

SAMOA

TOBACCO CONTROL (LICENSING) REGULATIONS 2020

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PURSUANT to sections 35 and 35A of the Tobacco Control Act 2008 (“the Act”), **I, TUIMALEALI’IFANO VA’ALETOA SUALAUVI II**, Head of State, acting on the advice of Cabinet, **MAKE** these Regulations:

DATED this 19th day of March 2020.

signed: (Tuimalealiifano Vaaletoa Sualauvi II)

HEAD OF STATE

REGULATIONS

1. Citation and commencement - These Regulations may be cited as the Tobacco Control (Licensing) Regulations 2020, and commence on a date nominated by the Minister.

2. Interpretation - In these Regulations, unless the contrary intention appears:

- “bar” means location within a nightclub from where alcohol is dispensed for the purposes of selling or handing-over to the patron from the staff;
- “variant” means a form or version of the same tobacco or tobacco product brand which may include difference in price, quality, characteristic, etc;
- “point-of-sale” means a counter or checkout where tobacco products may be bought; and includes a till or cashbox, where tobacco products may be bought, even if it is not at or part of that counter or checkout.

3. Licence required for suppliers-(1) An application for a:

- (a) manufacture licence; or
- (b) import licence; or
- (c) distributor licence; or
- (d) hotel owner licence; or
- (e) nightclub owner licence,

must be in the prescribed form as set out in Schedule 1 and accompanied by a fee as set out in Schedule 2.

(2) A person applying for a licence under subregulation (1) must, at the time of the application, provide the following:

- (a) a completed licence application form as provided under Schedule 1;
- (b) a copy of a valid business licence from the Ministry for Revenue for the same business location;
- (c) for a new licence, a copy of proof of age of owner and manager;
- (d) report of annual tobacco product test results; and
- (e) site map of business location.

4. Requirements for the issue of a licence-(1) A licence issued under the Act and these Regulations requires that the applicant:

- (a) holds a valid business licence;
- (b) operates business from a permanent structure or building;
- (c) has not been convicted of contravening the Act or its Regulations;
- (d) holds no more than three (3) licences under the Act or its Regulations;

- (e) has not been convicted of a crime within the past five (5) years as evidenced by a Police record from the country where they have lived for the past six (6) months or more;
- (f) is at least 21 years of age;
- (g) has not breached any conditions imposed on a licence issued under the Act within the last year;
- (h) has paid the licence fee as set out in Schedule 2 of these Regulations;
- (i) submits all required tobacco test reports for manufacture licence and import licence, pursuant to the Act;
- (j) submits the application -
 - (i) at least three (3) months prior to commencing operations for new licences; or
 - (ii) at least one (1) month prior to its expiration as per section 31L(2) of the Act, for renewal of licence; and
- (k) complies with Regulation 3.

(2) A licence issued under the Act can only be used for the premises of the business listed on the application form.

(3) A business with multiple premises must apply for separate licences to either manufacture, distribute, import, sell or supply tobacco products for each premises.

(4) A licence issued under the Act and these Regulations is only valid with respect to the manufacturer, importer, distributor, hotel owner or nightclub owner designated on the licence.

5. Fees - The prescribed fee for a licence under regulation 3 is set out under Schedule 2 of these Regulations.

6. Update list of brand variant of tobacco products - Manufacturers and importers must update the list of all brand variants of tobacco products manufactured or imported using the prescribed form set out in Schedule 1, whenever a new or additional brand is manufactured or imported or if a listed brand is no longer imported.

7. Licences to be displayed-(1) A licence issued under the Act and its Regulations must be displayed pursuant to section 31N of the Act and in the prescribed form as set out in Schedule 3, and must include the following:

- (a) the name of the business and owner/manager;
- (b) type of licence;
- (c) tobacco trade licence number;
- (d) dates of validity of licence;
- (e) date of validity of annual licence fee for a Manufacturer;
- and
- (f) the signature and stamp of the Ministry of Health.

(2) A licensee who has been issued a manufacture licence, import licence and distributor licence must display the valid tobacco trade licence certificate at the reception area visible to any person approaching the reception desk.

(3) A licensee who has been issued a hotel owner licence must display the licence certificate at a place behind the reception area visible to any person approaching the reception desk, in the case that there are multiple locations within the hotel where tobacco is sold, a copy of the hotel owner licence must be displayed in a location visible to the purchaser from the point-of-sale of the tobacco product.

(4) A licensee who has been issued a nightclub owner licence must display the licence certificate at a place behind the bar visible to any person approaching the bar in the case that there are multiple bars, a copy of the license must be displayed at all bars.

(5) The licence certificate must not be obscured.

Section D Fees	
Manufacture -	\$1,500,000.00
Importer -	\$500,000.00
Distributor -	\$500.00
Hotel -	\$500.00
Nightclub -	\$500.00

Section E Declaration	
Name of person	_____
Designation/Title	_____
I declare that all information given on this form is true and correct.	
Signature	_____ Date ___/___/___

- | Checklist Documentation required |
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| All applications must provide the following requirements; |
| <ul style="list-style-type: none"> ● Report of Tobacco Product test results (<i>Manufacture and importer only</i>) ● Copy of valid Business licence ● Site map of business location |

Office use only	
<input type="checkbox"/> Application granted	Tobacco Licence # - _____
<input type="checkbox"/> Application rejected	<input type="checkbox"/> Previous Conviction
Reasons for rejection	

<input type="checkbox"/> Licence paid	<input type="checkbox"/> Cheque <input type="checkbox"/> Cash
\$ _____	Date paid _____/_____/_____
Officer Name _____	Next payment date _____/_____/_____
I. D # _____	Signature _____

**Schedule 2
Tobacco Licence Fee
(Regulation 3 and 5)**

Licence type	Fee (WST)
Manufacture	\$1,500,000
Import	\$500,000
Distributor	\$500
Hotel owner	\$500
Nightclub owner	\$500

**Schedule 3
Tobacco Licence Certificate
(Regulation 7)**



The image shows a template for a Tobacco Licence Certificate. It features a blue border and a background with a repeating geometric pattern. At the top center is the coat of arms of the Government of Western Australia, with the text "MINISTRY OF HEALTH" below it. The main title "TOBACCO LICENCE CERTIFICATE" is prominently displayed in blue. Below the title, the text reads: "This is to certify that the" followed by a blank line. Underneath, it states: "has approved issuance of tobacco licence in accordance with section 31N of the Tobacco Control Amendment Act 2019". There are three fields for information: "[LICENCE'S TYPE]", "[DATES OF VALIDITY OF LICENCE]", and "[TOBACCO TRADE LICENCE #]". At the bottom left, there is a field for "[FOR MANUFACTURE, DATES OF VALIDITY OF ANNUAL LICENCE FEES]". At the bottom right, there is a line for the "DIRECTOR GENERAL OF HEALTH".

**Issued under the authority of the Regulations Ordinance 1953.
Date of Commencement: 19th March 2020.
These Regulations are administered by the Ministry of Health.**

**Copies of these Regulations can be purchased from
the Office of the Clerk of the Legislative Assembly.**

**Printed by the Clerk of the Legislative Assembly,
by authority of the Legislative Assembly.**