

**Consumer Protection (Licensing of Authorised Dealers in Imported Second-hand Motor Vehicles)
Regulations 2003**

GN No. 190 of 2003

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 (Licensing of Authorised Dealers in Imported Second-hand Motor Vehicles) Regulations 2003**.
2. In these regulations -

"authorised dealer" means a company licensed under regulation 6;

"business address" means the address of premises from which an applicant for a licence under these regulations intends to carry on business, or the address of the licensed premises;

"company" has the same meaning as in the Companies Act 2001;

"second-hand motor vehicle" means a used motor vehicle first registered in a country or place outside Mauritius, but excluding a used motorcycle or a used motorbus other than a used minibus.
3. No company shall carry on the business of importation and sale of second-hand vehicles unless the company -
 - (a) has an issued share capital of not less than one million rupees; and
 - (b) holds a licence issued under regulation 5.
4. (1) Any company which intends to carry the business of importation and sale of second-hand motor vehicles shall apply to the Permanent Secretary for a licence authorising him to do so.

(2) No person, other than a company specified in paragraph (1) shall carry out the business of importation and sale of second-hand motor vehicles.

(3) An application for a licence under paragraph (1) shall be -
 - (a) made in duplicate in the form specified in the First Schedule; and

(b) accompanied by the copy of any licence to deal in second-hand motor vehicles required under any other enactment.

5. The Permanent Secretary may, after receipt of an application under regulation 4 -

(a) consult such person or authority as he considers necessary;

(b) request the applicant to furnish such additional information or document as he may reasonably require in relation to the application.

6. (1) After considering the application and such other additional information obtained under regulation 5, the Permanent Secretary may-

(a) grant to the applicant, on payment of a fee of 50,000 rupees, a licence in the form specified in the Second Schedule, subject to such conditions as shall be specified in the licence;

(b) reject the application where he is satisfied that the applicant has not complied with these regulations or is not otherwise fit to be granted a licence.

(2) A licence granted under paragraph (1) shall be valid for a period of 12 months.

7. (1) A licence granted under regulation 6 may, subject to paragraphs (2) and (3), be renewed within 14 days before its expiry for a further period of 12 months.

(2) An application for the renewal of the licence shall be made by the authorised dealer in duplicate to the Permanent Secretary in the form specified in the Third Schedule and shall be accompanied by any licence referred to at regulation 4(3)(b).

(3) The authorised dealer shall, upon payment of a fee of 50,000 rupees, be issued with a licence in the form specified in the Second Schedule, subject to such terms and conditions as shall be specified in the licence.

(4) Where a licensee applies for a renewal of a licence after the expiry thereof, he shall, in addition to the licence fee payable, pay a surcharge of 10 percent.

8. (1) Where an authorised dealer changes its business address, it shall immediately notify the Permanent Secretary, by registered post, of the change of the address and shall request an amendment of the address specified in its licence.

(2) The Permanent Secretary may, upon notification pursuant to paragraph (1) -

(a) amend the business address specified in the licence; or

(b) reject the request for amendment where the authorised dealer has not complied with the conditions specified in the licence.

9. (1) Any person who contravenes any provision of these regulations shall commit an offence and shall, on conviction be liable to a fine not exceeding 100,000 rupees.

(2) A court before which a person is convicted of an offence under these regulations may, in addition to inflicting a fine, revoke the licence of the authorised dealer.

10. The Consumer Protection (Importation and Sale of Second-hand Motor Vehicles) Regulations 2003 are revoked.

11. A licence granted or renewed under the regulations referred to at regulation 10 and which is still in force at the time of coming into operation of the present regulations, shall be deemed to have been issued under the present regulations.

Made by the Minister on Monday 20 October 2003.

FIRST SCHEDULE

(regulation 4)

THE CONSUMER PROTECTION (LICENSING OF AUTHORISED DEALERS IN IMPORTED SECOND-HAND MOTOR VEHICLES) REGULATIONS 2003

APPLICATION FOR A LICENCE OF AUTHORISED DEALER IN IMPORTED SECOND-HAND MOTOR VEHICLES

1. PARTICULARS OF APPLICANT

(a) Name of company

.....

