

ABILL

ENTITLED

AN ACT to Repeal the Disaster Preparedness and Emergency Management Act and to make new provisions for the management and mitigation of disaster, the reduction of risks associated with disaster; and for connected matters.

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BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

PART I. *Preliminary*

1. This Act may be cited as the Disaster Risk Management Act, 2014, and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Short title
and
commence-
ment.

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

“appointed day” means the day appointed under section 1 for the coming into operation of this Act;

“authorized officer” means—

- (a) a member of-
 - (i) any Police Force;
 - (ii) the Jamaica Defence Force;
 - (iii) the Jamaica Fire Brigade;
- (b) a public health officer;
- (c) a Medical Officer and a Medical Officer (Health) under the *Public Health Act*;
- (d) a nurse registered under the *Nurses and Midwives Act*;
- (e) a veterinary surgeon registered under the *Veterinary Act*;
- (f) a member of staff of the Office;
- (g) any person so designated in writing by the Director-General;
- (h) the City Engineer in the Council of the Kingston and St. Andrew Corporation, the Superintendent of Parochial Roads and Works in each Parish Council and the officer in any Municipal Council, known as the Municipal Engineer, who carries the duties equivalent to that of the Superintendent of Parochial Roads and Works; and
- (i) the Chief Executive Officer of the National Works Agency;

“Board” means the board of management of the Office;

“broadcaster” means the operator of a commercial or non-commercial broadcasting service or a subscriber television

service or a holder of a commercial or a non-commercial broadcasting service licence or any person acting in their behalf;

“Chairman” means the chairman of the Board;

“Council” means the National Disaster Risk Management Council established under section 16;

“declared area” means an area declared by an order under section 26 to be a disaster area or a threatened area, as the case may be;

“Director-General” means the Director-General of the Office, appointed under section 7;

“disaster” means the occurrence or threat of occurrence of an event or other calamity, whether caused by an act of God or otherwise, which—

- (a) results or threatens to result in loss or damage to property, damage to the environment or death, ill health or injury to persons on a scale which requires emergency intervention by the state; and
- (b) may result from fire, accident, an act of terrorism, storm, hurricane, pollution, disease, earthquake, drought, flood, the widespread dislocation of the essential services, or other calamity;

“disaster committee” means—

- (a) with respect to the Corporate Area of the parishes of Kingston and St. Andrew or any other parish, a Parish Disaster Committee constituted in accordance with section 19 or any other parish;
- (b) with respect to a Municipality, a Municipal Disaster Committee constituted in accordance with section 21;
- (c) with respect to a community, a Zonal Disaster Committee constituted in accordance with section 22;

“disaster preparedness” includes any activity undertaken in anticipation of a disaster, hazard or emergency situation in order to reduce any negative impact;

“functions” includes powers and duties;

“Fund” means the National Disaster Fund established under section 37;

“hazard” means a natural or man-made phenomenon, which is likely to cause physical damage, economic loss, or threaten life, well-being or property;

“listed premises” means premises listed under section 25;

“local authority” means—

- (a) the Council of the Kingston and St. Andrew Corporation;
- (b) any Parish Council;
- (c) a Municipal Council of a Municipality;

“Medical Officer” means any medical practitioner in the employment of the Government or of any Local Board established under the *Public Health Act*;

“Medical Officer (Health)” means any medical practitioner appointed by the Governor-General to be a Medical Officer (Health) and shall include the Chief Medical Officer and any Medical Officer designated to be a Medical Officer (Health) for the purposes of this Act;

“Municipality” means a Municipality established under section 3 of the Municipalities Act and “municipal” shall be construed accordingly;

“National Alert Tone” means the National Alert Tone established under section 33;

“National Alert System” means the National Alert System established under section 33(1);

“National Disaster Risk Management Plan” means the National Disaster Risk Management Plan specified in section 5(2);

“National Emergency Operations Centre” means the National Emergency Operations Centre established under section 24;

“National Headquarters” means the headquarters of the Office;

“Office” means the Office of Disaster Preparedness and Emergency Management established under section 3;

“Parish Headquarters” means the headquarters of a Parish Disaster Committee referred to in section 19;

“Police Force” means—

- (a) the Jamaica Constabulary Force;
- (b) the Island Special Constabulary Force;
- (c) the Rural Police (district constables);

“public body” means—

- (a) a Ministry, Department or agency of Government;
- (b) a local authority;
- (c) a statutory body;
- (d) a company registered under the *Companies Act*, being a company wholly owned by the Government or an agency of Government or in which the Government or an agency of Government holds more than fifty per cent of the shares;

“public officer” means a person who is employed to a public body;

“publicly owned vehicle” means a vehicle owned by the Government of Jamaica or a public body but does not include any vehicle owned by or under the control of the Jamaica Constabulary Force, the Jamaica Defence Force or the Correctional Services;

“security force” means any Police Force or the Jamaica Defence Force;

“shelter manager” means a shelter manager referred to in section 25;

“shelter officer” means a shelter officer referred to in section 25;

“statutory body” means any board, authority, corporation, commission, committee, council, trust or other like body established by or under an enactment to carry out public functions.

PART II. *Administration*

Establishment
of Office and
Board of
Management.

3.—(1) There is hereby established for the purposes of this Act, a body to be called the Office of Disaster Preparedness and Emergency Management which shall be a body corporate to which the provisions of section 28 of the *Interpretation Act* shall apply.

First
Schedule.

(2) There shall be a Board of Management of the Office and the provisions of the First Schedule shall have effect as to the constitution of the Board and otherwise in relation thereto.

Principal
objects of
Office.

4. The principal objects of the Office shall be to—

- (a) advance disaster preparedness and emergency management measures in Jamaica by facilitating and coordinating the development and implementation of integrated disaster management systems; and
- (b) institute measures as may be necessary for mitigating disasters.

Functions of
Office.

5.—(1) The functions of the Office shall be to carry out such activities as may be necessary to give effect to the objects specified in section 4 and, without prejudice to the generality of the foregoing, such functions shall incl—

- (a) developing and implementing policies and programmes to achieve and maintain an appropriate state of national and sectoral preparedness for coping with all emergency situations which may affect Jamaica;

- (b) encouraging and supporting disaster preparedness and mitigation measures in all parishes in collaboration with local authorities, community-based organizations and non-governmental organizations respectively;
 - (c) providing appropriate training programmes and consulting services related to all aspects of disaster preparedness, disaster mitigation, loss reduction, disaster assessment and disaster management;
 - (d) planning and implementing programmes to enhance public awareness and understanding of disaster related issues, emergency management, hazard mitigation and other similar matters;
 - (e) identifying and analyzing hazards or emergency situations and conducting related operational research into their effects;
 - (f) ensuring that agencies and organizations with functions under the National Disaster Risk Management Plan are made aware of those functions and are provided with adequate information for the purpose of understanding and carrying out those functions;
 - (g) monitoring the capacity of such agencies and organizations to properly carry out those functions;
 - (h) coordinating the development and implementation of strategies and policies relating to disaster management (including strategies and policies developed at the national level);
 - (i) establishing, maintaining and managing mutual assistance and cooperation agreements and arrangements with organizations within and outside of Jamaica.
- (2) It shall also be the duty of the Office to—
- (a) advise the Minister on issues relating to disaster management, including disaster mitigation, disaster preparedness, warning systems and emergency management;

- (b) prepare guidelines for disaster preparedness, relief and response;
- (c) initiate, coordinate, inspect, evaluate and support—
 - (i) the development of a National Disaster Risk Management Plan as the document that articulates the overall framework for disaster risk management in Jamaica, and details the processes and actions critical for effective identification, assessment, transfer, reduction, prevention and mitigation of risk;
 - (ii) the development and testing of emergency response plans by appropriate agencies including the emergency services, the security forces, the private sector, non-governmental and voluntary agencies; and
 - (iii) contingency plans related to specific hazards;
- (d) identify any emergency contingencies that are within or related to the area of responsibility of each public body, and develop with that public body, a plan for mitigating or responding to that emergency;
- (e) conduct public education programmes in disaster mitigation, preparedness and emergency management and seek to secure public co-operation and participation in achieving planned objectives;
- (f) encourage—
 - (i) measures for mitigating the effect of hazards and reducing losses from disaster; and
 - (ii) the development of comprehensive disaster prevention and preparedness programmes and capabilities;
- (g) approve disaster management plans.

