

Consumer Protection (Scrap Metal) Regulations 2019

GN 151/2019

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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 2019**.

2. In these regulations –

“Act” means the Consumer Protection (Price and Supplies Control) Act;

“carrier permit” means a scrap metal carrier permit;

“collector permit” means a scrap metal collector permit;

“COVID-19 period” means the period starting on 23 March 2020 and ending on 1 June 2020;

“customs territory” means the territory of the State of Mauritius over which customs authority is exercisable, excluding a freeport zone;

“Director-General” means the Director-General of the Mauritius Revenue Authority;

“export” means to take or cause to be taken out of the customs territory;

“licence” means a licence to carry on the business of scrap metal exporter or scrap metal dealer;

“licensee” means the holder of a licence;

“Ministry” means the Ministry responsible for the subject of commerce;

“permit” means a carrier permit or collector permit;

“scrap metal” –

(a) means the metals described in the third column of Part A of 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 and stored;

“scrap metal carrier” means a vehicle to carry scrap metal;

“scrap metal collector” means a person who collects and sells scrap metal;

“scrap metal dealer” means a person who carries on the business of buying and selling scrap metal, whether the 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.

Amended by [GN No. 149 of 2020]; [GN No. 170 of 2020]

3. (1) Subject to paragraph (1A) or (2), no person shall export scrap metal or deal in scrap metal unless he holds a licence.

(1A) A scrap metal exporter may, with the written authorisation of the Minister, export copper waste and scrap as described in Part B of the First Schedule provided that he adduces documentary evidence to substantiate that he has lawfully acquired the copper waste and scrap.

(2) A person who is engaged in a manufacturing or recycling business which generates scrap metal as a by-product may export or sell that by-product without a licence being required for that purpose.

Amended by [GN No. 170 of 2020]; [GN No. 139 of 2021]

4. (1) Subject to paragraph (2), an application for a licence to export scrap metal or, to buy and sell scrap metal, as the case may be, shall be made in the form set out in the Second or Third Schedule, respectively.

(2) An application for a licence made under paragraph (1) shall be accompanied by a site plan –

- (a) locating the place which the applicant intends to use as a scrapyard, and its surface area;
- (b) locating the closest residential property to the proposed scrapyard; and
- (c) indicating any existing or proposed access road to the proposed scrapyard.

(3) The Permanent Secretary shall, on receipt of an application made under paragraph (1) –

- (a) carry out an inspection of the place which the applicant intends to use as scrapyard;
- (b) require the applicant to produce a certificate of character; and
- (c) request the applicant to furnish such additional information, document or clearance as he may reasonably require, including a clearance certificate from the Mauritius Fire and Rescue Service.

5. (1) The Permanent Secretary may grant or reject an application made under regulation 4.

(2) Where the Permanent Secretary is satisfied that –

(a) in the case of –

(i) an individual, the applicant is a citizen of Mauritius; or

(ii) a body corporate, its management and control are vested in a person who is a citizen of Mauritius;

(b) the applicant or any person in whom the management or control of the applicant is vested, has not been convicted of any offence under the Act, these regulations or any offence involving fraud or dishonesty, or such other offences, as in the opinion of the Permanent Secretary, renders the applicant unfit to be issued with a licence;

(c) the report on the inspection in respect of the scrapyard of the applicant shows that the scrapyard is suitable for the purpose of stocking scrap metal,

he may grant the application.

(3) Where–

(a) the Permanent Secretary is of opinion that –

(i) the applicant is not a fit and proper person to be granted a licence; or

(ii) it is in the public interest to restrict the number of scrap metal exporters or scrap metal dealers;

(b) the applicant does not satisfy any of the condition specified in regulations 4(2) and 5(2),

the Permanent Secretary may reject the application and shall, not later than 5 days after his decision, inform the applicant thereof.

(4) The forms set out in the Second to the Seventh Schedules shall be subject to such modifications and adaptations as may be necessary whenever they are required to apply to a body corporate.

6. (1) Where the Permanent Secretary grants the application, he shall, on payment of a fee of –

- (a) 60,000 rupees, issue to the applicant a licence for scrap metal exporter in the form set out in the Fourth Schedule;
- (b) 15,000 rupees, issue to the applicant a licence for scrap metal dealer as set out in the Fifth Schedule.

