

[Legal Notice No. 318]

## 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 November 2021.

**3 Definitions**

In these Regulations, unless the context otherwise requires:

“*aircraft*” means any form of transportation through the air;

“*authorised officer*” means an authorised officer specified in regulation 42(1) or appointed under regulation 42(2);

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

“*COVID-19 free country or territory*” means a country or territory where:

- (a) there has never been a confirmed case of a person infected with COVID-19; or
- (b) the only reported cases of persons infected with COVID-19 have been in managed quarantine facilities and there is no evidence of persons being infected with COVID-19 by community transmission; or
- (c) if there has been community transmission, there has been no reported cases of persons infected with COVID-19 by community transmission for 180 days;

“*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 made on 25 March 2020 (Legal Notice No. 28 of 2020);
- (b) the Proclamation Declaring State of Public Emergency made on 24 July 2020 (Legal Notice No. 103 of 2020);

- (c) the Proclamation Declaring State of Public Emergency made on 24 November 2020 (Legal Notice No. 192 of 2020);
- (d) the Proclamation Declaring State of Public Emergency made on 24 March 2021 (Legal Notice No. 83 of 2021);
- (e) the Proclamation Declaring State of Public Emergency commenced on 24 July 2021 (Legal Notice No. 197 of 2021);
- (f) the Proclamation declaring a state of public emergency on grounds relating to the outbreak of COVID-19 that commences on 24 November 2021;

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

“**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) vaccination coverage is less than 80%; and
- (b) there is community transmission of COVID-19; and
- (c) official reports are that:
  - (i) the level of community transmission is 20 or more cases of persons infected with COVID-19 per 100,000 persons per day; or
  - (ii) the hospitalisation rate is 2 or more persons per 100,000 persons per day; or
  - (iii) the number of positive COVID-19 tests is 5% or more of the total number of tests for the presence of COVID-19 that have been conducted;

“**Incident Controller**” means the public officer in Solomon Islands who is, in accordance with the International Health Regulations 2005 (as amended), the point of communication for urgent communications with the World Health Organisation;

“**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;

“**moderate risk COVID-19 country or territory**” means a country or territory:

- (a) that is not a COVID-19 free country or territory or a high risk COVID-19 country or territory; and
- (b) where:
  - (i) community transmission is being reported; and
  - (ii) the level of community transmission is less than for high risk COVID-19 countries or territories and is reducing; and

- (iii) official reports are that:
  - (A) the level of community transmission is less than 20 cases of persons infected with COVID-19 per day or as a daily average rate; or
  - (B) the hospitalisation rate is less than 2 persons per 100,000 persons per day; or
  - (C) the number of positive COVID-19 tests is less than 5% of the total number of tests for the presence of COVID-19 that have been conducted; and
- (iv) official reports reliably indicate that community transmission is being controlled;

“**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 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;

“**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 or a person approved under regulation 68 to provide physical care and emotional support to the person;

“**quarantine period**” means the period of days for which a person must be quarantined at a quarantine station under regulation 27(5)(a), (6)(a) or (7)(a), 28(4), 29(4), 30(3)(a), (4)(a) or (5)(a), 33(3), 34(3), 35(3) or 36(1) 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(5)(a), (6)(a) or (7)(a), 28(4), 29(4), 30(3)(a), (4)(a) or (5)(a), 33(3), 34(3), 35(3) or 36(1)(a); or
- (b) whose quarantine at a quarantine station is extended under regulation 36(1)(b);

“**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**” means a vessel of any kind or size used for transport by water, including:

- (a) 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; and
- (b) a vessel that is less than 10 metres long.
- (2) A reference in these Regulations to the Ministry of Health and Medical Services is a reference to a decision made or action taken by or with the authority of the Permanent Secretary of the Ministry.

*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”, “Permanent Secretary”, “Prime Minister”, “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 31, waive compliance with the requirements for entry into Solomon Islands specified in regulations 27 to 29 by officials of governments or international or multilateral organisations travelling in the course of performing duties to carry out the business of the governments or organisations; or
- (t) in accordance with regulation 32, waive compliance with the requirements for entry into Solomon Islands specified in regulations 27 to 29 by citizens who have been in another country for at least 28 days; or
- (u) in accordance with regulation 36, in addition to quarantine under regulations 27 to 30 and 33 to 35 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; or
- (v) in accordance with regulation 40, require a person or class of persons to be vaccinated against COVID-19; or
- (w) in accordance with regulation 42(2), appoint persons to be authorised officers; or
- (x) in accordance with regulation 56, determine administrative penalties payable under Part 5, Division 2; or
- (y) in accordance with regulation 68, approve a person to provide physical care and emotional support to a quarantined person who is ill, disabled

or elderly.

