

Ja's G.G. outlines regulations for State of Emergency

Jamaica's Governor General His Excellency the Most Honourable Sir Patrick Allen has signed off on the regulations that will govern the current period of public emergency that was declared Sunday May 23.

The Jamaican Constitution requires that once a state of emergency is imposed, regulations be published detailing the powers of the authorities and the restrictions that apply to citizens.

The regulations speak of a Competent Authority and identify that authority as the Governor General, the Minister of National Security, the Chief of Staff of the Jamaica Defence Force, the Commissioner of Police, the Deputy Commissioner of Police, or the Senior Office of Police in the parish of Kingston and St. Andrew.

During the period of public emergency, which is scheduled to last for at least another 28 days and is limited to the corporate area, the regulations give the Competent Authority the power to do the following:

- Prevent persons from remaining in, preventing or blocking access to any structure or building.
- Prevent persons from blocking, obstructing or interfering with any road or path.
- Erect barriers, block access or divert any road or cordon any area, place or premises to prohibit or otherwise regulate access to such places. Where this power is exercised the Competent Authority should give notice to the public by the most effective methods. In certain instances the orders will have to be published in the gazette - the body of laws signed by the Governor General. In other cases, the Competent Authority may use its discretion to decide how to publish public notices, whether through posters, loudspeaker notification, flyers, banners etc.
- Establish cordons and curfews and require persons to stay indoors and not to leave without the required permit. Under the regulations persons who enter or leave an area where a curfew is in place without written or oral permission, are guilty of an offence and can be placed before the court for punishment.
- Direct persons in charge of vehicles to move them to some other point in a 10 mile radius.
- Search premises or vehicles where persons are suspected or are likely to endanger public safety.
- Stop and search vehicles if it's suspected that they are being used in a manner prejudicial to public safety.
- Have right of access to do work on land which is required for the perseverance of peace or regulating the supply and distribution of water, fuel, electricity transportation and other necessities (the statutory purpose).
- Take over on the order of the Governor General any premises or facility which provides essential services defined in the Regulations.
- Prevent trespass to public premises.
- Prevent trespass to premises of essential services.

Protect public roads. This may include the setting up of road blocks and cordons which should be communicated to the public via notices in newspapers or through the electronic media. Once these road blocks or cordons are in place, persons will have to get permission to enter or leave the areas in question.

- Requisition essential services, by taking possession of premises apart from cash and securities after notice is given.
- Demand that persons furnish or produce to the Competent Authority articles or information in possession of persons who are deemed to have information or articles in their possession.
- Restrict publication of undesirable material which may be prejudicial to the public interest or which may incite persons to commit a breach of the peace.
- Prohibit assemblies of persons.
- Prohibit the carrying of a firearm or other lethal weapon.

- Prohibit the use of firearms and ammunition conditionally or unconditionally.
- Restrict access to certain areas for persons who are suspected of acting prejudicial to public safety.
- Prohibit the wearing of uniforms and emblems except for those engaged in lawful industrial action.
- Question persons and demand answers.
- Arrest and detain persons whose behavior gives reasonable grounds for suspecting that he/she is acting in a manner prejudicial to public safety, or has committed an offence against the Regulations. Such persons are to be detained up to a period not exceeding 24 hours. However, the Competent Authority has the power to extend that detention period by a further 5 days on the authority of a Resident Magistrate or a police officer not below the rank of Deputy Superintendent.
- Search persons and seize any article which is suspected or intended to be used in a manner prejudicial to public order and/or public safety.
- Confine persons to residences on the authority of the Minister to prevent such persons from acting in a manner prejudicial to public safety.
- Control places of public resort and entertainment which are specified in an order.
- Restrict the granting of bail for persons who contravene or fail to comply with provisions of the Regulations, and where it is believed that such persons would be likely to commit a similar offence against the Regulations.
- Deal with compensation for the use of property and equipment during the period of state of emergency.

Additionally, the Minister of National Security has the power to issue detention orders to exercise control over persons conditionally or unconditionally. Under the Constitution, a three-member Review Tribunal is to be established to examine cases of persons who have been detained by order of the Minister, or those who are the subject of restricted access. The Chief Justice is to appoint the Chairman of the Tribunal and the two other members appointed by the Governor General.