

---

**CHAPTER 34****EMERGENCY POWERS****ARRANGEMENT OF SECTIONS**

## SECTION

1. Short title.
2. Interpretation.
3. Emergency regulations.
4. Repugnancy with other enactments.
5. Duration, etc., of emergency regulations.
6. Proof of documents.



## CHAPTER 34

## EMERGENCY POWERS

**An Act to empower The Governor-General to make Emergency Regulations whenever a Proclamation of Emergency is in force; to specify the matters which may be provided for in Emergency Regulations; to provide for the duration of emergency regulations; and to provide for matters incidental to or connected with the foregoing.** *8 of 1974*

*[Assent 8th July, 1974]*

*[Commencement 10th July, 1974]*

1. This Act may be cited as the Emergency Powers Act. Short title.
2. In this Act, unless the context otherwise requires — Interpretation.
- “the Constitution” means the Constitution of The Bahamas;
- “emergency regulations” means regulations made under section 3;
- “enactment” means an instrument having the force of law other than the Constitution and this Act;
- “Government” means the Government of The Bahamas;
- “proclamation of emergency” means a proclamation under the Constitution that a state of public emergency exists.
- (2) Unless the contrary intention appears, references in this Act to a section are references to a section of this Act, and references in a section to a subsection are references to a subsection of that section.
3. (1) Whenever a proclamation of emergency is in force the Governor-General may make such regulations as appear to him to be necessary or expedient for securing the public safety, the defence of The Bahamas, the maintenance of public order and the suppression of mutiny, rebellion and riot and for maintaining supplies and services essential to the life and well-being of the community. Emergency regulations.

---

(2) Without prejudice to the generality of the powers conferred by subsection (1), emergency regulations may so far as appears to the Governor-General to be necessary or expedient for any of the purposes mentioned in that subsection —

- (a) make provision for the detention of persons or the restriction of their movements, and for the deportation and exclusion from The Bahamas of persons who are not citizens of The Bahamas;
- (b) authorize —
  - (i) the taking of possession or control on behalf of the Government of any property or undertaking;
  - (ii) the acquisition on behalf of the Government of any property other than land;
- (c) authorize the entering and search of any premises;
- (d) provide for amending any enactment, for suspending the operation of any enactment, and for applying any enactment with or without modification;
- (e) 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;
- (f) provide for payment of compensation and remuneration to persons affected by the regulations;
- (g) provide for the apprehension, trial and punishment of persons offending against the regulations:

Provided that nothing in this section shall authorize the making of provision for the trial of persons by military courts.

(3) Emergency regulations may empower such authorities or persons as may be specified in the regulations to make orders and rules for any of the purposes for which such regulations are authorized by this Act to be made, and may contain such incidental and supplementary provisions as appear to the Governor-General to be necessary or expedient for the purposes of the regulations.

---

4. Emergency regulations and any orders or rules made in pursuance of emergency regulations shall have effect notwithstanding anything inconsistent therewith contained in any enactment; and any provision of an enactment which may be inconsistent with any emergency regulation or any such order or rule shall, whether or not that provision has been amended, modified or suspended in its operation under section 3, to the extent of such inconsistency have no effect so long as such regulation, order or rule remains in force.

Repugnancy with other enactments.

5. (1) All emergency regulations, if not sooner revoked, shall cease to have effect when the proclamation of emergency in pursuance of which they have been made ceases to have effect.

Duration, etc., of emergency regulations.

(2) No emergency regulations shall have effect —

- (a) during a period when a proclamation of emergency is in force by virtue of having been approved by a resolution of each House of Parliament under the Constitution; or
- (b) during a period when a proclamation of emergency is in force by virtue of having been extended by a resolution of each House of Parliament under the Constitution,

unless each House of Parliament has, by a like resolution in such case, affirmed that those regulations shall have effect during that period.

6. Every document purporting to be an instrument made or issued by the Governor-General or other authority or person in pursuance of this Act, or of any emergency regulations, and to be signed by or on behalf of the Governor-General or such other 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 the Governor-General or that authority or person.

Proof of documents.