

# **The Consumer Protection (Trade Fair and Exhibition) Regulations 2003**

**GN No. 40 of 2003**

## **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 (Trade Fair and Exhibition) Regulations 2003**.
2. In these regulations –
  - "applicant" means a person applying in the form set out in the First Schedule for an authorisation to hold a trade fair or an exhibition;
  - "association" means a benevolent, charitable, religious, educational or cultural institution registered with the Registrar of Associations;
  - "authorisation" means an authorisation to hold an exhibition or a trade fair issued under regulation 6(5);
  - "building" means a concrete, or permanent steel-structured, building which may be used for the holding of an exhibition or a trade fair;
  - "Committee" means the Trade Fair and Exhibition Committee established under regulation 5;
  - "exhibition" means a commercial event of limited duration and held in a specific building, at which participants may exhibit, advertise or display their products and services;
  - "foreign organiser" means a non-citizen authorised by a foreign Government to hold an exhibition, or a trade fair, under these regulations;
  - "local organiser" means a person resident in Mauritius authorised to hold an exhibition, or a trade fair, under these regulations;
  - "participant" means a Mauritian, or foreign, organisation or person participating in a trade fair or an exhibition;
  - "Permanent Secretary" means the Permanent Secretary of the Ministry responsible for the subject of commerce;
  - "product" means any product other than a product listed in the Second Schedule;
  - "security bond" means the security bond referred to in regulation 6(5)(b);
  - "services" means the services specified in the Third Schedule;
  - "trade fair" –
    - (a) means a commercial event of limited duration and held in a specific building, at which participants may offer their products and services for sale to the public; and
    - (b) does not include a one-day fair organised by an association.
3. No person shall organise an exhibition or a trade fair, unless he holds an authorisation.
4.
  - (1) Every person who intends to organise an exhibition or a trade fair shall apply for an authorisation from the Permanent Secretary, in the form set out in the First Schedule.
  - (2) The application shall be submitted to the Permanent Secretary 4 months before the proposed date of the exhibition or trade fair.

- (3) Every application for authorisation shall be accompanied by the following documents –
- (a) a statement on the objective of the proposed exhibition or trade fair;
  - (b) the deed of agreement between the applicant and the owner of the building, with regard to its availability for the holding of the proposed exhibition or trade fair
  - (c) the layout plan of the building and of the open space available for parking of vehicles, indicating-
    - (i) the number of motor cars and goods vehicles for which parking facilities will be provided;
    - (ii) the stands, duly marked and numbered, to be made available to participants;
    - (iii) the walking space to be provided for the public between the rows of stands;
  - (d) a list of participants, with their full names, addresses, phone numbers, e-mail addresses and fax numbers;
  - (e) a list of products to be exhibited, advertised or displayed at the proposed exhibition, or offered for sale at the trade fair;
  - (f) the applicant's identity card, certificate of incorporation or certificate of registration with the Registrar of Associations, or any other evidence of identification;
  - (g) a clearance certificate from the Fire Services Department;
  - (h) a copy of the appropriate authority from the Commissioner of Police;
  - (i) a clearance certificate from the Ministry of Health;
  - (j) a certificate of insurance for public liability to insure members of the visiting public, participants and officers of the trade fair or exhibition;
  - (k) a copy of the appropriate licence issued by the relevant local authority;
  - (l) a document certifying the approval of Prime Minister's Office, with respect to foreign participants; and
  - (m) in the case of a foreign organiser, evidence of the foreign Government's written authorisation to organise a trade fair or exhibition on its behalf and to use its country's insignia, coats of arms and name.
- (4) The Permanent Secretary may request the applicant to furnish such additional information or document as he may reasonably require.

