



Tuvalu

COVID-19 (THREATENED EMERGENCY) REGULATION 2021

LN 63 of 2021

**MADE UNDER SECTION 3 OF THE EMERGENCIES AND
THREATENED EMERGENCIES (SPECIAL POWERS) ACT**

1 Citation

This Regulation may be cited as the Covid-19 (Threatened Emergency) Regulation 2021.

PART 1 – PRELIMINARY

2 Commencement

This Regulation commences on publication.

3 Purpose

The purpose of this Regulation is to make provisions for the management, control, monitoring and protection of people from the effects of Covid-19.

4 Interpretation

“authorized personnel” means Health Officers, Police Officers, Immigration Officers, Custom Officers and any person authorized to carry out the purposes of this Regulation;

“basic amenities” includes proper housing or accommodation and sanitary provisions;

“basic commodity” means any products listed in a Notice issued by the Minister;

“citizen” means a citizen of Tuvalu by virtue of the Citizenship Act;

“Covid-19” means the Coronavirus disease, an infectious disease caused by the SARS-CoV-2 virus;

“fitted face covering” means a mask or other covering that -
fits securely around the face; and

is designed or made to be worn over the nose and mouth to provide the wearer with protection against infection.

“HSOP” means Health Standard Operation Procedures;

“HPRM” means Health Preparedness and Response Measures;

“island” means the island of domicile or of preference by any national;

“Minister” shall mean the Prime Minister;

“Plane” means any vessel or aircraft or moveable object by air;

“quarantine” means compulsory separation, including restriction of movement, of people who potentially have been exposed to Covid-19, within the quarantine area for the duration regulated;

“quarantine area” means any building, premises, or area designated for quarantine purpose;

“seafarers” include the master of the vessel, observers, crew and any other person on a vessel;

“Ships” for the purpose of this Regulation includes boats and any movable vessels in the ocean;

“SOP” means Standard Operation Procedures;

“supplies and necessities” means access to food, running and drinking water and basic needs for the duration of quarantine;

“Taskforce” means the National COVID-19 Taskforce established under Regulation 6.

PART 2 – ADMINISTRATION

5 Ministerial Authority and Policy Administration

The Prime Minister or a person designated by the Prime Minister shall have the sole authority to make policy decisions and exercise the powers imposed by this Regulation.

6 Establishment of a National Covid-19 Taskforce

- (1) A National COVID -19 Taskforce ('Taskforce') for Tuvalu is hereby established.
- (2) The Taskforce shall comprise of the following:
 - (a) Secretary to Government;
 - (b) Attorney-General;
 - (c) All Government Secretaries;
 - (d) Relevant border control agencies;
 - (e) Enforcement agencies;
 - (f) Non-governmental organisations;
 - (g) Private and civil society sectors;
 - (h) Community leaders; and
 - (i) any other person determined by the Minister.
- (3) The Taskforce shall be co-chaired by the Secretary to Government and Secretary for Health.
- (4) The Secretariat of the Taskforce shall be the Office of the Prime Minister.

7 Functions of the National Covid-19 Taskforce

The Taskforce shall:

Formulate and recommend for the approval of the Minister all new policy matters related to Covid-19 measures;

Develop a Preparedness and Response Plan;

- (a) Develop preventive measures and coordinate efforts at all levels to prevent Covid-19 from reaching Tuvalu;
- (b) Coordinate responses to any suspected cases, local transmission and outbreak in the country;
- (c) Advise all relevant Ministries, Departments and Agencies of any latest Covid-19 information, risk assessments and all implementation measures prescribed under this Regulation and related protocols;
- (d) Provide information and awareness to the general public through radio, television, printed materials and other media platforms;
- (e) Provide a situation analysis of the current capacity of Tuvalu to address Covid-19;
- (f) Receive reports from sub-committees and delegate actions as recommended and agreed to by the Taskforce;
- (g) Coordinate meetings to review the situation of the Covid-19;

- (h) Allocation of tasks of the sub-committees;
- (i) Develop and approve Standard Operational Procedures (SOP); and
- (j) Any other task directed by the Minister.

