



**PENALTIES MISCELLANEOUS
AMENDMENTS ACT 2009**

(NO. 14 OF 2009)



PENALTIES MISCELLANEOUS AMENDMENTS ACT 2009

(NO. 14 OF 2009)

PASSED by the National Parliament this twenty-first day of July 2009.

(This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true copy of the Bill)

*Taeasi Sanga (Mrs)
Clerk to National Parliament*

ASSENTED to in Her Majesty's name and on Her Majesty's behalf this twenty-ninth day of July 2009.

*Frank Utu Ofagioro Kabui (CSI, CMG, OBE)
Governor General*

Date of Commencement: (See section 1)

AN ACT TO AMEND EXISTING ACTS TO INTRODUCE A PENALTY UNIT SYSTEM TO REPLACE MONETARY PENALTIES AND RELATED MATTERS

ENACTED by the National Parliament of Solomon Islands.

PENALTIES MISCELLANEOUS AMENDMENTS ACT 2009

Short title and commencement

1. This Act may be cited as the Penalties Miscellaneous Amendments Act 2009, and commences on the date it is published in the *Gazette*.

Penal Code amended

2. Section 26 of the Penal Code (Cap. 26) is amended in subsection (1) by repealing the scale of sentence for default of payment of fines and substituting the following new scale –

<i>“Amount</i>	<i>Maximum period</i>
Not exceeding 100 penalty units	five days
Exceeding 100 penalty units but not exceeding 200 penalty units	ten days
Exceeding 200 penalty units but not exceeding 500 penalty units	twenty days
Exceeding 500 penalty units but not exceeding 700 penalty units	thirty days
Exceeding 700 penalty units but not exceeding 1000 penalty units	forty days
Exceeding 1000 penalty units but not exceeding 1500 penalty units	two months
Exceeding 1500 penalty units but not exceeding 2000 penalty units	three months
Exceeding 2000 penalty units but not exceeding 5,000 penalty units	six months
For every 2,000 penalty units over 5,000 penalty units	an additional six months for every additional 2,000 penalty units (in whole), but shall not exceed five years.”.

3. The Interpretation and General Provisions Act (Cap.85) is amended –

Interpretation and
General Provisions
Act amended

(a) by adding after section 50 the following section –

“Penalty units” “50A. (1) Penalties (whether for an offence or otherwise) in all written laws shall be expressed in penalty units.

(2) If a written law provides for monetary penalty, that penalty shall be treated as and converted into penalty units.

(3) The value of one penalty unit is one dollar.”; and

(b) in section 66(1)(b), by deleting “one hundred dollars” and “three months” and substituting “5,000 penalty units” and “six months” respectively.

4. The Companies Act 2009 is amended –

Companies Act
2009 amended

(a) by amending all its penalty units in accordance with the following formula –

Formula: $A \times B = C$

Where: A = current penalty units set out in the Act; B = \$50; C = total amended penalty units; and

(b) by repealing section 208.

5. The Companies (Insolvency and Receivership) Act 2009 is amended –

Companies
(Insolvency and
Receivership) Act
2009 amended

(a) by amending all its penalty units in accordance with the following formula –

Formula: $A \times B = C$

Where: A = current penalty units set out in the Act; B = \$50; C = total amended penalty units; and

(b) by repealing section 80.

Valuers Act 2009
amended

6. The Valuers Act 2009 is amended –
- (a) by amending all its penalty units in accordance with the following formula –

Formula: $A \times B = C$

Where: A = current penalty units set out in the Act; B = \$100; C = total amended penalty units;
and

- (b) by repealing section 35.

Maritime Safety
Administration
Act 2009
amended

7. The Maritime Safety Administration Act 2009 is amended –
- (a) by amending all its penalty units in accordance with the following formula –

Formula: $A \times B = C$

Where: A = current penalty units set out in the Act; B = \$100; C = total amended penalty units;
and

- (b) by repealing section 28.

Consequential
amendments and
transitional
regulations

8. (1) The Acts set out in Column 2 of the Schedule are amended in the respective sections listed in Column 3 of the Schedule by deleting the monetary penalties and substituting the corresponding penalty units listed in Column 4 of the Schedule.
- (2) All monetary penalties and administrative penalties in any written law not amended by this Act are amended by converting them into their equivalent penalty units.
- (3) The Minister responsible for Justice shall make regulations under this section to convert the monetary penalties in subsidiary legislation, including value updating of the penalty units on the same basis used for the penalties set out in the Schedule.

