CAB in writing and shall in that notification specify —

- (a) the ground entitling the Designating Authority to withdraw the designation of the CAB; and
- (b) a time period (not being less than 14 days) within which the CAB may provide to the Designating Authority any explanation it may wish to offer and to inform the Designating Authority if it wishes to be heard,

and the designation of the CAB shall be suspended from the date of such notification.

(3) Upon considering any explanation of the CAB made under paragraph (2) and upon providing the CAB with a reasonable opportunity to be heard (where such a request is made), the Designating Authority may —

- (a) subject to such conditions as it thinks fit, lift the suspension on the designation of the CAB; or
- (b) withdraw the designation of the CAB,

and the Designating Authority shall notify the CAB in writing of its decision.

(4) Where the designation of the CAB has been suspended or withdrawn, the CAB shall not issue any certificate of conformity during the period of such suspension or from the date of such withdrawal (as the case may be) for the purposes of the registration of any product under the Consumer Protection (Safety Requirements) Regulations 2002 (G.N. No. S 23/2002) or for the purposes of the relevant MRA.

(5) A CAB which contravenes paragraph (4) shall be guilty of an offence.

(6) For the purposes of this regulation, the Designating Authority may require any person whom the Designating Authority believes to have knowledge of the matter —

- (a) to produce for inspection any book, document, paper or other record relating to or connected with the matter; and
- (b) to give such information relating to or connected with the matter as the Designating Authority may require.

(7) For the purposes of paragraph (1) (d), the Designating Authority may accept the conviction of the CAB as final and conclusive.

(8) A CAB whose designation has been withdrawn shall immediately return its Certificate of Designation and any duplicate thereof to the Designating Authority for cancellation.

(9) The Designating Authority may require the CAB concerned to pay to it such costs and expenses of and incidental to any inquiry conducted under this regulation as the Designating Authority thinks fit.

(10) Where the designation of a CAB (Local – MRA) is to be suspended or withdrawn under the provisions of an MRA in respect of which the CAB (Local – MRA) is designated, this regulation shall apply with such modifications as may be necessary to enable the provisions in the MRA relating to such suspension or withdrawal to be complied with.

PART V

RECOGNISED TESTING LABORATORY

Application of this Part

18. This Part shall apply to any person who —

- (a) carries on the business of testing for conformity assessment purposes, in a country other than Singapore; or
- (b) has the facilities to test for conformity assessment purposes, the products manufactured by such person or by some other person using the same brand name as the first-mentioned person.

Criteria for RTL

19. Any person may apply to the Designating Authority to be recognised as an RTL to carry out any testing of any product supplied in Singapore specified in the First Schedule to the Consumer Protection (Safety Requirements) Regulations 2002 (G.N. No. S 23/2002) for conformity to any safety requirements specified under those Regulations if —

- (a) in the case of a person referred to in regulation 18 (a) —
 - (i) the applicant has sufficient capital and financial resources to maintain viable operations as a testing laboratory;
 - (ii) the applicant is accredited by an accreditation body which is a signatory to the Multilateral Recognition Arrangement of the International Laboratory Accreditation Cooperation or, in the case of a recognition in respect of any electrical or electronic product, is a member of an IECEE scheme relevant to its recognition; and
 - (iii) the applicant does not carry on or otherwise have any interest in any business which may cause it to test any product in an unfair or a biased manner;
- (b) in the case of a person referred to in regulation 18 (b) —
 - (i) the applicant deals with products having development cycles of less than one year; and

- (ii) the applicant is accredited by an accreditation body which is a signatory to the Multilateral Recognition Arrangement of the International Laboratory Accreditation Cooperation; and
- (c) the applicant has the knowledge, capability, competence and equipment to perform the tests for conformity to the relevant safety requirements specified by the Designating Authority for purposes of the Consumer Protection (Safety Requirements) Regulations 2002 (G.N. No. S 23/2002).

Application to be RTL

20.—(1) An application to be recognised as an RTL shall be made to the Designating Authority in such form as the Designating Authority may determine.

