

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

**Regulations made by the Minister under sections 3 and 35 of the
Consumer Protection (Price and Supplies Control) Act 1998**

1. These regulations may be cited as the Consumer Protection (Consumer Goods) (Maximum Price) 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 1988;

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

includes imported or locally manufactured goods;

“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 a container, label or pack, or cause to be made, prepared, produced, put into a container, labelled or packed;

“maximum price” means the prescribed maximum wholesale price or prescribed maximum retail price, as the case may be, at which a consumer goods shall be sold;

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

(a) make, brand and grade; and

(b) where the consumer goods are canned, tinned, bottled or packed, a can, tin, bottle or package 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 person who imports or manufactures any consumer goods shall make an application to the Minister to fix the maximum price of the consumer goods.

(2) The Minister may, on receipt of an application under paragraph (1), request the applicant to furnish such additional information as he may require.

(3) The applicant shall, on receipt of the request under paragraph (2), comply with the request –

(a) within the time-limit specified in the request; or

(b) where no time-limit is specified in the request, within 15 days from the date of receipt of the request.

4. (1) Every importer of a consumer goods shall, 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) such other particulars or documents as the Minister may require.

(2) The Minister may refuse to act on any document specified in paragraph (1) unless it is –

(a) complete in all respects;

(b) legible; and

(c) duly certified or authenticated.

5. Every manufacturer of any consumer goods who makes an application under regulation 3 shall submit to the Minister together with the application –

(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 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.

6. (1) On receipt of an application under regulation 3 to fix the maximum price of a consumer goods, the Minister may, where he is satisfied that the maximum wholesale and maximum retail prices of the consumer goods have to be fixed, grant the application on such conditions as he thinks fit and communicate his decision to the importer or manufacturer by way of a permit.

(2) No importer shall, in respect of the consignment of any consumer goods, sell or supply the consumer goods unless he holds the permit specified in paragraph (1) in respect of that consignment.

7. The Imported Commodities (Costings and Control of Sale and Delivery) Regulations 1986 and the Locally Manufactured Goods (Price and Supply Control) Regulations 1983 are revoked.

8. 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 which 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.

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

Made by the Minister on 08 September 1998.

FIRST SCHEDULE

(regulation 2)

CONSUMER GOODS IN RESPECT OF WHICH THE MAXIMUM WHOLESALE AND RETAIL PRICES HAVE TO BE DETERMINED

1. Aerated beverages (in glass bottles)
2. Bread
3. Cement
4. Coconut oil
5. Cooking gas
6. Edible oil
7. Fertilizers
8. Flour including whole wheat flour
9. Infant milk powder
10. Iron/steel bars
11. Onions (other than the type known as "Traditional Toupie")
12. Petroleum Products (including kerosene)
13. Rice (excluding luxury rice)
14. Salted snoek

15. Sugar

SECOND SCHEDULE

(regulation 4)

RETURN

PART I

1. Name of importer
2. Address of importer
3. Commodity
4. Trade name and type
5. Country of origin
6. CIF value as per invoice
7. Rate of exchange
(as per receipt)
8. Quantity invoiced and
landed
9. Date of importation – passing
of first entry inwards
10. Bill of entry number
11. Present wholesale price
12. Present retail price
13. Stock from previous
consignment/s

PART II

	To be filled by applicant (Mauritian Rupees)	<u>Office Use</u> (Mauritian Rupees)
1. C.I.F value		
2. Customs duty		
3. Bank charges (commission, interest etc.)		
4. Landing and other charges		
5. M.M.A charges		
6. Fees for customs clearance		
7. Transport ex-customs warehouse		
8. Landed cost		
9. Landed cost per dozen		
10. Miscellaneous (1%)		
11. Wholesaler's profit		
12. Wholesale price of consignment		
13. Wholesale price per/kg		
14. Retailer's profit		
15. Retail price per unit/kg		
16. VAT (where applicable)		

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

Importer/authorised agent of the importer of the commodity 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 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.

(Here insert particulars of any special arrangement)

.....

Date:.....

Signature:

.....

PART III

FOR OFFICIAL USE

The maximum wholesale price of Rsand maximum retail price of Rs are recommended. The reasons for the price increase/price reduction are as follows:

Prepared by.....

.....

(Name and signature of examining officer)
