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DEPARTMENT OF HEALTH

NO. 475 **09 MAY 2018**

INVITATION FOR PUBLIC COMMENT ON THE DRAFT CONTROL OF TOBACCO PRODUCTS AND ELECTRONIC DELIVERY SYSTEMS BILL, 2018

I, Dr Aaron Motsoaledi, Minister of Health, having obtained Cabinet approval, hereby publish the draft Control of Tobacco Products and Electronic Delivery Systems Bill, 2018 for broader public comment.

Interested persons are invited to submit any substantiated comments or representation on the proposed Bill to the Director-General of Health, Private Bag X 828, Pretoria, 0001 (for the attention of Chief Director: Health Promotion, Nutrition, Oral Health and Food Control Ms Lynn Moen-Mahalngu o e-mail: lynn.moeng@health.gov.za, within three months of publication of this Notice.

DR A MOTSOALEDI, MP
MINISTER OF HEALTH
DATE: 8/5/2018

REPUBLIC OF SOUTH AFRICA

CONTROL OF TOBACCO PRODUCTS AND ELECTRONIC DELIVERY SYSTEMS BILL

(As introduced in the National Assembly (proposed section 76); explanatory summary of Bill published in Government Gazette No. 41617 of 9 May 2018) (The English text is the official text of the Bill)

(MINISTER OF HEALTH)

[B —2017]

BILL

To provide for control over smoking; to regulate the sale and advertising of tobacco products and electronic delivery systems; to regulate the packaging and appearance of tobacco products and electronic delivery systems and to make provision for the standardisation of their packaging; to provide for standards in respect of the manufacturing and export of tobacco products and electronic delivery systems; to prohibit the sale of tobacco products and electronic delivery systems to and by persons under the age of 18 years; to prohibit the free distribution of tobacco products and electronic delivery systems; to prohibit the sale of tobacco products and electronic delivery systems by means of vending machines; and to provide for matters connected therewith.

PREAMBLE

ACKNOWLEDGING that tobacco use—

- is extremely injurious to the health of smokers, non-smokers and other users of tobacco products; and
- has caused widespread addiction in society;

CONSIDERING that the extent of the harmful effects of the use of tobacco products on health calls for strong action to deter people, especially the youth, from using tobacco products, to protect non-smokers from exposure to tobacco product emissions and to encourage existing users of tobacco products to quit;

CONSIDERING FURTHER that nicotine is a highly addictive and toxic substance, that the long term harmful effects of using electronic delivery systems remain unknown, that the use of electronic delivery systems may encourage the practice of smoking and that the marketing and promotion of electronic delivery systems may target or influence young people and children;

RECOGNISING that there should be a precautionary approach to the regulation of electronic delivery systems;

REALISING that the association of the use of tobacco products with social success, business advancement and sporting prowess through advertising and promotion may have the particularly harmful effect of encouraging children and young people to use tobacco products; and

RESOLVING to align the health system with the democratic values of the Constitution and the World Health Organisation's Framework Convention on Tobacco Control, and to enhance and protect the fundamental rights of the society by—

- discouraging the use, promotion and advertising of tobacco products;
- regulating the packaging and appearance of tobacco products so as to reduce the appeal of tobacco products to consumers;
- increasing the effectiveness of health warnings on the packaging of tobacco products; and
- reducing the ability of the packaging of tobacco products to mislead consumers about the harmful effects of smoking or using tobacco products,

in order to reduce the incidence of tobacco-related illness, disability and death,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

Definitions

1. In this Act, unless the context indicates otherwise—

"advertise or promote", in respect of a relevant product, means any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting the relevant product or the use of the relevant product either directly or indirectly, but excludes—

(a) any commercial communication between a manufacturer or importer of the relevant product and the trade partners, business partners, employees and shareholders of the manufacturer or importer; and

(b) any communication required by law;

"brand stretching", in respect of a relevant product,means the use of the brand name, emblem, trademark, logo or trade insignia or any other distinctive feature, including distinctive colour combinations, of the relevant product in connection with another product or service in such a way that the relevant product and the other product or service are likely to be associated;

"brand sharing", in respect of a relevant product,means the use of a brand name, emblem, trademark, logo or trade insignia or any other distinctive feature, including distinctive colour combinations, of another product or service in connection with the relevant product or a tobacco company in such a way that the relevant product or that company and that other product or service are likely to be associated;

