

## **LEGAL SUPPLEMENT**

To the Government Gazette of Mauritius No.45 Of 22 May 2003

**Government Notice No. 56 2003**

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

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

1. These regulations may be cited as the Consumer Protection (Export Control) (Amendment) Regulations 2003.
2. In these regulations-  
  
“principal regulations” means the Consumer Protection (Export Control) Regulations 2000;
3. Regulation 2 of the principal regulations is amended-
  - (1) by adding the following definitions in their proper alphabetical order—  
“conflict diamond” means a rough diamond that is used by any rebel movement to finance any conflict aimed at undermining a legitimate Government;  
“Kimberley Process Certificate” means a forgery resistant document in the form set out in the Fourth Schedule issued in accordance with the requirements of the Kimberley Process Certification Scheme under regulation 5A;  
“Kimberley Process Certification Scheme” means the scheme established in pursuance of the United Nations General Assembly Resolution 55/56 (2000) at Kimberley, South Africa, to prevent trade in conflict diamonds;  
“Rough diamond” means a diamond that is unworked or simply sawn, cleared or bruted and which falls under the relevant Harmonised Commodity Description and Coding System 7102.10, 7102.21 and 7102.31;

- (2) by deleting the definition of “export” and replacing it by “export”-
  - (a) means to take or cause to be taken out of the customs territory; and
  - (b) in relation to rough diamonds means the taking or causing to be taken out from the State of Mauritius.

4. The principal regulations are amended by adding immediately after regulation 5, the following new regulation-

- 5A (1) No export permit shall be granted under regulation (4) in respect of rough diamonds unless the applicant-
  - (a) has registered himself with the Ministry;
  - (b) has been issued with a Kimberley Process Certificate from the Permanent Secretary.
- (2) The application for a Kimberley Process Certificate shall be made in the form set out in the Third Schedule.
- (3) The Permanent Secretary may on receipt of an application under paragraph (2)-
  - (a) consult such person he considers necessary;
  - (b) request the applicant to furnish such additional information or document as he may reasonably require;
  - (c) issue a Kimberley Process Certificate to the applicant for a maximum validity period of 3 months, subject to such conditions as he may deem fit to impose including a condition that the rough diamonds be exported in a sealed tamper-proof container.
- (4) The Permanent Secretary may reject an application submitted under paragraph (2) where-

- (a) the applicant fails to comply with these regulations; and
- (b) he has sufficient ground to believe that the rough diamonds to be exported have not been handled in accordance with the requirements of the Kimberley Process Certificate Scheme.

5. The First Schedule to the principal regulations is amended by adding the following item in the appropriate numerical order-

7102.10}  
7102.21} Rough diamonds  
7102.31}

6. The principal regulations are amended by adding immediately after the Second Schedule, the Schedules set out in the Schedule to these regulations.

7. These regulations shall come into operation on 22 May, 2003.

Made by the Minister on Tuesday 20<sup>th</sup> May 2003.

**THIRD SCHEDULE**  
*(Regulation 5A)*

**APPLICATION FOR A KIMBERLEY PROCESS CERTIFICATE**

**1. PARTICULARS OF APPLICANT**

(a) **Name:**.....  
(BLOCK LETTERS)

(b) **Address:** .....  
(BLOCK LETTERS)

(c) **Phone No.:**.....**Fax No.:**.....

(d) **Zone/Sector:**.....  
(Specify whether Export Process Zone or Freeport Area or local trade)

**2. IMPORT DETAILS**

**Date of import:**.....

**Country of origin:**.....  
(insert mixed origin if more than one country)

**Import permit Ref. No.:**.....  
(attach copy of permit if importer after 31 December 2002)

**Kimberley Process Certificate  
Number and date:**.....

**Exporter's name and address:**.....

**3. DETAILS OF ROUGH DIAMONDS (attach copy of Invoice to be sent abroad)**

- **Type** .....  
(insert whether defect, sawn, unchanged)

-**H.S. Code:** .....

-**Weight (in carat):**.....

-**Value (USD):** .....

-**Value (MRS):** .....

-Number of parcels .....Date of export .....

-Name of aircraft .....

4. **PURPOSE OF EXPORT:** .....  
(Specify whether return back to exporter as defect or after processing or for trade)

5. **DETAILS OF CONSIGNEE**

Name:.....  
(BLOCK LETTERS)

Address: .....  
(BLOCK LETTERS)

Phone No: .....Fax No.: .....

Final destination: .....  
(insert name of airport)

6. **DECLARATION**

**I hereby declare that the rough diamonds to be exported were handled in accordance with the provisions of the Kimberley Process Certification Scheme. I further declare that the particulars given in this application and the documents attached herewith are to the best of my knowledge and belief, true and correct.**

Date: .....

Signature:.....

Designation:.....