

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

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

1. These regulations may be cited as the Consumer Protection (Scrap Metal) regulations 2007.

2. In these regulations –

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

“carrier permit” means a scrap metal carrier permit issued under regulation 12(1)(a);

“collector permit” means a scrap metal collector permit issued under regulation 15(4)(a);

“customs territory” means the territory of the State of Mauritius over which customs authority is exercisable, excluding a freeport zone;

“export” means to take or cause to be taken out of the customs territory;

“licence” means either a licence to carry on a business as scrap metal exporter or scrap metal dealer;

“licensee” means either the holder of a licence to carry on a business as scrap metal exporter or scrap metal dealer;

“Ministry” means the Ministry to whom responsibility for the subject of commerce is assigned;

“permit” means either a carrier permit or a collector permit;

“scrap metal” –

(a) means the metals specified in the First Schedule; and

(b) includes any old metal, and any broken, worn out, defaced or partly manufactured articles made wholly or partly of metal and any metallic wastes;

“scrapyard” means a place where scrap metal is received and stored;

“scrap metal carrier” means a vehicle to carry scrap metal;

“scrap metal dealer” means a person who carries on the business of buying and selling scrap metal, whether scrap metal sold is in the form in which it was bought or otherwise;

“scrap metal exporter” means a person who exports scrap metal;

“vehicle” means a motor vehicle and includes a trailer.

3. (1) Subject to paragraph (2), no person shall export scrap metal or deal in scrap metal unless he is the holder of a license issued by the Permanent Secretary.
- (2) A person who is engaged in a manufacturing business which generates scrap metal as a by-product may export or sell that by-product without the requirement of a licence.
4. (1) Subject to paragraph (2), an application for a licence under regulation 3 shall be made to the Permanent Secretary in the form and manner specified in the Second and Third Schedule respectively.
- (2) An applicant for a licence shall, at the time of making an application, submit to the Permanent Secretary –
  - (a) a site plan -
    - (i) indicating the location of the place which he intends to use as a scrapyard and its surface area;
    - (ii) indicating the location and distance of any residential property closest to the proposed scrapyard; and
    - (iii) indicating the existence of any access road to the proposed scrapyard.
  - (b) evidence of his having carried on the business of exporting scrap metal for a period of at least 12 months prior to the date of his application.
- (3) The Permanent Secretary may, on receipt of an application under paragraph (1) –
  - (a) carry out an inspection of the place which the applicant intends to use as scrapyard;
  - (b) require the applicant to produce a certificate of morality; or

- (c) request the applicant to furnish such additional information, documents or clearances as he may reasonably require, including a clearance certificate from the Government Fire Services.

5. (1) Upon consideration of the application made under regulation 4(1), the Permanent Secretary may –

- (a) grant an application where he is satisfied that -
  - (i) in the case of an individual, the applicant is a citizen of Mauritius or, in the case of a body corporate, its management and control are vested in persons who are citizens of Mauritius;
  - (ii) neither the applicant nor any person in whom the management or control of the applicant is vested, has been convicted of any offence under the Act or these regulations, any offence involving fraud or dishonesty, or such other offences, as in the opinion of the Permanent Secretary, renders the applicant unfit to be granted a licence; and
  - (iii) report on the inspection in respect of the scrapyards of the applicant shows that the scrapyards are suitable for the purpose of stocking scrap metal under the licence.
- (b) reject an application where –
  - (i) the applicant has not complied with the provisions of these regulations or the requirements of the Permanent Secretary;
  - (ii) in the opinion of the Permanent Secretary, the applicant is not a fit and proper person to be granted a licence; or
  - (iii) it is in the public interest to restrict the number of scrap metal exporters or scrap metal dealers.

(2) Where the Permanent Secretary rejects an application under paragraph 1(b), he shall notify the applicant in writing of the reason of his decision within 10 days of the date of his decision.

(3) The forms specified in the Second to the Sixth Schedules shall be subject to such modifications and adaptations as may be necessary whenever they are required to apply to a body corporate.

