

## **DISASTER MANAGEMENT BILL, 2023**

### **EXPLANATORY NOTES**

This Bill comprises sixty-six clauses and three Schedules. The clauses of this Bill are organised into nine Parts, namely Part I to Part IX.

**Part I** of this Bill comprises clauses 1 to 4 which constitute the Preliminary Provisions. Clause 1 provides for the short title and commencement of the legislation. Clause 2 provides for the definition of certain terms used in the legislation. Clause 3 provides for the purpose of the Act for which this is the Bill.

**Part II** of this Bill comprises clauses 5 to 13 and makes provision for the establishment of the National Emergency Advisory Council. Establishment of the National Emergency Advisory Council would provide a mechanism for the key stakeholders in disaster risk management to consult with each other and to coordinate their actions on matters relating to Comprehensive Disaster Management.

**Part III** of this Bill contains clauses 14 to 35 and addresses the establishment, functions and other matters relating to the management and administration of the National Disaster Management Agency.

Clause 20 provides for directions to be given to the Director in relation to the policy to be followed in the exercise of functions and duties imposed on the Director. Clause 21 provides for the preparation of the National Comprehensive Disaster Management Plan and other plans which shall comprise a statement of the contingency arrangements for responding to the threat of a hazard or during or after a hazard impact in Grenada. Clause 22 empowers the Director to establish communications links by means of which the Director is required to develop and maintain a coordinator of the public and private entities which are involved in disaster management.

Clause 25 provides for the functions and operations of a National Emergency Operations Centre and, where necessary, supplementary emergency operations centres. The National Emergency Operations Centre ensures the centralised coordination and control of emergency or disaster response and operations and thereby reduces confusion and duplication of efforts amongst lead agencies in disaster management.

Clauses 26 and 27 provide for shelters. Clause 28 deals with volunteers. Persons who wish to volunteer for purposes of assisting in emergency or disaster situations are required to submit their names to the Director for registration. Clauses 29 and 30 provide for the functions and conduct of hazard inspectors

including inspection of premises for purposes of registering the premises on the list of shelters.

Clauses 31 and 32 provide for evacuation. Clause 33 makes provision for employees who assist in emergency situations. The employees are given a statutory right to payment by their employers for the period for which they have worked during the emergency situation, but that period must not exceed two weeks.

**Part IV** of this Bill contains clauses 36 to 39 and provides for the establishment, functions and powers of District Disaster Management Committees. The functions of the District Disaster Management Committees include (i) making recommendations with respect to preparation of the National Comprehensive Disaster Management Plan and (ii) providing technical guidance with respect to formulation of policy guidelines related to coordination of disaster management.

**Part V** of this Bill comprises clauses 40 to 43 and deals with specially vulnerable areas and the safeguard mechanisms to be followed regarding the designation of such areas. Clause 40 empowers the Cabinet to designate, an area as specially vulnerable to a disaster. Clause 41 authorises the Director to prepare, for approval of the Cabinet, special area precautionary plans for the mitigation and prevention of disasters in specially vulnerable areas. Clause 42 directs the Cabinet to cause the draft of a special area precautionary plan to be published in the *Gazette* for purposes of inviting the public to submit comments on the draft plan before approving the special area precautionary plan. Clause 43 sets out further procedures which must be followed before a special area precautionary plan can be transmitted to the Cabinet for approval.

**Part VI** of this Bill contains clause 44, which provides for the various financial instruments in place to strategically and cost-effectively finance disaster management and response, in accordance with the Disaster Risk Financing Strategy.

**Part VII** of this Bill which contains clauses 45 to 52 addresses the obligations of persons involved in disaster management. Clause 45 mandates every head of government or statutory entity to ensure that there is a liaison officer for purposes of communicating with the Director in relation to procedures of the entity related to disaster management. Clause 46 directs every head of government or statutory entity and critical facility agency to prepare a disaster management plan and to review and update the plan annually. Clause 47 provides for the preparation of policy, strategy and monitoring, reporting and evaluation framework by the head of every government or statutory entity and every District Disaster Management Committee for purposes of guiding implementation of the disaster management plan. Clause 48 mandates the

conduct of annual training and exercises related to disaster management for all staff members of every head of government or statutory entity and every critical facility agency. Clause 52 directs certain persons who intend to exercise any power related to disaster preparedness and response under this law to first consult the Director before exercising the power.

**Part VIII** of this Bill contains clauses 53 to 56 and provides for the National Multi-Hazard Alert System and declaration of disasters. The National Multi-Hazard Alert System for Grenada shall be operated under the supervision of the Director. Clause 56 empowers the Director, a member of the Police Service (Force) or a person acting under the authority of the Director to limit public access to any area when a declaration of a disaster or hazard alert is issued in respect of the area.

**Part IX** of this Bill comprises clauses 57 to 66 and deals with miscellaneous matters. Clause 65 provides for protection of persons who in good faith exercise powers, duties or obligations under this Act. Clause 59 provides for compensation to any person authorised under this law who has suffered personal injury, loss or damage to property in the course of performing functions under the law. Clause 60 criminalises certain antisocial conduct. Clause 64 is the Regulations-making provision of this Bill.

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**Sen. the Hon. Claudette Joseph**  
**ATTORNEY-GENERAL**

# **DISASTER MANAGEMENT BILL, 2023**

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**DISASTER MANAGEMENT BILL, 2023**

**GRENADA**

**ACT NO. OF 2023**

**AN ACT** to provide for Comprehensive Disaster Management and for related matters.

**BE IT ENACTED** by the King’s Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Grenada, and by the authority of the same as follows—

**PART I  
PRELIMINARY PROVISIONS**

**Short title and commencement**

1. This Act may be cited as the

**DISASTER MANAGEMENT ACT, 2023,**

and shall come into force on a date fixed by the Minister by Notice published in the *Gazette*.

