

[LEGAL NOTICE NO. 112]

FIJIAN COMPETITION AND CONSUMER COMMISSION ACT 2010

Fijian Competition and Consumer Commission (Fees) (Amendment) Regulations 2022

IN exercise of the powers conferred on me by section 158 of the Fijian Competition and Consumer Commission Act 2010 and in consultation with the Fijian Competition and Consumer Commission, I hereby make these Regulations—

Short title and commencement

1.—(1) These Regulations may be cited as the Fijian Competition and Consumer Commission (Fees) (Amendment) Regulations 2022.

(2) These Regulations are deemed to have come into force on 1 January 2020, except for regulation 7 which is deemed to have come into force on 29 October 2019.

(3) In these Regulations, the Fijian Competition and Consumer Commission (Fees) Regulations 2019 is referred to as the “Principal Regulations”.

Regulation 2 amended

2. Regulation 2 of the Principal Regulations is amended by—

- (a) in the definition of “annual regulatory fee”, deleting “annual”; and
- (b) deleting the definition of “annual volume of import” and inserting the following new definition—

““monthly volume of sale” means the total volume of sale of petroleum and liquefied petroleum gas products by a regulated entity calculated in accordance with these Regulations;”.

Regulation 3 amended

3. Regulation 3 of the Principal Regulations is amended by—

- (a) in the heading, deleting “Annual regulatory” and substituting “Regulatory”;
- (b) in subregulation (1), deleting “an annual” and substituting “a”;
- (c) in subregulation (2)—
 - (i) in the chapeau, deleting “annual”;
 - (ii) in paragraph (a)—
 - (A) deleting “annual volume of import” and substituting “monthly volume of sale”; and
 - (B) after “;”, deleting “and”;
 - (iii) in paragraph (b)—
 - (A) deleting “or annual volume of import”;
 - (B) deleting “annual regulatory fee” and substituting “regulatory fee”; and

- (C) deleting “.” and substituting “; and”; and
- (iv) after paragraph (b), inserting the following new paragraph—
 - “(c) the month applicable to the calculation of the monthly volume of sale of a regulated entity is the month ending immediately prior to the beginning of the period to which the regulatory fee relates.”;
- (d) in subregulation (3)—
 - (i) deleting “an annual” and substituting “a”; and
 - (ii) in paragraphs (a) and (b), deleting “or annual volume of import”; and
- (e) after subregulation (3), inserting the following new subregulation—
 - “(3A) Notwithstanding subregulation (1), the Commission may charge a regulated entity a regulatory fee in accordance with Schedule 1 for the first month based on whichever is greater—
 - (a) the regulated entity’s estimate of its monthly volume of sale for the first month; or
 - (b) the Commission’s estimate of the regulated entity’s monthly volume of sale under regulation 5(2), if the Commission has made such an estimate.”.

Regulation 4 amended

4. Regulation 4 of the Principal Regulations is amended by—

- (a) in the heading, deleting “annual volume of import” and substituting “monthly volume of sale”;
- (b) deleting subregulation (1) and substituting the following—
 - “(1) A regulated entity must, as the case may be—
 - (a) within 3 months after the end of its financial year, lodge with the Commission—
 - (i) a return of the annual regulated revenue of the regulated entity for that financial year; and
 - (ii) a statement showing a calculation of the regulatory fee in respect of the annual regulated revenue of the regulated entity as set out in the return; or
 - (b) within 10 days after the end of the month, lodge with the Commission—
 - (i) a return of the monthly volume of sale of the regulated entity for that month; and
 - (ii) a statement showing a calculation of the regulatory fee in respect of the monthly volume of sale of the regulated entity as set out in the return.”;

- (c) in subregulation (2) after “subregulation (1)(a)”, inserting “or subregulation (1)(b)”;
- (d) in subregulation (3) after “(1)”, inserting “(a)”;
- (e) after subregulation (3), inserting the following new subregulation—
 - “(3A) If a regulated entity is unable to lodge a return within the 10-day period specified in subregulation (1)(b), the regulated entity must lodge a provisional return within the same 10-day period provided the regulated entity—
 - (a) clearly identifies the return as a provisional return; and
 - (b) submits a final return within 15 days after the end of the month.”;
- (f) in subregulation (4), deleting “annual”; and
- (g) in subregulation (5), deleting “annual volume of import” and substituting “monthly volume of sale”.

Regulation 5 amended

5. Regulation 5 of the Principal Regulations is amended by—

- (a) in subregulation (3), deleting “annual regulatory fees” and substituting “regulatory fees”;
- (b) in subregulation (4) after “year”, inserting “or in the month after the actual monthly volume of sale becomes available”;
- (c) deleting “annual volume of import” wherever it appears and substituting “monthly volume of sale”; and
- (d) deleting “annual regulatory fee” wherever it appears and substituting “regulatory fee”.

Regulation 6 amended

6. Regulation 6 of the Principal Regulations is amended by—

- (a) in the heading, deleting “annual”;
- (b) in subregulation (1), deleting “an annual” and substituting “a”; and
- (c) in subregulation (2), deleting “annual”.

Regulation 8A inserted

7. The Principal Regulations are amended after regulation 8 by inserting the following new regulation—

“Waiver, deferment or reassessment of regulatory fee

8A. The Commission may, on application, waive, defer or reassess the payment of a regulatory fee by a regulated entity, subject to the conditions it considers necessary.”.

Schedule 1 amended

8. Schedule 1 to the Principal Regulations is amended by—

- (a) in the heading, deleting “ANNUAL”;
- (b) in the first row of the table, deleting “annual regulatory fee” and substituting “regulatory fee”; and
- (c) deleting items 7 and 8 of the table and substituting the following—

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7.	Petroleum	\$0.005 per litre of monthly volume of sale
8.	Liquefied petroleum gas	\$0.005 per kilogram of monthly volume of sale

”.

Made this 1st day of August 2022.

F. S. KOYA
Minister for Commerce and Trade