(BLOCK LETTERS)

(b) Address of registered office

.....

(BLOCK LETTERS)

(c) (i) Address of business premises (showroom)

.....

(BLOCK LETTERS)

(ii) Number of vehicles that can be displayed at such place

.....

(d) Names and addresses of shareholders [list to be attached.....

.....

(e) Names and addresses of directors [list to be attached.....

.....

(f) Business experience of directors, including experience in the trade of second-hand motor vehicles

.....

.....

2. FINANCIAL STRUCTURE OF COMPANY

(a) Issued share capital Rs.....

(b) Loan capital- (a) Long-term.....

(b) Short-term.....

Total _____

(c) Cashflow forecast for 12 months - a statement showing inflow, outflow and cash balances (to be attached).

3. ESTIMATED IMPORTS OF VEHICLES

(a) **YEARLY**

Type (car, van, truck)	Quantity (units)	Exporting country	Approximate c.i.f value Rs
.....
.....
.....

(b) **IMPORTS AT ANY ONE TIME**

Type (car, van, truck)	Quantity (units)	Exporting country	Approximate c.i.f value Rs
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.....
.....
.....

4. CLEARANCE OF VEHICLES FROM CUSTOMS

(a) To be kept in private bonded warehouse Yes * No *

If 'Yes', specify address and storage capacity.....
.....

(b) To be kept in public bonded warehouse Yes * No *

If 'Yes', state the name of owner of the bonded warehouse and address -

(certificate from owner confirming the space available and the number of vehicles to be stored to be attached).

(c) To be cleared from the customs against payment of all dues Yes * No *

***Tick as appropriate**

5. DECLARATION

I hereby declare that the particulars given in this application and the documents attached herewith are, to the best of my knowledge and belief, true and correct and that the estimates given, in this application have been made in good faith and with all due care. I undertake to comply with all the provisions of the Consumer Protection (Licensing of Authorised Dealers in Imported second-hand Motor Vehicles) Regulations 2003.

Signature:.....

Date

Designation:.....

* Attach the certificate of incorporation if the company is already incorporated.

** Attach a site plan of the business premises showing its precise area and location.

*** Attach 'Bank Reference' Certificates for directors/proposed directors.

SECOND SCHEDULE

(regulation 6)

THE CONSUMER PROTECTION (LICENSING OF AUTHORISED DEALERS IN IMPORTED SECOND-HAND MOTOR VEHICLES) REGULATIONS 2003

LICENCE OF AUTHORISED DEALER IN IMPORTED SECOND-HAND MOTOR VEHICLES

1. M/s.....of
.....
is hereby licenced to operate as authorised dealer for the importation and sale of second-hand motor vehicles at
.....

2. **Particulars of the licence -**

(a) Amount Paid.....
C.B. No.....
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 (Licensing of Authorised Dealers in Imported Second-hand Motor Vehicles) Regulations 2003; and
- (2) the conditions attached to this licence, being strictly complied with by the licensee.

Permanent Secretary
Ministry of Commerce & Co-operatives

CONDITIONS ATTACHED TO LICENCE

- 1.
- 2.
- 3.

THIRD SCHEDULE

(regulation 7(2))

THE CONSUMER PROTECTION (LICENSING OF AUTHORISED DEALERS IN IMPORTED SECOND-HAND MOTOR VEHICLES) REGULATIONS 2003

RENEWAL OF LICENCE OF AUTHORISED DEALER IN IMPORTED SECOND-HAND MOTOR VEHICLES

The Permanent Secretary

Ministry of.....

1. I/We.....

(Name of applicant)

of

.....

(Address)

carrying business at

(Address of Trade Premises)

hereby apply for the renewal of the licence of authorised dealer in imported second-hand motor vehicles issued to me/us on

under Licence No..... and which expired on

2. I/We inform you that the address of our trading premises has not changed/has been changed to

Date:.....

.....

Signature of applicant