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EMERGENCY POWERS (COVID-19)(NO. 2) REGULATIONS 2021

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EMERGENCY POWERS ACT
(Cap. 11)

EMERGENCY POWERS (COVID-19)(NO. 2)
REGULATIONS 2021

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)(No. 2) Regulations 2021*.

2 Commencement

These Regulations commence on 24 July 2021.

3 Definitions

In these Regulations:

"***aircraft***" means any form of transportation through the air;

"***authorised office***" means an authorised officer specified in regulation 36(1) or appointed under regulation 36(2);

"***citizen of Solomon Islands***" means a person who is a citizen under section 5 of the Citizenship Act 2018;

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

"***COVID-19 free country or territory***" means a country or territory where there has never been a confirmed case of a person infected with COVID-19;

"***COVID-19 related purpose***" includes a purpose for or related to maintaining public health, safety, order and security during the emergency period;

"***emergency period***" means the period during which the following Proclamations are in force:

(a) the *Proclamation Declaring State of Public Emergency* (Legal Notice No. 28 of 2020) made on 25 March 2020;

(b) the *Proclamation Declaring State of Public Emergency* (Legal Notice No. 103 of 2020) made on 24 July 2020;

(c) the *Proclamation Declaring State of Public Emergency* (Legal Notice No. 192 of 2020) made on 24 November 2020;

(d) the Proclamation declaring a state of public emergency on grounds relating to the outbreak of COVID-19 made on 24 March 2021;

(e) the Proclamation declaring a state of public emergency on grounds relating to the outbreak of COVID-19 that commences on 24 July 2021;

"***emergency zone***" means a place or an area declared to be an emergency zone under regulation 13;

"***extremely high-risk COVID-19 country or territory***" means a country or territory where widespread community transmission of COVID-19 is being reported throughout the country or territory;

"***Form***" means a Form so designated set out in the Schedule;

"***high-risk COVID-19 country or territory***" means a country or territory where:

(a) community transmission of COVID-19 is being reported; and

(b) the level of community transmission is greater than in a moderate-risk COVID-19 country or territory but less than in an extremely high-risk COVID-19 country or territory; and

(c) the transmission is primarily by traceable clusters of infections;

"***isolate***", of a person who is infected with COVID-19, means to be quarantined at a quarantine station in a manner that separates the infected person from quarantined persons who have not tested positive for COVID-19;

"***low-risk COVID-19 country or territory***" means a country or territory where:

(a) the only reported cases of persons infected with COVID-19 are in quarantine stations and there is no evidence of persons becoming

infected with COVID-19 by community transmission; or

(b) if there has been community transmission, there has been no reported cases of persons infected with COVID-19 by community transmission for 28 days;

"***moderate-risk COVID-19 country or territory***" means a country or territory where:

(a) community transmission of COVID-19 is being reported; and

(b) the level of community transmission is greater than for low-risk COVID-19 countries or territories but less than for high-risk COVID-19 countries or territories; and

(c) official reports of locally transmitted cases of persons infected with COVID-19 are not made daily; and

(d) there are less than 10 reported cases of persons infected with COVID-19 every 2 to 3 days;

"***National Disaster Council***" means the National Disaster Council established under section 3 of the National Disaster Council Act (Cap. 148);

"***Order***" means an Order made under these Regulations and published in the *Gazette*;

"***owner***", in relation to property, means the holder of a right or interest in the property;

"***property***":

(a) means:

(i) land; or

(ii) a building or other structure, or part of a building or other structure; or

(iii) a vehicle; and

(b) includes an interest or right in property;

"***public assembly***" means a grouping of at least 10 persons together on a public place;

"***public procession***" means a public assembly of persons who are moving together (whether by foot or otherwise);

"***public safety measure***" means a measure for the public interest or a COVID-19 related purpose;

"***quarantine***", of a person, means that the person is:

(a) accommodated at a quarantine station in isolation from any other person; and

(b) prohibited from any physical contact with another person apart from an authorised officer;

"***quarantine period***" means the period of days for which a person must be quarantined at a quarantine station under regulation 27, 28, 29, 30, 31 or 33 while it is established that the person is not infected with COVID-19;

"***quarantine station***" means a property declared to be a quarantine station under regulation 11;

"***quarantined person***" means a person:

(a) who is quarantined at a quarantine station under regulation 27, 28, 29, 30, 31 or 33(1)(a); or

(b) whose quarantine at a quarantine station is extended under regulation 33(1)(b);

"***the public interest***" means the interest of the public:

(a) to be protected from the importation or spread of COVID-19; or

(b) to be adequately informed or warned of the nature, symptoms and treatment of COVID-19; or

(c) to be treated for any symptoms of COVID-19; or

(d) in the recovery of the national economy from adverse effects (whether direct or indirect) caused by the global outbreak of COVID-19; or

(e) to receive assistance through projects approved by the Cabinet to boost the social and economic development of Solomon Islands; or

(f) to have minimal disruption during the global outbreak of COVID-19 to services provided by the Government;

"***stopover***" means a break in a journey for more than 8 hours;

"***travelling***":

(a) means making a journey from a place where the person making the journey has been for more than 8 hours to a place where the person will be for more than 8 hours; and

(b) includes being in transit for 8 hours or less while travelling; and

(c) to avoid doubt, does not include a stop-over;

"***vehicle***" includes an aircraft or a vessel;

"***vessel***":

(a) means a vessel used for:

(i) carrying cargo; or

(ii) fishing for household consumption, sale, trading, or commercial or manufacturing purposes; or

(iii) commercial or private recreation or travel, for example a cruise liner, pleasure craft or yacht; or

(iv) bunkering; or

(v) carrying ore or fuel; or

(vi) logging; or

(vii) any other purpose; and

(b) includes a vessel that is less than 10 metres long.

Note for regulation 3.

In these Regulations:

(a) in accordance with section 63(3) of the Interpretation and General Provisions Act (Cap. 85), a reference to "the Act" is a reference to the Emergency Powers Act (Cap. 11); and

(b) the expressions "medical officer", "medical practitioner", "public place", and "the Government" have the meanings given in section 16(1) of the Interpretation and General Provisions Act (Cap. 85).

4 Application

(1) These Regulations apply in the whole of Solomon Islands.

(2) In accordance with section 2(b) of the Act, these Regulations only have effect during the emergency period.

(3) Despite subregulation (2), a contract entered into under regulation 12(2) continues to have effect until it is discharged by performance.

(4) In accordance with section 4(2) of the Act, in the event of an inconsistency arising between a provision of these Regulations and any other law, these Regulations prevail.

PART 2 PRIME MINISTER'S RESPONSIBILITIES

5 Prime Minister may give directions

The Prime Minister may give directions for carrying out operations for effecting the Government's COVID-19 preparedness and response plan.

6 Prime Minister's power to make Orders

(1) The Prime Minister may make Orders, under and in accordance with these Regulations, for the public interest or for a COVID-19 related purpose.

(2) The Orders the Prime Minister may make are to:

(a) in accordance with regulation 7:

(i) prohibit the entry during the emergency period of a person or a class of persons into Solomon Islands; or

(ii) provide for exceptions to the prohibition; or

(b) in accordance with regulation 8, require a person or class of persons who may enter Solomon Islands to provide information for the purposes of making a risk assessment of the possibility that the person or each

member of the class of persons is infected with COVID-19; or

(c) in accordance with regulation 9, determine whether the test for the presence of COVID-19 a person must have before entering Solomon Islands must be a polymerase chain reaction test for COVID-19 or a quantitative polymerase chain reaction test for COVID-19; or

(d) in accordance with regulation 10, exempt a person or a class of persons from the requirement to be quarantined for the quarantine period; or

(e) in accordance with regulation 11, declare property to be a quarantine station; or

(f) in accordance with regulation 12, take possession of or acquire property; or

(g) in accordance with regulation 13, declare Solomon Islands, or a place or an area in Solomon Islands, to be an emergency zone; or

(h) in accordance with regulation 14, authorise participation in a public assembly or public procession in an emergency zone; or

(i) in accordance with regulation 15:

(i) restrict the movement of a person, or a class of persons in an emergency zone; or

(ii) require a person or a class of persons to:

(A) take or not take specified actions; or

(B) comply with specified procedures or measures; or

(j) in accordance with regulation 16:

(i) temporarily close a public place; or

(ii) direct an authorised officer to remove property or movable property from a public place; or

(k) in accordance with regulation 17:

(i) restrict the movement of a vessel, aircraft, class of vessels or aircraft, or the crew of a vessel, aircraft or class of vessels or aircrafts, into, within and out of Solomon Islands; or

(ii) provide for exemptions from the restriction; or

(l) in accordance with regulation 18, suspend access to media outlets; or

(m) in accordance with regulation 19, order the release of funds provided for under other laws of Solomon Islands to implement public safety measures; or

(n) in accordance with regulation 20, suspend trade unions; or

(o) in accordance with regulation 21, give directions to the National Disaster Council for taking measures and executing its operations; or

(p) in accordance with regulation 22 provide for the cessation of a business;

or

(q) in accordance with regulation 23, direct a person or a class of persons to perform the duties, functions and responsibilities of their employment; or

(r) in accordance with regulation 24, prescribe fees, and waive payment of fees, payable for:

(i) processing requests to be able to enter Solomon Islands under regulation 7(3) or (4); or

(ii) being quarantined; or

(iii) testing for the presence of COVID-19; or

(iv) a health or medical service provided by a Government or medical facility during the emergency period; or

(s) in accordance with regulation 33, in addition to quarantine under regulations 27 to 31 and if satisfied that it is necessary to do so to prevent transmission of COVID-19 within Solomon Islands:

(i) quarantine a person or class of persons and specify the manner of testing for the presence of COVID-19 of the person or class while quarantined; or

(ii) extend the quarantine of a quarantined person or class of quarantined persons and specify the manner of testing for the presence of COVID-19 of the person or class during the extended period.

