



REPUBLIC OF VANUATU

OZONE LAYER PROTECTION ACT NO. 27 OF 2010

Ozone Layer Protection (Fees and Penalty Notice) Regulations Order No. 100 of 2011

In exercise of the powers conferred on me by paragraph 30(2)(i) of the Ozone Layer Protection Act No. 27 of 2010, I, the Honourable STEVEN KALSAKAU, Minister of Lands, Geology and Mines, make the following Order.

1 Application fees

- (1) The fees set out in the Schedule are prescribed in respect of the matters to which they relate.
- (2) The fees prescribed under subregulation (1) are to be paid at the Ministry of Finance and Economic Management and are to be transferred into the Environmental Trust Fund established under the Environmental Protection and Conservation Act [CAP 283].

2 Inspection fees

- (1) If the Director is of the opinion that the department needs to inspect the premises or facility in relation to an application, he or she may request the applicant to meet the reasonable costs incurred in carrying out the inspection.
- (2) Any fee, costs or expenses payable under this Regulation are recoverable as a civil debt owing to the Government, if the service to which they relate has been provided.

3 Penalty notice

For the purposes of section 27 of the Act, the prescribed amount in respect of an offence committed under a provision of the Act listed in Column 2 of the Penalty Notice Table, is the amount set out in Column 3 of that Table:

| PENALTY NOTICE TABLE | | |
|---------------------------------|--|---|
| <i>Column 1</i> Items | <i>Column 2</i> Provisions of the Ozone Layer Protection Act No. 27 of 2010 | <i>Column 3</i> Prescribed amount for the offence (VT) |
| 1 | 4(1) and (2) Importation of controlled substances | 2,500,000 plus 50 per kg of controlled substance (maximum penalty of 5,000,000) |
| 2 | 5(1) and (2) Importation of certain prohibited goods | 2,500,000 plus 50 per kg of controlled substance (maximum penalty of 5,000,000) |
| 3 | 7(1) Exportation of controlled substances specified in Part I - VI of the Schedule | 2,500,000 plus 50 per kg of controlled substance (maximum penalty of 5,000,000) |
| 4 | 7(2) Export of bulk controlled substance without Directors approval | 2,500,000 plus 50 per kg of controlled substance (maximum penalty of 5,000,000) |
| 5 | Section 8 Manufacture of controlled substances | 2,500,000 plus 50 per kg of controlled substance (maximum penalty of 5,000,000) |
| 6 | 9 Sale of controlled substances | 2,500,000 plus 50 per kg of controlled substance (maximum penalty of 5,000,000) |
| 7 | 13(2) Refusing or failing to comply with a written request under section 13(1) | 125,000 |
| 8 | 26(1)(a) Acts in contravention of any requirement or prohibition under the Act (for which no other penalty amount is prescribed for in this Table) | 2,500,000 |
| 9 | 26(1)(b) Aiding or abetting any person in contravening any requirement or prohibition under the Act | 2,500,000 |

| | | |
|----|---|--|
| 10 | 26(1)(c) Conspiring with any person to do an act in contravention of any requirement or prohibition under the Act | 2,500,000 |
| 11 | 26(2)(a) Failure to comply with a condition of a permit, license or registration | 2,500,000 |
| 12 | 26(2)(b) Failure to comply with a notice given by the Director under section 25 of the Act (Call-up of substances or goods) | 2,500,000 |
| 13 | 26(3) In the course of servicing any equipment used in relation to any controlled substance, wilfully or negligently permitting any controlled substance to be discharged into the atmosphere | 500,000 |
| 14 | 26(4)(a) Hindering or obstructing an officer in the performance of his or her duties under the Act, or the exercise of a power under the Act | 125,000 (individual) 250,000 (body corporate) |
| 15 | 26(4)(b) Inducing or inciting any other person to hinder or obstruct an Officer acting in accordance with the Act | 125,000 (individual) 250,000 (body corporate) |
| 16 | 26(4)(c) By words or conduct falsely represents that he or she is an Officer or who otherwise impersonates an Officer | 125,000 (individual) 250,000 (body corporate) |
| 17 | 26(4)(d) Provides false or misleading information | 125,000 (individual) 250,000 (body corporate) |


4 Period to pay penalty

If the person served does not wish to have the matter determined by a Court, he or she must pay, within 21 days after receiving or being served with the notice, to a person specified in the notice, the amount of penalty prescribed under this Regulation.

5 Commencement

This Order commences on the day on which it is made.

Made at Port Vila this 21st day of April 2011.


Honourable STEVEN KALSAKAU
Minister of Lands, Geology and Mines



SCHEDULE

FEES

| FEES TABLE | | |
|------------|---|--|
| ITEM No. | ITEM | AMOUNT PAYABLE (VT) |
| 1 | Application for registration | |
| | (a) 18(1)(a) - Registration as an Approved Importer | 10,000 |
| | (b) 18(1)(b) - Registration as an Approved Facility | 20,000 |
| | (c) 18(3) - Application for renewal of registration | 5,000 |
| 2 | Application for a license | |
| | (a) 19(1) - License to purchase, sell, store, process, recover, recycle or refill a controlled substance | 20,000 |
| | (b) 20(1) - Base year license for HCFC's | 100 per kg (minimum application fee of VT100) |
| | (c) 20(3) - Application for renewal of base year license for HCFC's | 100 per kg (minimum application fee of VT100) |
| | (d) 21(1) - License to handle controlled substances | 10,000 |
| | (e) 12(1)(h) - Application for renewal of license | 5,000 |
| 3 | Application for a permit | |
| | (a) 14(2) - Quarantine and pre-shipment permit | 10,000 |
| | (b) 15(2) - Medical and health-related permit | 10,000 |
| | (c) 16(b) - Import permit for Approved Importers | 100 per kg (minimum application fee of VT100) |