(3) For the purpose of discharging its functions under this Act, the Office may, subject to the provisions of this Act, do such things and

enter into such transactions, which in the opinion of the Office are necessary or expedient to ensure the proper performance of its functions.

6.—(1) The Minister may, after consultation with the Chairman, give to the Office such directions of a general character as to the policy to be followed by the Office in the discharge of its functions as appear to the Minister to be necessary in the public interest.

Power of the Minister to issue general directions on matters of policy.

(2) The Office shall furnish to the Minister such information as he may require with respect to the activities of the Office.

7.—(1) The Minister shall appoint a Director-General for the Office.

Appointment of Director-General and other officers.

(2) The Director-General shall be in charge of the day-to-day management and operations of the Office.

(3) The Director-General shall report directly to the Board.

(4) The Board may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, such officers, other employees and agents as it deems necessary for the proper carrying out of the provisions of this Act; however, no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister responsible for the public service.

(5) For the purposes of subsection (4), the “prescribed rate” means such rate as the Minister responsible for the public service may prescribe by order.

8.—(1) The Director-General shall be responsible for coordinating—

Functions of Director-General.

- (a) the general policy of the Government relating to the mitigation of, preparedness for, response to and recovery from, emergency situations and disasters in Jamaica;
- (b) efforts of the Government to mitigate, respond to and recover from emergency situations and disasters.

(2) Without prejudice to the generality of subsection (1), the Director-General shall—

- (a) review and appraise the programmes and activities of the Government for the purpose of determining the extent to

which such programmes and activities are appropriate for achieving the objects of this Act and make recommendations to the Minister with respect thereto;

- (b) develop and recommend to the Minister, national policies to foster and promote the mitigation of, preparedness for, response to and recovery from, emergency situations and disasters in each parish;
- (c) gather timely and authoritative information concerning the condition and trends in the quality of the natural and physical environment, as they relate to the likelihood of disasters in each parish;
- (d) analyze and interpret the information gathered under paragraph (c) for the purpose of formulating appropriate responses in accordance with this Act;
- (e) prepare and review periodically disaster risk assessment maps of each parish;
- (f) conduct programmes of public information and education on the mitigation of, preparedness for, response to and recovery from, emergency situations and disasters;
- (g) liaise with each local authority and with persons and organizations in each parish and Municipality for the purpose of exchanging information and facilitating the harmonization of the policies of such persons, organizations and local authorities with those of the Government relating to the prevention and mitigation of, preparedness for, response to and recovery from emergency situations and disasters in that parish or Municipality; and
- (h) collaborate with each local authority in monitoring the extent of compliance with the provisions of this Act and of any regulations made hereunder and the activities carried out in order to mitigate the effects of a disaster.

9.—(1) The Director General, in exercising his functions under this Act, shall have regard to and give effect to decisions of the Council.

Exercise of
functions of
Director-
General.

(2) Subject to subsection (3), where a disaster has occurred, the Director-General may—

- (a)** require public officers to respond and assist as directed by the Office; and
- (b)** requisition vehicles, plant and equipment owned by any public body, and determine their use and deployment.

(3) The powers of the Director-General under subsection (1) in relation to members of and assets of any of the security forces or the Jamaica Fire Brigade shall be exercised in consultation with the head of the particular force or the Brigade, as the case may be.

(4) The Director-General shall, as the need arises, report to the Minister on—

- (a)** the exercise of the functions conferred upon him under this Act; and
- (b)** any other matter requested by the Minister as information which the Minister considers necessary.

10. The Office may—

- (a)** enter into arrangements respecting schemes, whether by way of insurance policies or not; and
- (b)** make regulations,

Office may
enter
schemes and
insurance
policies.

for medical benefits, pension, gratuities and other retiring or disability or death benefits, relating to employees of the Office, and such arrangements or regulations may include provisions for the grant of benefits to the dependants and the legal personal representatives of such employees.

11.—(1) The funds and resources of the Office shall consist of —

Funds.

- (a)** such sums as may from time to time be placed at its disposal by Parliament; and

(b) any other monies and other property which may in any manner become payable or be vested in the Office in respect of any matter incidental to its functions.

(2) The expenses of the Office (including remuneration of the members of staff thereof) shall be paid out of the funds and resources of the Office.

Accounts and
audit.

12.—(1) The Office shall keep accounts and other records in relation to its business, and shall prepare annually a statement of accounts in a form that conforms with established accounting standards.

(2) The accounts of the Office shall be audited annually by an auditor appointed by the Board and approved by the Minister.

(3) The auditor's fees and expenses of the audit shall be paid by the Office.

(4) The Auditor-General may, at any time examine and report on the accounts of the Office.

(5) The Office shall, before a date specified by the Minister, not being later than thirty days before the date specified in subsection (6), submit to the Minister for his approval, proposed estimates of revenue and expenditure for the ensuing financial year.

(6) The latter date referred to in subsection (5) is the date specified in section 7(1) of the *Public Bodies Management and Accountability Act* for delivery to the Minister responsible for finance and the Minister of a draft corporate plan for the Office.

Report on
Office and
statement of
accounts.

13.—(1) The Office shall, within three months after the end of each financial year or within such longer period as the Minister may in special circumstances allow, cause to be made, and transmitted to the Minister a report dealing generally with the activities of the Office during that financial year together with the statement of accounts in respect of that year.

(2) Every report prepared under subsection (1) shall include for review by the Minister, a draft Disaster Management Policy Review relating to the mitigation of, preparedness for, response to and recovery from, emergency situations and disasters in Jamaica.

(3) The Minister shall after approving the draft Disaster Management Policy Review, with or without amendment, cause copies of the report together with copies of the statement of accounts in respect of that year and the auditor's report thereon to be laid on the table of the House of Representatives.

(4) The Director-General shall, after the report has been tabled, cause the approved Disaster Management Policy Review to be published in the *Gazette*, on the website of the Office and in such other manner as the Office may determine.

14. No customs duty or other similar impost, or tax under the General Consumption Tax Act, shall be payable upon any article which is imported into Jamaica, or taken out of bond in Jamaica, by the Office and shown to the satisfaction of the Commissioner of Customs to be required for the use of the Office in the performance of its functions under this Act.

Customs duty,
general
consumption
tax,
exemption.

15.—(1) The income of the Office shall be exempt from income tax.

Income tax
stamp duty,
transfer tax,
exemption.

(2) The Office shall be exempt from stamp duty on all instruments executed by it or on its behalf.

(3) There shall be exempt from taxation under the Transfer Tax Act any transfer by the Office of property belonging to it or of any right or interest created in, over or otherwise with respect to any such property.

**PART III. *National Disaster Risk Management
Council, National Disaster Response
Coordination Plan, Parish Disaster
Committees and Zonal Committees***

16.—(1) There shall be established for the purposes of this Act a National Disaster Risk Management Council.

Establishment
of National
Disaster Risk
Management
Council.

(2) The provisions of the Second Schedule shall have effect as to the constitution, functions and procedures of the Council and the tenure of office of members of the Council.

Second
Schedule.

**National
Disaster
Response
Coordination
Plan.**

17.—(1) The Director-General shall prepare or cause to be prepared at regular intervals not exceeding five years, a draft National Disaster Response Coordination Plan, comprising the statement of the arrangements for a coordinated national response to the threat, event and aftermath of a disaster in Jamaica, whether or not the threat, event or aftermath is such as to require the declaration of a disaster.

(2) The draft National Disaster Response Coordination Plan shall include procedures for—

- (a) disaster preparedness and disaster responsiveness of—**
 - (i) public bodies and public officers;**
 - (ii) non-government organizations, community-based organizations and persons or organizations who volunteer in disaster response efforts; and**
 - (iii) persons or organizations who are required by law to perform functions related to the preparedness for and response to disasters;**
- (b) coordinating the Plan and its implementation with the preparation and implementation of disaster response plans by persons and bodies referred to in paragraph (a);**
- (c) informing persons and bodies referred to in paragraph (a) and the public of the existence of an emergency situation or a disaster;**
- (d) preparing and maintaining inventories of services, systems and supplies in preparation for and in response to emergency situations and disasters;**
- (e) mobilizing services and systems for disasters, including—**
 - (i) the manning of Emergency Operations Centres;**
 - (ii) the protection of the families and property of persons required for the purpose of manning such centres or performing other duties for the protection of the public during a disaster or in its aftermath;**

- (f) the protection and restoration of communications, both nationally and internationally, during a disaster or the aftermath of a disaster;
- (g) the release, distribution and replenishment of emergency stores of supplies of food, water, clothing and medical supplies in anticipation of or during a threatened disaster or its aftermath;
- (h) safeguarding against the risks of fire, epidemics and pollution from a disaster or in the aftermath;
- (i) the provision of shelter for persons during a disaster or in the aftermath of a disaster;
- (j) cooperation with international organizations and foreign governments in anticipation of or during a disaster or in the aftermath of a disaster;
- (k) accepting and facilitating the distribution of volunteer services and relief supplies in anticipation of or during a disaster or the aftermath of a disaster;
- (l) the evacuation of the residents of any area where there is a threat of disaster and it is considered prudent so to do;
- (m) protecting life and property from the dangers of looting and riotous behaviour where there is threat of, or during or in the aftermath of a disaster;
- (n) assessing the range and extent of damage in the aftermath of a disaster; and
- (o) otherwise dealing with mitigation of, recovery from and rehabilitation following disasters.

