

CONSUMER PROTECTION (SCRAP METAL) REGULATIONS 2007

GN 107/2007

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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 2007**.

2. In these regulations -

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

"carrier permit" means a scrap metal carrier permit issued under regulation 12(1)(a);

"collector permit" means a scrap metal collector permit issued under regulation 15(4)(a);

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

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

"licence" means a licence to carry on a business as scrap metal dealer;

"licensee" means the holder of a licence to carry on a business as a scrap metal dealer;

"Ministry" means the Ministry to whom responsibility for the subject of commerce is assigned;

"permit" means either a carrier permit or a collector permit;

"scrap metal" -

(a) means the metals specified in 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 or stored;

"scrap metal carrier" means a vehicle to carry scrap metal;

"scrap metal dealer" means a person who carries on the business of buying and selling scrap metal, whether scrap metal sold is in the form in which it was bought or otherwise;

"vehicle" means a motor vehicle and includes a trailer.

Amended by [\[GN No. 41 of 2016\]](#); [\[GN No. 203 of 2016\]](#)

2A. Subject to regulation 3(2), no person shall export scrap metal.

Amended by [\[GN No. 41 of 2016\]](#); [\[GN No. 203 of 2016\]](#)

- 3**
- (1) Subject to paragraph (2), no person shall deal in scrap metal unless he is the holder of a licence issued by the Permanent Secretary.
 - (2) A person who is engaged in a manufacturing business which generates scrap metal as a by-product may export that by-product or sell, without the requirement of a licence, that by-product.

Amended by [\[GN No. 29 of 2009\]](#); [\[GN No. 41 of 2016\]](#); [\[GN No. 203 of 2016\]](#)

4. (1) Subject to paragraph (2), an application for a licence under regulation 3 shall be made to the Permanent Secretary in the form and manner specified in the Third Schedule.

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

- (a) the location of the place which the applicant intends to use as a scrapyard and its surface area;
- (b) the location and distance of any residential property closest to the proposed scrapyard;
and
- (c) the existence of any access road to the proposed scrapyard.

- (3) The Permanent Secretary may, on receipt of an application under paragraph (1) -
- (a) carry out an inspection of the place which the applicant intends to use as a scrapyard;
 - (b) require the applicant to produce a certificate of morality; or
 - (c) request the applicant to furnish such additional information, documents or clearances as he may reasonably require, including a clearance certificate from the Government Fire Services.

Amended by [\[GN No. 62 of 2008\]](#); [\[GN No. 29 of 2009\]](#); [\[GN No. 41 of 2016\]](#)

5. (1) Upon consideration of the application made under regulation 4(1), the Permanent Secretary may -
- (a) grant an application where he is satisfied that the -
 - (i) in the case of an individual, the applicant is a citizen of Mauritius or, in the case of a body corporate, its management and control are vested in persons who are citizens of Mauritius;
 - (ii) neither the applicant nor any person in whom the management or control of the applicant is vested, has been convicted of any offence under the Act or these regulations, any offence involving fraud or dishonesty, or such other offences, as in the opinion of the Permanent Secretary, renders the applicant unfit to be granted a licence; and
 - (iii) report of the inspection in respect of the scrapyard of the applicant shows that the scrapyard is suitable for the purpose of stocking scrap metal under the licence.
 - (b) reject an application where -
 - (i) the applicant has not complied with the provisions of these regulations or the requirements of the Permanent Secretary;
 - (ii) in the opinion of the Permanent Secretary, the applicant is not a fit and proper person to be granted a licence; or
 - (iii) it is in the public interest to restrict the number of scrap metal dealers.

(2) Where the Permanent Secretary rejects an application under paragraph 1(b), he shall notify the applicant in writing of the reasons of his decision within 10 days of the date of his decision.

(3) The forms specified in the Third, Fifth and Sixth Schedules shall be subject to such modifications and adaptations as may be necessary whenever they are required to apply to a body corporate.

Added by [\[GN No. 201 of 2007\]](#); [\[GN No. 41 of 2016\]](#)

6. Where an application is granted under regulation 5(1)(a), the Permanent Secretary shall, on payment of a licence fee of 15,000 rupees, issue a licence in the form set out in the Fifth Schedule.

Amended by [\[GN No. 201 of 2007\]](#); [\[GN No. 29 of 2009\]](#); [\[GN No. 186 of 2011\]](#); [\[GN No. 192 of 2012\]](#); [\[GN No. 41 of 2016\]](#)

7. (1) A licence issued under regulation 6 shall -

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

(b) not be transferable; and

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

(2) The licence shall be subject to the following compulsory terms and conditions -

(a) the scrapyard should not be located in a residential zone as appears in the outline scheme of the area;

(b) the scrapyard should be located more than 400 metres from the nearest residence;

(c) the scrapyard should be properly fenced so as not to be an eyesore;

(d) the scrapyard should be well drained and sprayed to prevent breeding of mosquitoes; and

(e) the time of activity in any scrapyard shall be from 7 a.m. to 7 p.m.

