

SAINT VINCENT AND THE GRENADINES
NATIONAL EMERGENCY AND DISASTER MANAGEMENT ACT, 2006

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**SAINT VINCENT AND THE GRENADINES
BILL FOR**

**ACT NO. OF 2006
I ASSENT**

[]

Governor-General

AN ACT to provide for prevention, preparedness, response, mitigation and recovery in relation to hazards, disasters and emergencies, to provide for the establishment of the National Emergency Management Organisation, to provide for the appointment of a Director of the National Emergency Management Organisation, to establish a National Emergency Council, to provide for the development of a National Disaster Management Plan, to regulate emergency operation centres and shelters, to coordinate activities of persons involved in disaster management, to designate specially vulnerable areas and for related matters.

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BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same, as follows:

PART I

PRELIMINARY

1. This Act may be cited as the National Emergency and Disaster Management Act, 2006.
2. In this Act, unless the context otherwise requires:-

“adverse event” means a natural or manmade event which causes intense negative impacts on persons, goods, services, or the environment;

“Chief Shelter Manager” means the chief shelter officer designated under section 20;

“disaster” means an actual or imminent situation, whether natural or otherwise, which requires a significant and coordinated response and is caused by an occurrence such as volcanic eruption, earthquake, hurricane, flood, tidal wave, landslide, fire or epidemic and which causes or threatens to cause widespread loss or damage to property, widespread loss of human life, injury or illness to human beings, or damage to or degradation of the environment, but excluding events occasioned by war or military confrontation;

“Director” means the Director of the National Emergency Management Organisation appointed under section 12;

“disaster management” means the establishment and implementation of plans, structures and arrangements to coordinate the resources of agencies, organisations and persons in a comprehensive approach to facilitate prevention, preparedness, response, mitigation and recovery in relation to hazards, disasters and emergencies;

“emergency” means an adverse event that can be taken care of by local community resources;

“emergency operations centres” means emergency operations centres established under section 18;

“hazard” means a threatening event or a potentially damaging phenomenon which occurs or may occur within a given time period and area;

“inspector” means a person appointed or designated under section 22;

“listed premises” means premises listed in the shelters list;

“Minister” means the Minister responsible for disaster management;

“mitigate” means to take measures in advance of a disaster which are aimed at decreasing or eliminating its impact on society and the environment;

“period of emergency” means a period beginning with a declaration, made by the Governor-General, that a state of emergency exists in Saint Vincent and the Grenadines for any of the reasons specified in section 17 (2) of the Constitution and ending with a declaration so made that a state of emergency no longer exists therein or in accordance with the provisions of section 17 of the Constitution;

“Planning Board” means the Physical Planning and Development Board established under section 3 of the Town and Country Planning Act, 1992;

“Policy Review” means the Disaster Management Policy Review referred to in section 16;

“premises” means land, a building or other structure situated in the State;

“preparedness” means the identification of hazards, assessment of threats and other preparatory measures taken in advance, which are necessary or deemed to be necessary to deal with disasters;

“recovery” means the process by which a community is helped to return to its normal level of functioning after a disaster;

“response” means the operations that are conducted during and after a disaster to combat the disaster and to provide for immediate relief to persons affected by the disaster;

“shelter list” means the list of premises created and maintained under section 19;

“shelter officer” means a shelter officer designated under section 20;

“State” means the State of Saint Vincent and the Grenadines;

“volunteer organisations” includes clubs and charitable organisations;

“vulnerable” means the degree of loss from 0% to 100% which may result from a potentially damaging phenomenon.

3. (1) The principal objects of this Act are as follows:

(a) to provide for effective disaster management for the State; and

(b) to establish a framework for ensuring that agencies, organisations and persons involved in disaster management effectively perform their functions.

(2) Pursuant to subsection (1) and subject to the Emergency Powers Act, where a period of emergency exists, the National Emergency Management Organisation and any other person or body exercising powers and functions under this Act may, if it is required by the Governor-General, exercise such powers and functions as the Governor-General may permit.