(3) The draft Plan shall also include a comprehensive disaster management strategy for the implementation of the plan.

(4) The Director-General shall submit the draft Plan to the Council for its approval.

(5) The Council may review the draft Plan and make recommendations in relation thereto, which recommendations the Council shall submit to the Office.

(6) The Office shall consider the recommendations of the Council and make such modifications to the draft Plan as it considers appropriate and shall thereafter submit the draft Plan to the Minister for his approval.

(7) Upon approval of the Plan, the Minister shall cause it to be tabled in both Houses of Parliament.

(8) The provisions of this section apply to the making of an amendment to a Plan tabled under subsection (7) as they apply to the making of the Plan.

Preparation
of guidelines.

18. The Director-General shall prepare guidelines to inform Government agencies (including local authorities), and disaster committees, regarding any of the following-

- (a) the preparation of disaster risk management plans;
- (b) the matters to be included in a disaster risk management plan;
- (c) other matters relating to the operation of a disaster committee, that the Director-General considers appropriate having regard to disaster management for Jamaica.

Establishment
and duties of
Parish
Disaster
Committee.
Third
Schedule.

19.—(1) There shall be a Parish Disaster Committee for each parish which shall be constituted in accordance with the Third Schedule.

(2) The duties of each Parish Disaster Committee shall include-

- (a) developing a Parish Disaster Risk Management Plan, which shall be submitted to the Director-General for approval, and regularly reviewing and assessing that plan;
- (b) making disaster management and disaster operations in the parish consistent with the national strategic policy framework for disaster management;

- (c) providing reports and making recommendations to the Office about matters relating to disaster management and disaster operations in the parish;
- (d) regularly reviewing and assessing the disaster management plans and activities of local groups in the parish;
- (e) ensuring that any relevant decisions and policies made by the Parish Disaster Committee are connected to and incorporated in disaster management plans and activities of local groups in the parish;
- (f) ensuring that communities in the parish are made aware of ways of preventing disasters, mitigating the adverse effects of a disaster, and preparing for, responding to, and recovering from a disaster;
- (g) coordinating the provision of national resources and services provided to support local non-governmental organizations in the parish;
- (h) identifying resources that may be used for disaster operations in the parish; and
- (i) inspecting and reporting on an annual basis to the Director-General on shelters and the state of disaster preparedness within the parish.

(3) The chairman of each Parish Disaster Committee shall submit bi-annual reports to the Minister about matters relating to disaster management and disaster operations in the parish.

(4) In this section “national strategic policy framework for disaster management” refers to the Government-prepared statement of key objectives for disaster risk management, consisting of disaster risk reduction strategies and risk management approaches that seek to build resilience and reduce vulnerability, and guide the development and implementation of disaster risk management policy and programmes that align with Government priorities.

Duties of
local
authorities.

20.—(1) Each local authority for a parish shall be responsible for the functions of managing and giving effect to matters within its local jurisdiction relating to the prevention of, mitigation of, preparation for, response to and recovery from disasters.

(2) In furtherance of its functions under subsection(1), a local authority—

- (a)** shall appoint an officer, who shall be designated as Parish Disaster Coordinator, to carry out the day-to-day execution of the functions conferred on the local authority under this section; and
- (b)** may assign or designate to any of its officers or employees such functions as it considers necessary to effectively assist in its exercise of those functions.

(3) Without limiting the generality of the functions conferred on a local authority by subsection (1), those functions shall include—

- (a)** coordinating the preparation, by the Parish Disaster Committee in consultation with the Office, of a Parish Disaster Risk Management Plan that is consistent with the National Disaster Risk Management Plan;
- (b)** ensuring that the Parish Disaster Risk Management Plan is published as soon as practicable after being approved;
- (c)** ensuring that there are adequate emergency response plans in relation to the parish;
- (d)** monitoring disaster preparedness activities in the parish; and
- (e)** keeping the Director-General advised of the status of disaster preparedness, and of any adverse or potentially dangerous situation or conditions in the parish.

(4) Subject to subsection (1)(b), copies of the Parish Disaster Risk Management Plan shall be kept at local authority offices and at the National Headquarters and at police stations, schools, churches and the headquarters of other emergency, essential services, or voluntary organizations in the parish.

21. The Minister may establish Municipal Disaster Committees for each Municipality and may by order published in the *Gazette* specify the composition, terms and functions of such Committees which shall be consistent with the principal objects of the Office.

Disaster
Committees
for
municipality.

22. Where the Minister has established a Municipal Disaster Committee, it shall be the duty of that committee and the Parish Disaster Committee for the parish in which the Municipality of the Municipality Disaster Committee is established, to coordinate activities to avoid overlap in functions and other inefficiencies in their operations.

Duty of
Parish
Disaster
Committee
and
Municipality
Disaster
Committee
to coordinate
activities.

23.—(1) Each Parish Disaster Committee in consultation with the Director-General may establish for each parish such number of Zonal Disaster Committees as it considers fit to address zones of particular vulnerability within the parish.

Zonal
Disaster
Committee.

(2) The functions of a Zonal Disaster Committee shall include the duty to—

- (a) provide for public education within the applicable zones regarding disaster preparedness and emergency response;
- (b) liaise with the relevant Parish Disaster Committee on matters relating to disaster preparedness and emergency response;
- (c) nominate persons to be trained as shelter managers;
- (d) prepare a zonal disaster plan to be incorporated into the Parish Disaster Risk Management Plan.

PART IV. *National Emergency Operations Centre and Shelters*

24.—(1) The Director-General shall be responsible for the establishment and maintenance of a National Emergency Operations Centre which shall function as the headquarters of the activities to be undertaken by the Director-General, or by any person designated by the Director-General, in response to a disaster.

National
Emergency
Operations
Centre and
parish
emergency
operations
centres.

(2) The chairman of each Parish Disaster Committee or Municipal Disaster Committee, as the case may be, shall be responsible

for the establishment, maintenance and operation of an emergency operation centre in the parish or municipality.

(3) Each parish emergency operations centre referred to in subsection (2) shall function as the headquarters of the disaster response activities in the relevant parish or municipality.

List of
premises for
shelter.

25.—(1) The chairman of the Parish Disaster Committee, after consultation with Government agencies, local authorities and members of the private sector, shall establish and maintain a list of premises (in this Act called “listed premises”) available for use as shelters prior to or during a disaster or in the aftermath of a disaster and shall submit a copy of the list to the Director-General and promptly notify the Director General of any changes to the list.

(2) The list in subsection (1) shall-

- (a) distinguish between premises occupied by Government agencies or departments and other premises or places occupied by other entities;
- (b) state the facilities available at each listed premises;
- (c) indicate the suitability of each listed premises, for use prior to or during a disaster or aftermath of a disaster, as the case may be; and
- (d) indicate the periods for, and the conditions under which, the listed premises, would be suitable for use in the instances mentioned in paragraph (c).

(3) The chairman of the Parish Disaster Committee shall assign to each listed premises, a shelter manager who shall be responsible for managing the listed premises during any period where the listed premises are being used for the purposes of this Act, and may assign shelter officers to assist any shelter manager and the list referred to in subsection (1) shall state in relation to each listed premises, the manager and officers assigned under this subsection.

(4) If the chairman of the Parish Disaster Committee neglects to carry out his functions under this section the Director-General shall take such steps as necessary to ensure the carrying out of those functions.

