

## MOTION

### RODRIGUES REGIONAL ASSEMBLY (LICENCES) REGULATIONS

**The Commissioner for Trade, Commerce & Licences (Mr N. Lisette):** Mr Chairperson, Sir, I beg to move the motion standing in my name which reads as follows –

*"That this Assembly is of opinion that in accordance with sections 26 (3) (b) (ii) and 31 of the Rodrigues Regional Assembly Act 2001 there is passed the Rodrigues Regional Assembly (Licences) Regulations 2002."*

This is a motion which is self explanatory. It takes into account Standing Orders of the Rodrigues Regional Assembly and Rules which provide that Regulations required to be made and then section 31 of the Rodrigues Regional Assembly Act 2001 Act No. 39 of 2001 shall be introduced by way of motion. Section 31 of the Act No. 39 provides that the Regional Assembly may pass measures in the exercise of its powers conferred by the Constitution and for the purpose of discharging instruction under the Rodrigues Regional Assembly. This section also provides that these measures shall be known as the Rodrigues Regional Assembly Regulations in relation to matters for which it is responsible under section 26.

Section 26 (3) (b) (i) of the Rodrigues Regional Assembly Act provides that “no person shall carry out, in Rodrigues, any activity specified in the Eighth Schedule to the Local Government Act 1989 unless he has obtained a licence to that effect from the Regional Assembly and paid such fees as maybe prescribed by the Regional Assembly.”

Mr Chairperson, Sir, this is a historic day for the island of Rodrigues. The Regional Assembly which is now a body corporate is being called to adopt its first Regulations.

As the Commissioner who has been assigned the areas of responsibilities for trade, commerce and licences, I am extremely honoured to bring the motion before the House.

Mr Chairperson, Sir, as set out in section 26 (3) (b) (i) of the Rodrigues Regional Assembly Act, the objectives of the Regulations first

prescribe the procedures for the issue of licences and secondly to prescribe the fees and dues payable in respect of such licences.

Mr Chairperson, Sir, the need for a comprehensive *modus operandi* for the issue of licences and for the payment of fees and dues was felt as far back in the early 20<sup>th</sup> century.

At a meeting on the 9<sup>th</sup> day of February 1921, the Rodrigues licences (Consolidating) Regulation, 1921, was approved by the Officer administering the Government in Executive Council 3, thereof, provides that  
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"Every person carrying on, by himself or through an agent, a business, profession, trade, art of calling for which a licence is provided under this Regulation, shall take out such licence and pay the duty fixed for such licences in the schedules, previous to his exercising such business, profession, trade, out or calling"

It was the Magistrate of Rodrigues at that time who was empowered to issue such licences. Since then, we had had Ordinance No. 65 of 1951 namely, the Trade and Industries (Regulation) Ordinance 1951 adopted on 22 November 1951. Under section 51 of the said Ordinance, Regulations were made by the Governor in Council, published in the Government Gazette of the Colony of Mauritius No. 16 of 17<sup>th</sup> March 1954, (Government Notice No. 47 of 1954 refers).

The law was henceforth amended with the coming into force on 01 October 1982 of the Trade and Industries Classification Act and the Regulation of 1993. At present the matter is governed amongst others by the Excise Act of 1994.

Mr Chairperson, Sir, the objectives of this Regulation is to regulate certain trades and activities in the interests of the public of Rodrigues. At this particular moment where Rodrigues has just become autonomous, it is imperative that these Regulations be passed to set the legislative and regulatory framework for a better business environment in Rodrigues. It chiefly aims at proposing the yearly fees for the different trades and activities for the present financial year.

Mr Chairperson, Sir, I have been informed that at present, there are about 600 licences which are awaiting approval by my Commission.

The Rodrigues Regional Assembly Act provides that "no person shall carry out any activities listed in the Eighth Schedule to the Local

Government Act 1989 unless he has obtained a licence to that effect from the Regional Assembly and paid such fee as may be prescribed by the Regional Assembly”.

