

Consumer Protection (Control of Fairs) Regulations 2016

GN 19/2016

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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 (Control of Fairs) Regulations 2016**.

2. In these regulations -

“applicant” means a person who makes an application pursuant to regulation 3(2);

“authorisation” means an authorisation to hold a fair pursuant to regulation 3(4);

“book fair” means a fair where local participants display and sell books and educational materials;

“clearance sales” means a fair, not exceeding 5 days, where a trader displays and sells his own goods at a reduced price at an extended venue adjacent to his trading premises;

“education fair” means a fair where educational information is offered to the public and prior written clearance is obtained from the Ministry responsible for the subject of education;

“fair” -

(a) means a book fair, an international book fair, an industrial! business salon, an international industrial/business salon, a trade fair or an international trade fair organised for a period of not less than one day and not exceeding 10 days; but

(b) does not include -

- (i) an education fair, a job fair or a market fair;
- (ii) a one day fair organised for fund raising purposes by an educational, a governmental, a non-governmental or a charitable institution;
- (iii) a fair which is organised in the national interest or which bears a national importance or character;
- (iv) a clearance sales;

“industrial/business salon” means a fair where local participants display only one category of goods and services;

“international book fair” means a fair where local participants and one or more foreign participants, or foreign participants display and sell books and educational materials;

“international industrial/business salon” means a fair where local participants and one or more foreign participants, or foreign participants display only one category of goods and services;

“international trade fair” means a fair organised under a theme specified in the second column of the First Schedule where local participants and one or more foreign participants, or foreign participants display and sell only the goods specified in the corresponding third column of that Schedule;

“local authority” has the same meaning as in the Local Government Act;

“market fair” means a fair organised by a local authority;

“organiser” means a person who obtains a written authorisation to hold a fair;

“participant” means a person to whom a stall in a fair is allocated to by an organiser;

“return” means a return referred to in regulation 3(6);

“trade fair” means a fair organised under a theme specified in the second column of the First Schedule where local participants display and sell only the goods specified in the corresponding third column of that Schedule.

3. (1) No person shall hold a fair unless he obtains an authorisation from the Permanent Secretary.

(2) A person who wishes to hold a fair shall, not less than 2 months before the proposed first day of the fair, make an application to the Permanent Secretary in the form set out in the Second Schedule.

(3) (a) No application shall be considered -

(i) for a fair to be held other than in the months of January, February, April, June, August and October;

(ii) from a person who has been granted authorisation to hold a fair once already in the month, or twice already in the year, in which the application is made;

(iiA) from a person who has been involved, as a partner or otherwise, with a person who has been granted authorisation to hold a fair once already in the month, or twice already in the year, in which the application is made;

(iiB) from a company or any other entity which has, as its director, shareholder or member, a person who has been the director, shareholder or member of another company or entity which was involved in the holding of a fair once already in the month, or twice already in the year, in which the application is made;

- (iii) for a fair to be held on a sports ground, on a parking area or in gardens;
- (iv) for a fair to be held within a distance of 200 metres of a hospital, place of worship or such other places as the Permanent Secretary may determine;
- (v) for a fair to be held within a distance of 200 metres of a school, except during weekends and school holidays;
- (vi) where a fair entails the participation of a noncitizen, unless prior written approval is obtained from the Prime Minister's Office;
- (vii) where health related goods will be displayed and put for sale, unless prior written clearance is obtained from the Ministry responsible for the subject of health;
- (viii) unless the full particulars of the beneficiary of the fair are disclosed;
- (ix) for a fair which is suggestive of a form of patronage from a State, an international organisation or a national organisation, unless a written authorisation from that State or organisation is obtained;
- (x) if the applicant has negative previous report submitted by the Consumer Affairs Unit of the Ministry against him or has failed to comply with the terms and conditions attached to an authorisation of a previous fair held within a period of 3 years prior to the application.

(4) Where an applicant complies with these regulations, the Permanent Secretary may give an authorisation to the applicant on payment of the appropriate fee specified in the Third Schedule and on such terms and conditions as specified in the Fourth Schedule.

(5) Every participant shall, during a fair -

(a) affix the selling price of goods and services; and

(b) issue serially numbered receipts for sales exceeding 500 rupees.

