



**REPUBLIC OF NAURU
GOVERNMENT GAZETTE
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G.N.No. 725/2022

**NATIONAL DISASTER RISK MANAGEMENT (MANAGEMENT AND MINIMISATION OF THE
IMPACTS OF CORONAVIRUS (COVID-19))(AMENDMENT) REGULATIONS 2022**

SL No. 12 of 2022

Notified: 5th July 2022

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The Cabinet makes the following Regulations under Section 82 and Section 86 of the *National Disaster Risk Management Act 2016*:

1 Citation

These Regulations may be cited as the *National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) (Amendment) Regulations 2022*.

2 Commencement

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

3 Amendment of National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020

The *National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020* are amended by these Regulations.

4 Amendment of the empowering provision

The empowering provision is amended by inserting ‘*Section 82 and*’ after the word ‘*under*’.

5 Amendment of Regulation 25

Regulation 25 is amended by inserting the following new subregulations:

‘(3) *An Order issued under this Regulation may:*

(a) *prescribe what constitutes as mass gatherings; and*

(b) *prohibit activities that lead to mass gatherings.*

(4) *A person who fails to comply with this Regulation or an Order issued under this Regulation commits a strict liability offence and shall be liable to a fixed penalty of \$1,000.’*

6 Amendment of Regulation 30

Regulation 30(1) is amended by deleting the word ‘*A*’ and substituting with ‘*Save for Regulation 25, a*’.

7 Insert new Regulations

The following new Regulations are inserted after Regulation 30:

‘30A Coronavirus ((COVID-19) Breach of Prohibition of Mass Gathering) Fixed Penalty Notice

(1) *A police officer may issue a Coronavirus ((COVID-19) Breach of Prohibition of Mass Gathering) Fixed Penalty Notice to a person where the police officer has reasonable cause to believe the person has committed an offence under Regulation 25.*

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- (2) *The Coronavirus ((COVID-19) Breach of Prohibition of Mass Gathering) Fixed Penalty Notice is set out in Schedule 2.*
- (3) *A Coronavirus ((COVID-19) Breach of Prohibition of Mass Gathering) Fixed Penalty Notice shall:*
 - (a) *state the name and address of the offender;*
 - (b) *provide details of the circumstances alleged to constitute the offence; and*
 - (c) *specify the amount of the fixed penalty.*
- (4) *A police officer who issues a Coronavirus ((COVID-19) Breach of Prohibition of Mass Gathering) Fixed Penalty Notice to an offender shall inform the offender:*
 - (a) *of the contents of the Notice;*
 - (b) *that he or she shall pay the penalty or appear in court to contest or defend the Notice; and*
 - (c) *that the penalty shall be paid within 7 days of service of such Notice.*
- (5) *A person who refuses to accept service of a Coronavirus ((COVID-19) Breach of Prohibition of Mass Gathering) Fixed Penalty Notice commits an offence and is liable to pay a penalty of \$1,000 in addition to the fixed penalty under Regulation 25.*

30B Payment of Fixed penalty offences

- (1) *The fixed penalty shall be paid to the Nauru Revenue Office and a copy of the official receipt is to be submitted to the Registrar of Courts.*
- (2) *Where an offender provides an official Nauru Revenue Officer receipt for the payment of the penalty under subregulation (1), the Registrar of Courts shall not list his or her case before the Resident Magistrate.*

30C Failure to comply with fixed penalty notice

A person who is issued a fixed penalty notice under Regulation 30A and fails to pay the fixed penalty within the required time shall:

- (a) *be summoned to attend court; and*
- (b) *in addition to the respective fixed penalty, upon conviction be liable under Section 83 of the Act.*

30D Coronavirus ((COVID-19) Breach of Prohibition of Mass Gathering) Fixed Penalty Notice court appearances

