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G.N.No. 954/2025

OZONE LAYER PROTECTION (FORMS AND FEES) REGULATIONS 2025

SL No. 43 of 2025

Notified: []

Table of Contents

1	Citation	2
2	Commencement	2
3	Objectives	2
4	Definition	2
5	National quota limit	2
6	Import licence applicant required to apply for a percentage of the national quota limit	3
7	Consideration of quota application and quota allocation	3
8	Quota revocation and re-allocation	3
9	Licence application	4
10	Consideration of licence application	5
11	Cancellation of licence	5
12	Import or export declaration	5
13	Form of Register of licence	6
14	Prohibition on the import of HCFCs and HCFC based equipment	6
15	Inspection	6
16	Powers of authorised officer	6
17	Process of seizure and detention	7
18	Notice of seizure and detention	8
19	Record keeping	8
20	Fees	8
	Schedule 1	9
	SCHEDULE 2	22

G.N.No. 954/2025 (Cont'd)

The Cabinet makes the following Regulations under Section 39 of the *Ozone Layer Protection Act 2017*:

1 Citation

These Regulations may be cited as the *Ozone Layer Protection (Forms and Fees) Regulations 2025*.

2 Commencement

These Regulations commence on the day they are notified in the Gazette.

3 Objectives

The objectives of these Regulations are to:

- (a) describe the national quota limit, quota application and consideration of quota;
- (b) provide the forms required for the necessary applications under the Act;
- (c) provide the fees required for the necessary applications under the Act; and
- (d) provide the form of the Register of Licences.

4 Definition

'import' has the same meaning given to it under the *Customs Act 2014*;

'export' has the same meaning given to it under the *Customs Act 2014*;

'quota period' means the period from and including the 1st day of January to the 31st day of December of the same year; and

'tonnes CO₂ equivalent' means

- (a) the quantity that results from multiplying the mass in tonnes by its global warming potential for a single substance of controlled substances specified in Annex F of Schedule 1 to the Act; and
- (b) the quantity that is resulted from adding together the quantity expressed in tonnes CO₂ equivalent of each composition of the mixtures containing controlled substances specified in Annex F of Schedule 1 to the Act.

5 National quota limit

- (1) Subject to subregulation (2), the national quota limit of controlled substances specified in Annex F of Schedule 1 to the Act in a quota period, shall be established in tonnes CO₂ equivalent, in accordance with the obligations of the Republic, under the Montreal Protocol.
- (2) The Secretary may accelerate the phase-down of controlled substances specified in Annex F of Schedule 1 to the Act in any quota period, by assigning a national quota limit lower than the limit under subregulation (1).

G.N.No. 954/2025 (Cont'd)

6 Import licence applicant required to apply for a percentage of the national quota limit

- (1) For the purposes of Section 6(e) of the Act, an applicant for an import licence shall also apply for a percentage of the national quota limit, where the controlled substance for importation is to be imported in bulk.
- (2) An application for a quota shall be made to the Secretary in writing by the cut-off date on 30 of November of the year preceding the year of intended import.
- (3) The application shall contain the following information:
 - (a) name and quantity of each controlled substance in bulk requested for import expressed in metric ton;
 - (b) the purpose of applying for a quota for import; and
 - (c) any other necessary information as determined by the Secretary

7 Consideration of quota application and quota allocation

- (1) The Secretary shall consider an application made under Regulation 6(3) and inform the applicant of his or her decision:
 - (a) within 14 days from the date of receiving the application; or
 - (b) at any other time as the Secretary deems necessary, where further information is required to be supplied by the applicant.
- (2) Where the Secretary approves an application, he or she shall ensure that the quota allocation to each importer within a quota period shall be conducted using either one or both of the following criteria:
 - (a) historical quota allocation granted to importer versus quota utilisation by importer; or
 - (b) the Republic context on the need of each controlled substance.
- (3) The sum of quota allocated to all importers in a quota period shall not exceed the national quota limit specified in Regulation 5.
- (4) Any application for a quota made to the Secretary after the cut-off date of 30 November of each successive year, may be considered on a case-by-case basis, where the Secretary is satisfied that there is remaining quota available from the national quota limit that may be granted to an importer.

8 Quota revocation and re-allocation

- (1) The Secretary shall review the utilisation of quota every 6 months to examine the actual importation of controlled substances compared to quota allocation of each importer.

