

Local Government (Registration of Recycler and Exporter) Regulations 2013

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THE LOCAL GOVERNMENT ACT

Regulations made by the Minister under section 162(2) of the Local Government Act

1. These regulations may be cited as the **Local Government (Registration of Recycler and Exporter) Regulations 2013**.

2. In these regulations –

“Act” means Local Government Act;

“hazardous waste” has the same meaning as in the Environment Protection (Standards for Hazardous Wastes) Regulations 2001;

“recycling” means any recovery operation by which wastes are reprocessed into products, materials or substances whether for the original or other purposes;

“registered exporter” means a person who is registered under regulation 3 to offer his services for the export of wastes;

“registered recycler” means a person who is registered under regulation 3 to offer his services for the dismantling, recycling of wastes, or both;

“waste” –

(a) has the same meaning as in the Local Government Act; and

(b) includes hazardous wastes listed in the First Schedule.

3. These regulations apply only to the categories of wastes listed in the First Schedule.

4. No person shall –

(a) dismantle wastes;

(b) recycle wastes;

(c) export wastes,

unless he is registered under these regulations.

5. (1) Any application for registration as recycler or exporter shall be made to the Permanent Secretary in the form specified in the Second and Third Schedules, respectively.

(2) The application shall be accompanied by the documents specified in the Second Schedule.

(3) Every application under paragraph (1) shall include evidence of suitable facilities intended for use for storage, dismantling and recycling of wastes, as applicable.

6. (1) On receipt of an application made under regulation 5, the Permanent Secretary may –

(a) cause an inspection to be carried out of the facility which the applicant intends to use for the storage, dismantling and recycling of wastes; and

(b) require the applicant to provide such additional information as he deems fit.

(2) Upon consideration of the application made under regulation 5, the Permanent Secretary may –

- (a) where he is satisfied that any requirements for registration have been met, register the applicant;
- (b) reject an application where –
 - (i) the applicant has not complied with the provisions of these regulations; or
 - (ii) it is in the public interest to restrict the number of recyclers and exporters.

(3) Where the Permanent Secretary rejects an application under paragraph 2(b), he shall, within 15 days of the date of his decision, notify the applicant in writing of the reasons of his decision.

7. (1) Any registration under regulation 6(2)(a) shall –

- (a) be valid for a period not exceeding 5 years as from the date of registration;
- (b) apply exclusively to the categories of wastes for which application has been made;
- (c) not be transferable; and
- (d) be subject to such terms and conditions as the Permanent Secretary may deem fit.

(2) A registered recycler or exporter who wishes to engage in activities for the dismantling, recycling or export of any additional category of wastes shall submit a new application in the form specified in the Second or Third Schedule, as the case may be.

8. (1) A registration shall lapse if it is not renewed by the date of its expiry.

(2) Any application for the renewal of a registration shall be made to the Permanent Secretary by a registered recycler or exporter within 30 days before the date of expiry of the registration.

(3) Where upon an application under paragraph (2), the Permanent Secretary is satisfied that the registered recycler or exporter has complied with the requirements of these regulations, he may renew the registration.

9. Every registered recycler or exporter shall display a copy of his registration in a conspicuous place at his main office, sub-office, storage, dismantling and recycling facilities.

10. The Permanent Secretary shall –

- (a) keep a register of registered recyclers and exporters; and
- (b) publish in the *Gazette* a list of all registered recyclers and exporters of wastes.

11. (1) Every registered recycler shall, every year, submit a report to the Permanent Secretary, in the form set out in the Fourth Schedule, on the total amount –

- (a) of wastes received for dismantling, recycling or both, under these regulations by reference to each of the categories listed in the First Schedule;
- (b) and types of wastes dismantled, recycled or both, under these regulations;
- (c) and types of wastes delivered to another facility for further recycling under these regulations; and
- (d) types of residuals for ultimate disposal.

(2) Every registered exporter shall, every year, submit a report to the Permanent Secretary, in the form set out in the Fifth Schedule, on the total amount—

- (a) of wastes received for exportation under these regulations by reference to each of the categories listed in the First Schedule;
- (b) and types of wastes delivered to another facility for recycling under these regulations by reference to each of the categories listed in the First Schedule;
- (c) of wastes exported for recycling under these regulations by reference to each of the categories listed in the First Schedule; and
- (d) types of residuals for ultimate disposal.

12. Every registered recycler or exporter shall maintain records of the transactions referred to in regulation 11, for a period of 5 years as from the date of the said transactions.

13. (1) The Permanent Secretary may, without prior notice, make arrangements for on-site inspections of the facilities used for main office, sub-office and storage, for dismantling and recycling of wastes.

(2) Every registered recycler or exporter shall allow access or cause access to be provided for the purpose of paragraph (1).

14. Every registered recycler or exporter shall comply with –

- (a) the Local Government Act and any regulations made thereunder;
- (b) the Environment Protection Act and any regulations made thereunder;
- (c) the Occupational Safety and Health Act and all regulations made thereunder; and

- (d) any guidelines issued by the Permanent Secretary and the Mauritius Fire and Rescue Service.

15. (1) Where a registered recycler or exporter –

- (a) has furnished false information at the time of his application for registration;
- (b) has furnished false information subsequent to the application for registration;
- (c) refuses to comply with regulation 11; or
- (d) no longer satisfies the requirements for registration,

the Permanent Secretary may, by way of letter sent by registered post, require the registered recycler or exporter, within 21 days from the date of the letter, to show cause why his registration should not be cancelled.

(2) The Permanent Secretary may, on being satisfied that after having regard to all the circumstances of the case it is expedient to do so, cancel the registration of a registered recycler or exporter.

