

CAYMAN ISLANDS



Supplement No. 14 published with Gazette No. 16
dated 8 August, 2005.

**A BILL FOR A LAW TO AMEND THE EMERGENCY POWERS LAW
(1997 REVISION) TO PROVIDE FOR THE DECLARATION OF A
PUBLIC EMERGENCY ON ACCOUNT OF AN IMMINENT
CALAMITY; TO PROVIDE FOR CONSULTATION WITH THE
LEADER OF GOVERNMENT BUSINESS; TO PROVIDE FOR
COMPULSORY EVACUATION; AND TO MAKE PROVISION FOR
INCIDENTAL AND CONNECTED MATTERS**

THE EMERGENCY POWERS (AMENDMENT) BILL, 2005

MEMORANDUM OF OBJECTS AND REASONS

This Bill amends the Emergency Powers Law (1997 Revision).

Clause 1 provides for the short title.

Clause 2 amends section 3 of the principal Law so as to -

- (a) empower the Governor to declare an emergency when there is a threat of a hurricane or any of the calamities stipulated in that section;
- (b) provide for consultation with the Leader of Government Business before a proclamation of emergency is issued.

Clause 3 inserts section 3A, a provision relating to compulsory evacuation.

The Bill also provides for incidental and connected matters.

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ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Emergency Powers (Amendment) Law, 2005. Short title
2. The Emergency Powers Law (1997 Revision) is amended in section 3 - Amendment of section 3
of the Emergency
Powers Law (1997
Revision) - issue of
proclamation of
emergency
 - (a) by repealing subsections (1) and (2) and substituting the following -
 - “ (1) Subject to subsection (2A), if at any time -
 - (a) there has been an earthquake, or there has been or there is an immediate threat of a hurricane, flood, fire, outbreak of pestilence, outbreak of infectious disease or other calamity, whether similar to the aforementioned or not;

- (b) there is in effect in relation to the Islands a tropical storm watch or warning, or hurricane watch or warning; or
- (c) 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, after consultation with the Leader of Government Business, by Proclamation, (hereinafter referred to as a “proclamation of emergency”) declare that a state of emergency exists.

(2) Subject to subsection (2A), the Governor may, after consultation with the Leader of Government Business, 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.”; and

(b) by inserting after subsection (2) the following subsection -

“ (2A) Where, in the judgement of the Governor, the circumstances make it impracticable to consult with the Leader of Government Business as required by subsections (1) and (2), the Governor may, without such consultation, declare a state of emergency or revoke the proclamation of emergency, but shall, as soon as reasonably practicable thereafter, inform the Leader of Government Business .”.

Insertion of section 3A
in the Emergency
Powers Law (1997
Revision) - compulsory
evacuation

3. The Emergency Powers Law (1997 Revision) is amended by inserting after section 3 the following section -

“Compulsory evacuation 3A. (1) The Governor may, after consultation with the body commonly referred to as the “National Hurricane Committee” and any other relevant agency, by Order declare an area to be an unsafe area and, in every case where such a declaration is made, the Governor shall, in that Order, direct that the unsafe area be evacuated by a specified time and in accordance with such procedures, if any, as he may specify.

(2) Any person who without proper authorisation enters or is found in an unsafe area, or, being in an unsafe area, refuses to leave that area, is guilty of an offence and is

liable on summary conviction to a fine of two thousand dollars but which shall not be less than two hundred dollars, or to a term of imprisonment for two years, or both.

(3) For the purpose of subsection (1) “proper authorisation” means authorisation issued by or on behalf of the Governor or the Commissioner of Police.

(4) A constable may, in an unsafe area, arrest any person that he reasonably suspects to be committing an offence under subsection (2).

(5) Notwithstanding the description of an unsafe area specified in an Order made under this section, a police checkpoint established in respect of an unsafe area shall be deemed to be located on the perimeter of that unsafe area and a person who crosses that check point without proper authorisation to do so is guilty of an offence and liable on summary conviction to a fine of two thousand dollars and imprisonment for six months.”.

Passed by the Legislative Assembly the day of , 2005.

Speaker.

Clerk of the Legislative Assembly.