

THE EMERGENCY (PUBLIC SECURITY) ACT

Cap. 112.
Law
40 of 1961.
Act
10 of 1966.

[2nd August, 1939.]

1. This Act may be cited as the Emergency (Public Security) Act. Short title.

2. In this Act—
“enactment” includes any regulation, rule, order, proclamation, or by-law, in force in Jamaica; Interpretation.
“period of public emergency” means any period during which— 10/1966
S. 2.

- (a) Jamaica is engaged in any war; or
- (b) there is in force a proclamation by the Governor-General declaring that a state of public emergency exists; or
- (c) there is in force a resolution of each House of Parliament supported by the votes of a majority of all the members of that House declaring that democratic institutions in Jamaica are threatened by subversion,

and in this definition “proclamation” means a proclamation, effective for the purposes of subsection (4) of section 26 of the Constitution of Jamaica, which is issued upon the Governor-General being satisfied that a public emergency has arisen as a result of the imminence of a state of war between Jamaica and a foreign State. 10/1966
S. 2.

3.—(1) During a period of a public emergency the Governor-General may make such Regulations (in this Act referred to as “The War Emergency Regulations”), as appear to him to be necessary or expedient for securing Power to
make War
Emergency
Regulations.
10/1966
S 4.

the public safety, the defence of Jamaica, the maintenance of public order and the suppression of mutiny, rebellion and riot, and for maintaining supplies and services essential to the life of the community.

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

- (a) make provision for the detention of persons and the deportation and exclusion of persons from Jamaica;
- (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 undertaking;
 - (ii) the acquisition 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.

40/1961
S. 2.

4. The War Emergency Regulations may provide for empowering such authorities or persons as may be specified in the Regulations to make proclamations, 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.

Power to make orders, etc., under Regulations.

5. Any regulation made under this Act, or any proclamation, order or rule made in pursuance of any such regulation, shall have effect notwithstanding anything inconsistent therewith contained in any enactment; and any provision of an enactment which may be inconsistent with any regulation or any such proclamation, order or rule shall, whether that provision shall or shall not have 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, proclamation, order or rule shall remain in force.

Regulations, etc., to prevail, notwithstanding inconsistency.

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 Regulations made under this Act, 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 by such authority or person.

Documents to be received in evidence.