**Interpretation**

2. (1) In this Act—

“**Agency**”, “**National Disaster Management Agency**” or “**NaDMA**” means the National Disaster Management Agency established under section 14;

“**climate change**” means a change in climate that—

- (a) can be identified by changes in the mean or variability of the properties of the climate; and
- (b) persists for an extended period, typically decades or longer, whether due to natural variability or as a result of human activity;

“**Comprehensive Disaster Management**” means the management of all hazards through all phases of the disaster management cycle by prevention and mitigation, preparedness, response, recovery and

rehabilitation by public and private sectors, civil society and the general population;

**“Comprehensive Disaster Management Plan”** means the National Comprehensive Disaster Risk Management Plan prepared in accordance with section 21;

**“critical facilities”** means—

- (a) the primary physical structures, technical facilities and systems which are socially, economically or operationally essential to the functioning of a society or community, both in routine circumstances and in extreme circumstances of an emergency; or
- (b) those systems and assets, whether physical or virtual, which are so vital to Grenada that their incapacity or destruction would have a debilitating impact on national security, national economic security, or national public health and safety;

**“critical facility agency”** means an entity, whether private or public, comprising critical facilities and designated as such under section 57;

**“declaration of a disaster”** means a declaration of a disaster under section 55;

**“Director”** means the Director of Disaster Management appointed under section 18;

**“disaster”** means a serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses which exceed the ability of the affected community or society to cope using its own resources;

**“disaster-affected person”** means any person who is affected by a disaster;

**“disaster relief agency”** means an agency charged with responsibility for disaster relief management;

**“disaster management”** means the systematic process of using administrative decisions, organisation, operational skills and capacities to implement policies, strategies and coping capacities of the society and

communities to lessen the impacts of natural hazards and related environmental and technological disasters;

**“disaster risk reduction”** means the conceptual framework of elements considered with the possibilities to minimise vulnerabilities and disaster risks throughout a society, to avoid, prevent, limit, mitigate or prepare for the adverse impacts of hazards, within the broad context of sustainable development;

**“District Disaster Management Committee”** means a District Disaster Management Committee established under section 36;

**“early warning system”** means the set of capacities needed to generate and disseminate timely and meaningful warning information to enable individuals, communities and organisations threatened by a hazard to prepare and to act appropriately and in sufficient time to reduce the possibility of harm or loss;

**“emergency”** means—

- (a) any unforeseen or sudden occurrence, especially danger, demanding immediate action; or
- (b) any instance for which, in the determination of the Director, assistance is needed—
  - (i) to supplement the efforts and capabilities to save lives and to protect property and public health and safety; or
  - (ii) to lessen or avert the threat of a catastrophe in any part of Grenada;

**“financial year”** shall be construed in accordance with the Public Finance Management Act, 2015;

**“gender analysis”** means the examination of the differences in expectations and roles, needs and constraints, opportunities and rights that affect men, women, girls and boys;

**“gender inclusive”**, in relation to disaster management, means the equal participation of women and men in disaster management processes, decision-making and programmes;

**“gender-responsive”**, in relation to actions and activities, means an understanding of gender roles and inequalities, with a view to closing gender gaps, and ensuring equal participation and equal and fair distribution of benefits;

**“Government”** means the Government of Grenada;

**“hazard”** means a dangerous phenomenon, substance, human activity or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihoods and services, social and economic disruption or environmental damage;

**“hazard inspector”** includes a police officer and a hazard inspector appointed under section 18;

**“land-use planning”** means the branch of physical and socio-economic planning that determines the means and assesses the values or limitations of various options in which land is to be utilised, with the corresponding effects on different segments of the population or interests of a community taken into account in resulting decisions;

**“listed premises”** means premises listed on the shelters list;

**“marine shelter”** means a place established and maintained under section 27 to give ships protection from an emergency or disaster;

**“Minister”** means the Minister responsible for Disaster Management;

**“mitigation”**, in relation to a disaster, means—

- (a) measures taken to reduce the loss of life, livelihood and property by disasters, either by reducing vulnerability or by modifying the hazard, where possible; or
- (b) the lessening or limitation of the adverse impacts of hazards and related disasters;

**“National Emergency Advisory Council”** or **“Council”** means the National Emergency Advisory Council established under section 5;

**“National Emergency Broadcast System”** means the National Emergency Broadcast System under section 54;

**“National Emergency Operations Centre”** means a National Emergency Operations Centre established under section 25;

**“National Multi-Hazard Alert System”** means the National Multi-Hazard Alert System established under section 53;

**“preparedness”**, in relation to a disaster, means—

- (a) the knowledge and capacity developed by governments, professional response and recovery organisations, communities and individuals to effectively anticipate, respond to, and recover from the impacts of likely, imminent or current hazard events or conditions; or
- (b) measures to be taken to reduce, to the minimum level possible, the loss of human lives and other damage through the organisation of prompt and efficient actions of response and rehabilitation;

**“recipient disaster-affected person”** means any person who is affected by a disaster and is in receipt of relief goods and services;

**“recovery”** means decisions and actions taken after a disaster with a view to restoring or improving the pre-disaster living conditions of the stricken community, while encouraging and facilitating necessary adjustments to reduce disaster risk;

**“Regulations”** means Regulations made under section 65;

**“relief goods”** includes food, clothing, medicine and equipment for relief and recovery and any other disaster management and recovery-related supplies;

**“resilience”** means the ability of a system, community or society exposed to hazards to resist, absorb, accommodate and recover from the effects of a hazard in a timely and efficient manner;

**“risk assessment”** means a methodology to determine the nature and extent of risk by analysing potential hazards and evaluating existing conditions of vulnerability that together could potentially harm exposed people, property, services, livelihood and the environment on which they depend;

**“shelter”** includes marine shelter;

“**shelters list**” means the list of premises established by the Director under section 26;

“**specially-vulnerable area**” means an area designated as such under section 41;

“**State**” includes a non-politically independent territory of the Caribbean;

“**violence against women and girls**” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering of women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life;

“**vulnerability**” means the conditions determined by physical, social, economic, and environmental factors or processes, which increase the susceptibility of a community to the impact of hazards.

- (2) For the purpose of this Act, a hazard alert exists when—
- (a) the National Emergency Broadcast System broadcasts or otherwise publishes a formal warning under section 54; or
  - (b) the Prime Minister makes a declaration of disaster under section 55.

### **Purposes of Act**

3. The primary purposes of this Act are—
- (a) to develop, promote and implement a disaster risk reduction and management approach to disaster risk management that—
    - (i) is holistic, comprehensive, integrated and proactive in lessening the socio-economic, environmental, and fiscal impact of disasters including climate change; and
    - (ii) focuses on risks, reducing the risk of loss of life, economic disruption and damage to the environment and property, especially to the sections of the population that are most vulnerable by reason of poverty and a general lack of resources; and

- (b) to promote the involvement and participation of all sectors and stakeholders concerned in the public, private and civil society organisations, at all levels, and especially the local community.

