



**PENALTIES MISCELLANEOUS  
AMENDMENTS BILL 2009**

**(BILL NO. 15 OF 2009)**





**PENALTIES MISCELLANEOUS AMENDMENTS BILL 2009**

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A

BILL

Entitled

**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 BILL 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 unit.

(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 penalties 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	<b>Death and Fire Inquiries (Cap. 9)</b>	s.8 \$20 s.10 \$10	2,000 1,000
2	<b>Essential Services (Cap. 12)</b>	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	<b>Official Secrets (Cap 25)</b>	s.14(2) \$100	3,000
4	<b>Penal Code (Cap. 26)</b>	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) \$200 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 <sup>nd</sup> s.276 \$200 s.277 \$10 s.288 \$10 s.292 \$200	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 5,000

No (1)	ACTS (2)	SECTIONS (3)	AMENDMENT (PENALTY UNITS) (4)
		s.316(2) \$100 s.351(1) \$10 s.362 \$4 s.364 \$40 s.365(2) \$10 s.374 \$600 s.375 \$1,000	5,000 500 200 2,000 500 2,000 2,000
5	<b>Forestry Resources and Timber Utilisation Act (Cap. 40)</b>	s.4(1) \$3,000 s.17 \$3,000 s.22 \$200 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	<b>Mines and Minerals Act (Cap. 42)</b>	s.27(8) \$1,000 s.29(3) \$500 s.59(8) \$1,000 s.63 \$20,000	10,000 5,000 10,000 200,000
7	<b>Passports (Cap. 61)</b>	s.15(1) \$1,000 s.15(2) \$2,000 s.15A(3) \$5,000 s.15A(4) \$5,000 s.16(1) \$1,000 s.16(2) \$1,000	10,000 5,000 50,000 50,000 10,000 10,000
8	<b>Consumer Protection (Cap. 63)</b>	s.11 \$1,000 s.34(1) 1 <sup>st</sup> offence \$3,000 Subsequent offence \$7,000	10,000 10,000 20,000
9	<b>Labour (Cap. 73)</b>	s.6(5) \$100 -1 <sup>ST</sup> \$200 - 2 <sup>nd</sup> s.10 \$100 s.28 \$1,000 s.31(1) \$500 + \$20 per day s.34(2) \$40 s.37(5) \$1,000 s.37(6) \$1,000 s.44 \$500 s.52 \$500 s.74 \$1,000 s.80(2) \$40	3,000 5,000 5,000 5,000 5000 + 200 per day 400 10,000 10,000 5,000 5,000 5,000 3,000
10	<b>Safety at Work (Cap. 74)</b>	s.14(2) \$1,000 s.25(1) \$1,000 s.28(7) \$750 s.33(2) \$500	10,000 10,000 8,000 5,000



No (1)	ACTS (2)	SECTIONS (3)	AMENDMENT (PENALTY UNITS) (4)
		s.33(3) \$750 s.33(5) \$50 per day	8,000 500
11	<b>Explosives Act (Cap. 79)</b>	s.8 \$200 s.9(d) \$200	5,000 5,000
12	<b>Dangerous Drugs (Cap. 98)</b>	s.39(2)(a) \$2,000 s. 39(2)(b) \$500 s.35(2) \$200	100,000 5,000 2,000
13	<b>National Parliament Electoral Provisions (Cap. 87)</b>	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	<b>Environmental Health (Cap. 99)</b>	s9(3) \$200 s.11 \$1,000	2,000 10,000
15	<b>Medical and Dental Practitioners (Cap. 102)</b>	s.11(1)(iv) \$500 s.13(1) \$500 s.13(2) \$500 s.13(3) \$200	5,000 10,000 10,000 5,000
16	<b>Pharmacy and Poisons (Cap. 105)</b>	s.8 \$100 s.9 \$100 s.10 \$100 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 <sup>st</sup> \$200– 2 <sup>nd</sup> + 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	<b>Quarantine (Cap. 106)</b>	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.38(2) \$1,000 s.61(3) \$40	5,000 50,000 5,000 5,000 5,000 5,000 50,000 50,000 50,000 2,000

