

TRADES AND INDUSTRIES CLASSIFICATION

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1 Short title

This Act may be cited as the Trades and Industries Classification Act.

2 Interpretation

In this Act

"classified trade" means a trade or business specified in the Schedule;

"hawker" includes

(a) a person who, in any street or public place, other than in permanent premises, sells any goods, wares or merchandise, or sells his skill in handicraft; and

(b) a person who goes from place to place or to other persons' houses, carrying to sell, any goods, wares or merchandise, or selling his skill in handicraft;

"local authority" means a municipal or district council;

"Minister" means the Minister to whom responsibility for local government is assigned.

"Permanent Secretary" means the Permanent Secretary of the Ministry responsible for the subject of health;

[Amended 30/92]

3 --

4 Licence for classified trade and hawkers

(1) No person shall carry on a classified trade unless he is the holder of a licence under this Act.

(2) No person shall be a hawker unless he is the holder of a licence under this Act.

(3) A licence shall be issued by the local authority to a hawker for trade to be carried within the administrative area of the local authority.

[Amended 30/92]

5 Form and conditions of licence

(1) A licence shall be issued in such form and subject to such conditions as may be prescribed.

(2) A licence shall be valid as from the date of issue up to the end of a financial year.

(3) A licence shall not be transferable.

(4) A fresh licence shall be required if the licensee transfers his classified trade from one place to another or if the conditions of the premises in which the trade is being carried on are changed.

(5) A licence shall be exhibited in a conspicuous place on the premises specified in it, and a licence issued to a hawker shall be constantly carried by him.

(6) Fees shall be paid in respect of each licence at the rates prescribed in the Schedule.

(7) Fees levied under this section shall be paid to the local authority.

(8) No licence shall be issued to a person who fails to pay the fees, dues or other charges under section 100 of the Local Government Act.

[Amended 30/92]

6 Approval of certain authorities

(1) Subject to subsection (2) and section 9(2), no licence shall be granted except with the approval of the Permanent Secretary of the Ministry responsible for the subject of health or an officer authorised in writing by him, and in the case of licences to carry on a classified trade included in class II of the Schedule, with the approval also of the Commissioner of Police or an officer authorised in writing by him.

(2) No application for the transfer or the issue of a licence, in respect of any trading premises in relation to which an offence has been committed under the Consumer Protection (Price and Supplies Control) Act, shall be granted except with the approval of the Permanent Secretary.

[Amended 12/98]

7 Licences and fees

The licences under section 4 and the fees payable under section 5 and the Schedule shall be in addition to, and not in derogation from, any licence and fees prescribed in any other enactment.

[Amended 30/92]

8 Saving

Notwithstanding any other enactment, no licence shall be issued under the Excise Act unless a licence has previously been issued under this Act.

9 Approval of licences

(1) The Permanent Secretary or an officer authorised in writing by him, and, in the case of any trade included in class II of the Schedule, the Commissioner of Police, or any officer authorised in writing by him, may

(a) refuse to approve a licence under section 6; or

(b) attach to a licence special conditions in the interests of public health, public order or public safety.

(2) (a) An application for a licence to carry on a classified trade included in class II of the Schedule shall be referred for approval to the Commissioner of Police or an officer authorised by him, whether or not it has been refused by the Permanent Secretary or an officer authorised in writing by him.

(b) Where there is a difference of opinion between the Permanent Secretary and the Commissioner of Police or the officers respectively authorised by them, as to whether the licence should be approved or as to what conditions shall be attached to its grant, the matter shall be referred to the President, whose decision shall be final.

[Amended 48/91]

10 Amendment of Schedule

The Minister may by regulations amend the Schedule.

[Amended 30/92]

11 Right of entry and control

The following persons may, for the purposes of this Act, enter on and inspect any premises, licensed or not, where a classified trade is or is suspected of being carried on, or may demand the production of a licence by a hawkker

(a) -

(b) a medical officer or an inspector of the Ministry responsible for the subject of health;

(c) an officer of a local authority authorised in writing by the chief executive of that local authority;

(d) a Superintendent or Assistant Superintendent of Police and a police officer authorised in writing by a Superintendent of Police; and

(e) a veterinary officer of the Ministry responsible for the subject of agriculture or of a local authority, in respect of premises specified in class III of the Schedule.

