

EMERGENCY POWERS (DISASTER) ACT

CHAPTER 15:03

**Act
20 of 1987**

Current Authorised Pages

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**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

CHAPTER 15:03

EMERGENCY POWERS (DISASTER) ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
 2. Interpretation.
 3. Proclamation of emergency.
 4. Parliament to be notified of proclamation and required to meet within five days.
 5. President authorised to make Orders.
 6. Exercise of power under Order in good faith not actionable.
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EMERGENCY POWERS (DISASTER) ACT

20 of 1987. **AN ACT to make provision for the welfare and safety of the community in cases of disaster and for matters connected therewith.**

Commencement. [17th December 1987]

Short title. **1. This Act may be cited as the –**
EMERGENCY POWERS (DISASTER) ACT.

Interpretation.

2. In this Act –

“disaster” means any grave abnormality such as hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, volcanic eruption, landslide, drought, fire, explosion, epidemic, pollution, transportation accident, oil spill or any other catastrophe that warrants mobilisation and use of extraordinary human and economic resources to repair damages caused or to circumvent those that could arise during the situation or to generally confront and overcome such a severe and unusual situation;

"Dominica" means the Commonwealth of Dominica.

Proclamation of emergency. 3. (1) Where Dominica or any part thereof is affected or is imminently likely to be affected by any disaster, the President may by proclamation in the *Gazette*, declare that a state of emergency exists in Dominica or any portion thereof.

(2) No such proclamation shall be in force for more than one month without the issue of another proclamation at or before the end of that period.

Parliament to be notified of proclamation and required to meet within five days.

4. (1) Where a proclamation of emergency has been made, the occasion thereof shall forthwith be communicated to Parliament and if Parliament is then separated by such adjournment or prorogation as will not expire within five days, a proclamation shall be issued for a meeting of Parliament within five days and Parliament shall accordingly meet and sit upon the day appointed by that proclamation, and shall continue

to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

(2) Where –

(a) a proclamation of emergency has been made, and it is impossible to communicate the occasion thereof to Parliament owing to the dissolution or expiring of the term of Parliament; and

(b) members of a new Parliament have not yet been elected, a proclamation shall nevertheless be issued for the meeting of Parliament within five days and thereupon notwithstanding the provisions of any legislation to the contrary, the Members of the late Parliament shall assemble, stand revived and sit as a competent body of Parliament, but only for the purpose of considering such proclamation of emergency; and Parliament shall accordingly meet and sit upon the day appointed by that proclamation.

5. (1) Where a proclamation of emergency has been made and so long as the proclamation is in force, the President may make Orders securing the essentials of life to the community and for the preservation of the health, welfare and safety of the public.

President
authorised to
make Orders.

(2) Orders made under this section may without prejudice to the generality of the power conferred by subsection (1), provide –

- (a) for the requisitioning of all forms of transport;
- (b) for requisitioning and regulating the supply and distribution of food, clothing, water, fuel, light and other necessities of life, and fixing maximum wholesale and retail prices in respect thereof;
- (c) for the requisitioning of private lands, buildings and premises;
- (d) for conferring on any person the right of entry on or passage through or over any private lands, buildings or premises;
- (e) for the demolition of any building or other structure deemed to be dangerous;
- (f) for the disposal of the dead and for dispensing with inquiries under the Coroners Act and from the provisions of the Registration of Births and Deaths Act and the Cemetery Act.

Ch. 4:30.
Ch. 35:30.
Ch. 20:15.

(g) for the payment of adequate compensation within a reasonable time in respect of anything done under any Orders made under this Act.

(3) Any Orders made under this section shall be laid before Parliament 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 unless a resolution is passed by Parliament providing for the continuance thereof.

(4) The Orders may provide for the trial of persons charged with offences against the Orders by courts of summary jurisdiction.

(5) The penalty which may be inflicted for any offence against any Orders made under this section is a fine of five hundred dollars and imprisonment for three months, together with forfeiture of any goods or money in respect of which the offence has been committed; but no such Orders shall alter any existing procedure in criminal cases, or confer any right to punish by fine or imprisonment without trial.

(6) The Orders made under this section shall have effect as if enacted in this Act.

(7) The expiry or revocation of any Orders made under this section 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.

6. No action shall be brought against any person for anything done in good faith in the exercise of any powers conferred by any Orders made under this Act.

Exercise of
power under
Order in good
faith not
actionable.