

**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:

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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 referred to in regulation 4 for which he is licensed, knowingly purchase any tobacco product from any person other than a holder of an import and wholesale licence.

Renewal of licence

8. —(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, on such terms and conditions as he may determine, a licence for one, 2 or 3 years from the date the licence would otherwise expire.

Replacement of licence

9. —(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) \$50 for a retail licence.

Changes in particulars

10. —(1) A holder of a licence shall inform the Chief Executive of any change in the particulars contained in his licence or application for the licence not later than 3 days after the change happens.

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

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

(b) \$50 for a retail licence.

Revocation or suspension of licence

11. —(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 the licence.

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

(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

12. —(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 it appropriate, refund any part of the fee paid under these Regulations in respect of the licence.

Prohibition of transfer, assignment or disposal of licence

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

Register of licences

14. —(1) The Chief Executive shall maintain a register containing 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

15. —(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) the 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 being dealt with under the authority of his licence as the Chief Executive may determine; and

(b) any 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 results and 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 date the holder obtains them; and

(b) ensure that those results and information are 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

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

(a) withhold such consignment of tobacco product from distribution by wholesale, or 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

17. Any person who contravenes regulation 7, 10(1), 11(4), 13, 15(1) or (2) or 16 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

18. The Smoking (Control of Advertisements and Sale of Tobacco) (Licensing of Importers, Wholesalers and Retailers) Regulations (Rg 3) are revoked.

Transitional provisions

19.—(1) Any licence granted under the revoked Smoking (Control of Advertisements and Sale of Tobacco) (Licensing of Importers, Wholesalers and Retailers) Regulations and in force immediately before 1st September 2010 shall, unless revoked or cancelled by the Chief Executive, and in so far as it is not inconsistent with these Regulations —

(a) be treated as a licence granted under these Regulations;

(b) be subject to the terms and conditions specified in the licence; and

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

(2) The fee specified in regulation 6(2)(b) shall apply in relation to any retail licence granted on or after 1st September 2010, notwithstanding that the application for the grant of the retail licence is received by the Chief Executive before that date.

(3) The fee specified in regulation 6(2)(c) shall apply in relation to the renewal of any retail licence that takes effect from a date on or after 1st September 2010.

(4) The fee specified in regulation 9(2)(b) shall apply in relation to any duplicate retail licence issued on or after 1st September 2010, notwithstanding that the application for the duplicate retail licence is received by the Chief Executive before that date.

(5) The fee specified in regulation 10(2)(b) shall apply in relation to any retail licence re-issued on or after 1st September 2010, notwithstanding that the notice of the changes in particulars requiring the re-issue of the retail licence is received by the Chief Executive before that date.

Made this 27th day of August 2010.

YONG YING-I
*Permanent Secretary,
Ministry of Health,
Singapore.*

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(To be presented to Parliament under section 37(2) of the Tobacco (Control of Advertisements and Sale) Act).