

Mauritius Cane Industry Authority (Weighbridge Control) Regulations 2012

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THE MAURITIUS CANE INDUSTRY AUTHORITY ACT 2011

Regulations made by the Minister under section 63 of the Mauritius Cane Industry Authority Act 2011

1. These regulations may be cited as the **Mauritius Cane Industry Authority (Weighbridge Control) Regulations 2012**.
2. In these regulations —
 - “extraneous matter”, in relation to the contents of canes delivered for milling, includes matter of—
 - (a) cane origin such as dry trash, decayed cane biomass, white tops, green leaves, immature young shoots and roots; and
 - (b) non-cane origin such as soil and rock;
 - “owner”, in relation to a weighbridge —
 - (a) means the owner of the weighbridge; and
 - (b) includes —
 - (i) the agent of the owner; and

(ii) any person who has been authorised by the owner to operate the weighbridge;

“vehicle” includes a cart;

“weighbridge” means any weighbridge used for weighing canes, sugar or co-products;

“weigher” —

(a) means the weigher at a weighbridge; and

(b) includes any person in charge of the weighbridge.

3. (1) No person shall operate a weighbridge unless there is in force a certificate issued by an employee authorising its operation.

(2) Every owner wishing to operate a weighbridge shall, after the weighbridge is ready for inspection and at least one month before the start of the crop season in the factory area in respect of which it is proposed to operate the weighbridge, make a written application to the Control and Arbitration Committee for a certificate authorising the operation of the weighbridge.

(3) Subject to paragraphs (4) to (6), the Control and Arbitration Committee may issue a certificate authorising the operation of a weighbridge on such terms conditions as it may determine.

(4) No certificate shall be issued —

- (a) unless the weighbridge is found by an employee —
 - (cv) subject to paragraph (4), to be in good working condition; and
 - (cvi) to conform with the standard of accuracy specified in the First Schedule; and

- (b) in respect of a weighbridge where more than 5,000 tons of cane have been delivered during the preceding crop season, unless the weighbridge is equipped with a computerised weighing system approved by the Control and Arbitration Committee and a digital display fitted and placed so as to enable the supplier of canes to read the weight registered.

(5) (a) Where an employee is of the opinion that adjustments or repairs have to be effected to a weighbridge, no certificate shall be issued unless the adjustments or repairs are effected and a further inspection is made.

(b) A fee of 5,000 rupees shall be paid for any further inspection made under subparagraph (a).

(6) (a) Subject to subparagraph (b), a certificate issued under this regulation shall be valid for a period of one year.

(b) A certificate shall not be valid when a discrepancy beyond the maximum permissible error, as specified in the First Schedule, occurs.

(7) An employee may, where he considers it appropriate, place tags and locks on certain parts of a weighbridge.

4. (1) Every owner shall maintain his weighbridge in good working condition and in accordance with the standard of accuracy specified in the First Schedule.

(2) Every weigher shall —

(a) check a weighbridge twice daily, once in the morning and once in the afternoon;

- (b) keep a record of his checks in a record book;
- (c) on request, present the record book to an employee for inspection; and
- (d) notify the Control and Arbitration Committee as soon as a discrepancy is observed or immediately after a breakdown, and as soon as the weighbridge has been repaired.

(3) Every owner or weigher who allows or causes any mechanical, electronic or other device to affect the accuracy of the weighing at the weighbridge or who is negligent in the maintenance of the weighbridge shall commit an offence.

5. (1) Subject to paragraph (2), every vehicle used for the transport of canes shall be tared after each trip by the weigher at whose weighbridge the canes are transported for weighing.

(2) Where a weighbridge is specially provided for the taring of any vehicle, the vehicle may be tared at that weighbridge by the weigher, provided that the graduation of such weighbridge shall be the same as that of the weighbridge used for weighing the loaded vehicle.

(3) Weighing and taring shall be carried out on the same weighbridge where the Control and Arbitration Committee so directs.

