

**THE CONSUMER PROTECTION (PRICE AND SUPPLIES CONTROL)
(AMENDMENT) BILL
(No. XLII. of 2011)**

Explanatory Memorandum

The object of this Bill is to amend the Consumer Protection (Price and Supplies Control) Act to provide that failure on the part of a trader or any person to comply with a requirement from an authorised officer or an order from the Permanent Secretary for production of information or documents shall constitute an offence.

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*Minister of Business, Enterprise,
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10 June 2011

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
 2. Interpretation
 3. Section 24 of principal Act amended
 4. Section 31 of principal Act amended
 5. Commencement
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A BILL

To amend the Consumer Protection (Price and Supplies Control) Act

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Consumer Protection (Price and Supplies Control) (Amendment) Act 2011.

2. Interpretation

In this Act –

“principal Act” means the Consumer Protection (Price and Supplies Control) Act.

3. Section 24 of principal Act amended

Section 24 of the principal Act is amended –

(a) in subsection (2) –

(i) by inserting, after the words “authorised officer may”, the words “in connection with this Act”;

(ii) by repealing paragraph (a) and replacing it by the following paragraph –

(a) require any trader to produce any information forthwith, or within such time limit as may be specified, and may require any person, who has in his possession or custody or under his control any document, to produce that document forthwith, or within such time limit as may be specified;

(b) by repealing subsection (3) and replacing it by the following subsection –

(3) The Permanent Secretary may, in connection with this Act, order any trader to produce any information forthwith, or within such time limit as may be specified, and may order any person, who

has in his possession or custody or under his control any document, to produce that document forthwith, or within such time limit as may be specified.

(c) by adding the following new subsections –

(4) A trader who, without reasonable excuse, refuses or fails to produce a price list under subsection (1) shall commit an offence.

(5) A trader, or other person referred to in subsection (2)(a) or (3), who, without reasonable excuse, refuses or fails to comply with –

(a) a requirement from an authorised officer under subsection (2);

(b) an order from the Permanent Secretary under subsection (3),

shall commit an offence.

4. Section 31 of principal Act amended

Section 31 of the principal Act is amended by inserting, after subsection (2), the following new subsection –

(2A) Notwithstanding section 152 of the Criminal Procedure Act, any person convicted of an offence in breach of section 24 shall be liable, in the case of –

(a) an individual –

(i) on a first conviction, to a fine which shall be not less than 10,000 rupees, nor more than 25,000 rupees;

(ii) on a second or subsequent conviction, to a fine which shall be not less than 25,000 rupees, nor more than 50,000 rupees and imprisonment for a term which shall be not less than 7 days, nor more than 3 years;

- (b) a body corporate –
 - (i) on a first conviction, to a fine which shall be not less than 25,000 rupees, nor more than 50,000 rupees;
 - (ii) on a second or subsequent conviction, to a fine which shall be not less than 50,000 rupees, nor more than 100,000 rupees.

5. Commencement

This Act shall come into operation on a date to be fixed by Proclamation.