Mr Chairperson, Sir, the business atmosphere in Rodrigues is very different from that of Mauritius. The difference lies mainly in the size of the market, the availability of raw materials and the particular difficulties encountered in the export process. Obviously, it stands to reason that the fees and dues payable be different.

Mr Chairperson, Sir, this Regulation complies with the provisions of both the Trade and Industries Classification Act and the Local Government Act 1989.

Mr Chairperson, Sir, there has been no increase in fees and dues payable actually. Obviously, there will come a time when the need to increase the fees and dues will be strongly felt. At this particular state of our mandate, emphasis is being laid on the creation of a welcoming and conducive environment for investors both locally and from abroad. The fees shall be paid in respect of each licence at the rates prescribed in the second column of the schedule. The local government does not want at this stage to put any financial burden on the local traders knowing perfectly well the business atmosphere of the island. The fees payable for each activity has been earmarked taking into account the economic situation prevailing in Rodrigues, the Rodriguan overall market, the opportunities for people living in Rodrigues to start a business and indulge in various activities. Mr Chairperson, Sir, the fees and dues prescribed in the schedule to this draft Regulation differ to a lesser extent from those that are prescribed for the District of Black River, which I can venture to say, has a lot in common with Rodrigues.

Mr Chairperson, Sir, fees have also been introduced for those activities which the local government thinks might become an activity in the near future, because this government aims at creating a business atmosphere conducive to local and foreign investment. For example, the fees payable for holding activities such as a firm of architects or engineers amounts to Rs 2500 only. The same principle applies for holding a licence for the manufacture of shirts and garments other than industries (up to 10 assistants) which amount to Rs 122. This measure is a very important for attracting investors from abroad on the island and for encouraging local people to indulge in small and medium enterprises.

I shall now refer the respected Members of the House to the schedule of this Regulation. The respected Members should note that those activities

listed under the schedule of this Regulation and which also fall under the schedule of the Trade and Industries Classification Act 1982 will have to follow the same conditions attached to them as specified in the latter Act.

Referring to clause 4 of the present Regulation, it is stated that nobody is allowed to operate any trade or activity unless he has obtained favourable recommendations from the authorities concerned. There are various trades and activities mentioned in the schedule to this Regulation which may affect public security, public health and public order. I may mention at the outset that the trades and activities affecting public security and order are put under the control of the Commissioner of Police or as the case may be for Rodrigues the Chief Officer of Police as well as the department of health. This means that those activities will require the recommendations of the Commissioner of Police or, as the case may be, for Rodrigues the Chief Officer of Police - and that it is only after favourable recommendations have been obtained from such bodies that the licence may be issued. This is in view of public order, security and safety. Furthermore, certain activities will require the approval and recommendations of other bodies such as fire services, department of health and environment which once more aim to safeguard public safety and health. As specified in the Trade and Industries Classification Act "Where the Commissioner of Police feels that an offence has been committed, he may make a provisional closing order with respect to any trades where he is satisfied that –

- (i) the licensee has failed to comply with the conditions of his licence or any prescribed conditions or/and
- (ii) (ii) the business of the licences has been conducted so as to be a danger to public health, public order or public safety. This is a very important section for the safety and security of the public and the employees.

Mr Chairperson, Sir, I have been informed that some of the traders operating in Rodrigues nowadays are not working within the legal framework since they do not abide by the conditions attached to their licences. For example, a person who applies for a licence for operating a hotel and on obtaining it takes it for granted that he has the right to operate a restaurant/bar, a night club without bothering for applying for any of these licences. Mr Chairperson, Sir, the authority is going to take all necessary steps to stop this illegal practice. In the case mentioned above, the licensee should hold a licence for his hotel, another one for his restaurant bar as well as for his night club amounting to three different licences. This will be applied for a shopkeeper selling liquor, beer and cooking gas. In this case, the trader should hold a licence as gas seller and dealer in liquor and beer. As you can see, Mr Chairperson, Sir, this will help in collecting more funds.

