



**TURKS AND CAICOS ISLANDS**

**CHAPTER 18.02**  
**EMERGENCY POWERS ORDINANCE**

**Revised Edition**  
showing the law as at 31 August 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Ordinance 1997.

This edition contains a consolidation of the following laws—

**EMERGENCY POWERS ORDINANCE**

Ordinance 2 of 1962 .. in force 16 June 1962

No Subsidiary Legislation has been made under this Ordinance

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**CHAPTER 18.02**  
**EMERGENCY POWERS ORDINANCE**

*(Ordinance 2 of 1962)*

AN ORDINANCE TO PROVIDE FOR THE ASSUMPTION BY THE GOVERNOR OF EMERGENCY POWERS IN CASE OF NEED.

**Commencement**

*[16 June 1962]*

**Short title**

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

**Definition**

2. In this Ordinance “Governor” means the Governor acting with the advice of the Cabinet, but not necessarily in accordance with such advice.

**Proclamation of Emergency**

3. (1) If the Governor is satisfied that a public emergency has arisen as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence, outbreak of infectious disease, or other calamity whether similar to the foregoing or not, or 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 public safety or to deprive the community or any substantial part of the community of supplies or services essential to life, the Governor may by proclamation (hereinafter called a Proclamation of Emergency) declare that a state of emergency exists.

(2) The Governor may at any time by proclamation revoke a Proclamation of Emergency, and as from the date when such revocation takes effect the Proclamation of Emergency shall cease to be in force except in respect of things previously done or omitted to be done.

(3) No Proclamation of Emergency shall be in force for more than one month, without prejudice to the issue of another proclamation at or before the end of that period.

(4) A Proclamation of Emergency may, if the Governor thinks fit, be made so as to apply to such part of the Islands as may be specified in the Proclamation, in which case regulations made under section 4 of this Ordinance shall, except as expressly provided in such regulations, have effect only in relation to that part.

(5) As soon as practicable after the coming into force of a Proclamation of Emergency, the Governor shall acquaint the members of the House of Assembly with the reason for his action.

### Emergency Regulations

4. (1) When a Proclamation of Emergency has been made, and so long as the Proclamation is in force, it shall be lawful for the Governor to make such Regulations as appear to him to be necessary.

(2) Without prejudice to the generality of the powers conferred by the preceding subsection, Regulations made under this Ordinance may—

- (a) make provision for securing the essentials of life to the community;
- (b) make provision for the detention of persons and the deportation and exclusion of persons from the Islands;
- (c) authorise 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;
- (d) authorise the entering and search of any premises;
- (e) provide for amending any enactment, for suspending the operation of any enactment, and for applying any enactment with or without modification;
- (f) provide for charging in respect of the grant or issue of any licence, permit, certificate or other document for the purposes of the Regulations, such fee as may be prescribed by or under the Regulations;
- (g) provide for payment of compensation to and remuneration of persons affected by the Regulations;
- (h) provide for the arrest, trial and punishment of persons offending against the Regulations.

(3) All Regulations made under this section shall be laid as soon as may be after the making thereof before the House of Assembly and if any such Regulations are not confirmed by the House of Assembly within twenty-one days of the day on which the Regulations are made, the Regulations shall thereupon cease to have effect.

(4) So long as regulations made under this section remain in force, any thing inconsistent therewith, contained in any law, regulation, order or rule shall be of no effect.

(5) Every document purporting to be an instrument made or issued by the Governor or other authority or person in pursuance of this Ordinance, and approved by or on behalf of the Governor or such authority or person, shall be deemed, unless the contrary is proved, to be an instrument made or issued by the Governor or that authority or person.

**Exercise of powers in good faith not actionable**

5. No proceedings shall be brought against any person for anything done in good faith in the exercise of any powers conferred by any regulations made under this Ordinance.

**Revocation of Regulations**

6. The expiry or revocation of any regulations made under this Ordinance shall not be deemed to have affected the previous operation thereof or the validity of any action taken thereunder, or any punishment or penalty incurred in respect of any contravention or failure to comply therewith or any proceedings or remedy in respect of any such punishment or penalty.

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