

NO. 5]

Emergency Powers (Disasters) Act

[1995.

I Assent

[L.S.]

STANISLAUS JAMES

Governor General

20th April, 1995

SAINT LUCIA

No. 5 of 1995.

AN ACT to make provision for the welfare and the safety of the community in case of hurricane, earthquake, fire, flood or any other disaster.

[29th April 1995]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the Emergency Powers (Disasters) Act, 1995.

Interpretation

2. In this Act ---

"the Constitution" means the Constitution of Saint Lucia set out in Schedule 1 to the Saint Lucia Constitution Order, 1978 and includes an Act that amends or replaces any of the provisions thereof ;

"Minister" means the Minister to whom responsibility for disaster preparedness and prevention is assigned.

**Minister
Authorised to
Make Orders.**

3.-(1) Where the Governor General by Proclamation pursuant to section 17 of the Constitution declares that a state of emergency exists for the purposes of Chapter 1 of the Constitution and so long as the Proclamation is in force, it shall be lawful for the Minister 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 and communications;

(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; or ;

(f) for the disposal of the dead and for dispensing with inquiries under the Coroner's Act, and from the provisions of the Civil Code in relation to records of births and burials.

(3) Orders made under this section shall be laid before the House of Assembly and Senate as soon as may be after they are made and shall be subject to the affirmative Resolution of the Senate and House of Assembly.

(4) The Orders may provide for the trial by the District Court of persons guilty of offences against the Orders and the maximum penalty for any offence against any Order shall be imprisonment with or without hard labour for a term of six months, or a fine of one thousand dollars, or both such imprisonment and fine, together with the forfeiture of any goods or money in respect of which the offence has been committed.

(5) No order may alter any existing procedure in criminal cases, or confer any right to punish by imprisonment or fine without trial.

(6) Orders shall have effect as if enacted under this Act.

(7) The expiry or cancellation of an Order shall not be deemed to effect 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 punishment or penalty.

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 power under under this Act

Exercise of Order in good faith not actionable.

5. Full compensation shall be promptly made by the Cabinet to persons in respect of anything done under this Act.

Full Compensation shall be promptly made.

Passed in the House of Assembly this 1st day of November, 1994

W. ST. CLAIR-DANIEL

Speaker

Passed in the Senate this 20th day of December, 1994

E. NEVILLE CENAC

President