



MONTSERRAT

## CHAPTER 10.08

# EMERGENCY POWERS and Related Legislation

### Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

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**NOTES:**

The following Orders and Proclamations were also made under the Emergency Powers—

- (1) Unsafe Areas (including Maritime Unsafe Areas) and Exclusion Zones Orders made under regulation 5 of S.R.O. 26/1996. Most of these Orders were transient in nature and were repealed and replaced principally in response to the volcanic crisis: S.R.O.s 28/1996, 15/1997, 16/1997, 22/1997, 41/1998, 35/1999, 49/2002, 54/2002, 39/2003, 40/2003, 45/2003, 52/2003, 19/2004, 25/2004, 12/2006, 47/2006, 5/2007, 9/2007, 16/2007, 66/2007, 67/2007, 35/2008, 37/2008, 1/2009, 2/2009, 63/2009, 64/2009, 1/2010, 20/2010, 53/2011 and 67/2012.
- (2) Supreme Court and Magistrates Court places of sitting under regulation 13 of S.R.O. 26/1996, S.R.O.s 15/1998, 53/1998, 54/1998, 55/1998, 3/1999, 4/1999 and 8/1999.
- (3) Legislative Council relocation S.R.O. 36/1996. The Auditorium at the Cultural Centre, Little Bay is now the appointed place for the sitting of the Legislative Assembly, S.R.O 19/2009.
- (4) Prisoners into custody of Defence Force, under regulations 11 and 16 of S.R.O. 26/1996.
- (5) Defence Force was embodied and ordered to secure public safety and the maintenance of public order, under section 15 of the Defence Force Act, S.R.O. 26/1996.
- (6) Liquor licences in unsafe areas were suspended under regulation 13 of S.R.O. 26/1996 and S.R.O. 34/1997.



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**CHAPTER 10.08**

**THE LEEWARD ISLANDS (EMERGENCY POWERS)  
ORDER IN COUNCIL, 1959**

*(Statutory Instrument 1959 No. 2206)*

*Made ..... 21st December, 1959*

*Coming into Operation ..... 1st January, 1960*

Court at Buckingham Palace, the 21st day of December, 1959

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue of the powers conferred on Her by section 3 of the Leeward Islands Act, 1956, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows—

**Citation, commencement and revocation**

1. (1) This Order may be cited as the Leeward Islands (Emergency Powers) Order in Council, 1959.

(2) This Order shall come into operation on the first day of January, 1960.

(3) The Leeward Islands (Emergency Powers) Order in Council, 1958, is revoked.

**Interpretation**

2. (1) In this Order the expression “**Administrator**”<sup>\*</sup> includes any person for the time being performing the functions of the office of Administrator under the Letters Patent establishing that office and any person appointed to be a deputy to the Administrator under those Letters Patent, and the expression “**Chief Minister**” includes any person for the time being performing the functions of the office of Chief Minister under the Letters Patent establishing that office.

(2) The Colonies to which this Order applies are the Colonies of Antigua, Saint Christopher Nevis and Anguilla, Montserrat and the Virgin Islands.

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\* For “Administrator” read “Governor” as a result of section 1 of the Constitution and S.I. 1971 No. 1740 (U.K.)

### **Administrator may make emergency laws for his Colony**

3. (1) The Administrator of a Colony to which this Order applies may, during a period of emergency in that Colony, make such laws for the Colony as appear to him to be necessary or expedient for securing the public safety, the defence of the Colony or the maintenance of public order or for maintaining supplies and services essential to the life of the community.

(2) In the last foregoing subsection the expression “**period of emergency**” means a period beginning with a declaration made by the Administrator of the Colony by Proclamation published in that Colony that a public emergency exists therein and ending with a declaration so made that a public emergency no longer exists therein.

(3) The Administration of a Colony to which this Order applies shall not be obliged to obtain the advice of the Executive Council of the Colony with respect to the exercise of the powers conferred upon him by this section, but (except in the case of the Administrator of the Colony of the Virgin Islands) he shall exercise those powers after consultation with the Chief Minister of the Colony unless, in the Administrator’s judgment, circumstances make it impracticable to consult with the Chief Minister.

