# MQA B10 - Regulations

**1** Marketing Quality Assurance Ltd (MQA) provides certification services directly to Firms in the UK and Europe using subcontracted Assessors and is solely responsible for granting, maintaining, extending, reducing, suspending or withdrawing certification and for ensuring that properly documented agreements are in place.

These Regulations are in accordance with the Standard ISO 17021, ISO 17065 and the applicable requirements of the accreditation body, UKAS, whose accreditation is currently held by MQA, and apply also to accredited and non-accredited certification schemes. The Regulations relate to the process used by MQA for registration of Firms to the relevant Standard for which registration is sought, hereinafter referred to as the process.

**2 Impartiality**

Since its inception, MQA has established and consistently maintains a reputation for objectivity and impartiality in its assessment activity and certification awards. This is achieved by management systems and processes which ensure that potential conflicts of interest are eliminated and all certification award decisions are based exclusively on objective evidence of conformity to specified requirements defined in Standards.

MQA does not offer management system consultancy and maintains processes which ensure that no financial or practical advantage is gained by neither a client nor its management system as a result of implementing a particular management system or the use of a particular consultancy.

**3 Definitions**

For the purpose of these Regulations:

**Appeals Panel** – means a panel set up by the Committee of MQA. The panel appointed in respect of each appeal shall consist of a Chairman and at least two members, none of whom shall have any direct commercial interest in the subject of the appeal.

**Applicant** – means a body corporate or body incorporate or an individual who acts on behalf of a body corporate or body incorporate who has applied for but has not yet been granted a Certificate of Registration.

**Certificate of Registration** – means a certificate issued by a Director of MQA recognising that the system operated by the company or organisation has been assessed against the relevant Standard by MQA in accordance with these Regulations.

**Committee** - means the Committee for Safeguarding Impartiality of MQA set up under an independent Chairman.

**Director** – means a member of the permanent staff of MQA to be in charge of the assessment and certification department of MQA.

**Firm** – means an individual, body corporate or body incorporate which has applied for or been granted a Certificate of Registration.

**MQA** – means Marketing Quality Assurance Limited.

**Quality System** – means the organisation structure, responsibilities, activities and resources appertaining to a Firm which together provide organisation procedures and methods of implementation to ensure the capability of the Firm to meet requirements established in accordance with identified parts of a particular Standard, Specification or otherwise specified requirement.

**Relevant Standard** - means one or more of the British or International Standards forming the Application for Registration.

**Specification** – means a document developed by MQA in co-operation with representatives of a sector or sectors of industry or function or discipline within industry, which amplifies a Standard in relation to a specific range of processes, functions, products or services.

**Standard** – means the International Standard of Quality Systems or its European or National equivalents

**Registered Firm Symbol** – means the symbol depicted in Section 16 for the relevant Standard to which the organisation is registered.

**4** The authority by which Certificates of Registration may be granted is through the Director who, for the purposes of making assessments under these Regulations, may, from time to time, delegate her/his/their functions or any of them to individuals whom he may appoint or remove as he may deem necessary.



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**5** An applicant Firm which satisfies the Director that it is capable of compliance with the system and that it carries on a bona fide business and which gives to the Director such undertakings as he may require shall, subject to the conditions of these Regulations, be entitled to a Certificate of Registration which shall nevertheless remain the property of MQA.

A separate Certificate will be issued in respect of each registration for which an application is made. Initial Certificates are valid from the date of issue until one day prior to the anniversary of that date in the following year. Thereafter, they are renewable annually subject to the terms of these Regulations. If a Firm intends to withdraw its registration, it must notify the Director in writing of its intention to do so by ninety clear days. A Firm's right to use the Certificates of Registration is not transferable without the permission, in writing, of the Director.

**6** A Firm shall: –

a. At all times comply with these Regulations.

b. Use the Registered Firm Symbol in accordance with the conditions defined in Section 16, claim by implication that the Firm is entitled to use it, or claim compliance with the system only from the address/addresses stated on the Certificate and only in respect of the scope goods or services which are the subject of the Registration.

c. Maintain and document a system in accordance with the relevant Standard and any other Specification and make available to MQA copies of all or part of the documented system should it be required for reference purposes.

d. Not vary the system under which any Certificate is issued during the period of the registration unless it shall have given MQA notice in writing of its intention to do so and shall have received written confirmation from the Director that such variations do not render the Certificate invalid;

e. Discontinue any use of the Registered Firm Symbol which is unacceptable to the Director and any form of statement of reference to the authority of the Firm to be registered under the system, which in the opinion of the Director, might be misleading.

f. Give representatives of MQA access during normal working hours to the premises where work which is the subject of the Certificate of Registration is carried out, for the purpose of examining materials, processes, finished articles, methods of test, records and systems or establishing that the procedures for the termination of registration described in Regulation 6(i) have been carried out.

g. Give representatives of UKAS access for the purpose of witnessing MQA activities, subject to health and safety regulations.

h. Nominate a management representative and one or more deputies authorised to act in the main nominee's absence who shall be responsible for all matters in connection with the requirements of the Certificate of Registration and who shall, upon each audit by the representative of MQA, sign a declaration to the effect that any changes in processes and procedures or other information relevant to the Certification have been notified to MQA.

i. Upon the termination of the Certificate of Registration, however determined, forthwith discontinue the use of the Registered Firm Symbol and all advertising matter which contains it or any reference thereto. Any other documents in the possession of the Firm which bear reference to the Certificate shall, if the Director so requires, have such references erased.

