

Consumer Protection (Scrap Metal) (Amendment) Regulations 2009

GN No. 29 of 2009

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) (Amendment) Regulations 2009**.
- 2.** In these regulations -

"principal regulations" means the Consumer Protection (Scrap Metal) Regulations 2007.
- 3.** Regulation 3 of the principal regulations is revoked and replaced by the following regulation -
 - 3.** (1) Subject to paragraph (2), no person shall export scrap metal or 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 or sell that by-product without the requirement of a licence.
- 4.** Regulation 4 of the principal regulations is amended –
 - (a) in paragraph (1), by deleting the words "to carry on the business of scrap metal exporter or scrap metal dealer";
 - (b) by revoking paragraph (2) and replacing it by the following paragraph -
 - (2) An applicant for a licence shall, at the time of making an application,

submit to the Permanent Secretary -

(a) a site plan -

(i) indicating the location of the place which he intends to use as a scrapyard and its surface area;

(ii) indicating the location and distance of any residential property closest to the proposed scrapyard; and

(iii) indicating the existence of any access road to the proposed scrapyard.

(b) evidence of his having carried on the business of exporting scrap metal for a period of at least 12 months prior to the date of his application.

(c) in paragraph (3), by revoking subparagraph (a) and replacing it by the following subparagraph -

(a) carry out an inspection of the place which the applicant intends to use as a scrapyard;

5. Regulation 6 of the principal regulations is revoked and replaced by the following regulation -

6. Where an application has been granted under regulation 5(a), the Permanent Secretary shall -

(a) in the case of a scrap metal exporter, issue a licence in the form specified in the Fourth Schedule on payment of a yearly licence fee of 50,000 rupees; or

(b) in the case of a scrap metal dealer, issue a licence in the form specified in the Fifth Schedule on payment of a yearly licence fee of 12,000 rupees.

6. Regulation 7 of the principal regulations is amended by adding immediately after paragraph (2), the following new paragraph -

(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.

7. Regulation 8(4) of the principal regulations is amended by deleting the words "to carry on the business".

8. Regulation 24 of the principal regulations is amended by revoking paragraph (1) and replacing it by the following paragraph -

(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.

Made by the Minister on 13 February 2009.