

[Legal Notice No. 193]

EMERGENCY POWERS (COVID-19)(NO. 4)

REGULATIONS 2020

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

**EMERGENCY POWERS (COVID-19)(NO. 4)
REGULATIONS 2020**

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

PART 1 PRELIMINARY MATTERS

1 Citation

These Regulations may be cited as the *Emergency Powers (COVID-19)(No. 4) Regulations 2020*.

2 Commencement

These Regulations commence on 24 November 2020.

3 Definitions

In these Regulations:

“*authorised officer*” means an authorised officer specified in regulation 32(1) or appointed under regulation 32(2);

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

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

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

- (a) the *Proclamation Declaring State of Public Emergency* (Legal Notice No. 28 of 2020) made on 25 March 2020;
- (b) the *Proclamation Declaring State of Public Emergency* (Legal Notice No. 103 of 2020) made on 24 July 2020;
- (c) the Proclamation declaring a state of public emergency on grounds relating to the outbreak of COVID-19 that commences on 24 November 2020;

“*emergency zone*” means a place or an area declared to be an emergency zone under regulation 12;

“*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;

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

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

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

“**property**”:

(a) means:

(i) land; or

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

(iii) a vehicle; and

(b) includes an interest or right in property;

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

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

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

“**quarantine**”, of a person, means that the person is:

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

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

“**quarantine period**” means the period of days for which a person must be quarantined at a quarantine station under regulation 26, 27, 28 or 29 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 10;

“**quarantined person**” means a person:

(a) who is quarantined at a quarantine station under regulation 26, 27, 28, 29(1)(a) or 31; or

(b) whose quarantine at a quarantine station is extended under regulation 29(1)(b);

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

- (a) to be protected from the importation or spread of COVID-19; or
- (b) to be adequately informed or warned of the nature, symptoms and treatment of COVID-19; or
- (c) to be treated for any symptoms of COVID-19; or
- (d) in the recovery of the national economy from adverse effects (whether direct or indirect) caused by the global outbreak of COVID-19; or
- (e) to receive assistance through projects approved by the Cabinet to boost the social and economic development of Solomon Islands; or
- (f) to have minimal disruption during the global outbreak of COVID-19 to services provided by the Government;

“**stopover**” means a break in a journey for 8 hours or more;

“**travelling**”:

- (a) means making a journey from a place where the person making the journey has been for more than 8 hours to a place where the person will be for more than 8 hours; and
- (b) includes being in transit for 8 hours or less while travelling; and
- (c) to avoid doubt, does not include a stop-over;

“**vehicle**” includes an aircraft or a vessel;

“**vessel**”:

- (a) means a vessel used for:
 - (i) carrying cargo; or
 - (ii) fishing for household consumption, sale, trading, or commercial or manufacturing purposes; or
 - (iii) commercial or private recreation or travel, for example a cruise liner, pleasure craft or yacht; or
 - (iv) bunkering; or
 - (v) carrying ore or fuel; or
 - (vi) logging; or
 - (vii) any other purpose; and
- (b) includes a vessel that is less than 10 metres long.

Note for regulation 3.

In these Regulations:

- (a) *in accordance with section 63(3) of the Interpretation and General Provisions Act (Cap. 85), a reference to “the Act” is a reference to the Emergency Powers Act (Cap. 11); and*
- (b) *the expressions “medical officer”, “medical practitioner”, “public place”, and “the Government” have the meanings given in section 16(1) of the Interpretation and General Provisions Act (Cap. 85).*

4 Application

- (1) These Regulations apply in the whole of Solomon Islands.
- (2) In accordance with section 2(b) of the Act, these Regulations only have effect during the emergency period.
- (3) Despite subregulation (2), a contract entered into under regulation 11(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, exempt a person or a class of persons from the requirement to be quarantined for the quarantine period; or
 - (d) in accordance with regulation 10, declare property to be a quarantine station; or
 - (e) in accordance with regulation 11, take possession of or acquire property; or
 - (f) in accordance with regulation 12, declare Solomon Islands, or a place or an area in Solomon Islands, to be an emergency zone; or

