

No. // of 2018.

*Summary Offences (Amendment) Act 2018.*

Certified on : **17 OCT 2018**



No. 11 of 2018.

*Summary Offences (Amendment) Act 2018.*

**ARRANGEMENT OF SECTIONS.**

1. Interpretation (Amendment to Section 1).
  - “brus”
  - “cigarette”
  - “smoking” or “to smoke”.
2. New Sections 44A, 44B and 44C.
  - “44A. PROHIBITION OF SMOKING IN PUBLIC PLACES.**
  - 44B. PROHIBITION OF SELLING, BUYING AND CHEWING OF BETEL NUT IN PUBLIC PLACES.**
  - 44C. PROHIBITION ON THE IMPORTATION, DISTRIBUTION, SALE AND USE OF SPRAY PAINTS IN THE COUNTRY.”**



No. // of 2018.

AN ACT

entitled

***Summary Offences (Amendment) Act 2018,***

Being an Act to amend the *Summary Offences Act 1977* to update and create offences for the protection of public property and for related purposes,

MADE by the National Parliament to come into operation in accordance with a notice published in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

**1. INTERPRETATION (AMENDMENT TO SECTION 1).**

Section 1 of the Principal Act is amended -

(a) by inserting the following new definitions in their alphabetical order:

- ““brus” means unbranded loose tobacco, grown in Papua New Guinea and sold in an informal business whether sold loose, packaged or in stick form;
- “cigarette” means a tobacco product comprising of a roll of tobacco, enclosed in paper and includes cigarillo, cigarette tobacco, roll-your-own tobacco, smokeless tobacco and any product made or derived from tobacco that is intended for human consumption;
- “smoking” or “to smoke”, with its grammatical variations, means puffing or inhaling and exhaling the smoke of any tobacco product and includes the holding of, or control over, any ignited tobacco product or brus;”;

(b) in the definition of “public place” -

(i) by repealing (f) and replacing it with the following:

“(f) all vehicles, including a vehicle carrying fare-paying passengers; and”; and

*Summary Offences (Amendment)*

(ii) by inserting the following new paragraph:

“(h) government offices or private buildings where the members of the public have access to;”.

**2. NEW SECTIONS 44A, 44B AND 44C.**

The Principal Act is amended in Part V by inserting new sections after Section 44 as follows:

**“44A. PROHIBITION OF SMOKING IN PUBLIC PLACES.**

(1) A person who smokes brus or a cigarette in a public place is guilty of an offence.

Penalty: A fine not exceeding K10,000.00 and or imprisonment for a term not exceeding three years.

(2) A person who sells or buys brus or a cigarette in a public place is guilty of an offence.

Penalty: A fine not exceeding K10,000.00 and or imprisonment for a term not exceeding three years.

(3) Notwithstanding Subsection (1), an area in a public place with a clearly marked sign, may be designated as a smoking area where smoking is permitted.

**44B. PROHIBITION OF SELLING, BUYING AND CHEWING OF BETEL NUT IN PUBLIC PLACES.**

(1) A person who -  
(a) sells betel nut; or  
(b) buys betel nut; or  
(c) chews or spits betel nut juice,  
in a public place is guilty of an offence.

Penalty: A fine not exceeding K10,000.00 and or imprisonment for a term not exceeding three years.

(2) Notwithstanding Subsection (1)(a) and (b), the Minister may, by notice in the National Gazette, declare an area in which betel nuts may be sold and bought.

*Summary Offences (Amendment)*

**44C. PROHIBITION ON THE IMPORTATION, DISTRIBUTION, SALE AND USE OF SPRAY PAINTS IN THE COUNTRY.**

(1) A person who imports, distributes, uses or sells spray paint in cans or containers of any form is guilty of an offence.

Penalty: A fine not exceeding K10,000.00 and or imprisonment for a term not exceeding three years.

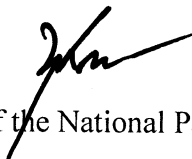
(2) A person who uses spray paint in cans or containers of any form to deface or write on anything in a public place is guilty of an offence.

Penalty: A fine not exceeding K10,000.00 and or imprisonment for a term not exceeding three years.

(3) A person who uses a pen, biro, marker or any form of ink or any form of paint and brush to deface or write on anything in a public place is guilty of an offence.

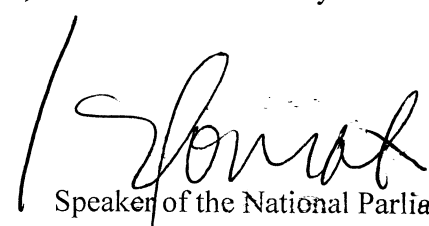
Penalty: A fine not exceeding K10,000.00 and or imprisonment for a term not exceeding three years.

I hereby certify that the above is a fair print of the *Summary Offences (Amendment) Act 2018* which has been made by the National Parliament.

  
Clerk of the National Parliament.

**17 OCT 2018**

I hereby certify that the *Summary Offences (Amendment) Act 2018* was made by the National Parliament on 12 September 2018.

  
Speaker of the National Parliament.

**17 OCT 2018**