SCHEDULE

(Section 8)

LIST OF ACTS AMENDED

No (1)	ACTS (2)	SECTIONS (3)	AMENDMENT (PENALTY UNITS) (4)
1	Death and Fire Inquiries (Cap. 9)	s.8 \$20 s.10 \$10	2,000 1,000
2	Essential Services (Cap. 12)	s.2(1) \$100 s.2(3) \$100 s.2(5) \$10 per day s.2(6) \$20 s.3(1) \$100 s.3(2) \$100	3,000 3,000 300 600 3,000 3,000
3	Official Secrets (Cap 25)	s.10(2) \$100 s.11(4) \$20 s.14(2) \$100	3,000 600 3,000
4	Penal Code (Cap. 26)	s.47(4) \$300 s.63 \$200 s.121(2) \$100 s.130 \$100 s.173(1)\$200 s.175 \$20 s.178(iii) \$10 s.180 \$10 s.181 \$40 s.182 \$10 s.183(1) \$10 s.183(2) \$15 s.183(3) \$20 s.184(1) \$10 s.184(2)\$40 s.184(3) \$200 s.190 \$40 s.239 \$200 s.243 \$200 s.255 \$400 s.275 \$200 -1st - 2 nd s.276 \$200 s.277 \$10 s.288 \$10	3,000 2,000 1,000 5,000 5,000 600 1,000 1,000 2,000 1,000 1,000 1,500 5,000 1,000 2,000 5,000 2,000 5,000 5,000 10,000 5,000 15,000 5,000 500 500

No (1)	ACTS (2)	SECTIONS (3)	AMENDMENT (PENALTY UNITS) (4)
		s.292 \$200 s.316(2) \$100 s.351(1) \$10 s.362 \$4 s.364 \$40 s.365(2) \$10 s.365(3) \$20 s.374 \$600 s.375 \$1,000	5,000 5,000 500 200 2,000 500 1,000 2,000 2,000
5	Forestry Resources and Timber Utilisation Act (Cap. 40)	s.4(1) \$3,000 s.17 \$3,000 s.22 \$2,000 s.27(1) \$3,000 s.29 \$3,000 s.30 \$1,500 s.31(2) \$100 per day s.44(2) \$100	20,000 20,000 10,000 10,000 20,000 10,000 1,000 3,000
6	Mines and Minerals Act (Cap. 42)	s.2(5) \$1,000 s.17(5) \$1,000 s.27(8) \$1,000 s.29(3) \$500 s.59(8) \$1,000 s.63 \$20,000	10,000 10,000 10,000 5,000 10,000 200,000
7	Passports (Cap. 61)	s.15(1) \$1,000 s.15(2A) \$2,000 s.15A(3) \$5,000 s.15A(4) \$5,000 s.16(1) \$1,000 s.16(2) \$1,000 s.19(2) \$1,000	10,000 5,000 50,000 50,000 10,000 10,000 10,000
8	Consumer Protection (Cap. 63)	s.11 \$1,000 s.34(1)(a) 1 st offence \$3,000 s.34(1)(b) Subsequent offence \$7,000	10,000 10,000 20,000
9	Labour (Cap. 73)	s.6(5) \$100 -1 st \$200 - 2 nd s.10 \$1,000 s.28 \$1,000 s.31(1) \$500 + \$20 per day s.34(2) \$40 s.37(5) \$1,000 s.37(6) \$500 s.44 \$500 s.52 \$500 s.74 \$1,000	3,000 5,000 5,000 5,000 5000 + 200 per day 400 10,000 10,000 5,000 5,000 5,000
10	Safety at Work	s.14(2) \$1,000	10,000