6. Where an application has been granted under regulation 5(a), the Permanent Secretary shall –

- (a) in the case of a scrap metal exporter, issue a licence in the form specified in the Fourth Schedule on payment of a yearly licence fee of 60,000 rupees; or
  - (b) in the case of a scrap metal dealer, issue a licence in the form specified in the Fifth Schedule on payment of a yearly licence fee of 15,000 rupees.
7. (1) A licence issued under regulation 6(a) or (b) shall –
- (a) be valid for a period of 12 months as from the date of issue;
  - (b) not be transferable; and
  - (c) be subject to such terms and conditions as the Permanent Secretary may impose.
- (2) the licence shall be subject to the following compulsory terms and conditions –
- (a) the scrapyards should not be located in a residential zone as appears in the outline scheme of the area;
  - (b) the scrapyards should be located more than 400 metres from the nearest residence;
  - (c) the scrapyards should be properly fenced so as not to be an eyesore;
  - (d) the scrapyards should be well drained and sprayed to prevent breeding of mosquitoes; and
  - (e) the time of activity in any scrapyards shall be from 7 a.m to 7 p.m.
- (3) Notwithstanding paragraph (2) (a), where –
- (a) an applicant under regulation 4 has used a place as scrapyards since at least 3 years prior to the date of his application for a licence; and
  - (b) the Permanent Secretary is satisfied that the applicant will incur substantial expenditure if the latter moves to another place,
- a licence may be issued under regulation 6.
8. (1) An application for the renewal of a licence shall be made by the licensee to the Permanent Secretary within 30 days before the date of expiry of the licence.
- (2) Where an application for renewal is made after the expiry of the licence but within a delay of 30 days, the Permanent Secretary may renew the licence upon payment by the licensee of a surcharge of 35 per cent in addition to the yearly licence fee.
- (3) A licence shall lapse if it is not renewed within 30 days after the date of its expiry.

(4) Where the Permanent Secretary is satisfied that the licensee has complied with all the requirements of these regulations, he may renew the licence of –

- (a) scrap metal exporter upon payment of the yearly licence fee of 60,000 rupees; or
- (b) scrap metal dealer upon payment of the yearly licence fee of 15,000 rupees.

9. Every licensee shall display a copy of his license in a conspicuous place at his main office, sub office and scrapyards.

10. No person shall transport scrap metal in a vehicle unless he holds a scrap metal carrier permit issued by the Permanent Secretary.

11. (1) An application for a carrier permit under regulation 10 shall be made to the Permanent Secretary in the form and manner specified in the Sixth Schedule.

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

12. (1) After considering the application and such other additional information obtained under regulation 11, the Permanent Secretary may –

- (a) grant the application and issue a carrier permit in the form specified in the Seventh Schedule on payment of a yearly permit fee of 5,000 rupees; or
- (b) reject the application where he is satisfied that the application does not comply with these regulations or that the applicant is not a fit and proper person to be granted a carrier permit.

(2) A carrier permit granted under paragraph (1) shall-

- (a) be valid for a period of 12 months as from the date of issue;
- (b) not be transferable; and
- (c) be subject to such terms and conditions as the Permanent Secretary may impose.

13. (1) An application for the renewal of a carrier permit shall be made by the holder of the carrier permit to the Permanent Secretary within 30 days before the date of the expiry of the carrier permit.

(2) Where an application for renewal is made after the expiry of the carrier permit but within a delay of 30 days, the Permanent Secretary may renew the

carrier permit upon payment of a surcharge of 35 percent in addition to the yearly carrier permit fee.

(3) A carrier permit shall lapse if it is not renewed within 30 days after the date of its expiry.

(4) Where the Permanent Secretary is satisfied that the holder of a carrier permit has complied with all the requirements under these regulations, he may renew the carrier permit upon payment of the yearly carrier permit fee of 5,000 rupees.

14. (1) Any person who transports scrap metal in a vehicle shall affix or cause to be affixed a plate in a conspicuous position at the rear or in the front of the vehicle.

(2) The plate shall be of at least 60 cm in length and 15 cm in height, bearing the words "SCRAP METAL CARRIER" followed by the carrier permit number, both the words and the figure in red on a white background.

15. (1) Every licensee or holder of a carrier permit may apply for a collector permit in his own name, or for any of his employees he wishes to appoint as collector for the purpose of collecting metal.

(2) An application made under paragraph (1) shall be made to the Permanent Secretary in the form and manner as may be approved by the Permanent Secretary, accompanied by a processing fee of 500 rupees per collector.

(3) The Permanent Secretary may, on receipt of an application, request the applicant to furnish such additional information or document as he may reasonably require.

(4) The Permanent Secretary may, after considering the application and such other additional information obtain under paragraph (3) –

(a) grant the application, and issue a collector permit in the form and manner as may be approved by the Permanent Secretary, where he is satisfied that the applicant or the person appointed by him, as the case may be, is a fit and proper person to act as collector; and

(b) reject the application where he is satisfied that the application does not comply with these regulations, or that the applicant is not a fit and proper person to be a collector.