(2) A licence shall –

- (a) be valid for a period of 12 months from the date of issue;
- (b) not be transferable; and
- (c) be subject to such terms and conditions as the Permanent Secretary may determine.

(3) A licence shall be subject to the following additional terms and conditions –

- (a) the scrapyards shall not be located in a residential zone as appears in the outline scheme of the area;
- (b) the scrapyards shall be located more than 400 metres from the nearest residence;
- (c) the scrapyards shall be properly fenced and shall not be an eyesore;
- (d) the scrapyards shall be well drained and sprayed to prevent breeding of mosquitoes; and
- (e) the time of activity in any scrapyards shall be from 7 a.m. to 5 p.m.

(4) Notwithstanding paragraph (3)(a) and (b), where –

- (a) an applicant has used a place as scrapyard since at least 3 years prior to the date of his application for a licence; and
- (b) the Permanent Secretary is satisfied that the applicant shall incur substantial expenditure if the latter moves to another place,

he may, subject to these regulations, issue a licence to the applicant.

7. (1) A licence may be renewed for further periods of 12 months.

(2) An application for the renewal of a licence shall be made at least 30 days before the expiry of the licence.

(3) Where the Permanent Secretary is satisfied that a licensee complies with the requirements of these regulations, he shall renew the licence subject to payment of a renewal fee of 60,000 rupees in the case of a scrap metal exporter or 15,000 rupees in the case of a scrap metal dealer.

(4) (a) Where an application for renewal is made after the expiry of the delay, the Permanent Secretary may renew the licence on payment of the appropriate renewal fee, together with a surcharge of 35 per cent of the renewal fee.

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

(5) Where a licence —

- (a) has expired during the COVID-19 period, the licence shall, notwithstanding these regulations, be deemed not to have expired and shall remain valid until 1 July 2020; or

(b) has expired within a period of 30 days after the COVID-19 period has lapsed, the licence shall, notwithstanding these regulations, be deemed not to have expired and shall remain valid until 1 July 2020.

Amended by [GN No. 149 of 2020]

8. (1) No person shall transport scrap metal in a vehicle unless he holds a scrap metal carrier permit.

(2) An application for a carrier permit shall be made to the Permanent Secretary in the form set out in the Sixth Schedule.

(3) The Permanent Secretary may, on receipt of an application under paragraph (2), request the applicant to furnish such additional information or document as he may reasonably require.

9. (1) Where—

(a) the Permanent Secretary is of opinion that —

(i) the applicant is not a fit and proper person to be granted a licence; or

(ii) it is in the public interest to restrict the number of carrier permits;

(b) the applicant does not comply with these regulations,

the Permanent Secretary may reject the application and shall, not later than 5 days after his decision, inform the applicant thereof

(1A) Where a carrier permit —

(a) has expired during the COVID-19 period, the carrier permit shall, notwithstanding these regulations, be deemed not to have expired and shall remain valid until 1 July 2020; or

(b) has expired within a period of 30 days after the COVID-19 period has lapsed, the carrier permit shall, notwithstanding these regulations, be deemed not to have expired and shall remain valid until 1 July 2020.

(2) Where the Permanent Secretary grants the application, he shall, on payment of a fee of 5,000 rupees, issue a carrier permit in the form set out in the Seventh Schedule.

(3) A permit shall –

(a) be valid for a period of 12 months from the date of issue;

(b) not be transferable; and

(c) be subject to such terms and conditions as the Permanent Secretary may determine.

(4) An application for the renewal of a carrier permit shall be made to the Permanent Secretary at least 30 days before the date of the expiry of the carrier permit.

(5) Where the Permanent Secretary is satisfied that the holder of a carrier permit has complied with all the requirements under these regulations, he may, on payment of a renewal fee of 5,000 rupees, renew the carrier permit for a further period of 12 months and on such terms and conditions as he may determine.

(6) Where an application for renewal is made after the expiry of the carrier permit, the Permanent Secretary may renew the carrier permit on payment of a surcharge of 35 per cent of the renewal fee.

Amended by [GN No. 149 of 2020]

10. (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 the front of the vehicle.