7 Prohibition of entry

(1) The Prime Minister may, by Order, prohibit a person or a class of persons from entering into Solomon Islands during the emergency period.

(2) In the event of an inconsistency arising between a provision of an Order under subregulation (1) and a provision of an Order under subregulation (3) or (4), the Order under subregulation (1) prevails to the extent of the inconsistency.

Note to subregulation (2).

An example of an inconsistency referred to in subregulation (2) is when an Order under subregulation (1) has the effect of prohibiting the entry of a person or class of persons who may enter in accordance with an Order under subregulation (3) or (4).

(3) Despite the prohibition under subregulation (1), the Prime Minister may, by Order, specify a person or a class of persons who may enter Solomon Islands for a purpose for or relating to:

(a) carrying goods or persons to or from Solomon Islands; or

(b) transiting or stopping over while travelling to another country; or

(c) a humanitarian purpose; or

(d) a COVID-19 related purpose; or

(e) the public interest.

(4) In addition, the Prime Minister may, by Order, specify a family member who may enter Solomon Islands for the purpose of:

(a) re-uniting with family living in Solomon Islands; or

(b) accompanying a person while the person lives in Solomon Islands.

(5) A person who contravenes the Order commits an offence.

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

(6) In this regulation:

"***dependent child***" means a person aged less than 18 years who relies on a parent to whom he or she is related by blood, adoption, marriage or custom for financial support;

"***family member***" means the spouse or a dependent child of a person who lives in Solomon Islands or who enters Solomon Islands under subregulation (3);

"***humanitarian purpose***" means a purpose relating to:

(a) a food shortage; or

(b) providing medical supplies, assistance or treatment; or

(c) the peace, order and security of Solomon Islands; or

(d) an emergency or other dangerous circumstance threatening life or property; or

(e) providing physical care and emotional support to a person who can no longer care for himself or herself due to illness, disability or age while the person travels to Solomon Islands; or

(f) providing ambulatory care to a person.

8 Provision of information by persons entering Solomon Islands

(1) The Prime Minister may, by Order:

(a) require a person or class of persons who may enter Solomon Islands to give information to the Government that will enable a risk assessment to be made of the possibility that the person or a member of the class of persons is infected with COVID-19; or

(b) require the information to be provided at a specified time before a person begins travelling to Solomon Islands or on entering Solomon Islands; or

(c) specify:

(i) the form or manner in which the information must be given; and

(ii) to whom the information must be given.

(2) A person commits an offence if the person:

(a) fails or refuses to give the information the person is required to give under subregulation (1); or

(b) in giving the information, fails or refuses to give the information in the manner and within the time required under subregulation (1); or

(c) in giving the information:

(i) gives false or misleading information; or

(ii) knows, or ought to have known, that the information is false or misleading.

Maximum penalty: 15,000 penalty units or imprisonment for 10 years, or both.

(3) In subregulation (2):

"***misleading information***" means information that is misleading in a material particular or because of the omission of a material particular.

9 Type of pre-departure test for COVID

The Prime Minister may, by Order, determine whether the test for the presence of COVID-19 taken before a person begins to travel to Solomon Islands under regulations 27 to 31 must be:

(a) a polymerase chain reaction test for COVID-19; or

(b) a quantitative polymerase chain reaction test for COVID-19."

10 Exemption from quarantine period

(1) The Prime Minister may, by Order, exempt a person or a class of persons from being quarantined for the quarantine period if:

(a) the person or class of persons enters Solomon Islands 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 assistance for any other COVID-19 related purpose; or

(v) provide assistance for any purpose for or relating to the public interest; or

(vi) provide assistance for carrying goods or persons to or from Solomon Islands; or

(b) the person or class of persons is in transit or stopping over while travelling to another country; or

(c) the person or class of persons is needed to assist in an emergency or other dangerous circumstance threatening life or property.

(2) In addition, the Prime Minister may, by Order, exempt a person or class of persons who arrives in Solomon Islands on a vessel from being quarantined at a quarantine station for the quarantine period if:

(a) the person or each person belonging to the class of persons, and each other person on board the vessel:

(i) embarked onto the vessel in a COVID-19 free country or territory; and

(ii) was for the 28-day period immediately before the day on which the vessel departed from the country or territory where the person embarked onto the vessel:

(A) in a COVID-19 free country or territory; or

(B) isolated on board a vessel, during which time no person on board the vessel presented with symptoms relating to the presence of COVID-19 or was confirmed to be infected with COVID-19; and

(iii) if testing for the presence of COVID-19 was available to the person during the 28-day period referred to in subparagraph (ii), was tested for the presence of COVID-19 within the 3-day period immediately before the person embarked onto the vessel and tested negative for the presence of COVID-19 for the test; and

(iv) did not disembark from the vessel before disembarking at the vessel's port of entry into Solomon Islands; and

(b) no other person embarked onto the vessel between the vessel's departure from the country or territory where the person or each person belonging to the class of persons embarked onto the vessel and the vessel's arrival in the port of entry into Solomon Islands; and

(c) the person or each person belonging to the class of persons was, immediately on disembarking from the vessel in Solomon Islands, quarantined at a quarantine station; and

(d) a period of at least 14 days has passed since the day on which the vessel departed from the country or territory where the person or each person belonging to the class of persons embarked onto the vessel; and

(e) the person or each person belonging to the class of persons has been tested for the presence of COVID-19:

(i) if the person was in quarantine at a quarantine station on the twelfth, thirteenth or fourteenth day since the vessel departed from the country or territory where the person embarked onto the vessel, on the twelfth, thirteenth or fourteenth day and has tested negative

for the presence for the test; or

(ii) if the person was quarantined at a quarantine station after the fourteenth day since the vessel departed from the country or territory where the person embarked onto the vessel, at least once since being quarantined and has tested negative for the presence of COVID-19 for each test.

(3) In subregulation (2):

"***isolated***" means being on board a vessel that is:

(a) underway at sea or at anchor; and

(b) separated from physical contact with:

(i) another vessel; and

(ii) any person who is not on board the vessel.

(4) The Order under subregulation (1) or (2) may impose conditions for preventing the transmission of COVID-19 by a person exempted by the Order.

11 Quarantine stations

(1) The Prime Minister may, by Order, declare a property to be a quarantine station.

(2) The purpose of a quarantine station is to enable any of the following:

(a) accommodating a person in isolation from any other person while establishing that the person is not infected with COVID-19;

(b) testing persons for the presence of COVID-19 while in quarantine;

(c) isolating, treating and testing persons infected with COVID-19;

(d) providing for the safety or wellbeing of persons while in quarantine.

(3) A person must not enter or be in a quarantine station unless the person is:

(a) an authorised officer; or

(b) a quarantined person.

(4) A person must not give anything to, or receive anything from, a quarantined person unless the person is an authorised officer.

(5) A person who contravenes subregulation (3) or (4) commits an offence.

Maximum penalty: 15,000 penalty units or imprisonment for 5 years.

12 Property may be possessed or acquired for the public interest or COVID-19 related purposes

(1) The Prime Minister may, by Order, take possession of or acquire property for use for the public interest or a COVID-19 related purpose.

(2) Prior to the making of an Order under subregulation (1), the Prime Minister and the owner of the property must enter into an agreement that sets out the terms and conditions of the possession or acquisition.

(3) The agreement:

(a) must be in writing; and

(b) must specify how the property will be used and any works that are likely to be carried out on the property or that will otherwise affect the property; and

(c) must provide for reasonable compensation in accordance with section 8(1)(c)(i) of the Constitution; and

(d) must provide, in a manner that accords with section 8(1)(c)(ii) of the Constitution, for the owner's right of access to the High Court to determine questions relating to the owner's interests and rights in the property, the legality of the taking possession or acquisition of the property and the reasonableness of the compensation; and

(e) may make provision for the safety, security and preservation of the property while it is used for the public interest or COVID-19 related purpose.