No (1)	ACTS (2)	SECTIONS (3)	AMENDMENT (PENALTY UNITS) (4)
	(Cap. 74)	s.25(2) \$500 s.25(1) \$1,000 s.28(7) \$750 s.33(2) \$500 s.33(3) \$750 s.33(5) \$50 per day	5,000 10,000 8,000 5,000 8,000 500
11	Explosives Act (Cap. 79)	s.8 \$200 s.9(d) \$200	5,000 5,000
12	Dangerous Drugs (Cap. 98)	s.39(2)(a) \$2,000 s. 39(2)(b) \$500 s.35(2) \$200	100,000 5,000 2,000
13	National Parliament Electoral Provisions (Cap. 87)	s.7(3) \$100 s. 45(2) \$100 s.67 \$100 s.68(1) \$200 s.69(4) \$100 s.70 \$200 s.74 \$100 s.77 \$100 s.78 \$100 s.79(2) \$20	3,000 3,000 3,000 5,000 3,000 5,000 3,000 3,000 3,000 3,000 1,000
14	Environmental Health (Cap. 99)	s9(3) \$200 s.11 \$1,000	2,000 10,000
15	Medical and Dental Practitioners (Cap. 102)	s.11(1)(f)(iv) \$500 s.13(1) \$500 s.13(2) \$500 s.13(3) \$200	5,000 10,000 10,000 5,000
16	Pharmacy and Poisons (Cap. 105)	s.8 \$100 s.9 \$100 s.10 \$200 s.40(1) \$40 + \$10 per day s.41(1) \$200 s.42(4) \$200 s.47 \$40 + \$10 per day s.49(3) \$20 – 1 st \$200– 2 nd + s.52(5) \$200 + \$10 per day s.59 \$100 + \$10 per day s.60 \$200 + \$10 per day s.62(1) \$100 + \$20 per day	3,000 3,000 3,000 1,000 + 300 per day 5,000 5,000 1,000 + 300 per day 1,000 5,000 5,000 + 300 per day 3,000 + 300 per day 5,000 + 300 per day 3,000 + 600 per day
17	Quarantine (Cap. 106)	s.12 \$100 s.16 \$1,000 s.18(3) \$100 s.21(2) \$100 s.25(2) \$100 s.30(3) \$100	5,000 50,000 5,000 5,000 5,000 5,000

No (1)	ACTS (2)	SECTIONS (3)	AMENDMENT (PENALTY UNITS) (4)
		s.34(6) \$1,000 s.35(3) \$1,000 s.58(2) \$1,000 s.61(3) \$40 s.62(2) \$100 s.63(1) \$100 s.63(4) \$20 s.65(2) \$20 s.66(2) \$10 s.67(1) \$50 s.68 \$100 s.73(3)(a) \$200 s.82 \$200	50,000 50,000 50,000 2,000 5,000 5,000 1,000 1,000 500 3,000 5,000 10,000 10,000
18	Customs and Excise (Cap. 121)	s.27 \$200 s.28 \$200 s.44 \$200 s.48 \$200 s.49 \$200 s.53 \$200 s.57 \$50 s.61 \$200 s.67 \$200 s.68(1) \$200 s.68(2) \$200 s.76 \$100 s.83(2) \$100 s.83(3) 50c s.90(2) \$200 s.102 \$10 + \$2 per day s.103(2) \$10 s.105 \$200 and \$20 s.129 \$200 s.134 \$100 s.136 \$200 s.139 \$200 s.140 \$200 s.143 \$200 s.144 \$200 s.146 \$10 s.151(3)(b) \$200 s.152(2) \$400 s.153 \$200 s.155 \$200 s.156 \$1,000 s.159 \$200 s.160 \$200 s.161 \$50	2,000 2,000 2,000 2,000 2,000 2,000 500 2,000 2,000 2,000 2,000 1,000 1,000 5 200 100 + 20 per day 100 2,000 and 200 2,000 1,000 2,000 2,000 2,000 2,000 1,000 2,000 3,000 2,000 2,000 10,000 2,000 2,000 500

No (1)	ACTS (2)	SECTIONS (3)	AMENDMENT (PENALTY UNITS) (4)
		s.162 \$50	500
		s.163 \$200	2,000
		s.165(3) \$50	500
		s.168 \$50	500
		s.170 \$200	2,000
		s.172 \$100	1,000
		s.173 \$400	4,000
		s.176 \$50	500
		s.177 \$200	2,000
		s.178 \$20	200
		s.180 \$50	500
		s.184 \$50	500
		s.193 \$200	2,000
		s.195(1)(c) \$1,000	10,000
		s.196(2) \$500	5,000
		s.197 \$200	2,000
		s.198(4) \$200	2,000
		s.200(1) \$200	10,000
		s.201 \$100	1,000
		s.202 \$50	500
		s.205 \$200	2,000
		s.207 \$400	4,000
		s.208 \$40	400
		s. 210 \$100	1,000
		s.211 \$200	2,000
		s.212 \$1,000	10,000
		s.213 \$200	2,000
		s.214 \$200	2,000
		s.215 \$200	2,000
		s.217 \$200	2,000
		s.218 \$1,000	10,000
		s.226 Reward \$20	200
		s.229(1) \$200	2,000
		s.251(2) \$200	10,000
		s.253 – Default –	
		Less \$200-	5,000
		Over \$200-	10,000
		s.254 \$200 or 12	10,000
		s.272 \$200	2,000
19	Stamp Duties Act (Cap. 126)	s.16(2) \$50	500
		s.17(2) \$20	600
		s.19 \$40	1,000
		s.20 \$10	100
		\$10	100
		s.23 \$1,000	20,000
		s.24(3) \$500	20,000
		s.25 \$40	1,000

