

# FAIR TRADING

Act 26 of 1979 – 16 June 1980

Amended 14/05; 25/07 (P 31/09)

## ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation
3. Authorised consumer trade practice
4. Prohibited consumer trade practice
5. Unlawful conditions
6. –
7. Technical committees
8. Regulations and amendment of Schedule
9. Declaration of compulsory code of practice
10. Power to make test purchases
11. Powers of authorised officers
12. Seizure and forfeiture
13. Offences
14. Repetition of offences
15. -  
SCHEDULE

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**1 Short title**

This Act may be cited as the Fair Trading Act.

**2 Interpretation**

In this Act –

“code of practice” means the rules relating to the methods to be adopted in connection with the promotion and conduct of trade or the provision of services;

“consumer” means an individual to whom goods or services are supplied;

“consumer trade practice” means any practice carried on in connection with the production and supply of goods whether by way of sale or otherwise to consumers or in connection with the supply of services for consumers and which relates to –

- (a) the terms and conditions, whether as to price or otherwise, on or subject to which goods or services are supplied;
- (b) the manner in which those terms and conditions are communicated to consumers;
- (c) methods of promotion of the supply of goods and services;
- (d) methods of salesmanship employed in dealing with consumers;
- (e) the way in which goods are packed, bottled, canned, labelled, marked or otherwise prepared for the purpose of being supplied;
- (f) methods of demanding or securing payment for goods or services supplied; or
- (g) any matter connected with the practices specified in paragraphs (a) to (f);

“Court” has the same meaning as in the Consumer Protection (Price and Supplies Control) Act;

“goods” means any article which is the subject of trade or business;

“Minister” means the Minister to whom responsibility for the subject of consumer protection is assigned;

“prize competition” has the meaning assigned to it by the Prize Competitions Act;

“promotion”, in relation to the supply of goods and services, means promotion whether by way of advertising, canvassing, labelling, organising of prize competitions or otherwise;

“services” means services specified in the Schedule;

“supply”, in relation to supply of goods, includes supply by way of sale, lease, hire or hire purchase;

“trade” means the production, distribution, sale, transfer, import, export, use or other dealing in goods and includes the provision of services;

“trader” –

- (a) means a person engaged in any trade; and
- (b) includes the agent of any such person.

[Amended 12/98]

**3 Authorised officers**

The Minister may designate any public officer to be an authorised officer for the purpose of ensuring compliance with this Act.

**4 Prohibited consumer trade practice**

No person shall for the purposes of trade or promotion carry on a consumer trade practice which has the effect or is likely to have the effect of –

- (a) misleading consumers or withholding from them adequate information as to their rights and obligations under any consumer transaction;
- (b) otherwise misleading or confusing consumers with respect to any matter in connection with any consumer transaction;
- (c) subjecting consumers to undue pressure to enter into any consumer transaction;

- (d) causing the terms or conditions on which consumers enter into any consumer transaction to be so adverse to them as to be detrimental to their interests.

## **5 Unlawful conditions**

No trader shall, when supplying goods or services, impose any condition in connection with such supply except –

- (a) the charging of cash payment at the current ruling rate or, as the case may be, at the price which is fixed by law;
- (b) any limitation, restriction or other condition –
  - (i) provided for in any enactment; or
  - (ii) authorised by the Minister.

**6** – [Amended 33/88; 18/98; repealed 25/07 (P 31/09)]

## **7 Technical committees**

(1) The Minister may appoint technical committees which shall –

- (a) be responsible for preparing provisional codes of practice;
- (b) study the objections and representations lodged under section 9(2)(b); and
- (c) make recommendations to the Minister.

(2) Every technical committee shall be appointed by the Minister on such terms and conditions as he thinks fit and shall be composed of persons from any association and from the private and public sectors who have knowledge and experience in matters relating to standards to be laid down in codes of practice.

## **8 Regulations and amendment of Schedule**

(1) Notwithstanding any other enactment, the Minister may make such regulations as he thinks fit for the purposes of this Act and for the purpose of regulating consumer trade practices.

- (2) Any regulation made under subsection (1) may provide for –
  - (a) the issue of licences and permits;
  - (b) the registration of traders and traders' warehouses; and
  - (c) the levying of fees and charges.

(3) The Minister may refuse to issue a licence, permit or certificate of registration or suspend or cancel any licence, permit or certificate of registration, issued under this Act.

- (4) The Minister may, by regulations, amend the Schedule.

