

**COMMONWEALTH OF DOMINICA**

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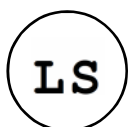
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**COMMONWEALTH OF DOMINICA**

ACT NO. 5 OF 2018

*I assent***CHARLES A. SAVARIN**  
*President*

14th May, 2018

**AN ACT TO PROVIDE FOR THE ESTABLISHMENT  
OF AN AGENCY TO PROVIDE URGENT PUB-  
LIC SUPPORT AND RELIEF TO PERSONS IN  
NEED AND FOR RELATED MATTERS.***(Gazetted 17th May, 2018.)*BE IT ENACTED by the Parliament of the Commonwealth of  
Dominica as follows:**PRELIMINARY**

1. This Act may be cited as the –

Short title.

**RAPID RESPONSE SOCIAL  
RECOVERY AGENCY ACT, 2018.**

Interpretation.

**2. In this Act -**

“Agency” means the Rapid Response Social Recovery Agency established under section 3;

“Board” means the Board of Directors of the Agency appointed under section 6 ;

“Executive Director” means the Executive Director appointed under section 9;

“Minister” means the Minister to whom responsibility for the Rapid Response Social Recovery Agency is assigned.

**PART I**  
**RAPID RESPONSE SOCIAL**  
**RECOVERY AGENCY**

Establishment of Rapid Response Social Recovery Agency.

**3. (1)** There is hereby established a body to be known as the Rapid Response Social Recovery Agency for the purpose of performing the functions and carrying out the duties conferred on it under this Act.

Chap. 3:01.

(2) The Agency is a body corporate to which section 55 of the Interpretation and General Clauses Act applies .

Functions of the Agency.

**4. (1)** The Agency shall –

(a) receive and process applications for urgent public support and relief from individuals, non-governmental organisations, community groups and local government organisations in the areas specified in the First Schedule;

First Schedule.

(b) subject to the availability of funds and resources, and after consultation with the Minister, approve applications for public support and relief and

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provide either wholly or partially, financial and technical assistance to individuals, non-governmental organisations, community groups and local government organisations.

(2) In considering an application for public support or relief the Agency shall have regard to all relevant matters, including the following:

- (a) the financial capability of the applicant;
- (b) the number of previously successful applications of the applicant;
- (c) whether the applicant already benefits or is expected to benefit from a Government programme or project respecting the issue or concern which is the subject of the application for support or relief;
- (d) whether the proposed project or activity is in a sector identified as a priority by the Government;
- (e) whether the proposed project or activity is in a geographic priority area;
- (f) whether the applicant is an individual, organisation or group of persons that falls within the geographic priority area for poverty alleviation;
- (g) whether, in the case of a micro-business, the proposal is viable;
- (h) whether there is a verified and established need.

(3) In considering applications for approval the Agency shall be guided by the principle of equitable geographical distribution, as far as is possible.

(4) The Minister may designate another Minister for the purposes of consultation under subsection (1)(b).

Offices of the Agency.

**5.** The principal office of the Agency shall be located in Roseau but the Agency may establish branch offices in any location within Dominica as it considers necessary.

## **PART II ADMINISTRATION OF THE AGENCY**

Board of Directors.

**6.** (1) There shall be appointed a Board of Directors of the Agency which shall perform the functions and exercise the powers conferred on the Agency by this Act and any other Act and authorise all activities of the Agency.

(2) The Board shall have the power to approve —

- (a) the procedures and criteria for the submission of applications for support or relief and the projects and programmes submitted for its consideration in accordance with those procedures and criteria;
- (b) the policies regarding the approval of applications and the management of projects, programmes and activities and disbursement procedures;
- (c) the budget; and
- (d) subject to this Act, rules prescribing the procedures of the meetings of the Board, and the manner in which the Agency will transact its business.

Second Schedule.

(3) The Second Schedule applies in respect to the constitution of the Board and the other matters specified in the Second Schedule.