### **National Comprehensive Disaster Management Policy**

4. (1) The Director shall prepare a National Comprehensive Disaster Management Policy that is coherent, transparent, inclusive and appropriate for Grenada and that—

- (a) reflects a proportionate emphasis on hazards of different kinds, severity and magnitude that occur or may occur in Grenada; and
- (b) places emphasis on measures that reduce the vulnerability of disaster-prone areas, communities and households.

(2) The National Comprehensive Disaster Management Policy shall—

- (a) inform the development and implementation of disaster management envisaged by this Act, including matters relating to disaster risk management;
- (b) establish prevention and mitigation as the core principles of disaster management and disaster risk management;
- (c) facilitate the joint establishment of standards of practice;
- (d) determine the relationship between the sphere of Government exercising primary responsibility for the coordination and management of a disaster and the spheres of Government performing supportive roles;
- (e) allocate specific responsibilities in regard to the different spheres of government referred to under paragraph (d);
- (f) inform the development and implementation of disaster management and disaster risk management within Ministries on a cross-functional and multi-disciplinary bases, and allocate responsibilities in this regard to different Ministries;
- (g) facilitate the involvement of the private sector, non-governmental organisations, faith-based organisations and

volunteers in disaster management and disaster risk management;

- (h) facilitate community participation in disaster management and disaster risk management;
- (i) facilitate partnership between Ministries, the private sector, non-governmental organisations, faith-based organisations and communities;
- (j) facilitate disaster-management and disaster-risk-management capacity building, training and education, including in schools, and provide incentives for such capacity building, training and education;
- (k) establish a national agenda for research and technology development or implementation in disaster management and disaster risk management;
- (l) outline a comprehensive information management system;
- (m) take into account indigenous knowledge relating to disaster management and disaster risk management;
- (n) take into account measures for disaster financing and disaster risk financing;
- (o) subject to Part III, provide a framework within which Ministries may fund disaster management with specific emphasis on preventing or reducing the risk of disasters, including grants to contribute to post-disaster recovery and payment to victims of disasters and their dependents;
- (p) inform the requirements for cooperation and co-ordination among the different Ministries, the private sector, non-governmental organisations, faith-based organisations and local authorities;
- (q) outline measures to ensure that the cycle of disaster management and disaster risk management actions and activities are gender-responsive;
- (r) promote actions and facilitate coordination with other Ministries, governmental agencies, non-government organisations, faith-based organisations, and community

volunteers to prevent and respond to violence against women and girls during disasters; and

- (s) provides key performance indicators in respect of the various aspects of disaster management and disaster risk management.

(3) The National Comprehensive Disaster Management Policy shall be submitted to the Minister for review.

(4) Upon review of the National Disaster Management Policy, the Minister shall submit it to the Cabinet for approval.

(5) Upon approval by Cabinet under subsection (4), the National Disaster Management Policy shall be laid in Parliament.

(6) The National Disaster Management Policy shall be subject to a comprehensive review, revision and approval once in every five years.

## **PART II NATIONAL EMERGENCY ADVISORY COUNCIL**

### **Establishment and composition of the Council**

5. (1) There is hereby established a National Emergency Advisory Council in accordance with subsection (2).

(2) The Council shall comprise—

- (a) the Minister responsible for Disaster Management, who shall be the Chairperson;
- (b) the Permanent Secretary with responsibility for Disaster Management or another Permanent Secretary or public officer nominated by the Minister, who shall be the alternate chairperson in the absence of the Chairperson;
- (c) the Director, who shall be the secretary to the Council;
- (d) a senior representative of each Ministry, who shall be designated by the Minister with responsibility of the Ministry;

- (e) senior representatives of the Royal Grenada Police Force as appointed by the Commissioner of Police and representing the following—
  - (i) Office of the Commissioner of Police;
  - (ii) the Special Services Unit;
  - (iii) the Fire Department;
- (f) such other persons as may be designated by the Minister responsible for Disaster Management and disaster risk management to represent—
  - (i) Private Sector, labour or agriculture;
  - (ii) faith-based organisations;
  - (iii) medical, paramedical and hospital organisations;
  - (iv) organisations representing disaster management and disaster risk management professions in Grenada;
  - (v) other relevant non-governmental and relief agencies;
  - (vi) statutory bodies as the Minister thinks fit;
  - (vii) such other persons or organisations as the Minister thinks fit who are required by law to perform functions related to disaster management and disaster risk management in Grenada or who can provide scientific and technological advice or support to disaster management and disaster risk management;
- (g) experts on disaster management and disaster risk management designated by the Minister responsible for Disaster Management; and
- (h) persons co-opted by the Council for a specific period or specific discussion.

**Functions of the Council**

6. (1) The Council is the body in which Ministries and Departments of Government, statutory bodies, District Disaster Management Committees, communities, private sector entities, non-governmental organisations, relief agencies, and faith-based organisations consult with each other and coordinate their actions on matters relating to disaster management and disaster risk management, including actions involving the financial response to disaster management.

(2) In addition to performing its functions under subsection (1), the Council—

- (a) shall make recommendations to the Director with respect to the preparation of the National Comprehensive Disaster Management Policy;
- (b) shall provide technical guidance and assistance to the District Disaster Management Committees with respect to the formulation of policy guidelines in relation to the coordination of disaster management and disaster risk management;
- (c) shall consider such other matters as may be requested by—
  - (i) the chairperson of the Council;
  - (ii) any two members of the Council;
  - (iii) the District Disaster Management Committees;
  - (iv) the Director; and
- (d) may advise any Ministry, Department, statutory body, District Disaster Management Committee, community, private sector, non-governmental organisation or faith-based organisation on any matter relating to disaster management and disaster risk management.

#### **Establishment of committees**

7. (1) The Council shall establish committees charged with particular responsibilities, whether defined by geographical area or otherwise, in relation to the preparedness for, mitigation of, response to and recovery from emergencies and disasters in Grenada.

(2) A committee established under subsection (1) shall—

- (a) consist of members of the Council as may be necessary for the proper carrying out of the responsibilities of the committee; and
- (b) meet—
  - (i) at least once every three consecutive months in a year;
  - (ii) whenever a hazard alert or a declaration of a state of emergency is issued; or
  - (iii) in the event or aftermath of an emergency or disaster.

(3) The Council may co-opt to any committee established under subsection (1) such specialised personnel as the Council thinks fit.

#### **Attendance fees and travel or other allowances**

8. The members of the Council or any committee established under section 7 shall receive such attendance fees and travel or other allowances as may be published in the *Gazette* by the Minister.

#### **Convening of meetings of the Council**

9. (1) The Chairperson shall convene at least three meetings of the Council in each year.

