

S.I. 13 of 2021

PUBLIC HEALTH ACT, 2015

Public Health (Fixed Penalties) Regulations, 2021

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S.I. 13 of 2021

PUBLIC HEALTH ACT, 2015

Public Health (Fixed Penalties) Regulations, 2021

In exercise of the powers conferred by section 64 of the Public Health Act, 2015, the Minister responsible for Health hereby makes the following regulations —

Citation

1. These regulations may be cited as the Public Health (Fixed Penalties) Regulations, 2021.

Fixed penalty notice

2.(1) A Designated Officer may issue a fixed penalty notice to any person that the Designated Officer has reason to believe —

- (a) is committing or has committed a specified offence; and
- (b) is (in the case of an individual) aged 18 or over.

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging liability to conviction for a specified offence by payment of a fixed penalty to the authorised collector of the fixed penalty specified in the notice.

(3) The fixed penalty under these regulations is a sum specified under column (3) of the First Schedule in respect of an offence specified in the corresponding entry under column (2) of that Schedule.

(4) A fixed penalty notice shall —

- (a) give a brief description of the circumstances alleged to constitute the offence;
- (b) specify the amount of the fixed penalty;

- (c) state the name and address to whom the fixed penalty shall be paid.

(5) The fixed penalty notice under these regulations shall be issued in the Form appended under the Second Schedule.

(6) The Designated Officer may request the person to produce to the Designated Officer any identity documents of the person.

(7) A fixed penalty notice may be issued —

- (a) by delivering or tendering it to the person;
- (b) by delivering or tendering it at the person's residence, workplace or any other proper address of the person to a person who is more than 16 years old and who is a member of the person's household or employee, agent or manager of the person, as the case may be ;
- (c) by delivering or tendering it to the driver of the vehicle or the person in charge or in control of the vessel that the person is in;
- (d) by affixing it to a vehicle or vessel in which the person is occupying or is in his or her possession;
- (e) by affixing it in a conspicuous place at the residence or workplace of the person or at the premises of the proper address of the person.

(8) For the purpose of subregulation (7)(b) and (e), the proper address of a person on whom a fixed penalty notice is to be issued shall, in the case of a body corporate, be the registered or principal office or place of business of that body, and, in any other case, shall be the last known address of the person to be issued therewith.

(9) The delivery, tendering or affixing of the fixed penalty notice under subregulation (7) shall be sufficient service on the person liable for the offence.

(10) The fixed penalty shall be paid within 3 working days of the receipt of the notice to the authorised collector of fixed penalty mentioned in the notice, and a sum paid by way of fixed penalty shall be treated as if it were a fine imposed on conviction of an offence in respect of which the fixed penalty notice was issued.

(11) Where a person is issued with a fixed penalty notice under these regulations in respect of an offence —

- (a) no proceedings may be taken for the offence before the end of the period specified in the notice;
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(12) If the fixed penalty is paid within the period specified in the notice, no proceedings shall be taken against the person for the commission of such offence.

(13) Where the person to whom a fixed penalty notice was issued does not comply with the notice within the period specified in the notice, proceedings may be instituted against the person for the offence in respect of which the notice was issued.

(14) In any proceedings, a certificate, issued in the Form appended under the Third Schedule —

- (a) that purports to be signed by or on behalf of the authorised collector of fixed penalty specified in the fixed penalty notice to whom the payment shall be made; and
- (b) states that the payment was, or was not, received by the date specified in the certificate,

is sufficient evidence of the facts stated unless the contrary is proved.

(15) The fixed penalties collected under these regulations shall be paid into the Consolidated Fund.

(16) In these regulations —

“authorised collector of fixed penalty” means —

- (a) the Registrar; or
- (b) any other person,

authorised to receive the fixed penalties under these regulations specified in the fixed penalty notice;

“Designated Officer” means

- (a) a police officer;
- (b) a public health officer designated as such in writing by the Minister;
- (c) any person designated as such in writing by the Minister.

“proceedings” means criminal proceedings in respect of a specified offence, and “conviction” shall be construed in like manner.

“Registrar” means the Registrar of the Supreme Court and includes a Deputy Registrar, Assistant Registrar or any other officer of the Registry of the Supreme Court or Magistrate's Court;

“specified offence” means the offence specified under the First Schedule;

“vessel” includes any kind of water craft, aircraft or hovercraft;

“working days” excludes Saturday, Sunday and public holiday.

Manner of issue of fixed penalty notice

3.(1) A fixed penalty notice shall bear a number.

(2) The Designated Officer shall issue the fixed penalty notice in triplicate in the following manner —

- (a) first copy to be delivered, tendered or affixed in accordance with regulation 2(7);

- (b) the second copy to be sent to the finance officer of the Public Health Authority;
- (c) the third copy to be kept by the Designated Officer.

Register of fixed penalty notice

4.(1) Every Designated Officer shall maintain a register of fixed penalty notice issued by him or her.