4. Unless this Act otherwise provides, this Act does not limit, is not in substitution for, and does not affect the powers, functions or duties of any person under the provisions of any law.

PART II

NATIONAL EMERGENCY MANAGEMENT ORGANISATION

5. (1) There is established an agency of Government named the National Emergency Management Organisation.

(2) The National Emergency Management Organisation shall act as the central agency for coordinating disaster management in the State.

6. (1) The National Emergency Management Organisation shall consist of:

(a) the National Emergency Council;

(b) the National Emergency Executive Committee; and

(c) district disaster management committees.

(2) Public officers or other persons may be appointed or designated, including a deputy director or assistant director, for the effective performance of the functions of the National Emergency Management Organisation.

7. (1) The National Emergency Council shall consist of the following:

(a) the Prime Minister, who shall be the Chairperson;

(b) the Deputy Prime Minister;

(c) the Attorney General;

(d) the Ministers responsible for -

(i) disaster management,

(ii) national security,

(iii) works,

- (iv) housing,
- (v) telecommunications,
- (vi) health and the environment,
- (vii) social development or mobilisation,
- (viii) energy;
- (e) the Permanent Secretaries in the Ministries responsible for -
 - (i) disaster management,
 - (ii) national security,
 - (iii) works,
 - (iv) agriculture,
 - (v) tourism,
 - (vi) education,
 - (vii) social development or mobilisation,
 - (viii) energy;
- (f) the Secretary to Cabinet;
- (g) the Director General of Finance and Planning;
- (h) the Director of Planning;
- (i) the Director of the National Emergency Management Organisation;
- (j) the Commissioner of Police;
- (k) the Chief Medical Officer;
- (l) the Chief Engineer;
- (m) the Manager of the Saint Vincent and the Grenadines Port Authority;
- (n) the Director of the Government agency responsible for public information;
- (o) the Director of Airports;
- (p) the Managers of -
 - (i) Cable and Wireless (West Indies) Ltd.,
 - (ii) Digicel Saint Vincent and the Grenadines Ltd.,
 - (iii) any other company providing telecommunication services;
- (q) the Chief Executive Officer of the Saint Vincent and the Grenadines Electricity Services Ltd;
- (r) the Manager of the Central Water and Sewerage Authority;

who shall be ex officio members, or their nominee;

- (s) a representative, who shall be chosen by a recognised worker's organisation representing workers employed by the Government;
- (t) a representative from the Saint Vincent and the Grenadines Chamber of Industry and Commerce;
- (u) a representative from the National Youth Council;
- (v) a representative from the Saint Vincent and the Grenadines Red Cross Society;
- (w) representatives from:
 - (i) Mayreau,
 - (ii) Canouan,
 - (iii) Bequia,
 - (iv) Union Island
 - (v) Mustique,who shall be designated by Cabinet;
- (x) a representative from a volunteer organisation.

(2) The members of the National Emergency Council shall elect one of their members to be the Deputy Chairperson of the National Emergency Council.

(3) In the absence of:

- (a) the Chairperson, the Deputy Chairperson shall act as Chairperson;
- (b) the Chairperson and the Deputy Chairperson, a member of the National Emergency Council may be nominated for that purpose.

(4) The National Emergency Council shall perform the following functions:

- (a) ensure that the National Emergency Management Organisation effectively performs its functions;
- (b) assist in the preparation and review of the National Disaster Management Plan;
- (c) make requests for assistance from any Government, agency, organisation or person outside of the State; and
- (d) any other functions which are necessary or are incidental to the functions specified in paragraphs (a), (b) and (c).

