

# THE MAURITIUS ACCREDITATION SERVICE ACT 1998

Act No. 23 of 1998

Proclaimed by [\[Proclamation No. 9 of 1999\]](#) w.e.f 1.8.1999

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#### PART I - PRELIMINARY

##### 1. Short title

This Act may be cited as the Mauritius Accreditation Service Act 1998.

##### 2. Interpretation

In this Act -

“accreditation certificate” means a certificate issued by MAURITAS;

“Accreditation Committee” means the Accreditation Committee established under section 8;

“accredited body” means a conformity assessment body which has been

granted accreditation by MAURITAS;

"conformity assessment body" means a body whose activities include sampling, testing, calibration, inspection or the certification of products, personnel and systems, including environmental management systems;

"Council" means the MAURITAS Advisory Council established under section 5.

"Director" means the Director of MAURITAS;

"laboratory" means a body which carries out tests and calibrations;

"MAURITAS" means the Mauritius Accreditation Service established under section 3;

"Minister" means the Minister to whom responsibility for the subject of industry is assigned;

"National Accreditation System,, means MAURITAS, the Council, the Accreditation Committee, appeals panels, technical advisory committees and the external assessors engaged to carry out assessment and surveillance;

"panel" means an appeal panel established under section 12.

## **PART II – ADMINISTRATION**

### **3. Establishment of NMURITAS**

(1) There is established for the purposes of this Act, a department within the Ministry responsible for the subject of industry, to be known as the Mauritius Accreditation Service (MAURITAS).

(2) The department shall be administered by a Director who shall -

- (a) be a public officer;
- (b) be appointed by the Public Service Commission;
- (c) be responsible for the control, operation and management of the daily business of the department;
- (d) carry out duties and functions of the department provided under this Act, and such other duties as the Minister may assign to him;
- (e) ensure that the policies and procedures of MAURITAS comply with relevant international guidelines for the operation of accreditation bodies; and
- (f) be responsible to the Minister for the proper discharge of his functions under this Act and for the implementation of such policies as may be determined

- (3) There shall be posted to the department such officers as may be necessary for the proper discharge of the functions and duties of the Director under this Act.
- (4) The officers of the department shall be public officers and shall be under the direct administrative control of the Director.
- (5) The Director may, in the performance of his duties, appoint such assessors and technical experts as he may consider necessary to assist him on such terms and conditions as may be determined.

#### **4. Functions and powers of MAURITAS**

The functions of MAURITAS shall be to

- (a) Provide a national unified service for the accreditation Of conformity assessment bodies;
- (b) Promote widespread recognition of the competence of accredited calibration laboratories, testing laboratories inspection bodies and certification bodies;
- (c) improve the standard of calibration, testing, inspection and certification within Mauritius to meet the needs of current and potential users;
- (d) monitor international activities relevant to its responsibilities;
- (e) establish agreements on mutual recognition with other national, regional and international accreditation bodies and to obtain and maintain international acceptance of the competence of organisations accredited by MAURITAS; and
- (f) carry out such other activities in the accreditation field as may enhance the competitiveness of Mauritian goods and services.

#### **5. The MAURITAS Advisory Council**

- (1) There is established for the purposes of this Act, a MAURITAS Advisory Council which shall consist of the following members-
  - (a) a chairman;
  - (b) the Director;
  - (c) a representative of the Ministry responsible for the subject of environment;
  - (d) a representative of the Ministry responsible for the subject of health;
  - (e) a representative of the Ministry responsible for the subject of agriculture;
  - (f) a representative of the Mauritius Chamber of Commerce and Industry;
  - (g) 3 representatives of conformity assessment bodies;
  - (h) one representative of consumer organisations;
  - (i) up to 5 independent persons having a scientific or technical background.

- (2) The chairman and the persons referred to in paragraph 5(l)(g), (h) and (i) shall be appointed by the Minister.
- (3) The chairman and the other members of the Council shall hold office for a period of 3 years and shall be eligible for re-appointment.
- (4) The Council shall meet at least 3 times a year and the quorum for its meetings shall be 5.

## **6. Duties of the Council**

The Council shall-

- (a) advise the Minister on all matters relating to the functions of MAURITAS and any specific matter relating to accreditation which may be referred to it by the Minister;
- (b) consider policy issues relating to accreditation raised by stakeholders;
- (c) respond to requests from the Director for advice on specific issues.