- (g) in accordance with regulation 13, authorise participation in a public assembly or public procession in an emergency zone;
- (h) in accordance with regulation 14:
 - (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
- (i) in accordance with regulation 15:
 - (i) temporarily close a public place; or
 - (ii) direct an authorised officer to remove property or movable property from a public place; or
- (j) in accordance with regulation 16:
 - (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
- (k) in accordance with regulation 17, suspend access to media outlets; or
- (l) in accordance with regulation 18, order the release of funds provided for under other laws of Solomon Islands to implement public safety measures; or
- (m) in accordance with regulation 19, suspend trade unions; or
- (n) in accordance with regulation 20, give directions to the National Disaster Council for taking measures and executing its operations; or
- (o) in accordance with regulation 21 provide for the cessation of a business; or
- (p) in accordance with regulation 22, direct a person or a class of persons to perform the duties, functions and responsibilities of their employment; or
- (q) in accordance with regulation 23, prescribe fees payable for quarantine, testing for COVID-19 or for a health and medical service provided by a Government health or medical facility; or
- (r) in accordance with regulation 29, in addition to quarantine under regulations 26 to 28 and if satisfied that it is necessary to do so to prevent transmission of COVID-19 within Solomon Islands:
 - (i) quarantine a person or class of persons and specify the manner of testing for the presence of COVID-19 of the person or class while quarantined; or

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

7 **Prohibition of entry**

- (1) The Prime Minister may, by Order, prohibit a person or a class of persons from entering into Solomon Islands during the emergency period.
- (2) 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.
- (3) 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.
- (4) A person who contravenes the Order commits an offence.

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

- (5) In this regulation:

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

“*family member*” means the spouse or a dependent child of a person who lives in Solomon Islands or who enters Solomon Islands under subregulation (2);

“*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.

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

10 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 quarantine; for the presence of COVID-19 while in
 - (c) isolating, treating and testing persons infected with COVID-19;
 - (d) providing for the safety or wellbeing of persons while in quarantine.
- (3) A person must not enter or be in a quarantine station unless the person is:
- (a) an authorised officer; or
 - (b) a quarantined person.
- (4) A person must not give anything to, or receive anything from, a quarantined person unless the person is an authorised officer.
- (5) A person who contravenes subregulation (3) or (4) commits an offence.

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

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

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

- (2) Prior to the making of an Order under subregulation (1), the Prime Minister and the owner of the property must enter into an agreement that sets out the terms and conditions of the possession or acquisition.
- (3) The agreement:
- (a) must be in writing; and
 - (b) must specify how the property will be used and any works that are likely to be carried out on the property or that will otherwise affect the property; and
 - (c) must provide for reasonable compensation in accordance with section 8(1)(c)(i) of the Constitution; and
 - (d) must provide, in a manner that accords with section 8(1)(c)(ii) of the Constitution, for the owner's right of access to the High Court to determine questions relating to the owner's interests and rights in the property, the legality of the requisition or taking possession 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.

12 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.

13 Only authorised public assemblies and public processions in emergency zone

- (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.

14 **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.

15 Temporary closure of a public place etc.

- (1) The Prime Minister may, by Order:
- (a) temporarily close a public place; or

- (b) direct an authorised officer to remove or destroy property or movable property in a public place that:
 - (i) is unlawfully located on 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 under subregulation (2) or (3) if the person contravenes

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.