G.N.No. 954/2025 (Cont'd)

- (2) Where during such review, the Secretary is satisfied that an importer is not or does not demonstrate the ability to utilise the quota allocated to such importer, the Secretary may revoke the quota allocated to that importer.
- (3) Before revoking the allocated quota, the Secretary shall:
 - (a) give a written notice to the importer;
 - (b) provide written reasons for the intention to revoke the allocated quota; and
 - (c) require the importer to show cause within 14 days as to why the quota should not be revoked.
- (4) The Secretary may not revoke the allocated quota under this Regulation where the importer takes remedial measures to the satisfaction of the Secretary within 21 days of receipt of the notice.
- (5) Where the importer fails to show cause under subregulation (3)(c), the Secretary may revoke and reallocate the revoked quota to any other importer who demonstrates sufficient justification to have additional quota to meet the need of the Republic.

9 Licence application

- (1) For the purpose of Section 9 of the Act, an applicant shall apply in Form 1 of Schedule 1 for a:
 - (a) handling licence;
 - (b) premises licence;
 - (c) import licence;
 - (d) export licence; or
 - (e) sale or purchase of controlled substance in bulk or refrigerants licence.
- (2) In addition to complying with Section 10 of the Act, an applicant shall:
 - (a) have adequate storage facilities and capacity for controlled substances, prescribed goods, refrigeration or air conditioning equipment that uses refrigerants;
 - (b) display appropriate signage relating to the storage and handling of controlled substances, prescribed goods, refrigeration or air conditioning equipment that uses refrigerants; and
 - (c) provide any other necessary information as determined by the Secretary.
- (3) A person applying for a handling licence shall also:
 - (a) possess the certificate of participation for the good services practices issued by the Secretary; and

G.N.No. 954/2025 (Cont'd)

- (b) provide any other necessary information as determined by the Secretary.

10 Consideration of licence application

- (1) The Secretary shall consider each licence application lodged and inform the applicant of his or her decision:
 - (a) within 14 days from the date of lodgement of the application; or
 - (b) if further information is required to be supplied by the applicant, such other time as the Secretary deems necessary.
- (2) Where the Secretary grants a licence, the Secretary shall for:
 - (a) a handling licence, premises licence, or sale or purchase licence issue a licence in Form 2 of Schedule 1;
 - (b) an import or export licence of controlled substances in bulk, issue a licence in Form 3 of Schedule 1; or
 - (c) an import or export licence of prescribed goods or refrigeration or air-conditioning equipment that use refrigerants, issue a licence in Form 4 of Schedule 1.
- (3) Where the Secretary does not grant a licence, the Secretary shall provide in writing to the applicant, reasons for not granting such licence.

11 Cancellation of licence

- (1) The Secretary may cancel a licence where the licence holder has breached a provision of this Act, these regulations or a condition of the licence or in relation to an import licence, the licence holder has had an allocated quota revoked under Regulation 8.
- (2) Before cancelling a licence, the Secretary shall:
 - (a) give a written notice to the licensee;
 - (b) provide reasons for the cancellation; and
 - (c) require the licensee to show cause within 14 days as to why the licence should not be cancelled.
- (1) The Secretary may not cancel a licence under this regulation if the licence holder takes remedial measures to the satisfaction of the Secretary within 14 days of receipt of the notice under subregulation (1).
- (2) Where the licensee fails to show cause under subregulation (1), the Secretary shall cancel the licence.

12 Import or export declaration

G.N.No. 954/2025 (Cont'd)

- (1) Where an importer intends to import into the Republic any controlled substance, prescribed good, refrigeration or air conditioning equipment that uses refrigerants, the importer shall submit a declaration in Form 5 of Schedule 1, to the Secretary 7 days before an importation is effected.
- (2) Where an exporter intends to export out of the Republic any controlled substance, prescribed good, refrigeration or air conditioning equipment that uses refrigerants, the exporter shall submit a declaration in Form 5 of Schedule 1, to the Secretary 7 days before an exportation is effected.

13 Form of Register of licence

For the purpose of Section 15 of the Act, the Register shall be established and maintained by the Secretary in Form 6 of Schedule 1 in:

- (a) writing; and
- (b) electronic form that is readily retrievable.

14 Prohibition on the import of HCFCs and HCFC based equipment

The importation of any CFCs and HCFCs specified in Annex A and C of Schedule 1 to the Act respectively and prescribed goods or any equipment containing or designed to be used with CFCs or HCFCs shall be prohibited from 1 January 2026.

