

2020/03/27

OBJECTS AND REASONS

This Bill would amend the *Emergency Management Act*, Cap. 160A to make provision for the declaration and management of a public health emergency.

Arrangement of Sections

1. Short title
2. Amendment of section 2 of Cap. 160A
3. Insertion of section 28A into Cap. 160A
4. Amendment of section 33 of Cap. 160A
5. Amendment of section 35 of Cap. 160A

BARBADOS

A Bill entitled

An Act to amend the *Emergency Management Act*, Cap. 160A to make provision for the declaration and management of a public health emergency.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Emergency Management (Amendment) Act, 2020*.

Amendment of section 2 of Cap. 160A

2. *Section 2 of the Emergency Management Act, Cap. 160A, in this Act referred to as the principal Act is amended by*

(a) *deleting the definition of “emergency” and substituting the following:*

““emergency” means

- (a) a public emergency declared under section 28(1) on account of the threat or occurrence of a disaster;
- (b) a serious occurrence that takes place unexpectedly and demands an urgent response or attention; or
- (c) a public health emergency declared under section 28A(1);” and

(b) *inserting in the appropriate alphabetical order the following:*

““communicable disease” has the meaning assigned to it by the *Heath Services (Communicable and Notifiable Diseases) Regulations, 1969* (S.I. 1969 No. 179);

“notifiable disease” has the meaning assigned to it by the *Heath Services (Communicable and Notifiable Diseases) Regulations, 1969* (S.I. 1969 No. 179);

“public health emergency” means an emergency declared under section 28A(1) as a result of a person or an animal having a communicable disease or a notifiable disease;”.

Insertion of section 28A into Cap. 160A

3. *The principal Act is amended by inserting immediately after section 28 the following:*

“Public Health Emergency

28A.(1) Where the Governor-General is satisfied that an emergency has arisen as a result of a person or an animal having a communicable disease or a notifiable disease, the Governor-General may by proclamation, on the advice of the Prime Minister after the Prime Minister has consulted or has been advised by the Chief Medical Officer, declare that a public health emergency exists.

(2) A proclamation issued under subsection (1) shall, unless previously revoked, remain in force for one month or for such longer period, not exceeding 6 months, as the House of Assembly may determine by a resolution supported by the votes of a majority of all the members of that House but may be extended from time to time for a further period not exceeding 6 months by resolution passed in like manner and may be revoked at any time by resolution supported by the votes of a majority of all members of the House of Assembly.

(3) The Governor-General shall, immediately after making a proclamation of a public health emergency referred to in subsection (1), communicate the fact to both Houses and if Parliament is prorogued or either House is adjourned to a day more than 5 days thereafter, the Governor-General shall summon both Houses or the House so adjourned, as the case may be, within 5 days and the Houses so summoned shall accordingly meet and sit upon the day appointed by the Governor-General acting in accordance with the advice of the Prime Minister and shall continue to sit and act in like manner as if they had stood prorogued or adjourned to that day.

(4) When a proclamation of a public health emergency referred to in subsection (1) is in force, it shall be lawful for the Cabinet to make any Orders whatsoever it considers desirable in the public interest.

(5) Orders made under this section may make provision for such matters that are provided for under

(a) section 3 of the *Emergency Powers Act*, Cap. 161;

(b) section 6 and 7 of the *Quarantine Act*, Cap. 53;

(c) section 3 of the *Miscellaneous Controls Act*, Cap. 329; and

(d) regulation 11, 12, 13, 14, 15 of the *Heath Services (Communicable and Notifiable Diseases) Regulations, 1969* (S.I. 1969 No. 179).

(6) In an Order made pursuant to subsections (4) and (5) the Cabinet may delegate to the Prime Minister the power to make such directives as may be required in the public interest.

(7) Notwithstanding anything contained in this Act or any other enactment, the Chief Medical Officer shall be charged with the responsibility for emergency management during a public health emergency.”.

Amendment of section 33 of Cap. 160A

4. *Section 33 of the principal Act is amended by deleting subsection (5).*

Amendment of section 35 of Cap. 160A

5. *Section 35 of the principal Act is amended by deleting the word “regulations” wherever it appears and substituting the words “statutory instruments”.*