

MONTSERRAT
STATUTORY RULES AND ORDERS
S.R.O. 67 OF 2012

EMERGENCY POWERS (UNSAFE AREAS) (AMENDMENT)
ORDER 2012

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THE EMERGENCY POWERS (UNSAFE AREAS) (AMENDMENT)
ORDER 2012, MADE BY THE GOVERNOR UNDER REGULATION 5
OF THE EMERGENCY POWERS REGULATIONS 1996 (NO. 26 OF
1996).

1. Citation and commencement

This Order may be cited as the Emergency Powers (Unsafe Areas) (Amendment) Order 2012 and comes into force on the 10th day of December, 2012.

2. Interpretation

In this Order, “**principal Order**” means the Emergency Powers (Unsafe Areas) Order (S.R.O. 53 of 2011).

3. Paragraph 2 amended

Paragraph 2 of the principal Order is amended by inserting the following definitions in alphabetical order—

“**annual permit**” means a permit granting a person described in Column 1 of Schedule III unlimited entry into the daytime entry zone for a period of 12 months, between 8:00am and 4:00pm or in respect of paragraph 5(1)(a), between 8:00 am and 11:00 pm;

“**day permit**” means a permit authorising a person described in Column 1 of Schedule III to enter the daytime entry zone for one day, between 8:00am and 4:00pm;

“**daytime entry zone**” means Zone “C”; and

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“temporary permit” means a permit granting a person described in Column 1 of Schedule III unlimited entry into the daytime entry zone for a period of 6 months, between 8:00am and 4:00pm.”.

4. Paragraph 5 amended

Paragraph 5 of the principal Order is amended—

(a) by deleting sub-paragraph (1) and inserting the following—

“(1) Despite anything to the contrary in paragraph 4 and subject to sub-paragraph (2), daytime entry into Zone “C” is permitted—

(a) in the case of miners, truck drivers and heavy equipment operators, during the hours of 8:00 am and 11:00 pm, Monday to Sunday; and

(b) in every other case, during the hours of 8:00 am and 4:00 pm, Monday to Sunday.”; and

(b) by inserting the following as sub-paragraphs (3), (4), (5) and (6)—

“(3) A person wishing to enter the daytime entry zone must first obtain a permit, as set out in Forms 1, 2 or 3 of Schedule IV and sign in duplicate an indemnity as set out in Form 4 of Schedule IV.

(4) The Commissioner of Police may impose conditions and restrictions on a permit to enter the daytime entry zone and must record the conditions or restrictions imposed on the permit.

(5) A person who, on entry into the daytime entry zone, contravenes any restriction or condition imposed under sub-paragraph (3) commits a summary offence and is liable to—

(a) a fine of \$300 to \$2000 or to 6 months imprisonment; and

(b) revocation of his permit.

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(6) A permit is proper authorisation for the purposes of paragraph 5(2) of the Emergency Powers Regulations 1996 (No. 26 of 1996).”.

5. Paragraph 6A inserted

The principal Order is amended by inserting the following as paragraph 6A—

“6A. Administrative Fee

An administrative fee as set out in Column 2 of Schedule III is payable for entry into the daytime entry zone, by persons described in Column 1 of Schedule III for the corresponding permit set out in Column 3.”.

6. Schedules III and IV inserted

The principal Order is amended by inserting the following as Schedules III and IV—

“SCHEDULE III

(Paragraph 6A)

Column 1	Column 2	Column 3
<i>Category of Persons</i>	<i>Administrative Fee per person</i>	<i>Type of permit</i>
Public Officials, for official purposes	Free	Special or Temporary permit
Public Officers and other Government Workers, including: <ul style="list-style-type: none">• Employees of MVO, DMCA, RMPS, RMPF, Public Works Department, Fire and Rescue Services,	Free	Special or Temporary permit