## **9 Declaration of compulsory code of practice**

(1) Where the Minister intends to declare a compulsory code of practice, he shall give notice of his intention and publish a provisional code of practice in the *Gazette*.

(2) Any interested person may –

- (a) on written application, inspect the particulars of a provisional code of practice at the Ministry for Prices and Consumer Protection; and
- (b) within 3 months from the publication of a notice under subsection (1), lodge with the Minister a written objection or representation concerning the provisional code of practice.

(3) The Minister may, after 6 months from the publication of the notice under subsection (1) and after giving due consideration to any objection or representation, by regulations, declare a compulsory code of practice.

(4) Where a compulsory code of practice has been declared under subsection (3), no person concerned at any stage of the production or supply of goods or services to which the code refers shall act in breach of the compulsory code of practice.

## **10 Power to make test purchases**

Notwithstanding any other enactment, the Minister may, for purposes of analysis and control, require an authorised officer to purchase on his behalf such goods as may be necessary for the purpose of determining whether or not this Act is being complied with.

## **11 Powers of authorised officers**

An authorised officer may –

- (a) inspect any premises used for the purpose of a trade –
  - (i) at any time during working hours; or
  - (ii) at any time when the premises are open for the purpose of such trade;
- (b) require any person, who has in his possession or custody or under his control or that of any other person on his behalf any document, to produce that document; and
- (c) examine, make copies of, or take extracts from, any document, which relates to the trade of such person.

## 12 Seizure and forfeiture

(1) An authorised officer may seize and detain any goods or document which he has reasonable cause to believe may be the subject matter of an offence under this Act.

(2) Where any goods seized under subsection (1) are of a perishable nature, the Minister may in such manner as he thinks fit, authorise the sale of such goods and shall cause the value of the proceeds of such sale to be deposited with the Accountant-General.

- (3) Where the person charged with an offence is convicted, the Court may order the forfeiture –
- (a) of any goods or document seized under subsection (1); and
  - (b) of any amount deposited under subsection (2).

(4) Where a judgment is delivered in favour of the owner of goods seized and disposed under subsection (2), the amount deposited with the Accountant-General shall be refunded to the owner together with interest at the legal rate from the date of the seizure of the goods to the date the amount is refunded.

## 13 Offences

Any person who –

- (a) contravenes this Act;
- (b) for the purpose of, or in connection with, this Act –
  - (i) makes a statement which he knows or ought to have known to be false or misleading in a material particular;
  - (ii) obtains or retains a document to which he is not entitled;
  - (iii) personates or falsely represents himself to be a person entitled to a document;
  - (iv) makes or causes to be made or without reasonable excuse has in his possession any writing which so closely resembles a document as to be likely to deceive;
  - (v) fraudulently alters a document;
  - (vi) with intent to deceive, produces or makes use of a document which is false or misleading in a material particular or has been fraudulently altered; or
  - (vii) sells or otherwise transfers or lends a document issued to him,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding one year.

[Amended 33/88; 14/05]

## 14 Repetition of offences

Any person convicted more than once under this Act, shall on the second and every subsequent conviction be liable to a fine not exceeding 100,000 rupees together with a term of imprisonment not exceeding 2 years.

[Amended 33/88]

## 15 –

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### SCHEDULE (section 2)

- 1 Advertising
- 2 Building work
- 3 Package holidays
- 4 Dry cleaning

- 5 Motor trade, including repairs and servicing
  - 6 Professional services
  - 7 Banking
  - 8 Insurance
  - 9 Transport
- 

**The Fair Trading (Amendment of schedule) Order 1981.**

Government notice No19 of 1981

The Fair Trading act 1979

Order made by the minister under section 8 (4) of the Fair Trading Act 1979

1. This order may be cited as the Fair Trading (Amendment of schedule) Order 1981.
2. In this order- Act means the Fair Trading Act 1979.
3. The schedule to the Act is amended by-
  - (a) deleting the following item- *5. Automotive repairs*
  - (b) inserting the following item in its place- *motor trade including repairs and servicing*

Made by the Minister on 27<sup>th</sup> January 1981

## **The Commodities (Indication of Origin) Regulations 1981.**

Government Notice No 170 of 1981.

