

CHAPTER 11

EMERGENCY POWERS

AN ACT TO CONFER ON THE GOVERNOR-GENERAL POWER TO MAKE REGULATIONS TO DEAL WITH THE SITUATION PERTAINING DURING A PERIOD OF PUBLIC EMERGENCY

3 of 1978

[7th July 1978]

1. This Act may be cited as the Emergency Powers Act.

Short title

2. The Governor-General may make such regulations as appear to him to be reasonably justifiable for the purpose of dealing with the situation that exists in Solomon Islands during any period—

Regulations

(a) when Solomon Islands is at war; or

(b) when there is in force a declaration made under section 16 of the Constitution that a state of public emergency exists.

3. Without prejudice to the generality of section 2 but subject to the conditions contained therein, regulations made under that section may—

Further provision concerning regulations

(a) make provision for the detention or restriction of persons and the deportation and exclusion of persons from Solomon Islands;

(b) authorise—

(i) the taking of possession or control, on behalf of the Government, of any property or undertaking;

(ii) the acquisition, on behalf of the Government, of any property other than land;

(c) authorise the entering and search of any premises;

(d) make provision for the prohibition, restriction and control of assemblies;

(e) make provision for the payment of compensation and remuneration to persons affected by the regulations;

(f) make provision for the apprehension and trial of persons offending against the regulations and for penalties;

(g) make provision for suspending the operation of, or for amending, any law;

(h) make provision for empowering such authorities and persons as may be specified in the regulations to make orders and rules for any of the purposes for which regulations may be made;

(i) make provision for the delegation and transfer of powers and duties conferred or imposed by or under the regulations;

(j) 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; and

(k) contain such other incidental and supplementary provisions as appear to the Governor-General to be necessary or desirable for the purposes of such regulations.

Application and effect of regulations

4. (1) Regulations made under section 2 may be made to apply to Solomon Islands as a whole or to any part thereof.

(2) Any regulation made under section 2, or any rule or order made thereunder, shall have effect notwithstanding anything inconsistent therewith in any law, and, to the extent of the inconsistency, the law shall have no effect so long as the regulation, rule or order remains in force.

(3) Section 16(8) of the Constitution applies where a person is detained pursuant to a regulation made under section 2.

Proof of documents

5. Every document purporting to be a regulation made under this Act, or any order, rule, licence, permit, certificate, direction, authority or other document purporting to be made, granted or issued by the Governor-General or any other authority or person in pursuance of any such regulation, and purporting 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 have been made, granted or issued by the Governor-General or, as the case may be, the other authority or person.

(No Subsidiary Legislation.)