16 Restriction of movement of vessels and aircrafts

- (1) The Prime Minister may, by Order:
 - (a) restrict the movement into, within or out of Solomon Islands of:
 - (i) a vessel or a class of vessels; or
 - (ii) an aircraft or a class of aircraft; or
 - (iii) the crew of a vessel, aircraft or class of vessels or aircraft; or
 - (b) prescribe procedures or measures to restrict the movement of the vessel, aircraft, class of vessels or aircraft or crew, into, within or out of Solomon Islands; or
 - (c) subject to subregulation (2), prescribe procedures or measures for exempting a vessel or aircraft, or its crew, from compliance with a

restriction imposed on its movement, including the following:

- (i) establishing a committee to receive, consider and determine applications for the exemption of a vessel or aircraft from the restriction;
 - (ii) prescribing procedures or measures for making an application to the committee for an exemption;
 - (iii) providing that the committee's decision to exempt or not exempt a vessel or aircraft is final, and no rule of law applies to give a person affected by the decision a right of appeal against the decision or the right to apply for any reconsideration or review of the decision.
- (2) An exemption from compliance with a restriction:
- (a) must be in writing; and
 - (b) may impose conditions for preventing the transmission of COVID-19.
- (3) If a vessel or aircraft is moving into, within or out of Solomon Islands in contravention of the Order, each of the following persons commits an offence:
- (a) the owner of the vessel or aircraft;
 - (b) the operator of the vessel or aircraft;
 - (c) the charterer of the vessel or aircraft;
 - (d) the owner of cargo carried on the vessel or aircraft.

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

17 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 by or through the use of which information is transmitted.

18 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; or
 - (b) the construction, establishment, operation and management of quarantine stations; or
 - (c) the awareness and dissemination of information about or relating to COVID-19; or
 - (d) the purchase of medical supplies and equipment for authorised officers and the public; or
 - (e) treatment of persons who have contracted COVID-19; or
 - (f) the enforcement of these Regulations; or
 - (g) any other 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 subregulation (1); and funds released under
 - (b) prepare a report on the acquittal and use of the funds and table the report before Parliament at a sitting of Parliament in same the year in which the Order is made.

- (3) In this regulation:

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

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

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

19 Power to suspend trade unions

- (1) The Prime Minister may, by Order, suspend the operation of a trade union during the emergency period if satisfied that doing so is necessary for the public interest or a COVID-19 related purpose.
- (2) The registration and certificate of registration of a trade union which contravenes an Order made under subregulation (1) may be cancelled, with immediate effect, as if the contravention of the Order were grounds specified in section 14(3) of the *Trade Unions Act* (Cap. 76).
- (3) In this regulation, “*trade union*” has the same meaning it has under section 2(1) of the *Trade Unions Act* (Cap. 76).

20 National Disaster Council to perform functions and exercise powers

- (1) During the emergency period, the National Disaster Council must perform its functions and exercise its powers under the *National Disaster Council Act* (Cap. 148), and take safety measures and execute disaster operations, as if an Order were made and in force under section 12 of that Act.
- (2) The Prime Minister may, by Order, give directions in writing to the National Disaster Council for taking measures and executing its operations for the public interest or a COVID-19 related purpose.

21 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 15; 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 a 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.

22 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.

23 Fees for quarantine, testing for COVID-19 etc.

The Prime Minister may, by Order:

- (a) prescribe fees payable for:
 - (i) being quarantined or tested for the presence of COVID-19; or
 - (ii) 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.

PART 3 QUARANTINE AND TESTING FOR COVID-19

24 Definitions for Part 3

In this Part:

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

- (a) being only in a COVID-19 affected country or territory; or
 (b) being in a COVID-19 affected country or territory and a COVID-19 free country of territory;

“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 a high-risk COVID-19 affected country or territory” means being in at least one country or territory that is a high-risk COVID-19 affected country;

“COVID-19 affected country or territory” means a country or territory where there has been a confirmed case of a person infected with COVID-19, but the country or territory is not a high-risk COVID-19 affected country or territory;

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

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

- (a) the daily rate of official reported cases of persons infected with COVID-19 is increasing or is consistently serious; or
 (b) wide community transmission is being reported.

25 Mandatory quarantine on entry to Solomon Islands

- (1) A person who enters Solomon Islands must:
- (a) immediately on entering Solomon Islands, be quarantined at a quarantine station for the quarantine period under regulation 26, 27, or 28; and
- (b) during the quarantine period be tested under regulation 26, 27 or 28 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 person's 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 is in need of urgent medical condition; and
 - (ii) that urgent medical condition can only be attended to 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
 - (d) if the authorised officer in charge of the quarantine station certifies in writing that the quarantine station is not a safe or secure location for the person; or
 - (e) if the Prime Minister exempts the person under regulation 9 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.