### THE FAIR TRADING ACT 1979

Regulations made by the Minister under Section 8 of the Fair Trading Act 1979

1. These regulations may be cited as the Commodities (Indication of Origin) Regulations 1981.

2. In these regulations -

“Commodity” means an item specified in the Schedule;

“Container” includes any package, cask, bottle, vessel, box, capsule, frame, case, wrapper or any other receptacle in which a commodity is presented or prepared for sale;

“Country of Origin”, in relation to a commodity, means the country in which the commodity was manufactured or in which the final process of manufacture took place;

“Label” means any writing indelibly or otherwise permanently impressed upon, woven, sewn, or worked into, or affixed to, or otherwise marked on, a commodity or a container of a commodity;

“Manufacture” means assemble, make, prepare, produce, put into a container, a commodity by any process;

“Mark” has the same meaning as in the Trade Marks Ordinance.

3. (1) No trader shall import a commodity for sale in Mauritius unless at the time of its importation -

(a) the commodity bears a conspicuous label indicating the country of origin of the commodity; or

(b) where the nature of the commodity is such that it does not permit compliance with subparagraph (a), the container of the commodity bears a conspicuous label indicating the country of origin of the commodity.

- (2) Where a trader imports a commodity for sale in Mauritius for further processing or for repacking, he shall put a conspicuous label -
  - (a) on the finished commodity or on the commodity which has been repacked; or
  - (b) where the nature of the commodity is such that it does not permit compliance with subparagraph (a), on the container of the commodity.
- (3) The label required by paragraph (2) shall indicate -
  - (a) the country of origin of the imported commodity and its mark, if any, and
  - (b) that the final process of manufacture of the imported commodity has taken place in Mauritius.
4. No trader shall manufacture a commodity unless at the completion of its manufacture -
  - (a) the commodity bears a conspicuous label with the words "MADE IN MAURITIUS" or "PRODUCE OF MAURITIUS"; or
  - (b) where the nature of the commodity is such that it does not permit compliance with paragraph (a), the container of the commodity bears a conspicuous label with the words "MADE IN MAURITIUS" or "PRODUCE OF MAURITIUS".
5. No trader shall sell a commodity, other than a second hand commodity, unless -
  - (a) the commodity bears a conspicuous label indicating the country of origin of the commodity; or
  - (b) where the nature of the commodity is such that it does not permit compliance with paragraph (a), the container of the commodity bears a conspicuous label indicating the country of origin of the commodity.
1. No trader shall alter, erase, obliterate, remove or forge a label or mark indicating the country of origin of a commodity which is intended for sale.
2. These regulations shall come into operation on the 1<sup>st</sup> December 1981.

Made by the Minister on the 1<sup>st</sup> July 1981

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**SCHEDULE**  
(Regulation 2)

Bags, trunks, wallets and similar receptacles  
Clocks, clock cases and movements  
Conduct pipes  
Cosmetics  
Cutlery  
Cycles  
Dry Cell batteries  
Food, including beverages  
Footwear  
Garments  
Glass  
Household appliances and utensils  
Lighters  
Matches  
Photographic and cinematographic cameras, projectors and accessories  
Radio receivers and transmitters  
Razors and razor blades  
Record players  
Scissors  
Soap  
Soap detergents  
Sports gear and equipment  
Tape and video recorders and reproducers  
Television receivers  
Thread (Embroidery, Knitting and Sewing)  
Toilet preparations  
Tools and implements  
Toys  
Tyres and tubes  
Watches, watch cases and movements

See also amendment to this regulation as per GN 50 of 2005 as per follows:

1. These regulations may be cited as the Commodities ( Indication of Origin )(Amendment) Regulations 2005
2. In these regulations: 'principal regulations' means the Commodities (Indication of Origin ) regulations 1981; 'customs' refers to the Customs and Excise department
3. The principal regulations are amended in regulation 3, by inserting immediately after paragraph (1), the following new paragraph-

- 3 (1) A (a) the Minister may, in case of non compliance with regulation 3(1), authorize an importer to affix locally a label indicating the Country of Origin of an imported commodity, provided a certificate of origin is produced
- (b) the label shall be affixed under the supervision of an authorized officer prior to clearance from customs

Made by the Minister on 6<sup>th</sup> April 2005

The Trader's Warranty Regulations 1988.

Government Notice No 238 of 1981.

#### THE FAIR TRADING ACT 1979

Regulations made by the Minister under Section 8  
of the Fair Trading Act 1979

3. These Regulations may be cited as the Trader's Warranty Regulations 1988.

4. In these regulations -

"Goods" does not include -

- (a) second-hand goods;
- (b) goods sold by auction, tender or under a hire purchase agreement;

"Hire purchase agreement" has the same meaning as in the Hire Purchase & (Credit Sales) Ordinance 1964.