(4) Where any chains are used in relation to a vehicle, the weight of the chains shall be added to that of the vehicle.

6. No vehicle shall be weighed at a weighbridge together with a person other than the driver or carter, as the case may be.

7. (1) Every weigher shall, before weighing any canes transported by trailers, ensure that the vehicle and its trailers are on the weighbridge platform at the time of weighing.

(2) Where it is not possible to weigh a vehicle and more than one trailer at the same time, the trailers shall be weighed

separately.

8. (1) Every weigher shall
 - (a) after weighing canes, issue to the supplier of the canes a receipt giving —
 - (i) the name of the owner of the canes;
 - (ii) the date and time of weighing;
 - (iii) the registered number of the vehicle and the number of the container or basket in which the canes were transported; and
 - (iv) the gross weight, including the weight of the canes, the vehicle and the driver;
 - (b) after taring a vehicle, issue to the supplier a receipt giving —
 - (i) the name of the owner of the canes;
 - (ii) the date and time of weighing;
 - (iii) the registered number of the vehicle and the number of the container or basket in which the canes were transported;
 - (iv) the gross weight, including the weight of the canes, the vehicle and the driver;
 - (v) the tare of the vehicle only;
 - (vi) the net weight of the canes;
 - (vii) the code, description and name of the region, as may be assigned by the Control and Arbitration Committee;
 - (viii) the Sugar Insurance Fund Board number; and
 - (ix) an indication as to whether a sucrose content test will be carried out;
 - (c) whether a miller, under the supervision of the Control and Arbitration Committee, intends to make a determination

of the extraneous matter contents of canes in any cane consignment, issue to the supplier, a provisional receipt giving —

- (i) the particulars specified in subparagraph (b)(i) to (v) and (b)(vii) to (ix);
 - (ii) the provisional net weight of the canes; and
 - (iii) an indication as to whether a determination of the extraneous matter contents of the canes is intended to be carried out;
- (d) issue to the supplier, not later than on the working day following the making of the determination specified in subparagraph (c), a final receipt giving —
- (i) the particulars specified in subparagraphs (c)(i) and (ii);
 - (ii) the percentage of extraneous matter found; and
 - (iii) the final net weight of the canes;
- (e) keep, for a period of one year at the weighbridge, a duplicate of the receipt issued under subparagraph (b).
- (2) (a) Subject to subparagraph (b), no deduction shall be allowed for any extraneous matter after a receipt has been issued under regulation 8(1)(b).
- (b) Where the extraneous matter content of canes in a consignment is found to exceed a maximum allowable percentage of 12 per cent, the provisional weight of the consignment shall be reduced by a percentage corresponding to that excess before the final receipt is issued under subparagraph (1)(d).
- (c) A percentage of 14 per cent in lieu of 12 per cent shall apply in respect of such crop and such factory area or region in such area as the Control and Arbitration Committee may determine from time to time and of which

the Control and Arbitration Committee shall give public notice.

- (3) Subject to regulation 8(1), the miller may refuse to take a cane consignment for which juice purity from a core sample of that consignment, determined by an employee at the laboratory of the Control and Arbitration Committee, is below 72 degrees.
- (4) Every weigher shall comply with regulations 5, 6 and 7 when weighing bagasse, bagasse ash, molasses and scums.
- (5) (a) Every weigher shall, after weighing any co-product specified in paragraph (4), issue for each consignment a receipt giving —
 - (i) the name of the factory or planter;
 - (ii) the date and time of weighing;
 - (iii) the vehicle number;
 - (iv) the gross weight;
 - (v) the tare weight of the vehicle;
 - (vi) the net weight of the co-product;
 - (vii) the moisture percentage for bagasse and scums, and brix percentage for molasses, based on the latest determination available at the factory; and
 - (viii) in the case of bagasse, the form in which the bagasse is delivered.
- (b) A weigher shall keep for a period of one year at the weighbridge a duplicate of the receipt issued under subparagraph (a).