- (2) For the purposes of an application under paragraph (1) —
 - (a) the applicant shall provide to the Designating Authority such documents and information as the Designating Authority may require; and
 - (b) the applicant shall provide the Designating Authority or such person as the Designating Authority may authorise access to the laboratory or other premises of the applicant to enable the Designating Authority to observe and assess its testing procedures.

Application fee, costs and expenses to be RTL

21.—(1) The fee specified in the Schedule shall be payable together with an application referred to in regulation 20 and shall not be refundable.

(2) Where the Designating Authority or such person as the Designating Authority may authorise conducts any observation under regulation 20 (2) (b), the Designating Authority may require the applicant to pay to it all reasonable costs and expenses incurred by the Designating Authority or that person in conducting the observation.

Approval of recognition and issue of Certificate of Recognition

22.—(1) On receipt of an application under regulation 20, the Designating Authority may, in its discretion —

- (a) approve the application subject to such conditions as it thinks fit; or
- (b) refuse the application.

(2) Where the Designating Authority approves an application made under regulation 20, the Designating Authority shall issue to the applicant a Certificate of Recognition in such form as the Designating Authority may determine.

Duration and renewal of recognition

23.—(1) The recognition of an RTL shall be valid for a period of 3 years and may be renewed subject to such additional conditions as the Designating Authority thinks fit.

(2) Unless the Designating Authority otherwise allows, an application for renewal of recognition of an RTL shall be made to the Designating Authority not less than 6 months before its recognition expires.

Application of regulations to renewal of recognition

24. Regulations 19 to 23 shall, with the necessary modifications, apply to a renewal of recognition of an RTL.

Register of RTLs

25.—(1) The Designating Authority shall keep and maintain a register in which shall be entered the names and such particulars of the RTLs as the Designating Authority may determine.

(2) The Designating Authority may, upon an application by any person accompanied by the fee specified in the Schedule, provide a certified copy of an entry in the register to the person.

(3) Where —

- (a) the recognition of the RTL expires and is not renewed in accordance with regulation 23;

- (b) the RTL applies to the Designating Authority for its recognition to be withdrawn; or
- (c) the recognition of the RTL is suspended or withdrawn under Part VII,

the Designating Authority may remove the details of the RTL from the register or indicate against the details of the RTL in the register the fact of such expiry, suspension or withdrawal of recognition.

PART VI

DUTIES AND OBLIGATIONS OF RTLs

Information to be provided to Designating Authority

26.—(1) An RTL shall maintain and make available to the Designating Authority submissions of testing, evaluation reports, evidence of participation in proficiency testing or any other comparison exercise referred to in regulation 27 (3) (b), and such other documents and information in connection with the business of testing of the RTL relevant to its recognition as the Designating Authority may require.

(2) An RTL shall notify the Designating Authority in writing of the occurrence of any of the following not later than 2 weeks before such occurrence:

- (a) the cessation of its business of testing for which it is recognised;
- (b) where the RTL is a company, any change to its shareholding;
- (c) any change to its organisational structure;
- (d) any change to its accreditation status or its IECEE scheme membership, as the case may be;
- (e) any change to its key personnel;
- (f) any change to its business address; and
- (g) any change which may affect its ability to properly test any product for conformity to the safety requirements for which it is recognised.

(3) An RTL which contravenes paragraph (1) or (2) shall be guilty of an offence.

(4) In paragraph (2), “key personnel” means any board director, managing director, technical manager, quality manager or testing personnel of the RTL.

Standards of RTLs

27.—(1) An RTL shall, throughout the period of its recognition, maintain the criteria specified in regulation 19.

(2) An RTL shall, throughout the period of its recognition —

- (a) maintain such standards of practice as are necessary to properly carry out the testing of products to the relevant safety requirements for which it is recognised; and
- (b) comply with such guidelines as to standards of practice as the Designating Authority may, from time to time, issue.

(3) For the purpose of monitoring compliance with paragraphs (1) and (2), the Designating Authority may —

- (a) conduct such surveillance assessments as it thinks fit; and
- (b) require the RTL to participate in proficiency testing or such other comparison exercise as the Designating Authority may reasonably require.

(4) For the purposes of paragraph (3), the Designating Authority may require the RTL to pay to it all reasonable costs and expenses incurred by the Designating Authority in conducting any surveillance assessment.

