

Act No. 17 of 1987

ARRANGEMENT OF SECTIONS

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CHAPTER 88

EMERGENCY POWERS ACT

An Act to provide for matters relating to security during a period of emergency.

[Act No. 17 of 1987.]

[24th July, 1987.]

1. Short title

This Act may be cited as the Emergency Powers Act.

2. Interpretation

In this Act—

“period of emergency” means the period beginning with a declaration by the Governor-General that a state of emergency exists, and continuing for so long as the declaration remains in force, or until it lapses, or is revoked by the Governor-General, pursuant to section 17 of the Constitution.

3. Declaration that a state of emergency exists

(1) If at any time it appears to the Governor-General 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 maintenance of public order or the defence of Grenada or the maintenance of 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 which shall be published in the *Gazette*, declare that

a state of emergency exists in Grenada or any part thereof, whereupon the provisions contained elsewhere in this Act shall immediately have application.

(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 or her by this section in accordance with the advice of the Cabinet.

4. Power of Cabinet to make emergency regulations

(1) During a period of emergency the Cabinet may make regulations—

(a)

for the purpose of controlling and regulating—

(i)

all means of communication and transport,

(ii)

all fuel, buildings, plant and materials necessary for the working of the same,

(iii)

all food and liquor supplies and necessaries,

(iv)

all electric, water and other power stations;

(b)

prohibiting or restricting the possession or use by any person or body of persons of any specified article;

(c)

imposing on any person restrictions in respect of his or her employment or business, in respect of his or her place of residence and in respect of his or her association or communication with other persons;

(d)

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

(e)

requiring a person to notify his or her movements in such manner at such times and to such authority or person as may be specified;

(f)

prohibiting a person from travelling except in accordance with permission given to him or her by such authority or person as may be specified;

(g)

requiring a person to quit any place or area or not to visit any place or area;

(h)

providing for the detention of persons and the deportation and exclusion of persons from Grenada;

(i)

authorising the search of persons or the entry and search of premises and the seizure of any thing, and its detention for so long as may be necessary for the purpose of examination, investigation, trial or inquiry;

(j)

authorising 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 property other than land;

(k)

authorising such other measures as the Cabinet may deem to be reasonably justifiable for dealing with the situation that exists during the period of emergency.

(2) Nothing in subsection (1) shall be construed to empower the making of regulations imposing any form of compulsory military service or industrial conscription or providing for the trial of persons by military court, and regulations made under that subsection shall not alter existing procedure in criminal cases, nor confer any power to punish by fine or imprisonment without trial.

(3) The regulations so made shall have effect as if enacted in this Act.

(4) The expiry of revocation of 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 a contravention thereof, or any proceeding or remedy in respect of such punishment.

5. Prohibited acts

During a period of emergency, no person shall within Grenada or, as the case may be, that part of Grenada with respect to which the declaration of a state of emergency applies, without lawful excuse, carry any explosive substance, knife, stick, arms or other weapons of offence of any nature whatsoever whether similar to the foregoing or not.

6. Publication of Proclamation 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* a Proclamation or regulations made in pursuance of this Act, it shall be lawful to publish such Proclamation or regulations by affixing notification thereof to public buildings, or distributing such notification to the public at large, or publicising the same by means of broadcasting or the press.

7. Indemnity and compensation

No person shall be liable to be sued in respect of an act done under lawful direction and authority pursuant to the provisions of this Act, but the Cabinet may in its discretion order that compensation shall be paid to a person upon being satisfied that the person has suffered loss or damage by reason of the exercise of a power conferred by section 4, and that the amount of such compensation shall be charged upon the Consolidated Fund.

8. Establishment of Emergency Laws Tribunal

(1) For the purposes of section 15 of the Constitution, there shall be an Emergency Laws Tribunal.

(2) The Emergency Laws Tribunal shall comprise of—

(a)

one person appointed by the Chief Justice in pursuance of section 15(1)(c) of the Constitution from among persons who are entitled to practise as a barrister or solicitor in Grenada; and

(b)

two persons appointed by the Chief Justice after consultation with the Governor-General.

9. Offences and penalties

A person who does any act or thing contrary to the provisions of this Act or who contravenes or fails to comply with regulations made under this Act, and a person who obstructs or attempts to obstruct an individual duly authorised to carry out the provisions of this Act in the performance of a duty thereunder, shall be guilty of an offence and, on summary conviction, liable to a fine of one thousand dollars and to imprisonment for twelve months and to forfeiture of any goods or money in respect of which the offence has been committed.