Amended by [\[GN No. 201 of 2007\]](#); [\[GN No. 145 of 2012\]](#); [\[GN No. 41 of 2016\]](#)

(3) Notwithstanding paragraph (2)(a), where -

- (a) an applicant under regulation 4 has used a place as scrapyards 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 will incur substantial expenditure if the latter moves to another place,

a licence may be issued under regulation 6.

Added by [\[GN No. 29 of 2009\]](#)

- 8.** (1) An application for the renewal of a licence shall be made by the licensee to the Permanent Secretary within 30 days before the date of expiry of the licence.
- (2) Where the Permanent Secretary is satisfied that the licensee complies with the requirements of these regulations, he may renew the licence on payment of a yearly licence fee of 15,000 rupees.
- (3) Where an application for renewal is made after the expiry of the licence, the Permanent Secretary may, where the licensee complies with the requirements of these regulations, renew the licence on payment of the yearly licence fee of 15,000 rupees together with a surcharge of 35 per cent of the yearly licence fee.

Amended by [\[GN No. 201 of 2007\]](#); [\[GN No. 29 of 2009\]](#); [\[GN No. 186 of 2011\]](#); [\[GN No. 145 of 2012\]](#); [\[GN No. 192 of 2012\]](#); [\[GN No. 263 of 2013\]](#); [\[GN No. 41 of 2016\]](#)

- 9.** Every licensee shall display a copy of his licence in a conspicuous place at his main office, sub office and scrapyards.
- 10.** No person shall transport scrap metal in a vehicle unless he holds a scrap metal carrier permit issued by the Permanent Secretary.
- 11.** (1) An application for a carrier permit under regulation 10 shall be made to the Permanent Secretary in the form and manner specified in the Sixth Schedule.

(2) The Permanent Secretary may, on receipt of an application under paragraph (1), request the applicant to furnish such additional information or document as he may reasonably require.

12. (1) After considering the application and such other additional information obtained under regulation 11, the Permanent Secretary may -

(a) grant the application and issue a carrier permit in the form specified in the Seventh Schedule on payment of a yearly permit fee of 5,000 rupees; 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 granted a carrier permit.

(2) A carrier permit granted under paragraph (1) shall -

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

(b) not be transferable; and

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

Amended by [\[GN No. 201 of 2007\]](#); [\[GN No. 192 of 2012\]](#)

13. (1) An application for the renewal of a carrier permit shall be made by the holder of the carrier permit to the Permanent Secretary within 30 days before the date of expiry of the carrier permit.

(2) Where an application for renewal is made after the expiry of the carrier permit the Permanent Secretary may renew the carrier permit upon payment of a surcharge of 35 per cent in addition to the yearly carrier permit fee.

(3) **Repealed by** [\[GN No. 263 of 2013\]](#)

(4) Where the Permanent Secretary is satisfied that the holder of a carrier permit has complied with all the requirements under these regulations, he may renew the carrier permit upon payment of the yearly carrier permit fee of 5,000 rupees.

Amended by [\[GN No. 201 of 2007\]](#); [\[GN No. 145 of 2012\]](#); [\[GN No. 192 of 2012\]](#); [\[GN No. 263 of 2013\]](#)

14. (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 front of the vehicle.

- (2) The plate shall be of at least 60 cm in length and 15 cm height, bearing the words "SCRAP METAL CARRIER" followed by the carrier permit number, both the words and the figure in red on a white background.
- 15.** (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 for the purpose of collecting metal.
- (2) An application made under paragraph (1) shall be made to the Permanent Secretary in the form and manner as may be approved by the Permanent Secretary, accompanied by a processing 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, after considering the application and such other additional information obtained under paragraph (3) -
- (a) grant the application, and issue a collector permit in the form and manner as may be approved by the Permanent Secretary, 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; and
- (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) A collector permit granted under paragraph 4(a) shall -
- (a) be valid for a period of 12 months as from the date of Issue;
- (b) not be transferable; and
- (c) be subject to such terms and conditions as the Permanent Secretary may impose.
- (6) Every holder of a collector permit shall at all times, carry the collector permit or a copy thereof by virtue of which he is authorised to act as a collector, and wear such collector badge as may be approved by the Permanent Secretary.

