

Basmati Rice (Control of Sale) Regulations 2012

GN No. 53 of 2012

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 **Basmati Rice (Control of Sale) Regulations 2012**.
2. In these regulations –

“Act” means the Fair Trading Act;

“authorised officer” means any public officer who is designated for the purposes of ensuring compliance with the Act;

“basmati rice” means the variety of long-grain or extra long-grain rice, specified in MS 177:2011, that is grown exclusively in specific areas of the Indo-Gangetic Plains, which include Punjab (on both sides of the Indian and Pakistani border) and Jammu, Haryana, Uttaranchal and Western Uttar Pradesh in India;

“certificate of authenticity” means the certificate referred to in regulation 3;

“distributor” –

- (a) means any person engaged in the sale of basmati rice to a wholesale dealer or retailer; and
- (b) includes a person engaged in the packing or storage of basmati rice;

“importer” means any person holding an import permit issued under the Consumer Protection (Control of Imports) Regulations 1999, authorising him to import basmati rice;

“local packer” means a person who pre-packs basmati rice locally or causes basmati rice to be pre-packed locally;

“MS 177:2011” means the Mauritian Standards for Basmati Rice as published in General Notice No. 439 of 2011;

“Ministry” means the Ministry responsible for the subject of consumer protection.

3. (1) No importer shall import, or have in his possession, basmati rice which –

(a) is not covered by a valid certificate of authenticity; or

(b) does not conform to the standards specified in MS 177:2011.

(2) Every local packer shall hold a Mauricert licence issued under section 20 of the Mauritius Standards Bureau Act.

(3) A certificate of authenticity shall be issued, in respect of basmati rice produced in the country specified in the first column of the Schedule, by the corresponding authority specified in the second column of the Schedule.

(4) The certificate of authenticity shall include –

(a) (i) the full name and address of the exporter;

(ii) the full name and address of the consignee;

(iii) the country and place of cultivation;

(iv) the FOB value in US dollars;

(v) the number and date of invoice;

- (vi) the marks and numbers, including the reference and number of batch;
 - (vii) the description of rice, including information on its variety;
 - (viii) the number and kind of packages, including the number and weight of packages;
 - (ix) the gross weight, in kilogrammes; and
 - (x) the net weight, in kilogrammes;
- (b) a declaration by the exporter that the information supplied in the certificate is correct;
 - (c) certification from the issuing authority that the rice is basmati rice and that the information in the certificate is correct;
 - (d) certification by the competent customs office of the country of origin.

(5) A trader shall provide such other information as the Permanent Secretary may require.

4. No trader shall have in his possession, sell, display, offer for sale, distribute or deliver basmati rice which does not conform to the standards specified in MS 177:2011.

5. (1) Every importer or distributor shall –

- (a) keep a record of every purchase, sale or delivery of basmati rice for a period of one year from the transaction; and
- (b) at the request of an authorised officer, produce –
 - (i) the record referred to in subparagraph (a); and

- (ii) a certificate of authenticity in respect of the basmati rice supplied by him.
- (2) The authorised officer may retain a copy of the certificate of authenticity produced to him under paragraph (1).
- (3) The record referred to in paragraph (1)(a) shall include –
 - (a) the description and weight of the basmati rice;
 - (b) the full name and address of the person from whom the basmati rice is purchased or received or to whom the basmati rice is sold or delivered, as the case may be;
 - (c) the date of sale, purchase, delivery or receipt of the basmati rice, as the case may be;
 - (d) the price paid or payable in respect of the basmati rice; and
 - (e) such other particulars as may be required by the Permanent Secretary.
- 6. No trader shall sell any basmati rice unless the packaging bears a conspicuous label in conformity with the standard specified in paragraph 8 of MS 177:2011.
- 7. (1) Where an authorised officer has reasonable grounds to believe that any basmati rice is not in compliance with the standard specified in MS 177:2011, he may collect a sample of the rice and request the Mauritius Standards Bureau to carry out an examination to ascertain the conformity of the goods with the required standards.

(2) Where an examination is carried out under paragraph (1), the testing fee shall be borne –
 - (a) in case the rice meets the required standards, by the Ministry; and
 - (b) in case the rice does not meet the required standards, by the trader.

(3) Where any sample of rice collected under paragraph (1) does not meet the standard specified in MS 177:2011, the whole lot or batch of rice from which the sample was taken shall be deemed not to conform to the said standards and the Consumer Protection Unit of the Ministry shall seize the whole consignment and dispose of it as the Minister may deem fit.

(4) Where the consignment does not conform to the required standards, the cost of its disposal shall be borne by the importer.

8. These regulations shall come into operation on 1 June 2012.

Made by the Minister on 5 April 2012

SCHEDULE

[Regulation 2]

Country	Name and address of Authority
Islamic Republic of Pakistan	Quality Review Committee operating under the aegis of the Rice Exporters Association of Pakistan (REAP), Islamic Republic of Pakistan
Republic of India	The Directorate of Marketing & Inspection, Ministry of Agriculture, Department of Agriculture & Cooperation, A Block, CGO Complex, Faridabad, Haryana, Republic of India
	The Export Inspection Council of India (Corporate Office) (Department of Commerce), Ministry of Commerce and Industry, Government of India, 3 rd Floor-NDYMCA Cultural Centre Building, 1, Jaisingh Road, New Delhi-110001, Republic of India
