

CHAPTER 161

EMERGENCY POWERS

ARRANGEMENT OF SECTIONS

SECTION

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CHAPTER 161

EMERGENCY POWERS

An Act to make exceptional provision for the protection of the community in cases of emergency.

1939-3.
1955-24.
L.N. 146/
1967.
2006-20.

[29th March, 1939] Commence-
ment.

1. This Act may be cited as the Emergency Powers Act¹. Short title.
2. (1) Where the Governor-General is satisfied
 - (a) that a public emergency has arisen as a result of the imminence of a state of war between Barbados and another state or as a result of the occurrence of any civil unrest or other calamity; or Issue of proclamations of emergency. L.N. 146/1967. 2006-20.
 - (b) that action has been taken or is immediately threatened by any person 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,

the Governor-General may by proclamation (hereinafter referred to as a "proclamation of emergency") declare that a state of public emergency exists.

(2) A proclamation of emergency shall, unless previously revoked, remain in force for one month or for such longer period, not exceeding 6 months, as the House of Assembly may determine by a resolution supported by the votes of a majority of all the members of that House:

¹ Reference should also be made to the *Constitution*, section 25, which relates to "periods of public emergency".

Provided that any such proclamation may be extended from time to time for a further period not exceeding 6 months by resolution passed in like manner, and may be revoked at any time by resolution supported by the votes of a majority of all members of the House of Assembly.

(3) The Governor-General shall, immediately after making a proclamation of emergency, communicate the fact to both Houses and, if Parliament is prorogued or either House is adjourned to a day more than 5 days thereafter, the Governor-General shall summon both Houses or the House so adjourned, as the case may be, within 5 days and the Houses so summoned shall accordingly meet and sit upon the day appointed by the Governor-General acting in accordance with the advice of the Prime Minister and shall continue to sit and act in like manner as if they had stood prorogued or adjourned to that day.

Emergency
orders.
1955-24.

3. (1) Notwithstanding any other provisions of law, when a proclamation of emergency has been made and so long as the proclamation is in force, it shall be lawful for the Cabinet to make any orders whatsoever which it considers desirable in the public interest.

1955-24.

- (2) Orders made under this section may provide for
- (a) the supply and distribution of food, water, fuel, light and other necessities;
 - (b) maintaining the means of transportation by land, air or water and the control of the transport of persons and things;
 - (c) (i) the taking of possession or control of any property or undertaking;
 - (ii) the acquisition of any property other than land;
 - (d) the entering and search of any premises;
 - (e) charging, in respect of the grant or issue of any licence, permit, certificate or other document for the purposes of any order, such fee as may be prescribed by or under such order;

(f) the payment of compensation and remuneration to persons affected by any order.

(3) An order may provide for empowering such authority or person as may be specified therein to make rules for any of the purposes for which such order is authorised by this Act to be made, and may contain such incidental and supplementary provisions as appear to the Cabinet to be necessary or expedient for the purposes of the order.

(4) Any orders so made shall be laid before Parliament as soon as may be after they are made, and shall not continue in force after the expiration of 7 days from the time when they are so laid unless a resolution is passed by both Houses providing for the continuance thereof.

(5) The orders so made shall have effect as if enacted in this Act.

(6) The expiry or revocation of any orders 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.

4. (1) Nothing in this Act shall be construed to authorise the making of any orders imposing any form of compulsory military service.

Orders not to provide for military service.

(2) Nothing in this Act or any order made shall make it an offence for any person or persons to take part in any strike or peacefully to persuade any other person or persons to take part in a strike.

1955-24.
L.N. 146/
1967.

5. No action shall be brought against any person for anything done in good faith in the exercise of any powers conferred by any order or rule made in pursuance of the powers conferred by this Act.

Exercise of powers in good faith not actionable.