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- (1) *Where a person served with a Coronavirus ((COVID-19) Breach of Prohibition of Mass Gathering) Fixed Penalty Notice, fails to pay the penalty and pleads guilty on the date of the hearing of the offence contained in Part 3 of the Notice, the court:*
 - (a) *shall impose the penalty for the offence as contained in these Regulations;*
 - (b) *shall order court costs of \$100; and*
 - (c) *may grant such other orders the court deems fit to ensure compliance with the order of the court not limited to committal.*
- (2) *The Resident Magistrate may hear and determine any offences under these Regulations where a person fails to attend court by himself or herself or by a legal representative on the date so required to be by the Notice.*
- (3) *The Resident Magistrate:*
 - (a) *shall impose a penalty for the offence as contained in these Regulations;*
 - (b) *shall order court costs of \$100; and*
 - (c) *may grant such other orders the court deems fit to ensure compliance of the order of the court not limited to committal.*
- (4) *Where the person is present or represented by a legal practitioner and pleads not guilty, the matter shall be dealt with in accordance with the procedure of the court.'*

8 Amendment of Schedule

The Schedule is renumbered as Schedule 1.

9 Insert new Schedule 2

A new Schedule 2 is inserted immediately after Schedule 1 as follows:

SCHEDULE 2



REPUBLIC OF NAURU

**NATIONAL DISASTER RISK MANAGEMENT (MANAGEMENT AND
MINIMISATION OF THE IMPACTS OF CORONAVIRUS (COVID-19)
REGULATIONS 2020**

G.N.No. 725/2022 (Cont'd)

**CORONAVIRUS ((COVID-19) BREACH OF PROHIBITION OF MASS GATHERING)
FIXED PENALTY NOTICE**

This Coronavirus (COVID-19 Breach of Prohibition of Mass Gathering) Fixed Penalty Notice is issued pursuant to the powers given to police officers under the *National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (Covid-19)) Regulations 2020* for offences under Regulations 25.

Important Notice:
The consequence of not paying a penalty or fine shall result in proceedings for offences against you in the court where fines and imprisonment may be imposed.

Fixed Penalty Notice No.	
Date of Issue	
Penalty:	
Due Date:	
Payment shall be made at the Nauru Revenue Office within 7 days from the date of service of this Fixed Penalty Notice	

PART 1: OFFENCE DETAILS

Offender:

Surname:

Given Names:

Nature of Offence: contrary to Regulation 25 of the *National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (Covid-19)) Regulations 2020*

Location: Date: Time:

Details of the circumstances alleged to constitute the offence:

Penalty \$..... Police Officer's Signature:

Police Officer's Name: Date: / /20.....

Acknowledgement of Service of Fixed Penalty Notice by: Name and Signature:

 (If a person refuses to accept Notice, a Police may note the refusal of acceptance)

Note:

1. This Notice shall only be served to the Offender at the time of the offence or as soon as practicable.
2. If the offender refuses to accept the Notice, he or she commits an offence under Regulation 30A (5) for which he or she is liable to a penalty not exceeding \$1,000 in addition to the fixed penalty.

PART 2: TIME FOR PAYMENT OF PENALTY

A. Take Notice that the penalty shall be paid to the Nauru Revenue Office within 7 days of the date of the issuance of this Fixed Penalty Notice.

B. Contesting the Fixed Penalty Notice
 If you intend to defend or contest the Notice, you are to appear in person or by a legal representative in court on the date and time provided in Part 3.

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PART 3: NOTICE TO ATTEND TO COURT

Take Notice that if you fail to pay the fixed penalty or intend to contest or defend this notice, you shall attend the District Court at Yaren on day the day of 20. . . . atnoon for the hearing.

If you fail to attend to the hearing, the court shall proceed to the hearing of the Fixed Penalty Notice in your absence and may impose a fine and costs or imprisonment term in accordance with Section 83 of the *National Disaster Risk Management Act 2016*. If you fail to abide by any order of the court, you shall be arrested under a committal warrant without any further notice.

AFFIDAVIT OF SERVICE

I. Police Officer make oath/solemnly affirm that I did on the day of 20. . . . served the offender. the original copy of this Coronavirus ((COVID-19) Breach of Mass Gathering) Fixed Penalty Notice at (time) on (date)

AND he/she acknowledged service by affixing his/her signature to this Fixed Penalty Notice.

Police officer: Before me:

(Commissioner for Oaths)