(4) The owner of property who fails to enter into an agreement setting out the terms and conditions of the possession or acquisition of the property in accordance with subregulations (2) and (3) commits an offence.

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

13 Declaration of emergency zones

The Prime Minister may, by Order, declare the Solomon Islands, or a place or an area in Solomon Islands, to be an emergency zone if the Prime Minister is satisfied that doing so is necessary to prevent or contain an outbreak of COVID-19, or to otherwise maintain public health, safety, order and security, in Solomon Islands or the place or area.

14 Only authorised public assemblies and public processions in emergency zones

(1) A person must not participate in a public assembly or public procession in an emergency zone unless the Prime Minister, by Order, authorises the public assembly or public procession.

(2) The Order authorizing the public assembly or public procession may specify:

(a) the maximum number of individuals that may participate in the public assembly or public procession; or

(b) the place or area where the public assembly or public procession may be held; or

(c) the procedures and measures necessary in the public interest to regulate the public assembly or public procession.

(3) A person commits an offence if the person:

(a) participates in a public assembly or public procession that has not been authorised by the Prime Minister under subregulation (1); or

(b) in participating in a public assembly or public procession, contravenes an Order made under this regulation.

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

(4) In this regulation:

"***public assembly***" and "public procession" do not include an assembly or procession convened, formed or held in a public place in the course of a marriage or funeral ceremony.

15 Other controls that may be imposed in emergency zones

(1) The Prime Minister may, by Order:

(a) restrict the movement of a person or a class of persons into, within or out of an emergency zone; or

(b) require a person or class of persons in an emergency zone to take specified actions or comply with specified procedures or measures that contribute or are likely to contribute to:

(i) preventing the outbreak or transmission from person to person of COVID-19 in Solomon Islands; or

(ii) limiting and containing the outbreak or transmission from person to person of COVID-19 in Solomon Islands; or

(c) require a person or class of persons in an emergency zone not to take specified actions that contribute or are likely to contribute to the outbreak or transmission from person to person of COVID-19 in Solomon Islands or a part of Solomon Islands.

(2) An Order under subregulation (1)(a):

(a) must specify:

(i) the extent to which the person's or class of persons' movement is restricted; and

(ii) the time of day during which the person's or class of persons' movement is restricted; and

(iii) the duration of the restriction of the person's or class of persons' movement: or

(b) may specify procedures and measures for restricting the person,Äôs or class of persons' movement; or

(c) may exempt a person or class of persons from complying with the Order, and may impose conditions subject to which the exemption applies.

(3) The actions, procedures or measures referred to in subregulation (1)(b) or (c) include requiring a person to:

(a) stay in a specified place or area; or

(b) not go to or move from a specified place or area; or

(c) not hold or attend a social gathering at a place in the emergency zone that is not a public place; or

(d) wear personal protective clothing or equipment; or

(e) be physically distant or isolated from persons in a specified way; or

(f) not carry out specified activities or require specified activities to be carried out in a specified way or in compliance with specified procedures or measures; or

(g) report for medical examination or testing in a specified way or in specified circumstances; or

(h) provide information necessary for the purpose of contact tracing.

(4) A person commits an offence if the person contravenes an Order made under this regulation.

Maximum penalty: 15,000 penalty units or imprisonment for 5 years, or both.

(5) In this regulation, "social gathering" means a gathering of individuals in a place that is not a public place for:

(a) any event of a personal, familial, cultural, religious or societal significance; or

(b) any other event where individuals gather and are organised to constitute a public assembly or public procession.

16 Temporary closure of a public place etc.

(1) The Prime Minister may, by Order:

(a) temporarily close a public place; or

(b) direct an authorised officer to remove or destroy property or movable property in a public place that:

(i) is unlawfully located in the public place; or

(ii) poses an immediate threat or risk to the public interest; or

(iii) attracts a public assembly or public procession.

(2) While a public place is temporarily closed by an Order under subregulation

(1)(a), a person must not:

(a) enter and remain in the public place; or

(b) if the person owns or operates a business that is conducted on or from premises in the public place, open and conduct the business on or from those premises.

(3) While an Order under subregulation (1)(b) is in force, a person must not erect or place on the public place property or movable property that is the same kind as the property or movable property that is removed or destroyed in accordance with the Order.

(4) A person commits an offence if the person contravenes subregulation (2) or (3).

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

(5) A person does not commit an offence under subregulation (2) if the person enters and remains on the public place:

(a) to provide lawful security of the public place; or

(b) in accordance with written authorisation of the Prime Minister to do so.

17 Restriction of movement of vessels and aircrafts

(1) The Prime Minister may, by Order:

(a) restrict the movement into, within or out of Solomon Islands of:

(i) a vessel or a class of vessels; or

(ii) an aircraft or a class of aircraft; or

(iii) the crew of a vessel, aircraft or class of vessels or aircraft; or

(b) prescribe procedures or measures to restrict the movement of the vessel, aircraft, class of vessels or aircraft or crew, into, within or out of Solomon Islands; or

(c) subject to subregulation (2), prescribe procedures or measures for exempting a vessel or aircraft, or its crew, from compliance with a restriction imposed on its movement, including the following:

(i) establishing a committee to receive, consider and determine applications for the exemption of a vessel or aircraft from the restriction;

(ii) prescribing procedures or measures for making an application to the committee for an exemption;

(iii) providing that the committee's decision to exempt or not exempt a vessel or aircraft is final, and no rule of law applies to give a person affected by the decision a right of appeal against the decision or the

right to apply for any reconsideration or review of the decision.

(2) An exemption from compliance with a restriction:

(a) must be in writing; and

(b) may impose conditions for preventing the transmission of COVID-19.

(3) If a vessel or aircraft is moving into, within or out of Solomon Islands in contravention of the Order, each of the following persons commits an offence:

(a) the owner of the vessel or aircraft;

(b) the operator of the vessel or aircraft;

(c) the charterer of the vessel or aircraft;

(d) the owner of cargo carried on the vessel or aircraft.

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

18 Suspension of access to media outlets

(1) The Prime Minister may, by Order, suspend access to a media outlet if information or material about or relating to COVID-19 in Solomon Islands published, disseminated or otherwise transmitted to another person by the media outlet has the potential to:

(a) grossly mislead the public; or

(b) incite the spread of false news or reports causing public alarm, anxiety or disaffection; or

(c) incite acts that are prejudicial to the public health, safety, order or security of any part of Solomon Islands; or

(d) incite hatred or contempt of a person or a class of persons.

(2) The Order may prescribe procedures and measures for suspending access to the media outlet.

(3) In this regulation, "***media outlet***":

(a) means the outlet, means or source by or from which a person is able to obtain, read, listen to or watch information; and

(b) includes social media and other outlets available on the internet or other electronic devices or services by or through the use of which information is transmitted.

19 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 for implementing a public safety measure, including any of the following:

(a) the repatriation of public officers or members of the public from Honiara to their village of origin;

(b) the construction, establishment, operation and management of quarantine stations;

(c) the awareness and dissemination of information about or relating to COVID-19;

(d) the purchase of medical supplies and equipment for authorised officers and the public;

(e) treatment of persons who have contracted COVID-19;

(f) the enforcement of these Regulations;

(g) any other measure considered necessary for the public interest or a COVID-19 related purpose 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 acquittal and use of the funds and table the report before Parliament at a sitting of Parliament in the same year in which the Order is made.

(3) In this regulation:

"***funds***" includes special funds within the meaning of section 100(2) of the Constitution;

"***Honiara***" has the same meaning it has in section 2 of the Planning and Development Act (Cap.154);

"***village of origin***" means village of origin by birth, marriage, tribal affiliation or usual residence.

20 Power to suspend trade unions

(1) The Prime Minister may, by Order, suspend the operation of a trade union during the emergency period if satisfied that doing so is necessary for the public interest or a COVID-19 related purpose.

(2) The registration and certificate of registration of a trade union which contravenes an Order made under subregulation (1) may be cancelled, with immediate effect, as if the contravention of the Order were grounds specified in section 14(3) of the *Trade Unions Act* (Cap. 76).

(3) In this regulation, "***trade union***" has the same meaning it has under section 2(1) of the *Trade Unions Act* (Cap. 76).

21 National Disaster Council to perform functions and exercise powers

(1) During the emergency period, the National Disaster Council:

(a) has the functions and powers it has under the *National Disaster Council Act* (Cap. 148); and

(b) subject to subregulations (2) and (3), may take safety measures and execute disaster operations, as if an Order had been made and was in force under section 12 of that Act.

(2) The Prime Minister may give written directions to the National Disaster Council for taking measures and executing its operations during the emergency period, and the Council must perform its functions and exercise its powers in accordance with those directions.

(3) For the avoidance of doubt, during the emergency period the National Disaster Council Act applies to the extent that it is not inconsistent with these Regulations.

