

[Legal Notice No. 293]

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

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EMERGENCY POWERS ACT
(Cap. 11)

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

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

1 Citation

These Regulations may be cited as the *Emergency Powers (COVID-19)(No. 2)(Amendment No. 2) Regulations 2021*.

2 Commencement

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

3 Amendment of Emergency Powers (COVID-19) (NO. 2) Regulations 2021

These Regulations amend the *Emergency Powers (COVID-19) (No. 2) Regulations 2021* (Legal Notice No. 198 of 2021) (“**Principal Regulations**”).

4 Regulation 3 amended

Regulation 3 of the Principal Regulations is amended in paragraph (b) of the definition of “**quarantine**”, by inserting “or a person approved under regulation 60A to provide physical care and emotional support to the person” after “authorised officer”.

5 Regulation 6 amended

Regulation 6 of the Principal Regulations is amended by inserting after paragraph (s):

“(t) in accordance with regulation 60A, approve a person to provide physical care and emotional support to a quarantined person who is ill, disabled or elderly.”.

6 Regulation 7 amended

Regulation 7 of the Principal Regulations is amended:

(a) by inserting after subsection (4) the following:

“(4A) A person to who is prohibited under regulation 7(1) to enter Solomon Islands may not enter Solomon Islands unless:

(a) the person is either a citizen of Solomon Islands or excepted for entry by an Order made under regulation 7(3) or (4); and

(b) if the person is from, or travels to Solomon Islands from or through, a country where there is widespread community transmission of the COVID-19 Delta Variant, the person is excepted for entry by the Prime Minister by Order made under this paragraph, which Order must specify the day on which, or on or about which, the person will enter Solomon Islands.

(4B) An Order made under subregulation 7(3), (4) or (4A)(b) operates to authorise a person to enter into Solomon Islands once only, unless otherwise specified in the Order.”; and

(b) by omitting from the definition of “**dependent child**” in subregulation (6) “aged less than 18 years”.

7 Regulation 11 amended

Regulation 11(3) of the Principal Regulations is amended:

- (a) by omitting from paragraph (b) “person.” and substituting “person; or”; and
- (b) by inserting after paragraph (b):
 - “(c) a person approved under regulation 60A to provide physical care and emotional support to a quarantined person who is ill, disabled or elderly.”.

8 Regulation 26 amended

Regulation 26(1)(a) is amended by omitting “33C(3)” and substituting “32C(3)”.

9 New Division (Part 3, Division 4)

Part 3 of the Principal Regulations is amended by inserting after regulation 35:

“Division 4 Vaccination of persons in Solomon Islands**35A Definition for Part 3, Division 4**

In this Division:

“*workplace*”:

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

35B Persons may be required to vaccinate against COVID-19

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

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

35C Content of Order under regulation 35B

(1) An Order under regulation 35B:

- (a) must specify the person or class of persons who must be vaccinated

against COVID-19; and

- (b) may require the person or the class of persons to be given a dose of a vaccine, or be vaccinated against COVID-19, by a specified date or within a specified period of time.
- (2) In addition, the Order may:
- (a) require a person or each member of a class of persons to have a vaccination certificate that certifies that the person or member has been given a dose of a vaccine or has been vaccinated against COVID-19, whether given the dose or vaccinated before or after the Order commences in Solomon Islands or another country; or
 - (b) impose a maximum penalty of 15,000 penalty units or imprisonment for 5 years, or both, if a person contravenes the Order; or
 - (c) provide that an employer:
 - (i) must ensure that a person, who contravenes the Order by failing to be vaccinated, does not attend any premises of the employer that are the person's workplace; or
 - (ii) may or must refuse entry of a person, who contravenes the Order by failing to be vaccinated or who is exempted from complying with the requirement to vaccinate, onto any premises of the employer that are the person's workplace unless the person, while on the premises, maintains physical isolation from any person; or
 - (iii) may or must:
 - (A) take reasonable steps to determine the extent to which a person attending any premises of the employer that are the person's workplace is vaccinated; and
 - (B) keep a record of the extent to which the persons referred to in subparagraph (A) are vaccinated; or
 - (d) exempt a person or class of persons from complying with the requirement to vaccinate on medical grounds."

10 Regulation 35 amended

Regulation 35(2)(a) is amended by omitting "27 to 31" and substituting "27 to 30, 32A to 32C".

11 Regulation 37 amended

Regulation 37(1) of the Principal Regulations is amended:

- (a) by inserting after paragraph (b):
 - "(ba) to ensure the health and safety of persons who are in quarantine;" and
- (b) by inserting after paragraph (e):

“(ea) to vaccinate persons against COVID-19;”.

12 New regulation 45A

The Principal Regulations are amended by inserting after regulation 45:

“45A Criminal liability of officers of bodies corporate

(1) In this regulation:

“*officer of a body corporate*” means:

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

13 New regulation 60A

The Principal Regulations are amended by inserting after regulation 60:

“60A Carers of quarantined persons

- (1) The Prime Minister may, by Order, approve a person to provide physical care and emotional support to a quarantined person who is ill, disabled or elderly.
- (2) The approval must specify the quarantined person to be cared for and the quarantine station.
- (3) The approval is subject to the following conditions:

- (a) the carer must be vaccinated against COVID-19; and
- (b) the carer must have been tested once for the presence of COVID-19 within the 72-hour period immediately before the quarantined person's entry into Solomon Islands, and must have tested negative for COVID-19 for the test; and
- (c) while caring for the quarantined person, the carer:
 - (i) subject to subparagraph (iii), must be accommodated with the quarantined person at the quarantine station in a manner that physically isolates both the quarantined person and the carer from any other person; and
 - (ii) if, in accordance with regulation 26(2)(b) of the Regulations, the quarantined person requires urgent medical attention at a hospital in Solomon Islands during the quarantine period, may accompany the quarantined person and be with him or her at the hospital (where they both must be isolated in accordance with the Government's quarantine procedures for COVID-19 infected persons); and
 - (iii) must comply with the following as if the carer were a quarantined person:
 - (A) any directions given to her by an authorised officer relating to being quarantined or tested for COVID-19; and
 - (B) the Government's quarantine procedures; and
- (d) any other conditions specified in the approval.”.

Made this second-day of November 2021.

SIR DAVID VUNAGI
GOVERNOR- GENERAL
