

THE MAURITIUS AGRICULTURAL MARKETING (AMENDMENT) BILL

(No. XVI of 2023)

Explanatory Memorandum

The object of this Bill is to amend the Mauritius Agricultural Marketing Act to provide that the wholesale by auction of locally-produced vegetables, fruits and flowers shall no longer be conducted in markets and fairs, but shall henceforth be conducted at the national wholesale market.

2. Accordingly, the Bill further provides for matters connected, incidental and related thereto.

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
 2. Interpretation
 3. Section 2 of principal Act amended
 4. Section 10 of principal Act amended
 5. Section 25A of principal Act amended
 6. Section 25B of principal Act amended
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 8. Section 26 of principal Act repealed and replaced
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A BILL

To amend the Mauritius Agricultural Marketing Act to provide for the wholesale by auction of locally-produced vegetables, fruits and flowers to be conducted at no place other than a national wholesale market

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Mauritius Agricultural Marketing (Amendment) Act 2023.

2. Interpretation

In this Act –

“principal Act” means the Mauritius Agricultural Marketing Act.

3. Section 2 of principal Act amended

Section 2 of the principal Act is amended –

(a) by deleting the definition of “article”, “auctioneer”, “licence”, “market agent” and “national wholesale market”;

(b) by inserting, in the appropriate alphabetical order, the following new definitions –

“auctioneer” means a person who holds a licence under section 25BB to conduct the wholesale by auction of locally-produced products in a national wholesale market;

“locally-produced product” means a vegetable, fruit or flower produced in Mauritius;

“national wholesale market” means such national wholesale market as the Minister may, by public notice, designate;

(c) by adding the following new definition, the full stop at the end of the definition of “user” being deleted and replaced by a semicolon –

“wholesale by auction”, in relation to a locally-produced product, means the sale of that locally-produced product in large quantities to the highest bidder.

4. Section 10 of principal Act amended

Section 10 of the principal Act is amended by inserting, after paragraph (fa), the following new paragraph –

- (fb) regulate the wholesale by auction of locally-produced products in a national wholesale market;

5. Section 25A of principal Act amended

Section 25A of the principal Act is amended –

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

- (a) provide the necessary infrastructure for the handling of locally-produced products for onward wholesale by auction;

- (b) in paragraph (b), by deleting the words “fruits and vegetables” and replacing them by the words “locally-produced products”.

6. Section 25B of principal Act amended

Section 25B of the principal Act is amended –

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

- (a) define and classify the users;

- (b) by repealing paragraph (e);

- (c) by repealing paragraph (f) and replacing it by the following paragraph –

- (f) may, on such terms and conditions as may be prescribed, issue licences for the wholesale by auction of locally-produced products;

- (d) in paragraph (g), by deleting the words “of articles” and replacing them by the words “by auction of locally-produced products”;

- (e) in paragraph (h), by deleting the word “articles” wherever they appear and replacing it by the words “locally-produced products”;

- (f) in paragraph (i), by deleting the word “articles” and replacing it by the words “locally-produced products”;
- (g) by repealing paragraph (k) and replacing it by the following paragraph –
 - (k) may require a user –
 - (i) to keep, for such period as it may determine, the records and receipts of delivery, transactions, operations and payments required under paragraph (j);
 - (ii) to ensure that the records and receipts kept under subparagraph (i) are available for inspection as and when required.

7. New sections 25BA and 25BB inserted in principal Act

The principal Act is amended by inserting, after section 25B, the following new sections –

25BA. Wholesale by auction of locally-produced products only in national wholesale market

(1) No person shall conduct the wholesale by auction of any locally-produced product at any place other than a national wholesale market.

(2) Any person who contravenes subsection (1) 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 one year.

25BB. Auctioneers

(1) No person shall conduct the wholesale by auction of any locally-produced product in a national wholesale market unless he is licensed as an auctioneer.

(2) Any person who intends to conduct the wholesale by auction of locally-produced products shall make an application to the Board in such form and manner as the Board may approve.

(3) The Board may grant or reject an application made under subsection (2).

(4) Where the Board grants an application under subsection (3), it shall, on payment of such fee as it may approve, issue a licence to the applicant.

(5) A licence issued under subsection (4) –

(a) may, with the approval of the Board, be transferrable to his heirs;

(b) shall be valid for a period of 12 months; and

(c) may be renewed for further periods of 12 months.

(6) Any person who is conducting the wholesale by auction of locally-produced products in a national wholesale market shall, not later than 60 days after the commencement of this section, make an application to, and obtain a licence from, the Board.

8. Section 26 of principal Act repealed and replaced

Section 26 of the principal Act is repealed and replaced by the following section –

26. Powers or entry and search

(1) Where the Board has reasonable grounds to suspect that this Act is being contravened, it may authorise, in writing, any of its employees to enter and inspect, at any reasonable time –

(a) the premises of, or any land or place occupied by, any producer, buying agent, miller, dealer or any other person; or

(b) any premises where the wholesale by auction of locally-produced products is being carried out.

(2) An inspection under subsection (1) shall, so far as is practicable, be carried out in the presence of a police officer.

(3) An employee authorised under subsection (1) shall, prior to an inspection under subsection (1), deliver a copy of the authorisation to the owner or occupier of the premises, land or place, or his duly authorised agent against receipt acknowledged by a signature on the original of the warrant.

(4) Where a search is effected under subsection (1), the authorised officer may –

- (a) seize and take possession of any book, document, record, controlled product or locally-produced product;
- (b) inspect, make copies of, or take extracts from, any book, document or record;
- (c) break open, examine, and search any article, safe, container or receptacle.

9. Section 27 of principal Act amended

Section 27 of the principal Act is amended, in subsection (2) –

- (a) in paragraph (cb), by deleting the words “of articles” and replacing them by the words “by auction of locally-produced products”;
- (b) by repealing paragraph (cc).

10. Consequential amendment

The Local Government Act is amended, in the Twelfth Schedule –

- (a) by deleting the following items –
 - Auctioneer keeping auction room
 - Auctioneer keeping no auction room
 - Distributor of general merchandise
 - Merchant/wholesale dealer
 - Store and warehouse (less than 50 m²)
 - Store and warehouse (between 50-100 m²)
 - Store and warehouse (more than 100 m²)
- (b) by inserting, in the appropriate alphabetical order, the following new items –
 - Auctioneer keeping auction room, other than an auctioneer under the Mauritius Agricultural Marketing Act
 - Auctioneer keeping no auction room, other than an auctioneer under the Mauritius Agricultural Marketing Act

Distributor of general merchandise, other than an auctioneer under the Mauritius Agricultural Marketing Act

Merchant/wholesale dealer, other than an auctioneer under the Mauritius Agricultural Marketing Act

Store and warehouse (less than 50 m²), other than the storage and warehousing by an auctioneer under the Mauritius Agricultural Marketing Act

Store and warehouse (between 50 and 100 m²), other than the storage and warehousing by an auctioneer under the Mauritius Agricultural Marketing Act

Store and warehouse (more than 100 m²), other than the storage and warehousing by an auctioneer under the Mauritius Agricultural Marketing Act