(2) Without prejudice to the generality of subsection (1), the Chairperson shall convene a meeting of the Council—

- (a) within the months of January to April in each year;
- (b) within seventy-two hours of the coming into existence of a threat of a hazard impact or a hazard;
- (c) as soon as the Chairperson considers practical in the event of a disaster or emergency which has not been preceded by a threat of a disaster; or
- (d) at any other time for any of the purposes in this Act.

#### **Quorum**

10. A meeting of the Council is duly constituted for all purposes if there is a quorum of—

- (a) the Chairperson, or the alternate chairperson where the Chairperson is absent; and
- (b) one-third of other members of the Council.

**Admission of members of the public to meetings**

11. Any meeting of the Council is open to such members of the public as the Chairperson thinks reasonable to be accommodated at the venue of the meeting, as non-participating observers, unless the Council decides by resolution to conduct in camera its subsequent proceedings at that meeting.

**Minutes**

12. The Council shall, at every meeting, after considering the draft minutes of its last previous meeting submitted by the Director, consider and settle the official minutes of that previous meeting before adopting any other resolution.

**Voting**

13. (1) Any matter or question put to a vote at a meeting of the Council shall be determined by the majority of the members who are present and voting.

(2) In the holding of any vote, where there is an equality of votes, the Chairperson or the alternate chairperson, shall have a casting vote.

(3) Where the results of a vote are in dispute, the Chairperson or any two members of the Council may, before a motion for the adjournment of the meeting at which the voting took place is carried, require that the vote shall be repeated by roll call, and the results of the voting by roll call shall supersede the results of the disputed vote.

(4) Any member of the Council who—

- (a) has not voted in favour of a decision of the Council; and
- (b) has, in advance of the decision, indicated disagreement with the proposed decision, may request the disagreement recorded in the minutes of the meeting.

**PART III  
NATIONAL DISASTER MANAGEMENT AGENCY**

### **National Disaster Management Agency**

14. (1) There is hereby established an Agency to be called the National Disaster Management Agency, also referred to as “NaDMA”.

(2) The Agency is a body corporate to which section 49 of the Interpretation and General Provisions Act, Chapter 153 applies.

(3) The Agency shall be administered by a Board.

(4) The Schedule has effect with respect to the constitution and proceedings of the Board and otherwise in relation thereto.

### **Seal**

15. (1) The Agency shall have an official seal.

(2) Subject to subsection (3), the affixing of the official seal of the Agency shall be in the presence, and witnessed by the signature, of the Chairperson.

(3) All documents, other than those required by law to be under seal, which are executed by, and all decisions of, the Board shall be signed by the Chairperson or any other member duly authorised in writing by the Chairperson to act on behalf of the Chairperson.

### **Objects of the Agency**

16. The principal objects of the Agency shall be to advance a comprehensive disaster management system by facilitating and coordinating the development and implementation of integrated disaster management systems in Grenada.

### **Functions and powers of the Agency**

17. (1) The Agency has the following functions—

- (a) to act as the national coordinating and monitoring body for disaster management and disaster risk management;
- (b) to promote a uniform approach to disaster management and disaster risk management among Ministries and Departments of Government, District Disaster Management Committees, statutory bodies, communities, private sector entities, non-governmental organisations and faith-based organisations, including the adoption of common standards and best practices;
- (c) to coordinate the implementation of the National Comprehensive Disaster Management Policy;

- (d) to develop guidelines to inform the preparation of Comprehensive Disaster Management plans and related strategies by Ministries and Departments of Government, District Disaster Management Committees, statutory bodies, private sector entities, communities, non-governmental organisations and faith-based organisations;
- (e) to provide, on request, technical assistance to Ministries and Departments of Government, District Disaster Management Committees, statutory bodies, private sector entities, non-governmental organisations and faith-based organisations in preparing Comprehensive Disaster Management plans and strategies in accordance with guidelines developed under paragraph (d);
- (f) to review and approve the disaster management plan of each Ministry, Department, District Disaster Management Committee and statutory body;
- (g) to monitor the implementation of the National Comprehensive Disaster Management Plan and the disaster management plan of each Ministry and Department of Government, District Disaster Management Committee, community, private sector entity, non-governmental organisation, faith-based organisation and statutory body;
- (h) to develop and monitor guidelines to be followed by Ministries and Departments of Government, District Disaster Management Committees, community, private sector entities, non-governmental organisations, faith-based organisations and statutory bodies for the purpose of integrating risk reduction and mitigation in development projects and other initiatives;
- (i) to monitor, coordinate and give directions regarding risk-reduction and preparedness measures to be taken by Ministries and Departments of Government, District Disaster Management Committees, private sector entities, non-governmental organisations and faith-based organisations;
- (j) to collaborate with relevant agencies, non-governmental organisations and faith-based organisations and such other bodies or persons as the Agency thinks necessary in–

- (i) identifying, analysing and mapping hazards and conducting related research into their effects and developing responses to the hazards;
  - (ii) conducting vulnerability and risk assessments and investigations as may be required to determine vulnerable areas for each hazard;
  - (iii) ensuring that disaster risk reduction and climate change measures are gender-responsive and gender-inclusive; or
  - (iv) ensuring that actions are taken to prevent and respond to violence against women and girls during disasters;
- (k) to encourage and support the development of community-based sustainable development programmes and interventions aimed at reducing the risk and impact of hazards and disasters and harness community resources for disaster preparedness, response and recovery;
  - (l) to encourage and support the establishment of critical resilience infrastructures;
  - (m) to plan and coordinate specialised training programmes for persons involved in disaster management and disaster risk management, including volunteers;
  - (n) to provide advice and assistance to the private sector concerning business continuity to the extent that resources permit;
  - (o) to evaluate the preparedness at all Ministries and Departments of Governments, District Disaster Management Committees, communities, statutory bodies including an evaluation of related facilities, equipment and personnel for the purpose of responding to any disaster or threat of disaster and give directions, where necessary, for enhancing preparedness;
  - (p) to coordinate response in the event of a threat of a hazard or an emergency;

