

[Legal Notice No. 23]

**EMERGENCY POWERS (COVID-19)(NO. 4) (AMENDMENT)
REGULATIONS 2021**

Table of provisions

1	Citation	55
2	Commencement	56
3	Amendment of Emergency Powers (COVID-19)(No. 4) Regulations 2020	56
4	Regulation 3 amended (Definitions)	56
5	Regulation 6 amended (Prime Minister’s power to make Orders)	57
6	Amendment of regulation 7 (Prohibition of entry)	57
7	New regulation 8A	57
8	Amendment of regulation 9 (Exemption from quarantine period)	58
9	Regulation 24 repealed and substituted	59
10	Regulation 25 amended (Mandatory quarantine on entry to Solomon Islands)	60
11	Regulations 26 to 28 repealed and substituted	60
12	Regulation 29 amended (Quarantining of persons to prevent transmission of COVID-19)	64
13	Regulation 32 amended (Appointment of authorised officers)	64
14	New Part 5A	64
15	New Schedule	70

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

**EMERGENCY POWERS (COVID-19)(NO. 4)(AMENDMENT)
REGULATIONS 2021**

IN exercise of the powers conferred by section 2 of the *Emergency Powers Act* (Cap. 11) and with reference to section 36(a) and 65(2) of the *Interpretation and General Provisions Act* (Cap. 85), the Governor-General makes the following Regulations:

1 **Citation**

These Regulations may be cited as the *Emergency Powers (COVID-19) (No. 4)(Amendment) Regulations 2021*.

2 **Commencement**

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

3 **Amendment of Emergency Powers (COVID-19)(No. 4) Regulations 2020**

These Regulations amend the *Emergency Powers (COVID-19)(No. 4) Regulations 2020* (Legal Notice No. 193 of 2020) (“**Principal Regulations**”).

4 **Regulation 3 amended (Definitions)**

Regulation 3 of the Principal Regulations is amended:

(a) by inserting in alphabetical order:

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

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

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

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

- (a) community transmission of COVID-19 is being reported; and
- (b) the level of community transmission is greater than in a moderate-risk COVID-19 country or territory but less than in an extremely high-risk COVID-19 country or territory; and
- (c) the transmission is primarily by traceable clusters of infections;

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

- (a) the only reported cases of persons infected with COVID-19 are in quarantine stations and there is no evidence of persons becoming infected with COVID-19 by community transmission; or
- (b) if there has been community transmission, there has been no reported cases of persons infected with COVID-19 by community transmission for 28 days;

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

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

- (b) the level of community transmission is greater than for low-risk COVID-19 countries or territories by less than for high-risk COVID-19 countries or territories; and
- (c) official reports of locally transmitted cases of persons infected with COVID-19 are not made daily; and
- (d) there are less than 10 reported cases of persons infected with COVID-19 every 2 to 3 days.”; and
- (b) by omitting “26, 27, 28” from the definition of “*quarantine period*” and substituting “26, 27, 28, 28A, 28B”; and
- (c) by omitting “26, 27, 28,” from paragraph (a) of the definition of “*quarantined person*” and substituting “26, 27, 28, 28A, 28B.”.

5 Regulation 6 amended (Prime Minister’s power to make Orders)

Regulation 6(2) of the Principal Regulations is amended:

- (a) by inserting after paragraph (b)
 - “(ba) in accordance with regulation 8A, 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”;
- (b) by omitting from paragraph (r) “26 to 28” and substituting “26 to 28B”.

6 Amendment of regulation 7 (Prohibition of entry)

Regulation 7 of the Principal Regulations is amended by inserting after subregulation (1):

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

Note to subregulation (1A).

An example of an inconsistency referred to in subregulation (1A) 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 (2) or 3).”.