22 Powers relating to cessation of business operations

(1) The Prime Minister may, by Order, cancel the registration, licence, permit or any other authorisation that a person who owns or operates a business is required under a law to have to be able to conduct the business in Solomon Islands if, during the emergency period:

(a) in conducting the business, the person contravenes an Order made under the *Price Control Act* (Cap. 64); or

(b) the person conducts the business in a public place that is temporarily closed under regulation 16; or

(c) the business is conducted in a manner that otherwise contravenes these Regulations or an Order or any other law.

(2) On the Order taking effect:

(a) the registration, licence, permit or other authorisation for conducting the business is cancelled and has no effect; and

(b) the person must cease conducting the business.

(3) A person who contravenes subregulation (2)(b) commits an offence.

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

(4) In this regulation, "***registration, licence, permit or other authorisation***" includes:

(a) registration of business activities under the *Foreign Investment Act* 2005; and

(b) registration of a business name under the *Business Names Act 2014*; and

(c) a licence or permit for conducting a business issued by the Honiara City Council or a provincial government.

23 Directing persons to perform their duties and functions

(1) In this regulation:

"***duties, functions and responsibilities***" means the duties, functions and responsibilities of a person's employment which are relevant to the public interest.

(2) The Prime Minister may, by Order, direct a person, or a class of persons, to carry out their duties, functions and responsibilities.

(3) The direction may:

(a) apply without qualification; or

(b) specify that the person must carry out the duties, functions and responsibilities:

(i) for a specified purpose; or

(ii) for a specified period; or

(iii) at a specified place.

(4) A person commits an offence if the person contravenes the Order.

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

24 Fees

(1) The Prime Minister may, by Order:

(a) prescribe fees payable for:

(i) processing requests for entry into Solomon Islands under regulation 7(3) or (4); or

(ii) being quarantined or tested for the presence of COVID-19; or

(iii) a health or medical service provided by a Government owned or operated health or medical facility during the emergency period; and

(b) specify the person or class of persons who must pay the fees.

(2) The Prime Minister may, by Order, waive payment of a fee prescribed under subregulation (1) by a person or class of persons.

PART 3 REQUIREMENTS FOR VACCINATION, QUARANTINE AND TESTING

25 Definitions for Part 3

In this Part:

"***being in a COVID-19 free country or territory***" means being in only countries or territories that are COVID-19 free countries or territories;

"***being in an extremely high-risk COVID-19 country or territory***" means:

(a) being only in an extremely high-risk COVID-19 country or territory; or

(b) being in more than one country or territory of which at least one is an extremely high-risk COVID-19 country or territory;

"***being in a high-risk COVID-19 country or territory***" means:

(a) being only in a high-risk COVID-19 country or territory; or

(b) being in more than one country or territory of which one or more are high-risk COVID-19 countries or territories and the other countries or territories are moderate-risk COVID-19 countries or territories, low-risk COVID-19 countries or territories or COVID-19 free countries or territories;

"***being in a low-risk COVID-19 country or territory***" means:

(a) being only in a low-risk COVID-19 country or territory; or

(b) being in more than one country or territory of which one or more are low-risk COVID-19 countries or territories and the other countries or territories are COVID-19 free countries or territories;

"***being in a moderate-risk COVID-19 country or territory***" means:

(a) being only in a moderate-risk COVID-19 country or territory; or

(b) being in more than one country or territory of which one or more are moderate-risk COVID-19 countries or territories and the other countries or territories are low-risk COVID-19 countries or territories or COVID-19 free countries or territories;

"***self-quarantine***", of a person, means the person acts to prevent exposure to COVID-19 by:

(a) remaining at the person's residence or place where the person is being accommodated unless it is necessary to leave the residence or accommodation to get essential medical care, purchase supplies, be tested for the presence of COVID-19 or escape risk of harm; and

(b) if the person leaves the person's residence or accommodation:

(i) wearing a facemask and regularly using hand sanitiser; and

(ii) going directly to and from the person's destination; and

(iii) avoiding crowded areas; and

(c) not allowing anyone into the person's residence or accommodation who does not reside there, unless they enter to provide emergency or medical care; and

(d) minimising interaction with any other persons by maintaining at least 1.5 metres distance between the person and other persons, handling the person's own belongings, not sharing food or household or other items with another person, practising personal hygiene and frequently cleaning and disinfecting surfaces in the residence;

"***vaccine***," means:

(a) a vaccine approved by the World Health Organisation as a vaccine that produces immunity and protects against COVID-19; or

(b) any other vaccine approved by Cabinet, on the recommendation of the National Medicines and Therapeutics Committee of the Solomon Islands, for use in Solomon Islands against COVID-19;

"***vaccinated against COVID-19***" means having been given the full dosage of a vaccine.

Note to definition of "vaccinated against COVID-19":

For example, a person is given the full dosage of a vaccine if the person is given 2 doses of the AstraZeneca, Pfizer or Sinopharm vaccine or 1 dose of the Johnson & Johnson's Janssen vaccine.

26 Mandatory quarantine on entry to Solomon Islands

(1) A person who enters Solomon Islands must:

(a) immediately on entering Solomon Islands, be quarantined at a quarantine station for the quarantine period under regulation 27, 28, 29, 30 or 31; and

(b) during the quarantine period be tested under regulation 27, 28, 29, 30 or 31 for the presence of COVID-19 in that person; and

(c) if a person referred to in regulation 31(2)(a)(ii) or (iii), during the quarantine period be given one dose of a vaccine; and

(d) comply with the Government's quarantine procedures.

(2) A quarantined person under subregulation (1) may only leave the quarantine station:

(a) at the end of the quarantine period:

(i) when the person tests negative for the presence of COVID-19 for the person's last test while quarantined; and

(ii) if a person referred to in regulation 31(2)(a)(ii) or (iii), when the person has been given one dose of a vaccine; or

(b) if a medical officer certifies in writing that:

(i) the person has a medical condition that requires urgent medical attention; and

(ii) the urgent medical attention can only be given to the person at a hospital in Solomon Islands or another country; or

(c) if an authorised officer who is a medical officer certifies in writing that the person has tested positive for COVID-19 or that the person's test for the presence of COVID-19 is indeterminate; or

(d) if the authorised officer in charge of the quarantine station certifies in writing that the quarantine station is not a safe or secure location for the person; or

(e) if the Prime Minister exempts the person under regulation 10 from being quarantined for the quarantine period.

(3) Subject to subregulation (4), a person must leave a quarantine station in accordance with the Government's quarantine procedures.

(4) A person who leaves a quarantine station:

(a) under subregulation (2)(b), must immediately return to the quarantine station following the medical treatment if the person's quarantine period has not ended; or

(b) under subregulation (2)(c), must immediately be taken to another quarantine station where the person will be isolated in accordance with the Government's quarantine procedures for COVID-19 infected persons; or

(c) under subregulation (2)(d), must be immediately taken to another quarantine station.

(5) A person who contravenes this regulation commits an offence.

Maximum penalty: 15,000 penalty units or imprisonment for 5 years, or both.

27 Quarantine and testing of person from COVID-19 free country or territory

(1) In this regulation:

"***person***" means a person entering Solomon Islands who was in a COVID-19 free country or territory for the 28-day period immediately before the person began travelling to Solomon Islands.

(2) If testing for the presence of COVID-19 was available to the person while in the COVID-19 free country or territory, the person must have been tested for the presence of COVID-19 within the 3-day period immediately before the person began travelling to Solomon Islands and, if so, must have tested negative for COVID-19 for the test.

(3) On entering Solomon Islands, the person must immediately be quarantined for the period ending 14 days from the day the person enters Solomon Islands.

(4) While in quarantine, the person must be tested for the presence of COVID-19:

(a) if the person was not tested for the presence of COVID-19 in accordance with subregulation (2), once within 48 hours of entering Solomon Islands, and must test negative for COVID-19 for the test; and

(b) on the twelfth, thirteenth or fourteen day of the quarantine period, and must test negative for COVID-19 for the test.

28 Quarantine and testing of person from low-risk COVID-19 country or territory

(1) In this regulation:

"***person***" means a person entering Solomon Islands who was in a low-risk COVID-19 country or territory for the 28-day period immediately before the person began travelling to Solomon Islands.

(2) If testing for the presence of COVID-19 was available to the person while in the low-risk COVID-19 country or territory, the person must have been tested twice for the presence of COVID-19 before the person began travelling to Solomon Islands, as follows:

(a) on a day between the fourteenth and tenth day before the person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test; and

(b) within the 3-day period immediately before the person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test.

(3) On entering Solomon Islands, the person must immediately be quarantined for the period ending 14 days from the day the person enters Solomon Islands.

(4) While in quarantine, the person must be tested for the presence of COVID-19:

(a) if the person was not tested for the presence of COVID-19 in accordance with subregulation (2), once within 48 hours of entering Solomon Islands, and must test negative for COVID-19 for the test; and

(b) on a day between the fifth and tenth day of the quarantine period, and must test negative for COVID-19 for the test; and

(c) on the twelfth, thirteenth or fourteenth day of the quarantine period, and must test negative for COVID-19 for the test.