15 Inspection

For the purpose of Section 15(2) of the Act, an application for inspection and request for a copy of an entry in Register shall be in Form 7 of Schedule 1.

16 Powers of authorised officer

- (1) For the purpose of Section 23 (1) of the Act, the authorised officer may use the refrigerant identifier to identify the type of controlled substances being imported, exported or sold.
- (2) The authorised officer may use the results of the refrigerant identifier for the purpose of providing evidence in court.
- (3) Upon the report of an authorised officer, the Secretary has reason to suspect that there has been, or might imminently be, a contravention of the Act or these Regulations by any person or in respect of any goods, the Secretary may:
 - (a) direct an authorised officer to enter the premises and confiscate any controlled substance, any refrigeration and air-conditioning equipment, working tool or machine which is the cause of the contravention; and
 - (b) request:
 - (i) the Director of Immigration to prohibit the person from departing Nauru; or
 - (ii) the Controller of Customs to prevent the importation of specified goods,

until the purchaser, owner or importer of the goods, as the case may be, can show to the satisfaction of the Secretary that there has been no contravention of the Act or these Regulations.

17 Process of seizure and detention

- (1) For the purpose of Section 25 of the Act, any controlled substances or prescribed goods, refrigeration or air-conditioning equipment that uses refrigerants seized and detained by an authorised officer shall be stored in a secure place as authorised by the Minister.
- (2) An authorised officer who issues a notice of seizure shall ensure that a seized item is:
 - (a) detained and properly stored for the duration of the period of detention at the owner's expense; and
 - (b) marked so that such item is clearly identified including by tags.
- (3) Any seized item, may be retained until such time as the Secretary is satisfied that it is not or has not been subject to a breach of the Act or these Regulations.
- (4) Without limiting subsection (3), the Secretary may:
 - (a) sell the seized item; or
 - (b) issue a notice in writing requiring the owner or the person from whom it has been seized to re-export the seized item.
- (5) Where a seized item is sold under subregulation (4)(a), the monies obtained through the sale shall be defrayed as follows:
 - (a) storage and maintenance cost;
 - (b) fine or penalty resulting from a breach relating to the seized item; and
 - (c) balance remaining to be paid to the owner.
- (6) A notice issued under subsection (4)(b) shall state:
 - (a) when the re-export shall occur; and
 - (b) where the controlled substance, or prescribed goods, refrigeration or air-conditioning equipment that uses refrigerants shall be exported.
- (7) The cost of disposing of any controlled substances, prescribed goods, refrigeration or air-conditioning equipment that uses refrigerants under these Regulations is the responsibility of the owner or the person from whom it has been seized and may be recovered as a debt owing to the Republic.
- (8) Upon completion of the disposal and defraying of any proceeds from the sale of a seized item, the Secretary shall submit a report to the Minister for the disposal of the seized item.

G.N.No. 954/2025 (Cont'd)

18 Notice of seizure and detention

For the purpose of Section 26 of the Act, a notice of seizure shall be in Form 8 of Schedule 1.

19 Record keeping

For the purpose of Section 32 of the Act, a written record shall be submitted by a licensee to the Secretary by 30 June and 31 December of each consecutive year or when required by the Secretary of the:

- (a) import, export, sale and use of any controlled substance; and
- (b) import, export and sale of prescribed goods, refrigeration or air-conditioning equipment that uses refrigerants.

20 Fees

The fees for the purposes of the Act and Regulations are set out in Schedule 2.

SCHEDULE 1**FORM 1****REPUBLIC OF NAURU****OZONE LAYER PROTECTION ACT 2017****Ozone Layer Protection (Forms and Fees) Regulations 2025****LICENCE APPLICATION***[Section 9; Regulation 9]*

To the Secretary

(Tick where applicable)

☐ Import Licence ☐ Handling Licence ☐ Export Licence
☐ Premises Licence ☐ Sale or purchase licence

PART 1 - DETAILS OF APPLICANT

Business name under which the business is or will be carried on

Nature of business

State the general nature of the business

Principal place of business

Any other place of business

Date of commencement of the business

Tax Identification Number issued by Nauru Revenue Office

If any other business owned by the individual
(specify the business name or names)**Note: To be filled by a foreign individual who is the owner of the business**Permanent address of the foreigner in the country of registration
(applicable only to foreigners)Tax Identification Numbers in the foreign country
(applicable only to foreigners)