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7. (1) A member of the Board who has an interest in a matter before the Board shall disclose the nature of his interest at the first meeting of the Board at which it is practicable to do so and shall leave the meeting when the matter comes up for discussion. Disclosure of interest.

(2) A disclosure of interest and the departure of a member of the Board from the meeting under subsection (1) shall be recorded in the minutes of the meeting.

(3) A member of the Board shall not –

(a) vote in respect of a matter before the Board in which he has an interest; or

(b) seek to influence the vote of any other member of the Board in relation to the matter.

8. There shall be paid from the funds of the Agency to the members of the Board such remuneration, fees or allowances as the Minister may determine. Remuneration.

9. (1) The Board shall appoint an Executive Director, subject to the approval of the Minister, at such remuneration approved by the Minister and subject to such terms and conditions as it thinks fit. Executive Director.

(2) The Executive Director shall, subject to the general policy decisions of the Board, be responsible for the management of the Agency including the organisation of staff in accordance with the general terms and conditions of service established by the Board.

(3) The Executive Director may —

(a) sign jointly with another Director, reports, balance sheets and other financial statements;

(b) delegate his powers provided for in paragraph (a)

with the consent of the Board to another senior officer of the Agency.

Other Staff.

**10.** The Board may appoint and employ, at such remuneration and subject to such terms and conditions as it thinks fit, other officers and employees as it considers necessary for the proper performance of its functions.

Establishment and appointment of committees.

**11.** (1) Subject to section 12, the Board shall appoint an Executive Review Committee.

(2) The Board may appoint other committees as it considers appropriate for any general or special purpose which in the opinion of the Board may be better dealt with or managed by a committee.

(3) The Board shall determine the number and term of office of the members of a committee appointed under subsection (2) and the number of members necessary to form a quorum.

(4) A committee appointed under this section may include persons who are not members of the Council.

Executive Review Committee.

**12.** (1) The Executive Review Committee shall consist of three persons as follows:

(a) the Executive Director; and

(b) two persons appointed by the Board after consultation with the Minister.

(2) The Executive Review Committee shall examine and assess applications for support or relief before they are submitted to the Board for consideration.

Delegation.

**13.** (1) The Board may, in respect of any particular matter or class of matters, and in writing, delegate to the Executive Director



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or to any member of the Board, any of its functions under this Act except this power of delegation and the following functions:

- (a) approving annual budgets or programme of activities;
- (b) making rules;
- (c) carrying out activities which require expenditures not provided for in the budget.

(2) Subject to any general directions given to him by the Board, a person to whom the Board delegates power under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this Act and not by delegation.

(3) Every person purporting to act under a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(4) The Board may revoke a delegation and a delegation made under this section does not prevent the exercise of any power by the Board.

**14.** The Minister may give general policy directives to the Board concerning social recovery, support and relief measures and the Board shall give effect to such directives.

Policy directions.

**15.** (1) The Board may make rules for the Agency, not inconsistent with this Act, for all or any of the following purposes:

Rules.

- (a) regulating the proceedings of the Board;
- (b) providing for the custody of the property of the Agency, and the custody and use of the common seal of the Agency;

- (c) regulating the terms and conditions of employment of persons appointed under section 10;
- (d) the preparation of semi-annual or quarterly audits of the Agency; and
- (e) providing for such other matters as may be necessary or expedient for the better carrying out of the functions of the Agency.

(2) The Chairman of the Board shall give notice in writing of every proposed resolution to make rules under this section or for the amendment or revocation of any rule so made, including a copy of the proposed rules, amendment, or revocation, to every member of the Board not less than twenty-one days before the meeting at which the proposal is to be moved.

(3) An inadvertent failure to comply with subsection (2) does not invalidate the making, amendment, or revocation of any rule at a meeting at which a proposal referred to under subsection (2) is moved.

### **PART III FUNDS, ACCOUNTS AND REPORTS**

Funds of the Agency.

**16.** The funds of the Agency shall consist of the following:

- (a) monies appropriated by Parliament;
- (b) grants or gifts from financial or funding agencies;
- (c) any other money lawfully contributed, donated or bequeathed to the Agency or received by the Agency from any other source.

