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EMERGENCY POWERS (COVID-19) REGULATIONS 2020**Table of provisions**

Part 1	Preliminary Matters	1
1	Citation	1
2	Commencement	1
3	Definitions	1
4	Application	3
Part 2	Prime Minister's Powers	3
5	List of Prime Minister's powers	3
6	Quarantine stations	4
7	Mandatory quarantine on entry to Solomon Islands	5
8	Prohibition of entry	6
9	Property may be possessed or requisitioned to establish quarantine stations	7
10	Compensation for property possessed or requisitioned	8
11	Restriction of assembly or procession in emergency zones	8
12	Restriction of movement	9
13	Temporary closure of a public place	9
14	Restriction of movement of vessels and aircraft	10
15	Prime Minister may make orders to suspend media	10
16	Power to order release of funds for public safety measures	11
17	Power to suspend trade unions	12
18	Power to give directions for the National Disaster Council	12
Part 3	Authorised officers	13
19	Appointment of authorised officers	13
20	Functions of authorised officers	13
21	Powers of authorised officers	13
22	Authorised officer may require information or article	14
23	Indemnity from liability	15

Part 4	Other offences	15
24	Prohibition of disseminating rumours and false information	15
Part 5	Miscellaneous Matters	15
25	Dissemination of information relating to COVID-19	15
26	Demeanour of public officer in media	16

**EMERGENCY POWERS ACT
(CAP. 11)**

EMERGENCY POWERS (COVID-19) REGULATIONS 2020

IN exercise of the powers conferred by section 2 of the *Emergency Powers Act* (Cap. 11), the Governor-General makes the following Regulations:

Part 1 Preliminary Matters

1 Citation

These Regulations may be cited as the *Emergency Powers (COVID-19) Regulations 2020*.

2 Commencement

These Regulations commence on the date they are published in the *Gazette*.

3 Definitions

In this Regulations:

“*authorised officer*” includes the following:

- (a) a medical officer or medical practitioner as defined under the *Interpretation and General Provisions Act* (Cap.85);
- (b) an immigration officer defined under the *Immigration Act 2012*;
- (c) a customs officer defined under the *Customs and Excise Act* (Cap.121);
- (d) a bio-security officer defined under the *Biosecurity Act 2013*;
- (e) a quarantine officer defined under the *Quarantine Act* (Cap. 106);
- (f) a police officer defined under the *Police Act 2013*;
- (g) any other person appointed as an authorised officer by the Prime Minister under regulation 19.

“COVID-19” means the novel coronavirus capable of causing severe respiratory illness as defined by the World Health Organisation;

“emergency period” means the period of time from the commencement of the declaration by the Governor-General of the State of Public Emergency under section 16 of the Constitution to the revocation of that declaration whether by the Governor-General or Parliament under section 16 of the Constitution;

“emergency zone” means a public place declared by the Prime Minister by Order under regulation 11;

“Government” has the same meaning as “the Government” under section 144 of the Constitution;

“medical officer” has the same meaning of “medical officer” under section 16 of the *Interpretation and General Provisions Act* (Cap.85);

“medical practitioner” has the same meaning of “medical practitioner” under section 16 of the *Interpretation and General Provisions Act* (Cap.85);

“National Disaster Council” means the National Disaster Council established under the *National Disaster Council Act* (Cap. 148);

“Order” means an Order published in the *Gazette*;

“property” means land, vehicle, building or vessel;

“public interest” means the interest of the public to:

- (a) be protected from the importation or spread of the COVID-19; or
- (b) be adequately informed or warned of the nature, symptoms and treatment of COVID-19; or
- (c) be treated for any symptoms of the COVID-19.

“public place” has the same meaning of “public place” under the *interpretation and General Provisions Act* (Cap.85);

“quarantine period” is the number of days for quarantine provided for under regulation 7;

“small craft vessel” means a small craft vessel less than 10 metres;

“vessel”, including small craft vessels, means a vessel used for any of the following purposes:

- (a) cargo;
- (b) commercial fishing;
- (c) commercial recreation for example a cruise liner, pleasure craft, super yacht, or any other such vessel;
- (d) bunkering;
- (e) carrying ore or fuel;
- (f) logging;
- (g) any other commercial or scientific purposes.

