

Consumer Protection (Control of Price of Petroleum Products) Regulations 2004

GN 38/2004

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 (Control of Price of Petroleum Products) Regulations 2004**.
2. In these regulations –

"Corporation" has the same meaning as in the State Trading Corporation Act;

"Certification Committee" means the Committee established under regulation 9;

"CIF" or "cost, insurance and freight", in respect of a preceding month, means the weighted average CIF, in foreign currency, of consignments of any petroleum product with the dates of Bills of Lading ranging from the first to the last date of the preceding month;

Amended by [\[GN No. 145 of 2010\]](#)

"petroleum product" means the product specified in the First Schedule;

"windfall gain or loss" in respect of a month means any gain or loss on any stock of petroleum product purchased by entities responsible for the storage and distribution of petroleum products, and petroleum products on stock at retail outlets, purchased at a lower or higher price, as the case may be, in the preceding month being carried forward to the next succeeding month to be sold at higher or lower new price, as the case may be, resulting in a gain or loss.

**Amended by [\[GN No. 77 of 2006\]](#); [\[GN No. 52 of 2008\]](#); [\[GN No. 222 of 2008\]](#);
[\[GN No. 261 of 2008\]](#)**

- (2) (a) The meaning of "basic value" shall be the sum of –
 - (i) the C.I.F. price per litre of any petroleum product calculated in Mauritian rupees for the preceding month;

- (ii) the excise duty specified in Part I of the First Schedule of the Excise Act;
- (iii) the Maurice Ile Durable Levy (MID Levy) specified in resolution passed by the National Assembly on 07 June, 2008.
- (iv) any surplus or deficit, as the case may be, of the preceding month, calculated as being the difference between the C.I.F price referred to in paragraph (i) and the revised C.I.F price of the preceding month;
- (v) any adjustment due to any difference between the estimated quantity, the exchange rate, any windfall gain or loss, and rounding of figures used to arrive at the C.I.F price of the preceding month which requires revision of the figures;
- (vi) any windfall gain or loss resulting from stockholding at the time of any previous price change;
- (vii) any gain/loss carried forward from the preceding month;
- (viii) any sum making provision for hedging purposes;
- (ix) any gain/loss on hedging in the preceding month; and
- (x) interest paid on lines of credit in foreign currency as well as losses in holding those lines of credit, less interest received whether in Mauritius rupees or foreign currency.

Amended by [\[GN No. 223 of 2007\]](#); [\[GN No. 108 of 2008\]](#); [\[GN No. 222 of 2008\]](#)

(b) **Deleted by [\[GN No. 163 of 2007\]](#)**

- (3) Notwithstanding the definition of CIF in paragraph (1), for the purpose of determining the price of a petroleum product for the month of July 2010, "CIF", in respect of a preceding month, means the weighted average CIF, in foreign currency, of consignments of any petroleum product with the dates of Bills of Lading ranging from 26 May 2010 to 30 June 2010.

**Amended by [\[GN No. 77 of 2006\]](#); [\[GN No. 143 of 2006\]](#); [\[GN No. 163 of 2007\]](#); [\[GN No. 261 of 2008\]](#)
[\[GN No. 145 of 2010\]](#)**

- 3. The Corporation shall determine the price of a petroleum product on a monthly basis on the third working day of every month in accordance with the price structure set out in the Second Schedule or Third Schedule, as the case may be.

Amended by [\[GN No. 77 of 2006\]](#); [\[GN No. 163 of 2007\]](#); [\[GN No. 222 of 2008\]](#)

3A. Notwithstanding regulation 3, the Corporation shall, for the month of October in 2010, determine the price of a petroleum product on the fourth working day in accordance with the price structure set out in the Second Schedule or Third Schedule, as the case may be.

Amended by [\[GN No. 96 of 2010\]](#); [\[GN No. 190 of 2010\]](#)

3B. (a) Notwithstanding regulation 3, the Corporation shall not, for the month of November in 2010, determine the price of a petroleum product.

(b) The price of a petroleum product determined in accordance with regulation 3A shall be the price of a petroleum product for the month of November in 2010.