8. (1) The National Emergency Executive Committee shall consist of the following:

- (a) the Director, who shall be the Chairperson;
- (b) the Permanent Secretary in the Ministry responsible for disaster management, who shall be the Deputy Chairperson;

- (c) the Director General of Finance and Planning;
 - (d) the Chief Engineer;
 - (e) the Chief Medical Officer;
 - (f) the Commissioner of Police;
 - (g) the Director of the Government agency responsible for public information;
 - (h) the Chief Agricultural Officer;
 - (i) the Chief Education Officer;
 - (j) the Director of Social Development;
 - (k) the Environmental Services Coordinator;
 - (l) a representative from the Central Water and Sewerage Authority;
 - (m) a representative from the St. Vincent Electricity Services Ltd.;
 - (n) a representative from the Saint Vincent and the Grenadines Red Cross Society;
 - (o) a representative from the Rainbow Radio League or any similar organisation.
- (2) The National Emergency Executive Committee shall perform the following functions:
- (a) monitor the operation of all sub-committees; and
 - (b) implement the plans and policies of the National Emergency Council.
- (3) The National Emergency Executive Committee shall report to the National Emergency Council on the performance of its functions.
9. (1) The National Emergency Council shall establish sub-committees as may be necessary, including sub-committees responsible for:
- (a) public information, training and education;
 - (b) damage and needs assessment;
 - (c) transport and road clearance;
 - (d) emergency shelters and shelter management;
 - (e) emergency supplies;
 - (f) health services;
 - (g) emergency telecommunications;
 - (h) search and rescue (land and sea);
 - (i) rehabilitation and reconstruction;
 - (j) voluntary services.
- (2) The sub-committees shall perform the functions that may be assigned to them.

(3) The sub-committees shall report to the National Emergency Executive Committee on the performance of their functions.

10. (1) There shall be established district disaster management committees for the purposes of this Act.

(2) Each district disaster management committee shall consist of:

- (a) a district coordinator who shall be Chairperson;
- (b) any other persons as may be required to carry out the functions of the district disaster committee.

(3) A district disaster management committee shall perform the following functions:

- (a) ensure that disaster management in the district is consistent with the National Disaster Management Plan;
- (b) develop and coordinate an effective disaster management plan for the district and regularly review and assess the plan;
- (c) report to the National Emergency Operations Centre on matters related to disaster management.

11. (1) The National Emergency Council, the National Emergency Executive Committee, sub-committees and district disaster management committees shall meet as often as is necessary to carry out their functions.

(2) The National Emergency Council, the National Emergency Executive Committee and the sub-committees shall meet when the following exist:

- (a) a threatened disaster alert;
- (b) a disaster.

(3) A quorum for a meeting of the National Emergency Council shall consist of:

- (a) the Chairperson or alternate Chairperson and any eight other members where a meeting is held pursuant to subsection (1);
- (b) the Chairperson or alternate Chairperson and any four other members where a meeting is held pursuant to subsection (2).

(4) The National Emergency Council, the National Emergency Executive Committee, the sub-committees and the district disaster management committees may regulate their own procedure.

12. The Public Service Commission shall appoint a Director who shall have qualification and experience in one or more of the following disciplines:

- (a) engineering;
- (b) management;
- (c) development studies; or
- (d) any other related or relevant discipline.

13. (1) The Director has all the powers that are reasonably necessary or expedient to enable the exercise of his functions.

(2) The Director shall be responsible for coordinating the general policy of the Government relating to disaster management in the State.

(3) Without prejudice to the generality of subsection (2), the Director shall perform the following functions:

- (a) be the Secretary to the National Emergency Council;
- (b) provide advice to the Minister on matters relating to disaster management;
- (c) review and assess the various programmes and activities of the Government which have an impact on disaster management in the State, and make recommendation to the Minister on the effect the activities and programmes on disaster management are likely to have;
- (d) develop and recommend to the Minister national policies to foster and promote disaster management in the State;
- (e) in collaboration with departments of Government or other agencies, participate in programmes to conduct investigations, studies, surveys, research and analysis relating to ecological systems and environmental quality and document and define changes in the natural environment as they relate to the likelihood of the occurrence of disasters in the State;
- (f) in collaboration with departments of Government or other agencies, participate in programmes to analyse and interpret the information gathered under paragraph (e) for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of disaster management;
- (g) in collaboration with departments of Government or other agencies, participate in programmes to prepare and review disaster risk assessment maps of the State;
- (h) conduct programmes of public information and education on disaster management;
- (i) liaise with persons and organisations inside and outside of the State for the purpose of exchanging information and facilitating the harmonisation of the policies of such persons and organisations with those of the Government relating to disaster management in the State;
- (j) provide technical advice to facilitate the development of Regulations relating to disaster management in the State.