"Merchantable", in relation to goods, means fit for the purpose for which the goods are bought, having regard to their nature, durability, trade description, advertisement and all other relevant factors.

5. (a) Subject to paragraph (b), every trader who sells to a consumer any goods shall be deemed to have given a warranty that the goods sold are merchantable.

(b) Paragraph (a) shall not apply in respect of any defect in the goods which -

- (i) a trader has specifically drawn to the attention of a consumer before the goods are sold;
- (ii) a consumer has seen or ought to have seen on a reasonable examination of the goods before he bought them;
- (iii) a consumer knew of before he bought the goods.

6. Every trader who acts in breach of the warranty given under regulation 3 shall commit an offence.

7. These regulations shall come into operation on 12 September 1981.

Made by the Minister on 1 September 1981.

## The Fair Trading Act (Amendment) Act 1988

Act No 33 of 1988

I assent,

24 November 1988

C.I. Moolan  
Acting Governor General

Arrangement of sections

Sections

1. Short title
2. Interpretation
3. Section 6 of the principal act amended
4. Section 13 of the principal act amended
5. Section 14 of the principal act amended

An Act to amend the Fair Trading Act

Enacted by the Parliament of Mauritius as follows-

1. Short title. This Act may be cited as the Fair Trading (Amendment) Act 1988.
2. Interpretation. In this act principal act means the Fair Trading Act.
3. Section 6 of the principal act amended. Section 6 of the principal act is amended by adding immediately after the word *competition* the words *on of promoting, establishing or observing any excessive sales agreement or monopoly in connection with the production and supply of goods, branded or otherwise, or of services*
4. Section 13 of the principal act amended. Section 13 of the principal act is amended by deleting the words *not exceeding 10,000 rupees* and replacing them by the words *not less than 10,000 rupees and not exceeding 50,000 rupees*
5. Section 14 of the principal act amended. Section 14 of the principal act is amended by deleting the words *and to a imprisonment for a term* and replacing them by the words *together with a term of imprisonment*

Passed by the Legislative Assembly on 15<sup>th</sup> November 1988.

## **The Steel Bars and Steel Wires (Mauritius Standard Specifications) Regulations 1988.**

Government Notice No 58 of 1988.

### THE FAIR TRADING ACT

Regulation made by the Minister under Section 8 of the Fair Trading Act

1. These regulations may be cited as the Steel Bars and Steel Wires (Mauritius Standard Specifications) Regulations 1988.

2. In these regulations -

“Distributor” means any person engaged in the importation, sale or storage of steel bars or steel wires;

“Manufacturer” means any person engaged in the manufacture, sale or Government Notice No 106 of 1989;

“MS 10” means the Mauritius Standard for steel declared in General Notice No 17 of 1980;

“MS 34” means the Mauritius Standard for steel declared in General Notice No 462 of 1983;

“Steel Bar” means a steel product or any form of cross-section as rolled, including a rod of steel, used for the reinforcement of concrete;

“Steel Wire” means a hand drawn mild steel wire used for the reinforcement of concrete.

3. (1) Subject to paragraph (c), no person shall import or manufacture steel bars or steel wires which do not conform to the specifications of MS10 or MS 34 respectively.

(2) Every person who intends to import or manufacture steel bars or steel wires which do not conform to the specifications of MS 10 or MS 34 respectively shall obtain the prior written approval of the Minister.

4. Every manufacturer shall -
  - (a) Subject any steel bar or steel wire manufactured, sold or stored by him to routine inspection and testing.
  - (b) Keep a record of all the results of tests conducted under paragraph (a) and produce the record on demand to any authorised officer.
5. Every distributor shall -
  - (a) subject steel bars or steel wire manufactured, sold or stored by him to routine inspection and testing.
  - (b) Keep a record of all the results of tests conducted under paragraph (a) and produce the record on demand to any authorised officer.
6. Every manufacturer or distributor shall on request, provide to a purchaser of any steel wire a certificate showing the result of any test carried out on any sample of the steel bar or steel wire.
7. No manufacturer or distributor shall, without lawful authority or reasonable excuse, have in his possession steel bars or steel wires which do not conform to the specifications of MS 10 or MS 34 respectively.
8. No person shall obstruct an authorised officer in the performance of his functions under these regulations.

Made by the Minister on 20 July 1988

## **The Hot Dip Galvanised Articles (Mauritius Standard Specifications) Regulations 1989.**

Government Notice No 51 of 1989.

