

Constitutional Provisions: Declaration of a State of Emergency

<u>Country</u>	Trinidad and Tobago
<u>Date</u>	August 1, 1976 (with reforms through 2000)
<u>State of Emergency Provisions</u>	<p>PART 3</p> <p>EXCEPTIONS FOR EMERGENCIES</p> <p>EMERGENCY POWERS</p> <p>7.- 1. Without prejudice to the power of Parliament to make provision in the premise, but subject to this section, where any period of public emergency exists, the President may, due regard being had to the circumstances of any situation likely to arise or exist during such period make regulations for the purpose of dealing with that situation and issue orders and instructions for the purpose of the exercise of any powers conferred on him or any other person by any Act referred to in subsection (3) or instrument made under this section or any such Act.</p> <p>2. Without prejudice to the generality of subsection (1) regulations made under that subsection may, subject to section 11, make provision for the detention of persons.</p> <p>3. An Act that is passed during a period of public emergency and is expressly declared to have effect only during that period or any regulations made under subsection (1) shall have effect even though inconsistent with sections 4 and 5 except in so far as its provisions may be shown not to be reasonably justifiable for the purpose of dealing with the situation that exists during that period.</p>
	<p>PERIOD OF PUBLIC EMERGENCY</p> <p>8.- 1. Subject to this section, for the purposes of this Chapter, the President may from time to time make a Proclamation declaring that a state of public emergency exists.</p> <p>2. A Proclamation made by the President under subsection (1) shall not be effective unless it contains a declaration that</p>

	<p>the President is satisfied-</p> <p>a. that a public emergency has arisen as a result of the imminence of a state of war between Trinidad and Tobago and a foreign State;</p> <p>b. that a public emergency has arisen as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence or of infectious disease, or other calamity whether similar to the foregoing or not; or</p> <p>c. that action has been taken, or is immediately threatened, by any person, 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.</p>
	<p> GROUNDS FOR, AND INITIAL DURATION OF PROCLAMATION</p> <p>9.- 1. Within three days of the making of the Proclamation, the President shall deliver to the Speaker for presentation to the House of Representatives a statement setting out the specific grounds on which the decision to declare the existence of a state of public emergency was based, and a date shall be fixed for a debate on this statement as soon as practicable but in any event not later than fifteen days from the date of the Proclamation.</p> <p>2. A Proclamation made by the President for the purposes of and in accordance with this section shall, unless previously revoked, remain in force for fifteen days.</p>
	<p> EXTENSION OF PROCLAMATION</p> <p>10.- 1. Before its expiration the Proclamation may be extended from time to time by resolution supported by a simple majority vote of the House of Representatives, so however, that no extension exceeds three months and the extensions do not in this aggregate exceed six months.</p> <p>2. The Proclamation may be further extended from time to time for not more than three months at any one time, by a</p>

	<p>resolution passed by both Houses of Parliament and supported by the votes of not less than three-fifths of all the members of each House.</p> <p>3. The Proclamation may be revoked at any time by a resolution supported by a simple majority vote of the House of Representatives.</p> <p>4. In this Chapter "period of public emergency" means any period during which-</p> <ul style="list-style-type: none">a. Trinidad and Tobago is engaged in any war; orb. there is in force a Proclamation by the President declaring that a state of public emergency exists; orc. there is in force a resolution of both Houses of Parliament supported by the votes of not less than two-thirds of all the members of each House declaring that democratic institutions in Trinidad and Tobago are threatened by subversion.
	<p>PUBLICATION</p> <p>12.- 1. Where at any time it is impracticable or inexpedient to publish in the Gazette any Proclamation, Notice, Regulation or Order in pursuance of this Part, the President may cause the same to be published by notices thereof affixed to public buildings or distributed amongst the public or by oral public announcements.</p> <p>2. Upon the publication of any Proclamation under this part all such detention orders, curfew orders or other instruments, directions or instructions as are authorised to be made, issued or given by any regulations referred to in section 7 may be made, issued or given and executed upon any person or authority, even if such regulations have not yet been published pursuant to subsection (1).</p>