PART V. *Declaration of Disaster Areas***26.—(1) Where the Office reports to the Minister—**

- (a) the existence of any local condition in any part of Jamaica tending to endanger public safety; or
- (b) that any part of Jamaica appears to be threatened with or affected by a natural or anthropogenic hazard and that measures apart from or in addition to those specifically provided for in this Act, should be taken promptly,

Prime
Minister may
declare a
disaster area
or a
threatened
area.

the Minister shall give written notice thereof to the Prime Minister.

(2) The Prime Minister may by order published in a daily newspaper published and circulating in Jamaica or by other broadcast medium—

- (a) declare the whole or any part of Jamaica to be a disaster area or a threatened area and the Order shall be published in the *Gazette*;
- (b) direct the enforcement of any measures recommended by the Office or any other measures that the Prime Minister thinks expedient for-
 - (i) removing or otherwise guarding against such condition or hazard and the probable consequences thereof; or
 - (ii) mitigating, as far as possible, any such condition or hazard;
- (c) require the whole or any part of a declared area to be evacuated.

(3) An order under subsection (2) shall remain in force until the end of the period specified therein.

(4) A copy of every order under this section shall forthwith be conspicuously posted at every police station and post office in the area covered by the order and such other parts of Jamaica as the Director-General considers appropriate.

(5) Any authorized officer or employee of the Office or any other person so authorized in writing by the Director-General-

- (a) may require compliance with the provisions of any order made or measures instituted under this section;
- (b) may at all times enter any premises for the purpose of ensuring compliance with the provisions of any order made or measures instituted under this section; and
- (c) shall, if so required by the person in charge of the premises, produce to that person the authority for such entry.

(6) Where an order is made under subsection (2) and the Director-General is satisfied that it is necessary for the performance of his duties under this Act to do so, he may by himself or some other person duly authorized by him in that behalf, after presentation of identification, enter any premises with or without the consent of the owner or occupier and take such action as he may consider necessary in the public interest.

(7) The powers under this subsection for entry onto any premises may be exercised with or without the consent of the owner of the premises.

(8) An order under subsection (2) shall not be made unless the Prime Minister is satisfied —

- (a) that a disaster has occurred, is occurring or is imminent; and
- (b) that extraordinary measures are required to prevent or minimize—
 - (i) loss of life, prejudice to the safety, or harm to the health, of persons;
 - (ii) destruction of, or damage to, property; or
 - (iii) destruction of, or damage to, any part of the environment.

(9) An order under subsection (1) shall take effect from the time it is made, or such later time as is specified in the order.

27.—(1) Where an order has been made under section 26, an authorized officer may, if he believes it is necessary in the interest of public safety or public health, and subject to such directions as the Director-General may give, do any of the following in relation to the declared area—

Functions of
authorized
officer in
disaster or
threatened
disaster.

- (a) control the movement of persons, animals or vehicles within, into, out of or around the declared area;
- (b) give directions to regulate the movement of any person, animal or vehicle within, into, out of or around the declared area;
- (c) direct the evacuation of the area;
- (d) make arrangements for or otherwise facilitate the evacuation of persons or animals from the declared area or a part of the area where there is an imminent threat to the life or safety of persons or animals;
- (e) enter any place in the declared area;
- (f) take into a place in the declared area the equipment, personnel or materials reasonably required by the officer for exercising a power under this subsection;
- (g) direct persons to leave any particular premises and to move out of the declared area;
- (h) require an animal or substance to be contained within the declared area;
- (i) remove or destroy any vegetation, substance or other thing within the declared area where such removal or destruction is necessary in the public interest;
- (j) seal, close off, remove, dismantle, demolish or destroy a vehicle, or a building or other structure, in the declared area where such vehicle, building or structure is likely to cause harm to persons or damage to property or likely to cause loss of life or property;

- (k) use, open, close off or block a facility for drainage;
- (l) turn off, disconnect or shut down any motor or equipment;
- (m) open any container, receptacle or other thing, or power up, shut down or dismantle any equipment;
- (n) build earthworks or temporary structures, or erect barriers;
- (o) close or, as the case may require, open to traffic any road designated as a toll road, under the Toll Roads Act;
- (p) in the event of an evacuation, open or operate any toll road or private access to facilitate the evacuation of persons from the area;
- (q) maintain, restore, or prevent destruction of essential services; and
- (r) require a person to give the relevant parish disaster coordinator or a designated shelter officer reasonable help to exercise the authorized officer's powers under this subsection;

(2) An authorized officer may enter a place in the declared area without a warrant or the consent of the occupier of the place.

(3) An authorized officer may exercise a power under this section with such help and using such force, as is reasonable in the circumstances.

(4) A direction or requirement may be required to be complied with in such time as may be specified by the authorized officer.

(5) An authorized officer, when giving a direction or imposing a requirement mentioned in subsection (1)(b), (g), (o) or (r), shall also give a warning that it is an offence under section 52 to fail to comply with the direction or requirement unless the person has a reasonable excuse.

**PART VI. *Obligations of Public Officers and
other Persons***

28. Every Permanent Secretary, head of a Government Department or agency or of any other public body shall—

**Role of public
officers and
other
persons.**

- (a) ensure that, at all times, there is an officer of the organization, designated as the liaison officer for communication with the Director-General in relation to the organization's procedures for disaster management matters generally;
- (b) supply to the Director-General annually or otherwise, in such form and by such date as may be required by the Minister, such information as may be requested by the Director-General for the purposes of preparing the Office's annual strategic report;
- (c) submit annually to the Director-General such information related to disaster preparedness as the Director-General may require in writing; and
- (d) as required by the Minister, cause to be prepared and submitted to the Director-General a disaster management plan for his organization, which shall be reviewed from time to time.

29.—(1) The Director-General shall liaise with such non-governmental organizations and private entities as he thinks fit, in relation to the disaster management procedures of those organizations.

**Liaison and
communication
links with
non-
governmental
organizations.**

(2) For the purposes of subsection (1), the Director-General may enter into such arrangements with any organization or entity, as he deems necessary, requiring the organization or entity to provide such information as may be requested by the Director-General.

(3) The Director-General may, by notice in writing, require any non-governmental organization, private entity or the owner of any property where such an organization or entity is located, to submit to the Director-General a disaster management plan for the organization or entity.

PART VII. *Specially Vulnerable Areas*

**Specially
vulnerable
area.**

30.—(1) Subject to the provisions of this section, the Minister may—

- (a) on the recommendation of the Director-General; and
- (b) having regard to the report submitted pursuant to subsection (4),

by order published in the *Gazette* and in at least one issue of a daily newspaper published and circulating in Jamaica, designate any area that is specially vulnerable to a hazard as a specially vulnerable area.

(2) Before making an order under subsection (1), the Minister shall cause a draft of the proposed order to be prepared and published in the *Gazette* and in at least one newspaper published and circulating in Jamaica.

(3) The draft order shall delimit any area that the Director-General recommends for designation as a specially vulnerable area, and shall after publication under subsection (2) be presented by the Director-General for discussion and comment at a public consultation to which he shall invite such Government institutions, local authorities, non-governmental organizations and private entities as the Director-General considers to be relevant.

(4) The Director-General shall within eight weeks after concluding the public consultation, submit a report thereon to the Minister.

**Preparation
of special
area
precautionary
plan.**

31.—(1) Subject to section 32, the Director-General may, with the approval of the Minister, prepare a special area precautionary plan for the mitigation and prevention of disasters in a designated specially vulnerable area.

(2) Subject to subsection (3), every special area precautionary plan may—

- (a) include strategies, policies and standards for development and for maintenance of structures in the designated specially vulnerable area; and
- (b) communicate the strategies, policies, standards or areas designated by means of maps and diagrams, as necessary.

(3) A special area precautionary plan shall not authorize any development that is not permitted under the *Town and Country Planning Act* or any other related enactment.

(4) Every entity that is subject to the *Natural Resources Conservation Authority Act* and every local authority shall be guided by a special area precautionary plan in making any decision or granting any approval for development in areas covered by the special area precautionary plan.

32.—(1) Before approving a special area precautionary plan, the Minister shall publish a notice and in at least one daily newspaper published and circulating in Jamaica and in such other medium as he may determine—

Draft special area precautionary plan.

- (a) containing a draft of the proposed special area precautionary plan prepared by the Director-General; and
- (b) inviting the public to submit comments on the draft plan to the Director-General in writing.

(2) The Minister shall allow a period of not less than four weeks and not more than eight weeks for the receipt by the Director-General of comments under subsection (1).

(3) The Director-General shall, from the date of the first publication under subsection (1), on written application by any person, permit access to any technical studies used in the preparation of the draft special area precautionary plan.