## **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 is prohibited under regulation 7(1) to enter Solomon Islands may not enter Solomon Islands unless:
  - (a) the person is excepted for entry by an Order made under regulation 7(3) or (4); and
  - (b) if the person is from, or travels to Solomon Islands from or through, a country where there is widespread community transmission of the COVID-19 Delta Variant, the person is excepted for entry by the Prime Minister by an Order made under this paragraph, which Order must specify the day on which, or on or about which, the person will enter Solomon Islands.
- (6) An Order made under subregulation 7(3), (4) or (5)(b) operates to authorise a person to enter into Solomon Islands once only, unless otherwise specified in the Order.
- (7) A person who contravenes an Order made under this regulation commits an offence.

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

(8) In this regulation:

“*dependent child*” means a person 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-19

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 29 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 every 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 of COVID-19 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; or
  - (c) a person approved under regulation 68 to provide physical care and emotional support to a quarantined person who is ill, disabled or elderly.
- (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, or both.

## **12 Property may be possessed or acquired for the public interest or COVID-19 related purpose**

- (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’s 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 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, or a member of the crew of 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:
- “*fun*ds” 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 the Prime Minister is 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 (Cap. 148) 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) processing applications for vessels, aircraft or crew of a vessel or aircraft to move into, within or out of Solomon Islands in accordance with an Order made under regulation 17; or
    - (iii) being quarantined or tested for the presence of COVID-19; or
    - (iv) 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**

**Division 1 Definitions**

**25            Definitions for Part 3**

In this Part:

*“being in a COVID-19 free country or territory”* means:

- (a) being only in a country or territory that is a COVID-19 free country or territory; or
- (b) being in more than one country or territory all of which are COVID-19 free countries or territories; or
- (c) being in a state or province:
  - (i) where:
    - (A) there has never been a confirmed case of a person infected with COVID-19; or
    - (B) the only reported cases of persons infected with COVID-19 have been in managed quarantine facilities and there is no evidence of persons being infected with COVID-19 by community transmission; or
    - (C) if there has been community transmission, there has been no reported cases of persons infected with COVID-19 by community transmission for 180 days; and
  - (ii) each border of which adjoins another state or province where:
    - (A) there has never been a confirmed case of a person infected with COVID-19; or
    - (B) the only reported cases of persons infected with COVID-19 have been in managed quarantine facilities and there is no evidence of persons being infected with COVID-19 by community transmission; or
    - (C) if there has been community transmission, there has been no reported cases of persons infected with COVID-19 by community transmission for 180 days;

*“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 at least one is a high risk COVID-19 country or territory; or
- (c) being in a state or province where:
  - (i) vaccination coverage is less than 80%; and



- (ii) there is community transmission of COVID-19; and
- (iii) official reports are that:
  - (A) the level of community transmission is 20 cases or more per 100,000 persons per day; or
  - (B) the hospitalisation rate is 2 or more persons per 100,000 persons per day; or
  - (C) the number of positive COVID-19 tests is 5% or more of the total number of tests for the presence of COVID-19 that have been conducted; or
- (d) being in a state or province that:
  - (i) shares a border with another state or province where:
    - (A) vaccination coverage is less than 80%; and
    - (B) there is community transmission of COVID-19; and
    - (C) official reports are that:
      - (AA) the level of community transmission is 20 or more cases per 100,000 persons per day; or
      - (BB) the hospitalisation rate is 2 or more persons per 100,000 persons per day; or
      - (CC) the number of positive COVID-19 tests is 5% or more of the total number of tests for the presence of COVID-19 that have been conducted; and
  - (ii) the border is open and there is movement of people and goods across the border;

***“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 COVID-19 free countries; or
- (c) being in a state or province where:
  - (i) community transmission is being reported; and
  - (ii) the level of community transmission is less than for high risk COVID-19 countries or territories and is reducing; and
  - (iii) official reports are that:
    - (A) the level of community transmission is less than 20 cases per 100,000 persons per day; or
    - (B) the hospitalisation rate is less than 2 persons per 100,000 persons per day; or

- (C) the number of positive COVID-19 tests is less than 5% of the total number of tests for the presence of COVID that have been conducted; and
- (iv) official reports reliably indicate that community transmission is being controlled; or
- (d) being in a state or province that:
  - (i) shares a border with another state or province where:
    - (A) community transmission is being reported; and
    - (B) the level of community transmission is less than for high risk COVID-19 countries or territories and is reducing; and
    - (C) official reports are that:
      - (AA) the level of community transmission is less than 20 new cases of persons infected with COVID-19 per 100,000 persons per day or as a daily average rate; or
      - (BB) the hospitalisation rate is less than 2 persons per 100,000 persons per day; or
      - (CC) the number of positive COVID-19 tests is less than 5% of the total number of tests for the presence of COVID-19 that have been conducted; and
    - (D) official reports reliably indicate that community transmission is being controlled; and
  - (ii) the border is open and there is movement of people and goods across the border;