- (5) The Permanent Secretary shall refer every application which complies with this regulation to the Committee.
5. (1) There is established for the purposes of these regulations a Trade Fair and Exhibition Committee.
- (2) The Committee shall consist of -
- (a) the Permanent Secretary of the Ministry responsible for the subject of commerce or his representative, as Chairperson;
  - (b) a representative of the Prime Minister's Office;
  - (c) a representative of the Ministry responsible for the subject of finance;
  - (d) a representative of the Ministry responsible for the subject of industry;
  - (e) a representative of the Customs Department;
  - (f) a representative of the Value Added Tax Department;
  - (g) a representative of the Income Tax Department;
  - (h) a representative of the Registrar of Associations;
  - (i) a representative of the Mauritius Chamber of Commerce and Industry.
- (3) The Committee may co-opt any person on the Committee.
- (4) The Committee shall meet at such time and place as may be determined by the Chairperson.
- (5) The Committee shall regulate its proceedings in such manner as it thinks fit.
6. (1) The Committee shall examine every application referred by the Permanent Secretary and shall make recommendations to the Minister for approval or otherwise.
- (2) The Minister may, before approving an application-
- (a) consult such person as he considers necessary;
  - (b) request the applicant to furnish such additional information or document as he may reasonably require;
  - (c) refer back the application to the Committee for reconsideration.
- (3) Notwithstanding a favourable recommendation of the Committee, the Minister may decline to approve an application on the ground of public or national interest.
- (4) Where the Minister is satisfied that the applicant is fit to be the organiser of a trade fair or of an exhibition, he shall approve the application and direct the Permanent Secretary to issue an authorisation to the applicant.
- (5) The Permanent Secretary shall issue an authorisation, subject to -
- (a) the payment of an authorisation fee of 50,000 rupees;

(b) the organiser submitting a security bond in the form set out in the Fourth Schedule, drawn by a local bank for a sum of 200,000 rupees in favour of the Government, for a period of one year from the opening date of the trade fair or exhibition;

(c) the conditions specified in the Fifth Schedule; and

(d) such other condition as he may think fit to impose.

7. (1) No person shall hold a trade fair or exhibition -

(a) on any day during the months of January, February, November and December;

(b) at any other place than inland; or

(c) in the case of-

(i) a local organiser, for a period exceeding 7 days;

(ii) a foreign organiser, for a period exceeding 10 days

(2) (a) Subject to paragraph (b), no person shall sell any product nor provide any service at any exhibition.

(b) A participant may receive orders in respect of products displayed or services promoted at an exhibition.

(3) Any participant who imports any product or exhibit for the purposes of an exhibition shall re-export the product or the exhibit within one month of the last day of exhibition or such extended period as the Minister may approve.

8. (1) Any liability to Government or any consumer, arising from any act or omission of a participant, shall be deemed to accrue to the organiser.

(2) The Permanent Secretary shall offset against the security bond, the payment of any compensation to an aggrieved consumer under any enactment relating to consumer protection, and the payment of any amount due to the Government as duties or taxes.

(3) The security bond submitted by the organiser shall be forfeited in case of breach of condition of the authorisation or contravention of these regulations.

(4) The security bond shall not be released until clearances from the Commissioner of Value Added Tax and the Commissioner of Income Tax have been obtained.

9. (1) Any person who contravenes regulation 3 or 7, or any condition attached to the authorisation, 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 an organiser has been convicted under paragraph (1), the Minister may revoke any authorisation issued to him.

10. The Trade Fairs and Exhibitions Regulations 1993 are revoked.

11. These regulations shall come into operation on 03 April 2003.

Made by the Minister on Tuesday 1<sup>st</sup> April 2003.

**FIRST SCHEDULE**  
*(regulations 2 and 14)*

**The Consumer Protection (Trade Fair And Exhibition)**  
*Regulations 2003*

**APPLICATION FOR AN AUTHORISATION TO ORGANISE A TRADE FAIR/EXHIBITION\***

You are hereby requested to read carefully the attached conditions regarding the approval of trade fairs prior to filling this application form.

Failure to submit complete information shall entail non-consideration of application.

**1. Particulars of Applicant**

(a) Name: .....

(b) Address: .....  
.....(Block Letters)

(c) Phone No: .....

Fax No.: .....

Email Address: .....