**7** A Firm shall pay: –

a. A fixed annual fee for each Certificate of Registration granted.

b. Additional fees for assessment, surveillance, re-assessment, supervision, re-issue or endorsement of the Certificate of Registration and administration which are determined from time to time by the Director to be fair and appropriate.

c. A final assessment fee upon termination of the Registration, however determined, if such assessment is deemed appropriate by the Director.

d. Any additional costs incurred by MQA due to the Firm's non-compliance with the Regulations.

**8** The Director shall: –

a. Send a selected representative or representatives to the Firm at her/his/their discretion but, in any case not less than once in any year in which the Firm is marketing and selling products or services for which registration is granted, for the purpose of verifying that the obligations relevant to the Certificate of Registration are being carried out.

b. Notify the Firm of any changes in an applicable Standard or Specification which, in the opinion of MQA, is responsible and sufficient to modify or adjust its processes and procedures to meet the revised requirements.

c. Not disclose any information concerning the Firm which is of a confidential nature, other than information which is in the public domain;

d. Notify the Firm, at her/his/their discretion, of customer complaints relating to the compliance of products, process or service with the order requirement.



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**9** If a Firm is temporarily unable to comply with the requirements of these Regulations, the Director may require the Firm to discontinue use of the Registered Firm Symbol or any claim to registrations under the System with immediate effect until he is satisfied that the conditions of Registration are regained or pending the result of an appeal under Regulation 12.

**10** If the Firm fails to comply with these Regulations the Director may, subject to the provisions in Regulation 12 –

a. Revoke the Certificate of Registration
b. Reduce the scope of Registration, or
c. Refuse to grant or renew the Certificate of Registration.

Such decisions and the grounds for them shall be communicated to the Firm in writing.

**11** The Director may, at her/his/their discretion, and subject to the provisions of Regulation 12, revoke or refuse to grant or renew a Certificate of Registration if the Firm becomes subject to the bankruptcy laws or makes any arrangements or composition with its creditors or enters into liquidation, whether compulsory or voluntary (but not including liquidation for the purpose of reconstruction) or has a Receiver of its business appointed or is convicted of an offence tending to discredit the Firm's reputation and good faith as a trader. Such decisions and the grounds for them shall be communicated to the Firm in writing.

**12** In the event of a Firm wishing to appeal against any decision of the Director under these Regulations, it shall, within 14 clear days after having been officially informed of such a decision, give notice in writing to the Chairman of the Committee of MQA, the address of whom may be obtained from the MQA office, of its desire to appeal against that decision.

The Chairman shall convene a meeting of the Appeals Panel which shall be held within 30 clear days of receipt of such notice and the appellant shall be given at least seven clear days notice of the time and place of such a meeting.

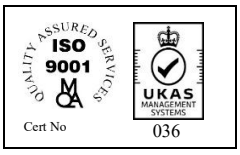
The decision of the Director shall stand pending the meeting of the Appeals Panel. At such meetings, both the appellant and the Director shall be entitled to be heard in confidence. The decision of the Appeals Panel, as declared by its Chairman, shall be final.

**13** These Regulations may, from time to time, be altered by MQA. No such alterations shall affect the right of any Firm to use the Registered Firm Symbol or claim to be registered under the System unless or until it shall have been given notice in writing of such alterations by the Director who shall notify the Firm of the date by which it must comply with the altered Regulations, which shall not be less than six months from the date of notification of the alternation.

**14** A register of Firms shall be maintained by MQA and shall be open to inspection by the public at offices of Marketing Quality Assurance Ltd.

**15** Any notice under these Regulations shall be in writing and signed by or on behalf of the party giving the notice which may be served by sending it by prepaid recorded delivery or registered post or by hand delivery to MQA or the Firm at or to its address for the time being (Registered Office address where applicable). Any notice so served by post shall, unless the contrary is proved, be deemed to have been served forty-eight hours from the time of posting and in proving such service it shall be sufficient to prove that the notice was properly addressed and was posted in accordance with this Regulation.

**16** **Registered Firm Symbol - examples of Registered Firm symbols include:-**










Cert No. 0000

**Conditions of use**

- Use of the MQA Registered Firm Symbol is only permissible in the form shown in the above illustrations and in compliance with UKAS contractual requirements which are based on Government regulations that govern the use of the National Accreditation Logo (mark). This is confirmed by MQA at the time of issue of a certificate of registration.
- Symbols including the UKAS "tick & crown" are issued under licence from the Lord Chamberlain's Office and their use is restricted in accordance with their own rules. Certification marks on vehicles and statements on product packaging and accompanying information are forbidden.
- If any Firm fails to comply with the conditions of use, then the Director may;

(a) Revoke the Certificate of Registration
(b) Refuse to renew the Certificate of Registration.

Such decisions and the grounds for them shall be communicated to the Firm in writing.

**NOTE**: Use of the official ISO Logo is not permitted. This is covered on the ISO website.



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