- (q) in accordance with the Regulations, to organise, coordinate, formulate and execute disaster exercises;
- (r) to advise, assist and coordinate the activities of Ministries and Departments of Government, District Disaster Management Committees, statutory bodies, private sector entities, non-governmental organisations and faith-based organisations;
- (s) to coordinate the conduct of assessments following the impact of a hazard;
- (t) to encourage the mainstreaming of disaster risk reduction and climate change in development processes, including policy formulation, socio-economic development planning, budgeting, and governance, particularly in the areas of environment, agriculture, water, energy, health, education, poverty reduction, land-use planning, and public infrastructure and housing;
- (u) to promote general education and awareness in relation to disaster management and disaster risk management and to use appropriate mechanisms to stimulate public interest in disaster management and disaster risk management and to secure public cooperation and participation in achieving planned objectives;
- (v) to act as a repository and conduit for information on hazards and other disaster-related matters and to collaborate with relevant agencies, non-governmental organisations and faith-based organisations and such other bodies and persons as it thinks necessary in the collection, processing and analysis of such information;
- (w) to develop and maintain a database on disaster-related information, including climate change and other new and emerging threats, and to ensure access to the database by stakeholders;
- (x) to develop, monitor and review a National Risk Reduction Strategy;
- (y) to provide advice to relevant agencies and other entities in the planning of mass crowd events; and

- (z) to perform such other duties and functions as may be assigned from time to time by the Minister or the Council to give effect to this Act.

(2) For the purposes of subsection (1) (s), the Agency shall institutionalise gender analysis as part of any assessment following the impact of a hazard.

(3) The Agency, consistent with the performance of its functions under this Act, shall consult and co-operate with Ministries and Departments of Government, District Disaster Management Committees, communities, statutory bodies, private sector entities, non-governmental organisations and faith-based organisations having functions related to, or having aims or objects related to those of the Agency.

(4) The Agency shall have all powers appropriate for the purpose of carrying out its functions, to do all such acts as appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of its functions or to be incidental to their proper discharge, and may carry on any activity in that behalf either alone or in association with any other person or body.

#### **Director and staff of Agency**

18. (1) The affairs of the Agency shall be managed by a Director appointed by the Board.

(2) The Board may appoint—

- (a) a Deputy Director; and
- (b) hazard inspectors and such other suitably and qualified staff as is necessary for the effective carrying out of the functions of the Agency.

#### **Powers and duties of the Director**

19. (1) The Director has the following powers and duties—

- (a) to provide advice to the Minister on matters relating to disaster management;
- (b) to review and assess the various programmes and activities of the Government, that have an impact on disaster management and disaster risk management in Grenada;

- (c) to make recommendation to the Minister on the effect, the activities and programmes that disaster management and disaster risk management are likely to have on the society;
- (d) to develop and recommend to the Committee national policies to foster and promote disaster management and disaster risk management;
- (e) in collaboration with Departments of Government or other agencies, including climate change—
  - (i) to participate in programmes to conduct investigations, studies, surveys, research and analysis relating to ecological systems and environmental quality and document;
  - (ii) to record changes in the natural environment as they relate to the likelihood of the occurrence of disasters in Grenada;
  - (iii) to participate in programmes to analyse and interpret the information gathered under subparagraphs (i) and (ii) for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of disaster management and disaster risk management; and
  - (iv) to participate in programmes to prepare and review disaster risk assessments;
- (f) to ensure programmes of public information and education on disaster management and disaster risk management are carried out;
- (g) to liaise with persons and organisations inside and outside of Grenada 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 and disaster risk management in Grenada;
- (h) to consult with the Council in reviewing the National Comprehensive Disaster Management Plan;

- (i) to provide technical advice to facilitate the developing of Regulations relating to disaster management and disaster risk management in Grenada;
- (j) to require when necessary any Ministry or Department of Government or statutory body to make available to the Agency such publicly owned vehicles, plant, equipment or personnel as are available for the purposes of response, rescue and relief;
- (k) to establish and maintain disaster risk management activities, including mechanisms for the exchange of information to inform policy formulation, plan and decision-making within other sectors;
- (l) to compile and to submit reports on damage assessments within Grenada to the Minister; and
- (m) to perform such other related functions as may be provided for under this Act or as may be determined by the Minister.

(2) In the exercise of his or her functions under subsection (1), the Director shall, at all times, seek to improve coordination and collaboration between community disaster organisations and other research or data partners, including climate change entities for undertaking disaster management and disaster risk management.

(3) For the purposes of subsection (1) (e), the Director shall use standardised holistic and gender-sensitive community methodologies for natural and anthropogenic hazard identification and mapping, vulnerability and risk assessments, and recovery procedures developed and applied in selected communities.

#### **Directions by the Minister to Director**

20. The Minister may give to the Director directions of a special or general character in relation to the policy to be followed in the exercise of the powers conferred and the duties imposed on the Director under this Act.

#### **National Comprehensive Disaster Management Strategy and Plan**

21. (1) Subject to subsection (7) (a), the Director in consultation with the Council shall prepare a National Comprehensive Disaster Management Strategy, which shall contain—

- (a) measures for the prevention of disasters and mitigation of hazard vulnerability and risk;
  - (b) measures to be taken for the integration of risk reduction and mitigation in development plans and projects, nationally and sectorally; and
  - (c) measures to be taken for disaster preparedness and capacity building to effectively respond to the threat of a disaster or an emergency.
- (2) The Director shall cause a National Comprehensive Disaster Management Plan to be prepared and submitted to Cabinet for approval.
- (3) The National Comprehensive Disaster Management Plan shall include—
- (a) the roles and responsibilities of persons involved in disaster operations, disaster management and disaster risk management under this Act;
  - (b) procedures related to disaster management and disaster risk management of Ministries, Departments of Government, statutory bodies and other organisations;
  - (c) procedures for coordinating the implementation of the National Comprehensive Disaster Management Plan and implementation of disaster response plans;
  - (d) procedures for informing persons referred to in paragraph (a) and the public in Grenada and elsewhere of the existence of a hazard alert, a hazard, a state of emergency or the existence of an emergency or hazard;
  - (e) procedures for preparing and maintaining inventories of services and systems for disaster management and disaster risk management;
  - (f) procedures for mobilising services and systems for disaster management and disaster risk management during a hazard alert or a hazard including procedures for staffing emergency operations centres;
  - (g) subject to the Regulations, procedures—

