

An Ordinance to make provision for the maintenance of supplies and services essential to the life of the community of the occurrence of a national disaster.

Enacted by the Governor-General with the advice and consent of the Advisory Council of Grenada.

1.Short title.

This Ordinance may be cited as the NATIONAL DISASTER (EMERGENCY POWERS) ORDINANCE 1984.

2.Interpretation.

In this Ordinance-

"national disaster" means a disaster occurring as a result of an earthquake, hurricane, flood, fire, outbreak of pestilence or of infectious disease or other calamity whether similar to the foregoing or not;

"declaration" means a declaration made by the Prime Minister under section 3(1) of this Ordinance;

"property" includes any building, article or thing.

3.Declaration of occurrence of national disaster.

(1)If at any time the Prime Minister is satisfied that a national disaster has occurred in the State and as a result supplies and services essential to the life of the community are likely to be endangered the Prime Minister may by declaration published in the Gazette declare that a national disaster has occurred in the State or any part thereof whereupon the provisions contained in this Ordinance shall immediately come into effect.

(2)A declaration shall remain in force until revoked by the Prime Minister by a declaration which shall be published in the Gazette.

4.Emergency powers of Prime Minister.

(1)The Prime Minister or any person authorised by him may:

(a)assume control of and regulate-

(i)all means of communications and transport and all fuel, buildings, plant and materials necessary to the working of the same;

(ii)all food and liquor supplies;

(iii)all water supplies;

(iv)the use of electricity and gas.

(b)take all other measures which he deems necessary to maintain supplies and services essential to the life of the community.

(2) In the exercise of the powers conferred by subsection (1) above the Prime Minister may requisition any property in the State as follows:-

(a) by notice directed to any person having possession or control of the property;

(b) by notice in the Gazette specifying the property requisitioned.

(3) The notice of requisition may relate-

(a) to specified property;

(b) to property of certain classes, or

(c) to property containing specified matter or material.

(4) Where a notice is directed by the Prime Minister to any person or is published in the Gazette requisitioning any property, the person having possession or control thereof shall not dispose of the said property in any way whatsoever otherwise than by delivery to any person designated by the Prime Minister or his agent.

(5) When the notice specifies that the property requisitioned shall be delivered to any person designated by the Prime Minister or the agent of that person, the person or his agent as the case may be, shall, upon delivery being made, give a receipt for the property so delivered and the receipt shall describe the property with sufficient accuracy to enable compensation to be made therefor.

(6) Where the Prime Minister has requisitioned any property he may deal with or authorise the use of or dealing with any such property for any purpose and in such manner as may be expedient for maintaining supplies and services essential to the life of the community and may hold or otherwise dispose of any such property as if he were the owner thereof and as if such property were free from any mortgage, pledge, lien or similar obligation.

5. Compensation.

(1) Where any property has been requisitioned or acquired in accordance with the provisions of this Ordinance, the Prime Minister shall endeavour to agree with the persons from whom such requisition has been made as to the amount of compensation for such requisition but the absence of such agreement shall not restrict or invalidate the exercise of any of the powers conferred upon the Prime Minister by this Ordinance.

(2) Where the Prime Minister has requisitioned or acquired property and agreement cannot be reached for compensation to be paid therefor, such compensation shall be determined and paid in accordance with any regulations made by the Cabinet for the purposes.

6. Regulations.

(1) The Prime Minister may make regulations for the regulation and control of supplies and services essential to the life of the community and the regulations may authorise

such measures as the Prime Minister may deem reasonably justifiable for dealing with the situation that exists in the State during the period of the national emergency.

(2)The regulations made under subsection (1) above shall have effect as if enacted in this Ordinance.

7.Power of entry and search.

Where the Prime Minister is satisfied that an offence against these regulations has been or is being committed and that evidence of the commission of the offence is to be found at premises the Prime Minister may authorise in writing, signified under his hand, any member of the Grenada Police Force, together with any other person named in the authority, to enter the premises at any time within fourteen days from the date thereof and to search the premises and to seize any article found therein which the police officer has reasonable grounds for believing is evidence of the commission of an offence against these regulations.

8.Publication of Declaration and Regulations.

(1)Regulations made under section 6 of this Ordinance shall be published in the Gazette.

(2)If at any time it is impossible or impracticable to publish in the Gazette any declaration or regulation in pursuance of this Ordinance, it shall be lawful to publish such declaration or regulation by notices thereof affixed to public buildings or distributed amongst the public or by oral public announcement by radio or otherwise.

9.Immunity

No person shall be liable to any suit or action in respect of any act done under lawful direction and authority pursuant to the provisions of this Ordinance.

10.Penalty

Any person who does any act or thing contrary to the provisions of this Ordinance or who contravenes or fails to comply with any regulation made under this Ordinance and any person who obstructs or attempts to obstruct any person duly authorised to carry out the provisions of this Ordinance in the performance of his duty thereunder shall be guilty of an offence and shall, on summary conviction be liable to a fine not exceeding one thousand dollars or to imprisonment for twelve months or to both, together with the forfeiture of any goods or money in respect of which the offence has been committed.