Date of birth

Email address

Telephone number

Mode of correspondence

PART 3 – APPLICATION FOR IMPORT LICENCE (if applicable)

Proposed date of importation

Type of container

Country of origin

Type of carrier (vessel / aircraft)

Name of vessel / agent

Controlled substance or refrigerant

G.N.No. 954/2025 (Cont'd)

Pure chemicals (use chemical code names)				
Controlled substance	Requested quantities	Trade name	Country of origin	Intended use
Mixtures (use chemical code names)				
<ul style="list-style-type: none"> Use code numbers in the Annexure(s) to the Act where applicable <p>List of prescribed goods (indicate the type of refrigerant beside each prescribe goods)</p> <p>1.</p> <p>2.</p> <p>3.</p> <p>List of refrigeration or air conditioning equipment that uses refrigerant (indicate the type of refrigerant beside each refrigeration or air conditioning equipment.</p> <p>1.</p> <p>2.</p> <p>3.</p>				
PART 4 – APPLICATION FOR EXPORT LICENCE (if applicable)				
Pure chemicals				
Controlled substance				
Quantity (kg)				
Mixtures				
Controlled substance				
Quantity (kg)				
Export prescribed goods, refrigeration or air conditioning that uses refrigerant (tick where applicable)				
Prescribed goods				
Refrigeration or air conditioning equipment required and quantity				
Proposed date of export				
Type of carrier (vessel / aircraft)				
Proposed destination country				
Proposed recipient				
PART 5 – APPLICATION FOR PREMISES LICENCE (if applicable)				
Purpose of use of premises (Tick where applicable)				
<input type="checkbox"/> sale	<input type="checkbox"/> processing			
<input type="checkbox"/> storage	<input type="checkbox"/> purchase for resale			
Location of premises				

G.N.No. 954/2025 (Cont'd)

Is there a designated storage area (<i>yes / no</i>)	
Is the designated storage area well ventilated? (<i>yes/no</i>)	
Does applicant have any experience in handling controlled substance, prescribed goods, refrigeration or air conditioning equipment that uses refrigerant? (<i>yes / no</i>)	
If yes to the previous question, briefly state your experience in dealing with such:	
Any other information the applicant considers relevant to the application	
PART 6 - APPLICATION FOR HANDLING LICENCE	
State the equipment which requires the issue of a licence in respect of use of refrigerant (<i>Tick where applicable</i>)	
<input type="checkbox"/> Air conditioner <input type="checkbox"/> Mobile air conditioner <input type="checkbox"/> Domestic refrigerator <input type="checkbox"/> Commercial refrigerator <input type="checkbox"/> Other (specify)	
State which controlled substance the applicant will be dealing with (<i>refer Schedule of the Act and give relevant chemical</i>)	
Does applicant hold a relevant accreditation certificate? (<i>yes / no</i>) (<i>if yes, attach copy of certificate</i>) (<i>if no, state when accreditation will be achieved</i>)	
Does the applicant employ any person to carry out the work? (<i>yes / no</i>) (<i>if answer is 'yes', please provide details</i>)	
PART 7 – APPLICATION FOR SALE OR PURCHASE OF CONTROLLED SUBSTANCE IN BULK OR REFRIGERANTS LICENCE	
Purpose for selling or purchasing or controlled substance in bulk or refrigerant	
Specify the type of controlled substance or refrigerant	
Has the applicant dealt with the controlled substance or refrigerant before? (<i>yes / no</i>) (<i>if answer is 'yes', please provide details</i>)	
PART 7 – DECLARATION	
I(<i>state name</i>) of(<i>address</i>),(<i>occupation</i>), do solemnly and sincerely declare that (<i>set out matter declared, using numbered paragraphs if it is lengthy</i>):	
1.	
2.	
3.	
And I make this solemn declaration by virtue of the <i>Oaths, Affirmations and Statutory Declarations Act 1976</i> conscientiously believing in the statement contained therein to be true in every particular.	
Signed by the applicant:	
Name of person filing this form:	

No. 358

21st August, 2025

Nauru

G.N.No. 954/2025 (Cont'd)

Declared at.....this.....day of20.....

Before me:

.....
(Signature)

.....
(Title)

NOTE:

Any person making a false statement is guilty of an offence and is liable to imprisonment for 5 years.

Payment receipt number:

OFFICIAL PURPOSES

Received by:
(Full name of officer)

Date: / / 20.....

DECISION

APPROVED / REJECTED

.....
Secretary

Date:/..... / 20....

