

Government Notice (Rodrigues Regional Assembly) No. 1 of 2016

**RODRIGUES REGIONAL ASSEMBLY (Consumer Protection)
(Maximum Price) REGULATIONS 2016**

**Regulations made by the Rodrigues Regional Assembly under
section 75B(1)(b) of the Constitution and section 31 of the
Rodrigues Regional Assembly Act**

ARRANGEMENT OF REGULATIONS

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1. Short title

These regulations may be cited as the Rodrigues Regional Assembly (Consumer Protection) (Maximum Price) Regulations 2016.

2. Interpretation

In these regulations –

“authorised officer” means any public officer designated by the Departmental Head;

“Commission” means the Commission responsible for the subject of consumer protection;

“Commissioner” means the Commissioner to whom responsibility for the subject of consumer protection is assigned;

“controlled goods” means any goods specified in the First Schedule;

“Departmental Head” means the Departmental Head of the Commission;

“importer” means any trader who brings, or causes to be brought, controlled goods into Rodrigues;

“non-taxable goods” means exempt supply in respect of which value added tax is exempted under the Value Added Tax Act;

“supply” has the same meaning as in the Consumer Protection (Price and Supplies Control) Act;

“taxable goods” means the controlled goods specified in Part I of the First Schedule and in respect of which value added tax is chargeable under the Value Added Tax Act;

“trade” has the same meaning as in the Consumer Protection (Price and Supplies Control) Act;

“trader” has the same meaning as in the Consumer Protection (Price and Supplies Control) Act.

3. Maximum prices

(1) The maximum wholesale and maximum retail prices at which taxable goods specified in Part I of the First Schedule may be sold shall be those specified in the second and third columns of the notice as published under the Third Schedule.

(2) The maximum wholesale and maximum retail prices at which non-taxable goods specified in Part II of the First Schedule may be sold shall be those specified in the second and third columns of the notice as published under the Third Schedule.

(3) No trader shall sell or supply any controlled goods at a price higher than that specified in the Third Schedule.

4. Submission of return

(1) Every importer shall, not later than 7 days from the date of landing of controlled goods imported, submit to the Departmental Head, in respect of each type of controlled goods –

- (a) a return in the form specified in Sub-Part A of Part I of the Second Schedule;
- (b) the relevant invoices;
- (c) the relevant Bill of Lading, Bill of Parcel, Bill of Entry, Letter of Credit and any other bank document;
- (d) the freight and insurance vouchers relating to the importation of the goods;
- (e) any other shipping documents specifying –
 - (i) the type of controlled goods imported;
 - (ii) the quantity imported per type; and
 - (iii) all related charges;
- (f) transport documents; and
- (g) such other particulars or documents as the Departmental Head may require.

(2) The importer shall make a declaration in the form specified in Sub-Part B of Part I of the Second Schedule.

(3) On receipt of a declaration under paragraph (2), the Departmental Head shall recommend the maximum wholesale and retail prices to the Commissioner in the form specified in Part II to the Second Schedule.

(4) The Departmental Head may refuse to act on any document specified in paragraph (1)(a), (b), (c), (d), (e) or (f) unless the document is duly filled and certified or authenticated.

(5) For the purposes of paragraphs (1), (2), (3) and (4), the Departmental Head may require an importer to submit such additional information as he considers necessary and may –

- (a) require any –
 - (i) trader to produce any information forthwith, or within such time as may be specified; and
 - (ii) person who has, in his possession, custody or under his control, any document to produce it forthwith, or within such time limit as may be specified; and
- (b) examine, make copies of, or take extracts from, any document which relates to the trade of such person.

5. Powers of Commissioner

(1) For the purposes of these regulations, the Commissioner may amend the maximum wholesale and retail prices of any goods specified in the First Schedule by means of a notice in the form set out in the Third Schedule.

(2) The Commissioner shall, in respect of any act done under paragraph (1), cause a notice to be published in the Gazette not later than 5 working days before they come into operation.

(3) The Commissioner may amend the First Schedule to include or remove goods for which prices are not determined and fixed by the Minister or by any government institutions in Mauritius.

6. Permit

(1) The Departmental Head may grant to the importer a permit to sell or supply controlled goods at the maximum price which has been determined under regulation 5.

(2) No importer shall, in respect of a consignment of controlled goods, distribute, sell or supply the goods unless he holds the permit specified in paragraph (1).

(3) A permit issued under paragraph (1) shall be –

- (a) kept by the importer for a period of 6 months as from the date it is issued; and
- (b) produced on demand to an authorised officer.

(4) No trader shall sell or supply any controlled goods in respect of which a permit as specified in paragraph (1) has not been issued to the importer of the goods.

7. Offences

Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 12 months.

8. Revocation and Savings

(1) The Rodrigues Regional Assembly Consumer Protection (Fixing of Price of Fish) Regulations 2008 are revoked.

(2) On the date of coming into operation of these regulations, every maximum wholesale and retail price fixed by the Minister in respect of goods under Part II of the First Schedule of the Consumer Protection (Price and Supplies Control) Act and the Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) Regulations 1998 shall be deemed, except for bread, cement, dual purpose kerosene (dpk), flour, liquefied petroleum gas (LPG in cylinder of 5, 6 and 12 kgs) and rice, to have been fixed by the Commissioner.

9. Commencement

These regulations shall come into operation on such date as may be specified in a notice to be published in the Gazette.

Passed by the Rodrigues Regional Assembly on 10 May 2016.