Added by [\[GN No. 206 of 2010\]](#)

3C. (a) Notwithstanding regulation 3, the Corporation shall not, for the month of December in 2010, determine the price of a petroleum product.

(b) The price of a petroleum product determined in accordance with regulation 3A shall be the price of a petroleum product for the month of December in 2010.

Added by [\[GN No. 233 of 2010\]](#)

3D. (a) Notwithstanding regulation 3, the Corporation shall not, for the month of January in 2011, determine the price of a petroleum product.

(b) The price of a petroleum product determined in accordance with regulation 3A shall be the price of a petroleum product for the month of January in 2011.

Added by [\[GN No. 257 of 2010\]](#)

4. The Corporation shall -

(a) determine the basic value; and

(b) compute the wholesale and retail price of Mogas and Gas Oil, and the transfer price of Fuel Oil.

Amended by [\[GN No. 163 of 2007\]](#)

5. (1) The Corporation shall take into account the following component in determining the basic value for the succeeding month-

- (a) for the purpose of calculating weighted average of the CIF -
- (i) the actual quantity of petroleum product discharged at Port Louis as determined by a Surveyor appointed by the Corporation;
 - (ii) where the quantity of any consignment of petroleum product cannot be determined, the quantity as indicated in the Bill of Lading shall be used;
 - (iii) where a consignment of petroleum product has to be apportioned between quantities to be sold on the local market and on the international market, the quantity sold on the local market shall be used for the determination of weighted average of the CIF;
 - (iv) for any consignment whose apportionment has not been obtained, an average apportionment percentage for the last six consignments whose apportionments are known will be used in determining the weighted average of the C.I.F.

(1A) Deleted by [\[GN No. 145 of 2010\]](#)

Amended by [\[GN No. 163 of 2007\]](#); [\[GN No. 207 of 2008\]](#); [\[GN No. 222 of 2008\]](#);
[\[GN No. 261 of 2008\]](#); [\[GN No. 52 of 2008\]](#);

6. For the purpose of computing the wholesale and retail price, the Corporation shall take into account the following -
- (a) any expense incurred by the Corporation in connection with the importation of petroleum products;
 - (b) any contribution made to the Road Development Authority;
 - (c) any subsidy given for the transportation and storage of petroleum products in Rodrigues;
 - (d) any expense incurred in connection with the operation and marketing of petroleum product by entities responsible for the storage and distribution of petroleum products;
 - (e) any wholesale margin allowed;
 - (f) any value added tax payable; and

(g) any retail margin allowed.

7. (1) Subject to paragraphs (2) to (4), the Corporation shall consider any adjustment in the retail price of petroleum product where the percentage of such adjustment is within the range of 2.5 to 7.5 percent.
- (2) Any price adjustment below 2.5 percent shall be carried forward and shall be considered for the purpose of determining the price of petroleum product in the succeeding month.
- (3) For any price adjustment beyond 7.5 percent, a maximum price increase or decrease of 20.0 percent, as the case may be, shall be considered.
- (4) Any excess of 7.5 percent shall be carried forward as an additional charge in the determination of the basic value for the succeeding month.
- (5) For the purpose of determining the retail price of petroleum product, the retail price shall be rounded to the nearest higher multiple of 5 cents.

Amended by [\[GN No. 211 of 2005\]](#); [\[GN No. 77 of 2006\]](#); [\[GN No. 248 of 2006\]](#); [\[GN No. 163 of 2007\]](#); [\[GN No. 222 of 2008\]](#)

8. For the purpose of the determination of windfall gain or loss, the Corporation shall enter into a separate agreement with the entities responsible for the storage and distribution of petroleum product.

8A . Added by [\[GN No. 77 of 2006\]](#); Amended by [\[GN No. 248 of 2006\]](#)

Repealed by [\[GN No. 163 of 2007\]](#)

8B. Added by [\[GN No. 248 of 2006\]](#)

Repealed by [\[GN No. 163 of 2007\]](#)

9. (1) There is established for the purposes of these regulations a Certification Committee.
- (2) The Certification Committee shall consist of-
- (a) The Director of the Central Statistics Office who shall be the Chairperson; and
- (b) three members appointed by the Minister, who shall be persons with wide experience in the field of economics, commerce, finance, management or business administration.
- (3) The Chairperson and any two members shall constitute the quorum.

