

Government Notice No. 150 of 1998

**THE CONSUMER PROTECTION
(PRICE AND SUPPLIES CONTROL) ACT 1998**

**Regulations made by the Minister under section 35 of the
Consumer Protection (Price and Supplies Control) Act 1998**

1. These regulations may be cited as the Consumer Protection (Consumer Goods) (Maximum Mark- Up) Regulations 1998.

2. In these regulations –

“Act” means the Consumer Protection (Price and Supplies Control) Act 1998.

“bill of entry” means a declaration, whether written or electronic, made by or on behalf of an importer under the Customs Act 1998;

“consumer goods” means any goods specified in the First Schedule;

“cost price” means the price of a consumer goods as determined in the manner specified in the Second Schedule;

“import” has the same meaning as in the Customs Act 1988;

“importer”, in relation to any consumer goods at the time of import, includes the owner of the consumer goods or his agent or any other person for the time being possessed of or beneficially interested in the consumer goods;

“manufacture” includes make , prepare, produce, put in container, label or pack, or cause to be made, prepared, produced, put into a container, labelled or packed;

“maximum mark-up” means the percentage determined by the Minister under regulation 5;

“maximum retail price”, in relation to a consumer goods, means the aggregate of the cost price and the mark-up;

“pharmaceutical product” has the same meaning as in the Pharmacy Act 1983;

“return” means the return as to the details of cost specified in the Second Schedule;

“simple drug” means such medicine or drug, the sale by retail of which is authorized in any place other than a pharmacy as specified in the Pharmacy Act;

“special allowance” , in relation to a consumer goods, means the allowance determined by the Minister under regulation 5;

“type”, in relation to any consumer goods, includes-

- (a) make, brand and grade; and
- (b) where the consumer goods are canned, tinned, packed or bottled, a can, tin, package or bottle, of any kind, weight or volume;

“wholesaler” in relation to any consumer goods, means a person who purchases the consumer goods from an importer or manufacturer for purposes of resale to a retailer.

3. (1) Every importer of any consumer goods shall, before selling or supplying the consumer goods, and not later than 10 days from the date of passing of the first bill of entry inwards of the consumer goods, submit to the Minister-

- (a) a return in the form specified in the Second Schedule in respect of the consumer goods;
- (b) every invoice, bill of lading, bill of parcel, bill of entry, letter of credit and other bank document, freight and insurance voucher relating to the importation of the consumer goods:
- (c) a separate return for each type of consumer goods in accordance with the Third Schedule;
- (d) such other particulars or documents as the Minister may require.

(2) No person shall, in respect of any consignment of any consumer goods, sell or supply the consumer goods unless he has submitted the return specified in paragraph (1).

4. Every manufacturer of any consumer goods shall before selling or supplying the consumer goods, submit to the Minister-

- (a) certified copies of audited final accounts for the preceding financial year and, where the accounts of the preceding financial year have not yet been audited, a return of the cost of production duly certified by an auditor pending the submission of audited final accounts; and
- (b) such other information as the Minister may require.

5. (1) The Minister shall determine the maximum mark-up and the special allowance applicable to any consumer goods.

(2) The maximum mark-up determined by the Minister under paragraph (1) shall be such percentage of the cost price which may be added to the cost price of a consumer goods and specified in the second column of the First Schedule.

(3) The special allowance determined by the Minister under paragraph (1) shall-

- (a) be such allowance to cover any local charges borne by the importer or manufacture of a consumer goods; and
- (b) not exceed the percentage of the CIF value of the consumer goods; and
- (c) be as specified in the third column of the First Schedule.

6. (1) Where, on the date of submission of the return under regulation 3 or 4, any importer or manufacturer has any existing stock of the same type of consumer goods, the Minister may direct that the weighted average cost price of the new consignment and of the existing stock shall, for the purposes of these regulations, be the cost price for the new consignment and the existing stock.

(2) Paragraph (1) shall not apply to pharmaceutical products.

7. (1) Where any importer, manufacturer or wholesaler of consumer goods makes a sale of the consumer goods, he shall forthwith-

- (a) draw up the bill of sale in his book of sales;
- (b) sign the bill of sale drawn up under paragraph (a); and
- (c) issue the original of the bill of sale to the retailer

(2) No retailer shall take delivery of any consumer goods which he has purchased from any importer or wholesaler of the consumer goods, unless the importer or the wholesaler, as the case may be, has issued to him a bill of sale under paragraph (1).

8. For the purpose of determining the cost price of a pharmaceutical product, the importer shall, subject to the approval of the Minister, use-

- (a) where the maximum prices are fixed on a per consignment basis, the currency conversion rate prevailing on the date of submission of the return under regulation 3; or

- (b) where the maximum prices are fixed for a minimum period of 6 months, the currency conversion rate approved in writing by the Minister.

9. (1) Every importer shall, prior to making a sale or supply of a medicine, affix a label to every pack, packet or container of the medicine, indicating legibly the maximum retail price at which the medicine is to be dispensed, exposed, offered for sale or sold to consumers.