- (i) for providing shelter for persons during a hazard alert or a hazard; or
  - (ii) to apply in the event that the evacuation of the residents of an area is considered to be necessary if there is a disaster;
- (h) procedures for protecting and restoring communications, both nationally and internationally, during a hazard alert or a hazard;
- (i) procedures for procuring, releasing, distributing and replenishing contingency stores of supplies of food, water, clothing and medical supplies during a hazard alert or a hazard;
- (j) procedures established by the Minister responsible for health for safeguarding against epidemics before, during and after a hazard impact;
- (k) procedures established by the Fire Chief for safeguarding against fires before, during and after a hazard impact;
- (l) procedures for cooperation with international organisations and governments of countries outside Grenada before, during and after a hazard impact;
- (m) procedures for accepting and facilitating the distribution of volunteer services and relief supplies before, during and after a hazard impact;
- (n) procedures to apply in the event that the requisitioning of private property is considered to be desirable before, during and after a hazard impact including procedures for assessing and paying compensation, in accordance with the Land Acquisition Act, Chapter 159;
- (o) procedures for protecting life and property from the dangers of looting and riotous behaviour during a hazard alert, a declaration of a state of emergency or in the aftermath of an emergency or a disaster;
- (p) roles and responsibilities of Ministries, statutory bodies, District Disaster Management Committees and other

stakeholders in respect of the measures specified in paragraphs (k), (l) and (m);

- (q) procedures for prioritising recovery interventions;
- (r) procedures for implementing gender issues and gender sensitivity into disaster management and disaster risk management;
- (s) contain a statement of the contingency arrangements under the coordination of the Director for responding to the threat or impact of a hazard or disaster in Grenada whether or not the threat of the hazard or disaster is such as to prompt the issuance of a hazard alert, a declaration of a disaster or a declaration of a state of emergency; and
- (t) other procedures to be followed before, during and after a hazard impact.

(4) Upon approval by Cabinet, the National Comprehensive Disaster Management Plan shall be laid in Parliament.

(5) The Director in consultation with the Committee and the Council shall review the National Comprehensive Disaster Management Plan under subsection (1) annually.

(6) Subject to the approval of the Minister, the Director may amend the National Comprehensive Disaster Management Plan.

(7) The Director shall prepare—

- (a) the National Comprehensive Disaster Management Strategy, having regard to the National Comprehensive Disaster Management Policy, the National Strategy for Disaster Financing and the Comprehensive Disaster Management plans and strategies prepared by Ministries and Departments of Government, critical facility agencies, District Disaster Management Committees, statutory bodies, private sector entities, non-governmental organisations and faith-based organisation; and
- (b) such other plans, strategies, procedures and guidelines as the Director considers necessary or as recommended by the Council.

(8) The other plans, strategies, procedures and guidelines referred to in subsection (7) (b) shall contain details of arrangements under the coordination of the Director for matters relating to hazard mitigation and risk assessment.

(9) At least once in every five years, the review of the Plan shall be subject to public consultations and submitted to Cabinet for approval.

### **Communications link**

22. (1) The Agency shall—

(a) develop and maintain a directory of Ministries and Departments of Government, statutory bodies, critical facility agencies, private sector entities, non-governmental organisations and faith-based organisations that are or should be involved in disaster management and disaster risk management in Grenada showing—

- (i) their contact particulars including their physical, postal and electronic addresses;
- (ii) particulars of their involvement in disaster management and disaster risk management; and
- (iii) the nature, capacity and location of emergency and relief services under their control;

(b) establish effective communication links with contact persons identified by the Ministries and Departments of Government, statutory bodies, District Disaster Management Committees, critical facility agencies, private sector entities, non-governmental organisations and faith-based organisations.

(2) The directory under subsection (1) (a) shall include particulars of—

- (a) District Disaster Management Committees involved in disaster risk management;
- (b) disaster management and disaster risk management experts in Grenada;
- (c) private sector entities with specialised equipment, skills or knowledge relevant to disaster management and disaster risk management;

- (d) private sector voluntary agencies involved in disaster management and disaster risk management; and
- (e) foreign non-governmental organisations and international organisations involved in disaster management and disaster risk management in Grenada.

(3) The Agency shall establish communication focal points with regional and international comprehensive disaster management agencies including institutions performing functions similar to those performed by the Agency, to exchange information to gain access to regional and international expertise and assistance in disaster management and disaster risk management.

### **Disaster management information system**

23. (1) The Agency shall—

- (a) collect information on all aspects of disasters and disaster risk management including pandemic, hazard, vulnerability, climate change risks and other disaster risk information;
- (b) process, consolidate and analyse the information collected under paragraph (a);
- (c) develop and maintain or cause to be developed an electronic database referred to in subsection (2);
- (d) take steps to disseminate the information collected and analysed under paragraphs (a) and (b), especially to communities that are vulnerable to disasters; and
- (e) establish procedures to maintain the disaster management information system.

(2) The electronic database developed under subsection (1) (c) shall contain information concerning—

- (a) hazards that occur or may occur in Grenada; and
- (b) disaster management and disaster risk management issues.

(3) Without prejudice to the generality of subsection (2), the electronic database shall contain information respecting—

- (a) phenomena, occurrence, and circumstances that cause or aggravate disaster;
- (b) risk factors, underlying disasters and ways to reduce such risks;
- (c) recurring occurrences that result in loss, but which are not classified as disasters for the purposes of this Act;
- (d) early warning systems;
- (e) areas and communities that are particularly vulnerable to disasters;
- (f) emergency response resources in and capacity of the Ministries and Departments of Government and the non-government sectors, including the location and size of, and other relevant information relating to—
  - (i) police stations;
  - (ii) hospitals, clinics and other health institutions;
  - (iii) emergency medical services;
  - (iv) schools, churches and public buildings and other facilities that could be used as shelters or emergency hospitals in the event of a disaster;
  - (v) fire-fighting services; and
  - (vi) airports, airstrips, harbours and seaports;
- (g) indigenous knowledge relating to disaster management and disaster risk management;
- (h) the directory under section 22 and the names and particulars of contact persons;
- (i) emergency response resources and capacity in neighbouring countries and relevant international relief agencies;
- (j) emergency preparedness in the different Ministries and Departments of Government; and

- (k) research and training facilities for disaster management and disaster risk management disciplines.

(4) The Agency shall take reasonable steps to ensure that the database is electronically accessible to nationals free of charge.

(5) Nothing in subsection (4) prevents the Agency from—

- (a) establishing security safeguards to protect the database from abuse; or
- (b) classifying parts of the database as restricted areas in consultation with the Minister, and limiting access to those parts authorised by the Minister.

