

ACT NO. 2 OF 2022

I assent.

W. KATONIVERE
President

[10 February 2022]

AN ACT**TO AMEND THE TOBACCO CONTROL ACT 2010**

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—(1) This Act may be cited as the Tobacco Control (Amendment) Act 2022.
- (2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.
- (3) In this Act, the Tobacco Control Act 2010 is referred to as the “Principal Act”.

Section 25 amended

2. Section 25 of the Principal Act is amended by—
 - (a) in subsection (1), deleting “fee specified in Schedule 3” and substituting “prescribed fee”;
 - (b) in subsection (3), deleting “up to one calendar year” and substituting “not exceeding 5 years”; and
 - (c) in subsection (4), deleting “on an annual basis in the appropriate application form” and substituting “in the form set out in Schedule 4”.

Section 26 amended

3. Section 26(3) of the Principal Act is amended by deleting “on an annual basis on the approved form in Schedule 4 with the specified fee in Schedule 3” and substituting “in the form set out in Schedule 4 with the prescribed fee”.

Section 26A inserted

4. The Principal Act is amended after section 26 by inserting the following new section—

“Transitional

26A.—(1) For the avoidance of doubt, any licence granted before the commencement of the Tobacco Control (Amendment) Act 2022 is valid for the remainder of the period of the licence unless the licence is earlier surrendered, suspended or revoked.

(2) Any application for a licence lodged before the commencement of the Tobacco Control (Amendment) Act 2022 and is yet to be processed must be processed in accordance with this Act, and any licence granted must be granted for a period not exceeding 5 years.”.

Section 34 amended

5. Section 34 of the Principal Act is amended after subsection (2) by inserting the following new subsections—

“(3) The Minister may, by order in the Gazette, and subject to any condition the Minister thinks fit, exempt a person from paying the prescribed fee under section 25 or 26 if the Minister is satisfied that the person—

- (a) paid the applicable prescribed fee for the licence granted for the period immediately prior to the period of a licence for which payment of the prescribed fee is due and payable;
- (b) did not manufacture, import or distribute any tobacco product or e-cigarette, or sell or barter suki, or cause or permit suki to be sold, in accordance with the licence granted, due to COVID-19 restrictions;
- (c) did not manufacture, import or distribute any tobacco product or e-cigarette, or sell or barter suki, or cause or permit suki to be sold, as the case may be, for the period of the licence granted, in part or for the entire period; and
- (d) incurred significant loss of revenue for the period of the licence granted.

(4) Notwithstanding sections 25(3) and 26A(2), a licence granted to a person exempted under subsection (3) is valid for a period not exceeding one year.”.

Schedule 3 deleted

6. The Principal Act is amended by deleting Schedule 3.

Schedule 4 amended

7. Schedule 4 to the Principal Act is amended by—

(a) deleting section 2 and substituting the following—

“Section 2: Fees due and payable (Sections 25(1) and 26(3))

- | | |
|---|--------------------------|
| 1. Manufacturer of tobacco products or e-cigarettes | <input type="checkbox"/> |
| 2. Importer of tobacco products or e-cigarettes | <input type="checkbox"/> |
| 3. Suki vendor | <input type="checkbox"/> |
| 4. Total amount due and payable | \$”; and |

(b) in section 4 in the table, deleting “(last calendar year)”.

Passed by the Parliament of the Republic of Fiji this 10th day of February 2022.