**“state or province”** means a state or province or other part of a country or territory that is a self-governing polity with its own constitution, legislature, judiciary and government authorities;

**“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:

- (a) the number of doses of a vaccine prescribed by WHO to give primary vaccination, and produce immunity, against COVID-19; and
- (b) periodical booster doses of a vaccine;

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*Note to definition of “vaccinated against COVID-19”:*

*A person has primary vaccination against COVID-19 if, for example, the person is given 2 doses of the AstraZeneca, Pfizer or Sinopharm vaccine or 1 dose Johnson & Johnson's Janssen vaccine.*

*A booster dose of a vaccine is given periodically after primary vaccination to boost immunity against COVID-19.*

“**vaccination certificate**”, of a person, means a vaccination certificate verifying the person has been given one or more doses of a vaccine that specifies the following:

- (a) the full name of the person;
- (b) the dates when the person is given each dose of a vaccine;
- (c) the name and batch number of each dose of a vaccine given to the person;
- (d) either the signature of the person who administered each dose of the vaccine or identification of the body or authority which was responsible for administering each dose of the vaccine.

## **Division 2      Vaccination, quarantine and testing for entry into Solomon Islands**

### **26      Mandatory quarantine on entry into 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 specified in regulation 27(5)(a), (6)(a) or (7)(a), 28(4), 29(4), 30(3)(a), (4)(a) or (5)(a), 33(3), 34(3) or 35(3); and
  - (b) during the quarantine period be tested under regulation 27(5)(b), (6)(b) or (7)(b), 28(5), 29(5), 30(3)(b), (4)(b) or (5)(b), 33(5), 34(5) or 35(5) for the presence of COVID-19 in that person; and
  - (c) 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 when the person tests negative for the presence of COVID-19 for the person's last test while quarantined; 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 an 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 Vaccination, 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) Subregulations (4), (5), (6) and (7) apply subject to regulation 30.
- (3) The person may not enter Solomon Islands unless the person:
- (a) if the person has attained at least 18 years of age:
    - (i) is vaccinated against COVID-19; and
    - (ii) has a vaccination certificate; and
  - (b) if testing for the presence of COVID-19 was available to the person while in the COVID-19 free country or territory, has been tested for the presence of COVID-19 once during either:
    - (i) the 72-hour period immediately before the day on which the person enters Solomon Islands, and tested negative for COVID-19 for the test; or
    - (ii) the longer period determined by the Ministry of Health and Medical

Services on grounds relating to the circumstances of the person's travel to Solomon Islands and notified to the person at least 14 days before the person begins travelling to Solomon Islands, and tested negative for COVID-19 for the test.

- (4) On entering Solomon Islands, the person must:
  - (a) if, while travelling to Solomon Islands, the person was not in transit in a moderate risk COVID-19 country or territory or a high risk COVID-19 country or territory:
    - (i) be quarantined in accordance with subregulation (5)(a); and
    - (ii) be tested for the presence of COVID-19 in accordance with subregulation (5)(b); and
  - (b) if, while travelling to Solomon Islands, the person was in transit in a moderate risk COVID-19 country or territory, the person must:
    - (i) be quarantined in accordance with subregulation (6)(a); and
    - (ii) be tested for the presence of COVID-19 in accordance with subregulation (6)(b); and
  - (c) if, while travelling to Solomon Islands, the person was in transit in a high risk COVID-19 country or territory, the person must:
    - (i) be quarantined in accordance with subregulation (7)(a); and
    - (ii) be tested for the presence of COVID-19 in accordance with subregulation (7)(b).
- (5) The person referred to in subregulation (4)(a) must:
  - (a) on entering Solomon Islands, immediately be quarantined for the period ending 7 days from the day the person enters Solomon Islands; and
  - (b) while quarantined, be tested twice for the presence of COVID-19, as follows:
    - (i) if the person was not tested for the presence of COVID-19 in accordance with subregulation (3)(b), once as soon as practicable after entering Solomon Islands, and must test negative for COVID-19 for the test; and
    - (ii) while quarantined, once for the presence of COVID-19 on the sixth or seventh day of the quarantine period, and must test negative for COVID-19 for the test.
- (6) The person referred to in subregulation (4)(b) must:
  - (a) on entering Solomon Islands, immediately be quarantined for the period ending 10 days from the day the person enters Solomon Islands; and
  - (b) while quarantined, be tested twice for the presence of COVID-19, as follows:

- (i) once on the second day of the quarantine period, and must test negative for COVID-19 for the test; and
  - (ii) once on the ninth or tenth day of the quarantine period, and must test negative for COVID-19 for the test.
- (7) The person referred to in subregulation (4)(c) must:
- (a) on entering Solomon Islands, immediately be quarantined for the period ending 14 days from the day the person enters Solomon Islands; and
  - (b) while quarantined, be tested three times for the presence of COVID-19, as follows:
    - (i) once within 48 hours after entering Solomon Islands, and must test negative for COVID-19 for the test; and
    - (ii) once on the seventh day of the quarantine period, and must test negative for COVID-19 for the test; and
    - (iii) once on the thirteenth or fourteenth day of the quarantine period, and must test negative for COVID-19 for the test.