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**PUBLIC EMERGENCY PROCLAMATION – SECTION 3**

*(S.R.O. 23/1996 and Act 9 of 2011)*

***Proclamation dated the 3rd Day of April 1996, declaring  
the Existence of a State of Public Emergency in Montserrat.***

**Commencement**

*[3 April 1996]*

WHEREAS it is provided by section 3 of the Leeward Islands (Emergency Powers) Order in Council 1959 (U.K. Statutory Instrument 1959 No. 2206) that the Governor may by Proclamation declare that a public emergency exists in Montserrat;

AND WHEREAS during the period from 1 April 1996 to the date of this Proclamation there has been a significant increase in volcanic activity in Montserrat, manifesting itself in numerous deposits of volcanic debris in certain areas of Montserrat;

AND WHEREAS there now exists a real likelihood that a volcanic eruption is imminent;

AND WHEREAS a volcanic eruption is likely to substantially interfere with the supply and distribution of food, water and other resources, thereby depriving the community of a substantial portion of the essentials of life; and further, is likely to be hazardous to the health and safety of the residents of Montserrat;

NOW THEREFORE, I HOWARD ARCHIBALD FERGUS, Acting Governor of Montserrat do by this Proclamation declare that a state of public emergency exists in Montserrat from this 3 April, 1996.

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**EMERGENCY POWERS REGULATIONS 1996**

*(S.R.O. 26/1996 and Act 9 of 2011)*

***The Emergency Powers Regulations 1996 made by the Governor under section 3 of  
the Leeward Islands (Emergency Powers) Order in Council 1959 (1959 no. 2206).***

**Commencement**

*[3 April 1996]*

**Short title**

1. These Regulations may be cited as the Emergency Powers Regulations 1996.

**Interpretation**

2. In these Regulations, unless the context otherwise requires—

“**authorised person**” means a person authorised by the Governor in relation to the performance by that person of a specified function;

“**emergency**” means the period of public emergency proclaimed by the Governor;

“**Emergency Operation Centre**” means the department set up to formulate and implement a volcano disaster contingency plan for Montserrat;

“**emergency procedure**” means a procedure approved by the Governor for promoting the safety of persons or property during the emergency;

“**evacuated area**” means an area declared by the Governor to be an unsafe area and in respect of which an evacuation order has been issued by the Governor under Regulation 5;

“**landing area**” means an area declared to be a landing area under Regulation 6;

“**order**” means an order published at the notice board located at the Salem Police Station or at the Cudjoe Head Police Station, or where in the circumstances such publication is not expedient, to give directions through the media or otherwise, orally or in writing or by any method which is expedient in the circumstances; (*Amended by S.R.O. 21/1997*)

“**police checkpoint**” means a checkpoint set up on a road or street to prohibit unauthorised entry to an unsafe area; (*Inserted by S.R.O. 79/1996*)

“**prisoner**” means a remand prisoner, or a person serving a term of imprisonment at Her Majesty’s Prison;

“**unsafe area**” means an area declared by the Governor under Regulation 5 to be an area in which a person is likely to suffer damage or injury from seismic activity.

### **Sphere of application**

**3. (1)** These Regulations shall, except the Governor by order otherwise directs, apply to all areas of Montserrat in relation to all matters hereinafter mentioned or in relation to which the Governor may by order issue directions under Regulation 13.

**(2)** Where these Regulations apply, the law in force immediately before the commencement of these Regulations shall, so far as it may be in conflict with these Regulations, be suspended until such time as these Regulations are suspended or repealed.

**(3)** These Regulations shall be repealed if the Governor shall by proclamation declare that the state of public emergency no longer exists.

**(4)** The suspension or repeal of any part of these Regulations shall be without prejudice to any liability incurred thereunder, and such liability shall, notwithstanding the repeal or suspension of these Regulations, be dealt with in all respects as if these Regulations were still in effect.

### **Liability**

**4.** No person on whom power to do an act is conferred by these Regulations shall incur personal liability in relation to any act done by them or any of them in good faith pursuant to the provisions of these Regulations and any compensation which becomes payable in respect of the exercise of a power conferred by these Regulations shall issue out of the Consolidated Fund.



### Designation and evacuation of unsafe areas

5. (1) The Governor may by Order declare an area to be an unsafe area and may, in that Order direct that all unsafe areas be evacuated by a specified time and in accordance with specified procedures.

(2) Any person who without proper authorisation—

(a) enters an unsafe area; or

(b) is found in an unsafe area; or

(c) being in an unsafe area fails or refuses to leave that area,

commits an offence and is liable on summary conviction to a fine of \$2,000 but which shall not be less than \$200 or to a term of imprisonment of six months.

