

Cp 80/05; Am GN 211/05; Am 77/06; 143/06; 248/06; 163/07 [cio 1.10.07] [223/07 cio 1.01.08]; 52/08; 108/08; 207/08][222/08 cio 31.10.08] [261/08] [66 /09][96/10] [145/10 cio 01.07.10]

THE CONSUMER PROTECTION (PRICE AND SUPPLIES CONTROL) ACT

Regulations made by the Minister under section 35 of the Consumer Protection (Price and Supplies Control) Act

1. These regulations may be cited as the Consumer Protection (Control of Price of Petroleum Products) Regulations 2004.

2. In these regulations –

(1) “CIF” or “cost, insurance and freight”, in respect of a preceding month, means the weighted average CIF, in foreign currency, of consignments of any petroleum product with the dates of Bills of Lading ranging from the first to the last date of the preceding month; [145/10]

“Corporation” has the same meaning as in the State Trading Corporation Act;

“petroleum product” means the product specified in the First Schedule;

“Certification Committee” means the Committee established under regulation 9;

“windfall gain or loss” in respect of a month means any gain or loss on any stock of petroleum product purchased by entities responsible for the storage and distribution of petroleum products, and petroleum products on stock at retail outlets, purchased at a lower or higher price, as the case may be, in the preceding month being carried forward to the next succeeding month to be sold at higher or lower new price, as the case may be, resulting in a gain or loss. [261/08]

(2) The meaning of “basic value” shall be the sum of –

(i) the C.I.F price per litre of any petroleum product calculated in Mauritian rupees for the preceding month; [163/07] [222/08]

(ii) the excise duty specified in Part I of the First Schedule of the Excise Act;

(iii) the Maurice Ile Durable Levy (MID Levy) specified in

resolution passed by the National Assembly on 07 June 2008; [108/08]

- (iv) any surplus or deficit, as the case may be, of the preceding **month**, calculated as being the difference between the C.I.F price referred to in paragraph (i) and the revised C.I.F price of the preceding **month**;[222/08]
- (v) any adjustment due to any difference between the estimated quantity, the exchange rate, any windfall gain or loss, and rounding of figures used to arrive at the C.I.F. price of the preceding **month** which requires revision of the figures;[222/08]
- (vi) any windfall gain or loss resulting from stockholding at the time of any previous price change;
- (vii) any gain/loss carried forward from the preceding **month**; [222/08]
- (viii) any sum making provision for hedging purposes; [223/07]
- (ix) any gain/loss on hedging in the preceding **month**; and [163/07][222/08]
- (x) interest paid on lines of credit in foreign currency as well as losses in holding those lines of credit less interest received whether in Mauritius rupees or foreign currency.

[Added 143/06]

[Revoked 163/07]

(3) Notwithstanding the definition of CIF in paragraph (1), for the purpose of determining the price of a petroleum product for the month of July 2010, "CIF", in respect of a preceding month, means the weighted average CIF, in foreign currency, of consignments of any petroleum product with the dates of Bills of Lading ranging from 26 May 2010 to 30 June 2010. [...../10]

- 3. The Corporation shall determine the price of petroleum product on a **monthly** basis on the **third** working day of **every month** in accordance with the price structure set out in the Second Schedule, or Third Schedule, as the case may be. [222/08]**

[Amended 77/06, 163/07, 223/08] **[Revoked/10]**

3A. Notwithstanding regulation 3, the Corporation shall, for the month of May in 2010, determine the price of a petroleum product on the fifth working day in accordance with the price structure set out in the Second Schedule or Third Schedule, as the case may be. [96/10]

4. The Corporation shall -

- (a) determine the basic value; and
- (b) compute the wholesale and retail price of Mogas and Gas Oil, and the transfer price of Fuel Oil. [163/07]

5. (1) The Corporation shall take into account the following component in determining the basic value for the succeeding **month** –[222/08]

for the purpose of calculating weighted average of the CIF –

- (i) the actual quantity of petroleum product discharged at Port Louis as determined by a Surveyor appointed by the Corporation;
 - (ii) where the quantity of any consignment of petroleum product cannot be determined, the quantity as indicated in the Bill of Lading shall be used;
 - (iii) where a consignment of petroleum product has to be apportioned between quantities to be sold on the local market and on the international market, the quantity sold on the local market shall be used for the determination of weighted average of the CIF;
 - (iv) for any consignment whose apportionment has not been obtained, an average apportionment percentage for the last six consignments whose apportionments are known will be used in determining the weighted average of the C.I.F.
- (2) For the purpose of calculating the items referred to in regulation (2) (2)(iv) to (x) in respect of **any month**, the estimated quantity of a petroleum product shall be taken to be **one-twelfth** of the total quantity of such petroleum product that is contracted to be imported during the contract year specified in the contract for the importation of the petroleum product. [163/07] [222/08].
- (3) **The exchange rate used for the pricing of any consignment of petroleum product in Mauritian rupees shall be the consolidated indicative exchange rate published by the Bank of Mauritius during the preceding month or the rate at which foreign currency is purchased by the Corporation during that month, whichever is the higher [222/08].**

