

REPRINT

PENALTIES MISCELLANEOUS AMENDMENTS ACT 2009

As in force at: 5 August 2016

STATUS: HISTORICAL

This version is that in force at the date stated above. It does not include amendments made since that date.

For list of amendments see Endnotes

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

PENALTIES MISCELLANEOUS AMENDMENTS ACT 2009

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PENALTIES MISCELLANEOUS AMENDMENTS ACT 2009

As in force at: 5 August 2016

1 Short title and commencement

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

2 Penal Code amended

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	an additional six

penalty units

months for every
additional 2,000
penalty units (in
whole), but shall not
exceed five years.”

3 Interpretation and General Provisions Act amended

The *Interpretation and General Provisions Act* (Cap.85) is 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 Companies Act 2009 amended

The *Companies 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 = \$50;
C = total amended penalty units; and

- (b) by repealing section 208.

5 Companies (Insolvency and Receivership) Act 2009 amended

The *Companies (Insolvency and Receivership) 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 = \$50;
C = total amended penalty units; and

- (b) by repealing section 80.

6 Valuers Act 2009 amended

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.

7 Maritime Safety Administration Act 2009 amended

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.

8 Consequential amendments and transitional regulations

- (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	<i>Death and Fire Inquiries</i> (Cap. 9)	s.8 \$20 s.10 \$10	2,000 1,000
2	<i>Essential Services</i> (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	<i>Official Secrets</i> (Cap. 25)	s.10(2) \$100 s.11(4) \$20 s.14(2) \$100	3,000 600 3,000
4	<i>Penal Code</i> (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	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

		s.239 \$200 s.243 \$200 s.255 \$400 s.275 \$200 - 1 st - 2 nd s.276 \$200 s.277 \$10 s.288 \$10 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 10,000 5,000 15,000 5,000 500 500 5,000 5,000 500 200 2,000 500 1,000 2,000 2,000
5	<i>Forestry Resources and Timber Utilisation Act</i> (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	<i>Mines and Minerals Act</i> (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	<i>Passports</i> (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) \$1000 s 19(2) \$1,000	10,000 5,000 50,000 50,000 10,000 10,000 10,000
8	<i>Consumer Protection</i>	s.11 \$1,000 s.34(1)(a) 1 st offence \$3,000	10,000 10,000

	(Cap. 63)	s.34(1)(b) Subsequent offence \$7,000	20,000
9	<i>Labour</i> (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	<i>Safety at Work</i> (Cap. 74)	s.14(2) \$1,000 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	10,000 5,000 10,000 8,000 5,000 8,000 500
11	<i>Explosives Act</i> (Cap. 79)	s.8 \$200 s.9 \$200	5,000 5,000
12	<i>Dangerous Drugs</i> (Cap. 98)	s.39(2)(a) \$2,000 s. 39(2)(b) \$500 s.35(2) \$200	100,000 5,000 2,000
13	<i>National Parliament Electoral Provisions</i> (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 1,000
14	<i>Environmental Health</i> (Cap. 99)	s9(3) \$200 s.11 \$1,000	2,000 10,000
15	<i>Medical and Dental</i>	s.11(1)(f)(iv) \$500 s.13(1) \$500	5,000 10,000

	<i>Practitioners</i> (Cap. 102)	s.13(2) \$500 s.13(3) \$200	10,000 5,000
16	<i>Pharmacy and Poisons</i> (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	<i>Quarantine</i> (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 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	5,000 50,000 5,000 5,000 5,000 5,000 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	<i>Customs and Excise</i> (Cap. 121)	s.27 \$200 s.28 \$200 s.44 \$200 s.48 \$200 s.49 \$200 s.53 \$200 s.57 \$50	2,000 2,000 2,000 2,000 2,000 2,000 500