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Column 1	Column 2	Column 3
<i>Category of Persons</i>	<i>Administrative Fee per person</i>	<i>Type of permit</i>
Customs and Excise Department, for official purposes • Private Contractors, Technical Experts and Consultants to the Government, for official purposes		
Montserrat Utilities Limited – technical staff and crew, for official purposes	Free	Special or Temporary permit
Miners, truck drivers, heavy equipment operators, other private companies	\$100	Annual permit
Tour guides, bus and taxi drivers, owners of homes in the daytime entry zone, property keepers, farmers	\$50	Annual permit
	\$10	Day permit
Residents	\$10	Day permit
Children under 12 years	Free	Day permit
Visitors	\$10	Day permit

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SCHEDULE IV

(Paragraph 5)

FORM 1

ANNUAL PERMIT FORM

No.....

(FRONT)

(Name of permit holder) is authorised to enter Zone “C” on any day between the hours of 8.00am and 4.00pm/8:00am and 11:00pm* from the day of....., 20... to the day of, 20.... for the purpose of:

.....
.....
.....

Permit holder’s cell phone contact:

Permit Duration:

Date:

Name of Issuing Officer:

Signature of Issuing Officer:

**Delete if not applicable.*

(BACK)

Conditions of entry

1. The permit holder must immediately evacuate Zone “C” if:
 - (a) he is required to do so by order of the Governor or Commissioner of Police or a person acting on their behalf;
 - (b) the emergency alarm located in Garibaldi Hill sounds or an announcement to evacuate Zone “C” is made on the radio, by telephone voice, text or email message or through any other medium.
2. This permit authorises access to Zone “C” by the permit holder by an approved vehicle only.

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3. The permit holder must take with him on each entry into Zone “C”, a functioning cell phone and transistor radio and keep both turned on and on his person at all times while he is in Zone “C”.
4. *(Additional conditions)*

Restrictions on entry

1. No entry is permitted during any period when the Governor or Commissioner of Police restricts daytime entry into “Zone C”.
2. The permit does not authorise entry into Zones “F” and “V”.
3. *(Additional restrictions)*

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FORM 2
DAY PERMIT FORM

No.....

(FRONT)

(*Name of permit holder*) is authorised to enter Zone “C” between the hours of 8.00am and 4.00pm on the day of....., 20.... for the purpose of:

.....
.....
.....

Permit holder’s cell phone contact:

Permit Duration:

Date:

Name of Issuing Officer:

Signature of Issuing Officer:

(BACK)

Conditions of entry

1. The permit holder must immediately evacuate Zone “C” if:
 - (a) he is required to do so by order of the Governor or Commissioner of Police or a person acting on their behalf;
 - (b) the emergency alarm located in Garibaldi Hill sounds or an announcement to evacuate Zone “C” is made on the radio, by telephone voice, text or email message or through any other medium.
2. This permit authorises access to Zone “C” by the permit holder by an approved vehicle only.
3. The permit holder must take with him on each entry into Zone “C”, a functioning cell phone and transistor radio and keep both turned on and on his person at all times while he is in Zone “C”.

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4. *(Additional conditions)*

Restrictions on entry

1. No entry is permitted during any period when the Governor or Commissioner of Police restricts daytime entry into Zone “C”.
2. The permit does not authorise entry into Zones “F” and “V”.
3. *(Additional restrictions)*

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FORM 3
TEMPORARY PERMIT FORM

No.....

(FRONT)

(Name of permit holder) is authorised to enter Zone “C” on any day between the hours of 8.00am and 4.00pm from the day of....., 20... to the day of 20.... for the purpose of:
.....
.....
.....

Permit holder’s cell phone contact:

Permit Duration:

Date:

Name of Issuing Officer:

Signature of Issuing Officer:

(BACK)

Conditions of entry

1. The permit holder must immediately evacuate Zone “C” if:
 - (a) he is required to do so by order of the Governor or Commissioner of Police or a person acting on their behalf;
 - (b) the emergency alarm located in Garibaldi Hill sounds or an announcement to evacuate Zone “C” is made on the radio, by telephone voice, text or email message or through any other medium.
2. This permit authorises access to Zone “C” by the permit holder by an approved vehicle only.
3. The permit holder must take with him on each entry into Zone “C”, a functioning cell phone and transistor radio and keep both turned on and on his person at all times while he is in Zone “C”.