(6) Every organiser shall, within 15 days after the holding of a fair, submit to the Mauritius Revenue Authority a return in the form set out in the Fifth Schedule.

Amended by [\[GN No. 110 of 2016\]](#)

4. (1) Any person who –

- (a) holds a fair without obtaining an authorisation from the Permanent Secretary;
- (b) holds a fair with a religious connotation;
- (c) makes any advertisement with a religious connotation in respect of a fair;
- (d) makes any advertisement of a fair without having obtained the prior authorisation of the Permanent Secretary;
- (e) during a fair, does not affix the selling price of goods and services;
- (f) during a fair, does not issue serially numbered receipts for sales exceeding 500 rupees;
- (g) fails, within 15 days after the holding of an event, to submit a return to the Mauritius Revenue Authority;
- (h) gives false or misleading information in an application form or a return;
- (i) breaches any terms and conditions of his authorisation to hold a fair; or
- (j) otherwise 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) Notwithstanding these regulations, no authorisation shall be given to a person where he is convicted for an offence under these regulations or where he has breached any terms and conditions of his previous authorisation.

5. The Consumer Protection (Events) Regulations 2013 are revoked.

6. Any application made under the Consumer Protection (Events) Regulations 2013 shall, at the commencement of these regulations, be dealt in accordance with these regulations.

7. These regulations shall come into operation on 12 February 2016.

Made by the Minister on 12 February 2016.

FIRST SCHEDULE

[Regulation 2]

| SN | Theme | Items authorised to be displayed and sold |
|----|-----------|---|
| 1. | Maison | Home accessories, jacuzzis, sanitary ware and accessories, flooring (interior and exterior), furniture and home furnishings, home appliances, water heaters, air conditioners, home decorations, beddings and accessories, house linens, shower products, security accessories (burglar bars, CCTV cameras, alarm system), kitchen wares, swimming pools, gardening accessories and agro products, openings, tanks (septic/water), lightings and paints |
| 2. | | Deleted by [GN No. 110 of 2016] |
| 3. | Auto-Moto | Motor vehicles, motorcycles, auto cycles, associated accessories and care products, spare parts and tyres |
| 4. | Jewellery | Jewellery and related items |
| 5. | ICT | Information and Communication Technologies related products |

| | | |
|----|--------------|---|
| | | |
| 6. | Health | Pharmaceuticals, medical equipment, cosmetics, dentistry products, food items, cleaning materials healthy cooking products, food complements, <i>tisanes</i> and cooking utensils |
| 7. | Handicrafts | Locally made handicrafts and food items |
| 8. | Construction | Building materials, equipment, scaffoldings, safety gear and tools |

SECOND SCHEDULE

[Regulation 3(2)]

APPLICATION FOR AUTHORISATION TO ORGANISE A FAIR

1. Name of applicant.....
Title.....
Business address.....
Telephone number.....
Mobile number.....
Fax number.....
Email address.. ..
National Identity Card number ..
Contact person.....

2. Title of fair
Theme.....
Objectives

3. Proposed dates -
From.....to.....

4. Location Details
(1) Address.....
(2) Type of building.....

- (3) Owner of building.....
- (4) Address of owner.....
- (5) Area of building.....square metres

- 5. Rental paid by applicant.....

- 6. No. of stalls.....

- 7. No. of participants
 - (1) Total.....

 - (2) Local.....

 - (3) Foreign.....

- 8. Rental charges per stall

- 9. Entry fee.....

- 10. Estimated expenditure.....

- 11. List of goods and services to be exhibited/sold (*) (List may be attached separately).....
.....

- 12. Measures to be taken in relation to the following –
(with supporting evidence where applicable)
 - (a) security.....
 - (b) after-fair cleaning.....
 - (c) health
 - (d) sanitation.....
 - (e) parking facilities.....
 - (f) stall number for the Consumer Affairs Unit and other enforcement Authorities.....
 - (g) after-sales service/assistance.....