29 Quarantine and testing of person from moderate-risk COVID-19 country or territory

(1) In this regulation:

"***person***" means a person entering Solomon Islands who was in a moderate-risk COVID-19 country or territory for the 28-day period immediately before the person began travelling to Solomon Islands.

(2) The person must have been tested twice for the presence of COVID-19 before the person began travelling to Solomon Islands, as follows:

(a) on a day between the fourteenth and tenth day before the person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test; and

(b) within the 3-day period immediately before the person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test.

(3) On entering Solomon Islands, the person must immediately be quarantined for the period ending 14 days from the day the person enters Solomon Islands.

(4) While in quarantine, the person must be tested for the presence of COVID-19:

(a) within 48 hours of entering Solomon Islands, and must test negative for COVID-19 for the test; and

(b) on a day between the fifth and tenth day of the quarantine period, and must test negative for COVID-19 for the test; and

(c) on the twelfth, thirteenth or fourteenth day of the quarantine period, and must test negative for COVID-19 for the test.

30 Quarantine and testing of person from high-risk COVID-19 country or territory

(1) In this regulation:

"***person***" means a person entering Solomon Islands who was in a high-risk COVID-19 country or territory for the 28-day period immediately before the person began travelling to Solomon Islands.

(2) The person must have been tested three times for the presence of COVID-19 before the person began travelling to Solomon Islands, as follows:

(a) on a day between the twenty-first and seventeenth day before the person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test; and

(b) on a day between the fourteenth and tenth day before the person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test; and

(c) within the 3-day period immediately before the person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test.

(3) On entering Solomon Islands, the person must immediately be quarantined for the period ending 21 days from the day the person enters Solomon Islands.

(4) While in quarantine, the person must be tested for the presence of COVID-19:

(a) within 48 hours of entering Solomon Islands, and must test negative for COVID-19 for the test; and

(b) on a day between the fifth and tenth day of the quarantine period, and must test negative for COVID-19 for the test; and

(c) on the twelfth, thirteenth or fourteenth day of the quarantine period, and must test negative for COVID-19 for the test; and

(d) on the nineteenth, twentieth or twenty-first day of the quarantine period, and must test negative for COVID-19 for the test.

31 Vaccination, quarantine and testing of person from extremely high-risk COVID-19 country or territory

1) In this regulation:

"***person***," means a person entering Solomon Islands who was in an extremely high-risk COVID-19 country or territory for the 28-day period immediately before the person began travelling to Solomon Islands.

(2) The person must:

(a) comply with one of the following subparagraphs:

(i) be vaccinated against COVID-19 and in addition:

(A) have a vaccination certificate that certifies that the person has been vaccinated against COVID-19; and

(B) not have begun travelling to Solomon Islands until 4 weeks after they have been vaccinated against COVID-19; and

(C) have self-quarantined for the 21-day period immediately before the person began travelling to Solomon Islands;

(ii) if the person has been infected with COVID-19 and has received only one dose of a vaccine for which 2 doses are required to be vaccinated against COVID-19:

(A) have a vaccination certificate that certifies that the person has been given one dose of the vaccine; and

(B) not have begun travelling to Solomon Islands until 4 weeks after the person was given the dose of the vaccine; and

(C) have self-quarantined for the 21-day period immediately before the person began travelling to Solomon Islands;

(iii) if a citizen of Solomon Islands who has not been able to comply

with subparagraph (i)(A) and (B) or (ii)(A) and (B), have self-quarantined for the 21-day period immediately before the person began travelling to Solomon Islands; and

(b) have been tested three times for the presence of COVID-19 before the person began travelling to Solomon Islands, as follows:

(i) on a day between the twenty-first and seventeenth day before the person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test; and

(ii) on a day between the fourteenth and tenth day before the person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test; and

(iii) within the 3-day period immediately before the person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test.

(3) On entering Solomon Islands, the person must immediately be quarantined for the period ending 21 days from the day the person enters Solomon Islands.

(4) If a person referred to in subregulation (2)(a)(ii) or (iii) enters Solomon Islands, the person must:

(a) be given one dose of a vaccine as soon as practicable after entering Solomon Islands; and

(b) receive the second dose of the vaccine in accordance with the Ministry of Health and Medical Services' COVID-19 vaccination advisory.

(5) While in quarantine, the person must be tested for the presence of COVID-19:

(a) within 48 hours of entering Solomon Islands, and must test negative for COVID-19 for the test; and

(b) on a day between the fifth and tenth day of the quarantine period, and must test negative for COVID-19 for the test; and

(c) on the twelfth, thirteenth or fourteenth day of the quarantine period, and must test negative for COVID-19 for the test; and

(d) on the nineteenth, twentieth or twenty-first day of the quarantine period, and must test negative for COVID-19 for the test.

32 Waiver: regulation 31(2)(a)(i)(A) and (B) and (ii)(A) and (B)

(1) The Prime Minister may, in writing, waive compliance with regulation 31(2)(a)(i)(A) and (B) or (ii)(A) and(B) by a person who:

(a) enters Solomon Islands as an official of a Government of Solomon Islands or another country, or of an international or multilateral organisation, in the course of performing his or her duties to carry out the business of the

Government or organisation; or

(b) enters Solomon Islands for the purpose of undertaking and completing a national project that is a priority for the Government.

(2) A person to whom a waiver under subregulation (1) applies must:

(a) comply with all other requirements of this Part; and

(b) be given one dose of a vaccine as soon as practicable after entering Solomon Islands; and

(c) receive the second dose of the vaccination in accordance with the Ministry of Health and Medical Services' COVID-19 vaccination advisory.

33 Quarantining of persons to prevent transmission of COVID-19

(1) The Prime Minister may, by Order, if satisfied that it is necessary to do so to prevent the transmission of COVID-19 within Solomon Islands:

(a) declare that a person or class of persons (other than those quarantined under regulations 27 to 31) must be quarantined at a quarantine station; or

(b) extend the quarantine period of a person or class of persons quarantined under regulations 27 to 31 or paragraph (a).

(2) The Order must specify:

(a) either:

(i) the quarantine period or the period for which the quarantine period is extended (as the case requires); or

(ii) how the amount of time of the quarantine period or extension will be determined; and

(b) how a person referred to in subregulation (1)(a) or (b) must be tested for the presence of COVID-19.

(3) If a person is quarantined, or a quarantined person's quarantine is extended, under subregulation (1):

(a) the person must be quarantined for the quarantine period or extended quarantine period at a quarantine station in accordance with the Government's quarantine procedures; and

(b) the person must:

(i) comply with the Government's quarantine procedures; and

(ii) be tested for the presence of COVID-19 as specified in the Order; and

(iii) not leave the quarantine station unless:

(A) the person does so in accordance with regulation 26(2)(b), (c)

or (d), (3) or (4) (which provisions apply as if the reference in them to a quarantined person were a reference to a quarantined person referred to in this regulation); or

(B) after the person tests negative for COVID-19 as specified in the Order, the person leaves the quarantine station in accordance with the Government's quarantine procedures for discharge.

(4) A person who contravenes subregulation (3) commits an offence.

Maximum penalty: 15,000 penalty units or imprisonment for 5 years, or both.

34 Testing of person presenting with COVID-19 symptoms

(1) A person must be tested for the presence of COVID-19 as soon as practicable after an authorised officer who is a medical officer or a medical practitioner identifies, by examination of the person, that the person is presenting with symptoms relating to the presence of COVID-19.

(2) To avoid doubt, if a person is a quarantined person, the testing under this regulation is in addition to the testing required under regulations 27 to 31 and 33.

(3) In determining whether a quarantined person should be tested under this regulation, the medical officer or medical practitioner must take the following into account:

(a) the COVID-19 status of the countries, and the places in the countries, where the person has been during the 2-month period immediately before the person began travelling to Solomon Islands;

(b) the number of tests for the presence of COVID-19 the person had before travelling to Solomon Islands and the results of those tests;

(c) the number of tests the person has had while in quarantine and the results of those tests;

(d) how the person presents, including whether the person is presenting with symptoms relating to COVID-19 and the acuteness of those symptoms;

(e) a risk assessment of the possibility that the person is infected with COVID-19.

(4) A person commits an offence if the person:

(a) is identified by examination by an authorised officer who is a medical officer or medical practitioner to be presenting symptoms relating to the presence of COVID-19; and

(b) refuses or fails to be tested for the presence of COVID-19 as soon as

practicable after being so identified.

Maximum penalty: 15,000 penalty units or imprisonment for 5 years, or both.

