



REPUBLIC OF NAURU

FOOD SAFETY (FIXED PENALTY OFFENCES) REGULATIONS 2026

SL No. 14 of 2026

Notified: 6 March 2026

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The Cabinet makes the following Regulations under Section 39(1)(s) of the *Food Safety Act 2005*:

Part 1 – Preliminary

1 Citation

These Regulations may be cited as the *Food Safety (Fixed Penalty Offences) Regulations 2026*.

2 Commencement

These Regulations commence on the date they are notified in the Gazette.

3 Interpretation

In these Regulations:

‘food inspector’ means a person appointed under Section 19 of the Act;

‘fixed penalty notice’ means the fixed penalty notice issued in accordance with these Regulations; and

‘item’ or ‘items’ means the smallest individual unit offered for retail sale.

Part 2 – Fixed penalty offences and penalties

4 Prescribed fixed penalty offence

For the purpose of Section 39(1)(s) of the Act, the prescribed fixed penalty offences are set out in Columns 1 and 2 of Schedule 1.

5 Prescribed penalties

For the purpose of Section 39(1)(s) of the Act, the corresponding prescribed fixed penalties for the prescribed offences under Regulation 4 are set out in Column 4 of Schedule 1.

Part 3 – Powers of food inspectors

6 Powers of food inspector

A food inspector who has reasonable cause to believe that there has been a contravention of the Act, may:

- (a) issue a fixed penalty notice in the Form in Schedule 2; and
- (b) exercise powers under the Act, in the implementation of these Regulations.

Part 4 – Fixed penalty notice

7 Fixed penalty notice

- (1) A fixed penalty notice shall be in the Form in Schedule 2.

- (2) The fixed penalty notice shall provide the following information:
 - (a) state the place, date and time of alleged offence;
 - (b) state the name and address of the person to whom the notice is issued;
 - (c) notify the person to whom the notice is issued when and where the fixed penalty shall be paid;
 - (d) require the person to whom the notice is issued to pay the amount due within 14 days and in the event of failure to pay the fixed penalty, legal proceedings shall be instituted within the next 14 days and the person may have legal representation to represent them or to appear on his or her own behalf to enter a plea;
 - (e) notify the person to whom the notice is issued that, in case of default in payment within the time specified in the notice, the court may, if the person is found guilty by the court, impose a penalty which is more than the fixed penalty for the offence; and
 - (f) shall bear the date on which it was served on the person charged as the case requires.

8 Requirements for a fixed penalty notice

- (1) A fixed penalty notice shall not be served more than 14 days after the day on which the offence is alleged to have been committed.
- (2) The food inspector who issues a fixed penalty notice shall cause a signed copy of the notice to be placed before the Nauru Revenue Office and District Court as specified in the notice not later than 7 days after the notice is issued.
- (3) Where a fixed penalty notice served upon a person has not been accepted by payment of the fixed penalty within 21 days of the date of the fixed penalty notice, the notice shall be regarded for all purposes as a summons issued under the *Criminal Procedure Act 1972*.
- (4) A person who is issued a fixed penalty notice by a food inspector shall accept its service by signing for the service of the fixed penalty notice.
- (5) A person who fails to comply with subsection (4), commits an offence and is liable upon conviction to a fine not exceeding \$5,000.
- (6) The issuance of a fixed penalty notice shall not be taken to prevent the institution of proceedings under any other provision of the Act and these Regulations.
- (7) Where a fixed penalty notice served upon a person is not complied with and is placed before the court, the court may impose a penalty higher than the fixed penalty stipulated for the offence and such penalty shall:
 - (a) be commensurate with the seriousness of the offence; and

- (b) deprive the offender of any benefits arising from the commission of the offence.

9 Failure to pay fixed penalty

A person, who has been issued a fixed penalty notice and fails to pay the fixed penalty as required by the Act and these Regulations shall be summoned to attend court.