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

- (1) A person entering Solomon Islands must immediately be quarantined for the period ending 14 days from the day the person enters Solomon Islands if the person was in a COVID-19 free country or territory for the 28 day period immediately before the day on which the person began travelling to Solomon Islands.

- (2) The person must be tested for the presence of COVID-19 on a day between the twelfth and fourteen day of the quarantine period, and must test negative for COVID-19 for that test.

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

- (1) A person entering Solomon Islands must immediately be quarantined for the period ending 14 days from the day the person enters Solomon Islands if the person was in a COVID-19 affected country or territory for the 28 day period immediately before the day on which the person began travelling to Solomon Islands.
- (2) The person must be tested for the presence of COVID-19 on a day between the fifth and tenth day of the quarantine period and on a day between the twelfth and fourteenth day of the quarantine period, and must test negative for both tests, if:
 - (a) the COVID-19 affected country or territory has not, during the 28 day period immediately before the day the person began travelling to Solomon Islands, officially reported a new case of a person infected with COVID-19; or
 - (b) the COVID-19 affected country or territory has, within the 28 day period immediately before the day the person began travelling to Solomon Islands, officially reported a steady decline in the number of cases of persons infected with COVID-19 and the person was tested twice for the presence of COVID-19 within the 14 day period immediately before the day the person began travelling to Solomon Islands and tested negative for COVID-19 for both tests.
- (3) The person must be tested for the presence of COVID-19 within 48 hours of entering Solomon Islands, on a day between the fifth and tenth day of the quarantine period and on a day between the twelfth and fourteenth day of the quarantine period, and must test negative for COVID-19 for both tests, if:
 - (a) the COVID-19 affected country or territory has, within the 28 day period immediately before the day the person began travelling to Solomon Islands, officially reported a steady decline in the number of cases of persons infected with COVID-19; and
 - (b) the person was not tested twice for the presence of COVID-19 within the 14 day period immediately before the day on which the person began travelling to Solomon Islands.

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

- (1) A person entering Solomon Islands who was in a high-risk COVID-19 affected country or territory during the 28 days immediately before the day on which the person began travelling to Solomon Islands must:
 - (a) have been tested at least three times for the presence of COVID-19 within the 21 days immediately before the person began travelling to Solomon Islands and tested negative for COVID-19 for each test; and
 - (a) immediately be quarantined for the period ending 21 days from the day the person enters Solomon Islands.
- (2) While quarantined, the person:
 - (a) must be tested for the presence of COVID-19:
 - (i) within 48 hours of entering Solomon Islands; and
 - (ii) on a day between the fifth and tenth day of the person's quarantine period; and
 - (iii) on a day between the twelfth and fourteenth day of the person's quarantine period; and
 - (iv) on a day between the nineteenth and twenty-first day of the person's quarantine period; and
 - (b) must test negative for COVID-19 for each test.

29 Quarantining of persons to prevent transmission of COVID-19

- (1) The Prime Minister may, by Order, if satisfied that it is necessary to do so to prevent the transmission of COVID-19 within Solomon Islands:
 - (a) declare that a person or class of persons (other than those quarantined under sections 26 to 28) must be quarantined at a quarantine station; or
 - (b) extend the quarantine period of a person or class of persons quarantined under sections 26 to 28 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 25(2) (b), (c), or (d), (3) or (4) (which provisions apply as if the reference in them to a quarantined person were a reference to a quarantined person referred to in this regulation); or
 - (B) after the person tests negative for COVID-19 as specified in the Order, the person leaves the quarantine station in accordance with the Government's quarantine procedures for discharge.
- (4) A person who contravenes subregulation (3) commits an offence.

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

30 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 26 to 29.
- (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.

