



ST. HELENA

CHAPTER 137

EMERGENCY POWERS ORDINANCE and Subsidiary Legislation

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legalandlands.gov.sh]¹

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

	Page
EMERGENCY POWERS ORDINANCE	2
Ordinance 10 of 1978 .. in force 21 September 1978 Corrected by Legal Notice 21 of 1978	
EMERGENCY POWERS ORDERS IN COUNCIL 1939 AND 1952	4
(U.K.) S.I. 1952 No. 2031	

¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

CHAPTER 137**EMERGENCY POWERS ORDINANCE**

(Ordinance 10 of 1978)

AN ORDINANCE TO MAKE EXCEPTIONAL PROVISION FOR THE MAINTENANCE OF ESSENTIAL SUPPLIES AND SERVICES TO THE COMMUNITY IN CASE OF EMERGENCY.

Commencement

[21 September 1978]

Short title

1. This Ordinance may be cited as the Emergency Powers Ordinance.

Emergency regulations

2. (1) If at any time it appears to the Governor that there have occurred, or are about to occur, events of such a nature as to be calculated, by interfering with the supply and distribution of food, water, fuel or light, or with the means of locomotion to, from or within St. Helena, to deprive the community, or any substantial portion of the community, of the essentials of life, the Governor in Council may, make regulations for securing the essentials of life to the community, and those regulations may confer or impose on any persons such powers and duties as the Governor in Council may deem necessary for the preservation of the peace, for securing and regulating the supply and distribution of food, water, fuel, light, and other necessities, for maintaining the means of transit or locomotion, and for any other purposes essential to the public safety and the life of the community, and may make such provisions incidental to the powers aforesaid as may appear to the Governor in Council to be required for making the exercise of those powers effective:

Provided that nothing in this Ordinance shall be construed to authorise the making of any regulations imposing any form of compulsory military service or industrial conscription:

Provided also that no such regulation shall make it an offence for any person or persons to take part in a strike, or peacefully to persuade any other person or persons to take part in a strike.

(2) Whenever any such regulations have been made, a meeting of the Legislative Council shall be forthwith called, to take place within seven days of the making of the said regulations, and such regulations shall be laid before such meeting of the Legislative Council, and such regulations shall not continue in force after the expiration of seven days from the time when they are so laid unless a resolution is passed in the Legislative Council providing for the continuance thereof.

Penalties may be provided by the regulations

3. The regulations made under this Ordinance may provide for the trial, by the Magistrates Court, of persons guilty of offences against the regulations; so however that the maximum penalty which may be inflicted for any offence against any such regulations shall be imprisonment for a term of three months, or a fine of £100 or both such imprisonment and fine,

together with the forfeiture of any goods or money in respect of which the offence has been committed:

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

Effect of regulations and change of same, including expiry

4. (1) The regulations so made shall have effect as if enacted in this Ordinance, but may be added to, altered, or revoked by resolution of the Legislative Council, or by regulations made in like manner and subject to the like provisions as the original regulations.

(2) The expiry or revocation of any regulations 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.

Power to compensate

5. Any loss suffered by any person due to action taken by the Governor in Council under this Ordinance may be compensated at the discretion of the Governor in Council and such compensation may be paid from the General Revenue of St. Helena or such other source as may be decided by the Governor.

Offences

6. (1) Any person who contravenes any provision of any regulations made under this Ordinance shall be guilty of an offence, and unless some other penalty is specifically provided therefor shall be liable on conviction to a fine not exceeding £50 or one month's imprisonment, or to both such fine and imprisonment.

(2) It shall specifically be an offence to wilfully obstruct or prevent any person from performing his duties under regulations made under this Ordinance and any person found guilty of such offence shall be liable to the penalties provided in subsection (1).

Scope of Ordinance

7. The enactment of this Ordinance shall not affect or prevent the operation in St. Helena of any English Law which applies by virtue of the English Law (Application) Ordinance or of any English Law applied to St. Helena by the action of the Parliament of the United Kingdom or Her Majesty's Privy Council.