

*Government Notice No. 9 of 2017***THE CONSUMER PROTECTION ACT****Regulations made by the Minister under section 4 of
the Consumer Protection Act**

1. These regulations may be cited as the Consumer Protection (Safety Requirements) Regulations 2017.

2. In these regulations –

“Act” means the Consumer Protection Act;

“certificate of conformity” means an original or a certified copy of a document from a conformity assessment body certifying that the goods comply with safety standards;

“conformity assessment body” –

(a) means a body which performs conformity assessment services and is recognised as such under the laws of the exporting country; and

(b) includes the MSB;

“freeport zone” has the same meaning as in the Freeport Act;

“goods” means any goods of a type, class or description specified in the first column of the Schedule;

“IEC” means the International Electrotechnical Commission;

“ISO” means the International Organisation for Standardisation;

“Mauritian Standard” or “MS” –

(a) means a standard declared under the Mauritius Standards Bureau Act; and

(b) includes a specification or code of practice;

“MSB” means the Mauritius Standards Bureau established under the Mauritius Standards Bureau Act;

“risks to health and safety” includes –

- (a) in relation to a person, the risk to the person of death, shock or injury caused directly by the goods or originating from the goods;
- (b) in relation to property, the risk to the property of –
 - (i) damage caused by the goods; or
 - (ii) loss or damage caused directly by goods or originating from the goods;

“safety standards” means the standards specified in the third column of the Schedule;

“supplier” includes a manufacturer, an importer or a seller, as the case may be.

3. These regulations shall not apply to –
 - (a) household and personal effects of a passenger;
 - (b) goods entering the freeport zone; and
 - (c) goods shipped on or before 30 September 2017.
4. Every goods shall satisfy the corresponding safety standards specified in the third column of the Schedule.
5. (1) Subject to paragraph (2), no person shall import goods unless they are covered by a certificate of conformity duly certified by MSB.
 - (2) (a) Where the goods are, at the time of importation, not covered by a certificate of conformity, a test report shall be obtained from MSB prior to the release of the goods.

(b) The importer shall, for the obtention of a test report, pay such non-refundable fee as MSB may determine.

(3) Notwithstanding paragraphs (1) and (2), the Permanent Secretary may authorise an importer to clear the goods from Customs if the whole consignment is kept sealed under the custody of the enforcement authority until MSB issues a letter of recommendation to the importer in respect of those goods.

(4) (a) Where the goods do not comply with safety standards, the enforcement authority may, after consultation with the importer, cause the goods to be exported, destroyed or disposed of in such manner as to render them commercially valueless.

(b) The goods referred to in subparagraph (a) shall be exported back to the country from which they were imported, or destroyed or disposed of, at the expense of the importer, under the supervision of the enforcement authority.

6. Where the enforcement authority has reasonable grounds to believe that the goods do not comply with safety standards, or are not safe for use or consumption, or may cause risks to health and safety, it may, at the expense of the importer, cause the goods to be tested by MSB.

7. (1) Where a supplier becomes aware that the goods do not comply with safety standards, or are not safe for use or consumption, or may cause risks to health and safety, the supplier shall –

- (a) notify the enforcement authority thereof; and
- (b) forthwith take all the necessary steps to eliminate every risks, including the recalling of the goods, where appropriate.

- (2) The notification under paragraph (1)(a) shall provide –
- (a) adequate information to allow the enforcement authority to identify the goods or batch of goods;
 - (b) a full description of the risks that the goods presents;
 - (c) all available information relevant for identification and traceability of the goods; and
 - (d) a description of actions to eliminate risks to the consumer.

(3) A supplier shall provide such assistance as may be necessary to the enforcement authority in any action taken to avoid the risks to health and safety that may be caused.

8. Any person who contravenes these regulations shall commit an offence and shall, on conviction –

- (a) in the case of a first offence, be liable to a fine of not less than 500 rupees and not exceeding 5,000 rupees; and
- (b) in the case of a second or subsequent offence, be liable to a fine of not less than 1,000 rupees and not exceeding 10,000 rupees and to imprisonment for a term not exceeding 12 months.

9. These regulations shall come into operation on 1 October 2017.

Made by the Minister on 3 January 2017.