(4) The Director-General shall, after the expiration of the time allowed under subsection (2) for the submission of comments, submit to the Minister a report on the comments received.

Submission of comments to Minister.

(5) The Minister may after considering the report, approve the draft special area precautionary plan.

(6) The Minister shall cause the approved special area precautionary plan to be published in the *Gazette* and the plan so published shall form part of the Government's official policy on disaster management.

(7) Notwithstanding the provisions of any enactment, no development shall take place in a specially vulnerable area without prior consultation with the Office.

PART VIII. *National Alert System*

National Alert System. 33.—(1) There shall be established, for the purposes of this Act, a National Alert System for Jamaica.

(2) The National Alert System shall be operated under the supervision of the Director-General and shall consist of any one or more of the following—

- (a) a National Emergency Broadcast System;
- (b) a National Siren System;
- (c) any other system approved by the Director General.

(3) The National Alert system shall include the National Alert Tone or any other component approved by the Director General and published throughout Jamaica.

(4) In this section “National Alert Tone” means the distinct audible sound whether comprising one or more musical notes approved by the Director General to be broadcast preceding and following the broadcast of a national emergency announcement.

**National
Emergency
Broadcast
System.**

34.—(1) The National Emergency Broadcast System shall enable the Government to broadcast emergency announcements directly from the National Emergency Operations Centre to the public on such frequency or in such manner as is specified in a memorandum of understanding between the Government and a person who is duly licensed to engage in public broadcasting or radio re-diffusion or telecommunications.

(2) The Director-General shall keep an original signed text of all announcements broadcast on the National Emergency Broadcast System and shall, upon application in writing, provide any person with a certified copy of any such original text.

(3) The original text or certified copy shall in all legal proceedings be admissible as evidence of the broadcast.

35.—(1) The National Alert Tone shall be used by a broadcaster, announcer or such other person when requested by the Office. Duties of
broadcasters.

(2) Each news item and public service announcement submitted by the Office shall be read in its entirety as issued from the National Emergency Operations Centre.

(3) Every broadcaster shall ensure that scheduled or designated times are made available for dissemination of current information related to disasters.

(4) A broadcaster shall take such steps, as may be necessary, to broadcast, immediately upon its receipt by the broadcaster, every news release dispatched by the Office and designated as “URGENT” or “EMERGENCY”.

(5) Every broadcaster who fails to comply with this section shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate, to a fine not exceeding two hundred thousand dollars.

PART IX. National Disaster Fund

36. In this Part unless the context otherwise requires “Minister” means the Minister responsible for finance. Interpretation
of Part.

37.—(1) There is hereby established a fund to be known as the National Disaster Fund which shall comprise- National
Disaster Fund
and Fund
Committee.

- (a) such monies as may be appropriated annually by Parliament for that purpose;
- (b) an amount equivalent to one per cent or such other prescribed percentage of the sum paid annually to each local authority as building fees;
- (c) such donations and grants as may be made by persons and organizations approved by the Minister, and

(d) such other monies as the Council may raise through activities organized by or on behalf of the Council.

(2) In subsection (1)(b) “prescribed percentage” means such percentage as the Minister, after consultation with the Minister responsible for local government may by order prescribe.

Fourth
Schedule.

(3) Each local authority shall cause each amount specified in subsection (1)(b) to be transferred for payment into the Fund on such date or dates as the Minister responsible for local government may by order prescribe.

(4) There shall be established for the purposes of this Act a committee (hereinafter referred to as the “Fund Committee”) which shall be responsible, subject to the provisions of this Act, for the policy and general administration of the Fund.

(5) The provisions of the Fourth Schedule shall have effect as to the constitution of the Fund Committee and otherwise in relation thereto.

Use of Fund.

38. The assets of the Fund shall be applied towards the mitigation of disasters, the adoption and promotion of preventive and preparedness measures and the recovery or relief efforts, in relation to the occurrence of a disaster in Jamaica.

Administration
of fund.

39. In the administration of the Fund, the Fund Committee acting in consultation with the Office, shall be responsible for-

- (a) determining the criteria to be applied in funding projects and programmes in relation to the mitigation of, prevention of, preparedness for, response to and recovery from emergencies and disasters;
- (b) determining in consultation with the Minister responsible for social security, the criteria to be applied in providing financial assistance to persons for their relief and recovery from a disaster;
- (c) the keeping of proper books of account and other records;
and

- (d) the preparation and submission of reports to the Minister relating to the administration of the Fund.

40. No money shall be withdrawn from the Fund unless authorized by the Financial Secretary, after consultation with the Fund Committee. Withdrawals from Fund.

41.—(1) All monies credited to the Fund shall be kept in an account at such bank as the Financial Secretary may approve. Fund bank Account.

(2) The Fund Committee may, with the approval of the Minister, invest monies credited to the Fund in securities issued by the Bank of Jamaica or the Government of Jamaica and any interest or benefit received from such investment shall form part of the Fund.

42.—(1) The accounts of the Fund shall be audited and reported upon annually by the auditor appointed by the Minister, and for that purpose, the auditor or any person authorized by the auditor in that behalf, shall have access to all books, records, returns and other documents relating to such accounts. Accounts and audit of Fund.

(2) The chairman of the Fund Committee shall within three months after the end of each financial year, cause a report on the administration of the Fund to be prepared and forwarded to the Director-General.

(3) The Director-General, as part of the annual report of the Office required under section 13, include the report and the statement of accounts referred to in subsection (2).

PART X. Miscellaneous

43.—(1) Where a Resident Magistrate is satisfied, on evidence on oath given by an authorized officer, that the condition of any premises is likely to pose a danger of serious injury to persons in the event of a disaster, the Resident Magistrate may issue or, as the case may be, renew an order permitting the authorized officer to enter and inspect those premises. Order to enter and inspect.

(2) An order under this section—

- (a) shall expire at the end of thirty days after the date on which it is made, unless it is renewed before expiry for further periods, not exceeding thirty days each;

- (b) shall be executed during the daylight hours unless the order authorizes otherwise;
- (c) may be issued or renewed on application notwithstanding that no notice of the application is given to any person who may be affected thereby.

Entry and
inspection
of, report on
dangerous
premises.

44. —(1) Every authorized officer shall—

- (a) prepare a written report on any inspection carried out under section 43 and submit the report to the Director General, within seven days after the inspection;
- (b) supply a copy thereof to the occupier or such person appearing to be in control of the premises, within fourteen days after the inspection.

(2) Where the authorized officer is satisfied that the condition of any premises so inspected by him is likely to pose a danger in the event of a disaster and that such condition constitutes a contravention of any other law he shall—

- (a) within 14 days after the date of the inspection, submit a copy of the report to the Ministry, Department or other agency responsible for the administration of that other law; and
- (b) within seven days thereafter, notify the occupier or such person appearing to be in control thereof.

(3) Subsection (4) shall apply in any case where the authorized officer is unable to identify or find an occupier for the purposes of reporting under subsection (1) or notification under subsection (2).

(4) The notice and report may be given by advertisement in the *Gazette* and in at least a daily newspaper published and circulating island-wide in Jamaica.

(5) A report under this section shall be admissible as *prima facie* evidence in any legal proceedings, whether or not the Crown is a party to such proceedings.

(6) Nothing in this Act affects any right under any other law to take steps to ameliorate the condition of premises considered to pose danger under subsection (2).

45.—(1) The Director-General shall provide for—

Identification
of officers.

- (a) himself, and members of staff of the Office;
- (b) members of volunteer organizations; and
- (c) each person falling within paragraphs (b), (d) and (e) of the definition of “authorized officer” in section 2,

a distinctive form of identification to be carried by each recipient while engaged in the performance of his duties under this Act.

(2) An authorized officer who exercises a power under section 43 shall, at the time of the inspection—

- (a) produce his identification to any person appearing to be in control of the premises to be inspected; and
- (b) explain the purpose of the inspection to that person.

46.—(1) An authorized officer may, in the event that a disaster is likely—

Authorized
officer's role
in event of
threatened
disaster.

- (a) enter any premises at any reasonable time to ensure that there are no objects in the premises left in such a state as to be capable of endangering persons or property in the event of a disaster;
- (b) order the proper securing or removal of any such objects found in those premises;
- (c) order the removal to a safe location of any vehicle, boat or other vessel, or machinery which, in the opinion of the authorized officer is in a derelict state or found in any premises or in a public place and is capable of endangering persons or property in the event of a disaster;
- (d) order the cutting and trimming of trees and branches, which, in the opinion of the authorized officer, are capable of

endangering persons or property in the event of a disaster;
and

- (e) carry out such other measures as are necessary for the safety of life or property.

