

Tobacco (Control of Advertisements and Sale) (Licensing of Importers, Wholesalers and Retailers) Regulations 2010

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No. S 478

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

TOBACCO (CONTROL OF ADVERTISEMENTS AND SALE) (LICENSING OF IMPORTERS, WHOLESALERS AND RETAILERS) REGULATIONS 2010

In exercise of the powers conferred by sections 18 and 37(1) of the Tobacco (Control of Advertisements and Sale) Act, the Minister for Health hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Tobacco (Control of Advertisements and Sale) (Licensing of Importers, Wholesalers and Retailers) Regulations 2010 and shall come into operation on 1st September 2010.

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;

“licensed premises”, in relation to a licence, means any premises in respect of which the licence is granted;

“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.—(1) No person shall import any tobacco product unless he is a holder of an import and wholesale licence.

(2) No person shall —

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

any tobacco product unless he is a holder of an import and wholesale licence and those premises are licensed premises.

Prohibition of sale of tobacco product by retailer without licence

4. No person shall —

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

any tobacco product except in a retail outlet, and 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 shall be —

- (a) \$2,400 per year for the grant or renewal of an import and wholesale licence;
- (b) \$360 per year for the grant of a retail licence; and
- (c) \$300 per year for the renewal of 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.

Prescribed requirements

7.—(1) 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 —

- (a) to any person, other than another holder of an import and wholesale licence or a holder of a retail licence; or
- (b) at any premises, other than the premises specified in his licence or in the licence of a holder referred to in sub-paragraph (a).

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

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

(3) 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.

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

(5) A holder of a retail licence shall not, for the purpose of carrying out any activity