"common area"—

(a) means common property' as defined by the Sectional Titles Act in respect of any property covered under that Act; and

(b) in respect of a multi-unit residence not covered by the Sectional Titles Act, means the land and such parts of the building or buildings on the premises that are not part of a private dwelling;

"commercial communication" includes communication through—

(a) any audio, visual or audiovisual means;

(b) the print media, including newspapers, magazines, pamphlets, leaflets, flyers, letters, billboards, posters or signs;

(c) television and radio(terrestrial and satellite);
(d) film and music;
(e) games, including computer and online games;
(f) any other digital communication platforms, including the internet and mobile phones;
(g) theatre or other live performances; and
(h) any other similar medium, method or means;

"component"—

(a) in respect of a tobacco product, whether or not sold separately from the product, includes such parts as the paper, filter, plug wrap and tube; and
(b) in respect of an electronic delivery system, whether or not sold separately from the system, includes the cartridge, cartomiser, clearomiser, tank system, drip tip, mouthpiece, atomiser, internal power source, any programmable software, liquid solution, whether containing nicotine or not, and any source of flavourings or other substances;

"composition" means the content, arrangement or combination of substances included in the processing and manufacture of a tobacco product;

"Constitution" means the Constitution of the Republic of South Africa, 1996;

"electronic nicotine delivery system" means an electronically operated product designed to deliver an aerosol to users by heating a solution comprised of nicotine and typically, but not necessarily, propylene glycol, glycerol or both, and often flavouring and any other solution intended for use with or in the product;

"electronic non-nicotine delivery system" means an electronically operated product designed to deliver an aerosol to users by heating a solution of substances that does not contain nicotine and any other solution intended for use with or in the product;

"electronic delivery system" means an electronic nicotine delivery system or an electronic non-nicotine delivery system;

"enclosed" in respect of an area, place or space, includes any area, place or space—

(a) that has a ceiling or a roof or any other cover that functions, whether temporary or permanently, as a ceiling or a roof; or
(b) that has—
    (i) a curved wall and that, if the wall is extended at both ends, is in the shape of a circle; or
    (ii) two or more walls or enclosures that function as walls and that, if the walls or enclosures are extended, is in the shape of a square:

Provided that the walls or enclosures may be temporary or permanently and may or may not contain a window or any other opening: Provided further that the area, place or space may or may not have a ceiling or a roof or any other cover that functions, whether temporary or

permanently, as a ceiling or a roof;

"ingredients", in respect of a tobacco product ,includes tobacco, components, including materials used to manufacture those components, additives, processing aids, residual substances found in tobacco and substances that migrate from the packaging material into the tobacco product, but does not include contaminants;

"manufacturer", if the manufacturer is—

(a) a company, includes its holding company or any subsidiary and any subsidiary of its holding company; and

(b) an entity other than a company, includes an entity that controls or is controlled by such manufacturer or that is controlled by the same entity that controls such manufacturer;

"Minister" means the Cabinet member responsible for health;

"multi-unit residence" means land and a building or buildings containing—

(a) two or more residential units available for lease in a multiple-tenant building, or

(b) privately owned sections, contemplated in the Sectional Titles Act,

but does not include a hotel or other place of lodging, residential care facility, correctional facility or similar place;

"packaging", in respect of a relevant product, means—

(a) any container which contains a relevant product;

(b) any plastic or other wrapper of such container or plastic or other wrapper containing a relevant product;

(c) any other material attached to, or included with, a relevant product or a container or wrapper contemplated in paragraph *(a)*or*(b)*;

"prescribe" means prescribe by regulation made under this Act;

"private dwelling" means any part of—

(a) any room or apartment of a building or structure which is occupied as a residence; or

(b) any building or structure or outdoor living area which is accessory to, and used wholly or principally for, residential purposes;

"public conveyance" means any aircraft, ship, boat, train, bus, mini-bus, taxi or other vehicle which is used for the transport, for profit or otherwise, of members of the public;

"public place" means any place accessible to the public or place for collective use, regardless of the ownership or right to access thereof, and include but not limited to restaurants and hotels;

"relevant product" refers to a tobacco product and an electronic delivery system;

"Sectional Titles Act" means the Sectional Titles Act, 1986 (Act No. 95 of 1986);

"smoke" means inhale, exhale, hold or—

(a) otherwise have control over an ignited tobacco product or a heated, but not ignited, tobacco product that produces an emission of any sort, or