(2) (a) The plate shall be of a length and height of at least 60 centimetres and 15 centimetres, respectively.

(b) The plate shall be of white background and shall bear the words “SCRAP METAL CARRIER” and the carrier permit number, in red.

11. (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.

(2) An application made under paragraph (1) shall be made to the Permanent Secretary in such form as the Permanent Secretary may approve, accompanied by a fee of 500 rupees per collector.

(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, with respect to an application under paragraph (3) –

(a) grant the application and issue a collector permit in such form as the Permanent Secretary may approve, 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; 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 a collector.

(5) Where the Permanent Secretary grants the application, he shall issue a collector permit on such terms and conditions as he may determine.

(6) Where the Permanent Secretary rejects the application, he shall, not later than 5 days after his decision, inform the applicant of his decision.

(7) A collector permit granted under paragraph (5) shall –

(a) be valid for a period of 12 months from the date of issue;

(b) not be transferable; and

(c) be subject to such terms and conditions as the Permanent Secretary may determine.

(8) Every holder of a collector permit shall, at all times, carry the collector permit or a copy thereof and wear such collector badge as the Permanent Secretary may approve.

12. (1) (a) An application for the renewal of a collector permit shall be made to the Permanent Secretary at least 30 days before the date of the expiry of the collector permit.

(b) A collector permit shall lapse if it is not renewed within the delay specified in subparagraph (a).

(1A) Where a collector permit—

(a) has expired during the COVID-19 period, the collector permit shall, notwithstanding these regulations, be deemed not to have expired and shall remain valid until 1 July 2020; or

(b) has expired within a period of 30 days after the COVID-19 period has lapsed, the collector permit shall, notwithstanding these regulations, be deemed not to have expired and shall remain valid until 1 July 2020.

(2) Where the Permanent Secretary is satisfied that the holder of a collector permit has complied with all the requirements under these regulations, he may, on payment of a renewal fee of 500 rupees, renew the collector permit for a further period of 12 months and on such terms and conditions as he may determine.

Amended by [GN No. 149 of 2020]

13. The Permanent Secretary may suspend, cancel or refuse to renew a licence or a permit where –

- (a) a licensee or the holder of a permit has been convicted of an offence under the Act or these regulations;
- (b) the scrapyard of any licensee is no longer suitable for the stocking of scrap metal;
- (c) a licensee or the holder of a permit has breached any condition attached to his licence or permit, as the case may be; or
- (d) a licensee or the holder of a permit is no longer a fit and proper person to be licensee or holder of a permit, as the case may be.

14. (1) (a) A scrap metal exporter or scrap metal dealer shall keep a register at every place which he occupies as a scrapyard.

(b) The scrap metal exporter or scrap metal dealer shall forthwith record in the register such particulars, in respect of the scrap metal that he receives at his scrapyard, as the Permanent Secretary may determine.

(2) The register shall include –

- (a) the description and weight of the scrap metal;
- (b) the date and time the scrap metal is received;
- (c) the full name, National Identity Card number and address of the person from whom the scrap metal is received;
- (d) the sum paid for the scrap metal received;
- (e) the registration number of any vehicle delivering the scrap metal; and
- (f) such other particulars as the Permanent Secretary may require.

(3) (a) The scrap metal exporter or scrap metal dealer shall keep the register for a period of at least 5 years.

(b) The register shall, at all times, be available for inspection by such officer as the Permanent Secretary may designate.

15. (1) (a) A scrap metal exporter or scrap metal dealer shall keep a register at every place which he occupies as a scrapyard.

(b) The scrap metal exporter or scrap metal dealer shall forthwith record in the register such particulars, in respect of the scrap metal he processes or despatches from his scrapyard, as the Permanent Secretary may determine.

(2) The register shall include –

(a) the description and weight of the scrap metal;

(b) the date and time the scrap metal is despatched;

(c) the full name, National Identity Card number and address of the person to whom the scrap metal is despatched; and

(d) whether the scrap metal is despatched without sale or exchange, the value of the scrap metal as estimated by the dealer.

(3) (a) The scrap metal exporter or scrap metal dealer shall keep the register for a period of at least 5 years.

(b) The register shall, at all times, be available for inspection by such officer as the Permanent Secretary may designate.

