

THE SUPPLIES CONTROL ACT 1974
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Act no. 20 of 1974

I assent,

7th June, 1974

A.R.M. OSMAN
Governor General

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AN ACT

To amend and consolidate the law relating to the control of supplies ENACTED by the Parliament of Mauritius as follows:-

SHORT TITLE

1. This Act may be cited as the Supplies Control Act 1974.

2. In this Act -

“Agent”, in relation to a person, means an employee or any other person who assists him for the purposes of any trade or business;

“Document” means any licence, permit, ration card or other document issued to a person under a supplies law;

“Minister” means the Minister to whom responsibility for the subject of Commerce and Industry is assigned;

“Ordinance” means the Supplies (Control) Ordinance, 1956;

“Supplies Law” means –

(a) this Act or any regulation or Order made or deemed to have been made under this Act;

(b) any law in force which has, as its object, one of the purposes specified in section 5(1).

APPLICATION OF ACT

3. This Act shall apply to all the islands comprised in the State of Mauritius.

AUTHORISED OFFICERS

4. (1) The Minister may designate any public officer to be an authorised officer for the purpose of ensuring compliance with a supplies law.

(2) Where the Minister make a designation under subsection (1)(a) he shall give notice of the designation in the Gazette.

REGULATIONS

5. (1) Notwithstanding any other law in force, the Minister may make such regulations as he thinks fit for the purposes of this Act and for the purpose of regulating the production, manufacture, keeping, storage, movement, distribution, sale, transfer, rationing, export, import, use or] other dealing in any article.

(2) Any regulation made under subsection (1) may

(a) provide for -

- (i) the issue of licences and permits;
- (ii) the fixing of prices;
- (iii) the levying of fees and charges;
- (iv) the registration of householders and traders;
- (v) the giving of information, the inspection of premises or any articles and the production and inspection of such documents as the Minister may require;

(b) authorise the Permanent Secretary, by Order published in the Gazette or by written directions, to make provision for any matter incidental to any regulation made under subsection (1).

(c) make different provision with respect to different areas or persons or classes of persons.

(3) The Minister may -

(a) refuse to issue a licence or permit

(b) suspend or cancel any licence or permit

(d) disregard any documents where he is satisfied that the value of any article as stated in the document is not the true value of the article at the time and place of exportation.

COMPULSORY SURRENDER OF ARTICLES

5. (1) Where the conditions of section 8(1)(a) and (b) of the Consitution are satisfied,
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regulation made under section 5(1) or an Order made under section 5(2)(b) may, subject to subsection (2), provide for -

(a) the surrender to the controller of supplies of any article owned by a person or in his possession or control, to be disposed of in such manner as the Minister may determine;

(b) the cancellation of any contract entered into by any person relating to any article.

(2) (a) The Minister shall as soon as possible pay to any person whose right or interest in any article is injuriously affected by a provision made under subsection such compensation as may be agreed upon by that person and the Minister.

(b) A person referred to in paragraph (a) may apply to the Supreme Court in order to have the compensation due to him assessed.

(3) The Chief Justice may make rules to regulate proceedings taken under Subsection (2)(b).

7. (1) An authorised office or a police officer may seize any article -

- (a) in respect of which any documents or representation which is false or misleading in a material particular has been delivered, produced or made;
- (b) which is reasonably suspected of being the subject matter of an offence under a supplies law.

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(2) The Court may order the forfeiture of any article seized under subsection (1) -

- (a) where the person charged with offence is convicted; or
- (b) where the article is of a perishable nature, at any stage of the proceedings taken in relation to the offence.

OFFENCES

8. (1) Any person who -

- (a) contravenes or fails to comply with a supplies law;
- (b) for the purpose of, or in connection with, a supplies law -
 - (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;

- (vii) sells or otherwise transfers or lends a document issued to him;
- (viii) Delivers, produces, furnishes, sends or otherwise makes use of, for the purposes of determining the value of any imported article, any document required by the Minister which is false or misleading in a material particular or which has been fraudulently altered.
- (vi) is knowingly concerned in, or takes steps with a view to, the evasion or contravention, by him or any other person, of a supplies law;
- (vii) attempts to do any act specified in paragraph (a), (b) or (c), shall commit an offence, and shall, on conviction, be liable to a fine not exceeding fifty thousand rupees and to imprisonment for a term not exceeding two years.

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(2) (a) Subject to paragraph (b) -

- (i) where an offence is committed by the agent or a person or group of persons every such person shall commit the like offence;
 - (ii) where an offence is committed by a body corporate or incorporate, every person who was a director, manager, secretary, officer or partner of that body or was purporting to act as such shall commit the like offence;
- (b) No person shall commit an offence under this subsection if he proves that the offence was committed without his knowledge and that he took all reasonable steps to ensure that it was not committed.

JURISDICTION

9. (1) Notwithstanding:

- (a) Section 144 of the Courts Act, and
- (b) Section 72 of the District and Intermediate Courts (Criminal Jurisdiction) Act.

The Magistrate shall have jurisdiction to try any offence under the Act and may impose any penalty provided by this Act.

- (2) The Probation of Offenders Act and Part X of the Criminal Procedure Act shall not apply to an offence under this Act.

TRANSITIONAL PROVISIONS

10. (1) Any Order made under section 3 of the Ordinance which is in force at the commencement of this Act shall be deemed to have been made under this Act.
- (2) Every person who at the commencement of this Act is an inspector or an authorised officer for the purposes of a supplies law shall be deemed to be an authorised officer designate under section 4(1)(b).

REPEAL

11. The Ordinance is repealed.

Passed in the Legislative Assembly on the fourth day of June, one thousand nine hundred and seventy four.