

Smoking (Control of Advertisements and Sale of Tobacco) (Licensing of Importers, Wholesalers and Retailers) Regulations 2003

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No. S 282

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

SMOKING (CONTROL OF ADVERTISEMENTS AND SALE OF TOBACCO)
(LICENSING OF IMPORTERS, WHOLESALERS AND RETAILERS)
REGULATIONS 2003

In exercise of the powers conferred by sections 17 and 33(1) of the Smoking (Control of Advertisements and Sale of Tobacco) Act, the Minister for Health hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Smoking (Control of Advertisements and Sale of Tobacco) (Licensing of Importers, Wholesalers and Retailers) Regulations 2003 and shall come into operation on 1st July 2003.

Definitions

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

“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;

“import and wholesale licence” means a licence referred to in regulation 3;

“licence” means an import and wholesale licence or a retail licence granted under

these Regulations;

“retail licence” means a licence referred to in regulation 4;

“retail outlet” means any shop, kiosk, showboard, stall or counter which offers for sale any goods by retail to customers for their own use or consumption only.

Prohibition of import, sale, etc., of tobacco product by importer and wholesaler without licence

3. No person shall —

- (a) import;
- (b) distribute by wholesale;
- (c) sell or offer for sale by wholesale;
- (d) permit to be sold or offered for sale by wholesale; or
- (e) have in his possession for sale by wholesale,

any tobacco product unless he is a holder of an import and wholesale licence.

Prohibition of sale of tobacco product by retailer without licence

4. No person shall —

- (a) distribute by retail;
- (b) sell or offer for sale by retail;
- (c) permit to be sold or offered for sale by retail; or
- (d) have in his possession for sale by retail,

any tobacco product unless he is a holder of a retail licence in respect of the retail outlet.

Application for licence

5.—(1) An application for a licence shall be made to the Chief Executive in writing in such form as the Chief Executive may determine.

(2) A separate application for a retail licence shall be made by an applicant for each retail outlet at which he intends to carry out any activity referred to in regulation 4.

Terms and conditions of licence

6.—(1) The Chief Executive may grant a licence in such form and on such terms and conditions as he may determine.

(2) The fee payable for the grant or renewal of a licence shall be —

- (a) \$2,400 per year for an import and wholesale licence; and
- (b) \$180 per year for a retail licence.

(3) A licence granted under this regulation may be valid for one, 2 or 3 years from such date as the Chief Executive may specify in the licence.

(4) A holder of an import and wholesale licence shall not, by way of wholesale, distribute, sell or offer for sale, permit to be sold or offered for sale or have in his possession for sale any tobacco product to any person other than a holder of an import and wholesale licence or a holder of a retail licence.

(5) A holder of a retail licence shall not —

- (a) distribute by retail, sell or offer for sale by retail, permit to be sold or offered for sale by retail or have in his possession for sale by retail any cigarette which is removed from its container; or
- (b) cause or permit any person who is below the age of 18 years to distribute by retail, sell or offer for sale by retail, permit to be sold or offered for sale by retail or possess for sale by retail any tobacco product at the retail outlet in respect of which the licence was granted.

(6) A holder of a licence shall not store or place or cause to be stored or placed any tobacco product at any premises other than the premises specified in the licence.

(7) A holder of a licence shall not use his licence for any advertising purpose.

Renewal of licence

7.—(1) A holder of a licence may, before the expiry of the licence, make an application to the Chief Executive, in such form as the Chief Executive may determine, to renew the licence.

(2) The Chief Executive may renew a licence for one, 2 or 3 years from the date of expiry of the licence on such terms and conditions as he may determine.

Replacement of licence

8.—(1) A holder of a licence may make an application to the Chief Executive for a duplicate licence to replace a licence which has been lost or destroyed.

(2) The fee payable for the issue of a duplicate licence shall be —

- (a) \$100 for an import and wholesale licence; and