

National Agricultural Products (Amendment) Regulations 2019

GN No. 29 of 2020

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NATIONAL AGRICULTURAL PRODUCTS REGULATORY OFFICE ACT

Regulations made by the Minister under section 24 of the National Agricultural Products Regulatory Office Act

1. These regulations may be cited as the **National Agricultural Products (Amendment) Regulations 2019**.

2. In these regulations —

“principal regulations” means the National Agricultural Products Regulations 2013.

3. Regulation 2 of the principal regulations is amended -

(a) by deleting the definition of “NAPRO”;

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

“authorised officer” means an officer designated by the supervising officer to assist NAPRO regarding an application for -

(a) a licence under section 8(3)(a) of the Act; or

(b) clearance under section 18 of the Act;

“Director-General” has the same meaning as in the Mauritius Revenue Authority Act;

“effective date” means the date by which all required documents, information or samples are submitted;

“export” has the same meaning as in the Customs Act;

“guidelines” means guidelines issued by NAPRO —

- (a) setting out the requirements for, the applicable law relating to, and the procedures for, an application for a licence under section 8 of the Act or clearance under section 18 of the Act;
- (b) listing all fees leviable under these regulations;
- (c) available for consultation at NAPRO; and
- (d) posted on the website of NAPRO;

“import” has the same meaning as in the Customs Act;

“TradeNet” has the same meaning as in the Customs Act;

4. Regulation 3 of the principal regulations is revoked and replaced by the following regulation

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3. (1) Where a person applies for a licence under section 8 of the Act, his application shall

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- (a) be accompanied by such other document as may be specified in the guidelines; and
- (b) be subject to the payment of the appropriate application fee specified in Part I of the First Schedule and to such other conditions as may be specified in Part II of the First Schedule and in the guidelines.

(2) (a) On receipt of an application under paragraph (1), the authorised officer -

- (i) may require the applicant to submit to NAPRO such further additional information as may be necessary to consider his application; and
- (ii) shall process the application and NAPRO may, subject to section 9(1) of the Act, issue or refuse to issue the licence within 2 working days from the effective date.

(b) Where a licence is issued under section 9 of the Act, the applicant shall pay the appropriate fee specified in Part I of the First Schedule.

(3) Where a licensee, other than a licensee for the activity specified in section 8(1)(i) of the Act, submits an application for a fresh licence more than 15 days after the expiry of his existing licence, he shall pay an additional fee representing 20 per cent of the appropriate application fee required under paragraph (1)(b).

(4) Where NAPRO is satisfied that a licence has been lost or destroyed, it may, on payment of the appropriate fee specified in Part I of the First Schedule, issue a duplicate copy of the licence.

5. The principal regulations are amended by inserting, after regulation 3, the following new regulation —

3A (1) An application for clearance of a regulated product under section 18(1) of the Act shall be made at least 2 working days before the import or export, as the case may be, through the TradeNet or in such other manner as NAPRO may determine and shall -

(a) be accompanied by -

- (i) such other document as may be specified in the guidelines;
- (ii) in the case of leaf tobacco, a permit issued by the National Plants Protection Office under the Plant Protection Act; and

- (iii) in the case of tea products, a phytosanitary certificate issued by the appropriate authority of the country of origin;
 - (b) be subject to the payment of the appropriate fee specified in Part II of the Second Schedule and to conditions specified in Part III of the Second Schedule or in the guidelines.
- (2) On receipt of an application, the authorised officer —
 - (a) may require the applicant to submit to NAPRO such further additional information as may be necessary to consider his application; and
 - (b) shall process the application and NAPRO may give or refuse the clearance within 2 working days from the effective date.
- (3) For the purpose of paragraph (2), NAPRO shall notify its decision, to give or refuse the clearance, to the Director-General and the importer or exporter, as the case may be, through the TradeNet or in such other manner as the supervising officer may determine.
- (4) Subject to paragraph (3), the Director-General shall release or clear the goods imported or exported in accordance with section 25B of the Customs Act.
- (5) Where NAPRO gives a clearance under section 18 of the Act, the applicant shall pay the appropriate clearance fee specified in Part II of the Second Schedule.
- (6) Where a person exports a regulated product without obtaining clearance from NAPRO, he shall be liable to pay the appropriate penalty fee specified in Part II of the Second Schedule.
- (7) (a) Any fee, penalty or surcharge payable under regulations 3 and 3A may be paid to the Director-General through the TradeNet or in such other manner as the Director-General may determine.

(b) The Director-General shall, not later than 15 working days after the end of every month, remit the fees collected to NAPRO.

(8) No clearance shall be required in respect of import or export of regulated products by NAPRO.

6. The Second Schedule to the principal regulations is amended, in Part II, in item 2, by inserting, after sub-item (i), the following new sub-item and its corresponding entries —

(ia)	Instant tea mix,	% of tea
	concentrates containing tea	content in the mix
	extract, concentrates for	or concentrates
	dilution containing tea extracts	per kg x Rs 300
		per kg

7. These regulations shall come into operation on 1 February 2020

Made by the Minister on 17 January 2020.