4 Application

- (1) These Regulations apply to the whole of Solomon Islands.
- (2) These Regulations only have effect during the emergency period.
- (3) In the event of a conflict between the provisions of these Regulations and any other written law, these Regulations prevail.
- (4) Regulation 10 applies during and after the emergency period.

Part 2 Prime Minister’s Powers

5 List of Prime Minister’s powers

The Prime Minister has the following powers:

- (a) to declare a public place to be a quarantine station;
- (b) to prohibit the entry of a person or a class of persons into Solomon Islands;
- (c) to direct a person or a class of persons to comply with quarantine procedures;

- (d) to take possession of or requisition property to establish a quarantine station;
- (e) to declare a public place to be an emergency zone;
- (f) to restrict the movement of a person for the maintenance of order and security of the public in an emergency zone;
- (g) to temporarily close a public place;
- (h) to restrict the movement of vessels and aircrafts;
- (i) to suspend access to online media outlets or media outlets;
- (j) to make an Order for the National Disaster Council to coordinate and implement emergency operations;
- (k) to order the release of special funds provided for under other laws of Solomon Islands to implement public safety measures.

6 Quarantine stations

- (1) The Prime Minister may, by Order, declare a public place to be a quarantine station.
- (2) A quarantine station is established for the following purposes:
 - (a) to accommodate persons quarantined under regulation 7 during the quarantine period;
 - (b) to test persons quarantined under regulation 7 for COVID-19 during the quarantine period;
 - (c) to provide for the safety or wellbeing of persons quarantined under regulation 7 during the quarantine period.

- (3) A person must not enter a quarantine station who is not:
- (a) an authorised officer; or
 - (b) a person quarantined under regulation 7.
- (4) A person who contravenes subregulation (3) commits an offence.

Maximum penalty: 10,000 penalty units or
imprisonment for 5 years, or both.

7 **Mandatory quarantine on entry to Solomon Islands**

- (1) A person arriving in Solomon Islands must be quarantined at a quarantine station for 14 days (“**quarantine period**”) commencing from the date of the person’s arrival.
- (2) The Prime Minister may, by Order:
- (a) exempt a person or a class of persons from being quarantined for the quarantine period under subregulation (1) if the person or class of persons’ purpose for entering Solomon Islands is to:
 - (i) assist in the construction of quarantine stations; or
 - (ii) provide expertise assistance in relation to isolation units for purposes of quarantine; or
 - (iii) provide expertise assistance in relation to testing for or treatment of COVID-19; or
 - (iv) provide any other such assistance necessarily to the public interest; or
 - (b) direct any person or class of persons to comply with prescribed quarantine procedures upon that person or class of persons’ entry into Solomon Islands.

- (3) A person quarantined under subregulation (1) may only be transported out of a quarantine station if:
- (a) a medical officer:
 - (i) certifies in writing that the person is in need of urgent medical condition; and
 - (ii) that urgent medical condition can only be attended to at a hospital.
 - (b) the authorised officer in charge of that quarantine station certifies in writing that the quarantine station is not suitable for any purpose relating to:
 - (i) the personal safety of the person quarantine; or
 - (ii) the security of the quarantine station.
- (4) A person transported out of a quarantine station under subregulation (3)(b) must be immediately transported into another quarantine station.
- (5) A person who contravenes subregulation (1) or (2)(b) commits an offence.
- Maximum penalty: 10,000 penalty units or imprisonment for 5 years, or both.
- (6) In this regulation, to be “*quarantined*” means to:
- (a) be accommodated in isolation from any other person; and
 - (b) be prohibited from any physical contact with any other person apart from an authorised officer.

8 Prohibition of entry

- (1) The Prime Minister may, by Order, prohibit the entry of any person or any class of persons into Solomon Islands during the emergency period.
- (2) An Order made under subregulation (1) may provide exception for the entry of a person or any class of persons into Solomon Islands to serve a humanitarian purpose.
- (3) A person or class of persons who contravenes subregulation (1) commits an offence.