Director-General may institute proceedings.

47. A prosecution for an offence under this Act, or regulations made hereunder may be instituted by the Director-General or a member of any Police Force.

Director-General's and authorized officer's immunity.

48. The Director-General or an authorized officer shall not be liable for any act done by him in good faith in the execution of any function under this Act.

Regulations for emergency shelter.

49.—(1) Subject to subsection (2), the Minister may make regulations for the use and occupation of listed premises and the conduct of persons temporarily residing therein during any period when the premises are being used as emergency shelters for the purpose of this Act.

(2) Where the listed premises are private property, regulations made in relation to those premises shall be made after consultation with the owners or occupiers of the premises.

(3) Notwithstanding the generality of subsection (1), regulations made under subsection (1) may in particular confer on shelter managers and shelter officers authority in accordance with such conditions as may be specified in the regulations, t-

- (a) refuse admission of persons, to any listed premises or other place specified therein to prevent overcrowding;
- (b) refuse the entry into listed premises of-
 - (i) pets or other animals;
 - (ii) weapons or hazardous materials;
- (c) limit by weight or bulk the luggage or other property to be brought into listed premises by persons taking shelter;
- (d) disclaim responsibility for the safety of such property, including responsibility for negligent damage to such property as a

condition of permitting persons using listed premises to bring luggage or other property into such premises;

- (e) refuse the entry into listed premises of any person reasonably suspected of being in possession of any item which is prohibited under this Act or any other enactment unless that person submits to a search of his luggage or other property;
- (f) allocate the use of the space and the facilities of listed premises among different users thereof and to collect such charges to cover the cost of services as may be prescribed;
- (g) regulate or prohibit the use of musical instruments, computers, handheld electronic games and other equipment which may disturb other users of listed premises;
- (h) prohibit the consumption of alcoholic drinks and the use of tobacco;
- (i) require persons using listed premises to—
 - (i) observe safeguards in the interests of the health of other persons; and
 - (ii) take precautions against the outbreak or spread of fire, including participating in fire drills requiring temporary evacuation and assembly;
- (j) set minimum standards of conduct in listed premises in the interests of decency and public morality;
- (k) prescribe minimum standards of cleanliness to be observed in emergency shelters;
- (l) require persons taking shelter to clean areas within listed premises which they occupy;
- (m) prohibit the commission of breaches of the peace or sexual or other harassment in or near listed premises;
- (n) suspend or expel any person from, listed premises and to use reasonable force for this purpose;

- (o) ~~accommodate~~ any person at listed premises, notwithstanding any objection thereto from the owner of the premises; and
- (p) prohibit any person from defacing, damaging, dismantling any fixture on the compound or depositing anything on the compound of any listed premises without permission.

(4) The shelter manager may request the assistance of any other person in exercising his power under subsection (3)(n).

Publication
during
disaster.

50. Notwithstanding the provisions of section 31 of the *Interpretation Act*, during any period of disaster, regulations made under this Act may be published by-

- (a) broadcast on the National Emergency Broadcast System in accordance with section 34; or
- (b) notice affixed in a conspicuous place outside of every court building, police station, post office and shelter in the declared area and such other buildings or structures and in such parts of Jamaica as the Director-General considers appropriate.

Post disaster
review.

51.—(1) The Office shall carry out a post-disaster review within six months after a disaster has been declared by the Director General to be at an end.

(2) The Office shall have free access to all information relevant to a post disaster review held by any Government Ministry, department or agency and may request from other agencies and persons, any information it deems necessary to review an emergency situation and the response to it.

(3) The office shall prepare a report on the review under subsection (1) and submit it to the Council.

Offences and
penalty.

52. Every person who—

- (a) assaults or obstructs the Director-General ~~authorized officer acting in the exercise of his functions under this Act;~~
- (b) without reasonable excuse, fails to comply with a direction given or requirement imposed by an authorized officer under section 27(1)(b), (g), (h), (p) or (s); or

- (c) fails to furnish any information required pursuant to the provisions of this Act or of an order under this Act, or in purported compliance with such a requirement, knowingly furnishes false information,

commits an offence and shall be liable on summary conviction before a Resident Magistrate, to a fine not exceeding one million dollars or to imprisonment for a term not exceeding twelve months.

53. The Minister may, after consultation with the Board, authorize the payment of a gratuity for the benefit of any person other than an authorized officer, who has suffered injury during any time he was assisting the Office or an authorized officer in the exercise of his functions, consequent on the outbreak of a disaster, and where the person has died as a result of the injury, the gratuity may be paid to his dependants or his legal personal representative.

Payment of gratuity.

54.—(1) The Minister may make regulations generally for giving effect to the provisions of this Act, and without prejudice to the generality of the foregoing, may make regulations in relation to-

Regulations.

- (a) the prevention, mitigation and suppression of hazards;
- (b) the collection and publication of data pertaining to disaster mitigation and preparedness and emergency management;
- (c) fees payable for recovering the cost of or incurred in the provision of services under this Act;
- (d) prescribing the composition and rules for community disaster committees; and
- (e) any other matter or anything which may be, or is required by this Act to be, prescribed.

(2) The Minister may by order, subject to affirmative resolution, amend the provisions of the Schedules.

55. The Minister may, by order, subject to affirmative resolution—

Minister may amend monetary penalties, Schedules.

- (a) amend or vary any monetary penalties prescribed in this Act;
- (b) amend any of the Schedules to this Act.

Act binds the
Crown.

56. This Act binds the Crown.

Review of
Act by
Parliamentary
Committee.

57.—(1) This Act shall be reviewed from time to time by a committee of both Houses of Parliament appointed for the purpose.

(2) The first such review shall be conducted not later than three years after the appointed day.

Amendment
of other
Acts.

58.—(1) The Kingston & St. Andrew Building Act is amended by inserting next after section 45 the following as section 45A-

“ Payment
into
National
Disaster
Fund.

45A. An amount equivalent to the prescribed amount of the fees payable to the Corporation under section 44 or 45 shall be paid into and accrue to the National Disaster Fund established under the Disaster Risk Management Act.”.

(2) The Parish Councils Building Act is amended by inserting in section 2 next after subsection (2) the following as subsection (2A)-

“(2A) An amount equivalent to the prescribed amount of the fees payable to a Parish Council under by-laws made under subsection (2) shall be paid into and accrue to the National Disaster Fund established under the Disaster Risk Management Act.”.

(3) The Municipalities Act is amended by inserting next after section 9 the following as section 9A-

“ Payment
into
National
Disaster
Fund.

9A. An amount equivalent to the prescribed amount of the building fees payable to a Municipality under this Act shall be paid into and accrue to the National Disaster Fund established under the Disaster Risk Management Act.”.

Vesting of
property.

59. All real and personal property belonging to the Office of Disaster Preparedness and Emergency Management, including all moneys standing to the credit of or receivable by the Office pursuant to the Disaster Preparedness and Emergency Management Act shall, from and after the appointed day, without any conveyance, assignment or other transfer, belong to and be vested in the Office established under this Act, subject to the provisions of this Act and to any enactment

regulating the management, maintenance, control, supervision and dealing with, such property or moneys.

60. In any enactment or in any instrument in writing issued pursuant to a statutory power and having effect on or after the appointed day, any reference to the Office of Disaster Preparedness and Emergency Management shall be construed as a reference to the Office established under this Act.

Construction
of references.

61. The Disaster Preparedness and Emergency Management Act is repealed.

Repeal of
Disaster
Preparedness
and
Emergency
Management
Act.