- (4) Any gain or loss carried forward which is not considered for adjustment in the retail price of petroleum product as provided in regulation 7(2) and (4) shall be taken into account for the determination of the basic value.
 - (5)
 - (a) Any gain/loss on hedging in respect of the preceding month shall represent the savings or loss, as the case may be, made as a result of hedging that is being passed on to the consumers. [163/07][222/08]
 - (b) The Corporation shall use appropriate hedging mechanism by setting a maximum price payable in case of rise in prices against any payment of hedging fee;
 - (c) Any gain/loss on hedging shall be the difference between the actual C.I.F price paid for the petroleum products to the supplier in the preceding month and the maximum protected or hedged price on the hedging market covering purchases in the preceding month. [163/07] [222/08]
6. For the purpose of computing the wholesale and retail price, the Corporation shall take into account the following -
- (a) any expense incurred by the Corporation in connection with the importation of petroleum products;
 - (b) any contribution made to the Road Development Authority;
 - (c) any subsidy given for the transportation and storage of petroleum products in Rodrigues;
 - (d) any expense incurred in connection with the operation and marketing of petroleum product by entities responsible for the storage and distribution of petroleum products;
 - (e) any wholesale margin allowed;
 - (f) any value added tax payable; and
 - (g) any retail margin allowed.
7.
 - (1) Subject to paragraphs (2) to (4), the Corporation shall consider any adjustment in the retail price of petroleum product where the percentage of such adjustment is within the range of 2.5 to 7.5 per cent. [222/08]
 - (2) Any price adjustment below 2.5 percent shall be carried forward and shall be considered for the purpose of determining the price of petroleum product in the succeeding month. [222/08].
 - (3) For any price adjustment beyond 7.5 percent, a maximum price increase or decrease of 7.5 percent, as the case may be, shall be considered. [222/08]

(4) Any excess of 7.5 percent shall be carried forward as an additional charge in the determination of the basic value for the succeeding month. [222/08]

(5) For the purpose of determining the retail price of petroleum product, the retail price shall be rounded to the nearest higher multiple of 5 cents. [Revoked and replaced 163/07]

8. For the purpose of the determination of windfall gain or loss, the Corporation shall enter into a separate agreement with the entities responsible for the storage and distribution of petroleum product. [163/07]
9. (1) There is established for the purposes of these regulations a Certification Committee.
- (1) The Certification Committee shall consist of –
- (a) the Director of the Central Statistics Office who shall be the Chairperson; and
 - (b) three members appointed by the Minister, who shall be persons with wide experience in the field of economics, commerce, finance, management or business administration.
- (3) The Chairperson and any two members shall constitute the quorum.
- (4) The Committee shall regulate its proceedings in such manner as it thinks fit.
- (5) The Corporation shall provide secretarial facilities to the Committee.
- (6) Any fees payable to members of the Committee shall be determined by the Minister.
10. (1) The Certification Committee shall –
- (a) verify the correctness of the determination of the basic value made by the Corporation; and
 - (b) certify that the computation of the wholesale price, retail price or transfer price, as the case may be, made by the Corporation are in accordance with these regulations. [163/07]
- (2) The Corporation shall submit to the Certification Committee all information and document that the Committee shall require for the purpose of certifying the basic value, the wholesale, retail price or transfer price, as the case may be, of petroleum product. [163/07]

11. The Corporation shall –

- (a) forthwith cause the information certified by the Certification Committee under regulation 10 to be published in 4 daily newspapers; [222/08]
- (b) forthwith inform the entities responsible for the storage and distribution of petroleum products of the new prices for the succeeding month; and [222/08]
- (c) affix the wholesale and retail prices of Mogas and Gas Oil, and the transfer price of Fuel Oil at the seat of the Corporation. [163/07]

11. A. The loss accumulated by the Corporation as at 31 October 2008 which is still outstanding as at 30 June 2009 shall be recovered –

- (a) in respect of Gas Oil, by an amount of 3.1547 rupees per litre over a period of 6 months starting from 1 July 2009;
- (b) in respect of Fuel Oil, by an amount of 5.3610 rupees per litre over a period of 5 months starting from 1 July 2009.

[66/09]

12. (1) Part I of the First Schedule to the Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) Regulations 1998 is amended by deleting the following item –

Petroleum Products

MOGAS	19.9360 per litre	20.4000 per litre
Gas Oil	11.5020 per litre	11.9000 per litre

(2) The First Schedule to the Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) Regulations 1998 is amended by deleting the following item -

Petroleum Products

MOGAS	19.3860 per litre	19.8500 per litre	19.8500 per litre
Gas Oil	11.2020 per litre	11.6000 per litre	11.6400 per litre

13. These regulations shall come into operation on 1 April 2004.

Made by the Minister on Friday 19th March 2004.

FIRST SCHEDULE

(regulation 2)

1. Mogas (Motor Gasoline)
2. Gas oil sold on the local market (Diesel)
3. Fuel Oil sold on the local market other than for sale to the Central Electricity Board

[Added 77/06; 163/07]

SECOND SCHEDULE

(regulation 3)

Price Structure

Mogas (Motor Gasoline) and Gas Oil sold on the local market (Diesel)

	Basic Value
add	Expenses incurred by the Corporation in connection with the importation of petroleum products
add	Contribution to the Road Development Authority
equals to	Total cost
add	Subsidy given for the transportation and storage of petroleum products in Rodrigues
equals to	Transfer Price
add	Operating and Marketing Expenses
add	Wholesale Margin
add	Value added tax payable
equals to	Wholesale Price
add	Retail Margin
Equals to	Retail Price

[Amended 77/06]

THIRD SCHEDULE
(regulation 3)

PRICE STRUCTURE
Fuel Oil

add Basic Value

 Expenses incurred by the Corporation in connection with the
 importation of Fuel Oil

equals to Transfer Price

[Added 77/06]