(2) No retailer or wholesaler shall take delivery of a medicine which he has purchased unless the price label mentioned in paragraph (1) has been affixed to the medicine.

- (3) No person shall sell any free sample of a pharmaceutical product.

(4) No person shall, without the approval of the Minister, alter, erase, obliterate, remove, or in any way tamper with the price label to be affixed under paragraph (1).

10. Every retailer who sells or supplies imported fresh fruits shall affix a label indicating conspicuously-

- (a) the country of origin of the fresh fruit; and
- (b) The maximum retail price per half kilo at which the fresh fruit shall be sold.

11. Any person who-

- (a) contravenes these regulations;
- (b) for the purposes of, or in connection with these regulations-
 - (i) furnishes any information or produces any document which he knows or ought to have known to be false or misleading in a material particular;
 - (ii) makes or causes to be made, or without reasonable excuse has in his possession, any writing which so closely resembles a document as to be likely to deceive;
 - (iii) fraudulently alters a document;
 - (iv) with intent to deceive, produces or makes use of a document which is false or misleading in a material particular or has been fraudulently altered;

- (v) delivers, produces, furnishes, sends or otherwise makes use of, for the purpose of determining the price of any goods, any document required under this Act which is false or misleading in a material particular or which has been fraudulently altered,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 3 years.

12. The following enactments are revoked-

- (a) the Imported Commodities (Maximum Mark-Up) Regulations 1980;
- (b) the Medicines (Maximum Mark-Up) Regulations 1981;
- (c) the Locally Manufactured Goods (Price and Supply Control) Regulations 1983;
- (d) the Imported Fresh Fruits (Maximum Mark- Up) Regulations 1994.

12. These regulations shall be deemed to have come into operation on 07 September 1998.

Made by the Minister on 08 September 1998.

FIRST SCHEDULE
(regulations 2 and 5)

	<i>Maximum Mark Up</i>	<i>Special Allowance</i>
Ceramic Tiles	30	6
Domestic Washing Machines	35	8
Electric Floor Polishers and Vacuum Cleaners	35	8
Electric Irons	35	8
Electric Juicers / Grinders	35	8
Electric Kettles / Mixers	35	8
Glass Panes	50	10
Helmets	35	5
Imported Fresh Fruits	45 (inclusive of importer's and wholesale margin)	5
Infant Milk Powder	20	
Magazines and Periodicals	45	---
Pharmaceutical Products and simple drugs	35 inclusive of wholesale margin	2
Plywood	25	10
Refrigerators & Freezers	35	8
Rice Cookers	35	8
Sanitary Wares	30	12
School Textbooks	20	---
Shrimps and prawns	40	---
Sports Articles (Mark up on CIF value) --		
Basketball balls	30	---
Footballs	30	---

FIRST SCHEDULE *(continued)*

	<i>Maximum Mark Up</i>	<i>Special Allowance</i>
Tennis balls	30	---
Volley balls	30	---
Soccer Shoes	30	---
Petanque balls	42	---
Carrom boards	42	---
Squash balls	42	---
Squash rackets	42	---
Badminton rackets	42	---
Badminton Shuttlecocks	42	---
Spikes	42	---
Training Shoes	42	---
Tennis rackets	42	---
Football jerseys	42	---
Boxing gloves	42	---
Volley ball nets	42	---
Track suits	42	---
Timber	25	20
Tyres and Tubes	25	6
Vinyl	30	6

SECOND SCHEDULE
(regulations 2,3 and 5)

RETURN

PART 1

1. Name of Importer:
2. Address of Importer:
3. Consumer goods
(Give description)
4. Trade Name
5. Name of Laboratory
(for pharmaceutical products)
6. Country of origin
7. CIF value as per invoice
8. Rate of exchange
(as per receipt)
9. Quantity invoiced and
landed
10. Date of Importation – passing
of first entry inwards
11. Bill of Entry Number
12. Stock from previous consignment/s
 - (a) in bonded warehouses
 - (b) on trading premises

PART II

	To be filled by applicant (Mauritian Rupees)	<u>Office Use</u> (Mauritian Rupees)
1. C.I.F Value		
2. Customs Duty		
3. Special Allowance		
4. Cost Price		
5. * Importer's Price		
6. * Wholesale Price/ctn		
7. * Retail Price/ctn		
8. * Retail Price/kg		
9. Conversion Ratio $\frac{\text{Cost Price}}{\text{CIF/FOB}}$		

Note: * Parts 5, 6, 7 and 8 shall apply only to importers of fresh fruits.

I/we..... of.....
 (Name of Signatory) (Address)

importer/authorised agent of the importer of the consumer goods mentioned above do hereby certify that-

- (a) all the particulars given above are true and correct:
- (b) that no arrangement or understanding affecting the purchase price of the consumer goods specified in this return has been or will be made or will be made or entered into between the importer and the exporter or by anyone on behalf of either of them by way of discount, commission, rebate, compensation, or in any other manner whatever other than as fully shown on the invoice and as follows –
- (c) no application for refund of duty has been made; and
- (d) the Ministry will be notified in case such application is made and refund of duty obtained.

Date:

Signature: