



# Vanuatu Sessional Legislation

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## ← Ozone → Layer Protection (Amendment) Act 2014

REPUBLIC OF VANUATU  
← OZONE → LAYER PROTECTION (AMENDMENT)  
ACT NO. 4 OF 2014

### Arrangement of Sections

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REPUBLIC OF VANUATU  
Assent: 19/06/2014  
Commencement: 09/10/2014

# ← OZONE → LAYER PROTECTION (AMENDMENT) ACT NO. 4 OF 2014

An Act to amend the ← Ozone → Layer Protection Act No. 27 of 2010.

Be it enacted by the President and Parliament as follows-

## 1 Amendment

The ← Ozone → Layer Protection Act No. 27 of 2010 is amended as set out in the Schedule.

## 2 Commencement

This Act commences on the day on which it is published in the Gazette.

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### SCHEDULE

#### AMENDMENTS OF ← OZONE → LAYER PROTECTION ACT NO. 27 OF 2010

### 1 Subsection 1(1) definition of Officer

After “[Customs Act](#) [CAP 257]” insert “, officers in the National ←  
Ozone → Unit and such other persons as authorised by the Director”

## **2 After Part 1**

Insert

### **“PART 1A ADMINISTRATION**

#### **3A Functions of the Director of the National Ozone Unit**

The Director has the following functions:

- (a) to implement the objects of this Act; and
  
- (b) to survey, assess and analyse the consumption and use of any controlled substance; and
  
- (c) to analyse possible future demands for any controlled substance; and
  
- (d) to establish a regular monitoring and audit process for data collection concerning the use of controlled substances, and monitor compliance with the phase-out date specified in the National Policy; and

(e) to administer the registration, license or permit programmes concerning the management of this Act; and

(f) to promote public and industry awareness and conduct training programmes concerning the management of any controlled substance.

### **3B Powers of the Director**

The Director has the power to establish codes of practice, standards, guidelines or operational procedures on matters related to the management and the use of any controlled substance.

### **3C Delegation of functions and powers**

The Director may delegate to any officer, such functions and powers as he or she considers appropriate, with the exception of this power of delegation.”

### **3 Subsection 4(1)**

Delete “[Parts I](#) to VII (inclusive)”, substitute “Annex A Group I to Annex B - Group III, Annex C - Group 2 and Annex C – Group 3”

### **4 Paragraph 4(2)(a)**

Delete “[Part VIII](#)”, substitute “Annex E – Group 1”

**5 Paragraph 4(2)(b)**

Delete “[Part VII](#)”, substitute “Annex C – Group 1”

**6 Paragraph 5(1)(b)**

Delete “[Part I](#) or [Part II](#)”, substitute “Annex A – Group 1 or Annex A – Group 2”

**7 Paragraph 5(1)(e)**

Delete “[Part I](#) and [Part II](#)”, substitute “Annex A – Group 1 and Annex A – Group 2”

**8 Subsection 5(2)**

Delete “[Part VII](#) or [Part VIII](#)”, substitute “Annex C – Group 1 or Annex E – Group 1”

**9 Paragraph 6(1)(c)**

(a) Delete “a Base Year”, substitute “an HCFC Import Quota”

(b) Delete “[Part VII](#)”, substitute “Annex C – Group 1”

**10 Subsection 6(3)**

Delete “This” (first occurring), substitute “Subject to subsections (4) and (5), this”

## **11 After subsection 6(3)**

Insert

“(4) The Director of Customs is to consult with the Director prior to granting an exemption under subsection (3).

(5) The Director of Customs must within 7 days of granting an exemption under subsection (3), notify the Director of the exemption.

(6) If the Director is of the opinion that an exemption granted under subsection (3) should not be made, he or she may request the Director of Customs to remove the exemption.

(7) The Director of Customs has the discretion on whether or not to have the exemption remain or removed.”

