

**SMOKING (CONTROL OF ADVERTISEMENTS
AND SALE OF TOBACCO) ACT
(CHAPTER 309, SECTIONS 18 AND 37 (1))**

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

ARRANGEMENT OF REGULATIONS

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[1st July 2003]

Citation

1. These Regulations may be cited as the Smoking (Control of Advertisements and Sale of Tobacco) (Licensing of Importers, Wholesalers and Retailers) Regulations.

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
- (b) \$30 for a retail licence.

Changes in particulars

9.—(1) A holder of a licence shall inform the Chief Executive of any changes in the particulars contained in his licence or application

for a licence not later than 3 days after the changes have been effected.

(2) Where the changes in the particulars under paragraph (1) require the re-issue of a licence incorporating such changes, the fee payable for the re-issue of the licence shall be —

- (a) \$100 for an import and wholesale licence; and
- (b) \$30 for a retail licence.

Revocation or suspension of licence

10.—(1) The Chief Executive may, if he is satisfied that a holder of a licence is in breach of any term or condition contained in the licence or any of the provisions of the Act or these Regulations, revoke or suspend his licence.

(2) The Chief Executive shall notify the holder of the licence in writing of such revocation or suspension of his licence by registered post or such other means as the Chief Executive may determine.

(3) The effective date of the revocation or suspension of the licence shall be —

- (a) where a date is specified in the written notice referred to in paragraph (2) as the effective date of the revocation or suspension of the licence, that date so specified; or
- (b) where no date is specified in the written notice as the effective date of the revocation or suspension of the licence, the date on which the holder of the licence receives the written notice.

(4) The holder of the licence shall surrender his licence to the Chief Executive within 7 days from the effective date of the revocation or suspension of his licence.

Cancellation of licence

11.—(1) The Chief Executive may cancel a licence if —

- (a) in the case of an import and wholesale licence, the holder of the licence ceases to carry out all of the activities authorised by the licence; or

- (b) in the case of a retail licence, the holder of the licence ceases to carry out all of the activities authorised by the licence at the retail outlet in respect of which the licence was granted.

(2) Where a licence is cancelled under paragraph (1), the Chief Executive may, if he considers appropriate, refund any part of the fee paid under these Regulations in respect of the licence.

Prohibition of transfer, assignment or disposal of licence

12. A holder of a licence shall not transfer, assign or otherwise dispose of his licence.

Register of licences

13.—(1) The Chief Executive shall maintain a register in which there shall be entered the particulars of every holder of a licence.

(2) The register shall be in such form as the Chief Executive may determine and shall be kept up to date.

Furnishing of information by holder of import and wholesale licence

14.—(1) A holder of an import and wholesale licence shall cause to be sent to the Chief Executive, within such reasonable time as the Chief Executive may require —

- (a) results from a testing laboratory designated by the Chief Executive, of tests on tar, nicotine and other substances contained in or emitted from a sample of such consignment of tobacco product as the Chief Executive may determine; and
 - (b) information about the import, sale or supply of any tobacco product being dealt with under the authority of his licence and of the operations being carried out in relation to such activities.
- (2) The holder of an import and wholesale licence shall —
- (a) keep the information referred to in paragraph (1) at the registered office or the registered principal place of business of the holder for a period of at least 2 years from the last date of entry; and

- (b) ensure that the information is at all times open to inspection by the Chief Executive or an authorised officer.

Withholding and withdrawal of tobacco product by holder of import and wholesale licence

15. When a holder of an import and wholesale licence has been informed by the Chief Executive that any of his consignment of tobacco product has been found to be harmful or unsafe, the holder, if so directed by the Chief Executive, shall —

- (a) withhold such consignment of tobacco product from distribution by wholesale, sale or offer for sale by wholesale, so far as may be reasonably practicable, for such period as may be specified by the Chief Executive; and
- (b) withdraw such consignment of tobacco product from the market immediately.

Penalty

16. Any person who contravenes regulation 6 (4), (5), (6) or (7), 9 (1), 10, 10 (4), 12, 14 (1) or (2) or 15 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

Revocation

17. The Smoking (Control of Advertisements and Sale of Tobacco) (Licensing) Regulations (Rg 3, 2000 Ed.) are revoked.

Transitional

18. Any licence granted under the revoked Smoking (Control of Advertisements and Sale of Tobacco) (Licensing) Regulations (Rg 3, 2000 Ed.) in force immediately before 1st July 2003 shall, unless revoked, suspended or cancelled by the Chief Executive, and in so far as it is not inconsistent with these Regulations —

- (a) continue and be deemed to be a retail licence granted under these Regulations;
- (b) be subject to the terms and conditions specified in the licence; and

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and Sale of Tobacco) (Licensing of
Importers, Wholesalers and
Retailers) Regulations*

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- (c) expire on, and be renewable before, the date it would have expired if these Regulations had not been enacted.

[G.N. Nos. S 282/2003; S 653/2004]