14. (1) The Director may, in writing, delegate to any person general or special functions under this Act.

(2) A person to whom functions are delegated under this section is, while the delegation is in force, the Director, and has all the powers conferred on the Director by this Act.

(3) Subject to any general or special directions given or conditions attached by the Director, a person to whom functions are delegated under subsection (1) may exercise the

functions 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.

(4) A person purporting to act under a delegation under subsection (1) is presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(5) A delegation under subsection (1) is revocable in writing at will.

15. The Minister may give the Director policy directions of a special or general character relating to the exercise of the functions of the Director under this Act, and the Director shall give effect to the directions.

PART III

NATIONAL DISASTER MANAGEMENT POLICY REVIEW AND PLANS

16. (1) The Director shall prepare an annual report at the end of each calendar year of the exercise of the functions of the National Emergency Management Organisation for the approval of the Minister.

(2) The report referred to in subsection (1) shall include a Disaster Management Policy Review related to disaster management in the State.

(3) The Director shall consult the National Emergency Council in preparing the Disaster Management Policy Review.

(4) The Minister shall approve the report prepared under subsection (1) subject to any amendments that may be made.

(5) A report that is approved by the Minister:

(a) shall be laid before the House of Assembly no later than three months after it is approved by the Minister;

(b) may be published in any manner that the Minister considers appropriate.

17. (1) The Director shall prepare annually at the end of each calendar year for the approval of Cabinet the National Disaster Management Plan.

(2) The National Disaster Management Plan shall contain details of arrangements under the coordination of the Director for prevention, preparedness, response and recovery in relation to disasters, including:

(a) procedures related to disaster management of Ministries and departments of Government, statutory bodies and other agencies, organisations or persons who perform functions under this Act;

(b) procedures for coordinating the implementation of the National Disaster Management Plan with the preparation and implementation of disaster management plans of persons and bodies in paragraph (a);

(c) procedures for informing persons under paragraph (a) and the public in the State and elsewhere of the existence of a disaster alert or a disaster;

- (d) procedures for preparing and maintaining inventories of services, systems and supplies for disaster management;
- (e) procedures for mobilising services and systems for disaster management during a disaster alert or a disaster including procedures for staffing emergency operations centres;
- (f) procedures for protecting and restoring communications, both nationally and internationally, during a disaster alert or a disaster;
- (g) procedures for procuring, releasing, distributing and replenishing contingency stores of supplies of food, water, clothing and medical supplies during a disaster alert or a disaster;
- (h) procedures for providing shelter for persons during a disaster alert or a disaster;
- (i) procedures for cooperating with international organisations and governments of countries outside the State during a disaster alert or a disaster;
- (j) procedures to apply in the event that the evacuation of the residents of an area is considered to be necessary if there is a disaster.

(3) For the purposes of this Act the National Disaster Management Plan shall specify districts which shall be determined by geographical areas of the State.

(4) The Director shall consult the National Emergency Council in preparing the National Disaster Management Plan.

(5) The Director shall prepare other plans for the approval of Cabinet which shall contain details of arrangements under the coordination of the Director for matters relating to:

- (a) hazard mitigation;
- (b) risk assessment.

(6) The plans approved under this section are Regulations for the purposes of this Act and pursuant to section 21 of the Interpretation Act:

- (a) are not required to be published in the Gazette; and
- (b) come into operation on a date that may be specified by the Minister.

PART IV

NATIONAL EMERGENCY OPERATIONS CENTRE, SHELTERS AND INSPECTORS

18. (1) There shall be established and maintained a National Emergency Operations Centre, and there may be established and maintained supplementary emergency operations centres, whether distributed according to geographical areas or any other factor.

(2) The National Emergency Operations Centre shall serve as the headquarters for the activities undertaken in response to disaster alerts or disasters.

