

CHAPTER 147**THE EMERGENCY POWERS ACT**

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Declaration of "state of emergency".
4. Period during which Proclamation shall remain in force.
5. Provisions relating to lapse or cessation of declaration not to prejudice power to make further declaration.
6. Emergency Powers of Cabinet.
7. Prohibited acts.
8. Publication of Proclamations and Regulations.
9. Indemnity and compensation.
10. Establishment of Emergency Laws Tribunal.
11. Offences and penalties.

EMERGENCY POWERS*(27th July, 1967.)*

3511967.

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

2. In this Act— **Interpretation.**

"period of emergency" means a period beginning with a declaration made by the Governor-General by Proclamation published in Antigua and Barbuda 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 4 of this Act;

Declaration of "state of emergency".

3. (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 Antigua and Barbuda or the maintenance of the public safety 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 Antigua and Barbuda 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 the Cabinet.

Period during which Proclamation shall remain in force.

4. (1) A Proclamation made by the Governor-General for the purposes of and in accordance with section 3 of this Act—

(a) shall, unless previously revoked, remain in force for one month or for such longer period, not exceeding six months, as the House of Representatives may determine by a resolution supported by the votes of a majority of all the members of the House;

(b) may be extended from time to time by a resolution of the House of Representatives, passed in like manner as is prescribed in paragraph (a) of this subsection for further periods, not exceeding in respect of each such extension a period of six months; and

(c) may be revoked at any time by a resolution supported by the votes of a majority of all the members of the House of Representatives.

(2) A resolution passed by the House of Representatives for the purposes of subsection (1) of this section may be revoked at any time by a resolution of that House supported by the votes of a majority of all the members thereof.

5. Any provision of section 4 of this Act that a declaration of emergency shall lapse or cease to be in force at any particular time shall be without prejudice to the making of a further declaration whether before or after that time.

Provisions relating to lapse or cessation of declaration not to prejudice power to make further declaration.

6. (1) The Cabinet may during a period of emergency in Antigua and Barbuda—

Emergency Powers of Cabinet.

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

- (i) all means of communication and transport;
- (ii) all fuel, buildings, plants and materials necessary to the working of the same;
- (iii) all food and liquor supplies, and all 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 the deportation and exclusion of persons from Antigua and Barbuda;
- (viii) to authorize the entering and search of any premises;
- (ix) to 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) make regulations authorizing such other measures as Cabinet may deem reasonably justifiable for dealing with the situation that exists in Antigua and Barbuda during that period of emergency:

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 court:

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

(2) The regulations 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, 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.

7. During a period of emergency no person shall **Prohibited acts.** within Antigua and Barbuda or that area of Antigua and Barbuda to which the emergency applies, as the case may be—

(a) carry any lighted torch;

(b) beat any drum or blow or use any noisy instrument;

(c) 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).

8. (1) Regulations made under section 6 of this Act shall be published in the Gazette. **Publication of Proclamations and Regulations.**

(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 by oral public announcements.

9. 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 Antigua and Barbuda 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 6. **Indemnity and compensation.**

10. For the purpose of section 17 of the Constitution— **Establishment of Emergency Laws Tribunal.**

(1) there shall be an Emergency Laws Tribunal for Antigua and Barbuda;

(2) the members of the Emergency Laws Tribunal shall be—

(a) the person appointed by the Chief Justice in pursuance of section 17 of the Constitution; and

(b) four other members (hereinafter called "the appointed members") appointed in accordance with the provisions of subsection (3) of this section.

(3) The appointed members shall be appointed by the Governor-General by instrument under the Public Seal in accordance with this subsection—

(a) two appointed members none of whom are in active practice as a barrister or as a solicitor, shall be appointed by the Governor-General acting in accordance with the advice of the Prime Minister;

(b) two appointed members shall be appointed by the Governor-General acting in his discretion from a list of five persons, submitted by the Prime Minister none of whom are in active practice as a barrister or as a solicitor.

Offences and penalties.

11. 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 three thousand dollars or to imprisonment for six 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.
