

CHAPTER 178

EMERGENCY POWERS ACT

To make provision for the security of Malta during periods of public emergency.

(2nd March, 1963)*

Enacted by ACT VIII of 1963, as amended by Legal Notice 46 of 1965 and Act LVIII of 1974.

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

Short title.

PART I

GENERAL

2. In this Act, unless the context otherwise requires -

Interpretation.

"law" includes any Act or Ordinance and any subsidiary legislation made thereunder but does not include the Constitution of Malta;

"Malta" has the same meaning as is assigned to it by article 124 of the [Constitution of Malta](#).

3. (1) If the President of Malta, acting in accordance with the advice of the Prime Minister, is satisfied that a public emergency exists, he may by Proclamation declare that the provisions of Part II of this Act shall come into operation, and thereupon those provisions shall come into operation accordingly; and they shall continue in operation until the President of Malta, acting in accordance with the advice of the Prime Minister, by a further Proclamation directs that they shall cease to have effect, whereupon they shall cease to have effect except as respects things previously done or omitted to be done.

Declaration of public emergency.
*Amended by:
L.N. 46 of 1965;
LVIII. 1974.68.*

(2) A Proclamation made under subarticle (1) may be made so as to apply only to such part or parts of Malta as may be specified in the Proclamation (in this subarticle called "the emergency area") in which case regulations made under the said Part II shall, except as otherwise expressly provided in such regulations, have effect only in the emergency area.

(3) Whenever a Proclamation is made under subarticle (1), the occasion therefor shall be communicated to the House of Representatives -

(a) in the case of a Proclamation made when the House of Representatives is in session, within a period of seven days, and

*See Government Notice No. 76 of the 2nd of March, 1963.

(b) in any other case, as soon as practicable.

PART II

REGULATIONS

Regulations.
Amended by:
L.N. 46 of 1965;
LVIII. 1974.68.

4. (1) The President of Malta, acting in accordance with the advice of the Prime Minister, may, subject to the provisions of the Constitution of Malta, make such regulations as appear to him acting as aforesaid to be necessary or expedient for securing the public safety, the defence of Malta, the maintenance of public order and the suppression of mutiny, rebellion and riot, and for maintaining supplies and services essential to the life of the community.

(2) Without prejudice to the generality of the powers conferred by subarticle (1), the regulations may, so far as appears to the President of Malta acting as aforesaid to be necessary or expedient for any of the purposes mentioned in that subarticle -

- (a) make provision for the detention of persons;
- (b) authorize -
 - (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) authorize the entering and search of any premises;
- (d) provide for amending any law, for suspending the operation of any law, and for applying any law with or without modification;
- (e) 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;
- (f) provide for payment of compensation and remuneration to persons affected by the regulations;
- (g) provide for the apprehension, trial and punishment of persons offending against the regulations;
- (h) provide for maintaining such supplies and services as are, in the opinion of the President of Malta acting as aforesaid, essential to the life of the community:

Provided that nothing in this article shall authorize the making of provision for the trial of persons by military courts:

And provided further that nothing in this article shall be construed to authorize the making of any regulation -

- (i) making provision for the deportation or exclusion of persons from Malta, and

- (ii) providing for the infliction of the punishment of death.

(3) The payment of any compensation or remuneration under the provisions of such regulations shall be a charge upon the Consolidated Fund.

5. Regulations made under article 4 may provide for empowering such authorities or persons as may be specified in the regulations to make orders and rules for any of the purposes for which the regulations are authorized by this Act to be made, and may contain such incidental and supplementary provisions as appear to the President of Malta acting as aforesaid to be necessary or expedient for the purposes of the regulations.

Orders and rules under the regulations.
Amended by:
L.N. 46 of 1965;
LVIII. 1974.68.

6. (1) Every regulation made under article 4 and every order or rule made in pursuance of such a regulation shall, without prejudice to anything done or omitted to be done thereunder, cease to have effect at the expiration of a period of two months from the date upon which it came into operation unless, before the expiration of that period, it has been approved by resolution passed by the House of Representatives.

Regulations, orders and rules to be approved by the House of Representatives.
Amended by:
L.N. 46 of 1965.

(2) Any such regulation, order or rule may, without prejudice to anything done or omitted to be done thereunder, at any time be amended or revoked by resolutions passed by the House of Representatives.

7. Every regulation made under article 4 and every order or rule made in pursuance of such a regulation shall have effect notwithstanding anything inconsistent therewith contained in any law; and any provision of a law which is inconsistent with any such regulation, order or rule shall, whether that provision has or has not been amended, modified or suspended in its operation under this Act, to the extent of such inconsistency have no effect so long as such regulation, order or rule remains in force.

Inconsistency.

8. Every document purporting to be an instrument made or issued by the President of Malta or other authority or person in pursuance of this Act, or of any regulation made under article 4, and to be signed by or on behalf of the President of Malta or such other authority or person, shall be received in evidence, and shall, until the contrary is proved, be deemed to be an instrument made or issued by the President of Malta or that authority or person.

Presumption of authenticity.
Amended by:
L.N. 46 of 1965;
LVIII. 1974.68.