Maximum penalty: 10,000 penalty units or
imprisonment for 5 years, or both.

- (4) In this regulation, “*humanitarian purposes*” means any purpose relating to:
 - (a) food shortage or security; or
 - (b) medical supplies or assistance to government.

9 Property may be possessed or requisitioned to establish quarantine stations

- (1) The Prime Minister may, by Order, take possession of or requisition any property to establish a quarantine station if it is necessary in the public interest to do so.
- (2) Prior to the making of an order under subregulation (1), the Prime Minister must enter into an agreement with the owner of the property on the conditions of the possession or requisition.
- (3) An agreement under subregulation (2) must:
 - (a) be written; and
 - (b) provide for reasonable compensation as provided for under regulation 10; and
 - (c) contain relevant consideration for the safety and security of the property while it is used as a quarantine station.

- (4) An Order made under subregulation (1) is invalid if it contradicts the conditions of the agreement made under subregulation (2).
- (5) A person commits an offence if the person fails to comply with subregulation (1).

Maximum penalty: 10,000 penalty units or
imprisonment for 2 years, or both.

10 Compensation for property possessed or requisitioned

- (1) The Government must pay reasonable compensation to the owner of the property taken possession of or requisitioned by the Prime Minister under regulation 9.
- (2) This regulation applies where:
 - (a) possession of any land or building has been taken on behalf of the Government; or
 - (b) any property other than land has been requisitioned or acquired on behalf of the Government; or
 - (c) any work has been done on any land on behalf of the Government.
- (3) Subregulation (2)(c) does not apply where the Government takes measures of a minor or temporary nature to prevent spreading of COVID-19 caused by others.
- (4) In this regulation “*reasonable compensation*” means compensation which considers the market value of the property at the time the property was possessed or requisitioned.

11 Restriction of assembly or procession in emergency zones

- (1) The Prime Minister may, by Order, declare a public place to be an emergency zone.

- (2) An Order made under subregulation (1) may specify:
- (a) the maximum number constituting a public assembly or procession at a public place; or
 - (b) the extent to which social gatherings may be prohibited at a place apart from a public place; or
 - (c) any other such measure necessary in the public interest relating to restriction of assembly or procession in an emergency zone.
- (3) A person must not organize in a public assembly or a public procession in an emergency zone.
- (4) A person who contravenes subregulation (2) commits an offence.
- Maximum penalty: 10,000 penalty units or imprisonment for 5 years, or both.
- (5) In this regulation, “*social gatherings*” may include any gathering of persons for the purposes of:
- (a) events relating to the birth, death, marriage or academic graduation of a person; or
 - (b) any other event of personal, familial, cultural, religious or societal significance.

12 Restriction of movement

- (1) The Prime Minister may, by Order, restrict the movement of a person if it is necessary for the maintenance of order and security of the public in an emergency zone.

- (2) The Order under subregulation (1) must, in respect of an emergency zone, specify:
- (a) the extent in which restriction of movement is ordered; and
 - (b) the duration for restriction of movement.
- (3) A person commits an offence if the person is present at a public place contrary to the time specified in the Order.

Maximum penalty: 10,000 penalty units or imprisonment for 5 years, or both.

13 Temporary closure of a public place

- (1) The Prime Minister may, by Order, temporarily close a public place during an emergency period.
- (2) A person who enters a public place temporarily closed under subregulation (1) without lawful authorisation in writing by the Prime Minister commits an offence.
- (3) A person who fails to comply with an Order made under subregulation (1) commits an offence.

Maximum penalty: 10,000 penalty units or imprisonment for 5 years, or both.

14 Restriction of movement of vessels and aircrafts

- (1) The Prime Minister may, by Order, in addition to the lawful directions of the Comptroller of Customs, make procedures or measures to restrict the movement of a vessel or aircraft into, within and out of, Solomon Islands.