Amended by [\[GN No. 186 of 2011\]](#); [\[GN No. 145 of 2012\]](#); [\[GN No. 192 of 2012\]](#)

- 16.** (1) An application for the renewal of a collector permit shall be made by the holder of the collector permit to the Permanent Secretary within 30 days before the date of expiry of the collector permit.
- (2) A collector permit shall lapse if it is not renewed within 30 days before the date of its expiry.
- (3) Where the Permanent Secretary is satisfied that the holder of a collector permit has complied with all the requirements under these regulations, he may renew the collector permit upon such terms and conditions as he may determine.
- 17.** The Permanent Secretary may suspend, cancel or refuse to renew a licence or a permit for the following reasons as appropriate -
- (a) a licensee or the holder of a permit has been convicted of an offence under this Act or these regulations;
 - (b) the scrapyards of any licensee is no longer suitable for the stocking of scrap metal;
 - (c) a licensee or a holder of a permit has breached any condition attached to his licence or permit respectively; or
 - (d) a licensee or holder of a permit is no longer a fit and proper person to be licensee or holder of a permit.
- 18.** (1) A scrap metal dealer shall keep, at each place occupied by him as a scrapyards, a written record detailing all scrap metal received at that place.
- (2) The record shall include -
- (a) the description and weight of the scrap metal;
 - (b) the date and time of the receipt of the scrap metal;
 - (c) the full name and address of the person from whom the scrap metal is received;
 - (d) the price paid or payable in respect of the receipt of the scrap metal;
 - (e) the registration number of any vehicles delivering the scrap metal; and
 - (f) such other particulars as may be required by the Permanent Secretary.

Amended by [\[GN No. 41 of 2016\]](#)

- 19.** (1) A scrap metal dealer shall keep, at each place occupied by him as a scrapyard, a written record detailing all scrap metal processed or dispatched from that place.
- (2) The record shall include -
- (a) the description and weight of the scrap metal;
 - (b) the date and type of processing or the date of dispatch;
 - (c) the full name and address of the person the scrap metal has been dispatched to and the value of the transaction; and
 - (d) if the scrap metal has been dispatched without sale or exchange, the value of the scrap metal as estimated by the dealer.

Amended by [\[GN No. 41 of 2016\]](#)

- 20.** Subject to regulations 18 and 19 -
- (a) entries in the records shall be made immediately upon receipt, processing or dispatch of any scrap metal; and
 - (b) the books containing the records shall be kept for at least 2 years following the last entry.
- 21.** (1) Any holder of a carrier permit shall keep, in the vehicle used to transport scrap metal, a written record of all scrap metal transported from one place to another.
- (2) The record shall include -
- (a) the description of the scrap metal transported;
 - (b) the full name and address of the person from whom the scrap metal was obtained or from whom the scrap metal has been delivered to;
 - (c) the date the scrap metal was obtained or delivered; and

(d) such other particulars as may be required by the Permanent Secretary.

(3) Subject to paragraphs (1) and (2) -

(a) all entries in the records shall be made immediately after the scrap metal is obtained or delivered; and

(b) the books containing the records shall be kept for at least 2 years following the last entry.

Amended by [\[GN No. 201 of 2007\]](#)

22. (1) The Permanent Secretary may, for the purposes of these regulations, at any reasonable time -

(a) enter and inspect any scrapyards; or

(b) stop any scrap metal carrier for verification.

(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 scrapyards or the scrap metal carrier to produce any document or record 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) **Repealed by** [\[GN No. 41 of 2016\]](#)

(4) For the purposes of exercising his powers under this regulation, the Permanent Secretary may seek such assistance as may be necessary from the Police.

(5) **Repealed by** [\[GN No. 41 of 2016\]](#)

23. Notwithstanding the other provisions of these regulations, any licence for dealer in old metals or dealer in old metals on board vessels issued under the Local Government Act 2003, or regulations made under it, which has not expired prior to the coming into operation of these regulations shall remain valid, under the same terms and conditions, until its expiry.

Amended by [\[GN No. 62 of 2008\]](#); [\[GN No. 41 of 2016\]](#)

24. (1) Any person who –

- (a) breaches any condition of his licence or permit;
- (b) wilfully obstructs 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.

Amended by [\[GN No. 29 of 2009\]](#)

(2) Where any person has been convicted under paragraph (1), the Court may cancel his licence or permit.

25. These regulations shall come into operation on 06 August 2007.

Made by the Minister on 03 August 2007.