[Amended 30/92]

12 Offences

Any person who

(a) carries on a classified trade without having a licence;

(b) is a hawkker without having a licence;

(c) refuses or neglects to produce a licence on demand of a person authorised under section 11 or obstructs, molests, insults or hinders any such person; or

(d) fails to comply with the conditions of the licence or with any other prescribed condition,

shall commit an offence.

13 Closing order pending judgment

(1) Where a charge has been brought under section 12, the Permanent Secretary or an officer authorised in writing by him, and, in the case of any trade included in Class II of the Schedule, the Commissioner of Police or

an officer authorised in writing by him, may make a provisional closing order with respect to any premises where he is satisfied that -

- (a) the premises have been used for the purpose of a classified trade without being licensed for it;
- (b) the licensee has failed to comply with the conditions of his licence or any other prescribed condition; or
- (c) the business of the licensee has been conducted so as to be a danger to public health, public order or public safety.

(2) The closing order shall remain in force until a final judgment has been given by the Court in the proceedings brought on account of the alleged offence, but the Permanent Secretary or the Commissioner of Police may revoke a closing order made by him or under his authority.

(3) A closing order may authorise any of the persons mentioned under section 11 to enter the premises to which it refers and remove or seal up any goods found on it, and to take such other steps as may be necessary to secure obedience to the order.

14 Carrying on trade after closing order

Any person who carries on a classified trade on premises which have been closed by order of the Court or the Permanent Secretary or the Commissioner of Police shall commit an offence.

15 Regulations

(1) The Minister may make regulations to prescribe -

- (a) the conditions under which a classified trade shall be conducted;
- (b) the conditions under which a hawker shall exercise his calling; .
- (c) the structural requirements of premises used for carrying on a classified trade, and the provision of appliances in them for securing the safety of the employees and of the public;
- (d) the precautions to be taken in keeping and storing inflammable, explosive or other dangerous material;
- (e) the sanitary conditions under which any classified trade may be conducted; and
- (f) such other conditions for the purposes of this Act.

(2) The regulations may provide that any person who contravenes them shall commit an offence, and shall, on conviction, be liable to a fine not exceeding 2,000 rupees and to imprisonment for a term not exceeding 2 years.

[Amended 30/92]

15A Prosecution of offences

Offences in respect of the classified trades specified in the Schedule may be prosecuted by an inspector of the Ministry responsible for the subject of health or an officer of a local authority authorised in writing by the chief executive of that local authority.

[Amended 30/92]

16 Penalties

(1) Any person who commits an offence under this Act shall, on conviction, be liable to a fine not exceeding 500 rupees and to imprisonment for a term not exceeding 6 months, and, in the case of a second or subsequent offence, to a fine not exceeding 1,000 rupees and to imprisonment for a term not

exceeding one year.

(2) The Court, in addition, may order the closing of any premises in respect of which no licence has been obtained, or on which there has been a contravention of the conditions of a licence or of any other prescribed condition, or on which the business of a licensee has been conducted so as to be a danger to public health, public order or public safety.

