

*Government Notice No. 144 of 2019***THE CONSUMER PROTECTION ACT****Regulations made by the Minister under section 4(1)
of the Consumer Protection Act**

1. These regulations may be cited as the Toys (Safety) (Amendment) Regulations 2019.

2. In these regulations –

“principal regulations” means the Toys (Safety) Regulations 1994.

3. Regulation 2 of the principal regulations is amended by inserting, in the appropriate alphabetical order, the following new definitions, the full stop at the end of the definition of “toy” being deleted and replaced by a semicolon –

“Bureau” means the Mauritius Standards Bureau established under the Mauritius Standards Bureau Act;

“certificate of conformity”, in relation to a toy, means a document from a third-party conformity assessment body which certifies whether or not the toy complies with the essential safety requirements;

“conformity assessment body” –

(a) means a body or a certified laboratory which provides conformity assessment services and which is recognised as such under the laws of its country; and

(b) includes the Bureau;

“conformity report”, in relation to a toy, means a document issued by the Bureau which certifies whether or not the toy complies with the essential safety requirements;

“Director-General” has the same meaning as in the Mauritius Revenue Authority Act;

“effective date”, in relation to an application, means the date by which all required documents, information or samples are submitted;

“export” has the same meaning as in the Customs Act;

“guidelines” means guidelines issued by the Bureau –

- (a) setting out the requirements for, the applicable law relating to, and the procedures for, an application for a conformity report; and
- (b) listing all fees leviable in respect of a conformity report;

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

“test report” means a report which contains the results of tests carried out on a toy in accordance with test methods specified in the European standard or Mauritian standard;

“TradeNet” has the same meaning as in the Customs Act.

4. The principal regulations are amended by revoking regulation 3 and replacing it by the following regulation –

3. Any guidelines issued by the Bureau shall be available for consultation at the Bureau and shall be posted on the website of the Bureau.

5. The principal regulations are amended by inserting, after regulation 4, the following new regulations –

4A. (1) Every importer of toys shall, through the TradeNet or in such other manner as the Bureau may determine, submit to the Bureau a certificate of conformity or test report.

(2) On receipt of the certificate of conformity or test report, the Bureau shall forthwith undertake a verification of the certificate of conformity or test report.

(3) The Bureau shall, not later than 2 working days after receipt of the certificate of conformity or test report, inform the Director-General, the enforcement authority and the importer as to whether the toys comply with the essential safety requirements.

(4) Notwithstanding regulation 5, where no certificate of conformity or test report is submitted by the importer or where the Bureau is, after verification, not satisfied with the certificate of conformity or test report submitted, the Bureau shall request the importer to apply for a conformity report.

4B. (1) An application for a conformity report shall –

- (a) be made through the TradeNet in such form as the Bureau may approve or in such other manner as the Bureau may determine;
- (b) be accompanied by such other document as may be required in the guidelines;
- (c) be subject to the payment of such fees as may be specified in the guidelines; and
- (d) be subject to such conditions as may be specified in the guidelines.

(2) On receipt of an application for a conformity report, the Bureau shall process the application and issue the conformity report not later than 2 working days after the effective date of receipt of the application.

4C. (1) Notwithstanding regulations 4A(3) and 4B(2), where verification, testing or analysis of the toys is required, the Bureau shall issue the conformity report not later than 2 working days –

- (a) after verification of the toys; or
- (b) after receipt of the certificate of conformity or test report,

as the case may be.

(2) The conformity report shall be issued on payment of any fees as may be specified in the guidelines for the purpose of verification, testing or analysis.

(3) Where toys are under Customs control, the authorised officer shall take the toys or a sample of the toys, as the case may be, in accordance with section 25B(3) of the Customs Act.

4D. (1) For the purpose of regulations 4A(3), 4B(2) and 4C(1), the Bureau shall, through the TradeNet or in such other manner as the Bureau may determine, notify the Director-General, the enforcement authority and the importer whether or not the toys comply with essential safety requirements.

(2) (a) For the purpose of regulations 4B(1)(c) and 4C(2), the fees may be paid to the Director-General through the TradeNet or in such other manner as the Director-General may determine.

(b) The Director-General shall, not later than 15 working days after the end of every month, remit the fees collected to the Bureau.

(3) The Director-General shall release the toys imported under these regulations in accordance with section 25B of the Customs Act.

6. These regulations shall come into operation on 31 August 2019.

Made by the Minister on 23 August 2019.