FIRST SCHEDULE

(regulation 2)

SCRAP METAL

Heading	H. S. Code	Description
72.04		Ferrous waste and scrap; remelting scrap ingots of iron or steel
	7204.10	Waste and scrap of cast iron
		Waste and scrap of alloy steel
	7204.29	Other
	7204.30	Waste and scrap of tinned iron or steel
		Other waste and scrap
	7204.41	Turnings, shavings, chips, milling waste, sawdust, filings, trimmings and stampings, whether or not in bundles
	7204.49	Other
	7204.50	Remelting scrap ingots
75.02		
	7502.20	Unwrought nickel
	7503.00	Nickel alloys
		Nickel waste and scrap
76.01		
	7602.00	Unwrought aluminium
		Aluminium waste and scrap
78.02	7802.00	
		Lead waste and scrap
79.02	7902.00	
		Zinc waste and scrap
80.02	8002.00	
		Tin waste and scrap
81.01		
		Tungsten (wolfram) and articles thereof, including waste and scrap
	8101.97	scrap
	8101.99	Waste and scrap
		Other
81.02		

	8102.97	Molybdenum and articles thereof, including waste and scrap
	8102.99	Waste and scrap
		Other
81.03		
	8103.30	Tantalum and articles thereof, including waste and scrap
		Waste and scrap
81.04		
	8104.20	Magnesium and articles thereof, including waste and scrap
		Waste and scrap
81.05		
		Cobalt mattes and other intermediate products of cobalt metallurgy; cobalt and articles thereof, including waste and scrap
	8105.20	Waste and scrap
		Cobalt mattes and other intermediate products of cobalt metallurgy; unwrought cobalt; powders
	8105.30	Waste and scrap
81.06	8106.00	
		Bismuth and articles thereof including waste and scrap
81.07		
	8107.30	Cadmium and articles thereof, including waste and scrap
		Waste and scrap
81.08		
	8108.30	Titanium and articles thereof, including waste and scrap
		Waste and scrap
81.09		
	8109.30	Zirconium and articles thereof, including waste and scrap
		Waste and scrap
81.10		
	8110.20	Antimony and articles thereof, including waste and scrap
		Waste and scrap
81.11	8111.00	
		Manganese and articles thereof, including 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	Waste and scrap
	8112.22	Waste and scrap
	8112.52	Waste and scrap

	8112.92	Waste and scrap
		Unwrought; waste and scrap; powders
81.13	8113.00	
		Cermets and articles thereof, including waste and scrap

Amended by [\[GN No. 145 of 2012\]](#)

SECOND SCHEDULE – Repealed by [\[GN No. 41 of 2016\]](#)

THIRD SCHEDULE

(regulation 4(1))

APPLICATION FOR A SCRAP METAL DEALER LICENCE

The Permanent Secretary

Ministry of

1. **I/We**

(Name of applicant)

hereby apply for a licence to carry on a business as a scrap metal dealer.

NIC number :

Residential Address :

Profession :

Telephone number :

Cellular number :

Address of scrapyard :

2. **I/We undertake to comply with all the relevant provisions of the Consumer Protection (Scrap Metal) Regulations 2007.**

.....

Date

.....

Signature of applicant

FOURTH SCHEDULE - Repealed by [\[GN No. 41 of 2016\]](#)

FIFTH SCHEDULE

(regulation 6(b))

SCRAP METAL DEALER LICENCE

1. Mr/Mrs.....of
.....
is hereby licenced to carry on the business of scrap metal dealer.

2. Particulars of the licence -

(a) Amount Paid :

Date :

(b) Licence No. :

Duration of licence : from to

Date of issue :

Note: This licence shall be valid subject to -

- (1) the provisions of the Consumer Protection (Scrap Metal) Regulations 2007; and
- (2) the conditions attached to this licence.

Permanent Secretary

Ministry of

CONDITIONS ATTACHED TO LICENCE

1.

2.

3.

SIXTH SCHEDULE

(regulation 11(1))

APPLICATION FOR A SCRAP METAL CARRIER PERMIT

The Permanent Secretary

Ministry of.....

**1. I/We.....
hereby apply for a carrier permit to transport scrap metal.**

NIC number :
Residential Address :
Profession :
Telephone number :
Cellular number :
Type and registration mark of vehicle :

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

3. I enclose a certificate of the National Transport Authority in relation to the vehicle.

4. I/We undertake to comply with all the relevant provisions of the Consumer Protection (Scrap Metal) Regulations 2007.

.....

Date

.....

Signature of applicant

SEVENTH SCHEDULE

(regulation 12(1)(a))

SCRAP METAL CARRIER PERMIT

1. **Mr/Mrs**.....**of**
.....
is hereby issued a permit to transport scrap metal.

2. **Particulars of the carrier permit -**

(a) **Amount Paid** :

Date :

(b) **Permit No.** :

Duration of permit : from to

Date of issue :

Note: This permit shall be valid subject to -

- (1) the provisions of the Consumer Protection (Scrap Metal) Regulations 2007; and
- (2) the conditions attached to this permit.

Permanent Secretary

Ministry of

CONDITIONS ATTACHED TO PERMIT

- 1.
- 2.
- 3.