(3) The Director may activate the National Emergency Operations Centre when it is necessary to do so.

19. (1) The Director shall create and maintain a list of premises which are available and suitable for use as shelters for the purposes of disaster management.

(2) The Director shall, in relation to the list of shelters:

- (a) distinguish between premises occupied by government entities and other premises;
- (b) indicate the facilities available at all listed premises;
- (c) indicate the suitability of all listed premises for use during a disaster alert or a disaster; and
- (d) indicate the periods for and the conditions under which the listed premises would be suitable for use in the instances referred to in paragraph (c).

20. (1) The Director may, in consultation with the National Emergency Council, designate a Chief Shelter Manager.

(2) The Chief Shelter Manager, upon the advice of the Director shall, subject to subsection (3), designate to all listed premises shelter officers who shall be responsible for managing the listed premises during the periods in which they are used as shelters.

(3) Where listed premises are not owned or occupied by government entities, the designation of shelter officers for those premises shall be subject to the agreement of the occupier of the premises.

21. (1) The Director, the Chief Shelter Manager or shelter officers shall have the power to regulate the conduct of persons in shelters for the purposes of section 43 (4).

(2) For the purposes of subsection (1), the Director, the Chief Shelter Manager or shelter officers may:

- (a) suspend or expel a person from a shelter;
- (b) not use greater force than is reasonable in the particular circumstances;
- (c) request the assistance of any other person when using reasonable force.

22. The appropriate Service Commission, or a department of Government or statutory body may appoint or designate, as the case may be, inspectors for the purposes of this Act.

23. The function of an inspector is to inspect premises:

- (a) for the purpose of entering them on the list of shelters created and maintained under section 19;
- (b) which, in the opinion of the Director, appear to pose a reasonable danger of serious injury to persons inside or outside of the premises if there is a disaster.

24. (1) An inspector may enter premises at a reasonable time with the consent of the owner or occupier or under the authority of a warrant issued by a magistrate for the purpose of carrying out the functions conferred under this Act.

(2) A magistrate may issue a warrant if he is satisfied on oath that the conditions for the grant of the warrant specified in subsection (1) reasonably exist.

(3) A warrant issued under this section expires not later than twenty days after the date on which it was issued.

(4) The Director shall provide or cause to be provided to an inspector proof of identity and appointment or designation as an inspector.

(5) An inspector who exercises a power of entry under this section shall provide proof of his identity as an inspector to the owner or occupier of the premises to be inspected before commencing the inspection.

(6) An inspector, in carrying out his functions under this Act, may be accompanied by any person who has special or expert knowledge of any matter in question.

25. (1) An inspector shall prepare a report on the results of an inspection carried out under this Act and shall cause a copy of the report to be submitted to the Director.

(2) The Director shall:

(a) provide to the owner or occupier of the premises in respect of which a report is submitted a copy of the report submitted by the inspector; and

(b) if the report reveals that the condition of any premises poses a reasonable danger of serious injury to persons inside or outside of the premises on the occurrence of a disaster and the condition of the premises which gives rise to the danger constitutes a violation of any law, submit to the relevant Ministry, department of Government or body responsible for that other law a copy of the report submitted by the inspector.

(3) A report of an inspector under this section shall be admissible in any legal proceedings as evidence of the truth of the inspector's findings of fact, whether or not the Crown is a party to the proceedings.

PART V

COORDINATING ACTIVITIES OF PERSONS INVOLVED IN DISASTER MANAGEMENT

26. (1) Every Permanent Secretary and Head of a department of Government shall ensure that there is at all times a public officer of his Ministry or department designated as the liaison officer for communication with the Director in relation to the disaster management procedures of the Ministry or department of Government.

(2) Every Ministry or department of Government shall:

(a) provide assistance to the National Emergency Management Organisation in a manner agreed upon between the Ministry or department of Government and the Director;

(b) ensure that resources related to disaster management are maintained so as to be ready for use.

(3) Every Permanent Secretary and Head of a department of Government shall supply annually to the Director, in a form and by a date as may be stated by the Minister, information as may be requested by the Director for the purposes of sections 13 (3) (c) and 16 (2).