Licence fees collected under any activity constitute recurrent revenues to the consolidated funds for the Rodrigues Regional Assembly. I should here mention, Mr Chairperson, Sir, that the authorised body for supervising these irregularities will have full support from the local government to implement these measures and anybody who is caught flouting the regulations will be prosecuted as per the rule. A regulatory framework will be set up to ensure that the prescribed conditions attached to the licences are followed accordingly and strictly. Similarly, Mr Chairperson, Sir, the requirements of premises used for carrying on a trade or activities and the provisions of appliances in them for securing the safety of the employees and the public is another aspect that the authority will look strictly into. Any person who contravenes this requirement shall commit an offence and shall, on conviction, be liable to be prosecuted or we may even order the closing of the premises.

Mr Chairperson, Sir, I said earlier that there are about 600 pending licences which are awaiting approval by my Commission. Among these, there are no less than 420 applicants for hawker licences. In view of the large number of applications for hawkers, bearing in mind the size of the island, specific criteria have to be followed for approval of such licences. During the last years, Mr Chairperson, Sir, we have been witnessing the implantation of many small mobile snacks *pousser comme des champignons* along the streets and this is bringing much threat to public safety and security. Many times, these so-called *tabagie* are not in accordance with the Food Act and this represents much danger to public health. As a consequence, specific criteria will have to be followed for approval of these hawkers' licences. As stated in the Trades and Industries Classification Act, a 'hawker' includes –

- (a) a person who, in any street or public place, other than in permanent premises sells any goods, wares or merchandises, or sells his skill in handicraft; and
- (b) a person who goes from place to place or to other persons' house carrying to sell, any goods wares or merchandises, or selling in handicraft.

Once this regulation comes into effect, the authority will see to it that any person holding a hawker licence abide to the conditions attached to it.

Mr Chairperson, Sir, I consider that the present regulation is being introduced at a time when it is very important to give a boost to the trade sector in Rodrigues and to monitor and eradicate all illegal activities on the island. I may mention at the outset that the trades and activities affecting public security and order are put under the control of the Commissioner of Police or any officer authorised by him in writing. This is a scheme, Sir, by which the present Government intends to control the operations and to combat illegal practices of the various trades, businesses and industries on our island.

With these remarks, Mr Chairperson, Sir, I commend the motion to the House.

Thank you.

**The Chief Commissioner rose and seconded.**

**The Chief Commissioner:** Mr Chairperson, Sir, I congratulate Commissioner Lisette for introducing his first motion - the Rodrigues Regional Assembly (Licences) Regulations 2002 which is one of the main skeletal framework which controls our businesses and economic policies in Rodrigues. The Executive Council policies are designed to increase the level of economic activities in all sectors of the economy and to provide increasing employment opportunities for all. These objectives will be achieved in an environment in which investors, particularly local investors, will have confidence to invest, develop and grow and which will stimulate and encourage national savings. This is why I feel very satisfied with my colleague, Commissioner Lisette, who has decided that there is no increase in the fees payable for the time being in this autonomous Rodrigues island.

Mr Chairperson, Sir, in order to achieve a sustainable increase in our economic activities, it is necessary that we set up competitiveness in the rodriguan economy, particularly the agricultural sector, the tourism sector, the business sector, small enterprises and the export sector. This will be achieved through the setting up of a trade liberalisation programme, implementation of targeted sectorial programmes and further development

of market access opportunities which will fall under the control of the Rodrigues Development Authority.

Mr Chairperson, Sir, another critical component in our economic environment is the setting up of a harmonious industrial relation climate. This can be achieved when labour agreements are concluded expeditiously and meticulously honoured. The Governing Executing Council, the Rodrigues Regional Assembly and the OPR party recognise labour as integral to the nation building process.

Mr Chairperson, Sir, a major policy objective is the capacity to provide health, education, employment and other social needs to the population and to phase out poverty. To this end, we must maintain a revenue base sufficiently adequate to provide the funding to meet these requirements. We must ensure greater efficiency in the local government operation so that we get maximum value for every rupee spent from public funds. Moreover, we will explore various mechanisms, including hedging to management of our debt exposure, because an appropriate debt management strategy is vital in the management of the country's finance.

