

S.I. 36 of 2014

TOBACCO CONTROL ACT

(Act 14 of 2009)

Tobacco (Inspections and penalty) Regulations, 2014

In exercise of the powers conferred by section 27 (b) and (f) of the Tobacco Control Act, 2009, the Minister responsible for Health makes the following Regulations —

1. These Regulations may be cited as the Tobacco (Inspections and penalty) Regulations, 2014. Citation

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

“Act” means the Tobacco Control Act, 2009;

“authorised officer” means an officer authorised under regulation 5;

“spot fine” means the fine imposed by the authorised officer on the person at the time the offence is being committed or the payment of fine at a later time.

3.(1) An authorised officer may, at all reasonable times with such assistance as the authorised officer considers necessary, enter and inspect any public place, enclosed work place or any other place where the officer has reason to believe that tobacco products are being manufactured, imported, exported, sold, stored or found for the purposes of ensuring the compliance of the provisions of the Act. Inspection of public premises etc

(2) An authorised officer may, at all reasonable times with such assistance as the authorised officer considers

necessary enter any public transport where the authorised officer has reason to believe that an offence under section 4(1) is being committed for the purpose of ensuring the compliance of the provisions of the Act.

(3) Every person who is owner, manager or in charge of the public place, public transport, enclosed workplace and any other place shall render all assistance to the authorised officer for carrying out the functions under these regulations.

(4) The authorised officer shall, if so requested by any person affected, produce the authorization referred to in regulation 5.

4. The authorised officer may, while exercising any power under regulation 3(1), and on being satisfied that any provision of the Act has been contravened or is being contravened—

- (a) make such inquiry and collect such evidence as the officer may consider necessary;
- (b) seize any documents, records or take copies or extracts thereof;
- (c) take samples of tobacco products or test air quality; or
- (d) take such other reasonable action which may appear to be necessary.

5. For the purpose of these Regulations, the Minister may authorise any—

- (a) public health officer;
- (b) customs officer;
- (c) licensing officer;

Inspection,
inquiry,
seizure etc.
of record or
tobacco
product
at any time

Authorised
officers

(d) police officer; or

(e) other public officer,

to exercise the powers under this Act.

6. (1) An authorised officer may impose a spot fine, in accordance with the First Schedule, on any person if the authorised person has reason to believe that the person has contravened the provisions of section 4 of the Act.

Imposition of
spot fine

(2) Where a person fails to pay or is unable to pay the spot fine imposed under subregulation (1) immediately, the authorised officer shall serve a notice in the Form set out in the Second Schedule offering the person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty within fourteen days from the date of notice.

(3) Where a person has been given a notice under subregulation (2) in respect of an offence—

- (a) proceedings shall not be instituted for that offence prior to the expiration of fourteen days following the date of that notice;
- (b) the person shall not be convicted of that offence if the spot fine is paid prior to the expiration of that period.

(4) A spot fine specified in the notice under subregulation (2) may be paid in cash to the person specified in the notice or by cheque enclosed with a letter containing his or her name, address and National Identity Number, addressed to that person at the address specified in the notice.

(5) Where a payment is made in accordance with subregulation (4), the payment shall be regarded as having

been made at the time at which that letter would be delivered in the ordinary course of post.

Certificate as proof

7. In any proceedings, a certificate which purports to be signed by or on behalf of the person receiving the spot fine stating that the payment of the spot fine was or was not received by the date specified in the certificate, shall without proof of signature be evidence of the facts stated therein.

FIRST SCHEDULE

Regulation 6(1)

Offences under the Act and the rate of spot fine

Provisions in the Act to which the Offence relate	Nature of the offence (SCR)	Amount of spot fine
4(1)(a)	Smoking in public place	1,000
4(1)(b)	Smoking in an enclosed work place	1,000
4(1)(c)	Smoking in public transport	1,000

SECOND SCHEDULE

(Regulation 6(2))

NOTICE

To

.....

I have reason to believe that on.....at.....am/pm..... you committed the offence of..... You may discharge your liability to conviction for that offence by paying the spot fine of SCR..... to the Registrar of the Supreme Court

Registry of the Supreme Court, Palais de Justice or to the sub-Accountant, Grand Anse, Praslin within fourteen days of the date of this notice.

Date.....

Signature of the Authorised Officer

Note: Failure to pay within the time stipulated may result in legal proceedings being instituted.

MADE this 9th day of April, 2014.

**MITCY LARUE
MINISTER OF HEALTH**