**28 Vaccination, 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) Subregulations (4) and (5) apply subject to regulation 30.
- (3) The person may not enter Solomon Islands unless the person:
- (a) if the person has attained at least 18 years of age:
    - (i) is vaccinated against COVID-19; and
    - (ii) has a vaccination certificate; and
  - (b) has been tested for the presence of COVID-19 once during either:
    - (i) the 72-hour period immediately before the day on which the person enters Solomon Islands, and tested negative for COVID-19 for the test; or
    - (ii) the longer period determined by the Ministry of Health and Medical Services on grounds relating to the circumstances of the person’s travel to Solomon Islands and notified to the person at least 14 days before the person begins travelling to Solomon Islands, and tested negative for COVID-19 for the test.
- (4) On entering Solomon Islands, the person must immediately be quarantined for the period ending 10 days from the day the person enters Solomon Islands.

- (5) While quarantined, the person must be tested twice for the presence of COVID-19, as follows:
  - (a) once on the second day of the quarantine period, and must test negative for COVID-19 for the test; and
  - (b) once on the ninth or tenth day of the quarantine period, and must test negative for COVID-19 for the test.

**29 Vaccination, 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) Subregulations (4) and (5) apply subject to regulation 30.
- (3) The person may not enter Solomon Islands unless the person:
  - (a) if the person has attained at least 18 years of age:
    - (i) is vaccinated against COVID-19; and
    - (ii) has a vaccination certificate; and
  - (b) has been tested for the presence of COVID-19 twice, as follows:
    - (i) once on the ninth, tenth or eleventh day before the day on which the person enters Solomon Islands, and tested negative for COVID-19 for the test; and
    - (ii) once during either:
      - (A) the 72-hour period immediately before the day on which the person enters Solomon Islands, and tested negative for COVID-19 for the test; or
      - (B) the longer period determined by the Ministry of Health and Medical Services on grounds relating to the circumstances of the person’s travel to Solomon Islands and notified to the person at least 21 days before the person begins travelling to Solomon Islands, and tested negative for COVID-19 for the test.
- (4) On entering Solomon Islands, the person must immediately be quarantined for the period ending 14 days from the day the person enters Solomon Islands.
- (5) While quarantined, the person must be tested three times for the presence of COVID-19:
  - (a) once within 48 hours after entering Solomon Islands, and must test negative for COVID-19 for the test; and

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

### **30 Quarantine and testing of children and their families**

- (1) In this regulation:

“*child*” means a person:

- (a) who is less than 18 years of age; and
- (b) who is not vaccinated; and
- (c) to whom a waiver under regulation 32 does not apply.

“*family member*”, of a child, means:

- (a) a parent of the child (whether related by blood, adoption, marriage or custom); or
- (b) another person who has attained at least 18 years of age with whom the child travels to Solomon Islands.

- (2) This regulation:

- (a) applies if a child who is not vaccinated enters Solomon Islands; and
- (b) subject to paragraph (c) and subregulation (6), specifies the quarantine and testing requirements for the child and each of the child’s family members with whom the child travels to Solomon Islands; and
- (c) specifies the circumstances when this regulation does not apply and the child and each family member must instead comply with regulation 27, 28 or 29 (as appropriate).

- (3) If the child and each family member were in a COVID-19 free country or territory for the 28-day period immediately before beginning to travel to Solomon Islands, they must:

- (a) immediately be quarantined for the period of 10 days from the day they enter Solomon Islands; and
- (b) while quarantined, be tested twice for the presence of COVID-19 as follows:
  - (i) once on the second day of the quarantine period, and test negative for COVID-19 for the test; and
  - (ii) once on the ninth or tenth day the quarantine period, and test negative for COVID-19 for the test.