16. A registered recycler or exporter shall notify the Permanent Secretary in writing of any –

- (a) change in address of the business;
- (b) change in ownership of the business;
- (c) expansion of the business; and
- (d) cessation of business,

within 30 days of the change or cessation of business, respectively.

17. No public body shall enter into a contract for the dismantling, recycling and export of wastes with a recycler or exporter unless that recycler or exporter is registered under regulation 5.

18. Any public body shall, when advertising tenders for the procurement of services from a registered recycler or exporter, request the registered recycler or exporter to submit evidence of his registration.

19. Any person who fails to comply with or acts in contravention of any of the provisions of these regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees.

20. These regulations shall come into operation on 4 November 2013.

Made by the Minister on 2 October 2013.

FIRST SCHEDULE

CATEGORIES OF WASTES

Carton
Construction and demolition waste
Electric and electronic-waste (e-waste)
Fluorescent lamps
Glass
Green waste
Municipal waste (Mixed waste)
Paper
Photographic and printing waste
Plastic
Textile waste
Timber/wood
Used batteries
Used tyres
Waste oil

SECOND SCHEDULE

[Regulation 5(1)]

MINISTRY OF LOCAL GOVERNMENT AND OUTER ISLANDS

APPLICATION FOR REGISTRATION AS RECYCLER

Particulars

1. Name of applicant –
2. Address/registered office –
3. Date of start of business –
4. Date registered with the Registrar of Business –
(attach Business Registration Card)
5. Type of facility –.....
6. Telephone No. – Mobile No. –.....
7. Fax No.–
8. E-mail address –

Details of Activities (Please tick all that apply)

- Collection
- Transportation
- Dismantling

Recycling



Staff position	Number	Years of employment with the Company
Manager		
Supervisor/Foreman		
Technical Staff		
Skilled labour (e.g Mechanics, Welder)		
Unskilled Labour		

Documents accompanying an application

The following documents should be submitted together with an application for registration under these regulations –

- (a) copy of approval of PER for recycling plants;
- (b) location plan, area of workshop/warehouse and type of infrastructure;
- (c) Business Registration Card;
- (d) copy of constitution of the company/Certificate of Incorporation
(where applicable)

I certify that all information given above is true.

.....

Date

.....

Signature

Seal of Company/firm(*where applicable*)

THIRD SCHEDULE

[Regulation 5(1)]

MINISTRY OF LOCAL GOVERNMENT AND OUTER ISLANDS

APPLICATION FOR REGISTRATION AS EXPORTER

Particulars

1. Name of applicant –.....
2. Address/registered office –
3. Date of start of business –.....
4. Date registered with the Registrar of Business –
(attach Business Registration Card)
5. Telephone No. – Mobile No. –
6. Fax No. –
7. E-mail address –.....

Export of Wastes for Recycling

Types and Estimated Quantities of Wastes to be Exported for Recycling Annually

Waste Categories	Estimated Quantities of Wastes to be Exported for Recycling (Tonnes or m³/year) <i>(Please specify)</i>

Please provide details on any pre-processing of wastes at your facility prior to exportation.

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Personnel Employed

Staff position	Number	Years of employment with the Company
Manager		
Supervisor/Foreman		
Technical Staff		
Skilled labour (e.g Mechanics, Welder)		
Unskilled Labour		

Documents accompanying an application

The following documents should be submitted together with an application for registration under these regulations –

- (a) Location plan, area of workshop/warehouse and type of infrastructure;

(b) Business Registration Card;

(c) Copy of Constitution of the Company/Certificate of Incorporation (*where applicable*)

—

I certify that all information given above is true.

.....
Date

.....
Signature

Seal of Company/firm(*where applicable*)

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FOURTH SCHEDULE

[Regulation 11(1)]

MINISTRY OF LOCAL GOVERNMENT AND OUTER ISLANDS

ANNUAL RECYCLING REPORT

Particulars

1. Name of recycler –
2. Address/registered office –
3. Telephone No. – Mobile No. –
4. Fax No. –
5. E-mail address –
6. Reporting period – From.....To

Details of Activities (Please tick all that apply)

- | | |
|----------------|--------------------------|
| Collection | <input type="checkbox"/> |
| Transportation | <input type="checkbox"/> |
| Dismantling | <input type="checkbox"/> |
| Recycling | <input type="checkbox"/> |

material under the new waste category dismantled/recycled and/or sent off-site for further recycling.

Types and Quantities of Residuals Disposed of

Residuals (Types)	Total Quantities (Tonnes or m³/year) <i>(Please specify)</i>	Disposal Facility Destination (Name, Location)

I certify that all information given above is true.

.....
Date

.....
Signature

Seal of Company/firm(*where applicable*)

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FIFTH SCHEDULE

[Regulation 11(2)]

MINISTRY OF LOCAL GOVERNMENT AND OUTER ISLANDS

ANNUAL REPORT ON EXPORT OF WASTES FOR RECYCLING

Particulars

1. Name of exporter –
2. Address/registered office –
3. Telephone No. – Mobile No. –
4. Fax No. –.....
5. E-mail address –
6. Reporting period – FromTo

Types and Quantities of Wastes Exported for Recycling

Waste Categories	Total Quantities (Tonnes or m ³ /year) <i>(Please specify)</i>			Off-site Recycling Facility Destination (Name, Location)	Export Destination (Facility Name, Location, Country)
	Received	Delivered off-site for recycling	Exported		

Types and Quantities of Residuals Disposed of

Residuals (Types)	Total Quantities (Tonnes or m³/year) (Please specify)	Disposal Facility Destination (Name, Location)

I certify that all information given above is true.

.....

Date

.....

Signature

Seal of Company/firm(*where applicable*)
