

Government Notice No.107 of 2007

**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 a scrap metal exporter or a 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 or 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. No person shall carry on the business of scrap metal exporter or scrap metal dealer unless he is the holder of a licence issued by the Permanent Secretary.

4. (1) Subject to paragraph (2), an application for a licence to carry on the business of scrap metal exporter or scrap metal dealer under regulation 3 shall be made to the Permanent Secretary in the form and manner specified in the Second and Third Schedule respectively.

(2) No person shall apply for a scrap metal exporter licence unless he submits to the Permanent Secretary evidence of his having been in 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 premises of the applicant which are intended for use as a 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 the -
 - (i) applicant is a citizen of Mauritius and is 18 years of age;

- (ii) applicant has not 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 him unfit to be granted a licence; or
 - (iii) report of the inspection in respect of the scrapyard of the applicant shows that the scrapyard is 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 reasons of his decision within 10 days of the date of his decision.

6. Where an application has been granted under regulation 5(a), the Permanent Secretary shall issue a licence to carry on the business of –

- (a) scrap metal exporter in the form specified in the Fourth Schedule on payment of a yearly licence fee of 50,000 rupees; or
- (b) scrap metal dealer in the form specified in the Fifth Schedule on payment of a yearly licence fee of 25,000 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 scrapyard should not be located in a residential zone as appears in the outline scheme of the area;
- (b) the scrapyard should be located more than 200 metres from the nearest residence;
- (c) the scrapyard should be properly fenced so as not to be an eyesore;
- (d) the scrapyard should be well drained and sprayed to prevent breeding of mosquitoes; and
- (e) the time of activity in any scrapyard shall be from 7 a.m to 5 p.m.

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 25 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 to carry on the business of –

- (a) scrap metal exporter upon payment of the yearly licence fee of 50,000 rupees; or
- (b) scrap metal dealer upon payment of a yearly licence fee of 25,000 rupees.

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

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 10,000 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 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 25 per cent 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 10,000 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 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 200 rupees.

(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 obtained 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 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 a 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 scrapyard 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 licence 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 scrapyard, 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 scrapyard, 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 and weight 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 time and 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 scrapyard; 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 scrapyard 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 licence to him; and
- (b) carry out an inspection of 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. Any licence for dealer in old metals issued under the Local Government Act 2003, or regulations made under it, which has not expired prior to on coming into operation of these regulations shall remain valid until its expiry as if it were a licence for scrap metal dealer.

24. (1) Any person who contravenes these regulations or breaches any condition of his licence or permit 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 licence or permit.

25. These regulations shall come into operation.....

Made by the Minister on

2007.

FIRST SCHEDULE*(regulation 2)***SCRAP METAL**

Heading	H.S. Code	Description
72.04		Ferrous waste and scrap; remelting
	7204.10	scrap ingots of iron or steel Waste and scrap of cast iron
	7204.29	Waste and scrap of alloy steel
	7204.30	Other
	7204.30	Waste and scrap of tinned iron or steel
	7204.41	Other waste and scrap Turnings, shavings, chips, milling waste, sawdust, filings, trimmings and stampings, whether or not in bundles
	7204.49	Other
	7204.50	Remelting scrap ingots
74.03		Refined copper and copper alloys, unwrought
	7403.19	Other
	7403.22	Copper alloys
	7403.29	Copper-tin base alloys (bronze)
	7403.29	Other copper alloys (other than master alloys of heading 74.05)
74.04	7404.00	Copper waste and scrap
75.02		Unwrought nickel
	7502.20	Nickel alloys
	7503.00	Nickel waste and scrap
76.01		Unwrought aluminium
	7602.00	Aluminium waste and scrap
78.02	7802.00	Lead waste and scrap
79.02	7902.00	Zinc waste and scrap
80.02	8002.00	Tin waste and scrap
81.01		Tungsten (wolfram) and articles thereof, including waste and scrap

	8101.97	Waste and scrap
	8101.99	Other
81.02		Molybdenum and articles thereof, including waste and scrap
	8102.97	Waste and scrap
	8102.99	Other
81.03		Tantalum and articles thereof, including waste and scrap
	8103.30	Waste and scrap
81.04		Magnesium and articles thereof, including waste and scrap
	8104.20	Waste and scrap
81.05		Cobalt mattes and other intermediate products of cobalt metallurgy; cobalt and articles thereof, including waste and scrap
	8105.20	Cobalt mattes and other intermediate products of cobalt metallurgy; unwrought cobalt; powders
	8105.30	Waste and scrap
81.06	8106.00	Bismuth and articles thereof including waste and scrap
81.07		Cadmium and articles thereof, including waste and scrap
	8107.30	Waste and scrap
81.08		Titanium and articles thereof, including waste and scrap
	8108.30	Waste and scrap
81.09		Zirconium and articles thereof, including waste and scrap
	8109.30	Waste and scrap
81.10		Antimony and articles thereof, including waste and scrap
	8110.20	Waste and scrap
81.11	8111.00	Manganese and articles thereof, including waste and scrap.