- (2) The owner or operator of any vessel or aircraft found to be moving in, within or out of Solomon Islands in contravention of subregulation (1) commits an offence.

Maximum penalty: 1,000,000 penalty units or imprisonment for 20 years, or both.

15 Prime Ministers may make orders to suspend media

- (1) The Prime Minister may make an Order to suspend:

- (a) access to an online media outlet; or
- (b) a media outlet;

if information published by the online media platform or publication of material by a media outlet has the potential to:

- (i) grossly mislead the public on any information relating to COVID-19 in Solomon Islands; or
- (ii) incite the spread of false news or report causing public alarm, anxiety or disaffection; or
- (iii) incite acts in a manner prejudicial to the public safety or to the peace and good order of any part of Solomon Islands; or
- (iv) incite hatred or contempt of any person or any class of persons.

- (2) In this regulation:

“online media outlet” means any media outlet available on the internet including social media outlets;

“media outlet” means print, broadcast or any other media outlet apart from an online media outlet.

16 Power to order release of funds for public safety measures

- (1) The Prime Minister may, by Order, order the release of funds provided for under other laws of Solomon Islands to implement any public safety measures such as:
 - (a) the repatriation of public officers or members of the public from Honiara to their village of origin; or
 - (b) the construction, establishment, operation and management of quarantine stations; or
 - (c) the awareness and dissemination of information relating to COVID-19; or
 - (d) the purchase of medical supplies and equipment for authorised officers and the public; or
 - (e) treatment of persons who have contracted COVID-19; or
 - (f) the enforcement of these Regulations; or
 - (g) any other such measure considered necessary by the Prime Minister.

- (2) The Prime Minister must:
 - (a) keep an updated record of any funds released under subregulation (1); and
 - (b) prepare a report on the use of the funds to be tabled before Parliament at the next sitting of Parliament; and
 - (c) provide updates on the use of the funds at each sitting of Parliament during the emergency period.

- (3) In this regulation:

“funds” includes special funds established by virtue of section 100(2) of the Constitution under other written laws of Solomon Islands;

“Honiara” means **“Honiara”** as defined under the Planning and Development Act (Cap.154);

“public safety measure” means a measure that:

- (a) promotes the safety of the public; and
- (b) is necessary for public interest;

“village of origin” means village of origin whether by birth, marriage, tribal affiliation or usual residence.

17 Power to suspend trade unions

- (1) The Prime Minister may, by Order, suspend any operation of a trade union for any duration during the emergency period if such suspension is necessary for public interest.
- (2) Any trade union who contravenes an Order made under subregulation (1) may be de-registered with immediate effect.

18 Power to give directions for the National Disaster Council

- (1) The National Disaster Council shall operate as if an Order has been declared by the Minister under section 12 of the *National Disaster Council Act* (Cap.148).
- (2) An Order made under this regulation has the effect of granting the National Disaster Council the powers and functions to coordinate and implement emergency operations during the emergency period.

- (3) The Prime Minister may give specific directions for the National Disaster Council to implement emergency operations necessary for public interest.
- (4) Under subregulation (1) and as would be justifiable to serve the public interest, the Prime Minister may disregard any government administrative procedure or any public service rules.
- (5) In this regulation, “Minister” means the Minister responsible for matters dealing with national disasters.

Part 3 Authorised officers

19 Appointment of authorised officers

The Prime Minister may, by Order, appoint authorised officers for the effective implementation of these Regulations.

20 Functions of authorised officers

An authorised officer has the following functions:

- (a) to manage, monitor or provide security for quarantine stations or emergency zones;
- (b) to enforce Orders made under these Regulations;
- (c) to ensure the lawful, safe and orderly movement of persons, vessels and aircraft to, within and from Solomon Islands;
- (d) to facilitate the quarantine of persons under regulation 7;
- (e) to inform or disseminate information to the public regarding the prevention, management, monitoring or treatment of COVID-19.