No (1)	ACTS (2)	SECTIONS (3)	AMENDMENT (PENALTY UNITS) (4)
		s.62(2) \$100	5,000
		s.63(1) \$100	5,000
		s.63(4) \$20	1,000
		s.65(2) \$20	1,000
		s.66(2) \$10	500
		s.67(1) \$50	3,000
		s.68 \$100	5,000
		s.82 \$200	10,000
18	<b>Customs and Excise (Cap. 121)</b>	s.27 \$200	2,000
		s.28 \$200	2,000
		s.44 \$200	2,000
		s.48 \$200	2,000
		s.49 \$200	2,000
		s.53 \$200	2,000
		s.57 \$50	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 per m2	5 per m2
		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.167 \$200	2,000
		s.170 \$200	2,000

No (1)	ACTS (2)	SECTIONS (3)	AMENDMENT (PENALTY UNITS) (4)
		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 \$200	2,000
		s.200 \$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.226 Reward \$20	200
		s.229(1) \$200	2,000
		s.251(2) \$200	10,000
		s.253 – Default – Less \$200- Over \$200-	5,000 10,000
		s.254 \$200 or 12	10,000
		s.272 \$200	2,000
19	<b>Stamp Duties Act (Cap. 126)</b>	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
20	<b>Traffic (Cap. 131)</b>	s.7(1) \$500	5,000
		s.7(4) \$200	5,000
		s.12 \$200	5,000
		s.13(2) \$200	5,000
		s.16(2) \$500	5,000
		s.20(4) \$200	5,000

No (1)	ACTS (2)	SECTIONS (3)	AMENDMENT (PENALTY UNITS) (4)
		s.23(3) \$150	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 <sup>st</sup>	5,000
		\$600 -2 <sup>nd</sup> +	10,000
		s.40(1) \$500 -1 <sup>st</sup>	5,000
		\$700 -2 <sup>nd</sup> +	7,000
		s.41(1) \$500 - 1 <sup>st</sup>	5,000
		\$700 -2 <sup>nd</sup> +	7,000
		s.42(3) \$200 - 1 <sup>st</sup>	2,000
		\$400 -2 <sup>nd</sup> +	5,000
		s.43(1)(a) \$2,000	20,000
		s.43(1)(b) \$400	10,000
		\$500 - 2 <sup>nd</sup> +	10,000
		s.43(2)(a)\$500	5,000
		s.43(2)(b) \$200	5,000
		\$300 - 2 <sup>nd</sup> +	5,000
		s.46(1) \$200	5,000
		s.47 \$200	5,000
		s.48(2) \$50 -1 <sup>st</sup>	500
		\$100 - 2 <sup>nd</sup> +	1,000
		s.49 \$100 -1 <sup>st</sup>	3,000
		\$150 -2 <sup>nd</sup> +	4,000
		s.50 \$50 -1 <sup>st</sup>	2,000
		\$150 -2 <sup>nd</sup>	3,000
		s.51(1) \$100	3,000
		\$150 -2 <sup>nd</sup> +	4,000
		s.52 \$50	500
		s.53 \$200	2,000
		\$300-2 <sup>nd</sup>	3,000
		s.54 \$50 - 1 <sup>st</sup>	500
		\$100 -2 <sup>nd</sup>	1,000
		s.55 \$100 -1 <sup>st</sup>	1,000
		\$150 -2 <sup>nd</sup> +	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 <sup>st</sup>	1,000
		\$200 -2 <sup>nd</sup> +	3,000
		s.61 \$50-1 <sup>st</sup>	500
		\$100-2 <sup>nd</sup> +	1,000
		s.62 \$50	500

No (1)	ACTS (2)	SECTIONS (3)	AMENDMENT (PENALTY UNITS) (4)
		s.63(4) \$200 -1 <sup>st</sup> \$300	3,000 5,000
		s.64 \$300	5,000
		s.69(5) \$200 – 1 <sup>st</sup> \$300-2 <sup>nd</sup> +	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	<b>Liquor Act (Cap. 144)</b>	s.5(2) \$300	3,000
		s.7(4) \$100	1,000
		s.8(1) \$400	4,000
		s. 8(2) \$200	2,000
		s.9 \$100 – 1 <sup>st</sup> \$200 – subsequent	1,000 2,000
		s.10(6) \$150	1,500
		s.11(2) \$150	1,500
		s.12(3) \$150	1,500
		s.37(2) \$20 – 1 <sup>st</sup> \$40 – subsequent	200 400
		s.43 \$100	1,000
		s. 44 \$600	15,000
		s.45 (5)(c) \$25	250
		s.47(1) \$300	3,000
		s.47(2) \$100	1,000
		s.48(4) \$75	750
		s.50(2) \$1,200	30,000
		s.51(3) \$400	4,000
		s.55 \$100 – 1 <sup>st</sup> \$200 – subsequent	1,000 2,000
		s.57(1)(a) \$200 – 1 <sup>st</sup>	2,000
		s.57(1)(b) \$400 or 12-2 <sup>nd</sup> +	10,000
		s.57(2)(a) \$150 – 1 <sup>st</sup>	1,500
		s.57(2)(b) \$300 -2 <sup>nd</sup> +	8,000
		s.59(2)(a) \$150-1 <sup>st</sup>	1,500
		s.59(2)(b) \$400 -2 <sup>nd</sup> +	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