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

(4) A police officer may, in an unsafe area, arrest any person reasonably suspected of committing an offence under paragraph (2).

(5) Notwithstanding the description of an unsafe area specified in an Order made under this Regulation, 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 checkpoint without proper authorisation so to do commits an offence and is liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of six months.

*(Substituted by S.R.O. 79/1996 and amended by S.R.O.s 14/1997 and 53/1997)*

### Designation and regulation of landing areas

6. (1) Notwithstanding anything to the contrary in any other law, the Governor may by order, after consultation with the Director of the Emergency Operating Centre designate an area of Montserrat as an area for the landing and uplifting of supplies and for the embarkation and disembarkation of persons travelling to and from Montserrat.

(2) An order issued under paragraph (1) shall outline such procedures as appear to the Governor to be necessary or expedient for securing the most advantageous use in the public interest of the facilities provided at a landing area, and without prejudice to the generality of the foregoing the Governor may by order issue directions for excluding or removing from a landing area ships or aircraft of any class or a specified ship or aircraft, and for any of the following matters:

(a) the landing, parking or movement of aircraft;

(b) the berthing and movement of ships;

(c) the loading and unloading of ships; and

(d) the movement of vehicles and persons in a landing area.

### Immigration and customs formalities

7. (1) Notwithstanding anything in the Immigration Act, the Customs (Control and Management) Act or in any law respecting immigration or customs the Governor

may by order direct that immigration requirements for the movement of persons to and from Montserrat, and the customs procedures to be observed in respect of the movement of goods in and out of Montserrat, be suspended.

(2) An order under paragraph (1) may specify such immigration and customs procedures or requirements as the Governor deems expedient in the circumstances.

(3) A person who acts in contravention of the provisions of an order issued by the Governor under this Regulation commits an offence and is liable on summary conviction to a fine of \$1,000.

### **Possession and requisition of property**

8. (1) Notwithstanding anything in the Land Acquisition Act, or in any other law respecting the use, possession or acquisition of land, the Governor may by order, where it appears expedient to him so to do, take possession of private land and may issue such directions in relation to the use of that land as may appear to the Governor to be necessary or expedient in the circumstances.

(2) The Governor may by order, in the public interest, requisition any property other than land and may put that property to such use as may appear to the Governor to be necessary or expedient in the circumstances.

(3) Any person who suffers loss or damage by virtue of the acquisition, requisition or possession of property under this Regulation may apply to the Governor for compensation.

### **Suspension of restrictive covenants etc**

9. The Governor may by Order suspend in the national interest, the operation of any restrictive covenant in relation to the use of land, or any other covenant, easement, regulation, or prohibition imposed for the benefit of land.

### **Movement of vehicles**

10. (1) Notwithstanding anything contained in the Road Traffic Act or in any law respecting the movement and operation of vehicles, the Governor may by order issue directions to prohibit, or otherwise regulate the operation and movement of vehicles.

(2) A person who refuses to comply with a direction of the Governor issued under paragraph (1) commits an offence and is liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of six months.

(3) The Governor may authorise the removal from any place, of a motor vehicle which obstructs or is likely to otherwise interfere with the implementation of an emergency procedure.

### **Provisions in relation to prisoners**

11. (1) The Governor may by order issue such directions as appear to the Governor to be necessary or expedient to safeguard the health and safety of prisoners, and without restricting the generality of the foregoing an order under this Regulation may direct that the place of confinement of such persons or any of them be temporarily relocated to another place in Montserrat or outside of Montserrat, or that

such persons or any of them be released temporarily or conditionally or that the sentences of such persons be remitted.

(2) The Governor shall, in issuing directions under paragraph (1) have special regard to—

- (a) the health and safety of prisoners;
- (b) the need to protect the public from criminal activity;
- (c) the resources necessary to relocate the place of confinement of prisoners having regard to the total resources available for dealing with the emergency;
- (d) the need for the services of prisoners in the implementation of emergency operations; and
- (e) any other relevant consideration which the Governor deems fit.

(3) The Governor may enter into arrangements with the prison authorities of other jurisdictions for the temporary confinement of prisoners, and may arrange for prisoners to be transported to such places of confinement.

(4) Where the place of confinement of a prisoner is to be relocated to a place outside of Montserrat the Governor shall, in the form appearing in the Schedule, forward information in respect of each person to the authorities responsible for the place or institution at which the prisoner is to be confined.