(b) operate or otherwise have control over an electronic delivery system that produces an emission of any sort;

"sponsorship" in respect of a relevant product, means any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a relevant product, or use of a relevant product, either directly or indirectly;

"this Act" includes any regulation made under this Act;

"tobacco product" means a product containing tobacco or an extract of tobacco leaves that is intended for human consumption, but does not include any food, drug or device that contains nicotine to which the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), applies;

"trade mark" includes a certification trade mark or collective trade mark contemplated insection42 or 43 of the Trade Marks Act, 1993 (Act 194 of 1993), as the case may be;

"workplace" means any place in or on which one or more persons are employed and performs their work, whether for compensation or voluntary, and includes—

(a) any corridor, lobby, stairwell, elevator, cafeteria, washroom or other common area used during or incidental to the course of employment or work;

(b) any vehicle which is available for use for business or commercial purposes; and

(c) any vehicle registered to the government.

Control over smoking

2. (1) No person may smoke in—

(a) an enclosed public place or enclosed workplace, or in or on a public conveyance;

(b) any enclosed space that is not a public place or workplace and that is within a prescribed distance from an operable window of, ventilation inlet of or entrance and exit out of a place where smoking is prohibited in terms of paragraph *(a)*, *(e)* or *(f)*;

(c) any motor vehicle when a child under the age of 18 years is present and there is more than one person present in that vehicle;

(d) enclosed common areas of a multi-units residence;

(e) a private dwelling, if that private dwelling is used for any commercial childcare activity, domestic employment or for schooling or tutoring;

(f) any place contemplated in subsection (3); or

(g) health facilities excluding rehabilitation centers.

(2) The Minister may prohibit smoking in any prescribed outdoor public place or workplace, or such portion of an outdoor public place or workplace as may be prescribed, where smoking may pose a health, fire or

other hazard, or such other place where the Minister considers it appropriate to prohibit smoking in order reduce or prevent the public's exposure to smoking.

(3) The owner of or person in control of a public place, public conveyance, workplace or multi-unit residence may designate the whole or part of any outdoor space as an area where smoking is prohibited.

(4) The person in control of a place or an area contemplated in subsection (1), (2) or (3) or an employer in respect of a work place must ensure that no person smokes in that place or area.

(5) The owner or person in control of a place or an area contemplated in subsections (1), (2) or (3) must display the prescribed signs and must make the prescribed public announcements in order to inform any person who enters or who is on the premises of the prohibition on smoking.

(6) An employer must ensure that—

(a) employees may object to smoking in the workplace in contravention of this Act without retaliation of any kind;

(b) employees who do not want to be exposed to tobacco smoke at the workplace are not so exposed;

(c) it is not a condition of employment, expressly or implied, that any employee is required to work in any portion of the workplace where smoking is permitted by law; and

(d) employees are not required to sign any indemnity for working in any portion of the workplace where smoking is permitted by law.

Advertising, promotion, sponsorship, distribution and display of tobacco products and electronic delivery systems

3. (1) In this section, "relevant product" includes devices used in connection with tobacco products and electronic delivery systems such as pipes, water pipes and electronic devices, and components of those products or systems.

(2) No person shall—

(a) advertise or promote, or cause any other person to advertise or promote, a relevant product; or

(b) be, in the course of that person's business, party to an agreement for or related to sponsorship in respect of a relevant product.

(3) A commercial communication between a manufacturer or importer of a relevant product and the trade partners, business partners, employees and shareholders of that manufacturer or importer, must contain no information other than factual information about the relevant product, namely—

(a) information on the characteristics of the relevant product;

(b) information on the availability and price of the relevant product;

(c) pictures of the relevant product;

(d) information on the component parts of the relevant product; and

(e) information on the packaging of the relevant product.