### THE FAIR TRADING ACT

Regulation made by the Minister under Section 8 of the Fair Trading Act

1. These regulations may be cited as the Hot Dip Galvanised Articles (Mauritius Standard Specifications) Regulations 1989.
2. In these regulations -

“Distributor” means any person engaged in the importation, sale or storage of hot dip galvanised articles;

“Hot dip galvanised article” means any article of iron and steel of any form of cross section set out in the Schedule to these regulations which has been subjected to the hot dip galvanising process;

“Hot dip galvanising process” means the application of a zinc coating by dipping a prepared object in molten zinc;

“Manufacturer” means any person engaged in the manufacture, sale or storage of hot dip galvanised articles;

“MS 18” means the Mauritian Standard for hot dip galvanised coating on iron and steel articles declared in General Notice No 888 of 1982.

3. (1) Subject to paragraph (2), no person shall import, sell or manufacture hot dip galvanised articles which do not conform to the specifications of MS 18.
- (2) Every person who intends to import, sell or manufacture hot dip galvanised articles which do not conform to the specifications of MS 18 shall obtain the prior written approval of the Minister.
4. Every manufacturer shall -
  - (a) subject any hot dip galvanised articles manufactured, sold or stored by him to routine inspection and testing;

- (b) keep a record of all the results of tests conducted under paragraph (a) and produce the record on demand to any authorised officer.
5. Every distributor shall -
- (a) subject hot dip galvanised articles imported, sold or stored by him to routine inspection and testing;
  - (b) keep a record of all the results of tests conducted under paragraph (a) and produce the record on demand to any authorised officer.
6. Every manufacturer or distributor shall on request, provide to a purchaser of any hot dip galvanised articles a certificate showing the result of any test carried out on any sample of hot dip galvanised articles.
7. No manufacturer or distributor shall, without lawful authority or reasonable excuse, have in his possession hot dip galvanised articles which do not conform to the specifications of MS 18.
8. No person shall obstruct an authorised officer in the performance of his functions under these regulations.

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SCHEDULE  
(Regulation 2)

All sections used in the making of door frames and window frames for the building industry.

1. Corrugated iron sheets
2. Plain iron sheets
3. Hooks and bolts
4. Nails and washers

## **The Motor Vehicle (Trade Practices) Regulations 1989.**

Government Notice No 105 of 1989.

### THE FAIR TRADING ACT

Regulation made by the Minister under Section 8 of the Fair Trading Act

These regulations may be cited as the Motor Vehicle (Trade Practices) Regulations 1989.

In these regulations -

“Dealer” means a trader who imports and sells motor vehicles;

“Motor Vehicle” includes motor car, lorry, van, bus, motorcycle and moped.

(1) Every dealer shall -

- (a) carry out a standard pre-delivery inspection as instructed by the manufacturer;
- (b) provide a copy of the pre-delivery inspection check list to the purchaser;
- (c) ensure that the motor vehicle is delivered in a clean condition;
- (d) set out clearly in a document the terms and conditions of the transaction between the dealer and the consumer.

(2) The terms and conditions of the transaction between the dealer and the consumer shall be fair and reasonable.

(3) The dealer shall specify in the document details of all charges additional to the price of the motor vehicle so that the consumer may understand clearly the total price he has to pay in respect of the motor vehicle on the road.

(4) Every dealer shall ensure that the manufacturer’s handbook relating to the model of motor vehicle being sold is available to the consumer at the time of sale of the motor vehicle.

4. (1) Every dealer shall provide the consumer with a copy of the document

embodying the terms of the manufacturer's guarantee.

- (2) The guarantee shall not extend to cover defects arising from a failure by the consumer to have the motor vehicle serviced in accordance with the manufacturer's recommendation or from abuse or misuse.
  - (3) The terms of the guarantee shall be clearly set out in writing at the time of sale and easily understandable particularly in relation to any items specifically included in or excluded from its provisions.
  - (4) The dealer shall permit the transfer of the unexpired period of any guarantee to second or subsequent owner.
  - (5) A dealer shall operate fair and equitable policies to permit the extension of guarantee in the event of a motor vehicle being off the road for a period of not less than 15 days for rectification of guarantee faults.
5. (1) Every dealer shall ensure the reasonable availability of spare parts for models marketed by him.
- (2) In determining the reasonable availability of spare parts, regard shall be had to all the circumstances and, more particularly, to whether the dealer is carrying on this trade without regard for servicing needs.
6. (1) Where major repairs are to be effected, every dealer shall offer a firm quotation for the costs of the repairs, or, where this is not possible, make clear to the consumer that an estimate is being made.
- (2) All parts replaced during service or repair shall be made available for return to the consumer.
- (3) Every invoice should be clearly written or typed and give full details of the work carried out and materials used.
- (4) Where repairs have been effected they shall be guaranteed by the dealer, for a specific mileage or time period as specified by the repairer, against failure due to workmanship.
- (5) The dealer shall, before accepting repairs work, notify the consumer of the method of payment required.
- (6) The repairer shall give the estimated time for the repair of a motor vehicle and shall make every effort to inform the owner where this estimated time cannot be met.

