



BERMUDA

EMERGENCY POWERS ACT 1963

1963 : 14

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[preamble and words of enactment omitted]

Interpretation

1 In this Act "provision of law" does not include this Act.

Application of Act and duration

2 (1) Sections 3 to 8 shall have effect during any period in which there is in force a proclamation of emergency made under section 14(3) of the Constitution [*title 2 item 1*].

(2) Any regulations made under this Act in force immediately before a proclamation of emergency ceases to be in force pursuant to section 14 of the Constitution [*title 2 item 1*] shall cease to have effect as from the date of the proclamation of emergency ceasing to be in force without prejudice to anything previously done or omitted to be done thereunder.

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Regulations by Governor

3 (1) The Governor may make such regulations as appear to him to be necessary or expedient for securing the public safety, the welfare and defence of Bermuda, 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), regulations made under this Act may, so far as appears to the Governor to be necessary or expedient for any purposes mentioned in that subsection—

- (a) make provision for the detention of persons and the deportation and exclusion of persons from Bermuda:

Provided that nothing in this paragraph shall authorize the deportation from Bermuda of any person with Bermudian status;

- (b) authorize—
 - (i) the taking of possession or control, on behalf of Her Majesty, of any property or undertaking;
 - (ii) the acquisition on behalf of Her Majesty of any property other than land;
- (c) authorize the entering and search of any premises;
- (d) provide for amending any provision of law, for suspending the operation of any provision of law and for applying any provision of law 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 fees 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 paragraph shall authorize the making of provision for the trial of persons by Military Courts.

(3) Regulations made under this Act may be made so as to apply only to such part of Bermuda as may be specified therein and different regulations may be made in respect of different parts of Bermuda.

Orders and rules made under the regulations

4 Regulations made under this Act may provide for empowering such authorities or persons as may be specified therein 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 to be necessary or expedient for the purposes of the regulations.

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Regulations, orders and rules to prevail where inconsistent with other laws

5 A Regulation made under this Act or any order or rule made in pursuance of such Regulation shall have effect notwithstanding anything inconsistent therewith contained in any provision of law; and any provision of law which may be inconsistent with any Regulation or with any such order or rule shall (whether that provision of law has or has not been amended, modified or suspended in its operation by Regulation as provided under section 3), to the extent of such inconsistency have no effect so long as such Regulation, order or rule remains in force.

Parliamentary scrutiny of regulations, orders and rules

6 The negative resolution procedure shall apply to—

- (a) regulations made under this Act; and
- (b) orders and rules made in pursuance of such regulations.

[Section 6 repealed and substituted by 2020 : 21 s. 2 effective 1 June 2022]

No power to raise revenue

7 Nothing in this Act shall empower the Governor to make regulations or any other authority or person to make rules or orders providing for the imposition or variation of an tax or fiscal duty.

Evidence

8 Every document purporting to be an instrument made or issued by the Governor or other authority or person under this Act, or any regulation made thereunder, and to be signed by or on behalf of the Governor 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 or that authority or person.

[Assent Date: 30 January 1963]

[Note: the Statutory Instruments Act 1977 does not apply]

[Amended by:

1968 : 137

2020 : 21]