10 Fixed penalty notice court appearances

- (1) Where a person who is summoned to attend court pleads guilty on the date of the hearing to the fixed penalty offence in which he or she was issued a fixed penalty notice, the court shall:
 - (a) impose a penalty for the offence as provided under the Act;
 - (b) order court costs of \$100; and
 - (c) any such other orders the court deems fit to ensure compliance of the order of the court not limited to committal.
- (2) Where the person is not present and is unrepresented in court, a plea of guilty shall be recorded and the matter dealt with in accordance with the procedure of the court and the court shall:
 - (a) impose a penalty for the offence as provided under the Act;
 - (b) order court costs of \$100; and
 - (c) any such other orders the court deems fit to ensure compliance of the order of the court not limited to committal.
- (3) Where the person is present or represented by a legal practitioner and pleads not guilty, the matter shall be dealt with in accordance with the procedure of the court.
- (4) Where the person is found guilty after the hearing of a fixed penalty offence under subregulation (3), the court shall:
 - (a) impose the penalty for that offence as provided under the Act;
 - (b) order court costs of \$200; and
 - (c) any such other orders the court deems fit to ensure compliance of the order of the court not limited to committal.

11 Evidence of acceptance of a fixed penalty notice

In any proceedings, a certificate signed by the Registrar of Courts, Nauru Revenue Officer or a food inspector that the fixed penalty is or is not paid shall,

unless the contrary is proved, be conclusive evidence of the matters stated in the certificate.

12 Application of Criminal Procedure Act 1972

The *Criminal Procedure Act 1972* applies *mutatis mutandis* to any matter or proceedings under these Regulations.

Schedule 1

[Section 39(1)(s), Regulations 4 and 5]

FIXED PENALTY OFFENCES AND FIXED PENALTIES

Section of the Act	Fixed Penalty Offences	Quantity of item/person	Fixed Penalty
Section 33(g) and (h)	Sale of expired goods	1 – 5 items	\$100 AUD for an individual
			\$500 for a body corporate
		6 – 10 items	\$500 AUD for individual
			\$2,500 for a body corporate
		11 – 20 items	\$800 AUD for an individual
			\$4,000 for a body corporate
		21 – 30 items	\$1,200 AUD for an individual
			\$6,000 AUD for a body corporate
		31 and above	\$3,000 AUD for an individual
			\$15,000 AUD for a body corporate
Section 33(b)	Improper labelling	1 – 5 items	\$100 AUD for an individual
			\$500 for a body corporate
		6 – 10 items	\$500 AUD for an individual
			\$2,500 for a body corporate
		11 – 20 items	\$800 AUD for an individual

			\$4,000 for a body corporate
		21 – 30 items	\$1,200 AUD for an individual
			\$6,000 AUD for a body corporate
		31 and above items	\$3,000 AUD for an individual
			\$15,000 AUD for a body corporate
Section 33(a)	Unsafe and unfit food	1 – 5 items	\$1,000 AUD for an individual
			\$5,000 AUD for a body corporate
		6 – 10 items	\$2,000 AUD for an individual
			\$10,000 AUD for a body corporate
		10 and above items	\$3,500 AUD for an individual
			\$17,500 AUD for a body corporate
Section 10	No training to handle food	1	\$500 AUD
Section 11	No medical clearance	1	\$500 AUD

Schedule 2

Form



REPUBLIC OF NAURU

FOOD SAFETY ACT 2005

Food Safety (Fixed Penalty Offences) Regulations 2026

[Section 39(1)(s), Regulations 7 and 8]

FIXED PENALTY NOTICE FOR OFFENCES UNDER THE FOOD SAFETY (FIXED PENALTY OFFENCES) REGULATIONS 2026

This Fixed Penalty Notice is issued pursuant to the powers given to food inspectors under the <i>Food Safety (Fixed Penalty Offences) Regulations 2026</i> .	Fixed Penalty Notice No:	
	Date of Issue:	
	Penalty:	
	Due Date:	
	Payment shall be made at the Nauru Revenue Office within 14 days from the date of service of this Fixed Penalty Notice	
PART 1: OFFENCE DETAILS		
<i>Offender</i> Full Name:		
Address:		
Nature of offence: (specify particular offence under the Regulations)		
	Location:	
	Date:	
	Time:	
	Details of circumstances alleged to constitute the offence:	
Penalty: (tick the appropriate penalty)		
☐ Contravention of Section 33(g) and (h) – 1- 5 items = \$100 AUD for an individual		
☐ Contravention of Section 33(g) and (h) – 1- 5 items = \$500 AUD for a body corporate		
☐ Contravention of Section 33(g) and (h) – 6 - 10 items = \$500 AUD for an individual		