(4) The advertising, promotion and sponsorship of a relevant product includes—

(a) product placement by means of the depiction of, or reference to, the relevant product or brand element of the relevant product in a broadcast programme, film, video recording, telecast, game or other communication for which the producer, or any other person associated with such broadcast programme, film, video recording, telecast or other communication, receives payment or other consideration;

(b) brand stretching and brand sharing;

(c) the sale or supply of any confectionary, toy or other item that resembles or is intended to represent the relevant product;

(d) any commercial communication, act or practice that is intended or is likely to promote a manufacturer, wholesale distributor or importer of the relevant product, or a retailer who deals exclusively in the relevant product;

(e) the offer or distribution of the relevant product, or the supply of the relevant product, to any person for subsequent distribution for free, as a sample or at a reduced price other than normal trade discount;

(f) the offer of a financial or other incentive, or reward, to a retailer in order to encourage or induce that retailer to—

(i) sell the relevant product;

(ii) achieve a certain sales volume;

(iii) exclusively sell the relevant product; or

(iv) promote the sale or use of the relevant product;

(g) the offer of—

(i) any gift, cash rebate or redeemable coupon; or

(ii) the right to participate in or attend any contest, lottery or game or any sporting, cultural, social or recreational event,

to any person in consideration of the purchase of the relevant product, the furnishing of evidence of such a purchase or the confirmation of the use of the relevant product;

(h) the offer or promotion of an opportunity to participate in a competition associated with the relevant product or with the brand name of the relevant product, whether or not the purchase of the relevant product is required;

(i) the direct targeting of an individual with promotional material of the relevant product, including through direct or electronic mail, short messaging service whereby text is sent over an electronic communications network, telemarketing, face-to-face contact or any other means;

(j) the selling, supplying, placing or displaying of the relevant product at any educational establishment or at hospitality, sporting, entertainment, music, dance or social venues or events;

(k) the displaying of product branding such as brand colours, or scheme of colours, logos or trademarks in entertainment venues, retail outlets or other public venues or places or on vehicles or equipment; and

(l) the provision of financial or other support, whether or not in exchange for publicity, by a manufacturer, importer, distributor or supplier of the relevant product to—

(i) any event, activity, individual or group, including a sporting or arts event;

(ii) an individual sports person or sporting team;

(iii) an individual artist or group of artists;

(iv) any welfare organisation, politician, political candidate or political party; or

(v) any corporate social responsibility activity.

(5) *(a)* A retailer or wholesaler who sells the relevant product may not display that product at his or her place of business, but may make the product available to consumers upon request if the requestor is over the age of 18 years.

(b) In this subsection, a consumer is any person who is not a retailer or wholesaler of the relevant product and who is not acting in the course of his or her business.

(c) Paragraph *(a)* does not apply to a wholesaler if that wholesaler deals exclusively with retailers or wholesalers of the relevant product and any display of that product is not visible to consumers.

(d) A retailer or wholesaler who sells a relevant product to consumers must display at his or her place of business a notice in the prescribed manner and containing only the prescribed information regarding the relevant product available for sale at his or her place of business.

(6) No person shall—

(a) place, or cause to be placed, an automated vending machine containing a relevant product in or on any place or premises; or

(b) permit the placement by any other person of an automated vending machine containing a relevant product in or on any proprietor's place or premises.

(7) This section must not be construed as limiting, amending, repealing or otherwise altering any legal obligation or liability in terms of any other law to warn consumers of the risks of using a relevant product which a manufacturer, importer or retailer is required to comply with.

Standardised packaging and labeling of tobacco products

4. (1) The Minister must prescribe standardised packaging and labeling of tobacco products.

(2) The regulations referred to in subsection (1) must at least prescribe—

(a) that the packaging of a tobacco product must have a uniform plain color and texture;

(b) which material may be used for, and the size and shape of, such packaging;

(c) the means by which such packaging is opened;

(d) that any branding, logos or other promotional elements on, inside or attached to the packaging or on an individual tobacco product is prohibited;

(e) that only the brand name and product name may appear on packaging in a standard colour and typeface, together with other mandatory information such as manufacturer's details, health warnings and tax stamps;

(f) the number of individual tobacco products or quantities of tobacco products that may be contained in an individual package;

(g) the markings on and the appearance of an individual tobacco product, including the use of branding, trademarks and logos; and

(h) the size and shape of individual tobacco products.

(3) No person shall manufacture for sale, import or sell a tobacco product unless—

(a) it is packaged in the prescribed manner;

(b) its appearance is as prescribed; and

(c) its packaging contains the prescribed quantity or weight of the tobacco product.