Expenses of the Agency.

**17.** The expenses of the Agency, including the remuneration of members of the Board and staff of the Agency, shall be paid out of the funds of the Agency.

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**18.** (1) The Board shall, in such form and by such dates as may be specified by the Financial Secretary, prepare and submit to the Minister, estimates of income receivable and the expenditure to be incurred during each financial year, including any supplementary estimates, and the Minister shall present the estimates to the House of Assembly with such amendments, if any, as he considers necessary.

Budget estimates.

(2) Except with the approval of the Minister, no further sum shall be expended in any financial year other than that provided in the estimates relating to such financial year.

**19.** (1) All moneys accruing to or received by the Agency shall be paid into a bank or banks specified by a resolution of the Board.

Bank account to be kept.

(2) Cheques drawn against and any transfers or similar transaction from any bank account of the Agency shall be signed or authorised by not less than two persons authorised by resolution of the Board to do so and a copy of the resolution certified by the Chairman shall be forwarded to the Bank concerned.

**20.** (1) The Executive Director shall keep accounts and other records in relation to the business of the Agency and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which shall conform to the best commercial and accounting standards.

Accounts and Audit.

(2) The accounts of the Agency shall be audited annually by an auditor appointed in each year by the Board with the approval of the Minister.

**21.** (1) Within four months after the end of each financial year, the Board shall cause to be made and shall submit to the Minister —

Annual Report.

(a) a statement of its accounts audited in accordance with section 20; and

(b) a report dealing generally with the proceedings and policies of the Agency during that financial year.

(2) The Minister shall cause a copy of a report made under subsection (1) together with the annual statement of accounts and the auditor's report on the statement of accounts to be tabled in the House of Assembly.

#### **PART IV** **MISCELLANEOUS**

Validity of proceedings.

**22.** An act done or proceeding taken under this Act shall not be questioned or invalidated on the ground —

(a) of the existence of any vacancy in the membership, or of any defect in the constitution of the Board; or

(b) of any omission, defect or irregularity.

Protection from liability.

**23.** A member of the Board or a committee, the Executive Director or any person acting under the authority of any of them is not liable, in a personal capacity, to any action, liability, claim or demand whatsoever, in respect of anything done or omitted to be done in good faith for the purpose of executing any of the provisions of this Act or regulations made under this Act.

Exemption from taxes.

**24.** (1) The Agency is exempt from the payment of income tax.

(2) All instruments executed by or on behalf of the Agency are exempt from stamp duty.

Recovery of debt.

**25.** (1) A person to whom money is paid for support or relief

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under this Act shall utilise the money for the purpose for which it was intended.

(2) A person who contravenes subsection (1) or who is no longer in need of the support or relief requested in his application and in respect of which the Agency has disbursed funds shall repay to the Agency the money paid to him.

(3) Where a person to whom money is paid for support or relief under this Act and who contravenes subsection (1) or (2) the money paid is a debt due to the Agency and, without prejudice to any other method of recovery, it may be recovered as a civil debt in a court of competent jurisdiction.

**26.** The Minister may amend the First Schedule by Order published in the *Gazette*.

Amendment of schedule.

**27.** (1) The Minister may make regulations that he considers necessary or expedient for giving effect to this Act.

Regulations.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations -

- (a) designating severely affected areas or groups of persons deserving assistance from the Agency;
- (b) prescribing maximum amounts which may be disbursed from the funds of the Agency for any type of project or activity;
- (c) prescribing conditions of disbursement;
- (d) respecting monitoring and follow-up by the Agency after disbursement is made for support or relief;
- (e) prescribing the form and manner of applications for support or relief.

**FIRST SCHEDULE**

(Section 4(1))

The Agency may consider requests for support or relief relating to the following areas:

1. House repairs and drainage improvement;
2. Health;
3. Education;
4. Poverty alleviation;
5. Access to water or sanitary facilities;
6. Micro business;
7. Recovery from natural disaster.

**SECOND SCHEDULE**

(Section 6(3))

Constitution of the  
Board.