- (4) The Committee shall regulate its proceedings in such manner as it thinks fit.
- (5) The Corporation shall provide secretarial facilities to the Committee.
- (6) Any fees payable to members of the Committee shall be determined by the Minister.

10. (1) The Certification Committee shall -

- (a) verify the correctness of the determination of the basic value made by the Corporation; and
 - (b) certify that the computation of the wholesale price, retail price or transfer price, as the case may be, made by the Corporation are in accordance with these regulations.
- (2) The Corporation shall submit to the Certification Committee all information and document that the Committee shall require for the purpose of certifying the basic value, the wholesale price, retail price or transfer price, as the case may be, of petroleum product.

Amended by [\[GN No. 163 of 2007\]](#)

11. The Corporation shall-

- (a) forthwith cause the information certified by the Certification Committee under regulation 10 to be published in 4 daily newspapers;
- (b) forthwith inform the entities responsible for the storage and distribution of petroleum products of the new prices for the succeeding month; and
- (c) affix the wholesale and retail prices of Mogas and Gas Oil, and the transfer price of Fuel Oil of the petroleum products at the seat of the Corporation.

Amended by [\[GN No. 163 of 2007\]](#)

11A. The loss accumulated by the Corporation as at 31 October 2008 which is still outstanding as at 30 June 2009 shall be recovered -

- (a) in respect of Gas Oil, by an amount of 3.1547 rupees per litre over a period of 6 months starting from 1 July 2009;
- (b) in respect of Fuel Oil, by an amount of 5.3610 rupees per litre over a period of 5 months starting from 1 July 2009.

Added by [\[GN No. 66 of 2009\]](#)

12. (1) Part I of the First Schedule to the Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) Regulations 1998 is amended by deleting the following item -

Petroleum Products

MOGAS	19.9360 per litre	20.4000 per litre
Gas Oil	11.5020 per litre	11.9000 per litre

- (2) The First Schedule to the Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) Regulations 1998 is amended by deleting the following item -

Petroleum Products

MOGAS	19.3860 per litre	19.8500 per litre	19.8500 per litre
Gas Oil	11.2020 per litre	11.6000 per litre	11.6400 per litre

13. These regulations shall come into operation on 1 April 2004.

Made by the Minister on Friday 19th March 2004.

FIRST SCHEDULE

(regulation 2)

1. Mogas (Motor Gasoline)
2. Gas oil sold on the local market (Diesel)
3. Fuel Oil sold on the local market other than for sale to the Central Electricity Board.
4. -Deleted by [\[GN No. 163 of 2007\]](#)

Amended by [\[GN No. 77 of 2006\]](#); [\[GN No. 163 of 2007\]](#)

SECOND SCHEDULE

(regulation 3)

Price Structure

Mogas (Motor Gasoline) and Gas Oil sold on the local market (Diesel)

Added by [\[GN No. 77 of 2006\]](#)

Basic Value

add

Expenses incurred by the Corporation in connection with the importation of petroleum products

add

Contribution to the Road Development Authority

equals to

Total cost

add

Subsidy given for the transportation and storage of petroleum products in Rodrigues

equals to

Transfer Price

add

Operating and Marketing Expenses

add

Wholesale Margin

add

Value added tax payable

equals to

Wholesale Price

add

Retail Margin

equals to

Retail Price

THIRD SCHEDULE

(regulation 3)

PRICE STRUCTURE

Fuel Oil

Basic Value

add

Expenses incurred by the Corporation in connection with the importation of Fuel Oil

equals to

Transfer Price

Added by [\[GN No. 77 of 2006\]](#)

FOURTH SCHEDULE

(regulation 3)

Added by [\[GN No. 77 of 2006\]](#); Repealed by [\[GN No. 163 of 2007\]](#)