(5) Any person who obstructs the Designating Authority or any person authorised by the Designating Authority in the conduct of any surveillance assessment referred to in paragraph (3) (a) shall be guilty of an offence.

Advertising as RTL recognised by Designating Authority

28.—(1) An RTL shall not advertise or otherwise represent its recognition by the Designating Authority in any way which suggests or implies any of the following:

- (a) that the RTL is entitled to test any product for conformity to any safety requirement for which it is not recognised;

- (b) that the Designating Authority is responsible for any service provided by the RTL or that the RTL is an agent or representative of the Designating Authority;
- (c) that the product the RTL is recognised to test is approved by the Designating Authority for any particular use.

(2) An RTL whose recognition has been suspended or withdrawn under Part VII shall immediately discontinue any advertisement relating to its recognition, and shall not make any further advertisement or other representation as to such recognition.

PART VII

SUSPENSION AND WITHDRAWAL OF RECOGNITION

Suspension and withdrawal of recognition

29.—(1) The Designating Authority may withdraw the recognition of an RTL if —

- (a) the RTL ceases to carry on the business of testing for which it is recognised;
- (b) the RTL fails or neglects to properly test any product for conformity to the safety requirements for which it is recognised;
- (c) the RTL has contravened, is contravening or is likely to contravene any provision of Part VI;
- (d) the RTL is guilty of any offence involving fraud or dishonesty;
- (e) the RTL has contravened, is contravening or is likely to contravene any condition imposed by the Designating Authority on its recognition;
- (f) the RTL is unable to properly test any product for conformity to the safety requirements for which it is recognised;
- (g) the RTL fails to pay to the Designating Authority any costs or expenses required by the Designating Authority under these Regulations; or

(h) the RTL is for some other reason not fit to continue as an RTL.

(2) Where the Designating Authority is satisfied that grounds for withdrawing the recognition of an RTL exist, the Designating Authority shall notify the RTL in writing and shall in that notification specify —

- (a) the ground entitling the Designating Authority to withdraw the recognition of the RTL; and
- (b) a time period (not being less than 14 days) within which the RTL may provide to the Designating Authority any explanation it may wish to offer and to inform the Designating Authority if it wishes to be heard,

and the recognition of the RTL shall be suspended from the date of the notification.

(3) Upon considering any explanation of the RTL made under paragraph (2) and upon providing the RTL with a reasonable opportunity to be heard (where such a request is made), the Designating Authority may —

- (a) subject to such conditions as it thinks fit, lift the suspension on the recognition of the RTL; or
- (b) withdraw the recognition of the RTL,

and the Designating Authority shall notify the RTL in writing of its decision.

(4) For the purposes of this regulation, the Designating Authority may require any person whom the Designating Authority believes to have knowledge of the matter —

- (a) to produce for inspection any book, document, paper or other record relating to or connected with the matter; and
- (b) to give such information relating to or connected with the matter as the Designating Authority may require.

(5) For the purposes of paragraph (1)(d), the Designating Authority may accept the conviction of the RTL as final and conclusive.

(6) An RTL whose recognition has been withdrawn shall immediately return its Certificate of Recognition and any duplicate thereof to the Designating Authority for cancellation.

(7) The Designating Authority may require the RTL concerned to pay to it such costs and expenses of and incidental to any inquiry conducted under this regulation as the Designating Authority thinks fit.

THE SCHEDULE

Regulations 6 (1), 10 (2),
21 (1) and 25 (2)

FEES

- 1.—(1) Application for or renewal of designation —
 - (a) as a testing CAB \$500
 - (b) as a certification CAB \$500
 - (c) as a testing and certification CAB \$500
 - (2) Application for recognition as an RTL \$500
 - (3) Application for renewal of recognition as an RTL \$500
 - (4) Duplicate of Certificate of Designation or
Certificate of Recognition \$ 30
 - (5) Certified copy of extract from register \$5 per page.
2. The fees referred to in paragraph 1 are not inclusive of goods and services tax chargeable under the Goods and Services Tax Act (Cap. 117A) on the services in respect of which the fees are payable, and the person responsible for paying such fees shall bear and pay to the Designating Authority any goods and services tax charged on the supply of services in addition to such fees.

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