

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER E45

EMERGENCY POWERS ACT

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EMERGENCY POWERS ACT

Interpretation

1. In this Act—

"Constitution" means the Constitution of Anguilla;

"law" includes any law, regulation, rule, order, proclamation or by-law in force in Anguilla;

"period of public emergency" means any period during which—

(a) Her Majesty is at war; or

(b) a declaration of emergency is in force under section 17 of the Constitution;

"Proclamation" means a proclamation made pursuant to section 17 of the Constitution.

Declaration of emergency

2. (1) The Governor, in the event of Her Majesty being at war or whenever it appears to him—

(a) that a public emergency has arisen as a result of the imminence of a state of war between Her Majesty and any foreign state or as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence, outbreak of infectious disease or any other calamity; or

(b) that action has been taken or is immediately threatened by any person or body of persons of such a nature as to be likely to endanger the public safety or public order or to deprive the community or any substantial portion of the community of supplies and services essential to life;

may, by Proclamation which shall be published in the *Gazette*, declare that a state of emergency exists.

(2) A Proclamation made by the Governor under this section shall declare that the Governor is satisfied—

(a) that a public emergency has arisen as a result of any of the events set out in paragraphs (1)(a) and (b); and

(b) that the declaration is reasonably justifiable in the interests of defence, public safety, public order or public health.

Lapse or revocation of state of emergency

3. (1) Every declaration of emergency shall lapse at the expiration of 90 days from the date on which it was made.

(2) A declaration of a state of emergency may at any time be revoked by the Governor by Proclamation which shall be published in the *Gazette*.

(3) A declaration of a state of emergency may be made so as to apply only to such part or area or parts or areas of Anguilla as may be specified in the Proclamation (in this subsection called the "emergency area") in which case regulations made under section 4 shall, except as otherwise expressly provided in such regulations, have effect only in relation to the emergency area.

(4) Where a Proclamation is in force in respect of the whole of Anguilla and it appears to the Governor that the circumstances have so changed in respect to a part or area or to parts or areas of Anguilla as to warrant the determination of the state of emergency in respect of such part or area or parts or areas, the Governor may by another Proclamation determine the state of emergency in such part or area or parts or areas, as the case may be, but the original Proclamation shall remain in full force and effect in respect of any part or area or parts or areas not included in a Proclamation made under this subsection.

Emergency regulations

4. (1) During a period of public emergency it shall be lawful for the Governor to make regulations which are reasonably justifiable for dealing with the situation that exists in Anguilla and those regulations may confer or impose on a Minister or on any Government Department or on any other person or persons in Her Majesty's service or acting on Her Majesty's behalf such powers and duties as are reasonably justifiable for dealing with the situation that exists in Anguilla and may make such provisions incidental to the powers aforesaid as may be reasonably justifiable for dealing with the situation that exists in Anguilla.

(2) Without prejudice to the generality of the powers conferred by subsection (1), such regulations may—

(a) make provision for the detention of persons and the deportation and exclusion of persons from Anguilla;

(b) authorise on behalf of Her Majesty—

(i) the taking of possession or control of any property or undertaking or the arranging and carrying on of any undertaking, or

(ii) the acquisition of any property other than land;

(c) authorise the entering and search of any premises;

(d) provide for charging in respect of the grant or issue of any licence, permit, certificate or document for the purposes of the regulations, such fee as may be prescribed by or under the regulations;

(e) provide for the payment of compensation and remuneration to persons affected by the regulations.

(3) Any regulations so made shall be signed by the Governor and shall come into operation upon publication in the *Gazette*.

(4) The regulations may provide for the summary trial of persons charged with offences against the regulations so however that the maximum penalty which may be imposed for any offence against the regulations shall be imprisonment for a term not exceeding 12 months or a fine not

exceeding $10,000 or to both, together with the forfeiture of any goods, money or property in respect of which the offence has been committed.

(5) The regulations so made shall have effect as if enacted in this Act, but may be added to, altered or revoked by the House of Assembly or by regulations made in like manner and subject to the like provisions as the original regulations.

(6) The expiry or revocation of any regulations so made shall not affect 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.

Citation

5. This Act may be cited as the Emergency Powers Act, Revised Statutes of Anguilla, Chapter E45.

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