(2) The register of fixed penalty notice shall be in the Form appended under the Fourth Schedule and contain the following particulars —

- (a) the serial number;
- (b) the name and address of the person to whom the notice is issued;
- (c) the particulars of the offence (including the date, time and place of commission of offence) and details of the regulation;
- (d) the serial number of the fixed penalty notice;
- (e) the date and time of the issue of fixed penalty notice.

(3) The Designated Officer shall within 3 working days of the expiration of every week send to the Public Health Commissioner a report of all fixed penalty notice issued by him or her during the preceding week which shall contain the particulars specified under subregulation (2) in the Form appended under the Fifth Schedule.

Register of sums received by way of fixed penalty

5. The authorised collector of fixed penalty while accepting the fixed penalty shall —

- (a) ensure the correct amount of fixed penalty is paid by the person;
- (b) issue a receipt for the amount received;
- (c) keep and maintain a record of the —

- (i) the name and address of the person to whom the notice is issued;
 - (ii) sum received;
 - (iii) number and date of the fixed penalty notice; and
 - (iv) date of the payment;
- (d) maintain a register, in the Form appended under the Sixth Schedule, of all sums received by way of fixed penalty in respect of the fixed penalty notice issued under these regulations; and
- (e) submit to the Public Health Commissioner a fortnightly report thereof, in the Form appended under the Seventh Schedule, which shall contain the serial number of the notice, the name of the Designated Officer, the name and address of the person to whom the notice was issued and the sum received by way of penalty.

Offences and penalties

6.(1) A person commits an offence if, at the time of issuance of a fixed penalty notice or on delivery, tendering or affixing of a fixed penalty notice, as the case may be, that person —

- (a) refuses to receive the fixed penalty notice from the Designated Officer;
- (b) refuses to give his or her name or address to the Designated Officer issuing, tendering or serving the fixed penalty notice;
- (c) gives a false name or address to the Designated Officer issuing, tendering or serving the fixed penalty notice; or
- (d) removes or interferes with a notice affixed to a vehicle, vessel or premises on which a fixed penalty notice has been affixed.

(2) A person who commits an offence under these regulations is liable on conviction to a fine of SCR 20,000/- or imprisonment for 3 months or to both.

FIRST SCHEDULE*[Regulation 2(3) and (16)]***Specified offences and fixed penalties**

Sl. No.	Specified offence	Fixed penalty (in SCR)
(1)	(2)	(3)
1.	Regulation 9(7) of the Public Health (Infectious Disease) Regulations	500
2.	Regulation 9(8) of the Public Health (Infectious Disease) Regulations	500
3.	Regulation 9(9) of the Public Health (Infectious Disease) Regulations	500
4.	Regulation 11(1)(a) of the Public Health (Infectious Disease) Regulations	500
5.	Regulation 11(1)(b) of the Public Health (Infectious Disease) Regulations	500
6.	Regulation 13A(3) of the Public Health (Infectious Disease) Regulations	500
7.	Regulation 13C of the Public Health (Infectious Disease) Regulations	500
8.	Regulation 13D(3) of the Public Health (Infectious Disease) Regulations	500
9.	Regulation 13E(2) of the Public Health (Infectious Disease) Regulations	500
10.	Regulation 16A(3) of the Public Health (Infectious Disease) Regulations	500
11.	Regulation 19A of the Public Health (Infectious Disease) Regulations	500
12.	Regulation 20 of the Public Health (Infectious Disease) Regulations	500
13.	Regulation 2 of the Public Health (Infectious Disease) (Mandatory Wearing of Face Masks) Regulations, 2020	500

SECOND SCHEDULE

[Regulation 2(5)]

FORM

Fixed Penalty Notice

PUBLIC HEALTH ACT, 2015

Public Health (Fixed Penalties) Regulations, 2021

No.-----

To -----

Address-----

N.I.N -----

You have been found on this day of -----
at..... (place)
at..... am/pm (mention here the time) contravening the provisions of—

(i) the Public Health (Infectious Disease) Regulations (S.I.8 of 1960), as amended from time to time; committing offence under regulation 9(7)|9(8)|9(9)|11(1)(a)|11(1)(b)|13A(3)|13C|13D(3)|13E(2)|16A(3)|19A|20 thereof; or

(ii) the Public Health (Infectious Disease) (Mandatory Wearing of Face Masks) Regulations, 2020 (S.I. – of 2020), as amended from time to time, committing offence under regulation 5 thereof.

(give here brief description of the circumstances alleged to constitute the offence) which constitutes an offence under the said provisions and you are liable to be prosecuted for commission of such offence wherein you are liable on conviction to a fine not exceeding SCR20,000 or imprisonment for a period not exceeding two years or to both.

You may discharge any of your liability to conviction for that offence by paying a sum of SCR500/- as fixed penalty within 3 days of the receipt of this notice, to—

- (a) The Registrar, Supreme Court, Palais de Justice, Ile du Port, Mahe;
- (b) The Assistant Registrar, Magistrates Court, Grand’Anse, Praslin;
- (c) The Assistant Registrar, Magistrate’s Court, Anse Royale.