## **12 Subsection 7(1)**

Delete “[Part I](#) – VI”, substitute “Annex A - Group I to Annex B - Group III, Annex C - Group 2 and Annex C - Group 3”

## **13 Paragraph 8(c)**

Delete “[Part I](#) or [Part II](#)”, substitute “Annex A – Group 1 or Annex A –

Group 2”

#### **14 Paragraph 9(b)**

Delete “[Parts I](#) to VI (inclusive)”, substitute “Annex A - Group I to Annex B - Group III, Annex C - Group 2 and Annex C - Group 3”



#### **15 Paragraph 12(1)(h)**

Repeal the paragraph.

#### **16 After section 13**

Insert

#### **“13A Access to Customs information**

The Director, in performing his or her duties under paragraph 3B(a), may request the Director of Customs to provide the National  **Ozone**  Unit access to inward and outward manifests and any other relevant information relating to goods containing suspected imported or exported controlled substances.

#### **13B Approval for release of goods**

The Director of Customs must obtain the prior written approval of the Director before releasing any goods containing any controlled substances.”

### **17 Subsection 15(2)**

Delete “[Parts I](#), II, IV”, substitute “Annex, Group I; Annex A, Group II; and Annex B, Group II”

### **18 Section 19**

Repeal the section, substitute

### **“19 Application for HCFC Import Quota License**

(1) A person who wishes to import HCFC’s or any goods containing HCFC, is to apply in writing to the Director in accordance to section 12, for a HCFC Import Quota license.

(2) The applicant must include the following information in his or her application:

(a) the intended use of the HCFC;

(b) proof of the applicant’s commitment to use in a timely manner, cost effective alternatives to HCFC’s;

(c) the amount (in tons) of HCFC’s imported by the applicant, 2 years prior to the date of the application;



(d) any other document or information required by the Director.

(3) In addition to section 12, if an applicant fails to meet any 2 requirements set out in subsection (2), the application will not be approved.”

### **19 Section 20 (Heading)**

Delete “Base year license for HCFC’s”, substitute “HCFC Import Quota license”

### **20 Subsection 20(1)**

(a) Delete “Base year license for HCFC’s”, substitute “HCFC Import Quota license”

(b) Delete “[Part VII](#)”, substitute “Annex C – Group 1”

### **21 Subsection 20(3)**

Repeal the subsection, substitute

“(3) A license issued under this section is valid for a period of 1 calendar year, and may be renewed for periods not exceeding 1 calendar year.”

## **22 Subsection 20(7)**

Delete “[Part VII](#)”, substitute “Annex C – Group 1”

## **23 After section 20**

Insert

### **“20A Allocation of HCFC quotas**

(1) The Director, after granting a licence under section 20, is to determine the size of each quota to be allocated to the license holder.

(2) In making a determination under subsection (1), the Director is to have regard to matters required under subsection 19(2).

(3) After making a determination under subsection (1), the Director is to notify the license holder, in writing, setting out the following:

(a) the size of the allocated quota; and

(b) the period for which the allocated quota is valid.

(4) If a person’s license is revoked under paragraph 12(1)(g), the Director may transfer that person’s quota allocation to another licensee,

subject to terms and conditions as determined by the Director.

### **20B Term of HCFC quota**

A quota allocated to a licensee expires when the license expires or when the license is revoked pursuant to paragraph 12(1)(g).”

### **24 Subsection 21(2)**

(a) Delete “licensed” (first occurring), substitute “registered”

(b) Delete “19”, substitute “18”

### **25 After subsection 21(2)**

Insert

“(3) For the purposes of this section, the Director may:

(a) impose minimum qualification criteria for persons wishing to apply for a license; and

(b) attach such conditions to a license as he or she deems fit.

(4) A license issued under this section is valid for a period of not more than 12 months and may be renewed for periods not exceeding 12 months.”

**26 Paragraphs 29(1)(c), (e), (f), (g) and (i)**

Repeal the paragraphs.

**27 After paragraph 29(1)(h)**

Insert

“(i) 3 persons nominated by the private sector industries that use controlled substances.”

**28 After subsection 29(2)**

Insert

“(2A) The National  **Ozone**  Unit must be consulted on any nomination made under subsection (2).”

**29 Paragraph 30(2)(d)**

Delete “technicians” substitute “persons”

### **30 Paragraph 30(2)(f)**

Delete “[Part VII](#)” substitute “Annex C – Group 1”

### **31 Subsection 30(3)**

After “under” insert “this”

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