### **Appointment of Tribunal**

12. (1) The Governor may appoint a Tribunal consisting of such number of persons as the Governor may direct, for the purpose of assessing the compensation payable to any person whose property has been possessed or requisitioned pursuant to regulation 8. (*Amended by S.R.O. 14/1997*)

(2) The Governor may by Order establish rules to govern the proceedings and procedures of the Tribunal, the remuneration of members of the Tribunal and related matters.

### **Residual powers of Governor**

13. The Governor may by order, in relation to any subject or matter not expressly mentioned in these Regulations, issue such directions as may be necessary or expedient in the national interest.

### **Delegation**

14. The Governor may delegate to any person any of the powers conferred on the Governor by these Regulations.

### **Police powers**

15. The Police or an authorised person may arrest without warrant any person reasonably suspected of committing an offence during a period of public emergency.

**Place of detention**

16. A person arrested during the emergency shall be confined in such place as the Governor may direct.

**Trial of offences**

17. Proceedings in respect of an offence alleged to have been committed by a person against any of these Regulations shall take place before the appropriate court and in accordance with the procedures established by law.

**Designation of place of sitting of courts**

18. Notwithstanding section 81 of the Supreme Court Act (Cap. 2.01) and section 10 of the Magistrate's Court Act (Cap. 2.02), the Governor may, where it is impossible or impracticable for a court to sit at the place designated in accordance with those enactments, appoint a place for the sitting of that court.

**Offences**

19. (1) No person shall—

- (a) act in contravention of a direction issued by the Governor under regulation 13;
- (b) wilfully obstruct a police officer or an authorised person in the execution of an emergency procedure;
- (c) do an act which is likely to interfere with the performance by a member of the police service or an authorised person of a function forming a part of an emergency procedure. *(Amended by Act 9 of 2011)*

(2) A person who contravenes any of the provisions of paragraph (1) commits an offence and is liable on summary conviction to a fine of \$2,000 or a term of imprisonment of six months.

*(Amended by Act 9 of 2011)*

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**EMERGENCY POWERS REGULATIONS 1996**

*(Regulation 11)*

**SCHEDULE**

**TEMPORARY REMOVAL OF PRISONER  
TO ANOTHER PLACE OF CONFINEMENT**

NAME ..... Age on conviction .....

Court by which convicted .....

Offence for which convicted .....

Sentence ..... Date of conviction .....

Period of confinement remaining .....

I hereby authorise the removal of the above-named prisoner to

.....

for a period of .....

Comments *(State here particulars of the prisoner which is likely to be  
pertinent to the continued confinement of the prisoner)*

.....

\_\_\_\_\_



**EMERGENCY POWERS (REQUISITION) ORDERS - REGULATION 8**

(S.R.O.s 23/1997, 52/1997, 1/1998,  
51/1998, 62/1998, and 59/1999)

In exercise of the powers conferred by section 3 of the Leeward Islands (Emergency Powers) Order in Council 1959 (U.K. Statutory Instrument 1959 No. 2206) and regulation 8 of the Emergency Powers Regulations 1996—the Governor has, by the Orders described in the first column, requisitioned the properties described in the second column, for the purpose specified in the third column—

	<i>Order, effective date</i>	<i>Property</i>	<i>Purpose of Requisition</i>
1.	S.R.O. 23/1997, 16 August 1997	Property located at Brades, consisting of a dwelling house and adjacent lands being the property of James Murphy	Temporary place of confinement of prisoners
2.	S.R.O. 52/1997, 10 November 1997	Part of Parcel 13/1/4 bounded to the West by parcel 13/1/6 jointly owned by Beatrice Wade and Constance Mason. To the North by cliff 13/1/5 which is Crown land. To the East by the Public Road (the Northern Main Road). To the South by 13/3/57 owned by Constance Mason and a Public Road. See plan attached to S.R.O. 52/1997	Government Administrative Complex
3.	S.R.O. 1/1998, 2 January 1998	Property located at Baher Hill, consisting of a dwelling house and adjacent lands being the property of Charles Allen	Temporary place of confinement of prisoners
4.	S.R.O. 51/1998, 29 December 1998	3 bulleted LPG tanks belonging to Delta Petroleum and situated at the Delta Bulk Terminal in Lovers Lane	Removal to Carr's Bay for storage of LPG for the people of Montserrat
5.	S.R.O. 62/1998, 15 December 1998	Land at Woodlands of approximately 0.3 acres being part of parcel 12/1/3 as shown on attached map, bounded as follows— On the North by Parcel 13/20/71 (Crown); on the West by Parcel 12/1/2 (Crown); on the East by Utility reserve (6 feet); and on the South by a public read and parcel 12/1/5	Construction of a water tank to service the north of Montserrat

