

# Emergency Powers Act, 1987

An Act to make provision for the security of the State in an emergency.

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Grenada, and by the authority of the same as follows:-

## 1.Short title.

This Act may be cited as the EMERGENCY POWERS ACT, 1987

## 2.Integration.

In this Act-

"period of emergency" means a period beginning with a declaration made by the Governor-General of the State that a state of emergency exists therein and ending either with a declaration so made that a state of emergency no longer exists therein or in accordance with the provisions of section 17 of the Constitution of Grenada.

## 3.Declaration of "state of emergency".

(1)If at any time it appears to the Governor-General 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 maintenance of public order or the defence of the State or the maintenance of the public surety or the defence of the community or any substantial portion of the community or any supplies or services essential to the life of the community, the Governor-General may by Proclamation in the Gazette declare that a state of emergency exists in the State or any portion thereof, whereupon the provisions contained in this Act shall immediately come into force.

(2)A declaration of emergency may at any time be revoked by the Governor-General by Proclamation which shall be published in the Gazette.

(3)The Governor-General shall exercise the powers conferred on him by this section in accordance with the advice of Cabinet.

#### **4. Emergency Power of Cabinet.**

(1) The Cabinet may during the period of emergency in the State-

(a) make regulations for the purpose of controlling and regulating-

(i) all means of communications and transport;

(ii) all fuel, buildings, plants and materials necessary to the working of the same;

(iii) all food and liquor supplies, and necessaries;

(iv) all electric, water and other power stations.

(b) Make regulations-

(i) to prohibit or restrict the possession or use by any person or body of persons of any specified article;

(ii) to impose on any person any restrictions in respect of his employment or business, in respect of his place of residence and in respect of his association or communication with other persons;

(iii) to prohibit any person from being out of doors between such hours as may be specified except under the authority of a written permit granted by such authority or person as may be specified;

(iv) to require any person to notify his movements in such manner at such times and to such authority or person as may be specified;

(v) to prohibit any person from travelling except in accordance with permission given to him by such authority or person as may be specified:

(vi) to require any person to quit any place or area or not to visit any place or area;

(vii) to provide for the detention of persons and deportation and exclusion of persons from the State;

(viii)to authorise the search of persons or the entering and search of any premises and the seizure of anything, and its detention for so long as may be necessary for the purpose of any examinations, investigations, trials or inquiries:

(ix)to authorise 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)make regulations authorising such other measures as Cabinet may deem reasonably justifiable for dealing with the situation that exists in the State during that period of emergency;

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, or providing for the trial of persons by military court:

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

(2)The regulation so made shall have effect as if enacted in this Act.

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

## **5. Prohibited acts.**

During a period of emergency no person shall within the State or that area of the State to which the emergency applies, as the case may be-

without lawful excuse carry any arms, explosive substance, knives, sticks, or other weapons of offence of any nature whatsoever (whether similar to the foregoing or not).

## **6. Publication of Proclamations and Regulations.**

(1) Regulations made under section 4 of this Act shall be published in the Gazette.

(2) If at any time it is impossible or impracticable to publish in the Gazette any proclamation or regulation in pursuance of this Act, it shall be lawful to publish such proclamation or regulation by notices thereof affixed to public buildings or distributed amongst the public or through the media.

## **7. Indemnity and compensation.**

No person shall be liable to any suit or action in respect of any act done under lawful direction and authority pursuant to the provisions of this Act, but Cabinet may in their discretion order that compensation shall be paid out of the public funds of the State to any person upon being satisfied that such person has suffered loss or damage by reason of the exercise of any powers conferred by section 4.

## **8. Establishment of Emergency Laws Tribunal.**

(1) For the purpose of section 15 of the Constitution of Grenada there shall be an Emergency Laws Tribunal for the State.

(2) The members of the Emergency Laws Tribunal shall be-

(a) the person appointed by the Chief Justice in pursuance of section 15 of the Constitution of Grenada from among persons who are entitled to practice as a Barrister or Solicitor; and

(b) two other persons to be appointed by the Chief Justice after consultation with the Governor-General.

## **9. Offences and penalties.**

Any person who does any act or thing contrary to the provisions of this Act or who contravenes or fails to comply with any regulation made under this Act and any person who obstructs or attempts to obstruct any person duly authorised to carry out the provisions of this Act in the performance of any duties thereunder shall be guilty of an offence and shall, on summary conviction be liable to a

fine of one thousand dollars or to imprisonment for twelve months or to both such fine and imprisonment together with the forfeiture of any goods or money in respect of which the offence has been committed.