SCHEDULE

CLASS I

TRADES AND INDUSTRIES AFFECTING PUBLIC HEALTH

Trade and Industries concerned with foodstuffs

	Fee for Licence Rupees
A Aerated water factories.....	NIL
Auctioneer.....	"
Bakeries, public ovens and establishments for the preparation, storage, or sale of bread and cakes, pastries and biscuits.....	"
Bottler.....	"
Butchers' shops, tripe shops and establishments for the preparation, storage or sale of sausages and prepared or dressed meats.....	"
Caterer.....	"
Cold storage establishments.....	"
Confectionery, jam and preserved fruit establishments.....	"
Dealer in green and dry fruit and vegetable.....	"
Establishment for the manufacture, storage or sale of salt.....	"
Establishment for the manufacture, storage or sale of alcoholic and/or non-alcoholic beverages	"
Establishments for the manufacture, storage or sale of patent flours, patent cereal food preparations and invalid and infant food.....	"
Factories for the manufacture or preparation of edible oils and fats	"
Factories for the canning, curing or preserving of meat or fish (including bambaras).....	"
Factories for the preparation of dried or condensed milk.....	"
Factories for the canning or preserving of vegetables or fruits	"
Fish shops and fish frying shops.....	"
Grain, cereal or animal fodder stores.....	"
Groceries and food stores and establishments for" the storage and sale of vegetables and fruits.....	"
Hypermarket	"
Ice factories and ice stores.....	"
Ice cream manufactories, shops, stores and parlour.....	"
Macaroni factories.....	"
Manufacturer of salt.....	"
Milk, butter, cheese and dairy produce shops.....	"
Miller other than sugarcane.....	"
Oil stores other than mineral oil stores.....	"
Pickles manufactories	"
Preserved fish depots.....	"
Public markets.....	"
Public kitchens	"

Fee for Licence
Rupees

Seller of fish and crustacean	Nil
Seller of poultry and eggs.....	"
Seller of vegetables and fruits	"
Shipchandler/Supplier of fresh water in Port Louis harbour.....	"
Sugar factories and refineries and molasses factories	"
Supermarkets.....	"
Tea factories.....	"
Transport of meat, fish, ice, milk and dairy products	"
Warehouseman	"
All shops or establishments not otherwise enumerated in this Schedule, for the manufacture, sale, storage, packing and preparation of foodstuffs.....	"

Trades and Industries in which Public Health is concerned

B Asphalt plant.....	"
Barbers and hairdressers, beauty salon and beauty parlour.....	"
Breadseller	"
Dealer in fire wood/charcoal and similar household combustible.....	"
Dealer in wholesale liquor.....	"
Dental mechanic.....	"
Dyeworks, Laundries (including dhobies), bleaching plants and dry cleaning establishments.....	"
Establishments for the sale of patent medicines, drugs, chemicals, surgical instruments and articles of dressing"	"
Factories for the heating, pressing, wearing, spinning or otherwise.....	"
preparing hair, aloefibre or feathers for trade purposes.....	"
Factories for the preparation or manufacture of toilet requisites.....	"
Manufacturing chemists and druggists and manufactories of medical products	"
\Manufacture of detergents and soaps	"
Medical and bacteriological laboratories.....	"
Milk seller.....	"
Owner of medical clinic or surgery.....	"
Perfumery and scent manufactories	"
Pharmacies.....	"
Stone crushing machinery and establishments dealing in the manufacture, storage and sale of bricks, tiles, cement blocks and refated goods.....	"
Street vendor (foodstuff).....	"
Tanner.....	"
Victualler.....	"
X-ray and scan centre.....	"

Special Trades and Industries

Abattoirs.	"
Accountancy Firms	"
Advertising agencies	"
Agents - Lands, buildings, animals and locally registered motor vehicles.....	"
Agency for import and export.....	"
Agents of foreign pool promoter	"
Airline/Travel Agents including Tour Operators.....	"
Aloe-Fibre Factories..	"

Fee for Licence
Rupees

Assurance/Insurance companies and agencies.....	Nil
Audio-Visual Centre:.....	"
Auctioneer.....	"
Auctioneer keeping auction room.....	"
Banks including Issue' of bills and drafts.....	"
Beach hawker	"
Blacksmith.	"
Broker.....	"
Builder of coaches.....	"
Caretaker of tombs.....	"
Clearing and forwarding agents.....	"
Clocks and watchmaker.....	"
Cobbler	"
Collector (Pool bettings)	"
Commission agents... ..	"
Contractor of buses/cars.....	"
Contractors.....	"
Contractor - yacht chartering.....	"
Contractor for hire of scaffolding equipment & accessories.....	"
Contractor for hire of tubular tent construction & accessories... ..	"
Contractor for hire of pleasure boats/pedaloos, water skis, diving equipment and similar contrivances ...	"
Contractor for hire of motor boats.....	"
Contractor of plants and equipment.....	"
Dealer in antiques.....	"
Dealer in aquarium, pots and other related articles.....	"
Dealer in autocycles, motorcycles and accessories having right to repair same.....	"
Dealer in bicycles and bicycles accessories with right to repair same	"
Dealer in computer software.....	"
Dealer in empty bottles and gunny bags.....	"
Dealer in firewood.....	"
Dealer and manufacturer of fishing nets.....	"
Dealer in leather and saddlery	"
Dealer in manure.....	"
Dealer in mechanical engines and accessories.....	"
Dealer in vacoas bags.....	"
Dealer in old metals.	"
Dealer in optical equipment.....	"
Dealer in sugarcane.....	"
Dealer in second hand goods.....	"
Distributor of general merchandise.....	"
Distributor of gold and silver ware	"
Driving school.....	"
Dock owner or agent of dock owner.....	"
Employment agency.....	"
Engineering firms.....	"
Engraver	"