- (4) If the child and each family member were in a moderate risk COVID-19 country or territory for the 28-day period immediately before beginning to travel to Solomon Islands, they must:



- (a) immediately be quarantined for the period of 14 days from the day they enter Solomon Islands: and
  - (b) while quarantined, be tested three times for the presence of COVID-19, as follows:
    - (i) once on the second day of the quarantine period, and test negative for COVID-19 for the test; and
    - (ii) once on a day between the fifth and tenth days of the quarantine period, and test negative for COVID-19 for the test; and
    - (iii) once on the thirteenth or fourteenth day of the quarantine period, and test negative for the test.
- (5) If the child and each family member were in a high risk COVID-19 country or territory for the 28-day period immediately before beginning to travel to Solomon Islands, they must:
- (a) immediately be quarantined for the period of 21 days from the day the person enters Solomon Islands; and
  - (b) while quarantined, be tested four times for the presence of COVID-19, as follows:
    - (i) once within 48 hours after entering Solomon Islands, and test negative for COVID-19 for the test; and
    - (ii) once between the fifth and tenth days of the quarantine period, and test negative for COVID-19 for the test; and
    - (iii) once on the twelfth, thirteenth or fourteenth day of the quarantine period, and must test negative for COVID-19 for the test; and
    - (iv) once on the nineteenth, twentieth or twenty-first day of the quarantine period, and test negative for COVID-19 for the test.
- (6) Subregulations (2) to (5) do not apply, and a child and the child's family members must instead be quarantined and tested under regulation 27, 28 or 29 (as appropriate), if the Incident Controller is satisfied that:
- (a) because the child is very young it is not necessary to require compliance with subregulations (2) to (5); or
  - (b) the child could not have been exposed to any risk of being or becoming infected with COVID-19.

### **31 Waiver of compliance by certain persons with regulations 27 to 29**

- (1) In this regulation:

**“person”** means a person who has attained at least 18 years of age and:

- (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) The Prime Minister may, by Order, waive compliance by the person with:
- (a) if the person is in a COVID-19 free country or territory for at least 28 days before beginning to travel to Solomon Islands, regulation 27(3)(a) or (b); or
  - (b) if the person is in a moderate risk COVID-19 country or territory for at least 28 days before beginning to travel to Solomon Islands, regulation 28(3)(a) or (b); or
  - (c) if the person is in a high risk COVID-19 country or territory for at least 28 days before beginning to travel to Solomon Islands, regulation 29(3) (a) or (b).
- (3) A person to whom a waiver under subregulation (2) applies must comply with all other requirements of this Part (as appropriate).

### **32 Waiver of compliance by certain citizens with regulations 27 to 29**

- (1) In this regulation:
- “*citizen*” means a citizen of Solomon Islands who has for at least 28 days been in:
- (a) a COVID-19 free country or territory; or
  - (b) a moderate risk COVID-19 country or territory; or
  - (c) a high risk COVID-19 country or territory.
- (2) The Prime Minister may, by Order, if satisfied that there are extraordinary circumstances that require a citizen to return to Solomon Islands urgently, waive compliance by the citizen with:
- (a) if the citizen has for at least 28 days been in a COVID-19 free country or territory, regulation 27(3)(a) or (b); or
  - (b) if the citizen has for at least 28 days been in a moderate risk COVID-19 country or territory, regulation 28(3)(a) or (b); or
  - (c) if the citizen has for at least 28 days been in a high risk COVID-19 country or territory, regulation 29(3)(a) or (b).
- (3) The citizen to whom a waiver under subregulation (2) applies must comply with all other requirements of this Part (as appropriate).

### **33 Quarantine and testing of person from COVID-19 free country or**

**territory to whom a regulation 31 or 32 waiver applies**

- (1) In this regulation:

“*person*” means a person entering Solomon Islands:

- (a) who was in a COVID-19 free country or territory for the 28-day period immediately before the person began travelling to Solomon Islands; and
  - (b) to whom a waiver under regulation 31 or 32 applies.
- (2) This regulation specifies the quarantine and testing requirements for the person.
- (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) If the waiver waived compliance by the person with regulation 27(3)(a), the person must:
- (a) be given one dose of a vaccine as soon as practicable after entering Solomon Islands; and
  - (b) be given the number of additional doses of that vaccine required for the person to get primary vaccination against COVID-19 on or about the date or dates advised by an authorised officer when the person is given the dose of the vaccine under paragraph (a); and
  - (c) be given a vaccination certificate verifying the date each dose of the vaccine was given to the person and the name and batch number of each dose.
- (5) While quarantined, the person must be tested twice for the presence of COVID-19, as follows:
- (a) once within 48 hours after entering Solomon Islands, and must test negative for COVID-19 for the test; and
  - (b) once on the twelfth, thirteenth or fourteenth day of the quarantine period, and must test negative for COVID-19 for the test.

**34 Quarantine and testing of person from moderate risk COVID-19 country or territory to whom a regulation 31 or 32 waiver applies**

- (1) In this regulation:

“*person*” means a person entering Solomon Islands:

- (a) 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; and
  - (b) to whom a waiver under regulation 31 or 32 applies.
- (2) This regulation specifies the quarantine and testing requirements for the

person.