(5) A collector permit granted under paragraph 4(a) shall –

(a) be valid for a period of 12 months as from the date of issue;

(b) not be transferable; and

- (c) be subject to such terms and conditions as the Permanent Secretary may impose.
  - (6) Every holder of a collector permit shall at all times, carry the collector permit or a copy thereof by virtue of which he is authorised to act as a collector, and wear such collector badge as may be approved by the Permanent Secretary.
16. (1) An application for the renewal of a collector permit shall be made by the holder of the collector permit to the Permanent Secretary within 30 days before the date of the expiry of the collector permit.
- (2) A collector permit shall lapse if it is not renewed within 30 days before the date of its expiry.
- (3) Where the Permanent Secretary is satisfied that the holder of a collector permit has complied with all the requirements under these regulations, he may renew the collector permit upon such terms and conditions as he may determine.
17. The Permanent Secretary may suspend, cancel or refuse to renew licence or a permit for the following reasons as appropriate –
- (a) a licensee or the holder of a permit has been convicted of an offence under this Act or these regulations;
  - (b) the scrapyards of any licensee is no longer suitable for the stocking of scrap metal;
  - (c) a licensee or a holder of a permit has breached any condition attached to his license or permit respectively; or
  - (d) a licensee or holder of a permit is no longer a fit and proper person to be licensee or holder of a permit.
18. (1) A scrap metal exporter or scrap metal dealer shall keep, at each place occupied by him as a scrapyards, a written record detailing all scrap metal received at that place.
- (2) The record shall include –
- (a) the description and weight of the scrap metal;
  - (b) the date and time of the receipt of the scrap metal;
  - (c) the full name and address of the person from whom the scrap metal is received;
  - (d) the price paid or payable in respect of the receipt of the scrap metal;

- (e) the registration number of any vehicles delivering the scrap metal; and
- (f) such other particulars as may be required by the Permanent Secretary.

19. (1) A scrap metal exporter or scrap metal dealer shall keep, at each place occupied by him as a scrapyards, a written record detailing all scrap metal processed or dispatched from that place.

- (2) The record shall include –
  - (a) the description and weight of the scrap metal;
  - (b) the date and type of processing or the date of dispatch;
  - (c) the full name and address of the person the scrap metal has been dispatched to and the value of the transaction; and
  - (d) if the scrap metal has been dispatched without sale or exchange, the value of the scrap metal as estimated by the dealer.

20. Subject to regulations 18 and 19 –

- (a) entries in the records shall be made immediately upon receipt, processing or dispatch of any scrap metal; and
- (b) the books containing the records shall be kept for at least 2 years following the last entry.

21. (1) Any holder of a carrier permit shall keep, in the vehicle used to transport scrap metal, a written record of all scrap metal transported from one place to another.

- (2) The record shall include –
  - (a) the description of the scrap metal transported;
  - (b) the full name and address of the person from whom the scrap metal was obtained or from whom the scrap metal has been delivered to;
  - (c) the date the scrap metal was obtained or delivered; and
  - (d) such other particulars as may be required by the Permanent Secretary.

(3) Subject to paragraphs (1) and (2) –

- (a) all entries in the records shall be made immediately after the scrap metal is obtained or delivered; and
- (b) the books containing the records shall be kept for at least 2 years following the last entry.

22. (1) The Permanent Secretary may, for the purposes of these regulations, at any reasonable time –

- (a) enter and inspect any scrapyards; or
- (b) stop any scrap metal carrier for verification.

(2) Subject to paragraph (1), where an inspection or verification is being carried out, the Permanent Secretary may-

- (a) require any person in charge of the scrapyards or the scrap metal carrier to produce any document or record kept by him in relation to his business;
- (b) seize any scrap metal which he suspects to be stolen; or
- (c) collect a sample or a part of a scrap metal for the purpose of examination.

(3) The Director General of the Mauritius Revenue Authority may, prior to the export of any scrap metal –

- (a) require a licensee to produce his license to him; and
- (b) carry out an inspection on scrap metal intended to be exported.

(4) For the purposes of exercising his powers under this regulation, the Permanent Secretary or the Director-General of the Mauritius Revenue Authority may seek such assistance as may be necessary from the Police.

(5) Where the Permanent Secretary or the Director-General reasonably suspects that any scrap metal intended for export was obtained as a result of a criminal offence, he may –

- (a) prevent the export of the consignment of scrap metal; and
- (b) report the matter to the Police for investigation.

23. Notwithstanding the other provisions of these regulations, any license for dealer in old metals or dealer in old metals on board vessels issued under the Local Government Act 2003, or regulations made under it, which has not expired prior to the coming into operation of these regulations shall remain valid, under the same terms and conditions, until its expiry.

24. (1) Any person who-

- (a) breaches any condition of his license or permit;
- (b) willfully obstruct the Permanent Secretary in the discharge of his duties under these regulations; or

(c) contravenes these regulations,

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.

(2) Where any person has been convicted under paragraph (1), the Court may cancel his license or permit

25. These regulations shall come into operation on 06 August 2007.

Made by the Minister on 03 August 2007.

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