No (1)	ACTS (2)	SECTIONS (3)	AMENDMENT (PENALTY UNITS) (4)
20	Traffic (Cap. 131)	s.7(1) \$500 s.7(4) \$200 s.12 \$200 s.13(2) \$200 s.16(2) \$500 s.20(4) \$200 \$500-2 nd + s.23(3) \$150 s.25 \$50 s.35 \$500 s.36(4) \$200 s.36(6) \$200 s.39(a) \$1,000 s.39(b) \$500 -1 st \$600 -2 nd + s.40(1) \$500 -1 st \$700 -2 nd + s.41(1) \$500 - 1 st \$700 -2 nd + s.42(3) \$200 - 1 st \$400 -2 nd + s.43(1)(a) \$2,000 s.43(1)(b) \$400 \$500 - 2 nd + s.43(2)(a) \$500 s.43(2)(b) \$200 \$300 - 2 nd + s.46(1) \$200 s.47 \$200 s.48(2) \$50 -1 st \$100 - 2 nd + s.49 \$100 -1 st \$150 -2 nd + s.50 \$50 -1 st \$150 -2 nd s.51(1) \$100 \$150 -2 nd + s.52 \$50 s.53 \$200 \$300-2 nd s.54 \$50 - 1 st \$100 -2 nd s.55 \$100 -1 st \$150 -2 nd + s.56(4) \$100 s.57(4) \$100 s.58(1) \$200	5,000 5,000 5,000 5,000 5,000 5,000 5,000 2,000 500 10,000 2,000 2,000 20,000 5,000 10,000 5,000 7,000 5,000 7,000 2,000 5,000 20,000 10,000 10,000 5,000 5,000 5,000 5,000 5,000 500 1,000 3,000 4,000 2,000 3,000 3,000 4,000 500 2,000 3,000 500 1,000 1,000 3,000 3,000 3,000 3,000

No (1)	ACTS (2)	SECTIONS (3)	AMENDMENT (PENALTY UNITS) (4)
		s.59(1)(a) \$500 s.59(1)(b) \$200 s.60(1) \$100- 1 st \$200 -2 nd + s.61 \$50-1 st \$100-2 nd + s.62 \$50 s.63(4) \$200 -1 st \$300 -2 nd + s.64 \$300 s.69(5) \$200 – 1 st \$300-2 nd + s.71(3) \$100 s.72(5) \$800 s.72(7) \$200 s.77(2) \$200 s.78(3) \$100 s.80 \$300 s.81 \$600 s.82(1)(w)(i) \$80 s.82(1)(w)(ii) \$100 s.83(3) \$100	5,000 3,000 1,000 3,000 500 1,000 500 3,000 5,000 5,000 2,000 3,000 1,000 10,000 2,000 5,000 1,000 5,000 10,000 2,000 3,000 1,000
21	Liquor Act (Cap. 144)	s.5(2) \$300 s.7(4) \$100 s.8(1) \$400 s. 8(2) \$200 s.9(2) \$100 – 1 st s.9(3) \$200 – subsequent s.10(6) \$150 s.11(2) \$150 s.12(3) \$150 s.37(2) \$20 – 1 st \$40 – subsequent s.43 \$100 s. 44(1) \$600 s.45 (5)(c) \$25 s.47(1) \$300 s.47(2) \$100 s.48(4) \$75 s.50(2) \$1,200 s.51(3) \$400 s.55 \$100 – 1 st \$200 – subsequent s.57(1)(a) \$200 – 1 st s.57(1)(b) \$400 or 12-2 nd + s.57(2)(a) \$150 – 1 st s.57(2)(b) \$300 -2 nd +	3,000 1,000 4,000 2,000 1,000 2,000 1,500 1,500 1,500 200 400 1,000 15,000 250 3,000 1,000 750 30,000 4,000 1,000 2,000 2,000 10,000 1,500 8,000