7 New regulation 8A

The Principal Regulations are amended by inserting after regulation 8:

“8A Type of pre-departure test for COVID

The Prime Minister may, by Order, determine whether the test for the presence of COVID-19 taken before a person begins to travel to Solomon Islands under regulations 27 to 28B must be:

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

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

8

Amendment of regulation 9 (Exemption from quarantine period)

Regulation 9 of the Principal Regulations is amended:

(a) by inserting after subregulation (1):

“(1A) In addition, the Prime Minister may, by Order, exempt a person or class of persons who arrive in Solomon Islands on a vessel from being quarantined at a quarantine station for the quarantine period if:

- (a) the person or each person belonging to the class of persons, and each other person on board the vessel:
 - (i) embarked onto the vessel in a COVID-19 free country or territory; and
 - (ii) was for the 28-day period immediately before the day on which the vessel departed from the country or territory where the person embarked onto the vessel:
 - (A) in a COVID-19 free country or territory; or
 - (B) isolated on board a vessel, during which time no person on board the vessel presented with symptoms relating to the presence of COVID-19 or was confirmed to be infected with COVID-19; and
 - (iii) if testing for the presence of COVID-19 was available to the person during the 28-day period referred to in subparagraph (ii), was tested for the presence of COVID-19 within the 3-day period immediately before the person embarked onto the vessel and tested negative for the presence of COVID-19 for the test; and
 - (iv) did not disembark from the vessel before disembarking at the vessel’s port of entry into Solomon Islands; and
- (b) no other person embarked onto the vessel between the vessel’s departure from the country or territory where the person or each person belonging to the class of persons embarked onto the vessel and the vessel’s arrival in the port of entry into Solomon Islands; and
- (c) the person or each person belonging to the class of persons was, immediately on disembarking from the vessel in Solomon Islands, quarantined at a quarantine station; and
- (d) a period of at least 14 days has passed since the day on which the vessel departed from the country or territory where the person or each person belonging to the class of persons embarked onto the vessel; and
- (e) the person or each person belonging to the class of persons has been

tested for the presence of COVID-19:

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

(1B) In subsection (1A):

“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.”; and
- (b) omitting from subregulation (2) “subregulation (1)” and substituting “subregulation (1) or (1A)”.

9 Regulation 24 repealed and substituted

Regulation 24 of the Principal Regulations is repea

“24 Definitions for Part 3

In this Part:

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

“being in an extremely high-risk COVID-19 country or territory” means:

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

“being in a high-risk COVID-19 country or territory” means:

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

“being in a low-risk COVID-19 country or territory” means:

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

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

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

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

- (a) remaining at the person’s residence or place where the person is being accommodated unless it is necessary to leave the residence or accommodation to get essential medical care, purchase supplies, be tested for the presence of COVID-19 or escape risk of harm; and
- (b) if the person leaves the person’s residence or accommodation:
 - (i) wearing a facemask and regularly uses hand sanitiser; and
 - (ii) going directly to and from the person’s destination; and
 - (iii) avoiding crowded areas; and
- (c) not allowing anyone into the person’s residence or accommodation who does not reside there, unless they enter to provide emergency or medical care; and
- (d) minimising interaction with any other persons by maintaining at least 1.5 metres distance between the person and other persons, handling the person’s own belongings; not sharing food or household or other items with another person, practising personal hygiene and frequently cleaning and disinfecting surfaces in the residence.”.

10 Regulation 25 amended (Mandatory quarantine on entry to Solomon Islands)

Regulation 25 of the Principal Regulations is amended:

- (a) by omitting from subregulation(1)(a) and (b) “26, 27 or 28” and substituting “26, 27, 28, 28A or 28B”; and
- (b) by inserting in subregulation (2)(c) “or that the person’s test for the presence of COVID-19 is indeterminate” after “COVID-19”.