35 Isolating and testing of persons infected with COVID-19

(1) If a person who is not a quarantined person tests positive for COVID-19, the person must:

(a) immediately be isolated at a quarantine station and treated for COVID-19 in accordance with the Government's isolation procedures for COVID-19 infected persons; and

(b) be tested for the presence of COVID-19 as specified in this regulation.

(2) If a person who is a quarantined person tests positive for COVID-19:

(a) regulations 27 to 31 and 33 do not apply; and

(b) the person must be isolated at a quarantine station and treated for COVID-19 in accordance with the Government's isolation procedures for COVID-19 infected persons; and

(c) the person must be tested for the presence of COVID-19 as specified in this regulation.

(3) If the person is, and continues to be, asymptomatic for COVID-19, the person must be tested for the presence of COVID-19:

(a) on a day between the tenth and fourteenth day after the person tested positive for COVID-19; and

(b) after being tested under paragraph (a), be tested as determined by the supervising medical officer until the person tests negative for COVID-19 for 3 consecutive tests that are taken at least 7 days apart.

(4) If the person is or becomes symptomatic for COVID-19, the person must be tested for the presence of COVID-19:

(a) 3 days after the person ceases to exhibit symptoms for COVID-19; and

(b) after being tested under paragraph (a), be tested as determined by the supervising medical officer until the person tests negative for COVID-19 for 3 consecutive tests that are taken at least 7 days apart.

(5) The person must not leave the quarantine station unless:

(a) the person has tested negative for COVID-19 for 3 consecutive tests that are taken at least 7 days apart; and

(b) the person leaves the quarantine station in accordance with the Government's quarantine procedures for discharge.

(6) A person who contravenes this regulation commits an offence.

Maximum penalty: 15,000 penalty units or imprisonment for 5 years, or both.

PART 4 AUTHORISED OFFICERS

36 Appointment of authorised officers

(1) The following persons are authorised officers:

(a) a medical officer or medical practitioner;

(b) a nurse as defined in section 3 of the *Nursing Council Act* (Cap. 104);

(c) a health worker as defined in section 2 of the *Health Workers Act* (Cap. 101);

(d) an immigration officer as defined in section 2 of the *Immigration Act 2012*;

(e) an officer as defined in section 2(1) of the *Customs and Excise Act* (Cap. 121);

(f) a biosecurity officer as defined in section 2(1) of the *Biosecurity Act* 2013;

(g) an officer as defined in section 3 of the *Quarantine Act* (Cap. 106);

(h) a police officer as defined in section 2 of the *Police Act 2013*;

(i) a correctional services officer as defined in section 2 of the *Correctional Services Act 2007*;

(j) the Chairman of the National Disaster Council;

(k) each of the following officers who work at the National Disaster Management Office established under section 7 of the *National Disaster Council Act* (Cap. 148):

(i) Director of the National Disaster Management Office;

(ii) Deputy Director of the National Disaster Management Officer;

(iii) Chief of Operations of the National Disaster Management Office;

(iv) a chairperson of a committee of the National Disaster Management Office.

(2) The Prime Minister may, by Order, appoint other persons to be authorised officers for the effective implementation of these Regulations.

(3) An Order under subregulation (2) may specify conditions, limitations or qualifications to which the appointment of an authorised officer made by the Order is subject.

37 Functions of authorised officers

(1) An authorised officer has one or more of the following functions as are specified in writing given to the authorised officer:

(a) to monitor or provide security for quarantine stations or emergency zones;

(b) to facilitate the quarantine of persons at a quarantine station;

(c) to carry out the Government's quarantine procedures;

(d) to examine and test persons for COVID-19 for establishing if the persons are not infected with COVID-19;

(e) to examine, treat and test persons infected with COVID-19;

(f) to manage quarantine stations;

(g) to enforce these Regulations and Orders made under these Regulations;

(h) to ensure the lawful, safe and orderly movement of persons, vessels and aircrafts into, within and from Solomon Islands;

(i) to inform, or disseminate information to, the public regarding the prevention, management, monitoring or treatment of COVID-19.

(2) Specification of the functions of an authorised officer under subregulation (1) may be done by specifying the functions of an authorised officer or a class of authorised officers.

(3) An authorised officer who fails or refuses to perform any of his or her functions commits an offence.

Maximum penalty: 15,000 penalty units or 5 years imprisonment, or both.

38 Powers of authorised officers

(1) Subject to regulation 39, for performing his or her functions, an authorised officer has those of the following powers appropriate for performing his or her functions as specified in writing given to the authorised officer:

(a) stop and search a person;

(b) stop and search a vehicle;

(c) enter and search premises;

(d) detain or arrest a person;

(e) seize a vehicle;

(f) take necessary steps and use reasonable force as may appear to him or her to be necessary to:

(i) stop and search a person; or

(ii) stop and search a vehicle; or

(iii) enter and search premises; or

(iv) detain or arrest a person; or

(v) seize a vehicle;

(g) seize anything found on a person, or on premises or a vehicle, which

the authorised officer has reason to suspect is or was being used or is intended to be used for:

(i) committing an offence under these Regulations or under an Order; or

(ii) any purpose, or in any way, prejudicial to the public health, safety, order or security or the public interest;

(h) examine or test a person for the presence of COVID-19;

(i) examine, treat and test a person infected with COVID-19;

(j) give directions orally or in writing to a person;

(k) require a person to:

(i) comply with a direction given under paragraph (j); or

(ii) answer the authorised office's questions; or

(iii) give to the authorised person specified information or an article in the person's possession; or

(iv) produce the information or article referred to in subparagraph (iii) at a specified place and time.

(2) Specification of the powers of an authorised officer under subregulation (1) may be done by specifying the powers of an authorised officer or a class of authorised officers.

39 Procedural matters

(1) An authorised person exercising a power under regulation 38(1)(a) to (g):

(a) may, without a warrant, search, question, detain or arrest a person, and continue investigating the case against the person, for 72 hours after detaining or arresting the person, without either applying for a warrant or bringing the person before the Magistrate's Court; and

(b) after the period of 72 hours referred to in paragraph (a) ends, must not search, question, detain or arrest a person, or continue investigating the case against a person, unless the authorised person does so in accordance with a warrant obtained from a Magistrate.

(2) Subject to subregulation (1):

(a) the procedures for detaining or arresting a person under regulation 38 or this regulation must comply with the *Criminal Procedure Code* (Cap. 7) or the *Police Act 2013*, as the case requires; and

(b) the procedures for investigating, inquiring into, holding a committal for or trying an offence for which a person is detained or arrested under regulation 38 or this regulation, must comply with the *Criminal Procedure Code* (Cap. 7).

PART 5 OFFENCES AND PENALTIES

Division 1 Offences

40 General offences for contravention of regulation or Order

(1) This regulation has effect only if the Regulations do not, or an Order does not, specify an offence for contravention of a regulation or Order and impose a penalty for commission of the offence.

(2) A person commits an offence if the person contravenes a regulation or an Order.

Maximum penalty: 100,000 penalty units or imprisonment for 10 years, or both.

(3) A person commits an offence if the person:

(a) knowingly or intentionally contravenes a regulation or an Order, whether acting alone or as a member of a group; and

(b) as a result of the contravention, a person becomes infected with or dies from COVID-19.

Maximum penalty: 150,000 penalty units or imprisonment for 15 years, or both.

41 Offences relating to authorised officers

A person commits an offence if the person:

(a) assaults, obstructs, hinders or resists an authorised officer carrying out his or her duties; or

(b) uses any threatening, abusive or defamatory language to or about an authorised officer; or

(c) aids or incites any other person to assault, obstruct, hinder or resist an authorised officer carrying out his or her duties; or

(d) fails to comply with a direction of an authorised officer given under regulation 38(1)(j); or

(e) if required by an authorised officer to give or produce information under regulation 38(1)(k):

(i) gives or produces false information; or

(ii) fails to comply with the requirement.

Maximum penalty: 15,000 penalty units or imprisonment for 5 years, or both.

42 No industrial action to be taken by authorised officers or persons providing essential services

(1) In this regulation:

"***essential service***":

(a) has the meaning of "essential service," given in section 2(7)(a) of the *Essential Services Act* (Cap. 12); or

(b) means any other service the interruption of which could endanger human life, destroy property or cause serious injury to persons or property, including police, correctional services, biosecurity, national disaster and emergency;

"***industrial action***" includes a strike, picket-line, go slows, working to rule, overtime or callout ban and any other action taken as a protest during a workplace dispute that results in the non-performance or partial performance of functions, duties and responsibilities at the workplace.

(2) An authorised officer, or person employed or engaged to carry out functions, duties or responsibilities in an essential service, commits an offence if the authorised officer or person takes part in industrial action during the emergency period.

Maximum penalty: 15,000 penalty units or 5 years imprisonment, or both.

43 Offence of disseminating rumours and false information

A person commits an offence if, during the emergency period, the person:

(a) maliciously fabricates or knowingly disseminates 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 manner prejudicial to the public safety, order or security of Solomon Islands or a part of Solomon Islands; or

(c) endeavours to disturb, or disturbs, the public peace, safety or order by inciting hatred or contempt of a class of persons.