13. Documents to be submitted -

- (a) copy of Business Registration Card/Certificate of Incorporation
- (b) shareholding in other companies
- (c) list of local participants, including number of stall allocated
- (d) list of foreign participants, including number of stall allocated
- (e) a site plan of the location, showing the stalls allocated and the names of the participants
- (f) authorisation of owner of premises
- (g) authorisation from local authority
- (h) insurance Cover(Fire and Allied Perils)
- (i) public liability insurance
- (j) letter of confirmation from the Mauritius Revenue Authority that it has been notified of the holding of the fair

14. Declaration

I/We hereby declare that the particulars given in my/our application are, to the best of my/our knowledge and belief, true and correct, and that I/we shall comply with the Consumer Protection (Control of Fairs) Regulations 2016, the Fair Trading Act and all other applicable laws.

Signature(s)

Name(s) of person(s) signing.....

Title or capacity of person(s) signing*.....

(* Where applicant is a company or association)

National Identity Card number.....

Business/Company/Association Registered number.....

Date

Seal



THIRD SCHEDULE

[Regulation 3(4)]

FEES

| Fair | No. of days | Fees applicable (Rs) | | |
|---------------------------|-------------|-------------------------|---|---------------------------|
| | | Local participants only | Local participants and foreign participants | Foreign participants only |
| Bookfair | 1-10 | - | - | - |
| Industrial/Business salon | 1-10 | - | 50,000 | 100,000 |
| Trade fair | 1-3 | 200,000 | - | - |
| | 4-10 | 400,000 | - | - |
| International book fair | 1-10 | - | 25,000 | 50,000 |
| International trade | | | | |

| | | | | |
|------|------|---|---------|---------|
| fair | 1-3 | - | 500,000 | 500,000 |
| | 4-10 | - | 850,000 | 850,000 |

FOURTH SCHEDULE

[Regulation 3(4)]

TERMS AND CONDITIONS

1. Every organiser and participant shall comply strictly with the laws relating to consumer protection and the Fair Trading Act.

2. The area of each stall shall not be less than 9 square metres, and walking space of not less than 2 metres shall be provided for the public between any 2 rows of stalls.

3. Every stall shall be occupied by not more than one participant and shall, in no circumstances, be sublet to any person, company or association other than the participant named in the application form.

4. The organiser shall provide a stall near the entrance of the premises where the fair is being held, for the Consumer Affairs Unit of the Ministry, the Mauritius Revenue Authority and any other enforcement agencies to receive and attend to any public enquiry or complaint as well as to handle any contravention to the Consumer Protection (Control of Fairs) Regulations 2016 and the Fair Trading Act.

5. The organiser shall provide an identification badge to each participant bearing the photograph of the participant and indicating his name and stall number. A sample of the identification badge should be submitted to the Ministry not less than 2 weeks before the proposed first day of the fair.

6. The organiser shall issue serially numbered entrance tickets and keep the counterfoil for a period not exceeding 5 years.
7. The full name, address, Tax Account Number (where applicable) and Business Registration Number of the participants as well as the passport number of foreign participants are to be submitted to the Ministry by the organiser not less than 2 months before the holding of the fair.
8. The organiser shall affix the authorisation letter issued by the Ministry in a conspicuous place at the premises where the fair is being held.
9. The organiser shall affix a name plate for every participant in front of his respective stall.
10. The organiser or his duly authorised representative shall be present for the whole duration of the fair at the premises where the fair is being held.
11. The Permanent Secretary may, depending on the type of fair to be held, issue such other terms and conditions as he may determine.

FIFTH SCHEDULE

[Regulation 3(6)]

RETURN

1. Title of the fair
2. Name of organiser
3. Title of organiser
4. Dates of fair -
Fromto.....
5. Location Details
(1) Address.....

- (2) Type of building
- (3) Owner of building
- (4) Address of owner
- (5) Area of building.....square metres.....
- 6. Rental paid by organiser
- 7. No. of stalls.....
- 8. List of participants/stall number.....
- 9. Rental paid by participant.....
- 10. Entry fee collected.....
- 11. Expenditure incurred.....
- 12. List of goods sold/unsold (*) (*List may be attached separately*)
.....
- 13. Declaration

I/we hereby declare that the particulars given above are true and correct.

Signature(s).....

Name(s) of person(s) signing.....

Title or capacity of person(s) signing*.....

(*Where organiser is a company or association)

National Identity Card number

Business/Company/Association Registration Number.....

Date

Seal