21 Powers of authorised officers

- (1) An authorised officer may do any of the following without a warrant for a maximum of 72 hours commencing from the time of exercise of a power under this regulation:

- (a) arrest and detain a person who:
 - (i) fails to observe any Order by an authorised officer requiring the person to be quarantined;
 - (ii) escapes from a quarantine facility;
 - (b) enter and search any premises;
 - (c) stop and search any person, vessel or aircraft.
- (2) After the lapse of 72 hours, any power exercised by an authorised officer under this regulation must be exercised with a warrant obtained from a Magistrate.
- (3) An authorised officer has the following powers:
- (a) stop, detain or search any person; or
 - (b) seize anything found on such person which the authorised officer has reason to suspect is or was being used or is intended to be used for any purpose, or in any way, prejudicial to the public safety or public order; or
 - (c) take necessary steps and use reasonable force as may appear to him or her to be necessary to stop, detain or search any person under Regulations.
- (4) A person who:
- (a) assaults, obstructs, hinders or resists; or
 - (b) uses any threatening, abusive or defamatory language; or
 - (c) aids or incites any other person to assault, obstruct, hinder or resist any authorised officer in the execution of his or her duty commits an offence.

Maximum penalty: 10,000 penalty units or imprisonment of 5 years, or both.

22 Authorised officer may require information or article

- (1) An authorised officer may require a person to furnish or produce specified information or any article in his or her possession necessary or expedient for the discharge of their duties under these Regulations.
- (2) A person required to furnish or produce specified information or article under subregulation (1) commits an offence who:
 - (a) provides false information; or
 - (b) fails to comply with subregulation (1).

Maximum penalty: 10,000 penalty units or imprisonment for 5 years, or both.

- (3) In addition to the penalty of fine or imprisonment under subregulation (2), if the person is not the citizen of the Solomon Islands, the person may be deported immediately on the next available flight.

23 Indemnity from liability

An authorised officer is not civilly or criminally liable for any exercise of the authorised officer's powers and functions under these Regulations in good faith.

Part 4 Other offences

24 Prohibition of disseminating rumours and false information

A person who:

- (a) maliciously fabricates or knowingly spreads abroad or publishes, whether by writing or by word of mouth, online or otherwise, any false news or report that is likely to create or foster public alarm, public anxiety or disaffection or to produce public detriment; or

- (b) acts or is acting in a manners prejudicial to the public safety or to the peace and good order of any part of Solomon Islands; or
- (c) endeavours to disturb the public peace by inciting hatred or contempt of any class of persons, commits an offence.

Maximum penalty: 10,000 penalty units or
imprisonment for 5 years, or both.

Part 5 Miscellaneous Matters

25 Dissemination of information relating to COVID-19

- (1) The Ministry of Health and Medical Services is the official authority for disseminating information relating to COVID-19 to the public on behalf of the Government.
- (2) The Ministry of Health and Medical Services must daily keep the public informed of information relating to COVID-19 through media accessible by the public including by:
 - (a) radio broadcast; or
 - (b) a newspaper of wide circulation in Solomon Islands; or
 - (c) website that is current and daily updated.
- (3) Any other Government Ministry, department or agency may disseminate information relating to COVID-19 on their online media outlet or media outlet.
- (4) Any information disseminated under subregulation (3) must, prior to such dissemination, be verified with the Ministry of Health and Medical Services.
- (5) A person commits an offence who misrepresents information to be information disseminated by the Ministry of Health and Medical Services:

- (a) disseminated under subregulation (1) and (2); or
- (b) verified under subregulation (4).

Maximum penalty: 5,000 penalty units or imprisonment for 1 year.

26 Demeanour of public officer in media

- (1) A person who is a public officer must not publish any information or statement on the media that:
 - (a) is contradictory to information on or relating to COVID-19 published in the media by the Government;
 - (b) is:
 - (i) inflammatory against the Government; and
 - (ii) incites hatred or contempt against the Government which may result in acts prejudicial to the public safety, peace and good order of any part of Solomon Islands.
- (2) Any public officer who does not comply with subregulation (1) must be terminated with immediate effect.

Made on this twenty-sixth day of March, 2020.

SIR DAVID VUNAGI
GOVERNOR-GENERAL