

## CHAPTER 102

## THE EMERGENCY POWERS ACT, 1960

## ARRANGEMENT OF SECTIONS

*Section*

1. Short title and application.
2. Proclamation of emergency.
3. Emergency regulations.
4. Use of Her Majesty's forces.
5. Exercise of powers in good faith not actionable.
6. Revocation of regulations.

**AN ACT** to make special provision for periods of emergency. <sup>Act</sup> 6/1960.

<i>Date of Assent</i>	. . . . .	31st August, 1960
<i>Commencement</i>	. . . . .	31st August, 1960

1. (1) This Act may be cited as the Emergency Powers <sup>Short</sup> Act, 1960. <sub>title and applica-  
tion.</sub>

(2) This Act shall apply to the Cayman Islands and the Turks and Caicos Islands.

2. (1) If the Governor-General is satisfied that a public <sup>Proclama-  
tion of</sup> emergency has arisen as a result of the occurrence of any <sub>emergency.</sub> earthquake, hurricane, flood, fire, outbreak of pestilence, outbreak of infectious disease or other calamity whether similar to the foregoing or not, or that any action has been taken or is immediately threatened by any person or body of persons of such a nature and on so extensive a scale as to be likely to endanger the public safety or to deprive the community, or any substantial portion of the community, of supplies or services essential to life he may by proclamation (hereinafter referred to as a proclamation of emergency), declare that a state of emergency exists:

Provided that where an emergency or any action described in this subsection is confined to a single Territory of the Federation, no proclamation under this section and no regulations under section 3 of this Act shall be made by the Governor-General so long as there exists in that Territory a

state of emergency declared to exist by the Territorial authority empowered to make such a declaration under any law in force in that Territory other than a law of the Federal Legislature; and upon such a state of emergency being so declared to exist, any proclamation under this section or regulations under section 3 of this Act that may then be in force shall cease to have effect.

(2) The Governor-General may at any time by proclamation revoke a proclamation of emergency and from the date when such revocation takes effect the proclamation of emergency shall cease to be in force except as respects things previously done or omitted to be done.

(3) No proclamation of emergency shall be in force for more than one month, without prejudice to the issue of another proclamation at or before the end of that period.

(4) A proclamation of emergency may, if the Governor-General thinks fit, be made so as to apply only to such part of the Federation as may be specified in the proclamation, in this subsection called "the emergency area," in which case regulations made under section 3 of this Act shall, except as otherwise expressly provided in such regulations, have effect only in relation to the emergency area.

(5) Where a proclamation of emergency has been made the occasion thereof shall forthwith be communicated to the Federal Legislature, and, if the Federal Legislature is then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of the Federal Legislature within ten days, and the Federal Legislature shall accordingly meet and sit upon the day appointed by that proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

Emergency  
regula-  
tions.

3. (1) Where a proclamation of emergency has been made, and so long as the proclamation is in force, it shall be lawful for the Governor-General to make such regulations as appear to him to be necessary or expedient for securing the public safety, the defence of the Federation, the maintenance of public order and the suppression of mutiny, rebellion and riot, and for maintaining supplies and services essential to the life of the community.

(2) Without prejudice to the generality of the powers conferred by the preceding subsection, regulations made under this Act may, so far as appears to the Governor-General to be necessary or expedient for any of the purposes mentioned in the preceding subsection—

- (a) make provision for the detention of persons and the deportation and exclusion of persons from the Federation or from any part of the Federation;
- (b) authorise—
  - (i) the taking of possession or control of any property or undertakings;
  - (ii) the acquisition of any property other than land;
- (c) authorise the entering and search of any premises;
- (d) authorise the use of any of Her Majesty's forces;
- (e) provide for amending any enactment, for suspending the operation of any enactment and for applying any enactment with or without modification;
- (f) provide for charging, in respect of the grant or issue of any licence, permit, certificate or other document for the purposes of the regulations, such fee as may be prescribed by or under the regulations;
- (g) provide for payment of compensation and remuneration to persons affected by the regulations;
- (h) provide for the apprehension, trial and punishment of persons offending against the regulations:

Provided that nothing in this Act shall be construed to authorise the making of any regulations imposing any form of compulsory military service or industrial conscription:

Provided also that no such regulation shall make it an offence for any person or persons to take part in a strike, or peacefully to persuade any other person or persons to take part in a strike.

(3) Any regulations made under this Act shall be laid before both chambers of the Federal Legislature as soon as may be after they are made, and shall not continue in force after the expiration of fourteen days from the day on which the chamber which meets last after the regulations have been laid as aforesaid has first sat after the laying of such regulations before it unless a resolution is passed by both chambers providing for the continuance thereof.

(4) The regulations so made may provide for empowering such authorities or persons as may be specified in the regulations to make orders and rules for any of the purposes for which such regulations are authorised by this Act to be made, and may contain such incidental and supplementary provisions as appear to the Governor-General to be necessary or expedient for the purposes of the regulations.

(5) The regulations so made or any order or rule made in pursuance of such regulations shall have effect notwithstanding anything inconsistent therewith contained in any enactment, and any provision of any enactment which may be inconsistent with any regulation or any such order or rule shall, whether that provision shall or shall not have been amended, modified or suspended in its operation under this section, to the extent of such inconsistency have no effect so long as such regulation, order or rule shall remain in force.

(6) Every document purporting to be an instrument made or issued by the Governor-General or other authority or person in pursuance of this Act or of any regulation made under this Act, and to be signed by or on behalf of the Governor-General or such authority or person, shall be received in evidence, and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Governor-General or that authority or person.

Use of Her Majesty's forces.

4. Where an emergency or any action described in subsection (1) of section 2 of this Act is confined to a single Territory of the Federation and a state of emergency has been declared to exist by the Territorial authority empowered to make such a declaration under any law in force in that Territory other than a law of the Federal Legislature, then so long as such state of emergency con-

tinues, an emergency shall for the purposes of this section be deemed to exist, and it shall be lawful for the Governor-General to authorise the use of Her Majesty's forces in that Territory for any of the purposes set out in subsection (1) of section 3 of this Act and to make such regulations in respect of the use of such forces as he may consider necessary or expedient:

Provided that the Governor-General shall not, under this section, authorise the use of Her Majesty's forces in any Territory except at the request of the Governor of that Territory.

5. No proceedings shall be brought against any person for anything done in good faith in the exercise of any powers conferred by any regulation made under this Act or by any order or rule made in pursuance of any such regulation. Exercise of powers in good faith not action-able.

6. (1) Any regulations made under this Act shall have effect as if enacted in this Act, but may be added to, altered or revoked by resolution of both chambers of the Federal Legislature or by regulations made in like manner and subject to the like provisions as the original regulations. Revocation of regulations.

(2) The expiry or revocation of any regulations made under this Act shall not be deemed to have affected the previous operation thereof, or the validity of any action taken thereunder, or any punishment or penalty incurred in respect of any contravention or failure to comply therewith, or any proceeding or remedy in respect of any such punishment or penalty.