31 Isolating and testing of persons infected with COVID-19

- (1) If a person who is not a quarantined person tests positive for COVID-19, the person must:
 - (a) immediately be isolated at a quarantine station and treated for COVID-19 in accordance with the Government's isolation procedures for COVID-19 infected persons; and
 - (b) be tested for the presence of COVID-19 as specified in this regulation.
- (2) If a person who is a quarantined person tests positive for COVID-19:
 - (a) regulations 26 to 30 do not apply; and
 - (b) the person must be isolated at quarantine station and treated for COVID-19 in accordance with the Government's isolation procedures for COVID-19 infected persons; and
 - (c) the person must be tested for the presence of COVID-19 as specified in this regulation.
- (3) If the person is, and continues to be, asymptomatic for COVID-19, the person must be tested for the presence of COVID-19:
 - (a) on a day between the tenth and fourteenth day after the person tested positive for COVID-19; and
 - (b) after being tested under paragraph (a), be tested as determined by the supervising medical officer until the person tests negative for COVID-19 for 3 consecutive tests that are taken at least 7 days apart.

- (4) If the person is or becomes symptomatic for COVID-19, the person must be tested for the presence of COVID-19:
- (a) 3 days after the person ceases to exhibit symptoms for COVID-19; and
 - (b) after being tested under paragraph (a), be tested as determined by the supervising medical officer until the person tests negative for COVID-19 for 3 consecutive tests that are taken at least 7 days apart.
- (5) The person must not leave the quarantine station unless:
- (a) the person has tested negative for COVID-19 for 3 consecutive tests that are taken at least 7 days apart; and
 - (b) the person leaves the quarantine station in accordance with the Government's quarantine procedures for discharge.
- (6) A person who contravenes this regulation commits an offence.

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

PART 4 AUTHORISED OFFICERS

32 Appointment of authorised officers

- (1) The following persons are authorised officers:
- (a) a medical officer or medical practitioner;
 - (b) a nurse as defined in section 3 of the *Nursing Council Act* (Cap. 104);
 - (c) a health worker as defined in section 2 of the *Health Workers Act* (Cap. 101);
 - (d) an immigration officer as defined in section 2 of the *Immigration Act 2012*;
 - (e) an officer as defined in section 2(1) of the *Customs and Excise Act* (Cap. 121);
 - (f) a biosecurity officer as defined in section 2(1) of the *Biosecurity Act 2013*;
 - (g) an officer as defined in section 3 of the *Quarantine Act* (Cap. 106);
 - (h) a police officer as defined in section 2 of the *Police Act 2013*;
 - (i) a correctional services officer as defined in section 2 of the *Correctional Services Act 2007*;
 - (j) the Chairman of the National Disaster Council;
 - (k) each of the following officers who work at the National Disaster

Management Office established under section 7 of the *National Disaster Council Act* (Cap. 148):

- (i) Director of the National Disaster Management Office;
 - (ii) Deputy Director of the National Disaster Management Officer;
 - (iii) Chief of Operations of the National Disaster Management Office;
 - (iv) a chairperson of a committee of the National Disaster Management Office.
- (2) The Prime Minister may, by Order, appoint other persons to be authorised officers for the effective implementation of these Regulations.

33 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 emergency zones; for quarantine stations or
 - (b) to facilitate the quarantine of persons at a quarantine station;
 - (c) to carry out the Government's quarantine procedures;
 - (d) to examine and test persons for COVID-19 for establishing if the persons are not infected with COVID-19;
 - (e) to examine, treat and test persons infected with COVID-19;
 - (f) to manage quarantine stations;
 - (g) to enforce these Regulations and Orders made under these Regulations;
 - (h) to ensure the lawful, safe and orderly movement of persons, vessels and aircrafts into, within and from Solomon Islands;
 - (i) to inform, or disseminate information to, the public regarding the prevention, management, monitoring or treatment of COVID-19.
- (2) Specification of the functions of an authorised officer under subregulation (1) may be done by specifying the functions of an authorised officer or a class of authorised officers.
- (3) An authorised officer who fails or refuses to perform any of his or her functions commits an offence.

