

**AGRI-FOOD AND VETERINARY AUTHORITY ACT  
(CHAPTER 5, SECTIONS 43 AND 45 (1))**

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

**ARRANGEMENT OF REGULATIONS**

**Regulation**

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[6th February 2004]

**Citation**

**1.** These Regulations may be cited as the Agri-Food and Veterinary Authority (Certification Marks) Regulations.

**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.

(3) Where the authorised officer refuses to issue a certificate, he shall, if requested to do so by the applicant, state in writing the reasons for his refusal.

### **Certificate not transferable or assignable**

8. No person who is issued with a certificate or authorised under regulation 3 (1) (b) to use a certification mark shall transfer, assign

or otherwise dispose of the certificate or authorisation, as the case may be.

### **Suspension or cancellation of or refusal to renew certificate**

**9.—**(1) An authorised officer may suspend, cancel or refuse to renew a certificate if the authorised officer 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 Regulations; 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 system, scheme or product in respect of which he was issued a certificate; or
- (e) the certificate holder is for any other reason not fit to continue to hold the certificate.

(2) The authorised officer shall, before suspending, cancelling or refusing to renew any certificate under paragraph (1) —

- (a) give to the certificate holder notice in writing of his intention to do so and the grounds therefor; and
- (b) in the notice referred to in sub-paragraph (a), call upon that person to show cause within such time as may be specified in the notice as to why his certificate should not be suspended or cancelled or should be renewed.

(3) If the person to whom a notice has been given under paragraph (2) —

- (a) fails to show cause within the period of time given to him to do so or such extended period of time as the authorised officer may allow; or
- (b) fails to show sufficient cause,

the authorised officer shall give notice in writing to that person —

- (i) of the date from which the suspension or cancellation of his certificate is to take effect; or

(ii) that his certificate would not be renewed.

(4) While any certificate is suspended under this regulation, the certificate holder shall not, for the purposes of these Regulations, be regarded as having in force a valid certificate, but immediately on the lifting or expiry of the period of suspension, his certificate shall be revived as from the date of such lifting or expiry, as the case may be.

**Certificate holder to remove certification mark, etc., when certificate has been suspended or cancelled or has not been renewed**

**10.** Any certificate holder whose certificate has been suspended, cancelled or has not been renewed by an authorised officer under regulation 9 shall —

- (a) unless an authorised officer otherwise directs, immediately take such steps as are reasonable and necessary to remove the certification mark from every product or advertisement in his possession or under his control to which he has applied the certification mark or to discontinue the sale or supply of every such product; and
- (b) where the certificate is cancelled, return the certificate to the Authority within such time as the Authority may specify.

**Lifting of suspension of certificate**

**11.** An authorised officer may lift the suspension of a certificate after he is satisfied that corrective actions have been duly performed by the certificate holder within the permitted time.

**Duty of certificate holder**

**12.—**(1) Every certificate holder shall comply with the Act, these Regulations and any condition subject to which the certificate was issued.

(2) It shall be the duty of every certificate holder to —

- (a) ensure that the system, scheme or product to which he applies the certification mark conforms at all times to the approved standard;
- (b) establish and maintain a system of control and monitoring, including keeping such complete and up-to-date records as

specified by an authorised officer, to allow verification that the approved standard is met;

- (c) keep such complete and up-to-date records, as specified by an authorised officer, to allow for product traceability; and
- (d) allow an authorised officer to conduct inspections from time to time, for the purpose of ascertaining whether —
  - (i) the system, scheme or product in respect of which the certificate was issued continues to meet the approved standard; and
  - (ii) the certification mark is being applied by the certificate holder in accordance with these Regulations and the terms and conditions of the certificate.

### **Certificate holder to notify Authority of change**

**13.**—(1) Where a certificate holder makes any change to the system, scheme or product in respect of which a certificate has been issued to him, being a change that the Authority specifies as a change to which this regulation shall apply, the certificate holder shall, within such time as the Authority may specify, notify the Authority in writing thereof.

(2) Upon notification by the certificate holder in accordance with paragraph (1), an authorised officer may conduct an inspection and re-certification as he considers necessary.

### **Penalty**

**14.** Any person who contravenes regulation 8, 10, 12 or 13 (1) 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 6 months or to both.

### **Compoundable offences**

**15.** All offences under these Regulations may be compounded by an authorised officer in accordance with section 43 of the Act.

[G.N. No. S 56/2004]