	s.61 \$200	2,000
	s.67 \$200	2,000
	s.68(1) \$200	2,000
	s.68(2) \$200	2,000
	s.76 \$100	1,000
	s.83(2) \$100	1,000
	s.83(3) 50c	5
	s.90(2) \$200	200
	s.102 \$10 + \$2 per day	100 + 20 per day
	s.103(2) \$10	100
	s.105 \$200 and \$20	2,000 and 200
	s.129 \$200	2,000
	s.134 \$100	1,000
	s.136 \$200	2,000
	s.139 \$200	2,000
	s.140 \$200	2,000
	s.143 \$200	2,000
	s.144 \$200	2,000
	s.146 \$10	1,000
	s.151(3)(b) \$200	2,000
	s.152(2) \$400	3,000
	s.153 \$200	2,000
	s.155 \$200	2,000
	s.156 \$1,000	10,000
	s.159 \$200	2,000
	s.160 \$200	2,000
	s.161 \$50	500
	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 s.197 \$200 s.198(4) \$200 s.200(1) \$200 s.201 \$100 s.202 \$50 s.205 \$200 s.207 \$400 s.208 \$40 s. 210 \$100 s.211 \$200 s.212 \$1,000 s.213 \$200 s.214 \$200 s.215 \$200 s.217 \$200 s.218 \$1,000 s.226 Reward \$20 s.229(1) \$200 s.251(2) \$200 s.253 – Default Less \$200- Over \$200- s.254 \$200 or 12 s.272 \$200	5,000 2,000 2,000 10,000 1,000 500 2,000 4,000 400 1,000 2,000 10,000 2,000 2,000 2,000 2,000 10,000 200 2,000 10,000 5,000 10,000 10,000 2,000
19	<i>Stamp Duties Act (Cap. 126)</i>	s.16(2) \$50 s.17(2) \$20 s.19 \$40 s.20 \$10 \$10 s.23 \$1,000 s.24(3) \$500 s.25 \$40	500 600 1,000 100 100 20,000 20,000 1,000
20	<i>Traffic (Cap. 131)</i>	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	5,000 5,000 5,000 5,000 5,000 5,000 5,000 2,000

	s.25 \$50	500
	s.35 \$500	10,000
	s.36(4) \$200	2,000
	s.36(6) \$200	2,000
	s.39(a) \$1,000	20,000
	s.39(b) \$500 -1 st	5,000
	\$600 -2 nd +	10,000
	s.40(1) \$500 -1 st	5,000
	\$700 -2 nd +	7,000
	s.41(1) \$500 – 1 st	5,000
	\$700 -2 nd +	7,000
	s.42(3) \$200 – 1 st	2,000
	\$400 -2 nd +	5,000
	s.43(1)(a) \$2,000	20,000
	s.43(1)(b) \$400	10,000
	\$500 - 2 nd +	10,000
	s.43(2)(a) \$500	5,000
	s.43(2)(b) \$200	5,000
	\$300 - 2 nd +	5,000
	s.46(1) \$200	5,000
	s.47 \$200	5,000
	s.48(2) \$50 -1 st	500
	\$100 – 2 nd +	1,000
	s.49 \$100 - 1 st	3,000
	\$150 -2 nd +	4,000
	s.50 \$50 -1 st	2,000
	\$150 -2 nd	3,000
	s.51(1) \$100	3,000
	\$150 -2 nd +	4,000
	s.52 \$50	500
	s.53 \$200	2,000
	\$300-2 nd	3,000
	s.54 \$50 – 1 st	500
	\$100 -2 nd	1,000
	s.55 \$100 -1 st	1,000
	\$150 -2 nd +	3,000
	s.56(4) \$100	3,000
	s.57(4) \$100	3,000
	s.58(1) \$200	3,000
	s.59(1)(a) \$500	5,000
	s.59(1)(b) \$200	3,000

		s.60(1) \$100- 1 st \$200 -2 nd +	1,000 3,000
		s.61 \$50-1 st \$100-2 nd +	500 1,000
		s.62 \$50	500
		s.63(4) \$200 -1 st \$300 -2 nd +	3,000 5,000
		s.64 \$300	5,000
		s.69(5) \$200 – 1 st \$300-2 nd +	2,000 3,000
		s.71(3) \$100	1,000
		s.72(5) \$800	10,000
		s.72(7) \$200	2,000
		s.77(2) \$200	5,000
		s.78(3) \$100	1,000
		s.80 \$300	5,000
		s.81 \$600	10,000
		s.82(1)(w)(i) \$80	2,000
		s.82(1)(w)(ii) \$100	3,000
		s.83(3) \$100	1,000
21	<i>Liquor Act</i> (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	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