- (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) If the waiver waived compliance by the person with regulation 28(3)(a), the person must:
  - (a) be given one dose of a vaccine as soon as practicable after entering Solomon Islands; and
  - (b) be given the number of additional doses of that vaccine required for the person to get primary vaccination against COVID-19 on or about the date or dates advised by an authorised officer when the person is given the dose of the vaccine under paragraph (a); and
  - (c) be given a vaccination certificate verifying the date each dose of the vaccine was given to the person and the name and batch number of each dose.
- (5) While quarantined, the person must be tested three times for the presence of COVID-19:
  - (a) once within 48 hours after entering Solomon Islands, and must test negative for COVID-19 for the test; and
  - (b) once between the fifth and tenth days of the quarantine period, and must test negative for COVID-19 for the test; and
  - (c) once on the twelfth, thirteenth or fourteenth day of the quarantine period, and must test negative for COVID-19 for the test.

**35 Quarantine and testing of person from high risk COVID-19 country or territory to whom a regulation 31 or 32 waiver applies**

- (1) In this regulation:
 

“*person*” means a person entering Solomon Islands:

  - (a) 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; and
  - (b) to whom a waiver under regulation 31 or 32 applies.
- (2) This regulation specifies the quarantine and testing requirements for the person.
- (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 the waiver waived compliance by the person with regulation 29(3)(a), the person must:

- (a) be given one dose of a vaccine as soon as practicable after entering Solomon Islands; and
  - (b) be given the number of additional doses of that vaccine required for the person to get primary vaccination against COVID-19 on or about the date or dates advised by an authorised officer when the person is given the dose of the vaccine under paragraph (a); and
  - (c) be given a vaccination certificate verifying the date each dose of the vaccine was given to the person and the name and batch number of each dose.
- (5) While quarantined, the person must be tested four times for the presence of COVID-19:
- (a) once within 48 hours after entering Solomon Islands, and must test negative for COVID-19 for the test; and
  - (b) once between the fifth and tenth days of the quarantine period, and must test negative for COVID-19 for the test; and
  - (c) once on the twelfth, thirteenth or fourteenth day of the quarantine period, and must test negative for COVID-19 for the test; and
  - (d) once on the nineteenth, twentieth or twenty-first day of the quarantine period, and must test negative for COVID-19 for the test.

### **Division 3      Quarantine and testing of persons in Solomon Islands**

#### **36      Quarantining of person 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 30 or 33 to 35) 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 30 or 33 to 35 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 a 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.

### **37 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 30, 33 to 36.
- (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.

### **38 Isolating and testing of person 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 30 and 33 to 36 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.

#### **Division 4 Vaccination of persons in Solomon Islands**

##### **39 Definition for Part 3, Division 4**

In this Division:

“*employee*” has the meaning given in sections 2 and 41 of the *Safety at Work Act* (Cap. 74);

“*employer*” has the same meaning as in sections 2 and 41 of the *Safety at Work Act* (Cap. 74);

“*workplace*”:

- (a) subject to paragraph (b), has the meaning it has in section 3 of the *Safety at Work Act* (Cap. 74); and
- (b) does not include a person's dwelling.

##### **40 Persons may be required to vaccinate against COVID-19**

The Prime Minister may, by Order, require a person or class of persons in Solomon Islands to be vaccinated against COVID-19 if satisfied that it is necessary to do so:

- (a) to protect Solomon Islands against the risk of introduction of COVID-19 into, or outbreak of COVID-19 in, Solomon Islands; or
- (b) to prevent, reduce or control community transmission of COVID-19 within Solomon Islands; or
- (c) as a measure to protect public health in Solomon Islands, and the social and economic welfare of persons in Solomon Islands, against the risks posed by COVID-19.

##### **41 Content of Order under regulation 40**

- (1) An Order under regulation 40:



- (a) must specify the person or class of persons who must be vaccinated against COVID-19; and
  - (b) may require the person or the class of persons to be given a dose of a vaccine, or be vaccinated against COVID-19, by a specified date or within a specified period of time.
- (2) In addition, the Order may:
- (a) require a person or each member of a class of persons to have a vaccination certificate that certifies that the person or member has been given a dose of a vaccine or has been vaccinated against COVID-19, whether given the dose or vaccinated before or after the Order commences in Solomon Islands or another country; or
  - (b) provide that a person who contravenes the Order must not enter or be at the person's workplace; or
  - (c) provide:
    - (i) that, during the emergency period, not being vaccinated is a ground for an employer to terminate the employment of an employee regardless of the terms under which the employee is employed; and
    - (ii) if an employee's employment is terminated on that ground, for the period of notice and other matters relating to the manner in which the employee's employment is terminated;
  - (d) provide that an employer:
    - (i) must ensure that, if an employee of the employer contravenes the Order by failing to be vaccinated, the employee does not attend any premises of the employer that is the employee's workplace; or
    - (ii) may or must, if the employee contravenes the Order by failing to be vaccinated or is exempted from complying with the requirement to vaccinate, refuse the employee entry onto any premises of the employer that are the employee's workplace unless the employee, while on the premises, maintains physical isolation from any other person; or
    - (iii) may or must:
      - (A) take reasonable steps to determine the extent to which the employer's employees are vaccinated; and
      - (B) keep a record of the extent to which the employees are vaccinated; or
  - (e) provide that a person who contravenes the Order must not:
    - (i) enter or be in a public place; or
    - (ii) enter or be on public transport;
  - (f) exempt a person or class of persons from complying with the requirement

to vaccinate on medical grounds; or

- (g) impose a maximum penalty of 15,000 penalty units or imprisonment for 5 years, or both, if a person contravenes the Order.