- (7) The contract of repairs shall specify whether the repairer or the consumer will provide the spare parts, and the repairer shall ensure that the necessary spare parts are available before starting the repairs.
  - (8) Repairs shall be properly and efficiently carried out and, in case of repeated breakdown, they shall be done at the expense of the repairer.
7. These regulations shall come into operation on 3 July 1989.

Made by the Minister on 30 June 1989

## **The Electrical and Electronic Domestic Appliances (Trade Practices) Regulations 1989.**

Government Notice No 106 of 1989.

### THE FAIR TRADING ACT

Regulation made by the Minister under Section 8 of the Fair Trading Act

1. These regulations may be cited as the Electrical and Electronic Domestic Appliances (Trade Practices) Regulations 1989.
2. In these regulations -  
  
“Cash price” does not include hire purchase, credit terms or any charge for home delivery.  
  
“Dealer” means a person who imports or sells, by wholesale or retail, electrical and electronic domestic appliances.
3. (1) Every dealer shall indicate, by means of a clear and conspicuous notice displayed in his shop -
  - (a) the cash price at which any domestic appliance is offered for sale;
  - (b) the discount, if any, offered in respect of the appliance.  
(2) Where a dealer accepts an advance payment or deposit for any domestic appliance offered for sale, he shall indicate in writing the period, not exceeding 15 days, within which delivery will be made to the customer.  
  
(3) Where a dealer fails to make delivery within the period specified, the customer shall be entitled at his option to an immediate refund of the amount paid or deposited.
4. Every dealer shall -
  - (a) give the customer as much information as possible about the goods, including the correct pre-usage checks, the correct method of installation, the correct usage and details of guarantee and service contracts;
  - (b) provide the manufacturer’s handbook or instructions in English or French;

- (c) state the exact terms of the contract for the goods, including any additional costs for delivery and installation;
  - (d) provide customers with documentary evidence of proof of purchase and the date of purchase, including the amount paid and any discount granted.
- 5.
- (1) The terms of any guarantee given by a dealer to a customer shall be clearly set out in writing at the time of the sale.
  - (2) Every dealer shall, during the guarantee period and within 10 days of the notification of a defect by the customer, repair the appliance.
  - (3) Where the dealer is unable to comply with paragraph (2), he shall -
    - (a) send to the customer a similar appliance for his use until the repair is effected;
    - (b) be liable to make good to the customer a sum of money representing 5% of the cash price of the appliance every month during which the customer has foregone the use of the appliance; or
    - (c) refund to the customer the cash price of the appliance or replace the appliance by a new one, if the repairs have not been properly completed within 3 months of the notification of the defect.
  - (4) The amount specified in paragraph (3), shall be deductible from any payment due to the dealer in respect of the repair or the price of the appliance.
- 6.
- (1) Every dealer shall clearly specify -
    - (a) the exact terms of the contract for any repairs or servicing work to be carried out;
    - (b) on the invoice the details of the work carried out and the materials used.
  - (2) Subject to regulation 7, every dealer shall provide service and spares to the best of his ability.
  - (3) Where any appliance is handed in or collected for repair or service, the dealer shall provide the customer with a receipt.

- (4) Where a customer requests a service visit, the dealer shall arrange to provide the service within 3 working days of receiving the request.
  - (5) Where a request for service is received from a customer, the dealer shall advise the customer of any minimum service charge which is to be made.
  - (6) Where the fault is not repaired, either in the workshop or in-situ, the technician shall inform the customer of the suspected fault and the reasons why a repair has not been effected.
  - (7) Where an appliance is handed in for service or repairs the person accepting the appliance shall, when requested, arrange for the user to be provided with an estimate of the cost and a date for collection or delivery after completion.
  - (8) Where a promised completion date cannot be honoured, the customer shall be advised in writing and as quickly as possible.
  - (9) Where the equipment is beyond economic repair the customer shall be advised in writing and as quickly as possible.
7. (1) Every dealer shall keep a comprehensive stock of commonly used parts.
  - (2) Spares shall be made available within two months from the time an appliance is first offered for sale to the public.
  - (3) Every dealer shall ensure the reasonable availability of spare parts for the models marketed by him unless he can show that the manufacturer has stopped manufacturing the spare parts anywhere.
8. These regulations shall come into operation on 3 July 1989.