16. (1) (a) The holder of a carrier permit shall, at all times, keep a register of all scrap metals transported from one place to another, in the vehicle used to transport scrap metal.

(b) The holder of a carrier permit shall forthwith record in the register such particulars, in respect of the scrap metal that he transports from one place to another, as the Permanent Secretary may determine.

(2) The register shall include –

- (a) the description of the scrap metal transported;
- (b) the full name, National Identity Card number and address of the person from whom the scrap metal was obtained or to whom the scrap metal has been delivered to;
- (c) the date the scrap metal was obtained or delivered; and
- (d) such other particulars as the Permanent Secretary may determine.

(3) (a) A scrap metal exporter or scrap metal dealer shall keep the register for a period of at least 5 years.

(b) The register shall, at all times, be available for inspection by such officer as the Permanent Secretary may designate.

17. (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. S

(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 register 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 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) The Director-General shall, prior to the export of any scrap metal, require a licensee to submit the name and address of the person from whom the scrap metal has been purchased, indicating the price paid thereof.

(5) The Permanent Secretary or the Director-General may, for the purpose of exercising his powers under this regulation, seek from the police such assistance as may be necessary.

(6) Where the Permanent Secretary or 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.

18. (1) Any person who–

- (a) breaches any condition of his licence or permit;
- (b) willfully obstruct the Permanent Secretary in the discharge of his duties under these regulations; or
- (c) contravenes these regulations,

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, in addition, cancel his licence or permit.

19. The Consumer Protection (Scrap Metal) Regulations 2007 are revoked.

20. Any licence or permit issued under the revoked Consumer Protection (Scrap Metal) Regulations 2007 and which, on the commencement of these regulations, is valid, shall be deemed to have been issued under these regulations and shall be valid until its expiry.

21. These regulations shall come into operation on 16 September 2019.

Made by the Minister on 13 September 2019.

FIRST SCHEDULE

[Regulation 2]

PART A

Heading	H.S. Code	Description
72.04		Ferrous waste and scrap; remelting scrap ingots of iron or steel
	7204.10.00	Waste and scrap of cast iron
		Waste and scrap of alloy steel –
	7204.21.00	Of stainless steel
	7204.29.00	Other
	7204.30.00	Waste and scrap of tinned iron or steel
		Other waste and scrap –
	7204.41.00	Turnings, shavings, chips, milling waste, sawdust, fillings, trimmings and stampings, whether or not in bundles
	7204.49.00	Other
	7204.50.00	Remelting scrap ingots
74.04	7404.00.00	Copper waste and scrap
75.03	7503.00.00	Nickel waste and scrap
76.02	7602.00.00	Aluminium waste and scrap
78.02	7802.00.00	Lead waste and scrap
79.02	7902.00.00	Zinc waste and scrap
80.02	8002.00.00	Tin waste and scrap
81.01		Tungsten (wolfram) and articles thereof, including waste and scrap

Heading	H.S. Code	Description
	8101.97.00	Waste and scrap

81.02		Molybdenum and articles thereof, including waste and scrap
	8102.97.00	Waste and scrap
81.03		Tantalum and articles thereof, including waste and scrap
	8103.30.00	Waste and scrap
81.04		Magnesium and articles thereof, including waste and scrap
	8104.20.00	Waste and scrap
81.05		Cobalt mattes and other intermediate products of cobalt metallurgy; cobalt and articles thereof, including waste and scrap
	8105.30.00	Waste and scrap
81.06		Bismuth and articles thereof, including waste and scrap
	8106.00.10	Waste and scrap
81.07		Cadmium and articles thereof, including waste and scrap
	8107.30.00	Waste and scrap
81.08		Titanium and articles thereof, including waste and scrap
	8108.30.00	Waste and scrap
81.09		Zirconium and articles thereof, including waste and scrap
	8109.30.00	Waste and scrap
81.10		Antimony and articles thereof, including waste and scrap

Heading	H.S. Code	Description
	8110.20.00	Waste and scrap
81.11		Manganese and articles thereof, including waste and scrap
	8111.00.10	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
	8112.13.00	Waste and scrap
	8112.22.00	Waste and scrap
	8112.52.00	Waste and scrap
		Unwrought; waste and scrap; powders
	8112.92.10	Waste and scrap
81.13		Cermets and articles thereof, including waste and scrap
	8113.00.10	Waste and scrap

PART B

Heading	H.S. Code	Description
74.04	7404.00.00	Copper waste and scrap

Amended by [GN No. 170 of 2020]

SECOND SCHEDULE

[Regulation 4(1)]

APPLICATION FOR A SCRAP METAL EXPORTER LICENCE

I/We, (*name*), hereby apply for a licence to carry on a business of a scrap metal exporter.

