

CHAPTER 148

THE EMERGENCY POWERS (HURRICANE, EARTHQUAKE, FIRE OR FLOOD) ACT

Arrangement of Sections

Section

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4. Exercise of power under order in good faith not actionable.

EMERGENCY POWERS (HURRICANE, EARTHQUAKE, FIRE OR FLOOD),

(21st May, 1957.)

5/1957.
18/1989.

1. This Act may be cited as the Emergency Powers (Hurricane, Earthquake, Fire or Flood) Act. **Short title.**

2. (1) It shall be lawful for the Cabinet after the occurrence in Antigua and Barbuda of any hurricane, earthquake, fire or flood, to declare by proclamation in the *Gazette* that a state of emergency exists. **Proclamation of emergency.**

(2) No such proclamation 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. **Duration of Proclamation.**

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Earthquake, Fire or Flood)***

Legislature to be notified of Proclamation and required to meet within five days if separated by adjournment or prorogation.

(3) Where a proclamation of emergency has been made, the occasion thereof shall forthwith be communicated to the Legislature, and, if the Legislature is then separated by such adjournment or prorogation as will not expire within five days, a proclamation shall be issued for the meeting of the Legislature within five days and the Legislature shall accordingly meet and sit upon the day appointed by the proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

Where Legislature is dissolved or the term of the Legislature has expired, proclamation nevertheless to be issued for meeting of Legislature within five days.

(4) Where a proclamation of emergency has been made, and it is impossible to communicate the occasion thereof to the Legislature owing to the dissolution or the expiring of the term of the Legislature, and members of a new Legislature have not yet been elected a proclamation shall nevertheless be issued for the meeting of the Legislature within five days and thereupon notwithstanding the provisions of any Act to the contrary, the members of the late Legislature shall assemble and the Legislature shall stand revived and shall sit as the competent body of the Legislature but only for the purpose of considering such proclamation of emergency and the Legislature shall accordingly meet and sit upon the day appointed by that proclamation.

Cabinet authorized to make orders.

3. (1) Where a proclamation of emergency has been made and so long as the proclamation is in force, it shall be lawful for the Cabinet to make orders securing the essentials of life to the community and for the preservation of the health, welfare and safety of the public.

(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 for 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 enquiries under the Coroners Act, as amended, and from the provisions of the Births and Deaths (Registration) Act, as amended; Cap. 105.
Cap. 53.

(g) for the payment of compensation in respect of anything done under any order made under this Act.

(3) Any order so made shall be laid before the Legislature as soon as may be after it has been made, and shall not continue in force after the expiration of seven days from the time when it is so laid unless a resolution is passed by the Legislature providing for the continuance thereof.

(4) The orders may provide for the trial by courts of summary jurisdiction, of persons guilty of offences against the orders; so, however, that the maximum penalty which may be inflicted for any offence against any such order shall be imprisonment with or without hard labour for a term not exceeding six months, or a fine not exceeding three thousand dollars, together with the forfeiture of any goods or money in respect of which the offence has been committed:

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

(5) The orders so made shall have effect as if enacted in this Act.

(6) The expiry or revocation of any orders 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.

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Earthquake, Fire or Flood)*

Exercise of
power under
order in good
faith not
actionable.

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