G.N.No. 954/2025 (Cont'd)

FORM 2



REPUBLIC OF NAURU

OZONE LAYER PROTECTION ACT 2017

Ozone Layer Protection (Forms and Fees) Regulations 2025

HANDLING, PREMISES AND SALE OR PURCHASE LICENCE

[Section 9; Regulation 10(2)(a)]

This *premises / sale or purchase / handling* licence is granted to **[Name of Applicant]** proprietor of **[Name of corporation / partnership]** of District. This licence is valid for day(s) from the date of issue and is subject to the following conditions:-

- (a) *a copy of this licence shall be displayed in a prominent place on the licensee's premises;*
- (b) *the licensee shall comply with all laws of Nauru;*
- (c) *this licence is not transferrable.*

The following authorised officer(s) may inspect licence and such assistance shall be afforded to him/her/them. Powers of authorised officers are attached to this licence.

- [Name of authorised officer]

Licence valid from: of 20.... to of 20.... .

Licence Conditions: The licence is subject to the following conditions:

.....
.....

.....
Secretary

Licence No	:	... / 20...
Licence fee paid	:	
Receipt No	:	
Date paid	:	

G.N.No. 954/2025 (Cont'd)

FORM 3



REPUBLIC OF NAURU

OZONE LAYER PROTECTION ACT 2017

Ozone Layer Protection (Forms and Fees) Regulations 2025

[Section 9; Regulation 10(2)(b)]

LICENCE FOR IMPORT [OR EXPORT] OF CONTROLLED SUBSTANCES IN BULK

This *import/ export* licence of **controlled substances in bulk** is granted to [Name of Applicant] proprietor of [Name of corporation / partnership] of District. This licence is valid until and is subject to the following conditions:-

- (a) a copy of this licence shall be displayed in a prominent place on the licensee's premises;
- (b) the licensee shall comply with all laws of Nauru;
- (c) this licence is not transferrable; and
- (d) this licence is **per-shipment licence** and shall **be invalid when** (i) the shipment has been successfully cleared by the customs authority or (ii) used beyond validity date.
- (e) only **controlled substances in bulk** and **quantity** indicated in table below is allowed to be imported [exported].

Refrigerant	HS Code	Type of Containment	No. of Containment	Import [Export] Amount (kg)	Exporting [Importing] Country

The following authorised officer(s) may inspect licence and such assistance shall be afforded to him/her/them. Powers of authorised officers are attached to this licence.

- [Name of authorised officer]

Licence valid from: of 20.... to of 20.... .

Licence Conditions: The licence is subject to the following conditions:

.....

.....

.....
Secretary

Licence No	:	... / 20...
Licence fee paid	:	
Receipt No	:	
Date paid	:	

G.N.No. 954/2025 (Cont'd)

FORM 4



REPUBLIC OF NAURU

OZONE LAYER PROTECTION ACT 2017

Ozone Layer Protection (Forms and Fees) Regulations 2025

[Section 9, Regulation 10(2)(c)]

LICENCE FOR IMPORT OR EXPORT OF PRESCRIBED GOODS OR ANY EQUIPMENT CONTAINING OR DESIGNED TO BE USED WITH CONTROLLED SUBSTANCES

This *import / export* licence of prescribed goods or any equipment containing or designed to be used with controlled substances of is granted to [Name of Applicant] proprietor of [Name of corporation / partnership] of District. This licence is valid for day(s) from the date of issue and is subject to the following conditions:-

- (a) a copy of this licence shall be displayed in a prominent place on the licensee's premises;
- (b) the licensee shall comply with all laws of Nauru;
- (c) this licence is not transferrable.
- (d) this licence can be used for multiple shipments as long as it is still valid.
- (e) Only approved prescribed goods or any equipment containing or designed to be used with controlled substances is allowed to be imported or exported as follows

Prescribed goods or equipment	Type of Controlled Substances	Exporting [Importing] Country

The following authorised officer(s) may inspect licence and such assistance shall be afforded to him/her/them. Powers of authorised officers are attached to this licence.

- [Name of authorised officer]

Licence valid from: of 20.... to of 20....