Establishment for the manufacture, storage and sale of earthenware, china, crockery and glassware.....	Nil
Establishment for the manufacture, storage and sale of furniture and cabinet ware Establishment dealing with genes of stock for public entertainment	"
Establishment for the manufacture, storage, sale and repair of electrical and electronic goods and articles including seller of records & cassettes and accessories.....	"
Establishment for the manufacture of paints and other allied products	"
Establishment for the storage and sale of scrap metal.....	"
Establishment dealing with the manufacture and sale of garments	"
Establishment for the manufacture and/or sale of footwear and other allied accessories	"
Establishment for the repair of bicycles.....	"
Establishment dealing with manufacture, storage and sale of drapery and haberdas.....	"
Establishment dealing in new/second hand motor lorries, motor tractor engines, and trucks to be attached thereto, new/second hand motor cars, motor cycles and autocycles, new/second hand tyres, spare parts and accessories	"
Estate agency	"
Exhibition centre with right to sell articles exhibited there by retail	"
Exploiter of inland coral/stone quarry.....	"
Firms/Retailers dealing with manufacture, storage and sale of gold, silver and other precious wares	"
Firms of accountants.....	"
Firms of architects	"
Firms of builder	"
Firms of business consultants.....	"
Firms of consultants.....	"
Firms of land surveyors.....	"
Firms of project managers.....	"
Firms of quantity surveyors.....	"
Firms of stockbrokers.....	"
Florist	"
Funeral parlour/undertaker.....	"
General retailer.....	"
Gymnasium.....	"
Hand knitting factory.....	"
Handcarts.....	"
Hardware shop.....	"
Ironmonger	"
Job contracting firms.....	"
land surveying firms.....	"
land promoter and property developer.....	"
Lending and financing agency.....	"
Libraries, bookshops and stationery shops.....	"
Lime-kilns and establishments for the manufacture, storage and sale of lime	"
Manufacturer of brass and copper jewels.....	"
Manufacturer of mattresses	"
Manufacturer of candles.....	"
Manufacturer of crown bfigs... ..	"
Manufacturer of ship models	"
Manufacturer of typaywriter ribbons.....	"

Fee for Licence
Rupees

Manufacturer of wax blends and liquid polish.....	Nil
Manufacturer of handicraft products.....	"
Marine surveyor	"
Merchants.....	"
Metal welding, electrical and other allied trade workshop.....	"
Motor surveyor.....	"
Money lender.....	"
Owner of vehicle for public transport	"
Owner of fishing business (banian)	"
Pawnbroker.....	"
Plant nursery.....	"
Photographers & establishmel)-t, dealing in sale of photographic materials.....	"
Printing firms/Photocopy service.	"
Private barachois selling fish.....	"
Retreading of tyres.....	"
Sand quarry	"
Scavenging contractor.....	"
Seller of ship models.....	"
Seller of record cassettes.....	"
Shipping agents.....	"
Ship wright.....	"
Shoemaker.	"
Showroom.....	"
Soap factories using animal or vegetable oils and fats.....	"
Stevedoring firms.....	"
Stone mason including tombalist	"
Street vendor (non-foodstuff)	"
Surveyor of goods landed in bad order.	"
Tailor.....	"
Textile, knitwear and garment factories/dealers.....	"
Timber merchants,.....	"
Tinsmith	"
Tobacco, cigarettes or stuff factories, stores and shops.....	"
Taxidermist	"
Upholsterer	"
Vocational and professional training organisation.....	"
Washing and lubricating of vehicles.....	"
Wharfinger	"
Wholesale dealer	"
Wholesale and retail dealer.....	"
Wild game farming and stalking.....	"
Workshop for retreading, tyre repairs, chemical appliances, refrigerators and other electrical, mechanical appliances.....	"
Workshop for bicycle, motorcycle and autocyce	"
Workshop not elsewhere classified.....	"