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4. *(Additional conditions)*

Restrictions on entry

1. No entry is permitted during any period when the Governor or Commissioner of Police restricts daytime entry into Zone “C”.
2. The permit does not authorise entry into Zones “F” and “V”.
3. *(Additional restrictions)*

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FORM 4
INDEMNITY

No..... of 20.....

I,(name of permit holder), of(address) hereby declare and state that I wish to enter Zone “C” and intend to obtain a(n) annual permit/temporary permit/day permit* for that purpose.

1. I have been informed by the Commissioner of Police** and am aware that:
 - (a) Zone “C” is located in the unsafe area and could be exposed to pyroclastic flows from the Soufriere Hills volcano which can take place unexpectedly;
 - (b) there are certain risks associated with entering Zone “C”, in particular the risks of injury or death from volcanic activity in the event of a volcanic explosion and pyroclastic flows from the Soufriere Hills volcano;
 - (c) the Montserrat Volcano Observatory (MVO) scientists have calculated the probability of death or injury from a volcanic explosion or pyroclastic flow going into Zone “C” and have advised that:
 - (i) the probability of a person escaping by land from Zone “C” in the event of a pyroclastic flow impacting Zone “C” without warning (or any detectable precursory volcanic or seismic signals) is very low as likely travel time of pyroclastic flows is between ... and ... minutes;
 - (ii) There is a ...% likelihood of the occurrence of a pyroclastic flow into Zone “C” without warning or any detectable precursory volcanic or seismic signals;
 - (d) on explanation to me by the Commissioner of Police**, there are risks associated with entering Zone “C” and I have been told that I can seek further information from the MVO scientists regarding those risks;
 - (e) the MVO scientists have prepared a Risk Assessment dated the day of, 2012, providing scientific advice about the main risks of being in Zone “C” during the period of the current alert level and I have been given the opportunity to read the Risk Assessment and advised by the Commissioner of Police to

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- seek further clarification or information from the MVO scientists;
and
- (f) the Government of Montserrat has enacted laws governing access to Zone “C” (“the Laws”) and I have been given the opportunity by the Commissioner of Police** to:
- (i) read and consider the Laws;
 - (ii) seek independent legal guidance or clarification.
2. I have:
- (i) sought independent legal advice, including legal guidance and clarification on the Laws;*
 - (ii) read and considered the Laws.*
3. I agree to keep with me on my person and turned on, a transistor radio and cell phone at all times while I am in Zone “C”.
4. I agree to comply with any directive issued to me by the Governor or Commissioner of Police or any person acting on their behalf via telephone calls, texts, messages or any other medium while I am in Zone “C”.
5. I agree to leave Zone “C”, in accordance with procedures or directives issued to me by the Governor or Commissioner of Police or any person acting on their behalf via telephone calls, texts, messages or any other medium while I am in Zone “C”, immediately on receipt of a directive to do so.
6. I understand that I might be injured or die if while I am visiting Zone “C”, a volcanic explosion or pyroclastic flow from the Soufriere Hills volcano discharges volcanic materials into Zone “C”.
7. I understand all of the information and explanations given to me by the Commissioner of Police regarding the risks associated with entering Zone “C”, and I willingly, intentionally, fully and voluntarily assume them all in respect of each entry by me or my child/ward* into Zone “C”.
8. I make these statements of my own free will and not pursuant to any inducement or coercion by any person to do so.
9. I undertake not to take any action personally or in a representative capacity against the Government of Montserrat, Disaster Management Control Authority, MVO, Royal Montserrat Police Service or any other governmental organisation or servant or agent of any such organisation in respect of any loss, injury or damage I or my estate or my child/ward or his/her estate* may sustain or incur arising from my decision to enter Zone “C”.