No proceedings will be brought against you if you pay the sum of penalty within the period mentioned above in respect of the said offence committed by you.

Failure to pay the fixed penalty within the time stipulated may result in a prosecution proceedings initiated against you, for the offence.

.....

Date Name, designation and Signature of the Designated Officer
Note: Please note that if the last day of the period is a Saturday, Sunday or a public holiday, the period shall not include that day and the last day for payment shall be the next working day.

For use of Designated Officer

A copy of the above-mentioned fixed penalty notice has been duly issued by the undersigned Designated Officer at o'clock on the day of, 20..... by tendering or delivering the same to or at or affixing it on

Designated Officer

THIRD SCHEDULE

[Regulation 4(2)]

FORM of certificate

PUBLIC HEALTH ACT, 2015

Public Health (Fixed Penalties) Regulations, 2021

CERTIFICATE OF FIXED PENALTY

on receipt or non-receipt of fixed penalty

Certificate No. _____

It is certified that a sum of SCR _____ by way of fixed penalty was paid/was not paid, as per detail below:—

- 1. Fixed Penalty Notice No.: _____
- 2. Date of fixed penalty Notice: _____
- 3. Name and address of the person to whom fixed penalty notice was issued _____
- 4. Name and address of the Designated Officer: _____
- 5. Sums mentioned in the fixed penalty notice: SCR _____

Seal of
Authorised
collector of
fixed penalty

Signed on this _____ day of _____
by or on behalf of the authorised collector of fixed penalty
specified in the fixed penalty notice.
*(Name and address of the authorised collector of fixed
penalty)*

FOURTH SCHEDULE*[Regulation 2(14)]***FORM of Register of fixed penalty notice**

PUBLIC HEALTH ACT, 2015

Public Health (Fixed Penalties) Regulations, 2021

REGISTER OF FIXED PENALTY NOTICE**Designated Officer** _____

(Name and address of Designated Officer)

Sl.No.	Name and address of the person to whom the notice is issued	Particulars of the offence (including the date, time and place of commission of offence) and details of the regulation	Serial number of the fixed penalty notice	Date and time of the issue of fixed penalty notice	Signature of Designated Officer with date and time
(1)	(2)	(3)	(4)	(5)	(6)
1.					
2.					

FIFTH SCHEDULE*[Regulation 4(3)]***FORM of Report of fixed penalty notice**

PUBLIC HEALTH ACT, 2015

Public Health (Fixed Penalties) Regulations, 2021

Report of fixed penalty Notice issued during the week -----*(mention here the dates of week, with month and year)***Designated Officer** _____

(Name and address of Designated Officer)

To
The Public Health Commission

A report of the fixed penalty notices issued during the period mentioned above is hereby forwarded for the information and follow up. The details of fixed penalty notices are as under:

Sl.No.	Name and address of the person to whom the notice is issued	Particulars of the offence (including the date, time and place of commission of offence) and details of the regulation	Serial number of the fixed penalty notice	Date and time of the issue of fixed penalty notice
(1)	(2)	(3)	(4)	(5)
1.				
2.				

Seal of
Designated
Officer

Signature of Designated Officer
with date and time

SIXTH SCHEDULE*[Regulation 5(d)]***FORM of Register of sums received by way of fixed penalty**

PUBLIC HEALTH ACT, 2015

Public Health (Fixed Penalties) Regulations, 2021

REGISTER OF SUMS OF FIXED PENALTY**Authorised collector of fixed penalty** _____

(Name and address of authorised collector of fixed penalty)

Sl.No.	Name and address of the Designated Officer who issued the fixed penalty notice	Serial number and date of the fixed penalty notice	Sums received (in SCR)	Certificate No. and date and time of receipt of sums	Name and address of the person mentioned in the fixed penalty notice in respect of whom payment was made
(1)	(2)	(3)	(4)	(5)	(6)
1.					
2.					

SEVENTH SCHEDULE*[Regulation 5(e)]***FORM of Report of sums received by way of fixed penalty**

PUBLIC HEALTH ACT, 2015

Public Health (Fixed Penalties) Regulations, 2021

Report of sums received by way of fixed penalty during the weak -----
 (mention here the dates of fortnight, with month and year)

Authorised collector of fixed penalty _____
 (Name and address of authorised collector fixed penalty)

To
 The Public Health Commission

A report of sums received by way fixed penalty in respect of fixed penalty notice mentioned below is hereby forwarded for the information and follow up. The details of sums received are as under:

Sl.No.	Name and address of the Designated Officer who issued the fixed penalty notice	Serial number and date of the fixed penalty notice	Sums received (in SCR)	Certificate No. and date and time of receipt of sums	Name and address of the person mentioned in the fixed penalty notice in respect of whom payment was made
(1)	(2)	(3)	(4)	(5)	(6)
1.					
2.					

Seal of
 authorised
 collector of
 fixed
 penalty

Signature of authorised collector of fixed penalty
 with date and time

MADE this 8th day of February, 2021.

**PEGGY VIDOT
MINISTER OF HEALTH**
