

Government Notice No. 172 of 2019

THE FISHERIES AND MARINE RESOURCES ACT

Regulations made by the Minister under section 74 of the Fisheries and Marine Resources Act

1. These regulations may be cited as the Fisheries and Marine Resources (Import of Fish and Fish Products) (Amendment) Regulations 2019.
2. In these regulations –
“principal regulations” means the Fisheries and Marine Resources (Import of Fish and Fish Products) Regulations 2012.
3. Regulation 2 of the principal regulations is amended –
 - (a) by deleting the definition of “authorised officer”;
 - (b) by inserting, in the appropriate alphabetical order, the following new definition –
“effective date”, in relation to an application, means the date by which all required documents, information or samples are submitted;
 - (c) in the definition of “fish products”, by adding the following new paragraph, the word “but” being added at the end of paragraph (b)(ii) –
 - (c) does not include pharmaceutical products containing derivatives from fish;
4. Regulation 4 of the principal regulations is amended –
 - (a) in paragraph (1), by revoking subparagraph (a) and replacing it by the following subparagraph –
 - (b) he holds a valid registration certificate issued under this regulation; and

- (b) by revoking paragraphs (2) and (3) and replacing them by the following paragraphs –

(2) An application for registration as an importer under paragraph (1)(a) shall –

- (a) be made to the authorised officer through the TradeNet or in such other manner as the Permanent Secretary may determine;
- (b) be accompanied by such other document specified in the Second Schedule and in the guidelines; and
- (c) be subject to such conditions as may be specified in the guidelines.

(3) On receipt of an application, the authorised officer –

- (a) may require the applicant to submit such additional information as may be necessary to consider his application; and
- (b) shall process the application and may, subject to paragraph (4), grant or reject the application not later than 5 working days after the effective date.

5. Regulation 4 of the principal regulations is amended, in paragraph (4)(a) –

- (a) by revoking sub subparagraph (iii), the words “; and” in sub subparagraph (ii) being deleted and replaced by a full stop and the word “and” being added at the end of sub subparagraph (i);

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- (b) in sub subparagraph (ii), by deleting the words “Permanent Secretary” and replacing them by the words “authorised officer”;
 - (c) in paragraphs (5) and (6), by deleting the words “Permanent Secretary” wherever they appear and replacing them by the words “authorised officer”;
 - (d) by revoking paragraph (7).
6. Regulation 5 of the principal regulations is amended –
- (a) by revoking paragraphs (1) and (2) and replacing them by the following paragraphs –
 - (1) No person shall import any fish or fish product under section 22(1) of the Act unless he –
 - (a) holds –
 - (i) a valid registration certificate as an importer under regulation 4; and
 - (ii) a valid permit under this regulation;
 - (b) complies with the general requirements specified in the Second Schedule and in the guidelines; and
 - (c) pays the annual fee specified in the Third Schedule before importing any consignment of fish.
 - (2) An application for a permit shall –
 - (a) be made to the authorised officer through the TradeNet or in such other manner as the Permanent Secretary may determine;
 - (b) be accompanied by –

- (i) where required, a health certificate referred to in paragraph (5); and
 - (ii) such other document specified in the Second Schedule and in the guidelines.
- (b) by inserting, after paragraph (2), the following new paragraphs –
 - (2A) On receipt of an application, the authorised officer –
 - (a) may require the applicant to submit such further additional information as may be necessary to consider his application; and
 - (b) shall process the application and may grant or reject the application not later than 2 working days after the effective date.
 - (2B) For the purpose of paragraph (2A), the authorised officer shall notify his decision, to grant or refuse to grant the approval or permit, to the Director-General and the importer through the TradeNet or in such other manner as the Permanent Secretary may determine.

7. Regulation 7A of the principal regulations is revoked and replaced by the following regulation –

- 7A.** Any person who imports a consignment of fish or fish products in Mauritius without holding a valid –
- (a) registration certificate issued under regulation 4; or
 - (b) permit issued under regulation 5,
- may –

- (i) on payment of the appropriate annual fee, together with the additional fee, specified in the Third Schedule; and
- (ii) subject to such conditions as may be specified in the guidelines or as the authorised officer may impose,

be issued with a registration certificate and a permit.

8. The Third Schedule to the principal regulations is amended, in item 2, by deleting the words “Penalty” and “registration” and replacing them by the words “Additional fee” and “permit”, respectively.

9. These regulations shall be deemed to have come into operation on 1 September 2019.

Made by the Minister on 12 September 2019.