27. An agency, organisation or person who wishes to assist in disaster management shall seek authorisation from the Director before doing so and shall comply with any instructions given by the Director.

28. (1) A person, other than a person who is precluded by the Constitution or any law from consulting with any other person shall, before exercising a disaster management related power under this Act, consult the Director, subject to subsections (2) and (4).

(2) The obligation to consult in subsection (1) shall not apply:

(a) during a disaster where the person exercising the power under subsection (1) considers that the urgency of the matter or difficulty of logistics makes such consultation impracticable;

(b) in respect of the exercise of any power in relation to which a waiver by the Director of his right to be consulted is in effect under subsection (3).

(3) The Director may, with the approval of the Minister, waive his right to be consulted and any such waiver shall take effect when published by Order in the Gazette.

(4) A waiver under subsection (3) may relate to the exercise of any power or category of power or to the exercise of a power in a specific instance.

PART VI

SPECIALLY VULNERABLE AREAS

29. (1) In carrying out its functions under section 7 (1) (b) of the Town and Country Planning Act to prepare a national plan and regional and local plans for submission to the Minister responsible for town and country planning for approval by Cabinet and to keep the plans under review, the Planning Board shall, for the purpose of disaster management, have regard to areas that are specially vulnerable to disaster.

(2) The Minister may, on the recommendation and advice of the Director, designate specially vulnerable areas by delimiting such areas under this subsection by Order published in the Gazette:

(a) for the purpose of disaster management; and

(b) if there are no powers under any law other than this subsection whereby specially vulnerable areas can be designated for the purpose specified in paragraph (a).

(3) An Order under subsection (2):

(a) shall give a description of the area to be delimited;

(b) shall remain in force for the period specified therein;

(c) may, subject to section 12 of the Saint Vincent and the Grenadines Constitution Order, 1979, restrict the movement of persons into, out of or within the area.

30. (1) A person who is aggrieved by the decision of the Planning Board under section 29 may appeal pursuant to section 27 of the Town and Country Planning Act.

(2) A person who is aggrieved by an Order made by the Minister under section 29 (2) may lodge an appeal with the Minister who shall transmit the appeal to an Appeals Tribunal appointed by him for adjudication.

(3) A Tribunal shall consist of one or more persons, but not more than three, as the Minister may think fit.

(4) The qualifications and terms and conditions of service of any member of a Tribunal appointed under subsection (2) shall be as Cabinet may determine.

(5) The Tribunal may regulate its own procedure.

(6) The Tribunal may, after making such enquiry as it may think fit and after giving the person a reasonable opportunity to present his case, allow or dismiss the appeal, and without prejudice to the right of an aggrieved party to the appeal to apply to the High Court for appropriate relief, a decision of the Tribunal shall be final.

(7) A decision of the Tribunal shall contain the reasons for the decision and a copy thereof shall be sent to the appellant.

PART VII

POWERS RELATING TO DISASTER MANAGEMENT

31. (1) For the purposes of this Act, a disaster alert exists when:

- (a) the Minister declares, after consultation with the Director under subsection (2), that there is a substantial prospect that a disaster of a kind in Column 1 of the Schedule will strike within the applicable period in Column 2 of that Schedule; or
- (b) an agency, whether within the State or otherwise, certified by the Director as an Accredited Disaster Notification Service under subsection (3), broadcasts or otherwise publishes a formal announcement warning persons in the State of the threat of a disaster of a kind in Column 1 of the Schedule within the applicable period in Column 2 of that Schedule.

(2) Notwithstanding subsection (1) (b), the Minister may, after consultation with the Director, declare that notwithstanding the formal announcement made by the agency, a disaster alert does not exist in respect of the State and such an announcement shall not constitute an offence for the purposes of section 37 (1).

(3) The Director may certify any agency, whether within the State or otherwise, which he considers to have a high level of technical expertise in the prediction or assessment of risks of any kind of emergency, as an Accredited Disaster Notification Service for the purpose of this Act.

