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G.N.No. 1071/2023

**TOBACCO CONTROL (AMENDMENT) REGULATIONS 2023**

**SL No. 27 of 2023**

Notified: 26<sup>th</sup> September, 2023

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The Cabinet makes the following Regulations under Section 30 of the *Tobacco Control Act 2009*:

**1 Citation**

These Regulations may be cited as the *Tobacco Control (Amendment) Regulations 2023*.

**2 Commencement**

These Regulations commence on the date they are notified in the Gazette.

**3 Amendment of the *Tobacco Control Regulations 2009***

These Regulations amend the *Tobacco Control Regulations 2009*.

**4 Regulation 6 amended**

Regulation 6(1) is amended by deleting '*For the purposes of Section 13 of the Act, the prescribed requirements for the no smoking signs to be displayed within a school, a hospital, an enclosed public place or an enclosed workplace are:*' and substituting '*For the purposes of Section 14(2) of the Act, the prescribed requirements for a 'no smoking' sign are as follows:*'.

**5 Part 6 inserted**

Part 6 is inserted after Regulation 25 as follows:

***'PART 6 – LICENCES***

**26 *Licence to import tobacco products***

- (1) *For the purposes of Section 17A of the Act, a person shall not import tobacco products for a commercial purpose unless the person has obtained an importer licence in accordance with the Act and these Regulations.*
- (2) *For the purposes of Section 17F of the Act, an application for an importer licence shall be made in the form as set out in Form 1 of Schedule 6.*
- (3) *The fee for an application for an importer licence shall be as set out in Schedule 7.*

**27 *Licence to sell or distribute tobacco products to retailers***

- (1) *For the purposes of Section 17A of the Act, a person shall not sell or distribute tobacco products to retailers unless the person has obtained a distributor licence in accordance with the Act and these Regulations.*
- (2) *For the purposes of Section 17F of the Act, an application for a distributor licence shall be made in the form as set out in Form 2 of Schedule 6.*
- (3) *The fee for an application for a distributor licence shall be as set out in Schedule 7.*

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**28                    *Licence to sell tobacco products to consumers***

- (1) For the purposes of Section 17A of the Act, a person shall not sell tobacco products to consumers unless the person has obtained a retail licence in accordance with the Act and these Regulations.*
- (2) For the purposes of Section 17F of the Act, an application for a retail licence shall be made in the form as set out in Form 3 of Schedule 6.*
- (3) The fee for an application for a distributor licence shall be as set out in Schedule 7.*

**29                    *Renewal of licence***

- (1) An application for the renewal of an importer licence, a distributor licence or a retail licence shall be made in the application form for an importer, distributor or retail licence, as the case may be, as set out in Schedule 6.*
- (2) The fee for an application for the renewal of an importer licence, a distributor licence or a retail licence shall be the same as the fee for the application for an importer, distributor or retail licence, as the case may be, as set out in Schedule 7.*

**30                    *Transfer or assignment of licence***

- (1) For the purposes of Section 17K of the Act, an application for the transfer or assignment of a licence shall be in the form as set out in Form 4 of Schedule 6.*
- (2) The fee for an application for the transfer or assignment of a licence shall be as set out in Schedule 7.*

**31                    *Decision of the Secretary***

- (1) Where the Secretary grants an importer licence, distributor licence or retail licence to an applicant, the licence shall be issued in the form as set out in Form 5 of Schedule 6.*
- (2) Where the Secretary refuses to grant an importer licence, distributor licence or retail licence to an applicant, he or she shall:*
  - (a) inform the applicant of the refusal in writing in the form as set out in Form 6 of Schedule 6; and*
  - (b) provide the reason for the refusal.'*

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**6 Schedule 6 inserted**

Schedule 6 is inserted after Schedule 5 as follows:

