

the Governor or that authority or person.

Exercise of power
in good faith not
actionable.

4. 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 Law.

Revocation or
amendment of
Regulations.

5. (1) Any Regulations made under this Law shall have effect as if enacted in this Law, but may be added to, altered or revoked by resolution of the Legislative Assembly, 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 made under this Law shall not be deemed to have affected the previous operation thereof or the validity of any action thereunder, or any punishment or penalty incurred in respect of any contravention or failure to comply therewith, or any proceeding or remedy in respect of any such punishment or penalty.

CAYMAN ISLANDS



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THE EMERGENCY POWERS LAW (Revised)

Publication in revised form authorized this 10th day of January, 1978.

JENNY MANDERSON
Clerk of the Executive Council.

CAYMAN ISLANDS

THE EMERGENCY POWERS LAW
(Cap. 47)
(Revised)

Originally enacted 13th July, 1962

Published in revised form this 16th of January, 1978, by authority of the Law Revision Law (No. 19 of 1975).

Short title. 1. This Law may be cited as the Emergency Powers Law (Revised).

Issue of proclamation of emergency. 2. (1) If at any time it appears to the Governor 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 portion of the community of supplies or services essential to life, the Governor may by proclamation (hereinafter referred to as 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 from the date when such revocation takes effect the proclamation of emergency shall cease to be in force, except as respects 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) Where a proclamation of emergency has been made, the occasion thereof shall forthwith be communicated to the Legislative Assembly, and if the Legislative Assembly is then separated by such adjournment or prorogation as will not expire within 10 days, a proclamation shall be issued by the Governor for the meeting of the Legislative Assembly within 10 days, and the Legislative Assembly 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.

Emergency Regulations. 3. (1) Where a proclamation of emergency has been made and so long as the proclamation is in force, the Governor may make Regulations for securing the essentials of life to the community and those Regulations may confer or impose on any Government department, or any person in Her Majesty's service, or acting on Her Majesty's behalf, such powers and duties as the Governor may deem necessary for the preservation of the peace, for securing the public safety, the defence of the Islands, the maintenance of public order, the suppression of mutiny, rebellion or riot, 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 to be required for making the exercise of those powers effective.

(2) Without prejudice to the generality of the powers conferred by sub-

section (1), regulations made under this Law may—

- (a) make provisions for the detention of persons and the deportation and exclusion of persons from the Islands or any part of the Islands;
- (b) authorize 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 undertakings;
 - (ii) the acquisition of any property other than land;
- (c) authorize the entering and search of any premises;
- (d) authorize the use of Her Majesty's Forces;
- (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 apprehension and for the trial by courts of summary jurisdiction 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 not exceeding six months, or a fine not exceeding two hundred 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;

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:

Provided also that nothing in this Law shall be construed to authorize the making of any Regulations imposing any form of compulsory military service or industrial conscription.

(3) All Regulations made under this Law shall be laid as soon as may be after the making thereof before the Legislative Assembly and shall not continue in force after the expiration of seven days from the date when they are so laid before the Legislative Assembly, unless a Resolution is passed by the Legislative Assembly providing for the continuance thereof, and in default of such Resolution for the continuance of such Regulations the proclamation shall cease to have force and effect.

(4) Regulations made under this Law shall have effect notwithstanding anything inconsistent therewith contained in any enactment, and any provision of any enactment which may be inconsistent with such Regulations shall, to the extent of such inconsistency, have no effect so long as such Regulations remain in force.

(5) Every document purporting to be an instrument made or issued by the Governor or other authority or person in pursuance of this Law, or of any regulation made under this Law, and to be signed by or on behalf of the Governor or such authority or person shall be received in evidence, and shall until the contrary is proved, be deemed to be an instrument made or issued by