



REPUBLIC OF NAURU

TOBACCO CONTROL (AMENDMENT) REGULATIONS 2023

SL No. 27 of 2023

Notified: 26 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.*

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.'*

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))

 <p>TOBACCO CONTROL REGULATIONS 2009</p> <p>APPLICATION FORM FOR IMPORTER LICENCE FOR TOBACCO PRODUCTS</p>	
1. DETAILS OF IMPORTER	
Importer:	
Address:	
E-mail:	
Phone number:	
2. DETAILS OF CONSIGNMENT	
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:	
3. DESCRIPTION OF TOBACCO PRODUCT	
Type of tobacco product:	
Brand of tobacco product:	
Quantity:	
4. PURPOSE OF IMPORTATION	
Personal / Commercial Use:	
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 importer:	
Date:	
6. CHECKLIST	
<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	

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:

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
<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
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 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
<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
6. 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 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	
<input type="checkbox"/> Evidence of payment of the application fee	
<input type="checkbox"/> Importer / Distributor / Retail licence	
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 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

Licence no.	:	
Licence fee paid	:	
Date licence fee paid	:	
TIN Number	:	

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'

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))

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