11 Regulations 26 to 28 repealed and substituted

The Principal Regulations are amended by repealing regulations 26, 27 and 28 and substituting:

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

- (1) In this regulation:
“*person*” means a person entering Solomon Islands who was in a COVID-19 free country or territory for the 28-day period immediately before the person began travelling to Solomon Islands.
- (2) If testing for the presence of COVID-19 was available to the person while in the COVID-19 free country or territory, the person must have been tested for the presence of COVID-19 within the 3-day period immediately before the person began travelling to Solomon Islands and, if so, must have tested negative for COVID-19 for the test.
- (3) On entering Solomon Islands, the person must immediately be quarantined for the period ending 14 days from the day the person enters Solomon Islands.
- (4) While in quarantine, the person must be tested for the presence of COVID-19:
 - (a) if the person was not tested for the presence of COVID-19 in accordance with subregulation (2), once within 48 hours of entering Solomon Islands, and must test negative for COVID-19 for the test; and
 - (b) on a day between the twelfth and fourteen day of the quarantine period, and must test negative for COVID-19 for the test.

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

- (1) In this regulation:
“*person*” means a person entering Solomon Islands who was in a low-risk COVID-19 country or territory for the 28-day period immediately before the person began travelling to Solomon Islands.
- (2) If testing for the presence of COVID-19 was available to the person while in the low-risk COVID-19 country or territory, the person must have been tested twice for the presence of COVID-19 before the person began travelling to Solomon Islands, as follows:
 - (a) on a day between the fourteenth and tenth day before the person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test; and
 - (b) within the 3-day period immediately before the person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test.

- (3) On entering Solomon Islands, the person must immediately be quarantined for the period ending 14 days from the day the person enters Solomon Islands.
- (4) While in quarantine, the person must be tested for the presence of COVID-19:
 - (a) if the person was not tested for the presence of COVID-19 in accordance with subregulation (2), once within 48 hours of entering Solomon Islands, and must test negative for COVID-19 for the test; and
 - (b) on a day between the fifth and tenth day of the quarantine period, and must test negative for COVID-19 for the test; and
 - (c) on a day between the twelfth and fourteenth day of the quarantine period, and must test negative for COVID-19 for the test.

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

- (1) In this regulation:

“*person*” means a person entering Solomon Islands who was in a moderate-risk COVID-19 country or territory for the 28-day period immediately before the person began travelling to Solomon Islands.
- (2) The person must have been tested twice for the presence of COVID-19 before the person began travelling to Solomon Islands, as follows:
 - (a) on a day between the fourteenth and tenth day before the person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test; and
 - (b) within the 3-day period immediately before the person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test.
- (3) On entering Solomon Islands, the person must immediately be quarantined for the period ending 14 days from the day the person enters Solomon Islands.
- (4) While in quarantine, the person must be tested for the presence of COVID-19:
 - (a) within 48 hours of entering Solomon Islands, and must test negative for COVID-19 for the test; and
 - (b) on a day between the fifth and tenth day of the quarantine period, and must test negative for COVID-19 for the test; and
 - (c) on a day between the twelfth and fourteenth day of the quarantine period, and must test negative for COVID-19 for the test.

“28A Quarantine and testing of person from high-risk COVID-19 country or territory

- (1) In this regulation:
“person” means a person entering Solomon Islands who was in a high-risk COVID-19 country or territory for the 28-day period immediately before the person began travelling to Solomon Islands.
- (2) The person must have been tested three times for the presence of COVID-19 before the person began travelling to Solomon Islands, as follows:
 - (a) on a day between the twenty-first and seventeenth day before person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test; and
 - (b) on a day between the fourteenth and tenth day before the person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test; and
 - (c) within the 3-day period immediately before the person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test.
- (3) On entering Solomon Islands, the person must immediately be quarantined for the period ending 21 days from the day the person enters Solomon Islands.
- (4) While in quarantine, the person must be tested for the presence of COVID-19:
 - (a) within 48 hours of entering Solomon Islands, and must test negative for COVID-19 for the test; and
 - (b) on a day between the fifth and tenth day of the quarantine period, and must test negative for COVID-19 for the test; and
 - (c) on a day between the twelfth and fourteenth day of the quarantine period, and must test negative for COVID-19 for the test; and
 - (d) on a day between the nineteenth and twenty-first day of the quarantine period, and must test negative for COVID-19 for the test.