### **Prevention and mitigation**

24. (1) The Agency shall give, to Ministries and Departments of Government, statutory bodies, District Disaster Management Committees, private sector entities, non-governmental organisations and faith-based organisations, communities and individuals, guidance to assess and prevent or reduce the risk of disasters, including—

- (a) ways of—
  - (i) determining levels of risk;
  - (ii) assessing the vulnerability of communities and households to disasters that may occur;
  - (iii) increasing the capacity of communities and households to minimise the risk and impact of disasters that may occur;
  - (iv) monitoring the likelihood of disasters that may occur; and
- (b) monitoring the state of alertness of communities and households to disasters that are likely to occur;
- (c) the development and implementation of appropriate prevention and mitigation methodologies;
- (d) the integration of prevention and mitigation methodologies with development plans, programmes and initiatives; and

- (e) the management of high-risk developments.

(2) The Agency shall promote formal and informal initiatives that encourage risk-avoidance behaviour by Ministries and Departments of Government, statutory bodies, District Disaster Management Committees, non-governmental organisations and faith-based organisations, communities and individuals.

### **National Emergency Operations Centre**

25. (1) The Agency shall establish and maintain a National Emergency Operations Centre and supplementary emergency operations centres, whether distributed according to geographical location or any other factor.

(2) The National Emergency Operations Centre—

- (a) comprises a Director, an executive group and an operations group; and
- (b) serves as the headquarters of the activities undertaken in response to a hazard alert or disaster.

(3) The functions of the National Emergency Operations Centre are—

- (a) to provide centralised coordination and control of emergency or disaster response and operations on a twenty-four-hour per day basis, if necessary;
- (b) to keep the public informed of the emergency or disaster in a timely and factual reliable manner through briefings and bulletins;
- (c) to control and coordinate actions generated as a result of orders from the executive;
- (d) to provide direction and support to the on-scene commander;
- (e) to arrange for logistic support to the on-scene commander or other relevant personnel;
- (f) to plan ahead to meet the requirements that would follow a disaster;
- (g) to ensure the efficient movement, assimilation and dissemination of information from disaster sites to the resource managers and to the public;

- (h) to issue hazard alerts and give direction to the public which may necessitate the installation of remote broadcast connections through radio and television stations;
- (i) to issue special bulletins or newsletters;
- (j) to maintain display devices within the National Emergency Operations Centre so that agencies can quickly comprehend what actions have been taken and what resources are available; and
- (k) to ensure the timely preparation and dissemination of situation reports which would be shared with the Caribbean Disaster Emergency and Management Agency.

(4) The executive group shall exercise the overall direction and control of disaster operations.

(5) The operations group shall coordinate—

- (a) the emergency or disaster response and relief efforts and activities as directed by the Director of the National Emergency Operations Centre; and
- (b) damage assessments.

(6) In order to carry out the function under subsection (3) (h), the National Emergency Operations Centre may make advance arrangements with radio or television stations.

(7) Depending on the nature of the emergency or disaster, special security may be established at the National Emergency Operations Centre.

(8) A situation report required under subsection (3) (k) shall include a list of casualties, the physical damage experienced and the needs of Grenada.

### **Shelters**

26. (1) The Director shall establish and maintain a list of shelters in accordance with this section and the Regulations.

(2) The list shall comprise premises available and suitable for use as shelters, including marine shelters, during a declaration of emergency or a hazard alert or before, during and after a hazard impact.

- (3) The Director shall, on the list—
- (a) distinguish between shelters in Crown occupation and any other shelter;
  - (b) establish the basic facility requirement for a shelter;
  - (c) indicate the suitability of each shelter for use during a declaration of emergency or a hazard alert or before, during and after a hazard impact; and
  - (d) indicate the periods for and the conditions under which the shelter would be suitable for use in the instances referred to in paragraph (c).
- (4) The Director shall, subject to subsection (5), assign to each shelter a shelter manager charged with the responsibility of managing the shelter during any period where the premises are being used for that purpose.
- (5) Where a shelter is not in Crown occupation, the designation of shelter managers or shelter officers for those premises shall be subject to the agreement of the owner of the premises.
- (6) The owner or occupier of any premises listed as a shelter in the shelters list is not liable to any person taking shelter on the premises for any injury to the person or damage to or loss of any person's property, which injury, damage or loss arises from the condition of the premises, except where the owner or occupier failed to indicate ways in which the premises could be unsuitable and a reasonable owner or occupier should have known that the information was relevant.
- (7) Subsection (5) does not preclude any other right or remedy that the person suffering damage or loss may have—
- (a) other than a right or remedy against the owner or occupier of the premises; or
  - (b) against the owner or occupier of the premises for damage or loss arising otherwise than from the condition of the premises, where the owner or occupier, has control of the premises at the time of the incidence.
- (8) The Director—

- (a) shall, after consultation with the Chief Fisheries Officer, assign to any premises listed as a marine shelter in the shelters list, a marine shelter master charged with the responsibility of managing the premises during any period where the premises is being used as a shelter; and
- (b) may assign marine shelter officers to assist any marine shelter master.

(9) The Director shall, in collaboration with the Planning and Development Authority and the Ministry of Health, inspect shelters annually in accordance with the Regulations.

(10) The Minister may enter into agreements with the owners of premises for such premises to be used as shelters.

(11) No person shall assault or obstruct—

- (a) a shelter manager or a shelter officer; or
- (b) a marine shelter master or a marine shelter officer,

in the execution of his or her duty in relation to the function of the shelter manager, shelter officer, marine shelter master or a marine shelter officer under this section.

(12) A person who contravenes subsection (11) commits an offence and is liable, on summary conviction, to a fine of ten thousand dollars.

### **Regulations respecting shelters**

27. (1) The Minister by Regulations, may make provision respecting shelters.

(2) Without prejudice to the generality of subsection (1), the Minister may, by Regulations, make provision—

- (a) respecting the notification or availability of any report that may be given where, after one month or such longer period as may be prescribed, attempts to identify or find an occupier have been unsuccessful;
- (b) respecting the appointments of shelter managers and shelter officers;

- (c) regulating the use of any listed premises;
- (d) respecting the inspection of shelters; and
- (e) respecting the minimum standards for shelters.

(3) For the purposes of subsection (2) (a), the report shall be published in the *Gazette*.

(4) In the case of regulations made under subsection (2) (c) for listed premises that are not in Crown occupation, the owner or occupier of the premises may be consulted.