My/Our particulars are as follows –

NIC number

Residential Address

Profession

Telephone number

Mobile number

Address of scrapyard

I/We undertake to comply with the Consumer Protection (Scrap Metal) Regulations 2019.

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Date

.....

Signature

THIRD SCHEDULE

[Regulation 4(1)]

APPLICATION FOR A SCRAP METAL DEALER LICENCE

I/We, (*name*), hereby apply for a licence to carry on a business as a scrap metal dealer.

My/Our particulars are as follows –

NIC number

Residential Address

Profession

Telephone number

Mobile number

Address of scrapyard

I/We undertake to comply with the Consumer Protection (Scrap Metal) Regulations 2019.

.....
Date

.....
Signature

FOURTH SCHEDULE

[Regulation 6(1)(a)]

SCRAP METAL EXPORTER LICENCE

**MINISTRY OF INDUSTRY, COMMERCE
AND CONSUMER PROTECTION
(COMMERCE DIVISION)**

Mr/Mrs (*name*) of (*address*),
is hereby licensed to carry on the business of scrap metal exporter.

2. Particulars of the licence –

- (a) amount paid
- (b) date
- (c) licence number
- (d) duration of licence from to
- (e) date of issue

Note –

The licence shall be valid subject to –

- (a) the provisions of the Consumer Protection (Scrap Metal) Regulations 2019; and
- (b) the conditions attached to the licence.

Conditions attached to licence –

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Name of Officer

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Signature of Officer

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Date

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Stamp

FIFTH SCHEDULE

[Regulation 6(1)(b)]

SCRAP METAL DEALER LICENCE

**MINISTRY OF INDUSTRY, COMMERCE AND
CONSUMER PROTECTION
(COMMERCE DIVISION)**

Mr/Mrs (*name*) of (*address*),
is hereby licensed to carry on the business of scrap metal dealer.

2. Particulars of the licence –

- (a) amount paid
- (b) date
- (c) licence number
- (d) duration of licence from to
- (e) date of issue

Note –

The licence shall be valid subject to –

- (a) the provisions of the Consumer Protection (Scrap Metal) Regulations 2019; and
- (b) the conditions attached to the licence.

Conditions attached to licence –

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Name of Officer

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Signature of Officer

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Date

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Stamp

SIXTH SCHEDULE

[Regulation 8(2)]

APPLICATION FOR A SCRAP METAL CARRIER PERMIT

**MINISTRY OF INDUSTRY, COMMERCE
AND CONSUMER PROTECTION
(COMMERCE DIVISION)**

I/We, (*name*), hereby apply for a carrier permit to transport scrap metal.

My/Our particulars are as follows –

NIC number

Residential Address

Profession

Telephone number

Mobile number

Type and registration mark of vehicle

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

3. I/We enclose a certificate issued by the National Transport Authority in relation to the vehicle.

4. I/We undertake to comply with the Consumer Protection (Scrap Metal) Regulations 2019.

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Date

Signature

SEVENTH SCHEDULE

[Regulation 9(2)]

SCRAP METAL CARRIER PERMIT

**MINISTRY OF INDUSTRY, COMMERCE
AND CONSUMER PROTECTION
(COMMERCE DIVISION)**

Mr/Mrs (*name*) of (*address*),
is hereby issued a permit to transport scrap metal.

2. Particulars of the licence –

- (a) amount paid
- (b) date
- (c) licence number
- (d) duration of licence from to
- (e) date of issue

Note –

The licence shall be valid subject to –

- (a) the provisions of the Consumer Protection (Scrap Metal) Regulations 2019; and
- (b) the conditions attached to the licence.

Conditions attached to licence –

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Name of Officer

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Signature of Officer

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Date

.....

Stamp