**1.** (1) The Board shall consist of five members appointed by the Minister.

(2) The Executive Director shall be an *ex officio* member of the Board without a right to vote.

(3) The Minister shall appoint a Chairperson and Deputy Chairperson from the appointed members of the Board.

Tenure.

**2.** (1) The Minister shall appoint the members of the Board for a period not exceeding one year specified in the instruments appointing them and a member of the Board is eligible for reappointment on the expiration of his term of office.

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(2) The Chairperson of the Board and the Deputy Chairperson shall hold office for a period of two years and shall be eligible for reappointment.

(3) Where for any reason, the chairperson is unable to preside at any meeting of the Board the deputy chairperson shall preside if he or she is present.

**3.** (1) A person is disqualified from being a member of the Board if the person is a member of the Parliament of Dominica.

Disqualification from membership.

(2) A person is disqualified from being a member of the Board if the person is or has been -

- (a) adjudged bankrupt under the Bankruptcy Act;
- (b) declared by a court to be physically or mentally incapacitated by reason of unsoundness of mind;
- (c) is convicted of an offence involving dishonesty, or of any other offence punishable with not less than three years imprisonment whether or not the convicted person is awarded a sentence of three years imprisonment.

Chap. 9:90.

**4.** (1) The Chairperson or the Deputy Chairperson may resign his respective office by letter addressed to the Minister and the resignation takes effect from a date notified in the letter, or immediately, where no date has been so notified.

Resignation of Chairman or other members.

(2) A member may at any time resign his office by letter in writing addressed to the Chairperson, and on the date of receipt of the letter, that person ceases to be a member of the Board.

**5.** The Minister may, at any time, in writing, revoke the

Revocation of appointment.

appointment of a member of the Board if, upon evidence, the Minister is satisfied that the member is –

- (a) disqualified from being a member of the Board under paragraph 3;
- (b) guilty of gross misconduct;
- (c) is totally or permanently incapable of performing his functions; or
- (d) has failed to act in the best interests of the Agency.

Non-attendance.

**6.** A person ceases to be a member of the Board if he –

- (a) fails without reasonable excuse to attend three consecutive meetings of the Board; or
- (b) for whatever reason fails to attend meetings for a period of six months.

Vacancy.

**7.** (1) Whenever there is a vacancy in the membership of the Board, it shall be filled in the same manner in which the original appointment was made.

(2) A person appointed to fill a casual vacancy shall hold office only so long as the member in whose stead he is appointed would have held office.

Validity of proceedings.

**8.** The validity of any proceedings of the Board shall not be affected by any vacancy among the members of the Board or by any defect in the appointment of a member.

Meetings.

**9.** (1) Subject to subparagraphs (4) and (5), the Chairperson, or in his absence the Deputy Chairperson, shall preside at all meetings of the Board.



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(2) The Board shall –

(a) meet regularly, at least once in every month; and

(b) at any other times that may be necessary or expedient for the transaction of the business of the Board.

(3) The Board shall hold meetings at places and times and on days that the Board may determine.

(4) Subject to subparagraph (5), if the Board is required to meet prior to the next scheduled meeting the Board may use the round robin decision process.

(5) Where the round robin decision process is used, the Chairperson shall submit the report on the round robin decision process to the next meeting for approval.

**10.** Three members of the Board constitutes a quorum.

Decisions.

**11.** Every –

Quorum.

(a) member of the Board is entitled to vote;

(b) decision of the Board shall be by a majority of votes, and, in addition to an original vote, in any case in which the voting is equal the Chairperson has a second or casting vote.

**12.** (1) The Board shall keep minutes of the meetings of the Board and copies shall be furnished to each member of the Board not later than seven days after the date on which the meeting was held.

Minutes.

(2) The Executive Director shall after consultation with

the Board assign a member of staff of the Agency for the purpose of subparagraph (1).

Passed in the House of Assembly this 2nd day of May, 2018.

**DANIEL JAMES (MR.)**  
*Clerk of the House of Assembly*

**DOMINICA**

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