(4) A certification under subsection (3) may be general or limited to specified kinds of disasters and may be revoked by the Director.

(5) The Minister may amend the Schedule by Order published in the Gazette.

32. (1) The Minister may declare a disaster for the State, or a part of the State, if he is satisfied:

- (a) that a disaster has happened, is happening or is likely to happen in the State; and
 - (b) that it is necessary for the National Emergency Management Organisation or a person authorised under this Act to exercise disaster management powers under this Act, to prevent or minimise loss of human life, illness or injury to humans, property loss or damage or damage to the environment.
- (2) A declaration of a disaster under subsection (1) shall include:
- (a) the time and date of the declaration; and
 - (b) the area in respect of which the declaration is made.
- (3) A declaration made under this section shall, as soon as is practicable, be published by Notice in the Gazette.
- (4) A disaster:
- (a) starts when it is declared under subsection (1); and
 - (b) ends when it is so declared by the Minister.
- (5) A Notice may extend, or from time to time further extend, the period of the disaster.
- (6) A Notice extending or further extending the period of the disaster:
- (a) shall state the period by which the disaster is extended; and
 - (b) expires at the end of the stated period unless it is sooner repealed or it expires under subsection (7).
- (7) The Minister shall by Notice declare the end of a disaster if it is no longer necessary for persons exercising disaster powers under this Act to do so.

33. (1) If a disaster alert is declared and, in the opinion of the Director, the action authorised by this section is necessary to protect human life, safety or health, the Director shall advise the Minister to take any of the action authorised by this section.

(2) Pursuant to subsection (1), the Minister may by Order published in the Gazette make provisions for:

- (a) the evacuation of any premises or area;
- (b) the exclusion of persons, vessels or vehicles from any premises or area.

34. On the declaration of a disaster alert or disaster, the Director, a member of the Royal Saint Vincent and the Grenadines Police Force or any person acting under the authority of the Director, may, in order to limit the extent of the disaster, totally or partially prohibit or restrict public access, with or without vehicles, to any road or pathway within the State affected or likely to be affected by the disaster.

PART VIII

OFFENCES AND PENALTIES

35. A person commits an offence who assaults or obstructs the Director, the Chief Shelter Manager, a shelter officer, or any other person exercising powers or functions under this Act.

36. (1) A person commits an offence who with intent fails to comply with any direction given to the person under section 33.

(2) It is a defence to any proceedings for an offence against this section if the Court is satisfied that the Minister did not have reasonable grounds for believing that in all the circumstances of the case the requirement was necessary to protect human life, safety or health.

37. (1) A person commits an offence who, not being a person authorised under section 31 (1), with intent declares a disaster alert.

(2) A person commits an offence who, not being a person authorised under section 32, with intent makes, extends or ends a declaration of a disaster.

(3) A person commits an offence who with intent attempts to incite any person to disregard a declaration that is lawfully made under section 31 (1) or 32.

38. A person commits an offence who with intent fails to comply with any prohibition or restriction imposed under section 34.

39. A person who commits an offence under this Act shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year, or to both fine and a term of imprisonment.

PART IX

MISCELLANEOUS

40. (1) Where there is an urgent need to carry out the provisions of section 33 or publish subsidiary legislation under this Act and there is insufficient time to publish subsidiary legislation in the Gazette, the Minister may, by instruction, make provision of a kind that could be made by subsidiary legislation.

(2) An instruction under subsection (1) may be written or oral.

(3) Where the Minister gives an instruction under subsection (2):

(a) he may revoke or vary the instruction by further instruction ;

(b) he shall revoke the instruction as soon as is reasonably practicable;

(c) he may re-enact the substance of the instruction by way of subsidiary legislation.

41. (1) There shall be payable to a person who provides services, equipment, supplies, materials or other things that are necessary for the relief of persons in the State for the purposes of disaster management compensation from money voted by Parliament for that purpose.