**'SCHEDULE 6**

**FORM 1 – APPLICATION FORM FOR IMPORTER LICENCE FOR TOBACCO PRODUCTS**

*(Regulation 26(2))*

 <b>TOBACCO CONTROL REGULATIONS 2009</b> <b>APPLICATION FORM FOR IMPORTER LICENCE FOR TOBACCO PRODUCTS</b>	
<b>1. DETAILS OF IMPORTER</b>	
Importer:	
Address:	
E-mail:	
Phone number:	
<b>2. DETAILS OF CONSIGNMENT</b>	
Consignor:	
Consignee:	
Transported by: <input type="checkbox"/> Sea <input type="checkbox"/> Air	
Date of Arrival in the Republic of Nauru:    /    /20	
Vessel Registration/Flight Number:	
<b>3. DESCRIPTION OF TOBACCO PRODUCT</b>	
Type of tobacco product:	
Brand of tobacco product:	
Quantity:	
<b>4. PURPOSE OF IMPORTATION</b>	
Personal / Commercial Use:	
<b>5. DECLARATION</b>	
I declare that the information I have provided in this application is complete, correct and up to date in every detail.	
Signature of importer:	
Date:	
<b>6. CHECKLIST</b>	
<input type="checkbox"/> Evidence of payment of the application fee	
<input type="checkbox"/> In the case of a partnership, a certificate of registration of partnership issued under the Partnership Act 2018	
<input type="checkbox"/> In the case of an individual, partnership or corporation, a current business licence issued under the Business Licences Act 2017	
<input type="checkbox"/> In the case of a corporation, an incorporation certificate issued under the Corporations Act 1972; and	
<input type="checkbox"/> Import licence	

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7. OFFICIAL USE	
Additional information required: <input type="checkbox"/> Yes <input type="checkbox"/> No	
To be referred to the authorised officer: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Recommendation by authorised officer: <input type="checkbox"/> Approve Application <input type="checkbox"/> Reject Application	
Reason(s) for recommendation:	
Name of authorised officer:	Signature of authorised officer:
Date: / /20	Time:
Decision of Secretary: <input type="checkbox"/> Application Approved <input type="checkbox"/> Application Rejected	
Name of Secretary:	Signature of Secretary:
Date: / /20	Time:

**FORM 2 – APPLICATION FORM FOR DISTRIBUTOR LICENCE FOR TOBACCO PRODUCTS**

*(Regulation 27(2))*



**TOBACCO CONTROL REGULATIONS 2009**

**APPLICATION FORM FOR DISTRIBUTOR LICENCE FOR TOBACCO PRODUCTS**

**1. DETAILS OF DISTRIBUTOR**

Distributor:

Address:

E-mail:

Phone number:

**2. DETAILS OF IMPORTER**

Importer:

Address:

E-mail:

Phone number:

**3. DESCRIPTION OF TOBACCO PRODUCT**

Type of tobacco product:

Brand of tobacco product:

Quantity:

**4. DETAILS OF RETAILER**

Retailer:

Address:

E-mail:

Phone number:

**5. DECLARATION**

I declare that the information I have provided in this application is complete, correct and up to date in every detail.

Signature of distributor:

Date:

**6. CHECKLIST**

- Evidence of payment of the application fee
- In the case of a partnership, a certificate of registration of partnership issued under the Partnership Act 2018
- In the case of an individual, partnership or corporation, a current business licence issued under the Business Licences Act 2017
- In the case of a corporation, an incorporation certificate issued under the Corporations Act 1972; and
- Import licence

**7. OFFICIAL USE**

Additional information required:  Yes  No

To be referred to the authorised officer:  Yes  No

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Recommendation by authorised officer: <input type="checkbox"/> Approve Application <input type="checkbox"/> Reject Application	
Reason(s) for recommendation:	
Name of authorised officer:	Signature of authorised officer:
Date: / /20	Time:
Decision of Secretary: <input type="checkbox"/> Application Approved <input type="checkbox"/> Application Rejected	
Name of Secretary:	Signature of Secretary:
Date: / /20	Time:

**FORM 3 – APPLICATION FORM FOR RETAIL LICENCE FOR TOBACCO PRODUCTS**

*(Regulation 28(2))*



**TOBACCO CONTROL REGULATIONS 2009**

**APPLICATION FORM FOR RETAIL LICENCE FOR TOBACCO PRODUCTS**

**1. DETAILS OF RETAILER**

Retailer:

Address:

E-mail:

Phone number:

**2. DETAILS OF DISTRIBUTOR**

Distributor:

Address:

E-mail:

Phone number:

**3. DESCRIPTION OF TOBACCO PRODUCT**

Type of tobacco product:

Brand of tobacco product:

Quantity:

Personal / Commercial Use:

**4. DECLARATION**

I declare that the information I have provided in this application is complete, correct and up to date in every detail.