## **PART 4            AUTHORISED OFFICERS**

### **42            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 Office;
    - (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.

**43 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 ensure the health and safety of persons who are in quarantine;
  - (d) to carry out the Government's quarantine procedures;
  - (e) to examine and test persons for COVID-19 for establishing if the persons are not infected with COVID-19;
  - (f) to examine, treat and test persons infected with COVID-19;
  - (g) to vaccinate persons against COVID-19;
  - (h) to manage quarantine stations;
  - (i) to enforce these Regulations and Orders made under these Regulations;
  - (j) to ensure the lawful, safe and orderly movement of persons, vessels and aircrafts into, within and from Solomon Islands;
  - (k) 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.

**44 Powers of authorised officers**

- (1) Subject to regulation 45, for performing his or her functions, an authorised officer one or more of the following powers, as are 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) give directions orally or in writing to a person;
- (i) require a person to:
    - (i) comply with a direction given under paragraph (h); or
    - (ii) answer the authorised officer's questions; or
    - (iii) give to the authorised officer 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.
- (3) 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.

#### **45 Procedural matters**

- (1) An authorised person exercising a power under regulation 44(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 44 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 44 or this regulation, must comply with the *Criminal Procedure Code* (Cap. 7).

## **PART 5 OFFENCES AND PENALTIES**

### **Division 1 Offences**

#### **46 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 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.

#### **47 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 44(1)(i); or
- (e) if required by an authorised officer to give or produce information under regulation 44(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.

**48 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.

**49 Offence of publishing etc. rumours and false information**

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

- (a) intentionally misrepresents, by disseminating or publishing information (whether by writing or word of mouth or on social media or other online facility or otherwise), that the person or another person is infected with COVID-19; or
- (b) disseminates or publishes information (whether by writing or word of mouth or on social media or other online facility or otherwise), with the intention to:
  - (i) misinform another person about COVID-19; or
  - (ii) misrepresent a measure taken by the Government to address COVID-19; or
- (c) engages in any other conduct that is likely to cause a reasonable person to fear that COVID-19 will be transmitted to the person.

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

(2) A journalist or a media organisation commits an offence if, in publishing,

broadcasting or otherwise disseminating information to the public during the emergency period (whether by a newspaper, journal, radio, television or other medium enabling mass communication), the journalist or organisation produces, publishes, broadcasts or disseminates any information or material that:

- (a) is false; or
- (b) is not accurate or is not based on evidence; or
- (c) discriminates against or creates distrust in or hatred of a group of persons.

Maximum penalty: 20,000 penalty units of imprisonment for 10 years, or both.

#### **50 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.

#### **51 Deportation of non-citizen convicted of offence**

- (1) In addition to a penalty imposed on conviction of a person for an offence under these Regulations, 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 these Regulations;
  - (b) the references in section 31 of that Act to the Minister are references to the Prime Minister.

#### **52 Criminal liability of officers of bodies corporate**

- (1) In this regulation:

“*officer of a body corporate*” means:

- (a) a director, secretary, manager or other similar officer of a body corporate; or
  - (b) if the affairs of the body corporate are managed by the members of the body corporate, a member of the body corporate who performs a function in managing the affairs of the body corporate; or
  - (c) if an officer of a body corporate is another body corporate, an officer of that other body corporate; or
  - (d) a person in accordance with whose directions or instructions the officers of a body corporate are accustomed to act.
- (2) If a body corporate is convicted of an offence against these Regulations or an Order, every officer of the body corporate is also guilty of the offence (and may be convicted and sentenced) if it is proved:
- (a) that the act that constituted the offence took place with the officer's authority, permission or consent; or
  - (b) that the officer:
    - (i) knew, or could reasonably be expected to have known, that the offence was to be or was being committed; and
    - (ii) failed to take reasonable steps to prevent or stop it.
- (3) If the officer is convicted of the offence, the maximum penalty to which the officer is liable is the maximum penalty specified for committing the offence.