(2) The Minister responsible for Finance may, by a contingencies warrant under his hand, make advances out of the Contingencies Fund if he is satisfied that there has arisen an urgent and unforeseen need for expenditures for which no other provision or no other sufficient provision exists for the relief of persons in the State for the purposes of disaster management.

42. No suit, prosecution or other legal proceeding shall lie against the National Emergency Management Organisation or any person who exercises powers or functions under this Act for any thing which is done in good faith in pursuance of the provisions of this Act.

43. (1) The Minister may, on the advice of the National Emergency Management Organisation, make Regulations for the purpose of implementing the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make Regulations for the use of any listed premises by persons taking shelter therein, to apply during the period when the premises are in use as shelters.

(3) Regulations made under subsection (3) for listed premises which are not in government occupation may be made on the recommendation of the occupiers of the premises.

(4) Regulations made under subsection (2) may confer on the Chief Shelter Manager and shelter officers:

- (a) authority to refuse admission of persons to the shelter to prevent overcrowding;
- (b) authority to prohibit the bringing of pets or other animals into the shelter;
- (c) authority to prohibit the bringing of offensive weapons or hazardous materials into the shelter;
- (d) authority to limit by weight or bulk the luggage or other property to be brought into the shelter by persons taking shelter;
- (e) authority to disclaim as a condition of permitting persons using the shelter who bring luggage or other property into the shelter, responsibility for the safety of such property, including responsibility for negligent damage to such property;
- (f) authority to refuse entry of any person to the shelter unless that person submits to a search of any luggage or other property to be brought into the shelter;
- (g) authority to allocate the use of the space and the facilities of the shelter among different users thereof;
- (h) authority to regulate the use of musical instruments and other equipment which may disturb the users of the shelter by noise or light;
- (i) authority to prohibit the consumption of alcoholic drink and the use of psychotropic products in the shelter;
- (j) authority to require persons to observe safeguards in the interests of the health of other persons;
- (k) authority to require persons using the shelter to take precautions against the outbreak or spread of fire, including participating in fire drills requiring temporary evacuation and assembly;
- (l) authority to set minimum standards of conduct in shelters in the interests of decency and public morality;
- (m) authority to require persons in a shelter to clean areas within the shelter which they occupy;
- (n) authority to prohibit the commission of breaches of the peace in or near a shelter;
- (o) any other authority that may be necessary.

44. This Act binds the Crown.

45. The Natural Disasters (Relief) Act is repealed.

SCHEDULE

(Section 31)

DISASTER ALERT ADVANCE SCHEDULES

Column 1:

Type of Disaster

Earthquakes

Fires

Floods

Hurricanes

Landslides

Major earth movement

Storm surges

Tsunamis

Tidal waves

Volcanic eruptions

Column 2:

Disaster Alert Advance Schedule

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Storm Warnings:

When winds of less than 74 miles per hour are expected to affect the State within 24 hours

Hurricane Watch:

When there is a threat of hurricane, conditions affecting the State within 24 - 36 hours

Hurricane Warnings:

When hurricane conditions are expected to affect the State within 24 hours

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Stage 1 - Background:
Several months to years

Stage 2 - Preliminary alert:
Several months to years

Stage 3 - Alert:
Weeks to months

Stage 4 - Evacuation:
Days to weeks

Stage 6 - Post eruption:
Days to months to years ¹

¹ The eruption has either ended or has ceased to be violent. Possibility however exists that violent activity would resume.

Passed in the House of Assembly this day of 2006.

Clerk of the House of Assembly

OBJECTS AND REASONS

The object of this Bill is to provide for prevention, preparedness, response, mitigation and recovery in relation to hazards, disasters and emergencies, to provide for the establishment of the National Emergency Management Organisation, to provide for the appointment of a Director of the National Emergency Management Organisation, to establish a National Emergency Council, to provide for the development of a National Disaster Management Plan, to regulate emergency operation centres and shelters, to coordinate activities of persons involved in disaster management, to designate specially vulnerable areas and for related matters.

Dr. the Hon. Ralph Gonsalves
Prime Minister, Minister of Finance,
Economic Planning, National
Security, Legal Affairs and
Grenadines Affairs