

# BILL NO. 20 OF 2021

## A BILL

FOR AN ACT TO AMEND THE MEDICINAL PRODUCTS ACT 2011

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

**1.—**(1) This Act may be cited as the Medicinal Products (Budget Amendment) Act 2021.

(2) This Act comes into force on 1 August 2021.

*Section 41 amended*

**2.** Section 41 of the Medicinal Products Act 2011 is amended by—

(a) in subsection (1)—

- (i) deleting “authorise” and substituting “appoint”;
- (ii) in paragraph (i), deleting “officer, person or class of persons employed in the Ministry; or” and substituting “officers, person or class of persons employed by the Ministry;”; and
- (iii) deleting paragraph (ii) and inserting the following new paragraphs—
  - “(ii) any officer or class of officers, person or class of persons nominated by the Chief Executive Officer of the Service and employed by the Service; or

- (iii) any other person or class of persons with appropriate qualifications or expertise.”; and
- (b) after subsection (2), inserting the following new subsection—
  - “(3) In this section, “Service” has the meaning given in section 2 of the Fiji Revenue and Customs Service Act 1998.”.

July 2021

## **MEDICINAL PRODUCTS (BUDGET AMENDMENT) BILL 2021**

### **EXPLANATORY NOTE**

*(This note is not part of the Bill and is only intended to indicate its general effect)*

#### **1.0 BACKGROUND**

- 1.1 The Medicinal Products Act 2011 (**‘Act’**) provides *inter alia* for the regulation of the import, manufacture, export, supply and sale of medicinal products.
- 1.2 Section 41 of the Act provides that the Minister responsible for health (**‘Minister’**) may authorise any officer or class of officers, person or class of persons employed by the Ministry of Health and Medical Services, to be an authorised officer for the purposes of all or any of the provisions of the Act. Section 41 of the Act also provides that the Minister may authorise any other person or class of persons with appropriate qualifications or expertise to be an authorised officer.
- 1.3 The Medicinal Products (Budget Amendment) Bill 2021 (**‘Bill’**) therefore seeks to amend section 41 of the Act to allow the Minister to appoint any officer or class of officers, person or class of persons nominated by the Chief Executive Officer (**‘CEO’**) and employed by the Fiji Revenue and Customs Service (**‘Service’**), to be an authorised officer. The Bill also seeks to amend section 41 of the Act by deleting “authorise” and substituting “appoint” to align with the heading of the section.

#### **2.0 CLAUSES**

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on 1 August 2021.
- 2.2 Clause 2 of the Bill amends section 41 of the Act to allow the Minister to appoint any officer or class of officers, person or class of persons nominated by the CEO and employed by the Service, to be an authorised officer.

**3.0 MINISTERIAL RESPONSIBILITY**

3.1 The Act comes under the responsibility of the Minister responsible for health and medical services.

A. SAYED-KHAIYUM  
Attorney-General