“28B Quarantine and testing of person from extremely high-risk COVID-19 country or territory

- (1) In this regulation:
“person” means a person entering Solomon Islands who was in an extremely high-risk COVID-19 country or territory for the 28-day period immediately before the person began travelling to Solomon Islands.
- (2) The person must:

- (a) have self-quarantined for the 21-day period immediately before the person began travelling to Solomon Islands; and
 - (b) have been tested three times for the presence of COVID-19 before the person began travelling to Solomon Islands, as follows:
 - (i) on a day between the twenty-first and seventeenth day before the person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test; and
 - (ii) on a day between the fourteenth and tenth day before the person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test; and
 - (iii) within the 3-day period immediately before the person began travelling to Solomon Islands, and must have tested negative for COVID-19 for the test.
- (3) On entering Solomon Islands, the person must immediately be quarantined for the period ending 21 days from the day the person enters Solomon Islands.
- (4) While in quarantine, the person must be tested for the presence of COVID-19:
- (a) within 48 hours of entering Solomon Islands, and must test negative for COVID-19 for the test; and
 - (b) on a day between the fifth and tenth day of the quarantine period, and must test negative for COVID-19 for the test; and
 - (c) on a day between the twelfth and fourteenth day of the quarantine period, and must test negative for COVID-19 for the test; and
 - (d) on a day between the nineteenth and twenty-first day of the quarantine period, and must test negative for COVID-19 for the test.”.

12 Regulation 29 amended (Quarantining of persons to prevent transmission of COVID-19)

Regulation 29(1) is amended by omitting from paragraphs (a) and (b) “26 to 28” and substituting “26 to 28B”.

13 Regulation 32 amended (Appointment of authorised officers)

Regulation 32 of the Principal Regulations is amended by inserting after subregulation (2):

- “(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.”.

14 New Part 5A

The Principal Regulations are amended by inserting after regulation 40:

“PART 5A ADMINISTRATIVE PENALTY PROCEDURE**“40A Definitions for Part 5A**

In this Part:

“*administrative penalty*” means the administrative penalty for an offence determined by Order under regulation 40D;

“*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 and prosecuted 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 40E(1)(b);

“*offence*” means an alleged offence against a regulation specified in regulation 40C;

“*property*” means property used or involved in the alleged commission of an offence referred to in regulation 40E(1)(a).

“40B Purpose of Part 5A

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

- (a) being liable to being prosecuted for the offence and convicted; and
- (b) a penalty that may be imposed on conviction for the offence being imposed on the person.

“40C Offences

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

- (a) regulation 7(4);
- (b) regulation 8(2);
- (c) regulation 11(4);
- (d) regulation 16(3);
- (e) regulation 22(4);
- (f) regulation 33(3).

“40D 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.

“40E Forfeiture of property and payment of costs

- (1) In addition to payment of the monetary 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 specifies, by notice under section 40F(2), how subsection (1) applies in relation to the offence the subject of the notice.

“40F 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 must, after consulting with the Attorney-General and Director of Public Prosecutions, or the Commissioner of Police, either:
 - (a) by written notice to the authorised officer:
 - (i) instruct that the administrative penalty procedure applies to the person 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 40E(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.

“40G 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
 - (d) specify that, if the person consents under section 40H within the 14-day period for doing so specified in the Penalty Notice, the alleged commission of the offence will be dealt with under the administrative penalty procedure; and
 - (e) specify the date by which the person must consent under section 40H; and
 - (f) specify the administrative penalty payable for the offence the person is alleged to have committed if the person consents under section 40H; and
 - (g) specify that the administrative penalty must be paid within 28 days of the date the penalty notice is given to the person and specify the date on or before which and the manner in which the administrative penalty is payable; and
 - (h) specify whether property used or involved in the alleged commission of the offence will be seized, held or sold or forfeited; and
 - (i) specify whether the person must pay an amount of costs in connection with the alleged commission of the offence and, if so, the amount of the costs and the date on or before which the costs must be paid and manner of payment of the costs; and
 - (j) specify that, if the administrative penalty or the amount of costs is not paid as specified in the Penalty Notice, that:
 - (i) proceedings to charge and prosecute the person for the offence will be commenced against the person; and
 - (ii) if any property has been seized and held or sold, the property or proceeds of sale will be forfeited to the Government; and
 - (iii) if the person paid 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 section 40H 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 costs (if any) payable by the person are not paid on or before the date and in the manner for doing so specified in the Penalty Notice.

