

Tobacco (Control of Advertisements and Sale) (Licensing) Regulations 2017

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No. S 763

**TOBACCO
(CONTROL OF ADVERTISEMENTS AND SALE) ACT
(CHAPTER 309)**

**TOBACCO (CONTROL OF ADVERTISEMENTS AND SALE)
(LICENSING) REGULATIONS 2017**

In exercise of the powers conferred by section 37 of the Tobacco (Control of Advertisements and Sale) Act, the Minister for Health makes the following Regulations:

PART 1

PRELIMINARY

Citation and commencement

1. These Regulations are the Tobacco (Control of Advertisements and Sale) (Licensing) Regulations 2017 and come into operation on 30 December 2017.

Definitions

2. In these Regulations, unless the context otherwise requires —

“applicant”, in relation to a licence, means a person applying for or to renew the licence;

“container”, in relation to cigarettes, means a box, tin, packet or other receptacle, but does not include any outer wrapper or cellophane or other transparent material;

“health product” has the same meaning as in the Health Products Act (Cap. 122D);

“home for children and young persons” and “remand home” have the same meanings as in the Children and Young Persons Act (Cap. 38);

“import and wholesale licensee” means the holder of an import and wholesale licence mentioned in section 18(1) or (2) of the Act;

“licensee” means —

- (a) an import and wholesale licensee; or
- (b) a retail licensee;

“limited liability partnership” has the same meaning as in section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“medicinal product” has the same meaning as in section 3 of the Medicines Act (Cap. 176);

“responsible officer”, in relation to an applicant or a licensee, means —

- (a) where the applicant or licensee is a body corporate (other than a limited liability partnership), a director of the body corporate;
- (b) where the applicant or licensee is a partnership (including a limited partnership and limited liability partnership), a partner of the partnership; or
- (c) where the applicant or licensee is an unincorporated association, an officer of the unincorporated association;

“retail licensee” means the holder of a retail licence mentioned in section 18(3) of the Act.

PART 2

LICENSING

Application for licence

3.—(1) An application for a licence must be accompanied by the appropriate application fee and licence fee specified in the Schedule.

(2) A separate application for a licence must be made for each retail outlet at which an applicant intends to carry out any activity to be authorised by the licence.

Grant of licence

4.—(1) After considering an application for a licence, the Authority may —

- (a) grant the licence in respect of specified premises; or
- (b) refuse to grant the licence.

(2) For the purposes of section 18(8) of the Act, the prescribed requirements for the grant of a licence to an applicant are all of the following:

- (a) the applicant is —
 - (i) a company incorporated in Singapore or registered under Part XI of the Companies Act (Cap. 50);
 - (ii) a limited liability partnership registered under the Limited Liability Partnerships Act (Cap. 163A);
 - (iii) a sole proprietor or firm registered under the Business Names Registration Act 2014 (Act 29 of 2014);
 - (iv) a co-operative society registered under the Co-operative Societies Act (Cap. 62);
 - (v) an unincorporated association registered under the Societies Act (Cap. 311); or
 - (vi) an individual holding a valid licence under section 32 or 33 of the Environmental Public Health Act (Cap. 95);

(aa) the applicant is not an under-aged person;

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- (b) the applicant is fit to be granted a licence, having regard to the matters set out in paragraph (3);
- (c) the Authority is satisfied that the premises that are the subject of the application are not in an unsuitable location, having regard to the matters set out in paragraph (4);
- (d) the Authority is of the opinion that it is not against the public interest to grant the licence.

(3) For the purposes of paragraph (2)(b), the matters that the Authority must have regard to include, but are not limited to —

- (a) whether the applicant or a responsible officer of the applicant has been

convicted of an offence under section 10(1)(a) of the Act, whether the offence was committed before, on or after 30 December 2017; and

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- (b) whether any licence held by the applicant or a responsible officer of the applicant has been revoked because of a contravention of section 10(1)(a) of the Act, whether the licence was revoked before, on or after 30 December 2017.

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(4) For the purposes of paragraph (2)(c), an unsuitable location includes, but is not limited to, premises that are —

- (a) situated within the premises of a healthcare institution licensed under the Private Hospitals and Medical Clinics Act (Cap. 248);
- (aa) situated within any premises or conveyance specified in a licence granted under the Healthcare Services Act 2020 for the provision of any licensable healthcare service;
- (b) the subject of a pharmacy licence issued under the Health Products (Licensing of Retail Pharmacies) Regulations 2016 (G.N. No. S 330/2016);
- (c) premises at which mainly health products, medicinal products or health supplements are sold or offered for sale;
- (d) situated in a computer gaming centre or video games arcade;
- (e) situated in a child care centre, student hostel, student service centre, home for children and young persons or remand home; or
- (f) situated within the compound of a school or an institution of learning, such as a polytechnic or university, attended by under-aged persons.

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Duration of licence

5. A licence is valid for one year.

Renewal of licence

6.—(1) A licensee may, before the expiry of the licensee's licence, apply to the Authority to renew the licence.

(2) An application under paragraph (1) must be accompanied by the appropriate application fee and renewal fee specified in the Schedule.