Mr Chairperson, Sir, as from next year emphasis will be laid on the enforcement of laws and regulations to control illegal trade operation in this island. This will help the Rodrigues Regional Assembly to increase the recurrent revenues obtained from these trades so as to make our consolidated fund more productive.

Mr Chairperson, Sir, the Governing Executive council has the vision to deliver on our commitment to strengthen the social and economic fabric of the autonomous Rodrigues Island. The Rodriguans will be considered as the development agents of the island. We will transform the health sector so that improved health services will be readily available to the people of Rodrigues. In adopting the Rodrigues Regional Assembly (Licences) Regulations 2002 we will refocus the direction of our agricultural reform and sector which is the backbone of our economy. With a good agricultural reform and a sound town and country planning and with appropriate productive tools, we shall be able to produce, transform and export our products. This will help us to change the assisting mentality into a productive one. Opportunities will be created for young people of 18 and over by assisting them to acquire entrepreneurial know-how and marketable skills by means of education and training and by providing financial support through micro-businesses and small businesses ventures.

Mr Chairperson, Sir, by the profit generated by the Rodrigues Regional Assembly (Licences) Regulations 2002, we shall protect our senior

citizens and the less fortunate in the rodriguan society. We will enhance Rodrigues standings as an investor friendly jurisdiction. By any criteria, Mr Chairperson, Sir, the governing Executive Council, with the help of all Rodriguans will manage to have a successful economy. We will ensure that sustainable economic growth with meaningful job creation and significant diversification of our economy remains our imperative.

This is the sum of my speech, Mr Chairperson, Sir.

**Mr Chairperson:** Commissioner Nicolson Lisette has, in writing, informed me that he would move various amendments to the motion standing in his name. I have considered the proposed amendments and I have found that these relate to the Regulation itself and consist of minor amendments. I have allowed him to move for the amendments under section 31 of the Regional Assembly Standing Orders.

**Mr Lisette:** Mr Chairperson, Sir, I move that the word “daily” in clause 13 (1) of the draft regulation be left out and that the word “weekly” be inserted thereof.

Mr Chairperson, Sir, the Regulation on the same subject matter that are obtained in Mauritius mentions “daily newspapers”. Actually in Rodrigues, there are no daily newspapers. I was alive to the fact and due to a typing error the word “daily” has crept in. I therefore move that the word “daily” be left out and the word “weekly” be replaced thereof.

*Amendment agreed to.*

**Mr Lisette:** Mr Chairperson, Sir, I move that the words “part one” be inserted just below the words “Regulation 6” in the schedule of the draft regulation. This is unfortunately an omission which has crept during the typing of the draft regulations.

*Amendment agreed to.*

**Mr Lisette:** Mr Chairperson, Sir, I move that the words “Schedule II” be left out and that the words “part 2” be inserted therein. Mr Chairperson, Sir, this is simply to correct a typing mistake.

*Amendment agreed to.*

*On question put, the motion was agreed to.*

**The Chief Commissioner:** Mr Chairperson, Sir, before I move for the adjournment of this last sitting, I should like, again in my capacity as Chief Commissioner and leader of this House, to extend my best wishes to all Members of the governing Executive Council and their families, to all respected Members of the House and their families, to the Clerk of the Rodrigues Regional Assembly and his family, to the Island Chief Executive and his family, to all the departmental heads and their families and to all civil servants who are working under the Rodrigues Regional Assembly. Thank you, Mr Chairperson, Sir, and receive all my compliments of the season. May 2003 be a good and prosperous year for all of us.

**The Deputy Chief Commissioner:** Mr Chairperson, Sir, I would like to make some comments on this Regulation.

**Mr Chairperson:** You can't do it now, I am sorry. It has already been voted.

## **ADJOURNMENT**

**The Chief Commissioner:** Mr Chairperson, Sir, I beg to move that this Assembly do now adjourn to Tuesday 07 January 2002 at 10.30 a.m.

**Mr Jacques Pierre Louis, Deputy Chairperson rose and seconded.**

*At 11.05 hrs. the Assembly was, on its rising, adjourned to Tuesday 07 January 2002 at 10.30 a.m.*