Made by the Minister on 30 June 1989.

## **The Prepackaged Food Regulations 1989.**

Government Notice No 174 of 1989.

### THE FAIR TRADING ACT

Regulation made by the Minister under Section 8 of the Fair Trading Act

1. These regulations may be cited as the Prepackaged Food Regulations 1989.
2. In these regulations –

“Baby food” means any food or food substitute formulated industrially to satisfy the normal nutritional requirements of babies up to 4 months of age, and adapted to their physiological characteristics;

“Best before date” in relation to food has the same meaning as the term “used by date”;

“Chilled food” means any poultry or poultry products, meat and meat products, fish or fish products which has been maintained at a temperature of between 2°C and 8°C;

“Component” means any substance which forms part of an ingredient;

“Container” means any form of packaging of foods for sale as a single item whether by completely or partially enclosing the food in such a way that the contents cannot be altered without opening or changing the receptacle in which food is prepared or presented for sale;

“Country of origin” means the country in which the food is manufactured or in which the final process of manufacture took place;

“Date of manufacture” means the date on which the food becomes the product;

“Date of minimum durability” means the date of the end of the period under any stated storage conditions during which the product will retain any specific qualities which have been claimed either tacitly or explicitly;

“Fish” includes edible moluses and crustaceans;

“Food” means any substance, whether processed, semi processed or raw, which is intended for human consumption, and includes drinks, bottled drinking water, chewing gum and any substance which has been used in the manufacture, preparation or treatment of food;

“Food additive” means any substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, irrespective of its nutritive value, the intentional addition of which to food for a technological (including organoleptic) purposes in the manufacture, processing, preparation, treatment, packaging, packing, transport or holding of such food results, or may be reasonably expected to result (directly or indirectly) in it or its by-products becoming a component of or otherwise affecting the characteristics of such foods;

“Free sample” means any sample of food distributed free of charge by an importer, manufacturer or supplier for purposes of trade or promotion of the food, either in connection with the sale of the food or otherwise;

“Frozen food” means any poultry or poultry product, fish or fish product which has been maintained at a temperature of between  $-18^{\circ}\text{C}$  and  $-25^{\circ}\text{C}$ .

“Ingredient” means any substance, including a food additive, used in the manufacture or preparation of a food and present in the final product, even if in altered form;

“Label” includes any tag, brand, mark, pictorial, or other descriptive matter written, printed, stencilled, marked, embossed or impressed on, or attached to a container of food;

“Labelling” includes the label and any written, printed or graphic matter relating to and accompanying the food when presented for sale to the ultimate consumer;

“Liquid medium” means the following products, possibly in mixtures, provided that the liquid is merely an adjust to the essential elements of that preparation and is thus not a decisive factor for the purchase: water, brine, vinegar, aqueous solutions of sugars, and fruit or vegetable juices in the case of canned fruit or vegetables;

“Milk” means fresh milk, sterilised milk, pasteurised milk or milk which has been reconstituted and flavoured, and includes milk powder;

“Milk products” means cheese, butter, yoghurts, ice-creams and fresh cream locally prepared and imported;

“Prepackaged” means packaged or made up in advance in a container ready for retail sale to the ultimate consumer and sealed in such a manner that the contents

cannot, in any way, be altered without the package being opened or undergoing perceptible modifications;

“Sell by date” means the last date of offer for retail sale, provided the product has been stored and handled properly, after which there remains a reasonable storage period in the home;

“Use by date” means the date of the end of the estimated period under any stated storage conditions, after which the product probably will not have the quality attributes normally to be expected by consumers generally;