CLASS II
TRADES AND INDUSTRIES AFFECTING PUBLIC SECURITY AND PUBLIC ORDER
Public Establishment and Industries concerned with Intoxicating Liquors

Fee for Licence
Rupees

A Alcohol depots	NIL
Bar	"
Bookmaker	"
Bonded warehouse	"
Bottler of imported liquor	"
Breweries and factories of alcohol, vinegar or any fermented or spirituous liquor ..	"
Cafes, restaurants and tea rooms.....	"
Casinos.....	"
Cinema hall.....	"
Coin operated gaming machines.....	"
Dealer in wholesale liquor.....	"
Distilleries	"
Establishments for the compounding wholesale and retail of return	"
Establishment for the sale of wireless, telephonic apparatus and spare parts	"
Establishment offering public entertainment other than Cinema hall/Game of skill	"
Filling station with right to sell fuel oil.....	"
Filling station with right to sell fuel, vehicle spare parts and accessories and provide minor mechanical repairs facilities.....	"
Game licence	"
Gaming house holding A licence/B licence/C licence.....	"
Gas seller.	"
Hotels, lodging-houses and boarding houses.....	"
Nightclubs and restaurants.....	"
Places offering game of darts, such as -	
(a) fancy fair.....	"
(b) precincts of the race course on the following days and at the time specified, per stand per day.	"

Days	Time	Fee for Licence Rupees
Days immediately preceding race day falling on Saturday -		
Thursday	13.00 hours to 18.00 hours	Nil
Friday	10.00 hours to 18.00 hours	"
Days immediately preceding race day falling on Sunday -		
Friday	10.00 hours to 18.00 hours	"
Saturday	10.00 hours to 18.00 hours	"
Race day	09.00 hours to 18.00 hours	"
Monday immediately following race day	12.00 hours to 16.00 hours	"
Pool Promoter		"
Private club & society including outdoor game club		"
Totalisator		"
Video Clubs/games houses		"
Private security agency		"

Dangerous Trades and Industries

A	Automotive workshop with right to repair vehicles	"
B	Dealer of pesticides, herbicides and other chemical products listed under any enactment	"
	Dyeing, washing and bleaching plants	"
	Establishment for the storage and for sale of petroleum, paraffin and mineral oils	"
	Establishments employing power driven machinery.....	"
	Establishment employing steam under pressure.....	"
	Establishment storing liquid or gas under pressure.....	"
	Factories for manufacture of matches	"
	Factories of articles containing explosives	"
	Foundries & workshops.....	"
	Garages for motor vehicles	"
	Laundry and dry cleaning establishment.....	"
	Match factories and store houses for matches	"
	Panel beating and paint workshop	"
	Premises in which poison is sold for agricultural purposes	"
	Premises for the repair or sale or storage of firearms and ammunition	"
	Saw-mills.....	"
	Shops and stores for explosives.....	"
	Industries not elsewhere classified.....	"
C	Hawkers of any goods, wares, merchandise.....	"

CLASS III

Establishment Requiring Veterinary Supervision

Cattle sheds for other than dairy purposes	NIL
Cattle sheds for dairy purposes	"
Dairies in which milk and cream are prepared for distribution or butter or cheese is manufactured.....	"
Establishments for the preparation, packing and storage of butter or other dairy produce.....	"
Pigsties and piggeries	"
Stables, premises or yards in which animals or birds are kept for commercial or industrial purposes.....	"

[Amended GNs 13/90; 125/93; 215/97]