FIRST SCHEDULE

[Regulations 2, 3(1) and (2), 5 and 8]

**PART I – GOODS IN RESPECT OF WHICH THE MAXIMUM
WHOLESALE AND RETAIL PRICES ARE FIXED****TAXABLE GOODS**

Animal feeding stuffs, other than prepared pet foods
Butter and margarine
Canned fish
Canned meat
Canned poultry
Canned sausages
Cheese
Edible oils
Fresh fish
Milk powder
Tea

**PART II – GOODS IN RESPECT OF WHICH THE MAXIMUM
WHOLESALE AND RETAIL PRICES ARE FIXED****NON-TAXABLE GOODS**

Infant milk powder

SECOND SCHEDULE

[Regulation 4]

**RODRIGUES REGIONAL ASSEMBLY (COMMISSION FOR
CONSUMER PROTECTION)**

PART I – RETURN

Sub-Part A

TO BE FILLED BY ALL IMPORTERS OF CONTROLLED GOODS

1. **Details of importer** (*compulsory*)
 - 1.1 Name and address of importer
 - 1.2 Trade name of importer
 - 1.3 Business Registration number of importer

2. **Details of controlled goods imported** (*compulsory*)
 - 2.1 Goods and quantity of goods imported (including brand names, weight, etc)
.....
.....
 - 2.2 Country of origin
 - 2.3 Date of purchase...../...../.....

3. **Details of Supplier from whom controlled goods are purchased by the importer**
 - 3.1 Name.....
 - 3.2 Address
 - 3.3 Business Registration number.....

4. **Details of transportation of controlled goods** (*compulsory*)
 - 4.1 Date of importation into Rodrigues.....
 - 4.2 Name of sea vessel or aircraft

-
- 4.3 CIF value as per invoice*.....
- 4.4 Rate of exchange (as per receipt) *.....
- 4.5 Date of importation – passing of first entry inwards*.....
- 4.6 Bill of Entry number*.....
- 4.7 Quantity invoiced and landed
- 4.8 Present wholesale prices.....
- 4.9 Present retail prices.....
- 4.10 Stock from previous consignment/s.....
-

**Applicable only for controlled goods imported from outside the Island of Mauritius*

Sub-Part B

B1 *(To be filled only for controlled goods imported from the Island of Mauritius)*

Calculation of fees, rates and charges of controlled goods

	(Rs cs)
Purchase price	
Dock charges	
Freight	
Landing charges in Rodrigues	
Other charges (details to be furnished)	
Cost price of Consignment in Rodrigues	
Cost price per unit	

Declaration by importer of goods supplied from the Island of Mauritius

I,, hereby declare that –

(a) I am the importer/the.....of
(title of signatory)

..... of who is the
(name of company/importer (address of company/importer)
 importer of the commodity, specified in this return and in the invoice
 dated.....

- (b) I have the necessary authority to make and sign this certificate on behalf of the importer and I certify as follows that –
 - (i) the above return is true and correct;
 - (ii) the invoice dated.....refers to the importation of the above mentioned goods and contains a true and full statement of the price actually paid or to be paid through Bank for the commodity specified in this return;
- (c) no arrangement or understanding affecting the purchase price of the goods specified in the return has been or will be made or entered into between the importer and exporter, or by anyone on behalf of either by way of discount, commission, rebate, compensation, or in any manner other than as fully shown on the invoice and as follows –

.....
(insert particulars and any special arrangement)

.....
 Date Signature

B2 *(To be filled only for controlled goods imported from outside the Island of Mauritius)*

Calculation of fees, rates and charges of controlled goods

	To be filled by applicant (Rs)	Office use
CIF value		
Customs duty		
Bank charges (commission and interest)		
Landing and other charges		
Port fees and charges (as appropriate)		
Fees for customs clearance		

Transport ex-customs warehouse		
Landed cost		
Landed cost per dozen		
Miscellaneous (one per cent)		
Wholesaler's profit		
Wholesale price of consignment		
Wholesale price per unit/kg		
Retailer's profit		
Retail price per unit/kg		
VAT (where applicable)		

Declaration by importer of goods supplied from outside Mauritius

I/We,, of
(name of signatory) *(address)*

importer/authorised agent of the importer of the commodity mentioned above do hereby certify that –

- (a) all the particulars given above are true and correct;
- (b) no arrangement or understanding affecting the purchase price of the consumer goods specified in this return has been or will be made or entered into between the importer and exporter or by anyone on behalf of either of them by way of discount, commission, rebate, compensation, or in any other manner whatever or other than as fully shown on the invoice as follows –

.....

- (c) no application for refund of duty has been made; and
- (d) the Commission will be notified in case such application is made and refund of duty obtained. *(Insert particulars of any special arrangement)*

.....

.....

Date

.....

Signature

PART II

**RODRIGUES REGIONAL ASSEMBLY (COMMISSION FOR
CONSUMER PROTECTION)**

MAXIMUM WHOLESALE AND RETAIL PRICES RECOMMENDED

The maximum wholesale price of rupees and maximum retail price of rupees are recommended. The reasons for the price increase/price reduction are as follows –

- (a)
- (b)
- (c)

Prepared by

.....

Date

.....

Signature

THIRD SCHEDULE

[Regulations 3 and 5]

**RODRIGUES REGIONAL ASSEMBLY (COMMISSION FOR
CONSUMER PROTECTION)****PRICE OF CONTROLLED GOODS**

Taxable goods	Maximum wholesale price (exclusive of VAT) (Rs)	Maximum retail price (inclusive of VAT) (Rs)

Non-taxable goods	Maximum wholesale price (Rs)	Maximum retail price (Rs)