

THE EMERGENCY POWERS ACT

[6th June, 1938.]

Cap. 111.
Law
39 of 1961.
Acts
9 of 1966,
42 of 1969
3rd Sch.

1. This Act may be cited as the Emergency Powers Act. Short title.

2—In this Act—

Interpreta-
tion.

“period of public emergency” means any period during which there is in force a Proclamation by the Governor-General declaring that a state of public emergency exists; 9/1966
S. 2.

“Proclamation” means a Proclamation, effective for the purposes of subsection (4) of section 26 of the Constitution of Jamaica, which is issued upon the Governor-General being satisfied—

- (a) that a public emergency has arisen as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence, outbreak of infectious disease or other calamity whether similar to the foregoing or not; or
- (b) that 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.

3—(1) During a period of public emergency, it shall be lawful for the Governor-General, by order, to make Regulations for securing the essentials of life to the community, and those Regulations may confer or impose on any Government Department or any persons in Her Majesty’s Service or acting on Her Majesty’s behalf such

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powers and duties as the Governor-General may deem necessary or expedient for the preservation of the peace, for securing and regulating the supply and distribution of food, water, fuel, light and other necessities, for maintaining the means of transit or locomotion, and for any other purposes essential to the public safety and the life of the community, and may make such provisions incidental to the powers aforesaid as may appear to the Governor-General to be required for making the exercise of those powers effective.

(2) Without prejudice to the generality of the powers conferred by subsection (1), such Regulations may so far as appears to the Governor-General to be necessary or expedient for any of the purposes mentioned in that subsection—

- (a) make provision for the detention of persons and the deportation and exclusion of persons from Jamaica;
- (b) authorize on behalf of Her Majesty—
 - (i) the taking of possession or control or the managing or carrying on, as the case may be, of any property or undertaking;
 - (ii) the acquisition of any property other than land;
- (c) authorize the entering and search of any premises;
- (d) provide for amending any enactment, for suspending the operation of any enactment, and for applying any enactment with or without modification;
- (e) 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;
- (f) provide for payment of compensation and remuneration to persons affected by the Regulations:

Provided that nothing in this Act shall be construed to authorize the making of any Regulations imposing any form of compulsory military service or industrial conscription, or providing for the trial of persons by Military Courts:

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

(3) In paragraph (d) of subsection (2) "enactment" includes any Regulation.

(4) Any Regulations so made shall be laid before the Senate and the House of Representatives as soon as may be after they are made, and shall not continue in force after the expiration of seven days from the time when they are so laid before the Senate and the House of Representatives, whichever shall be the later unless a resolution is passed by the Senate and the House of Representatives, providing for the continuance thereof.

9/1966
S. 3 (b).

(5) The Regulations may provide for the trial, by Courts of Summary Jurisdiction, of persons guilty of offences against the Regulations; so, however, that the maximum penalty which may be inflicted for any offence against any such Regulations shall be imprisonment with or without hard labour for a term not exceeding three months, or a fine not exceeding two hundred dollars, or both such imprisonment and fine, together with the forfeiture of any goods or money in respect of which the offence has been committed:

Provided that no such Regulations shall alter any existing procedure in criminal cases, or confer any right to punish by fine or imprisonment without trial.

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(6) The Regulations so made shall have effect as if enacted in this Act, but may be added to or altered by resolution of the Senate and House of Representatives or by Regulations made in like manner which shall be laid before the Senate and House of Representatives and shall be subject to the like provisions as the original Regulations.

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