Licence Conditions: The licence is subject to the following conditions:

Secretary

No. 358

21st August, 2025

Nauru

G.N.No. 954/2025 (Cont'd)

Licence No	:	... / 20...
Licence fee paid	:	
Receipt No	:	
Date paid	:	

G.N.No. 954/2025 (Cont'd)

FORM 5**REPUBLIC OF NAURU****OZONE LAYER PROTECTION ACT 2017****Ozone Layer Protection (Forms and Fees) Regulations 2025***[Regulation 12]***IMPORT OR EXPORT DECLARATION**

To: Chief Collector, Nauru Customs
Secretary

Bill of Lading Number:	
PART 1 - DETAILS OF VESSEL / AIRCRAFT	
Name of vessel / aircraft	
Registration / IMO No. / Aircraft number	
Arriving from	
Sailing to / Flying to	
Nationality / Flag of vessel	
PART 2 - DETAILS OF IMPORTER OR EXPORTER	
Full name of importer	
Name of corporation / firm	
Address	
Telephone	
Email	
PART 3 - DETAILS OF CONSIGNMENT	
Type (<i>controlled substance / prescribed goods / refrigeration / air conditioning equipment that uses refrigerant</i>)	
Harmonized system (HS) code	
Quantity	
Place of origin	
Final destination	
PART 4 - DECLARATION	
<p>I(<i>state name</i>) of(<i>address</i>),(<i>occupation</i>), do solemnly and sincerely declare that (<i>set out matter declared, using numbered paragraphs if it is lengthy</i>):</p> <p>1.</p> <p>2.</p> <p>3.</p>	

G.N.No. 954/2025 (Cont'd)

And I make this solemn declaration by virtue of the *Oaths, Affirmations and Statutory Declarations Act 1976* conscientiously believing in the statement contained therein to be true in every particular.

Signed by the applicant:

Name of person filing this form:

Declared at.....this.....day of20.....

Before me:

(Signature)

(Title)

NOTE:

Any person making a false statement is guilty of an offence and is liable to imprisonment for 5 years.

OFFICIAL PURPOSES

Received by:

(Full name of officer)

Date: / / 20.....

FORM 6



REPUBLIC OF NAURU

OZONE LAYER PROTECTION ACT 2017

Ozone Layer Protection (Forms and Fees) Regulations 2025

[Section 15; Regulation 13]

REGISTER OF LICENCES

Date application	of	Address of applicant	Telephone	Email	Application type	Renewal date

G.N.No. 954/2025 (Cont'd)

FORM 7



REPUBLIC OF NAURU

OZONE LAYER PROTECTION ACT 2017

Ozone Layer Protection (Forms and Fees) Regulations 2025

APPLICATION FOR INSPECTION OF REGISTER OF LICENCES

[Section 15; Regulation 15]

To: Secretary
Republic of Nauru

Name

Address of applicant:

.....

Email:Tel:

This is an application for inspection of the Register of Licences and or copy of the following documents:

1.
2.
3.

Date: / / 20 ...

Signature:

Payment receipt number:

OFFICIAL PURPOSES

Received by:
(Full name of officer)

Date: / / 20.....

G.N.No. 954/2025 (Cont'd)

FORM 8



REPUBLIC OF NAURU

OZONE LAYER PROTECTION ACT 2017

[Section 26; Regulation 16]

NOTICE OF SEIZURE

TO:

Full Name of owner:

Address:

TAKE NOTICE that:

.....
.....
.....
(details of item seized)

has been seized and is liable for forfeiture in accordance with the *Ozone Layer Protection Act 2017* on the following grounds:

.....
.....
.....

WHERE you claim or intend to claim that the things seized are not liable to forfeiture, you should, within 7 days from the date of this notice.

AFFIDAVIT OF SERVICE

I..... (full name), Authorised Officer make oath / solemnly affirm that I did on theday of 20... served (full name of owner) the original copy of this Notice of Seizure on (date) at (time) AND he / she acknowledged service by affixing his / her signature to this Notice.

Authorised officer: (signature)

Before me:

Commissioner for Oaths

SCHEDULE 2

OZONE LAYER PROTECTION ACT 2017

Ozone Layer Protection (Forms and Fees) Regulations 2025

SCHEDULE OF FEES

[Regulation 20]

Type	Relevant provisions of the <i>Ozone Layer Protection Act 2017</i>	Fees
Import licence	Section 9	\$100
Export licence	Section 9	\$100
Handling licence	Section 9	\$25
Sale or purchase of controlled substance in bulk or refrigerants licence	Section 9	\$25
Premises licence	Section 9	\$25
Inspection	Section 15(2)	\$25
Certified copy	Section 15(2)	\$25