FIRST SCHEDULE

(Section 3(2), (3))

*Constitution of Board of Management of the Office
of Disaster Preparedness and Emergency Management*

Constitution of Office.	1. The Board of Management shall comprise the Director-General as <i>ex-officio</i> members (hereinafter called "appointed members") not being less than seven nor more than fourteen, including a representative of the local authorities, a representative of each of the Jamaica Constabulary Force, the Jamaica Defence Force and the Jamaica Fire Brigade, as the Minister may from time to time appoint by instrument in writing.
Term of	2. An appointed member shall, subject to the provisions of this Schedule, hold office for a period not exceeding three years and each such member shall be eligible for reappointment.
Acting appointments.	3. The Minister may appoint any person to act temporarily in the place of the chairman or any appointed member, in the case of absence or inability to act of the chairman or such member.
Chairman.	4.—(1) The Minister shall appoint one of the appointed members of the Board to be the chairman. (2) In the case of the absence of the chairman or his inability to act at any meeting, the remaining members of the Board shall elect one of their number to act as chairman at that meeting.
Resignation.	5. An appointed member may at any time resign his office by instrument in writing addressed to the Chairman, who shall forthwith cause it to be forwarded to the Minister, and upon the date of the receipt by the Minister of such instrument the member shall cease to hold office.
Revocation.	6. The Minister may at any time for just cause, revoke the appointment of any appointed member if he thinks it expedient so to do.
Gazetting of appointments.	7. The names of all members of the Board as first constituted and every change in membership thereof shall be published in the <i>Gazette</i> .
Leave of absence.	8.—(1) The Minister may, on the application of any appointed member, grant leave of absence to such member.

(2) The appointment of an appointed member shall be regarded as terminated, if without the grant of leave of absence, that member is absent from at least three consecutive meetings of the Board.

Remuneration
of appointed
members.

9. There shall be paid to each appointed member such remuneration and allowances for attendance at Board meetings as the Minister may determine.

Seal and
execution of
documents.

10.—(1) The seal of the Office shall be kept in the custody of the Director-General or of any officer of the Office authorized by the Board in that behalf, and shall be affixed to instruments pursuant to a resolution of the Board in the presence of the Director-General or any other member duly authorized to act in that behalf and the Secretary.

(2) The seal of the Office shall be authenticated by the signature of the Secretary.

(3) All documents otherwise required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the Director-General or any other member of the Board or officer duly authorized to act in that behalf.

Procedure
and
meetings.

11.—(1) The Board shall meet at least once in every month and subject thereto, as often as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Board may determine.

(2) The chairman may at any time call a special meeting of the Board and shall cause a special meeting to be held within seven days of his receipt of a written request for such purpose addressed to him by any two members of the Board.

(3) The chairman shall preside at meetings of the Board, and if the chairman is absent from a meeting, the members present shall elect one of their numbers to preside at the meeting.

(4) The quorum of the Board shall be five.

(5) The decisions of the Board shall be by a majority of votes and in addition to an original vote the chairman or other member presiding at the meetings shall have a casting vote in any case in which the voting is equal.

	(6) Subject to the provisions of this Schedule the Board may regulate its own proceedings.
Disclosure of interest.	<p>12. A member of the Board who is directly or indirectly interested in any matter which is being dealt with by the Board—</p> <p>(a) shall disclose the nature of his interest at a meeting of the Board; and</p> <p>(b) shall not take part in any deliberation or decision of the Board, with respect to that matter.</p>
Appointment of committees.	<p>13.—(1) The Board may appoint such committees as it thinks fit consisting wholly or partly of members of the Board, and may dele-gate to such committees such of the Board's functions as it thinks fit.</p> <p>(2) A delegation under sub-paragraph (1) shall not prevent the exercise by the Board of any function so delegated.</p>
Office of member other than Director-General not public office.	14. The office of member of the Board, other than the Director-General, shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.
Preservation of action done or proceeding taken.	<p>15. No action done or proceeding taken under this Act shall be questioned on the ground-</p> <p>(a) of the existence of any vacancy in the membership or any defect in the constitution of, the Board; or</p> <p>(b) of any omission, defect or irregularity not affecting the merits of the case.</p>
Protection of Board members.	<p>16.—(1) No action, suit or other proceeding shall be brought or instituted personally against any member of the Board in respect of any act done <i>bona fide</i> in the course of carrying out the provisions of this Act.</p> <p>(2) Where any member of the Board is exempt from liability by reason only of the provisions of this paragraph, the Office shall be liable to the extent that it would be if that member were an employee or agent of the Office.</p>

SECOND SCHEDULE

(Section 16(2))

*Constitution of the National Disaster
Risk Management Council*

Constitution
of Council.

1. (1) The Council shall consist of—
 - (a) the Prime Minister as Chairman;
 - (b) the Minister responsible for disaster preparedness as Deputy Chairman;
 - (c) the leader of the opposition
 - (d) all other Ministers of Government;
 - (e) the Permanent Secretary in the Office of the Prime Minister;
 - (f) the Financial Secretary;
 - (g) the Permanent Secretary in each other Ministry;
 - (h) the Chief of Staff of the Jamaica Defence Force;
 - (i) the Commissioner of Police;
 - (j) the Commissioner of Corrections;
 - (k) the Commissioner of the Jamaica Fire Brigade;
 - (l) the President of the National Water Commission;
 - (m) the Managing Director of the Water Resources Authority;
 - (n) the Chairman of the Office of Disaster Preparedness and Emergency Management;
 - (o) the Director-General of the Office;
 - (p) the Director-General of the Planning Institute of Jamaica;
 - (q) the Chief Executive Officer of National Environment and Planning Agency;
 - (r) the Chief Executive Officer of the Jamaica Public Service Company Limited;
 - (s) the Executive Director of the National Solid Waste Management Authority;
 - (t) the Director of Emergency Management in the Ministry responsible for Health;
-

- (u) the Chief Executive Officer of the National Works Agency;
- (v) the Chief Technical Director in the Ministry responsible for housing;
- (w) the Executive Director of the Jamaica Information Service;
- (x) the Chairman of the Council of Voluntary Social Services;
- (y) the chairman of the Jamaica Council for Persons with Disabilities;
- (z) the President of the Jamaica Red Cross Society;
- (aa) the Territorial Commander of the Salvation Army;
- (ab) the Chairman of the Jamaica Council of Churches;
- (ac) the Chairman of the Private Sector Organization of Jamaica;
- (ad) the General Secretaries of the majority and opposition parties in Parliament;
- (ae) the head of the Adventist Development and Relief Agency;
- (af) the Director of the Meteorological Office;
- (ag) the President of the Association of Local Government Authorities;
- (ah) the Chief Executive Officer of each telecommunication service provider;
- (ai) the Director of the Earthquake Unit, University of the West Indies;
- (aj) the Chief Technical Director in the Ministry responsible for local government; and
- (ak) such other persons as the Chairman may appoint.

(2) A member of the Council specified in sub-paragraph (1)(e) to (aj) may designate an alternate to represent that member at any meeting of the Council.

Quorum.

2. The Chairman or Deputy Chairman, and any ten other members of the Council shall constitute a quorum.

Secretary.

3. The Director-General shall be the Secretary of the Council.

Establishment of committees.	<p>4. The Council may—</p> <p>(a) establish committees and charge them with particular responsibilities, whether defined by geographical area or otherwise, in relation to the mitigation of, preparedness for, response to and recovery from, emergency situations and disasters in Jamaica; and</p> <p>(b) determine the powers to be exercised by such committees and times at which they shall be convened to deal with a threatened hazard or disaster.</p>
Power to regulate own proceedings.	5. Subject to the provisions of this Act the Council and any committee established under paragraph 4(a) may regulate its own proceedings.
Invitees.	6. The Chairman may invite to any meeting of the Council such other persons as the chairman deems fit.
Functions of Council.	<p>7. In addition to its functions under section 17 of this Act, the functions of the Council shall be to—</p> <p>(a) review and advise on national strategy for disaster management;</p> <p>(b) review the state of disaster management in Jamaica and report its findings at least annually, by May of each year, to the Cabinet;</p> <p>(c) facilitate effective national coordination of, preparedness for, response to and recovery from any disaster or emergency situation and collaboration of stakeholders in relation thereto.</p>
Tenure of Office.	<p>8. Every member of the Council, other than an <i>ex officio</i> member, shall, subject to the provisions of this Act, hold office—</p> <p>(a) for a period not exceeding three years from the date of appointment or for such lesser period as the chairman may specify at the time of appointment and may be removed from office at any time by the chairman before the expiry of their tenure; and</p>

- (b) on such, other than those provided in subparagraph (a), terms and conditions as the chairman may determine,

and be eligible for re-appointment.

Resignation.

9.—(1) Any member of the Council, other than an *ex officio* member may at any time resign his office by instrument in writing addressed to the Chairman of the Council, and such resignation shall take effect as from the date of receipt of such resignation by the Chairman.

(2) Where a member of the Council resigns under subparagraph (1) or is for any reason, within the terms and conditions of his appointment, removed from office under paragraph 8(a), the Chairman of the Council may appoint such other person as he thinks fit to replace such member.