2. Title of Fair/Exhibition\*: .....

3. Objectives of the Trade Fair/Exhibition\*  
.....  
.....

4. List of Articles to be Exhibited/Sold: .....

5. Location of Trade Fair/Exhibition\*

Address: .....

Type of building: .....

Owner of Building - Name: .....

(Block Letters)

Address: .....

Area of Building (Charges..... square metres

Rental Payable to Owner of Building: .....

6. Number of Stands: .....

7. Number and Particulars of Participants

(i) Foreign: .....

(ii) Local: .....

8. Period during which the Trade Fair/Exhibition\* will be held

From..... to.....

9. Rental Charges per Stand .....
10. Estimated Expenditure .....
11. Clearances (with supporting evidence) relating to –
  - (i) Security
  - (ii) Insurance
  - (iii) Health
  - (iv) Sanitation
  - (v) Liabilities to Public
12. Qualifications/experience of applicant indicating competence in the organisation of Fairs and Exhibitions:-
13. Declaration

I hereby apply for an authorisation to hold a Trade Fair/Exhibition and declare that the particulars given in this application and the documents required under regulation 4(3) of the Consumer Protection (Trade Fair and Exhibition) Regulations 2003 attached herewith are, to the best of my knowledge and belief, true and correct and I undertake to comply with all the provisions of the Consumer Protection (Trade Fair and Exhibition) Regulations 2003.

Date: .....

Signature: .....

Designation: .....

\*Delete as appropriate

## **SECOND SCHEDULE** (regulation 2)

1. Ball valve bottles
2. Explosive caps for toy pistols and guns containing a mixture of potassium chlorate and red phosphorus
3. Fire crackers of a type commonly known as "petards rapes"
4. White phosphorus matches
5. Motor vehicle rubber tyres which have been remoulded, recapped or regrooved
6. Kerosene stoves of a type commonly known as "lampes vertes" and parts thereof
7. Water scooters
8. Ivory and Tortoise Shell
9. Underwater fishing guns
10. Sugar and chocolate confectionary and bubble/chewing gum in the form of cigarettes
11. Second-hand motor vehicle spare parts and accessories as follows –
  - (a) Tyres, tubes and wheels;
  - (b) Macpherson strut assembly;
  - (c) Injector nozzles;
  - (d) Chassis and parts thereof;

- (e) Brake linings;
- (f) Clutch nut and parts thereof;
- (g) Filters;
- (h) Hoses;
- (i) Engine mountings;
- (j) Belts;
- (k) Oil seals;
- (l) Ball joints
- (m) Bearings;
- (n) Shock absorbers;
- (o) Coil Spring, leaf spring and torsion bar;
- (p) Car bodies;
- (q) Jacks

12. Toy motor-cyclists' helmets
13. "Roll your own cigarettes" papers imported under H. S. Code No. 48.13
14. Electric Water Heater with bare element and parts and accessories thereof
15. Portable electric lamps commonly known as laser penlights/ torches
16. Toy pistols and guns with projectiles
17. Containers performing the function of "Aerosols" using C.F.C's (Chlorofluorocarbons) as propellant with contents other than pharmaceutical products
18. The following items containing C.F.C's (Chlorofluocarbons) as refrigerant or blowing agent-  
  
Refrigerators, freezers, refrigerating cabinets, showcases, counters and other refrigerating or freezing furnitures, chilling units, coolers, air conditioners (including motor vehicle air conditioners), automatic beverage-vending machines, incorporating refrigerating devices, cold-room equipment, refrigerated transport vehicles, refrigerator insulation, freezer insulation, foam packings, dehumidifiers, fishing boat refrigeration equipment, and styrofoam
19. Crocidolite (Blue Asbestos) and its products
20. Polybrominated Diphenyls (PBB) and its products
21. Polychlorinated Diphenyls (PCB) and its products
22. Polychlorinated Terphenyls (PCT) and its products
23. Tris (2, 3 - Dibromopropyl) Phospate and its products
24. PVC teethers and teething rings
25. Rolling machines (other than rolling machines of industrial types) used to manufacture cigarettes
26. Diamonds including rough ones imported from Liberia