3. No trader shall for the purpose of trade promotion –
  - (a) pass off the prepackaged food of one importer, manufacturer or supplier as those of another;
  - (b) sell any free sample of food;
  - (c) cause a price tag to be affixed on prepackaged food otherwise than on a blank space.
4. No trader shall sell any prepackaged food or manufacture any food listed in the Schedule that is intended for sale, packed or canned, unless the container of food bears a conspicuous label in conformity with paragraph 3, 4 and 5 of the Standard for the Labelling of Prepackaged Food MS30 declared in General Notice No 1058 of 1983 and published by the Mauritius Standards Bureau and the Food and Drugs Act and regulations made thereunder.
5. No trader shall –
  - (a) sell any food whose sell by date, best before date or use by date has expired;
  - (b) alter, erase, obliterate, remove or forge the date marking of use limit of any food.
6. The Consumer Trade Practices Regulations 1981 are repealed.
7. (1) Subject to paragraph (2) these regulations shall come into operation on the day of their publication in the *Gazette*.  
(2) Regulation 4 shall come into operation on 2<sup>nd</sup> May 1990.

Made by the Minister on 31 October 1989

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SCHEDULE (subsequently amended as per GN 186of 1990, 34of 1994 and 100 of 1998)  
(Regulation 4)

1. Butter
2. Baby food and infant food
3. Breakfast cereals
4. Biscuits
5. Chilled fish
6. Chocolate and chocolate confectionery
7. Cooked, precooked or ready to cook food or frozen
8. Cooking oil
9. Dried fruits
10. Preserved fruits & vegetables
11. Fruit juices
12. Ghee
13. Homogenized composite food preparation of a kind used in infant feeding
14. Margarine
15. Milk Products
16. Meat of all description and their offals, including chilled animal blood
17. Milk, plain or flavoured
18. Milk powdered
19. Poultry and offals
20. Packed poultry
21. Prepared food obtained by the swelling or roasting of cereals or cereals products
22. Prepared mustard mayonnaise and sealed cream
23. Salad dressing
24. Snacks
25. Sauces
26. Yoghurt, curdled milk, kephir and other fermented or acidified milk

**The Hot Dip Galvanised Articles (Mauritius Standard Specifications) (Amendment) Regulations 1989.**

LEGAL SUPPLEMENT

*To the Government Gazette of Mauritius No 91 of 11<sup>th</sup> November, 1989*

Government Notice No 177 of 1989.

THE FAIR TRADING ACT

Regulation made by the Minister under Section 8 of the  
Fair Trading Act

1. These regulations may be cited as the Hot Dip Galvanised Articles (Mauritius Standard Specifications) (Amendment) Regulations 1989.

2. In these regulations -

“Principal regulations” means the Hot Dip Galvanised Articles (Mauritius Standard Specifications) Regulations 1989.

3. Regulation 3 of the principal regulation is amended by adding the following paragraph -

(3) No person shall import, sell or manufacture any article mentioned in the Schedule unless it has been subject to the hot dip galvanised process.

4. The Schedule to the principal regulations is amended by adding the following items:-

Corrugated iron sheets

Plain iron sheets

Hooks and bolts

Nails and washers

Made by the Minister on 3 November, 1989

## **The Prepackaged Food (Amendment) Regulations 1990.**

Government Notice no 186 of 1990

### **The Fair Trading Act**

Regulations made by the Minister under section 8 of the Fair Trading Act

1. These regulations may be cited as the Prepackaged Food (Amendment) Regulations 1990.
2. In these Regulations: principal regulations mean the Prepackaged Food regulations 1989.
3. The schedule to the principal regulations is deleted and replaced by the schedule to these regulations.

Made by the Minister on 9<sup>th</sup> October 1990

#### SCHEDULE (Regulation 4)

1. Butter
2. Baby food and infant food
3. Breakfast cereals
4. Biscuits (Item 4A chewing gum is added as per GN No 100 of 1998)
5. Chilled fish
6. Chocolate and chocolate confectionery (deleted as per GN no 34 of 1994)
7. Cooked, precooked or ready to cook food or frozen
8. Cooking oil
9. Dried fruits
10. Flour (wholewheat)
11. Preserved fruits & vegetables
12. Fruit juices
13. Ghee
14. Homogenized composite food preparation of a kind used in infant feeding
15. Margarine
16. Milk Products
17. Meat of all description and their offals, including chilled animal blood

18. Milk, plain or flavoured
19. Milk powdered
20. Poultry and offals
21. Packed poultry
22. Prepared food obtained by the swelling or roasting of cereals or cereals products
23. Prepared mustard mayonnaise and sealed cream
24. rice (non ration)
25. Salad dressing
26. Snacks
27. Sauces
28. Yoghurt, curdled milk, kephir and other fermented or acidified milk