
Third Session First Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 47 of 1978

[L.S.]

AN ACT to provide for the taking of prompt and expeditious measures for the alleviation of the effects of disaster and for matters connected therewith.

[Assented to 13th December, 1978]

WHEREAS it is enacted *inter alia* by subsection (1) of section 13 of the Constitution that an Act of Parliament to which that section applies may expressly declare that

it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any such Act does so declare, it shall have effect accordingly:

And whereas it is provided by subsection (2) of the said section 13 of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment

NOW, THEREFORE, BE IT ENACTED by the Parliament of Trinidad and Tobago as follows:—

Short title

1. (1) This Act may be cited as the Disasters Measures Act, 1978.

Act at variance with Ch. 1 of the Constitution

(2) This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Disaster Area

2. (1) Where any area in Trinidad and Tobago is affected or is imminently likely to be affected by any fire, flood, landslide, hurricane, earthquake, disease or other calamity, the President may by Proclamation published in the *Gazette*, declare that area a disaster area.

(2) A Proclamation referred to in subsection (1) shall define the disaster area and specify the circumstances giving rise to the area being declared a disaster area.

Powers of President

3. For so long as an area is a disaster area, the President or any person duly authorised by him may in that area—

- (a) assume control of and regulate—
 - (i) all means of communication and transport;
 - (ii) all supplies of food and other necessities;
 - (iii) all water, fuel and power installations;

- (b) enter into and take possession of any building;
- (c) prohibit or restrict the possession or use by any person of any specified articles or commodities;
- (d) impose restrictions on persons leaving or entering the disaster area;
- (e) take all other measures which are reasonably necessary to mitigate the effects of the disaster.

4. The President may make such regulations and orders and give such directions as are necessary for the proper exercise of his powers under this Act. Regulations, etc.

5. No action shall lie against any person acting under lawful authority of this Act. Immunity from suit

6. A person who suffers loss or damage by reason of the exercise of any powers under this Act shall be paid compensation out of public funds, such compensation to be determined by agreement of the parties and in default of such agreement, by a Judge in Chambers. Compensation

7. A person who fails to comply with any regulation or order made or any direction given under this Act or any person who obstructs any person duly authorised to carry out the provisions of this Act is guilty of an offence and liable on summary conviction to a fine of five thousand dollars or to imprisonment for two years or to both such fine and imprisonment. Penalties

8. (1) Within three days of the making of the Proclamation, the President shall deliver to the Speaker for presentation to the House of Representatives a statement setting out the specific grounds on which the decision to declare the existence of a disaster area was based and a debate shall take place on this statement as soon as practicable, but in any event not later than fifteen days from the date of the Proclamation. Debate on President's statement justifying declaration

(2) The Proclamation shall, unless previously revoked remain in force for fifteen days.

Extension of
Proclamation

9. (1) Subject to subsection (2) the Proclamation may, before its expiration be extended from time to time by resolution supported by a simple majority vote of the House of Representatives, so however, that no extension exceeds three months and the extensions do not in the aggregate exceed six months.

(2) Notwithstanding the provisions of subsection (1) the Proclamation may be further extended from time to time for not more than three months at any one time, by a resolution passed by both Houses of Parliament and supported by the votes of not less than three-fifths of all the members of each House.

Ch. 11. No. 10
repealed

10. The Emergency Powers Ordinance is repealed.
Passed in the House of Representatives this 5th day of December, 1978.

J. E. CARTER
Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say the votes of 29 members of the House.

J. E. CARTER
Clerk of the House

Passed in the Senate this 5th day of December, 1978.

R. GRIFFITH
Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say the votes of 21 Senators.

R. GRIFFITH
Clerk of the Senate