27. Pharmaceutical products
28. Jewellery items, other than imitation ones
29. Electrical and electronic goods including and computers, cellular phones
30. DVD's & VCD's compact discs
31. Automotive spare parts

### **THIRD SCHEDULE**

*(regulation 2)*

Banking Services

Entertainment and Music

Food and Catering Services

Freeport Services

Information and communications technology

Tourism Services

### **FOURTH SCHEDULE**

*(regulation 6 (5)(b))*

#### **The Consumer Protection (Trade Fair and Exhibition) Regulations 2003**

#### **SECURITY BOND**

By this security the .....  
*(Insert Name of Bank)*

is, pursuant to the Consumer Protection (Trade Fair and Exhibition) Regulations 2003, bound to the Government of Mauritius in the sum of two hundred thousand rupees subject to the condition that if an organiser of a trade fair/exhibition held at .....  
*(insert address of building)*

during period ..... to ..... does not contravene the Consumer Protection (Trade Fair and Exhibition) Regulations 2003, any other Consumer Protection Legislation or any other enactment governing the importation, sale, display, quality and pricing of products by .....  
*(insert date of expiry of security bond) \**

then this security shall be thereby discharged.

**\*\*Dated this** ..... day of ..... two thousand and .....

Signature: .....

Designation: .....

Name of Bank: .....

Official seal of Bank: .....

**\*4 months after the date of this security bond**

**\*\*to insert the opening date of the Trade Fair/Exhibition**

### **FIFTH SCHEDULE**

*(regulation 6(5)(c))*



## **The Consumer Protection (Trade Fair and Exhibition) Regulations 2003**

### **CONDITIONS ATTACHED TO AUTHORISATION**

1. Every organiser and participant shall comply strictly with the laws relating to consumer protection and the Fair Trading Act.
2. Participating EPZ companies, if any, shall be requested to apply for authorisation to sell on the local market well in advance.
3. Any advertising campaign, undertaken for the event shall not be misleading.
4. Entry to the trade fair/exhibition shall be free for children under 12 years of age.
5. The area of each stand shall not be less than 9 square metres, and walking space of not less than 2 metres shall be provided for the public between the rows of stands.
6. Each stand shall be occupied by only one participant and shall, in no circumstances, be subdivided or sublet.
7. A copy of the contract entered into by participants/exhibitors for the trade fair/exhibition shall be submitted to the Permanent Secretary well in advance, prior to the holding of the trade fair/exhibition.
8. The trade fair/exhibition shall be organised within the building. In no circumstances shall a product be displayed or sold outside the building or in any structure set up outside the building within the site of the trade fair/exhibition.
9. The organiser shall clean up the site after the trade fair/exhibition.
10. The organiser shall submit a complete final list of participants, with their respective telephone numbers, fax, numbers and e-mail addresses, to the Permanent Secretary, and to the Comptroller of Customs, at least 2 weeks prior to the holding of the trade fair/exhibition.
11. The organiser shall submit a final list of products to be displayed or offered for sale in the trade fair/exhibition to the Permanent Secretary and the Comptroller of Customs, prior to their shipment from abroad.
12. The organiser shall provide an office in the building for the Consumer Protection Unit of the Ministry to receive and attend to any public enquiry or complaint.
13. The organiser of a Trade Fair shall provide 2 stands free of charge: one to the National Handicraft Promotion Agency and one to the National Council for the Rehabilitation of Disabled Persons respectively.
14. The organiser shall provide an identification badge to each participant, a sample of which shall be submitted to the Ministry at least 2 weeks prior to the holding of the trade fair/exhibition.
15. The organiser shall submit a report with supporting evidence duly certified by the Registrar of Associations at latest 3 months after the holding of the Trade Fair to the effect that the proceeds of the trade fair have been disposed of in compliance with its objectives.
16. No foreign national or foreign organisation shall be authorised to participate, in any capacity, in a trade fair organised by a local organiser.