9. (1) Any employee shall have access at all times to any weighbridge for the purpose of—
- (a) examining the weighbridge;
 - (b) examining any receipt kept under regulation 8;
 - (c) checking any weighing made at such weighbridge; and
 - (d) reweighing any consignment of canes previously weighed at such weighbridge or any vehicle which may have been used for the transport of such canes.
- (2) Any employee or any person designated by the Director of the Control and Arbitration Department shall have free access at all times, for inspection purposes, to the computing system and any software used for the purpose of weighing canes at any weighbridge.
- (3) The Control and Arbitration Committee may authorise a planter to appoint, at his own cost, an agent to act as an observer at the weighbridge to which he delivered his canes at any time when his canes are being weighed.
10. (1) Every miller shall submit a daily return, in the form set out in the Second Schedule, of the weight of canes received by his factory to an officer of that factory.
- (2) Every miller shall, not later than the Tuesday following the week in which canes have been received, submit a weekly return, in the form set out in the Third Schedule, to the Control and Arbitration Committee of the weight of canes received by his factory.
- (3) Every miller shall submit a weekly return, in the form set out in the Fourth Schedule, of the weight of sugar and co-products received by or leaving his factory to an officer of that factory.

11. (1) Every miller shall use at his weighbridge the appropriate weighbridge software as required by the Control and Arbitration Committee.
 - (2) Every consignment selected for testing shall be accompanied by —
 - (a) a barcoded ticket;
 - (b) a slip issued by a weigher giving —
 - (i) the date and time of issue;
 - (ii) the registered number of the vehicle; and
 - (iii) a serial number.
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12. No miller shall accept canes from planters and from millers who are also planters at the weighbridges under his responsibility after 1800 hours on any day up to 0600 hours on the following day without the prior authorisation of the Director of the Control and Arbitration Department.
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13. (1) No owner shall close down a weighbridge except with the written permission of the Control and Arbitration Committee.
- (2) An application for the closing down of a weighbridge shall be made to the Control and Arbitration Committee before 31 January of the crop year for which the application is made.
- (3) The Control and Arbitration Committee shall not authorise the closing down of a weighbridge unless it is satisfied that adequate arrangements have been made for the disposal of canes delivered to that weighbridge.
- (4) A weigher may require the driver of any vehicle in which canes are transported for weighing at a weighbridge to move the

vehicle where, in the opinion of the weigher, the vehicle is obstructing or otherwise hindering access to the weighbridge, and the driver shall comply with the request.

(5) A weigher may take such steps as may be necessary to cause a vehicle referred to in paragraph (4) to be moved so that it may cease to constitute an obstruction.

14. The Weighbridge Control Regulations 1991 are revoked.

15. These regulations shall come into operation on 15 May 2012.

Made by the Minister on 15 May 2012

FIRST SCHEDULE

[Regulation 3(3)]

STANDARD OF ACCURACY FOR WEIGHBRIDGE

Capacity of weighbridge

Up to 5,000 kilograms

Maximum permissible error

5 Kilograms

Above 5,000 Kilograms

20 Kilograms



SECOND SCHEDULE

[Regulation 10(1)]

DAILY RETURN OF WEIGHT OF CANES

Name of factory Crop

Date

Committee Region No.	Name of Planter or region	Weight of canes received (kg)
Total		

Name of miller or authorised agent

Signature of miller or authorised agent

THIRD SCHEDULE

[Regulation 10(2)]

WEEKLY RETURN OF WEIGHT OF CANES

Name of factory Crop

Week ending

Committee Region No.	Name of Planter or region	Weight of canes received					
		Week			To-date		
		Green canes	Burnt canes	Total	Green canes	Burnt canes	Total
	Total						

Date

Name of miller or authorised agent

Signature of miller or authorised agent