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

34 Powers of authorised officers

- (1) Subject to regulation 35, for performing his or her functions, an authorised

officer has those of the following powers appropriate for performing his or her functions as specified in writing and given to the authorised officer:

- (a) stop and search a person;
 - (b) stop and search a vehicle;
 - (c) enter and search premises;
 - (d) detain or arrest a person;
 - (e) seize a vehicle;
 - (f) take necessary steps and use reasonable force as may appear to him or her to be necessary to:
 - (i) stop and search a person; or
 - (ii) stop and search a vehicle; or
 - (iii) enter and search premises; or
 - (iv) detain or arrest a person; or
 - (v) seize a vehicle;
 - (g) seize anything found on a person, or on premises or a vehicle, which the authorised officer has reason to suspect is or was being used or is intended to be used for:
 - (i) committing an offence under these Regulations or under an Order; or
 - (ii) any purpose, or in any way, prejudicial to the public health, safety, order or security or the public interest;
 - (h) examine or test a person for the presence of COVID-19;
 - (i) examine, treat and test a person infected with COVID-19;
 - (j) give directions orally or in writing to a person;
 - (k) require a person to:
 - (i) comply with a direction given under paragraph (g); or
 - (ii) answer the authorised officer's questions; or
 - (iii) give to the authorised person specified information or an article in the person's possession; or
 - (iv) produce the information or article referred to in subparagraph (iii) at a specified place and time.
- (2) Specification of the powers of an authorised officer under subregulation (1) may be done by specifying the powers of an authorised officer or a class of authorised officers.

35 Procedural matters

- (1) An authorised person exercising a power under regulation 34(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 34 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 34 or this regulation, must comply with the *Criminal Procedure Code* (Cap. 7).

36 Offences relating to authorised officers

- (1) 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) if required by an authorised officer to give or produce information under regulation 34(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.

- (2) In addition to the penalty under subregulation (1), if the person is not a citizen of Solomon Islands, the person may be deported immediately on the next available flight.

37 Indemnity from liability

An authorised officer is not civilly or criminally liable for an act done or omission made in good faith and without negligence in exercising the authorised officer's powers and performing the authorised officer's functions

under these Regulations.

PART 5 OTHER OFFENCES

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

(1) In this section:

“*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.

39 Offence of disseminating rumours and false information

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

- (a) maliciously fabricates or knowingly disseminates or publishes, whether by writing or by word of mouth, online or otherwise, any false news or report that is likely to create or foster public alarm, public anxiety or disaffection or to produce public detriment; or
- (b) acts or is acting in a manner prejudicial to the public safety, order or security of Solomon Islands or a part of Solomon Islands; or
- (c) endeavours to disturb, or disturbs, the public peace, safety or order by inciting hatred or contempt of a class of persons.

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

40 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.

PART 6 MISCELLANEOUS MATTERS

41 Official dissemination of information relating to COVID-19

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

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

42 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 of agency of the Government or a Provincial Government.
- (2) A person commits an offence if the person misrepresents medical equipment or supplies as medical equipment that is or supplies that are:
- (a) distributed by the Ministry of under subregulation (1)(a); or Health and Medical Services
 - (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.

43 **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 safety, order or security of the Solomon Islands or a part of Solomon Islands.
- (2) A public officer who does not comply with subregulation (1) must be terminated with immediate effect.

PART 7 **REPEAL AND SAVINGS PROVISIONS**

44 **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 Regulations repealed under regulation 45.

45 **Repeal**

The *Emergency Powers (COVID-19)(No.3) Regulations 2020* (Legal Notices Nos. 104, 115 and 162 of 2020) are repealed.

46 **Savings provisions**

On the commencement:

- (a) each Order made or continued in force under the repealed Regulations:
 - (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 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.

47 **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.

Made this twenty-fourth day of November 2020

SIR DAVID VUNAGI
GOVERNOR-GENERAL