(4) No person shall manufacture for sale in the Republic, import or sell a tobacco product that has packaging or labeling that is false, misleading, deceptive or likely to create any erroneous, deceptive or misleading impression about its characteristics, properties, health effects, toxicity, composition, merit, safety, hazards or emissions, including any term, descriptor, trade mark, figurative, colour, number or other sign that directly or indirectly creates the impression that a particular tobacco product—

(a) is less harmful than another tobacco product;

(b) aims to reduce the effect of any harmful content of the product or its smoke;

(c) has vitalising, energising, healing, rejuvenating, natural or organic properties or has other health or lifestyle benefits;

(d) has a taste, smell or any flavouring or other additive that is prohibited by any law or that any such taste, smell, flavouring or additive is absent in a particular tobacco product; or

(e) resembles a food or a cosmetic product.

Packaging and labeling of electronic delivery systems

5. (1) No person shall manufacture for sale, import or sell an electronic delivery system unless it is packaged and labeled in the prescribed manner.

(2) Section 4(4) applies with the changes required by the context to electronic delivery systems: Provided that section 4(4)*(d)* does not apply unless prescribed.

Health warning messages and required information

6. (1) The packaging for a tobacco product must display the following information:

(a) A message relating to either or both of the following, namely—
- (i) the harmful health, social, economic or other harmful effects of using the product;
- (ii) the beneficial effects of stopping the use of the product or of not using the product;

(b) a statement describing or information on the product's constituents and emissions;

(c) a photograph or picture relating to paragraph *(a)*(i) and (ii), whether as part of or in addition to any message about the effects of the product.

(2) The packaging for an electronic delivery system must contain such health warnings as may be prescribed.

(3) The packaging of a relevant product must contain a leaflet, which must be in the prescribed form, of the prescribed size and have the prescribed appearance and which must contain nothing else except of the following information:

(a) The harmful health, social, economic or other harmful effects of using the product;

(b) the beneficial effects of stopping the use of the product or of not using the product;

(c) reference to the class of tobacco product to which the product belongs, or to the product's brand as a tobacco product of any class or variant of a brand of a tobacco product of any class;

(d) the harmful constituents present in the product;

(e) descriptive information on the additives present in the product;

(f) descriptive information on the harmful emissions present in the smoke; and

(g) any other prescribed information.

Standards for manufacturing and importing of tobacco products and electronic delivery systems

7. (1) No person shall manufacture for sale or import a tobacco product or electronic delivery system unless it complies with such standards as may be prescribed and has been tested in the prescribed manner and using prescribed methods.

(2) All relevant products must be imported through the places of entry in the Republic appointed or prescribed in terms of the Customs and Excise Act, 1964 (Act No. 91 of 1964), and maybe detained for inspection by the relevant authorities.

(3) Any relevant product which does not comply with the prescribed standards may be destroyed in the prescribed manner at the cost of the manufacturer or importer.

Prohibitions in respect of tobacco products and electronic delivery systems

8. (1) No person shall sell or supply any relevant product to any person under the age of 18 years.

(2) The owner or person in control of any business must ensure that no person under the age of 18 years in his or her employ or under his or her control, as the case may be, sells, or offers sale or handles any relevant product on the business premises or on behalf of the business.

(3) No person shall sell or supply any confectionary or toy that resembles or is intended to represent any relevant product.

(4) No person shall sell or offer for sale any relevant product in—

(a) any health establishment contemplated in section 1 of the National Health Act, 2003 (Act No. 61 of 2003), including any pharmacy; and

(b) any place where a person under the age of 18 years receives education or training.

(5) No person shall sell, offer for sale, supply, distribute or buy a relevant product through the postal services, the internet or any other electronic medium, or by any other remote means.

(6) Subsection (5) does not apply to any commercial communication between a manufacturer or importer and its trade partners, business partners, employees and shareholders.

Regulations

9. (1) The Minister may make regulations regarding—

(a) any matter which may or must be prescribed in terms of this Act;

(b) the sale of any relevant product and the signs that must be displayed at points of sale, including—
  (i) information that must appear on the sign;
  (ii) size and format of the sign; and
  (iii) location of the sign;

(c) the health warning messages and other information that must appear, or information that may not appear, on the packaging and labeling of any relevant product, or on any informational leaflet contained in the packaging of such product, including regarding—
  (i) the content, composition and design of a message and its placement on the package, its size and other related details;
  (ii) information to be displayed with, on or in the packaging of a relevant product, the content, appearance and design of that information and its placement, size and other related details;
  (iii) the photographs and pictures to be displayed as part of or in addition to any message about effects relating to the use of a relevant product;
  (iv) the circumstances and manner in which the messages, information, photographs and pictures must be displayed and rotation requirements;
  (v) information that may not appear on packaging or leaflets; and
  (vi) the specified date after which a relevant product that does not display the messages and other information required under this Act may not be supplied or sold in the Republic;