No (1)	ACTS (2)	SECTIONS (3)	AMENDMENT (PENALTY UNITS) (4)
		s.65 \$200 s.66(3) \$1,000 s.67(1) \$150 s.68 \$25 – 1 <sup>st</sup> \$300 – 2 <sup>nd</sup> + 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 <sup>st</sup> \$600 – 2 <sup>nd</sup> + s.75 \$100 s.76 \$300 – 1 <sup>st</sup> \$600 – 2 <sup>nd</sup> + s.79 \$50 s.82(2) \$600 s.83(2) \$600 s.84(2) \$50 – 1 <sup>st</sup> \$ 100 – 2 <sup>nd</sup> + s.84(4) \$75	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	<b>Protection of Wrecks and War Relics (Cap. 150)</b>	s.8(2) \$1000	5,000
23	<b>Gaming and Lotteries (Cap. 139)</b>	s.3(5) \$100 s.4(1) \$100 s.10(a) \$1,000 -1 <sup>st</sup> \$3,000– 2 <sup>nd</sup> + s.12 \$500 s.23(5) \$1,000 s.24(2)(a) \$200 – 1 <sup>st</sup> \$400– 2 <sup>nd</sup> + s.24(2)(b) \$1,000 – 1 <sup>st</sup> \$1500– 2 <sup>nd</sup> + s.24(3)(a) \$100 – 1 <sup>st</sup> \$200– 2 <sup>nd</sup> + s.24(3)(b) \$600 – 1 <sup>st</sup> \$1,000– 2 <sup>nd</sup> +	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	<b>Ports (Cap. 161)</b>	s32(2) \$100 + \$10 per day s.35(2) \$100 + \$10 per day s.46(1) \$20 49(f) \$40	5,000 + 500 per day 5,000 + 500 per day 1,000 2,000

No (1)	ACTS (2)	SECTIONS (3)	AMENDMENT (PENALTY UNITS) (4)
		49(h) \$200 s.92 \$100 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(a) \$100 s.104(b) \$10	10,000 5,000 10,000 5,000 3,000 5,000 5,000 5,000 5,000 10,000 10,000 10,000 1,000
25	<b>Shipping (Cap. 163)</b>	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.24 \$200 s.28(2) \$100 s.29 \$50 s.34 \$100	3,000 2,000 5,000 3,000 20,000 20,000 20,000 3,000 1,000 5,000 5,000 3,000 5,000
26	<b>Seaman Discipline (Admiralty Transport) (Cap.162)</b>	s.2(2) \$10	1,000
27	<b>Pharmacy Practitioners Act 1997</b>	s.10(1) \$500 s.10(2) \$500 s.10(3) \$500	10,000 10,000 5,000
28	<b>Environment Act 1998</b>	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	<b>Wildlife Protection and Management</b>	s.4(2) \$5,000 s.11(3)(a) \$5,000 s.11(3)(b) \$3,000	5,000 5,000 3,000

No (1)	ACTS (2)	SECTIONS (3)	AMENDMENT (PENALTY UNITS) (4)
	<b>Act 1998</b>	s.24(4) \$5,000 s.25(4) \$5,000 s.26(b) \$10,000 s.31(b) \$2,000 s.33 \$2,000	3,000 3,000 50,000 10,000 20,000
30	<b>Leadership Code (Further Provisions) Act (Cap 86)</b>	s.20 \$500 s.25(1) \$1,000	5,000 10,000
31	<b>Correctional Services Act 2007</b>	s.17(1) \$200 s.18(1) \$800 s.19(1) \$800 s.20 \$200	5,000 20,000 20,000 5,000



## PENALTIES MISCELLANEOUS AMENDMENTS BILL 2009

### OBJECTS AND REASONS

The objects of this Bill are –

- (a) to convert all monetary penalties in all written laws to penalty units to facilitate future increases taking into account CPI increases;
- (b) to increase the terms of imprisonment for default in payment of fines under the Penal Code;
- (c) to increase penalties in Acts taking into account the current value of penalties in comparison when they were enacted; and
- (d) to fix the value of one penalty unit.