“40H 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.

“40I Payment of administrative penalty etc.

- (1) If a person consents under section 40H, the person must pay:
- (a) the administrative penalty specified in the Penalty Notice given to the person on or before the date for doing so 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) On the person paying the administrative penalty and costs, the Prime Minister must return property seized under regulation 40E, or pay the proceeds of the sale of the property, (if any) to the person.
- (3) If the person fails to pay the administrative penalty on or before the specified date or the costs (if any) on or before the specified date and in the specified manner:
- (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 paid a portion of the amount of the administrative penalty or the costs on or before the specified date and in the specified manner, that amount is forfeited to the Government unless a court orders otherwise.

“40J 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 date the person paid the administrative penalty;
 - (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 or sale price was returned 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.

“40K Limitation of application of Part 5A

This Part does not:

- (a) require the Prime Minister to decide that the administrative penalty procedure applies to a person who allegedly committed an offence; and
- (b) affect the liability of a person to be prosecuted for an offence if:
 - (i) a Penalty Notice is not given to the person; or

- (ii) the person does not consent under section 40H 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 and in the manner specified in the Penalty Notice; and
- (c) prevent more than one Penalty Notice being given to a person for the same offence.”.

15 New Schedule

The Principal Regulations are amended by adding after regulation 47:

**“SCHEDULE
(Regulations 40G and 40H)**

FORMS

Form 1

Emergency Powers Act

(Cap. 11)

Emergency Powers (COVID-19)(No. 4) Regulations 2020

(Regulation 40G)

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. 4) Regulations 2020*.

(insert particulars of offence)

Pursuant to regulation 40H of the Regulations, you may consent to the alleged offence being dealt with under the administrative penalty procedure under Part 5A of the Regulations by completing and signing the attached Consent to Administrative Penalty Procedure and 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, the alleged offence will be dealt with under the administrative penalty procedure and you must pay the

administrative penalty of *(specify penalty)* on or before *(specify date 28 days after the date of the Penalty Notice)*.

In addition to payment of the administrative penalty:

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

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

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

If you do not pay the administrative penalty on or before the specified date, or do not pay the costs on or before the specified day and in the specified manner, you will be charged and prosecuted for the alleged offence and 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 and in the specified manner, that amount is forfeited to the Government unless a court orders otherwise.

Signed:

Name and identification of authorised officer:

Form 2

Emergency Powers Act (Cap. 11)

Emergency Powers (COVID-19)(No. 4) Regulations 2020 (Regulation 40H)

CONSENT TO ADMINISTRATIVE PENALTY PROCEDURE

I, *(full name of person)*

of *(address)*

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

being dealt with under the administrative penalty procedure under Part 5A of the *Emergency Powers (COVID-19)(No. 4) Regulations 2020* instead of being charged and prosecuted for the alleged offence.

I understand:

- (a) the administrative penalty imposed for the alleged contravention and the date by which I must pay the monetary penalty; and
- (b) *that property will be *seized and *held/sold / *forfeited; and
- (c) *that costs of the amount of (*specify amount of costs*) are payable (*specify date when and manner in which costs are payable*); and
- (d) that if I do not consent, I will be charged and prosecuted for the alleged offence; and
- (e) that if I do not pay the administrative penalty on or before the specified date, or do not pay the costs on or before the specified date and in the specified manner, I will be charged and prosecuted for the alleged offence *and 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 and in the specified manner, that amount is forfeited to the Government unless a court orders otherwise.

* *Delete which not applicable*

Signed:

Date:

”.

Made this thirtieth day of January 2021.

SIR DAVID VUNAGI
GOVERNOR-GENERAL