8 Sub-Committees

(1) The Minister may by order establish any sub-committee to facilitate and assist the Taskforce in the management and control of any matter the Minister deems appropriate.

(2) A subcommittee appointed under this Regulation must provide the Taskforce with written updates or as instructed, on all matters allocated to them by the Taskforce.

PART 3 – BORDER CONTROL AND SECURITY

9 Closure of Borders

(1) The movement of people, planes, ships or vessel on sea or by air, into and out of Tuvalu is prohibited unless authorised by the Minister, by written order and published on the government notice board.

(2) The Attorney-General shall be responsible for the immediate publication of any order made under this Regulation.

(3) The Minister may by Notice grant exemption for the following purposes:

- (a) provision of medical supplies;
- (b) provision of food supplies;
- (c) humanitarian assistance;
- (d) distribution of reliefs;
- (e) shipment of cargoes;
- (f) fuel supply; or
- (g) any other grounds in the public interest.

10 Conditions for Entry of Persons

(1) Notwithstanding Regulation 9(1), any person who is 18 years old or over must complete a full Covid-19 vaccination program two weeks prior to entering Tuvalu.

(2) Proof of full vaccination shall be provided to relevant authorities within a minimum of 3 days prior to departure for and upon entry to Tuvalu.

- (3) Any person intending to travel to Tuvalu must provide proof of a negative Covid-19 PCR test result to authorised personnel 3 days prior to the date of departure for Tuvalu.
- (4) Any person entering Tuvalu must be quarantined in Government assigned facilities for a period determined by the Minister by Notice.
- (5) Any person entering Tuvalu shall comply with SOP, HSOP and travel advisories that may be issued from time to time.
- (6) The Minister may authorise the removal from a quarantine area of any person required for medical or approved emergencies after consultation with the Taskforce.
- (7) Any person who fails to comply with the provisions of this Regulation shall be liable upon conviction to a fine of \$2,000 or imprisonment to a term not exceeding 12 months.

11 Conditions for Entry of Ships, Planes or Vessels

- (1) Any ship, plane or vessel approved to enter Tuvalu must comply with this Regulation, SOP, HSOP and Travel Advisories issues from time to time.
- (2) The owner of any ship, plane or vessel approved to enter Tuvalu must provide to the Taskforce, either directly or through a local agent, within 48 hours prior to arrival, the following information:
 - (a) Places visited by the ship in the last 14 days including transshipment/bunkering or any form of contact at sea;
 - (b) Names of crew on-board;
 - (c) Any person who boarded the ship within 14 days prior to entering Tuvalu and records of the places they visited within the 14 days leading up to the trip;
 - (d) The ship's last port of entry;
 - (e) Recent travel history and medical report including report on previous Covid-19 contraction;
 - (f) Any suspected cases of FLU-like symptoms during the voyage; and
 - (g) Any other information requested by the Taskforce.
- (2) Any ship, plane or vessel that fails to comply with regulation (1) above may be subjected to a turnaround order by the Minister.
- (3) Any person who is ordered to return on the same ship, plane or vessel must comply with the turn-around procedures.
- (4) Any ship, plane or vessel that fails to comply with this regulation commits an offence and is liable to a fine of \$100,000.

12 Condition for Quarantine Person

- (1) Any person entering Tuvalu shall be subject to the following procedures;
 - (a) Transported to a designated quarantine facility;
 - (b) Quarantined for the duration specified under SOP; and
 - (c) Subjected to other conditions specified under the HPRM and SOP.
- (2) Any person who comes into contact with or proximity to any passenger, ship or quarantine areas shall be subject to the conditions in sub-regulation (1).
- (3) Any person who has been confirmed to be Covid-19 positive shall be subjected to:
 - (a) isolation;
 - (b) medical reviews and checks;
 - (c) further quarantine conditions directed by authorized personnel;
 - (d) any other conditions directed by the Minister, after consultation with the Taskforce.
- (5) Any person who fails to comply with this regulation commits an offence and is liable upon conviction to a sum not exceeding \$2,000 or imprisonment not exceeding 12 months.