		Jane Q. Hartley. See plan attached to S.R.O. 62/1998	
6.	S.R.O. 59/1999, 8 October 1999	Land at Lookout of 2.5 acres, being part of parcel 36, Block 14/16	Construction of special needs housing and community centre



**EMERGENCY POWERS (PORT) ORDER – REGULATIONS 6 AND 13**

*(S.R.O. 13/1997)*

**Commencement**

*[3 April 1996]*

**Short title**

1. This Order may be cited as the Emergency Powers (Port) Order.

**Designation of Little Bay Port**

2. (1) The Port located at “**LITTLE BAY**” is designated as a port for the loading and unloading of cargo and the embarkation and disembarkation of persons travelling to and from Montserrat.

(2) The Port shall consist of—

- (a) the jetty and wharf facility located on Little Bay and all buildings and other infrastructure located adjacent to that facility for the purposes of the operations of the Port; and
- (b) the area from the wharf and jetty facility extending landward to the high water mark, and seaward for a distance of one nautical mile into the territorial sea.

(3) The Provisions of the Port Authority Act shall apply to the operations of the Port except that in section 54(2) of that Act there shall be substituted for the word “**Authority**” the words “**Port Manager**”.

**Physical Planning Act not to apply**

3. The development requirements of the Physical Planning Act shall not apply for the construction of buildings and other infrastructure for the purposes of the Port.



**EMERGENCY POWERS (PORT) (NO. 2) ORDER – REGULATIONS 6 AND 13**

*(S.R.O. 49/2005)*

**Commencement**

*[8 August 2005]*

**Short title**

1. This Order may be cited as the Emergency Powers (Port) (No. 2) Order.

**Interpretation**

2. In this Order—

“**Aerodrome**” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designated, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed.

**Designation of Gerald's aerodrome**

3. The Aerodrome located at “GERALDS” is designated as a Port for the loading and unloading of cargo at Gerald's and the embarkation and disembarkation of persons travelling by air to and from Montserrat.
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**EMERGENCY POWERS (SHELTERS) ORDER – REGULATION 13**

*(S.R.O. 42/1996)*

**Commencement**

*[17 June 1996]*

**Short title**

1. This Order may be cited as the Emergency Powers (Shelters) Order.

**Interpretation**

2. In this Order—

“**Director**” means the Director of the Emergency Operating Centre;

“**occupant**” means a person who has been granted permission to occupy a shelter;

“**shelter**” means any church, school, tent or other place designated by the Government as a temporary place of habitation for persons evacuated pursuant to the provisions of the Emergency Powers Regulations 1996;

“**shelter manager**” means the person charged with the responsibility of managing, or otherwise co-ordinating the activities of, a shelter.

**Conduct in shelters**

3. (1) Without prejudice to the generality of sub-paragraph (2), a person to whom permission has been granted to occupy a shelter shall observe the rules set out in the Schedule.

- (2) No person, being an occupant, shall conduct himself in a manner which interferes with the peaceable occupation of that shelter or with the peaceable enjoyment of the amenities provided at that shelter.

**Revocation of permission to occupy**

4. (1) If a shelter manager is satisfied that an occupant has acted in contravention of the provisions of paragraph 3, he may apply to the Director for permission to revoke that occupant’s permission to occupy that shelter.

- (2) Upon receipt of an application under sub-paragraph (1) the Director shall hear any representations the occupant wishes to make, and after conducting an enquiry into the alleged conduct may dismiss the application or warn the applicant against a repetition of that conduct, or may revoke the permission to occupy the shelter or may direct that the occupant be transferred to another shelter.

- (3) If on revocation of permission to occupy a shelter or on a direction that the occupant be transferred to another shelter the occupant refuses to vacate the shelter the Director may request the assistance of the Police in effecting the vacating of the shelter.

(4) The occupant shall co-operate with the request of the Police to vacate the shelter and the police may use such force as may be reasonably necessary to remove the occupant and his belongings from the shelter.