- ☐ Contravention of Section 33(g) and (h) – 6 - 10 items = \$2,500 AUD for a body corporate
- ☐ Contravention of Section 33(g) and (h) – 11 - 20 items = \$800 AUD for an individual
- ☐ Contravention of Section 33(g) and (h) – 11- 20 items = \$4,000 AUD for a body corporate
- ☐ Contravention of Section 33(g) and (h) – 21- 30 items = \$1,200 AUD for an individual
- ☐ Contravention of Section 33(g) and (h) – 21- 30 items = \$6,000 AUD for a body corporate
- ☐ Contravention of Section 33(g) and (h) – 30 and above items = \$3,000 AUD for an individual
- ☐ Contravention of Section 33(g) and (h) – 30 and above items = \$15,000 AUD for a body corporate
- ☐ Contravention of Section 33(b)– 1- 5 items = \$100 AUD for an individual
- ☐ Contravention of Section 33(b) – 1- 5 items = \$500 AUD for a body corporate
- ☐ Contravention of Section 33(b) – 6 - 10 items = \$500 AUD for an individual
- ☐ Contravention of Section 33(b) – 6 - 10 items = \$2,500 AUD for a body corporate
- ☐ Contravention of Section 33(b) – 11 - 20 items = \$800 AUD for an individual
- ☐ Contravention of Section 33(b) – 11- 20 items = \$4,000 AUD for a body corporate
- ☐ Contravention of Section 33(b) – 21- 30 items = \$1,200 AUD for an individual
- ☐ Contravention of Section 33(b) – 21- 30 items = \$6,000 AUD for a body corporate
- ☐ Contravention of Section 33(b) – 30 and above items = \$3,000 AUD for an individual
- ☐ Contravention of Section 33(b) – 30 and above items = \$15,000 AUD for a body corporate
- ☐ Contravention of Section 33(a)– 1- 5 items = \$1,000 AUD for an individual
- ☐ Contravention of Section 33(a) – 1- 5 items = \$5,000 AUD for a body corporate
- ☐ Contravention of Section 33(a) – 6 - 10 items = \$2,000 AUD for an individual
- ☐ Contravention of Section 33(a) – 6 - 10 items = \$10,000 AUD for a body corporate
- ☐ Contravention of Section 33(a) – 10 and above items = \$3,500 AUD for an individual
- ☐ Contravention of Section 33(a) – 10 and above items = \$17,500 AUD for a body corporate

- ☐ Contravention of Section 10 - \$500 per individual
- ☐ Contravention of Section 11 - \$500 per individual

Food Inspector's name:

Food Inspector's signature:

Date:

Acknowledgement of Service of Fixed Penalty Notice by:

Name:

Signature:

(If a person refuses to accept Notice, a food inspector may note the refusal of acceptance)

Note:

1. This Notice shall only be served to the offender at the time of the offence or within 14 days after the occurrence of the alleged offence.

2. If the offender refuses to accept the Notice, he or she commits an offence under *Regulation 8(5)* for which he or she is liable to a penalty not exceeding \$5,000 upon conviction.

PART 2 – TIME FOR PAYMENT OF PENALTY

- A. Take Notice that the penalty must be paid to the Nauru Revenue Office within 14 days of the date of the issuance of this Fixed Penalty Notice
- B. Take Notice that if you intend to defend/contest this Notice, you are to appear in person or by legal representative in court on the date and time provided in Part 3 of this Notice.

PART 3 – NOTICE TO ATTEND TO COURT

Take Notice that if you fail to pay the fixed penalty or intend to contest or defend this Notice,

you shall attend the District Court at Yaren on day of 20 atam/pm for the hearing.

Take Notice that if you are found guilty at the hearing you shall be liable to pay a fine higher than that provided in the infringement notice or may be imposed an imprisonment term as provided under Regulation 10 of the *Food Safety (Fixed Penalty Offences) Regulations 2026*.

If you fail to attend to the hearing, the Court shall proceed to the hearing of the Fixed Penalty Notice in your absence and may impose a fine and costs or imprisonment term in accordance with Regulation 10 of the *Food Safety (Fixed Penalty Offences) Regulations 2026*. If you fail to abide by any order of the Court, you shall be arrested under a committal warrant without any further notice.

AFFIDAVIT OF SERVICE

I. Food Inspector make oath/solemnly affirm that I did on the day of 20 served the offender. the original copy of this Fixed Penalty Notice at (time) on (date) AND he/she acknowledged service by affixing his/her signature to this Fixed Penalty Notice.

Food Inspector (signature):

Before me (Name):

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(Commissioner for Oaths)