13 Quarantine Areas and Restrictions

- (1) The Minister shall by Order declare quarantine areas and facilities to;
 - (a) Quarantine any person entering Tuvalu;
 - (b) Isolate any person confirmed to be infected by Covid-19.
- (2) The quarantine areas shall have:
 - (a) Basic amenities suitable for quarantine;
 - (b) Access to basic supplies and necessities for living; and
 - (c) Any other reasonable goods and services as directed by the Minister after consultation with the Taskforce.
- (3) Access to quarantine areas shall only be by authorized personnel.
- (4) Any person on quarantine shall comply with all directions provided in the subsidiary legislation.
- (5) No unauthorized person is allowed within 5 meters of the quarantine areas.
- (6) Any unauthorized person who enters the quarantine area shall be guilty of an offence.

PART 4 – FOOD SECURITY

14 Food Security

(1) The Minister may, after consultation with the Taskforce, regulate by order the sale and distribution of food items including any other measure in the interest of maintaining food security for the nation.

(1) Any person who fails to comply with the provisions of a food security order shall be liable upon conviction to a fine of \$2000 or imprisonment to a term not exceeding 12 months.

PART 5 – REPATRIATION AND RELOCATION

15 Repatriation

(1) The Minister may, by order, approve the repatriation of Tuvaluan citizens after consultation with the Taskforce.

(2) The repatriation of Tuvaluan citizens shall comply with the conditions of this Regulation.

16 Relocation

(1) The Minister may, by order, approve the relocation or confinement of people in Tuvalu after consultation with the Taskforce.

(2) The Minister, by order, must provide details for the relocation or confinement of people including:

- (a) measure for the compulsory relocation of people to their islands;
- (b) measure for the relocation of people within the islands;
- (c) measures prohibiting the movement of people between the islands;
- (d) measures for the confinement of people who have not completed a full Covid-19 vaccination program; and
- (e) any related matter as the Minister may deem necessary.

PART 6 – PUBLIC MEETING, GATHERING AND ASSEMBLY

17 Restrictions of public meeting, gathering and assembly

(1) The Minister, if he considers it is in the national interest to do so, may prohibit or control public meetings, gatherings and assemblies.

(2) Notwithstanding sub-regulation (1), the Minister may grant a permit for essential services as well as public meetings, gatherings and assembly with conditions as necessary.

(3) Any person who fails to comply with this Regulation shall be liable upon conviction to a fine of \$2000 or imprisonment to a term not exceeding 12 months.

PART 7 – ESSENTIAL SERVICES

18 Essential Services

(1) The following are deemed to be essential services:

- (a) Health Services;
- (b) Education Services;
- (c) Communications and Transport;
- (d) Religious Services;
- (e) Police and Prisons; and
- (f) Any service that the Minister may, by order, deem as an essential service.

(2) The Minister may, by order, control the operation of essential services.

19 Closure of other services

The Minister, after consultation with the Taskforce, may close the operation of essential and non-essential services.

20 Ministerial Directions and Orders

(1) Subject to this Regulation, the Minister may by Notice:

- (a) issue directions and orders; or
- (b) appoint any authorized person to issue direction and orders on his behalf;

for the proper implementation of this Regulation.

PART 8 – TRANSHIPMENT

21 Transhipment

(1) The Minister may, after consultation with the Taskforce, permit the entrance of vessels into the Funafuti Lagoon for transhipment purposes.

(2) All vessels and persons must comply with the Standard Operational Procedures for Transhipment throughout the entirety of the transhipment process.