## **7. Technical advisory committees**

- (1) The department may, at any time, establish such technical advisory committees as may be necessary to-
  - (a) advise on matters pertaining to scientific and technical aspects of the main disciplines and sectors of accreditation;
  - (b) advise on or formulate specific technical criteria to improve the standard of calibration, testing, certification, inspection and accreditation in Mauritius;
  - (c) consider the acceptability of measurement procedures as a basis for accreditation;
  - (d) provide advice on the identification of potential assessors.
- (2) A technical advisory committee shall consist of not more than 5 members having scientific or technical background and relevant experience.
- (3) The Chairman and members of each technical advisory committee shall be appointed by the Director, after consultation with the Minister, on such terms conditions as may be determined by the Minister.

## **8. Accreditation Committee**

- (1) There is established for the purposes of this Act an Accreditation Committee

which shall consist of-

- (a) a Chairman who shall be the Permanent Secretary of the Ministry responsible for industry;
  - (b) the Director; and
  - (c) 2 members having a scientific or technical background, appointed by the Minister.
- (2) The Accreditation Committee may, as and when required, co-opt one or 2 persons with expertise relevant to the type of conformity assessment body being considered.
- (3) (a) The Accreditation Committee shall consider any application for accreditation together with any assessment reports submitted to it by the Director.
- (b) Any assessment report submitted under paragraph (a) may relate to-
- (i) the application for accreditation; or
  - (ii) surveillance and re-assessment of an accredited body.
- © The Accreditation Committee shall, if satisfied and upon payment of the appropriate prescribed fees, grant, maintain, extend or terminate an accreditation certificate.
- (4) Any certificate issued by the Accreditation Committee shall be under the signature of the Director.
- (5) The Accreditation Committee may, in writing, delegate any of its powers under section 8(3)(c) to the Director other than the power to grant a certificate.
- (6) The Accreditation Committee shall regulate its meetings and proceedings in such manner as it thinks fit.

## **9. Remuneration**

The members of the Council and any other committee established under this Act shall be paid such fees and allowances as may be determined by the Minister.

## **PART III-ACCREDITATION PROCEDURES**

### **10. Application**

- (1) Any conformity assessment body seeking accreditation shall make a written application to the Director.
- (2) An application shall be made in the prescribed form and accompanied by the prescribed fee.
- (3) The Director, may, on receipt of an application, request the applicant to furnish such information as he may consider relevant for the purpose of determining the

application.

- (4) The Director shall transmit any application, together with any information submitted to him and any assessment reports he may have made, to the Accreditation Committee.

#### **11. Suspension and termination**

- (1) An accredited body may, subject to notification to the Director, voluntarily suspend or terminate its accreditation.
- (2) The Director may, where an accredited body is unable to comply with any conditions, attached to the certificate or, to meet any prescribed criteria for accreditation, suspend accreditation or part of the accreditation of the body.
- (3) Where an accredited body which is under suspension fails to take appropriate action within a reasonable time with a view to remedy any problem relating to its accreditation, the Accreditation Committee may terminate its accreditation.

#### **12. Appeal**

- (1) Any person who is aggrieved by a decision of the Director or Accreditation Committee under section 8(3) or section 11, as the case may be, may, within 30 days of notice of the decision, appeal to the panel established under subsection (2)
- (2) The Minister shall on receipt of a notice of appeal, within a period of 10 days, appoint an independent panel to hear and determine the appeal.
- (3) The panel shall consist of a Chairman and 2 other members, one of whom shall have a scientific or engineering background or be knowledgeable in accreditation procedures.
- (4) The panel shall regulate its meetings in such manner as it thinks fit.

#### **13. Confidentiality**

Where the Director or any other officer of MAURITAS, or any person appointed on a committee or any other person discharging any function or duty under this Act, discloses, otherwise than in the performance of his duty, any information that has been given to him or obtained by him by virtue of this Act, he shall commit an offence.

#### **14. Regulations**

- (1) The Minister may make such regulations as he thinks fit for the purposes of this Act.
- (2) Any regulations made under this section may-
  - (a) provide for the taking and levying of charges and fees;

- (b) define the obligations of accredited bodies; and
- (c) set down the conditions for the use of the MAURITAS logo.

#### **15. Consequential amendments**

- (1) The Mauritius Standards Bureau Act 1993 is amended in section 4 by deleting subsection (1)(j).
- (2) The Industrial Expansion Act 1993 is amended in section 40(3) by deleting paragraph (b).

#### **16. Commencement**

**Proclaimed by [\[Proclamation No. 9 of 1999\]](#) w.e.f 1.8.1999**

This Act shall come into operation on a date to be fixed by Proclamation.