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### SCHEDULE

1. No occupant shall engage in acts of aggression or violence while in a shelter or on a shelter compound.
2. All contentious or potentially contentious situations should be reported as soon as possible to the shelter manager by the parties involved.
3. No occupant shall damage, destroy or alter any fixture, item of furniture, appliance, equipment or amenity provided at a shelter.
4. No occupant shall keep any pet or other animal in a shelter or on a shelter compound.
5. No occupant shall buy or sell intoxicating liquor in a shelter or on a shelter compound.
6. No occupant shall smoke any substance inside a shelter.
7. No occupant shall use indecent or offensive language in a shelter or on a shelter compound.
8. Where a church building is being used as a shelter, no occupant of that shelter shall engage in any act of desecration.
9. Each occupant shall—
  - (a) keep personal sleeping areas clean at all times;
  - (b) dispose of all garbage generated by him in the approved manner;
  - (c) use toilet and shower facilities in the prescribed manner and ensure that toilets and showers are left clean after each use;
  - (d) maintain high standards of personal hygiene;
  - (e) cook only in designated areas and at approved times; and
  - (f) comply with all directions which may reasonably be given by shelter managers in relation to cooking and cleaning and shelter maintenance and operation generally.
10. No cutlass, knife or other potential weapon may be kept at a shelter except in the custody of the shelter manager.
11. Radio, televisions, musical instruments and other sound-emanating instruments or equipment are to be played at low levels and only at such times as may be approved by the shelter manager.
12. No occupant shall open or otherwise interfere with any bag, parcel, box or other property of another occupant without the latter's consent.

13. An occupant who has minor children living in the shelter or visiting with him/her in the shelter shall ensure that such child(ren) complies/comply with all shelter rules.

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**EMERGENCY POWERS (STRAY DOGS) ORDER – REGULATION 13**

*(S.R.O. 38/1996)*

**Commencement**

*[7 May 1996]*

**Short title**

1. This Order may be cited as the Emergency Powers (Stray Dogs) Order.

**Interpretation**

2. “**Evacuated Area**” means any area declared by the Governor to be evacuated pursuant to the provisions of the Emergency Powers Regulations 1996.

“**Stray Dogs**” means any dog at large, in any public road, street, alley, thoroughfare or unenclosed premises and which appears to an authorised person to be wandering at large.

**Control of stray dogs**

3. Notwithstanding anything to the contrary contained in the Dogs (Protection of Poultry and Small Stock) Act where the Governor is satisfied that the movement of stray dogs within the evacuated zone poses a threat to livestock or to the safety of any person, the Governor may authorise the Police or any other person to capture, or to destroy by shooting or other means, such stray dogs.

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**EMERGENCY POWERS (ELECTION) ORDER – REGULATION 13**

(S.R.O. 66/1996)

**Commencement**

[22 October 1996]

**Short title**

1. This Order may be cited as the Emergency Powers (Election) Order.

**Interpretation**

2. In this Order—

“**Elections Act**” means the Elections Act;

“**public emergency**” means the period of public emergency declared by the Governor by Proclamation dated April 3, 1996;

“**Supervisor of Elections**” means the Supervisor of Elections appointed in accordance with section 4(2) of the Elections Act.

**Polling division may be relocated**

3. (1) Notwithstanding the provisions of the Elections Act, where during the period of public emergency it is impractical or inexpedient for a polling station to be located in the electoral district to which it relates, the Supervisor of Elections may direct that that polling station be located in another electoral district.

- (2) A direction under sub-paragraph (1) shall be given by notice published in a newspaper circulating in Montserrat or by such other means as in the opinion of the Supervisor of Elections constitutes sufficient notice in the circumstances, and a direction so given shall specify the places in the electoral district where the polling stations are to be located.

- (3) For the avoidance of doubt the poll taken at a polling station relocated in accordance with this paragraph shall be in respect of the electoral district in which the polling station would otherwise have been located and the provisions of the Elections Act relating to nomination, the placing of ballot boxes, the opening of polling stations, voting and the taking of polls in an electoral district shall be construed *mutatis mutandis* for the purpose of giving effect to sub-paragraph (1).

**Posting of notices, etc**

4. (1) If during the period of public emergency it is impractical or inexpedient to post notices in an electoral district as required by the provisions of the Elections Act, the Supervisor of Elections may direct that such notices be published in another electoral district.

- (2) Where a direction is given pursuant to sub-paragraph (1), the Supervisor of Elections shall, by such means as he considers appropriate in the circumstances, notify the general public of the places in the electoral district where the notices are posted.

(3) This Order does not confer power on any person to alter the boundaries of an electoral district.

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