22 Transhipment Procedures

(1) All vessels permitted for transhipment must apply for permission at least 24 hours in advance.

(2) All documents required for entrance, clearance and transhipment must be provided electronically to authorised personnel at least 24 hours in advance or when requested upon.

(3) The entire transhipment process must not involve boarding or physical contact.

(4) No person or boat may approach within 100 meters or board any vessel during the transhipment process.

(5) Any boat used to carry persons to a fishing vessel or carrier in breach of this regulation will be confiscated and sold.

(6) Any person who fails to comply with the provisions of this part shall be liable upon conviction to a fine of \$2000 or imprisonment to a term not exceeding twelve months.

(7) Any vessel that fails to comply with the provisions of this part commits an offence and is liable to a fine of \$500,000.

PART 9 – PENALTIES

23 Offence and Penalty

(1) Any person who wilfully or without reasonable excuse behaves or acts in a manner that is contrary to the purpose of this Act or detrimental to the proper implementation of this Act, shall be guilty of an offence.

(2) Any offence under this Act for which no specific penalty provision is prescribed shall be punishable by a fine of not less than \$2,000 or imprisonment to a term not exceeding 12 months.

PART 10 – OFFICIAL STATEMENTS AND PRESS RELEASE

24 Official Statements and Press Release

(1) All official press releases and official statements shall be authorized by the Prime Minister after consultation with the Attorney-General.

(2) Any person who releases; or causes to disseminate or publish official information or matters prejudicial to public security and statements without authorization commits an offence.

26 Publication of false information and rumours

Any person who —

- (a) maliciously fabricates; or
- (b) knowingly spreads; or
- (c) publishes whether by:
 - i. writing;
 - ii. electronic means;
 - iii. word of mouth; or
 - iv. any other means,any false information;
- (d) makes false report tending to create or foster public alarm, public anxiety; or
- (e) causes public detriment; or
- (f) acts or is acting in a manner prejudicial to the public safety; or
- (g) disturbs the peace and good order of any part of Tuvalu; or
- (h) endeavours to disturb the public peace by inciting hatred or contempt commit an offence.

PART 11 – RELATIONSHIP TO EMERGENCY LAWS

26 State of Emergency

- (1) This Regulation do not apply when a State of Emergency is declared and in force for the whole or any part of Tuvalu unless the Prime Minister by Order authorises the continued application of this Regulation.
- (2) Where this Regulation is authorised to apply, all the functions, duties and responsibilities including penalty provisions in this Regulation will be applied.
- (3) Where this Regulation is not authorised to apply during an emergency, management and responses to the emergency will be issued under other relevant legislations and specific subsidiary legislations promulgated to address the specific emergency.

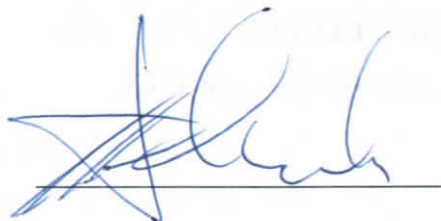
PART 12 – MISCELLANEOUS

27 Repeal

The below are repealed in their entirety:

- (a) Management and Minimisation of the Impacts of Coronavirus Regulation 2020;
- (b) Management and Minimisation of the Impacts of Coronavirus (Amendment) Regulation 2020;
- (c) Coronavirus Protection Measures Regulation 2020;
- (d) Coronavirus Protection Measures (Amendment) Regulation 2020.

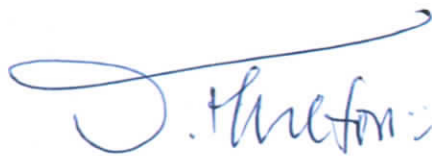
Made under my hand this 4th day of November, 2021.



HON. AMPELOSA TEHULU

Acting Prime Minister

Published at the Government Notice Board on this 4th day of November, 2021
at Funafuti.



DR. TAPUGAO FALEFOU

Secretary to Government