**Construction
of references
to "Minister"
and
"Council".**

10. Paragraphs 8 and 9 apply to the members of a committee established under paragraph 4 as if the reference-

- (a) in paragraph 8 to "Council" and "Minister" were a reference to "committee" and "Council", respectively; and
- (b) in paragraph 9 to "Council" and "Chairman of the Council" were a reference to "committee" and "Council", respectively.

THIRD SCHEDULE

(Section 19(1))

Constitution of Parish Disaster Committee

1.—(1) Each parish disaster committee shall comprise the following persons in respect of the parish—

- (a) the Mayor, as Chairman of the Committee;
- (b) the Secretary/Manager in the case of a Parish Council or Town Clerk in the case of the Council of the Kingston and St. Andrew Corporation, as secretary to the committee;
- (c) the Custos;
- (d) each Member of the House of Representatives having representation in the parish;
- (e) the Parish Councillors as designated by the Parish Council;
- (f) the senior police officer, or his nominee;
- (g) the senior fire brigade officer, or his nominee;
- (h) the Medical Officer of Health;
- (i) the Parish Manager, National Works Agency;
- (j) the Superintendent of Roads and Works or his nominee;
- (k) the parish manager for each public utility service;
- (l) a representative of HAM/CB Radio clubs;
- (m) a representative of the Jamaica Information Service;
- (n) a representative of the Social Development Commission assigned for the particular parish;
- (o) the Parish Manager in the Ministry responsible for labour and social security; and
- (p) any other person nominated by the committee, being a person whose qualifications and experience the committee considers to be relevant to disaster management.

(2) Subject to the provisions of this Act, the parish disaster committee may regulate its own proceedings.

(3) The chairman may upon the recommendation of the committee invite representatives of—

- (i) service clubs and voluntary organizations;
- (ii) the Chambers of Commerce, and other persons or organizations to attend any meeting of the committee.

FOURTH SCHEDULE

(Section 37(3))

The Constitution of the Fund Committee

Constitution of Committee.	<p>1. The Fund Committee shall consist of such number of members not being less than seven nor more than ten as the Cabinet on the advice of the Minister may appoint by instrument in writing, being-</p> <ul style="list-style-type: none"> (a) the Permanent Secretary in the Ministry responsible for disaster management; (b) the Finance Director of the Office; (c) two members appointed from a panel of six chartered accountants nominated by the Institute of Chartered Accountants of Jamaica; (d) two persons from the public sector appearing to the Minister to have suitable experience in the management of similar funds, one being an officer of the Ministry responsible for finance; (e) not more than five other persons appearing to the Minister to have such knowledge, skills or experience relevant to the proper administration and management of this Fund.
Chairman.	2. The Minister shall appoint two of the members appointed pursuant to paragraph 1 (b) or (d) to be chairman and deputy chairman, respectively.
Deputy chairman.	3. In the case of the absence or inability of the chairman to act, the deputy chairman shall exercise the functions of the chairman.
Tenure.	4. A member of the Fund Committee shall, subject to the provisions of this Schedule, be appointed for a period not exceeding three years from the date of his appointment on such terms as the Minister may determine and each such member shall be eligible for re-appointment.
Temporary appointment.	5. Subject to paragraphs 1, 2 and 3 the Minister may, in the case of the absence or the inability to act of any member, appoint any person to act temporarily in the place of that member.

Resignation of chairman.	<p>6.—(1) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt of such resignation by the Minister.</p> <p>(2) Any member, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Fund Committee.</p>
Vacancy.	7. In the event of a vacancy occurring in the membership of the Fund Committee such vacancy shall be filled by the appointment of another person as member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.
Revocation of appointment.	8. The Minister may at any time revoke the appointment of any member of the Fund Committee if he thinks it expedient so to do.
Gazetting of appoint- ments.	9. The names of all the members of the Fund Committee as first constituted and every change in the membership thereof shall be published in the <i>Gazette</i> .
Leave of absence.	<p>10.—(1) The Minister may, on the application of any member of the Committee, grant leave of absence to such member.</p> <p>(2) The appointment of a member referred to in this Schedule shall be regarded as terminated if, without the grant of leave of absence, that member is absent from three consecutive meetings of the Fund Committee.</p>
Meetings.	<p>11.—(1) The Fund Committee shall meet as often as may be necessary or expedient for the transaction of its business (but meetings shall be held at least once in every two months) and such meetings shall be held at such times and places and on such days as the Committee may determine.</p> <p>(2) The chairman shall at any time call a special meeting to be held within seven days of a written request for the purpose addressed to him by any two members of the Fund Committee.</p>

(3) The chairman shall preside at meetings of the Fund Committee and in his absence the deputy chairman and if the chairman and the deputy chairman are absent from a meeting, the members present shall elect one of their number to preside at that meeting.

(4) The quorum of the Fund Committee shall be five.

(5) The decisions of the Fund Committee shall be by a majority of votes and, in addition to an original vote, the chairman or other member presiding at the meeting shall have a casting vote in any case which the voting is equal.

(6) Minutes of each meeting of the Fund Committee shall be kept in proper form.

(7) Subject to the provisions of this Schedule the Committee may regulate its own proceedings.

Disclosure
of interest.

12. A member of the Fund Committee who is directly or indirectly interested in any matter that is being dealt with by the Fund Committee—

- (a) shall disclose the nature of his interest at a meeting of the Committee; and
- (b) shall not take part in any deliberation or decision of the Committee with respect to that matter.

Preservation
of action or
proceeding
taken.

13. No act done or proceeding taken under this Act shall be questioned on the ground—

- (a) of the existence of any vacancy in the chairmanship of, or any defect in the constitution of the Fund Committee; or
- (b) of any omission, defect or irregularity not affecting the merits of the case.

Protection
of members.

14. No action, suit or other proceedings of the Fund Committee shall be brought or instituted personally against any member of the Committee in respect of any act done *bona fide* in the course of carrying out the provisions of this Act.

Office of
member not
public office.

15. The office of a member of the Fund Committee shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

Passed in the House of Representatives this 7th day of October, 2014 with four (4) amendments.

MICHAEL A. PEART
Speaker.

Passed in the Senate this 7th day of November, 2014 with eight (8) amendments.

FLOYD E. MORRIS
President.

MEMORANDUM OF OBJECTS AND REASONS

Over the last several years the face of disaster management has changed from one of preparedness and response to mitigation and risk reduction.

In addition, the intensity and frequency of natural disasters, particularly hurricanes have become a major concern for Jamaica and for the Caribbean as a region.

The problems suffered by residents in Rocky Point and Portland Cottage, Clarendon as a result of the effects of Hurricane Ivan in 2004 have highlighted the need for institutional and legal changes to Jamaica's disaster management framework. Also, local disaster managers are finding it increasingly difficult to execute their mandate without strong legislative support for their functions.

The vulnerability of Jamaica's population, due primarily to poor socio-economic conditions and poor building practices, has proved to be a major challenge for both local authorities and response agencies and has further exacerbated the problem of not being able to implement an effective mitigation strategy.

Further, the experience with the Disaster Preparedness and Emergency Management Act of 1993 has demonstrated the urgent need for enhancement of the legislative framework.

This Bill, therefore, seeks to strengthen the administrative structure relating to oversight of national strategy for disaster management now residing in the National Disaster Committee by among other things establishing in its stead a National Disaster Risk Management Council, thereby streamlining Disaster Management in Jamaica.

The Bill provides, *inter alia* for-

- (a) legal recognition of existing organizational structures such as the National Disaster Risk Management Council, the Parish Disaster Committees and the Zonal Committees, with their roles and functions clearly established;
- (b) the establishment of a National Disaster Fund;
- (c) the right to legally evacuate persons identified to be at risk as a prevention measure;
- (d) the identification and description of high risk areas as "specially vulnerable areas" and the necessary action to be taken in respect of such areas;
- (e) authorized officers with primary responsibility for responding to disasters to specifically include members of the Police forces,

the Jamaica Defence Force, the Jamaica Fire Brigade and public health officers.

Additionally, the Bill empowers the Minister to require all Government Ministries, departments and other public bodies to establish liaison officers to work with the Director-General in the disaster management and emergency response planning.

NOEL ARSCOTT,
Minister of Local Government and
Community Development.

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A BILL

ENTITLED

AN ACT to Repeal the Disaster Preparedness and
Emergency Management Act and to make
new provisions for the management and
mitigation of disaster, the reduction of risks
associated with disaster; and for connected
matters.

As passed in the Honourable House of Representatives.

As passed in the Honourable Senate.

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