### EXPLANATORY MEMORANDUM

**Clause 1** provides for the short title and commencement provision.

**Clause 2** amends section 26 of the Penal Code on the scale of sentence for default of payment of fines. It is based on 25 penalty units per day of imprisonment. A new item (last item is included) to provide for additional six months for every 2,000 penalty units over 5,000 penalty units and a cap is included which is a maximum of five years.

**Clause 3** amends the Interpretation and General Provisions Act (Cap. 85) to provide for the rule that all penalties in all written laws (Acts and subsidiary legislation) must be expressed in penalty units. It also fixes the value of one penalty unit at \$1.00 per unit. Section 66 is amended to convert and increase the general penalties for subsidiary legislation.

**Clauses 4 to 7** amend the recently enacted Acts by converting their penalty units to their equivalent units using the value of \$1.00.

**Clause 8** provides for other consequential amendments converting all monetary penalties into penalty units. The Minister of Justice is empowered to convert all monetary penalties in regulations, including increasing them on the same bases as for Acts identified in the Schedule.

**AN EXAMPLE** of how a formula in clauses 4-7 works is set out below –

**EXAMPLE: sections 25(4) and 208 of the Companies Act 2009**

Issue of other shares	<p><b>25. (1)</b>    <i>A company may issue shares —</i></p> <p style="padding-left: 40px;">(a)    <i>in accordance with its rules; or</i></p> <p style="padding-left: 40px;">(b)    <i>with the approval of all shareholders under section 50.</i></p> <p>(2)    .....</p> <p>(3)    .....</p> <p>(4)    <i>If a company fails to comply with subsection (2), every director of the company commits an offence and is liable on conviction to a fine not exceeding <u>50 penalty units</u>.</i></p>
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Value of penalty units	<p><b>208.</b> <i>The value of one penalty unit under this Act is \$50.</i></p>
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**Formula:** A x B = C

A (50 penalty units) multiply by B (\$50 value of one penalty unit) = 2,500 penalty units.

Therefore the new penalty unit in section 25(4) of the Companies Act 2009 will be amended to read 2,500 penalty units. The value is \$1.00 under the proposed section 50A of the Interpretation and General Provisions Act.

This formula, therefore recognises the reduction of the value of one penalty unit from \$50 to \$1.00 but still keeping in par with the value updating by multiplying existing penalty units (i.e A) with a multiplier (i.e B).

**Clause 2 – Section 26 of the Penal Code**

**26.**    (1)    The term of imprisonment to which a person may be sentenced by a court in default of payment of a fine

shall be such terms as in the opinion of the court will satisfy the justice of the case but shall not exceed the maximum fixed by the following scale –

<i>Amount</i>	<i>Maximum Period</i>
Not exceeding \$2	7 days
Exceeding \$2 but not exceeding \$4	14 days
“ \$4 “ \$20	6 weeks
“ \$20 “ \$80	2 months
“ \$80 “ \$200	3 months
“ \$200.....	6 months

(2) The imprisonment which is imposed in default of payment of a fine shall terminate whenever the fine is either paid or levied by process of law.”.

**Clause 3 – Section 66 of the Interpretation and General Provisions Act (Cap. 85)**

*Powers to make regulations*

**66.-** (1) Regulations made under an Act -

- (a) may constitute offences; and
- (b) may provide, in respect of any such offence, for the imposition by way of penalty of a fine not exceeding ~~one hundred dollars~~ 5,000 penalty units or imprisonment for a term not exceeding ~~three months~~ six months, or both.

(2) The power under an Act to make regulations may be exercised -

- (a) either in relation to all cases to which the power extends, or in relation to all of those cases subject to specified exemptions, or in relation to any specified case or class of case; and
- (b) so as to make, as respects the cases in relation to which it is exercised -
  - (i) the same provision for all the cases a different provision for different cases or classes of cases, or different provisions for the same case or classes of cases for different purposes of the Act; or
  - (ii) any such provision either unconditionally or subject to any specified condition.”.

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**MINISTER FOR JUSTICE AND LEGAL AFFAIRS**