		s.57(1)(a) \$200 – 1 st	2,000
		s.57(1)(b) \$400 or 12-2 nd +	10,000
		s.57(2)(a) \$150 – 1 st	1,500
		s.57(2)(b) \$300 -2 nd +	8,000
		s.59(2)(a) \$200-1 st	1,500
		s.59(2)(b) \$400 -2 nd +	10,000
		s.60 \$100	1,000
		s.63(2) \$100	1,000
		s.64(1) \$200	2,000
		s.64(2) \$200	2,000
		s.64(3) \$25	2,500
		s.65 \$200	2,000
		s.66(3) \$1,000	10,000
		s.67(1) \$150	1,500
		s.68 \$25 – 1 st	250
		\$300 – 2 nd +	3,000
		s.69(2) \$200	5,000
		s.69(4) \$150	1,500
		s.70 \$200	2,000
		s.71(2) \$100	1,000
		s.72(1) \$300	8,000
		s.72(2) \$300	8,000
		s.72(3) \$200	10,000
		s.72(4) \$200	2,000
		s.73(2) \$200	2,000
		s.74 \$150 – 1 st	1,500
		\$600 – 2 nd +	5,000
		s.75 \$100	100
		s.76 \$300 – 1 st	3,000
		\$600 – 2 nd +	5,000
		s.79 \$50	500
		s.82(2) \$600	5,000
		s.83(2) \$600	5,000
		s.84(2) \$50 – 1 st	500
		\$ 100 – 2 nd +	1,000
		s.84(4) \$75	750
22	<i>Protection of Wrecks and War Relics</i> (Cap. 150)	s.8(2) \$2,000	5,000

23	<i>Gaming and Lotteries (Cap. 139)</i>	s.3(5) \$100 s.4(1) \$100 s.10(a) \$1,000 -1 st s.10(b) \$3,000– 2nd+ s.12 \$500 s.23(5) \$1,000 s.24(2)(a) \$200 – 1 st \$400 – 2nd+ s.24(2)(b) \$1,000 – 1 st \$1500 – 2nd+ s.24(3)(a) \$100 – 1 st \$200 – 2nd+ s.24(3)(b) \$600 – 1 st \$1,000 – 2nd+	5,000 5,000 10,000 20,000 5,000 10,000 5,000 10,000 15,000 2,000 3,000 10,000 15,000
24	<i>Ports (Cap. 161)</i>	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	<i>Shipping (Cap. 163)</i>	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	3,000 2,000 5,000 3,000 20,000 20,000 20,000 3,000 1,000 3,000

		s.24 \$200 s.28(2) \$100 s.29 \$50 s.34(1) \$100	5,000 5,000 3,000 5,000
26	<i>Seaman Discipline (Admiralty Transport) (Cap.162)</i>	s.2(2) \$10	1,000
27	<i>Pharmacy Practitioners Act 1997</i>	s.10(1) \$500 s.10(2) \$500 s.10(3) \$500	10,000 10,000 5,000
28	<i>Environment Act 1998</i>	s.19(2) \$10,000 s.26 \$10,000 s.37 \$10,000 s.38(2) \$5,000 s.43(8) \$5,000 s.45(6) \$5,000 s.49(3) \$5,000 s.50(3) \$5,000 s.51(2) \$5,000 s.54 \$1,000	10,000 10,000 10,000 5,000 5,000 5,000 5,000 5,000 10,000 10,000
29	<i>Wildlife Protection and Management Act 1998</i>	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	<i>Leadership Code (Further Provisions) Act 1999</i>	s 24(c) \$5,000 s 29 \$2,000	50,000 penalty units 20,000 penalty units
31	<i>Correctional Services Act 2007</i>	s.17(1) \$200 s.18(1) \$800 s.19(1) \$800 s.20 \$200	5,000 20,000 20,000 5,000

ENDNOTES

1

KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

2

LIST OF LEGISLATION

Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

Correction to Penalties Miscellaneous Amendment Act 2009 (LN 43 of 2016)

Gazetted	5 August 2016
Commenced	5 August 2016

3

LIST OF AMENDMENTS

Sch Item 30 sub by LN 43 of 2016