81.12		Beryllium, chromium, germanium, vanadium, gallium, hafnium, indium, niobium (columbium), rhenium, and thallium, and articles of these metals, including waste and scrap
	8112.13	Waste and scrap
	8112.22	Waste and scrap
	8112.52	Waste and scrap
	8112.92	Unwrought; waste and scrap; powders
81.13	8113.00	Cermets and articles thereof, including waste and scrap

SECOND SCHEDULE*(regulation 4(1))***APPLICATION FOR A SCRAP METAL EXPORTER LICENCE****The Permanent Secretary****Ministry of****1. I/We (Name of applicant)****hereby apply for a licence to carry on a business as a scrap metal exporter.****NIC number :.....****Residential Address :.....****Profession :.....****Telephone number :.....****Cellular number :.....****Address of scrapyard :.....****2. I/We undertake to comply with all the relevant provisions of the Consumer Protection (Scrap Metal) Regulations 2007.**

.....

Date

.....

Signature of applicant

THIRD SCHEDULE
(regulation 4(1))

APPLICATION FOR A SCRAP METAL DEALER LICENCE

The Permanent Secretary

Ministry of

**1. I/We
(Name of applicant)
hereby apply for a licence to carry on a business as a scrap metal dealer.**

**NIC number :.....
Residential Address :.....
Profession :.....
Telephone number :.....
Cellular number :.....
Address of scrapyard :.....**

2. I/We undertake to comply with all the relevant provisions of the Consumer Protection (Scrap Metal) Regulations 2007.

.....
Date

.....
Signature of applicant

FOURTH SCHEDULE*(regulation 6(a))***SCRAP METAL EXPORTER LICENCE**

1. Mr/Mrs..... of

 is hereby licenced to carry on the business of scrap metal exporter.

2. Particulars of the licence –

(a) Amount Paid :.....
 Date :.....
 (b) Licence No :.....
 Duration of licence: from to
 Date of issue :.....

Note: This licence shall be valid subject to –

- (1) the provisions of the Consumer Protection (Scrap Metal) Regulations 2007; and
- (2) the conditions attached to this licence.

Permanent Secretary

Ministry of

CONDITIONS ATTACHED TO LICENCE

- 1.
- 2.
- 3.

FIFTH SCHEDULE*(regulation 6(b))***SCRAP METAL DEALER LICENCE**

1. Mr/Mrs..... of

 is hereby licenced to carry on the business of scrap metal dealer.

2. Particulars of the licence –

(a) Amount Paid :.....
 Date :.....
 (c) Licence No :.....
 Duration of licence: from to
 Date of issue :.....

Note: This licence shall be valid subject to –

- (1) the provisions of the Consumer Protection (Scrap Metal) Regulations 2007; and
- (2) the conditions attached to this licence.

Permanent Secretary

Ministry of

CONDITIONS ATTACHED TO LICENCE

- 1.
- 2.
- 3.

SIXTH SCHEDULE*(regulation 11(1))***APPLICATION FOR A SCRAP METAL CARRIER PERMIT****The Permanent Secretary****Ministry of**

**1. I/We
hereby apply for a carrier permit to transport scrap metal.**

**NIC number :.....
Residential Address :.....
Profession :.....
Telephone number :.....
Cellular number :.....
Type and registration mark of vehicle :.....**

2. I am the owner/lessee of the abovementioned vehicle.

3. I enclose a certificate of the National Transport Authority in relation to the vehicle.

4. I/We undertake to comply with all the relevant provisions of the Consumer Protection (Scrap Metal) Regulations 2007.

.....
Date

.....
Signature of applicant

SEVENTH SCHEDULE
(regulation 12(1)(a))

SCRAP METAL CARRIER PERMIT

1. Mr/Mrs..... of
.....
is hereby issued a permit to transport scrap metal.

2. Particulars of the carrier permit –

(a) Amount Paid :.....
Date :.....
(d) Permit No :.....
Duration of permit: from to
Date of issue :.....

Note: This permit shall be valid subject to –

- (1) the provisions of the Consumer Protection (Scrap Metal) Regulations 2007; and
- (2) the conditions attached to this permit.

Permanent Secretary

Ministry of

CONDITIONS ATTACHED TO PERMIT

- 1.
- 2.
- 3.