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

44 Offence of deception for committing fraud

(1) A person commits an offence if, during the emergency period, the person engages in deception or other dishonest conduct with the intent to obtain money, property or other benefit from another person by giving that other person the impression that he or she would be giving the money, property or benefit for a public safety measure.

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

both.

(2) In this regulation, "***deception or other dishonest conduct***" includes using an assumed name or identity.

45 Deportation of non-citizen convicted of offence

(1) In addition to a penalty imposed on conviction of a person for an offence under this Act, if the person is not a citizen of Solomon Islands, the person may be deported immediately on the next available flight after the court proceedings end.

(2) The *Immigration Act 2012* applies to the deportation of the person subject to the following modifications:

(a) the reference in section 23(2)(a) of that Act to a person having been convicted of a criminal offence is a reference to a person having been convicted of an offence under this Act;

(b) the references in section 31 of that Act to the Minister are references to the Prime Minister.

Division 2 Administrative penalty procedure

46 Interpretation of Part 5, Division 2

(1) In this Part:

"***administrative penalty***" means the administrative penalty for an offence determined by Order under regulation 49;

"***administrative penalty procedure***" means the administrative procedure under this Part by which:

(a) an administrative penalty may be imposed on a person for allegedly committing an offence instead of the person being charged, prosecuted and convicted for the offence; and

(b) the payment of the administrative penalty and costs (if any) bars the prosecution of the person for the offence;

"***costs***" means the amount of costs likely to be incurred by the Government referred to in regulation 50(1)(b);

"***offence***" means an alleged offence against a regulation specified in regulation 48;

"***Penalty Notice***" means a Penalty Notice referred to in regulation 52;

"***property***" means property used or involved in the alleged commission of an offence referred to in regulation 50(1)(a).

(2) A reference in this Part to failing to pay an administrative penalty or costs includes a reference to paying part only of the total amount of the

administrative penalty or costs.

47 Purpose of Part 5, Division 2

The purpose of this Part is to enable a person alleged to have committed an offence to be dealt with under the administrative penalty procedure instead of:

(a) being liable to being prosecuted for the offence and convicted; and

(b) a penalty that may be imposed on conviction for the offence being imposed on the person.

48 Offences

Administrative penalties may be imposed for offences against only the following regulations:

(a) regulation 7(5);

(b) regulation 8(2);

(c) regulation 12(4);

(d) regulation 17(3);

(e) regulation 23(4);

(f) regulation 37(3).

49 Administrative penalties

(1) The Prime Minister must, by Order, determine the administrative penalty for each offence.

(2) An administrative penalty for an offence must:

(a) be proportionate to the nature of the offence; and

(b) not exceed the maximum monetary penalty that may be imposed on a conviction for the offence.

50 Forfeiture of property and payment of costs

(1) In addition to payment of the administrative penalty:

(a) property used or involved in the alleged commission of an offence may be:

(i) seized by the Government and held until the administrative penalty and any costs are paid; or

(ii) seized by the Government and sold and the sale price for the property held until the administrative penalty and any costs are paid; or

(iii) forfeited to the Government; an

(b) the person who allegedly committed the offence may be required to

pay an amount for the costs that the Government is likely to incur in connection with the alleged commission of the offence.

(2) The Prime Minister must specify, by notice under regulation 51(2), how subregulation (1) applies in relation to the offence the subject of the notice.

51 Issue of Penalty Notice

(1) If an authorised person believes on reasonable grounds that a person has committed an offence, the authorised person must give written notice to the Prime Minister of the alleged commission of the offence.

(2) On receiving the authorised person's notice, the Prime Minister, after consulting with the Attorney-General, and at least one of the Director of Public Prosecutions or the Commissioner of Police, must either:

(a) by written notice to the authorised officer:

(i) instruct that the administrative penalty procedure applies and require the authorised officer to give a Penalty Notice for the alleged commission of the offence to the person; and

(ii) instruct whether property is to be seized, held or sold or forfeited, or costs are payable, in accordance with regulation 50(1)(a) or (b); or

(b) by written notice to the Commissioner of Police, instruct the Commissioner of Police to lay a charge against the person for the offence allegedly committed.

(3) The authorised person or Commissioner of Police (as the case requires) must comply with the Prime Minister's instruction.

52 Form and effect of Penalty Notice

(1) A Penalty Notice must be in accordance with Form 1, and must:

(a) specify the name and address of the person it is given to; and

(b) specify the date the penalty notice is given to the person; and

(c) specify a description of the offence the person is alleged to have committed and the facts on which the allegation that the person has committed the offence is based; and

(d) specify that, if the person consents under regulation 53 within the 14-day period for doing so specified in the Penalty Notice, the alleged commission of the offence will be dealt with under the administrative penalty procedure; and

(e) specify the date by which the person must consent under regulation 53; and

(f) specify the administrative penalty payable for the offence the person is

alleged to have committed if the person consents under regulation 53; and

(g) specify that the administrative penalty must be paid within 28 days of the date the penalty notice is given to the person and specify the date on or before which and the manner in which the administrative penalty is payable; and

(h) specify whether property used or involved in the alleged commission of the offence will be seized, held or sold or forfeited; and

(i) specify whether the person must pay an amount of costs in connection with the alleged commission of the offence and, if so, the amount of the costs and the date on or before which the costs must be paid and manner of payment of the costs; and

(j) specify that, if the administrative penalty or the amount of costs is not paid as specified in the Penalty Notice, that:

(i) proceedings to charge and prosecute the person for the offence will be commenced against the person; and

(ii) if any property has been seized and held or sold, the property or proceeds of sale will be forfeited to the Government; and

(iii) if the person fails to pay the administrative penalty and costs (if any) by paying part only of the administrative penalty or costs, the amount paid is forfeited to the Government unless a court orders otherwise.

(2) If a person is given a Penalty Notice, proceedings to charge and prosecute the person for the offence must not be commenced against the person unless:

(a) the 14-day period specified in the Penalty Notice for consenting under regulation 53 has passed and the person fails to consent to being dealt with by the administrative penalty procedure within that period; or

(b) the date specified in the Penalty Notice for payment of the administrative penalty for the offence has passed and the person fails to pay the administrative penalty on or before that date; or

(c) the date specified in the Penalty Notice for payment of the costs has passed and the person fails to pay the costs on or before that date.

53 Consent to administrative procedure

(1) If a person to whom a Penalty Notice is given wants the person's alleged commission of the offence specified in the Penalty Notice to be dealt with by the administrative penalty procedure, the person must give a completed and signed Consent to Administrative Penalty Procedure to the Prime Minister before the 14-day period for doing so specified in the Penalty Notice ends.

(2) A Consent to Administrative Penalty Procedure must be in accordance with

Form 2.

54 Payment of administrative penalty etc.

(1) If a person consents under regulation 53, the person must pay:

(a) the administrative penalty specified in the Penalty Notice given to the person on or before the date and in the manner specified in the Penalty Notice; and

(b) the amount of costs specified in the Penalty Notice, if any, on or before the date and in the manner specified in the Penalty Notice.

(2) If the person pays the administrative penalty and the costs (if any) on or before the specified date:

(a) the Prime Minister must return property seized under regulation 50, or pay the proceeds of the sale of the property, (if any) to the person; and

(b) the person may not be charged and prosecuted for the offence specified in the Penalty Notice.

(3) If the person fails to pay the administrative penalty or the costs (if any) on or before the specified date:

(a) the Prime Minister must instruct the Commissioner of Police to lay a charge against the person for the offence specified in the Penalty Notice; and

(b) any property that was seized or proceeds of the sale of the property is forfeited to the Government; and

(c) if the person fails to pay the administrative penalty or costs by paying part only of the administrative penalty or costs on or before the specified date, the amount paid is forfeited to the Government unless a court orders otherwise.

55 Administrative penalty procedure records

(1) The Prime Minister must keep a record of each administrative penalty procedure carried out.

(2) The record must contain the following information:

(a) a description of the offence alleged to have been committed;

(b) the name of the person who allegedly committed the offence;

(c) the date and details of the Penalty Notice given to the person;

(d) whether the person provided a Consent to Administrative Penalty Procedure and the date it was received by the Prime Minister;

(e) the amount of the administrative penalty payable by the person and the date and manner of payment;

(f) the amount of costs paid by the person (if any) and the date and manner of payment;

(g) a description of property seized, held or sold or forfeited (if any) and the date the property was returned or sale price was paid to the person;

(h) if the person paid part only of the administrative penalty or costs, the amount paid and whether the amount was forfeited to the Government.

(3) The record must be made available for inspection by the public at the Office of the Prime Minister and Cabinet during the hours the office is open.

(4) The Prime Minister must table a copy of the record in Parliament:

(a) at each meeting of Parliament held during the emergency period; and

(b) at the meeting of Parliament held immediately after the emergency period ends.