Signature of retailer:

Date:

**5. CHECKLIST**

- Evidence of payment of the application fee
- In the case of a partnership, a certificate of registration of partnership issued under the Partnership Act 2018
- In the case of an individual, partnership or corporation, a current business licence issued under the Business Licences Act 2017
- In the case of a corporation, an incorporation certificate issued under the Corporations Act 1972; and
- Import licence

**6. OFFICIAL USE**

Additional information required:  Yes  No

To be referred to the authorised officer:  Yes  No

Recommendation by authorised officer:  Approve Application  Reject Application

Reason(s) for recommendation:

Name of authorised officer:

Signature of authorised officer:

Date: / /20

Time:

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Decision of Secretary:	<input type="checkbox"/> Application Approved	<input type="checkbox"/> Application Rejected
Name of Secretary:	Signature of Secretary:	
Date: / /20	Time:	

**FORM 4 – APPLICATION FORM FOR TRANSFER OR ASSIGNMENT OF LICENCE**

*(Regulation 30(2))*



**TOBACCO CONTROL REGULATIONS 2009**

**APPLICATION FORM FOR TRANSFER OR ASSIGNMENT OF LICENCE**

**1. DETAILS OF TRANSFEROR**

Transferor:

Address:

E-mail:

Phone number:

**2. TYPE OF LICENCE TO BE TRANSFERRED OR ASSIGNED**

Importer / Distributor / Retail:

**3. DETAILS OF TRANSFEREE OR ASSIGNEE**

Transferee or assignee:

Address:

E-mail:

Phone number:

**4. REASON FOR TRANSFER OR ASSIGNMENT**

Reason:

**5. DECLARATION**

I declare that the information I have provided in this application is complete, correct and up to date in every detail.

Signature of transferor:

Date:

**6. CHECKLIST**

Evidence of payment of the application fee

Importer / Distributor / Retail licence

**7. OFFICIAL USE**

Additional information required:  Yes  No

To be referred to the authorised officer:  Yes  No

Recommendation by authorised officer:  Approve Application  Reject Application

Reason(s) for recommendation:

Name of authorised officer:

Signature of authorised officer:

Date: / /20

Time:

Decision of Secretary:  Application Approved

Application Rejected

Name of Secretary:

Signature of Secretary:

Date: / /20

Time:

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**FORM 5**



**TOBACCO CONTROL REGULATIONS 2009**

*(Regulation 31(1))*

**[IMPORTER / DISTRIBUTOR / RETAIL] LICENCE FOR TOBACCO PRODUCTS**

**[insert name of applicant]** of **[insert district]**, proprietor of **[insert business name]** is hereby licensed to **[import tobacco products / sell or distribute tobacco products to retailers / sell tobacco products to consumers]**.

This licence is valid for 12 months from the date of issue of this licence **[and is subject to the following conditions]:**

**[insert conditions, if any]**

**Secretary for Health and Medical Services**

**/ /20**

<b>Licence no.</b>	:	
<b>Licence fee paid</b>	:	
<b>Date licence fee paid</b>	:	
<b>TIN Number</b>	:	

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**FORM 6**



**TOBACCO CONTROL REGULATIONS 2009**

*(Regulation 31(2)(a))*

**REFUSAL TO GRANT [IMPORTER / DISTRIBUTOR / RETAIL] LICENCE FOR TOBACCO PRODUCTS**

**To: [insert name of applicant] of [insert district], proprietor of [insert business name]**

Your application for **[an importer licence / a distributor licence / retail licence for tobacco products]** on **[insert date of application]** is hereby refused for the following reason(s):

**[insert reason(s) for refusal]**

You are not authorised to **[import tobacco products / sell or distribute tobacco products to retailers / sell tobacco products to consumers]**.

**Secretary for Health and Medical Services**

**/ /20'**

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**7 Schedule 7 inserted**

Schedule 7 is inserted after Schedule 6 as follows:

**'SCHEDULE 7**

**FEES**

*(Regulations 26(3), 27(3), 28(3), 29(2) and 30(2))*

<b>APPLICATION</b>	<b>FEE</b>
Importer Licence	\$5,000
Distributor Licence	\$4,500
Retail Licence	\$4,500
Transfer or Assignment of Licence	\$4,500'