SCHEDULE

[Regulations 2 and 4]

GOODS AND APPLICABLE SAFETY STANDARDS
PART I – DOMESTIC OR HOUSEHOLD APPLIANCES
AND SIMILAR ELECTRICAL APPLIANCES

Description of goods	Headings/ HS codes	Safety standards
Hair dryers	8516.31	MS IEC 60335-2-23 Household and similar electrical appliances – safety Part 2-23 – particular requirements for appliances for skin or hair care
Table fan, pedestal fan, wall fan, ceiling fan	8414.51	MS IEC 60335-2-80 Household and similar electrical appliances – safety Part 2-80 – particular requirements for fans
Ovens (fixed)	8516.6011 8516.6012 8516.6013	MS IEC 60335-2-6 Household and similar electrical appliances – safety Part 2-6 – particular requirements for stationary cooking ranges, hobs, ovens and similar appliances
Microwave oven	8516.50	MS IEC 60335-2-25 Household and similar electrical appliances – safety Part 2-25 – particular requirements for microwave ovens, including combination microwave ovens

Description of goods	Headings/ HS codes	Safety standards
Coffee or tea maker	8516.71	MS IEC 60335-2-15 Household and similar electrical appliances – safety Part 2-15 – particular requirements for appliances for heating liquids
Toaster	8516.72	MS IEC 60335-2-9 Household and similar electrical appliances – safety Part 2-9 – particular requirements for grills, toasters and similar portable cooking appliances
Vacuum cleaner	8508.11 8508.19 8508.60	MS IEC 60335-2-2 Household and similar electrical appliances – safety Part 2-2 – particular requirements for vacuum cleaners and water-suction cleaning appliances
Dish washing machine	8422.111 8422.119	MS IEC 60335-2-5 Household and similar electrical appliances – safety Part 2-5 – particular requirements for dishwashers
Clothes washing machine	8450.11 8450.12 8450.19 8450.20	MS IEC 60335-2-7 Household and similar electrical appliances – safety Part 2-7 – particular requirements for washing machine

Description of goods	Headings/ HS codes	Safety standards
Spin extractor (centrifugal clothes dryer)	8421.121	IEC 60335-2-4
	8421.129	Household and similar electrical appliances – safety Part 2-4 – particular requirements for spin extractors
Electric shavers, hair clippers	8510.10	IEC 60335-2-8
	8510.20	Household and similar electrical appliances – safety Part 2-8 – particular requirements for shavers, hair clippers and similar appliances
Electrically heated blankets	6301.10	IEC 60335-2-17
		Household and similar electrical appliances – safety Part 2-17 – particular requirements for blankets, pads, clothing and similar flexible heating appliances
Whirlpool baths	9019.1040	IEC 60335-2-60
		Household and similar electrical appliances – safety Part 2-60 – particular requirements for whirlpool baths and whirlpool spas
Television	8528.7291	MS IEC 60065
	8528.7299	Audio, video and similar electronic apparatus – safety requirements
	8528.739	

PART II – ELECTRICAL ACCESSORIES

Description of goods	Headings/ HS codes	Safety standards
Table lamp and floor standing lamp	9405.201	MS IEC 60598-2-4
	9405.203	Luminaires
	9405.209	Part 2 – particular requirements Section 4 – portable general purpose luminaires
Lighting chains using incandescent lamps for use in Christmas tree or other decorative use	9405.301	MS IEC 60598-2-20
	9405.309	Luminaires
		Part 2-20 – particular requirements Lighting chains
Electronic ballast for fluorescent lamp	8504.10	MS IEC 61347-2-3
		Lamp control gear
		Part 2-3 – particular requirements for a.c. and/or d.c. supplied electronic control gear for fluorescent lamps
Magnetic ballast for fluorescent lamp	8504.10	MS IEC 61347-2-8
		Lamp control gear
		Part 2-8 – particular requirements for ballasts for fluorescent lamps

Description of goods	Headings/ HS codes	Safety standards
Isolating transformer for downlight fitting	8504.32	<p>MS IEC 61558-2-6</p> <p>Safety of transformers, reactors, power supply units and similar products for supply voltages up to 1,100 V</p> <p>Part 2-6 – particular requirements and tests for safety isolating transformers and power supply units incorporating safety isolating transformers</p> <p>IEC 61347-2-2</p> <p>Lamp control gear</p> <p>Part 2-2 – particular requirements for d.c. or a.c. supplied electronic step-down converters for filament lamps</p> <p>MS IEC 61347-2-13</p> <p>Lamp control gear</p> <p>Part 2-3 – particular requirements for a.c. and/or d.c. supplied electronic control gear for LED modules</p>
Lamp holders	8536.61	<p>IEC 61184</p> <p>Bayonet lampholders</p> <p>IEC 60238</p> <p>Edison screw lampholders</p>