

MAURITIUS ACCREDITATION SERVICE ACT

Act 23 of 1998 – 1 August 1999

Amended 10/17 (cio 24/7/17)

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MAURITIUS ACCREDITATION SERVICE ACT

PART I – PRELIMINARY

1. Short title

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

2. Interpretation

In this Act—

“accreditation certificate” means a certificate issued by MAURITAS;

“Accreditation Committee” means the Accreditation Committee referred to in 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 referred to in 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 MAURITAS

(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 the 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 the duties and functions of the department as provided for 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.

(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 prescribed.

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 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 shall be for the purposes of this Act a MAURITAS Advisory Council which shall consist of the following members—

- (a) a Chairperson;
- (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 Chairperson and the persons referred to in subsection (1) (g), (h) and (i) shall be appointed by the Minister.

(3) The Chairperson and the other members of the Council shall hold office for a period of 3 years and shall be eligible for reappointment.

(4) The Council shall meet at least 3 times a year and the quorum for its meetings shall be 5.

6. Functions of 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; and
- (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; and
- (d) provide advice on the identification of potential assessors.

(2) A technical advisory committee shall consist of not more than 5 members having a scientific or technical background and relevant experience.

(3) The Chairperson and members of each technical advisory committee shall be appointed by the Director, after consultation with the Minister, on such terms and conditions as may be determined by the Minister.

8. Accreditation Committee

(1) There shall be for the purposes of this Act an Accreditation Committee which shall consist of—

(a) a Chairperson, to be appointed by the Minister;
[Amended 10/17 (cio 24/7/17).]

(b) the Director;
[Amended 10/17 (cio 24/7/17).]

(ba) a representative of the Ministry responsible for the subject of industry; and
[Inserted 10/17 (cio 24/7/17).]

(c) 2 members having a scientific or technical background, to be 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.

(c) 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 subsection (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.

[S. 8amended by s. 32 of Act 10mof 2017 w.e.f. 24 July 2017.]

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 remedying 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 the 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 Chairperson 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 to 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;
- (c) set down the conditions for the use of the MAURITAS logo.

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