No (1)	ACTS (2)	SECTIONS (3)	AMENDMENT (PENALTY UNITS) (4)
		s.59(2)(a) \$200-1 st s.59(2)(b) \$400 -2 nd + s.60 \$100 s.63(2) \$100 s.64(1) \$200 s.64(2) \$200 s.64(3) \$25 s.65 \$200 s.66(3) \$1,000 s.67(1) \$150 s.68 \$25 – 1 st \$300 – 2 nd + s.69(2) \$200 s.69(4) \$150 s.70 \$200 s.71(2) \$100 s.72(1) \$300 s.72(2) \$300 s.72(3) \$200 s.72(4) \$200 s.73(2) \$200 s.74 \$150 – 1 st \$600 – 2 nd + s.75 \$100 s.76 \$300 – 1 st \$600 – 2 nd + s.79 \$50 s.82(2) \$600 s.83(2) \$600 s.84(2) \$50 – 1 st \$ 100 – 2 nd + s.84(4) \$75	1,500 10,000 1,000 1,000 2,000 2,000 2,500 2,000 10,000 1,500 250 3,000 5,000 1,500 2,000 1,000 8,000 8,000 10,000 2,000 2,000 1,500 5,000 100 3,000 5,000 500 5,000 5,000 500 1,000 750
22	Protection of Wrecks and War Relics (Cap. 150)	s.8(2) \$2,000	5,000
23	Gaming and Lotteries (Cap. 139)	s.3(5) \$100 s.4(1) \$100 s.10(a) \$1,000 -1 st s.10(b) \$3,000– 2 nd + s.12 \$500 s.23(5) \$1,000 s.24(2)(a) \$200 – 1 st \$400– 2 nd + s.24(2)(b) \$1,000 – 1 st \$1500– 2 nd + s.24(3)(a) \$100 – 1 st	5,000 5,000 10,000 20,000 5,000 10,000 5,000 10,000 10,000 15,000 2,000

No (1)	ACTS (2)	SECTIONS (3)	AMENDMENT (PENALTY UNITS) (4)
		\$200– 2 nd + s.24(3)(b) \$600 – 1 st \$1,000– 2 nd +	3,000 10,000 15,000
24	Ports (Cap. 161)	s.32(2) \$100 + \$10 per day s.35(2) \$100 + \$10 per day s.46(1) \$20 49(f) \$40 49(h) \$200 s.92 \$200 s.93(3) \$200 s.94 \$200 s.97 \$100 s.98 \$100 s.99 \$100 s.100 \$100 s.101 \$100 s.102 \$200 s.103 \$100 s.104(2)(a) \$100 s.104(2)(b) \$10	5,000 + 500 per day 5,000 + 500 per day 1,000 2,000 10,000 5,000 10,000 5,000 3,000 5,000 5,000 5,000 10,000 10,000 10,000 1,000
25	Shipping (Cap. 163)	s.11 \$100 s.17 \$40 s.18(1) \$200 s.18(2) \$50 s.19(1) \$1,000 s.19(2) \$1,000 s.20 \$1,000 s.22 \$10 s.23(1) \$4 s.23(2) \$40 s.24 \$200 s.28(2) \$100 s.29 \$50 s.34(1) \$100	3,000 2,000 5,000 3,000 20,000 20,000 20,000 3,000 1,000 3,000 5,000 5,000 3,000 5,000
26	Seaman Discipline (Admiralty Transport) (Cap.162)	s.2(2) \$10	1,000
27	Pharmacy Practitioners Act 1997	s.10(1) \$500 s.10(2) \$500 s.10(3) \$500	10,000 10,000 5,000
28	Environment Act 1998	s.19(2) \$10,000 s.26 \$10,000 s.37 \$10,000 s.38(2) \$5,000 s.43(8) \$5,000	10,000 10,000 10,000 5,000 5,000

No (1)	ACTS (2)	SECTIONS (3)	AMENDMENT (PENALTY UNITS) (4)
		s.45(6) \$5,000 s.49(3) \$5,000 s.50(3) \$5,000 s.51(2) \$5,000 s.54 \$1,000	5,000 5,000 5,000 10,000 10,000
29	Wildlife Protection and Management Act 1998	s.4(2) \$5,000 s.11(3)(a) \$5,000 s.11(3)(b) \$3,000 s.24(4)\$5,000 s.25(4) \$5,000 s.26(b) \$10,000 s.31(b) \$2,000 s.33 \$2,000	5,000 5,000 3,000 3,000 3,000 50,000 10,000 20,000
30	Leadership Code (Further Provisions) Act (Cap 86)	s.20 \$500 s.25(1) \$1,000	5,000 10,000
31	Correctional Services Act 2007	s.17(1) \$200 s.18(1) \$800 s.19(1) \$800 s.20 \$200	5,000 20,000 20,000 5,000