56 Limitation of application of Part 5, Division 2

This Division does not:

(a) require the Prime Minister to decide that the administrative penalty procedure applies to a person who allegedly committed an offence; and

(b) affect the liability of a person to be prosecuted for an offence if:

(i) a Penalty Notice is not given to the person; or

(ii) the person does not consent under regulation 53 within the 14-day period for doing so specified in the Penalty Notice; or

(iii) the person does not pay the administrative penalty for the offence on or before the date specified for doing so in the Penalty Notice; or

(iv) the person does not pay the amount of costs (if any) specified in the Penalty Notice on or before the date specified for doing so in the Penalty Notice; and

(c) prevent more than one Penalty Notice being given to a person for the same offence.

PART 6 MISCELLANEOUS MATTERS

57 Indemnity from liability of persons acting under Regulations

An authorised officer or other person who carries out duties under these Regulation is not civilly or criminally liable for an act done or omission made in good faith, and without negligence, in exercising and performing functions or duties under these Regulations.

58 Official dissemination of information relating to COVID-19

(1) The Ministry of Health and Medical Services is the official authority for

disseminating and publishing information about or 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 about or relating to COVID-19 through media accessible by the public, including:

(a) radio broadcast; and

(b) a newspaper of wide circulation in Solomon Islands; and

(c) a website that is current and daily updated.

(3) Any other Government Ministry, department or agency may disseminate information about or relating to COVID-19 on their online media outlet or other 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 if the person:

(a) disseminates or publishes information about or relating to COVID-19 in a manner than contravenes subregulation (1) or (2); or

(b) misrepresents information as being information that is:

(i) disseminated by the Ministry of Health and Medical Services under subregulation (1) and (2); or

(ii) verified by the Ministry of Health and Medical Services under subregulation (4).

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

59 Official distribution of donated medical equipment and supplies

(1) The Ministry of Health and Medical Services is the official authority for:

(a) distributing medical equipment and supplies donated to the Government for a public safety measure; and

(b) authorising the distribution of such medical equipment and supplies by another Ministry, a department or agency of the Government or a Provincial Government.

(2) A person commits an offence if the person misrepresents medical equipment or supplies as medical equipment that is or supplies that are:

(a) distributed by the Ministry of Health and Medical Services under subregulation (1)(a); or

(b) authorised to be distributed by the Ministry of Health or Medical Services under subregulation (1)(b).

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

60 Demeanour of public officer in media

(1) A person who is a public officer must not publish any information or statement in the media that:

(a) is contradictory to information about or relating to COVID-19 published by the Government; or

(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 health, safety, order or security of the Solomon Islands or a part of Solomon Islands.

(2) A public officer who does not comply with subregulation (1) must be terminated with immediate effect.

PART 7 REPEAL AND SAVINGS PROVISIONS

61 Definitions for Part 7

In this Part:

"***commencement***" means the commencement of these Regulations;

"***decision or action taken under the repealed Regulations***" includes a decision or action taken under an Order made under the repealed Regulations;

"***repealed Regulations***" means:

(a) the *Emergency Powers (COVID-19) Regulations 2020* (Legal Notice No. 29 of 2020); and

(b) the *Emergency Powers (COVID-19) (No. 2) Regulations 2020* (Legal Notices Nos. 47, 57, 70 and 92 of 2020); and

(c) the *Emergency Powers (COVID-19) (No. 3) Regulations 2020* (Legal Notices Nos. 104, 115 and 162 of 2020); and

(d) the *Emergency Powers (COVID-19) (No. 4) Regulations 2020* (Legal Notices Nos. 193 of 2020 and 23 of 2021); and

(e) the Regulations repealed under regulation 62.

62 Repeal

The *Emergency Powers (COVID-19) Regulations 2021* (Legal Notices Nos. 84, 100 and 174 of 2021) are repealed.

63 Savings provisions

On the commencement:

(a) each Order made or continued in force under the repealed Regulations that is in force immediately before the commencement:

(i) continues in force as if it were an Order made under these Regulations; and

(ii) has effect in accordance with and subject to these Regulations; and

(b) an authorised officer holding office under the repealed Regulations immediately before the commencement continues to hold office under and subject to these Regulations; and

(c) a decision or action made, taken or continued in effect under the repealed Regulations that has effect immediately before the commencement continues to have effect under these Regulations as if it were a decision or action made or taken in accordance with and subject to these Regulations.

64 References to repealed provisions

If these Regulations repeal and re-make (with or without modification) a provision of the repealed Regulations (even if repealed and remade by repealed Regulations), on the commencement a reference in a law or document to the repealed provision is a reference to the provision in these Regulations that corresponds to the repealed provision.

SCHEDULE

(Regulations 52 and 53)

FORMS

Form 1

Emergency Powers Act (Cap. 11)

Emergency Powers (COVID-19) (No. 2) Regulations 2021 (Regulation 52)

PENALTY NOTICE

To: *(name of person alleged to have committed an offence)*

Date: *(specify date person given Penalty Notice)*

You are alleged to have committed an offence under regulation.....of the *Emergency Powers (COVID-19) (No. 2) Regulations 2021*.

(insert particulars of offence and facts on which allegation that offence has been committed is based)

Pursuant to regulation 53 of the *Emergency Powers (COVID-19) (No. 2) Regulations 2021*, you may consent to the alleged offence being dealt with under the administrative penalty procedure under Part 5, Division 2 of the Regulations by:

(a) completing and signing the attached Consent to Administrative Penalty Procedure; and

(b) delivering it to the Office of the Prime Minister and Cabinet on or before

(*specify date 14 days after the date of the Penalty Notice*).

If you consent and deliver the Consent to Administrative Penalty to the Office of the Prime Minister and Cabinet on or before that date:

(a) the alleged offence will be dealt with under the administrative penalty procedure; and

(b) you must pay the administrative penalty of (specify penalty) on or before (specify date 28 days after the date of the Penalty Notice and how administrative penalty is to be paid).

In addition to payment of the administrative penalty:

(If any property was used of involved in the alleged commission of the offence, describe the property and specify whether the property will be seized, held or sold or forfeited)

(If the person must pay an amount for costs likely to be incurred by the Government in connection with the person's alleged commission of the offence, specify the amount of the costs and when and how the costs are to be paid).

If you do not consent, you will be charged and prosecuted for the alleged offence.

If you do not pay the administrative penalty, and do not pay the costs (if any), on or before the specified date:

(a) you will be charged and prosecuted for the alleged offence; and

(b) any property seized and held or *proceeds of the sale of property seized and sold will be forfeited to the Government.

If you pay part only of the amount of the administrative penalty *or costs on or before the specified date:

(a) you have failed to pay the administrative penalty *and costs; and

(b) you will be charged and prosecuted for the alleged offence; and

(c) any property *seized and held or *proceeds of the sale of property seized and sold will be forfeited to the Government; and

(d) the amount you have paid is forfeited to the Government unless a court orders otherwise.

** Delete which not applicable*

Signed:
Name and identification of authorised officer:

Form 2

Emergency Powers Act (Cap. 11)

Emergency Powers (COVID-19) (No. 2) Regulations 2021 (Regulation 53)

CONSENT TO ADMINISTRATIVE PENALTY PROCEDURE

I, (full name of person)

of (*address*)

consent to my alleged contravention of (*insert provision*) on (*date*) by (*state particulars of alleged offence*)

being dealt with under the administrative penalty procedure under Part 5, Division 2 of the *Emergency Powers (COVID-19) (No. 2) Regulations 2021* instead of being charged and prosecuted for the alleged offence.

I understand:

(a) the administrative penalty imposed for the alleged contravention and the date on or before which, and the manner in which, I must pay the administrative penalty; and

(b) *that property described in the Penalty Notice will be *seized and *held/sold / *forfeited; and

(c) *that costs of the amount of (*specify amount of costs*) are payable (*specify date on or before which and manner in which the costs are payable*); and

(d) that if I do not consent, I will be charged and prosecuted for the alleged offence; and

(e) that if I do not pay the administrative penalty, *and do not pay the costs (if any), on or before the specified date:

  (i) I will be charged and prosecuted for the alleged offence; and

  (ii) *property *seized and held *or proceeds of the sale of property seized and sold will be forfeited to the Government; and

(f) that if I pay part only of the amount of the administrative penalty *or costs on or before the specified date:

  (i) I have failed to pay the administrative penalty *and costs; and

  (ii) I will be charged and prosecuted for the alleged offence; and

  (iii) *property *seized and held or *proceeds of the sale of property seized and sold will be forfeited to the Government; and

  (iv) the amount I have paid is forfeited to the Government unless a court orders otherwise.

* *Delete which not applicable*

Signed:

Date:

Made this twenty-third day of July 2021.

SIR DAVID VUNAGI
GOVERNOR-GENERAL

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