## **Division 2      Administrative penalty procedure**

### **53      Interpretation of Part 5, Division 2**

- (1) In this Part:

“*administrative penalty*” means the administrative penalty for an offence determined by Order under regulation 56;

“*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 57(1)(b);

“*offence*” means an alleged offence against a regulation specified in regulation 55;

“*Penalty Notice*” means a Penalty Notice referred to in regulation 59;



“property” means property used or involved in the alleged commission of an offence referred to in regulation 57(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.

#### **54 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 charged and prosecuted for the offence and convicted; and
- (b) a penalty that may be imposed on conviction for the offence being imposed on the person.

#### **55 Offences**

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

- (a) regulation 7(6);
- (b) regulation 8(2);
- (c) regulation 12(4);
- (d) regulation 17(3);
- (e) regulation 23(4);
- (f) regulation 46(3).

#### **56 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.

#### **57 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; and
- (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 58(2), how subregulation (1) applies in relation to the offence the subject of the notice.

## **58 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 57(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.

## **59 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 60 within the 14-day period specified in the Penalty Notice for doing so, 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 60; and
  - (f) specify the administrative penalty payable for the offence the person is alleged to have committed if the person consents under regulation 60; 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) the person will be charged with the offence; 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 60 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.

## **60 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.

## **61 Payment of administrative penalty etc.**

- (1) If a person consents under regulation 60, 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 57, or pay the proceeds of the sale of the property, (if any) to the person; and
  - (b) the person must 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.

## **62 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.

### **63 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 charged and prosecuted for an offence if:
  - (i) a Penalty Notice is not given to the person; or
  - (ii) the person does not consent under regulation 60 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****64 Indemnity from liability of persons acting under Regulations**

An authorised officer or other person who carries out duties under these Regulations 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.

**65 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 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 Ministry, department or agency of the Government, or a provincial government or the Honiara City Council, 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 that 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 subregulations (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.

**66 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 or the Honiara City Council.

- (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.

### **67 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.

### **68 Persons entering Solomon Islands may have carers**

- (1) The Prime Minister may, by Order, approve a person to provide physical care and emotional support to:
- (a) a quarantined person who is ill, disabled or elderly; or
  - (b) a person who enters Solomon Islands to receive urgent medical treatment.
- (2) The approval must specify:
- (a) the person to be cared for; and
  - (b) either:
    - (i) the quarantine station where the person will be quarantined; or
    - (ii) the hospital or other medical facility where the person will receive medical treatment.
- (3) The approval is subject to the following conditions:
- (a) the carer must be vaccinated against COVID-19; and
  - (b) the carer must have been tested once for the presence of COVID-19

within the 72-hour period immediately before the quarantined person's entry into Solomon Islands, and must have tested negative for COVID-19 for the test; and

- (c) while caring for the person, the carer:
  - (i) must maintain physical isolation from any person other than the person he or she is caring for or an authorised officer; and
  - (ii) if caring for a quarantined person:
    - (A) must be accommodated with the quarantined person at the quarantine station in a manner that physically isolates both the quarantined person and the carer from any other person; or
    - (B) if, in accordance with regulation 26(2)(b) of the Regulations, the quarantined person requires urgent medical attention at a hospital in Solomon Islands during the quarantine period, may accompany the quarantined person and be accommodated with him or her at the hospital (where they both must be isolated in accordance with the Government's quarantine procedures for COVID-19 infected persons); and
  - (iii) if caring for a person who enters to receive medical treatment, must accompany the person and be accommodated with the person at the hospital or medical facility where the person receives medical treatment (and where they both must be isolated in accordance with the Government's quarantine procedures for COVID-19 infected persons); and
  - (iv) must comply with the following:
    - (A) any directions given to the carer by an authorised officer (including directions relating to being quarantined or tested for COVID-19); and
    - (B) the Government's quarantine procedures; and
- (d) any other conditions specified in the approval.

## **PART 7 REPEAL AND SAVINGS PROVISIONS**

### **69 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 *Emergency Powers (COVID-19) Regulations 2021* (Legal Notices Nos. 84, 100 and 174 of 2021); and
  - (f) the Regulations repealed under regulation 70.

## **70 Repeal**

The *Emergency Powers (COVID-19) (No. 2) Regulations 2021* (Legal Notices Nos. 198, 288 and 293 of 2021) are repealed.

## **71 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.

## **72 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 59 and 60)

**FORMS**

**Form 1**

*Emergency Powers Act (Cap. 11) Emergency Powers (COVID-19)  
(No. 3) Regulations 2021 (Regulation 59)*

**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. 3) Regulations 2021.

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

Pursuant to regulation 56 of the Emergency Powers (COVID-19) (No. 3) 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 or 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 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 with 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 with 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. 3) Regulations 2021 (Regulation 60)*

### **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. 3) 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 with 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 with 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 with 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-fourth day of November 2021.

**SIR DAVID VUNAGI**  
GOVERNOR-GENERAL

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