(d) the content, composition and emissions of a relevant product, including—
  (i) the amount of any substance or ingredient that may be contained in a product or its emissions and the substances or ingredients that may not be contained in a product;
  (ii) the prohibition of any substance or ingredient that creates a specified flavor, smell or effect on the consumer;
  (iii) product design and composition; and
  (iv) the ignition propensity of a cigarette and electronic delivery system;

(e) the monitoring and reporting on any relevant product, including methods to assess conformity and methods of testing and measuring compliance with any prescribed standard;

(f) subject to Chapter 2 of the Constitution, any information that a manufacturer or importer of a relevant product must submit to the Minister, including information in respect of—
  (i) research conducted into a product by a manufacturer or by a person who conducted research paid for in whole or in part by a manufacturer;

(ii) the quantity of a product manufactured or imported, as the case may be;
(iii) any marketing expenditure; and
(iv) information on product composition, ingredients, hazardous properties and emissions; and

(g) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act.

(2) The Minister shall, not less than one month before issuing any regulation under this Act, cause a draft of the regulation to be published in the *Gazette* together with a notice declaring his or her intention to issue such a regulation and inviting interested persons to furnish him or her with any comments thereon or representations in connection therewith within a specified period.

(3) The provisions of subsection (2) do not apply in respect of—

(a) a regulation which, after the provisions of the said subsection have been complied with, has been amended by the Minister in consequence of comments or representations received by him or her in pursuance of the notice published in terms of the said subsection; and

(b) any regulation in respect of which the Minister is of the opinion that it is in the public interest that it be issued without delay.

Minister may make certain information publicly available

10. (1) The Minister may make publicly available any information that a manufacturer or importer submitted to him or her under section 9(1)*(f)* but must, subject to the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), maintain the confidentiality of business sensitive information submitted to him or her under that section.

(2) Before the Minister make publicly available any information in terms of subsection (1), the Minister may, subject to the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), take the necessary action in order to protect the public from any misleading or promotional information.

Offences and penalties

11. (1) Any person who contravenes or fails to comply with section 2(1)*(a)* is guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding a period of three months or to both a fine and such imprisonment.

(2) Any person who contravenes or fails to comply with section 2(1)*(b)*,2(2), (3), (4) or(5), 3(3) or (6) or 8, or contravenes or fails to

comply with any regulation made in terms of this Act, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year or to both a fine and such imprisonment.

(3) Any person who contravenes or fails to comply with section 3(4) or (5), 4, 5 or 6 is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding five years or both a fine and such imprisonment

(4) Any person who contravenes or fails to comply with section 7 is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding 10 years or both a fine and such imprisonment.

Application of certain sections of National Health Act, 2003, to and enforcement of this Act

12. (1) Sections 80, 82, 82A, 83, 84, 85, 86, 86A, 88 and 89 of the National Health Act, 2003 (Act No. 61 of 2003), apply to this Act with changes required by the context.

(2) Any in the Department of Health, any environmental health practitioner registered as such in terms of the Health Professions Act, 1974 (Act No. 56 of 1974), or any other person or class of persons authorised by the Director-General of the Department of Health to enforce this Act may enforce this Act in the Republic.

Repeal of laws

13. The laws mentioned in the Schedule are hereby repealed to the extent set out in the third column of that Schedule.

Transitional arrangement

14. Anything done or deemed to have been done under any provision of a law repealed by section 13 and which could be done under a provision of this Act, is deemed to have been done under the last-mentioned provision.

Short title and commencement

15. This Act shall be called the Control of Tobacco Products and Electronic Delivery Systems Act, 2017 and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

Schedule 1
(Section 12)

REPEAL OF LAWS

No. and year of Law	Short title	Extent of repeal
Act No. 83 of 1993	Tobacco Products Control Act, 1993	The whole
Act No.157 of 1993	General Law Fifth Amendment Act,1993	Section 9
Act No. 12 of 1999	Tobacco Products Control Amendment Act, 1999	The whole
Act No. 23 of 2007	Tobacco Products Control Amendment Act, 2007	The whole
Act No. 63 of 2008	Tobacco Products Control Amendment Act, 2008	The whole