(5) Regulations made under subsection (2) (d) may confer on shelter managers and shelter officers authority to—

- (a) refuse admission of persons to the shelter to prevent overcrowding;
- (b) prohibit the bringing of pets or other animals into the shelter;
- (c) prohibit the bringing of weapons or hazardous materials into the shelter;
- (d) limit by weight or bulk the luggage or other property permitted to be brought into a shelter;
- (e) as a condition of permitting persons using the shelter to bring luggage or other property into the shelter, disclaim responsibility for the safety of the property, including responsibility for negligent damage to the property;
- (f) refuse entry of any person to the shelter unless that person submits to a search of his or her person or any luggage or other property to be brought into the shelter;
- (g) allocate the use of the space and the facilities of the shelter among different users thereof, and to impose reasonable charges to cover the cost of providing telephone and other services beyond the allocation of physical space;
- (h) regulate the use of musical instruments and other equipment that may disturb other users of the shelter by noise or light;

- (i) prohibit or regulate the consumption of alcoholic drinks and the use of tobacco products in or on the shelter premises;
- (j) require persons to observe safeguards in the interest of the health of other persons;
- (k) 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) set minimum standards of conduct in shelters in the interest of decency and public morality;
- (m) set minimum standards of cleanliness and tidiness to be observed in shelters;
- (n) require persons taking shelter to clean areas within the shelter that they occupy;
- (o) enforce prescribed matters by suspension or expulsion from the shelter independently of any proceedings in respect of an offence under this Act; and
- (q) permit the use of reasonable force for the purposes of paragraph (o).

(6) When reasonable force is used under subsection (5) (o), the shelter manager or shelter officer may request the assistance of any other person and neither the shelter manager nor shelter officer nor person rendering assistance is liable, whether civilly or criminally, for any tort or offence by virtue of using such reasonable force.

(7) Where a person is forcibly detained under subsection (5) (o), the detention may not be continued beyond the first reasonable opportunity to hand over custody of the person detained to a member of the Police Force.

### **Volunteers**

28. (1) For the purposes of this Act—

- (a) the Agency shall maintain a register to be known as the Register of Volunteers;
- (b) the Agency may amend the Register of Volunteers; and

(c) every member of every District Disaster Management Committee is deemed to be a volunteer.

(2) The Director or the District Disaster Management Committee may mobilise individuals or organise volunteers to augment the respective personnel complement and logistical requirements of the Agency or an area under the control of the relevant District Disaster Management Committee in the delivery of disaster risk reduction programmes and activities.

(3) A person who wishes to volunteer for the purposes of assisting in an emergency or a disaster shall submit his or her name and other particulars to the Director or District Disaster Management Committee for registration as a volunteer.

(4) Where a person submits his or her name and other particulars to the Director or the relevant District Disaster Management Committee for registration as a volunteer, following a screening process in accordance with the Regulations, the Agency shall enter the name of the person as a volunteer in the Register of Volunteers.

(5) The chairperson of each District Disaster Management Committee shall submit in writing to the Director on or before the 1<sup>st</sup> day of January in each year, the names and particulars of the volunteers including those of the members of the District Disaster Management Committees.

(6) Where the chairperson of a District Disaster Management Committee submits the names and other particulars of volunteers or members of the committee to the Director, the Director shall record such names and other particulars in the Register of Volunteers.

(7) The Director shall publish annually, in the *Gazette*, the names of all volunteers registered in the Register of Volunteers.

(8) The Director may engage a volunteer whose name and other particulars are not recorded on the Register of Volunteers if during a disaster it is practicable to do so; but the Director shall as soon as is reasonably practicable cause the names and other particulars of the volunteer to be registered in the Register of Volunteers.

(9) Where the Director engages a volunteer referred to in subsection (8), the names and other particulars of the volunteer shall be deemed to have been registered in the Register of Volunteers as at the time of the engagement.

(10) The Agency shall provide training to all volunteers.

(11) The Minister may, by Regulations, make provision respecting volunteers including payment of reasonable expenses.

### **Functions of hazard inspectors**

29. (1) The functions of a hazard inspector are—

- (a) to inspect premises for the purpose of registering the premises on the list of shelters; and
- (b) to inspect premises that, in the opinion of the Director, appear to pose a reasonable danger of serious injury to persons inside or outside the premises if a disaster has happened, is happening or is likely to happen.

(2) The Agency shall, from time to time, provide each hazard inspector with a badge, tag or other identification device that may conveniently be carried by each hazard inspector while engaged in the performance of his or her duties under this Act.

(3) The Minister may, by Regulations, make provision respecting hazard inspectors.

### **Inspections**

30. (1) A hazard inspector may, at any reasonable time—

- (a) with the consent of the owner or occupier; or
- (b) under the authority of a warrant issued by a Magistrate,

enter premises for the purpose of carrying out the functions conferred on the hazard inspector under this Act or the Regulations.

(2) Where a Magistrate is satisfied, on evidence on oath by a hazard inspector, that the conditions of any premises are reasonably suspected of posing a danger of serious injury to persons inside or outside of the premises in the event of a disaster, the Magistrate may issue a warrant authorising the hazard inspector to enter and inspect the premises for hazards.

(3) A warrant issued under subsection (2)—

- (a) expires not later than thirty days after the date on which it was made;

- (b) may be issued or renewed on application notwithstanding that no notice of the application is given to any person who may be affected thereby; and
    - (c) may, before the date of its expiry date, be renewed for one or more periods each of which shall not exceed thirty days.
  - (4) A hazard inspector who exercises a power under this section shall—
    - (a) identify himself or herself as a hazard inspector to any person in control or occupation of the premises to be inspected at the time of the inspection, by the production of—
      - (i) his or her hazard inspector’s badge, tag or other identification device issued under section 29; and
      - (ii) the warrant of the Magistrate issued under subsection (2); and
    - (b) explain the purpose of the inspection.
  - (5) A hazard inspector shall prepare a report on the results of any inspection carried out under this section and shall submit a copy of the report to the Director and the Magistrate’s Court.
  - (6) The Director shall, upon receipt of a report under subsection (5), provide to the owner or occupier of the premises a copy of the report submitted by the hazard inspector.
  - (7) Where the report submitted by the hazard inspector reveals that—
    - (a) the condition of any premises poses a reasonable danger of serious injury to persons inside or outside the premises on the impact of a hazard; and
    - (b) the condition of the premises constitutes a violation of any law, if it gives rise to the danger,
- the Director shall submit, to the relevant Ministry or Department of Government or body responsible for that other law, a copy of the report.
- (8) The Director shall, on information contained in a report submitted under subsection (5), direct the owner of the premises to take remedial action within a

specified period of time with or without the assistance of the Agency subject to subsection (9).

(9) The assistance of the Agency may be at a prescribed fee to the owner to be specified by the Director.

(10) An owner who fails to comply with a direction made under subsection (8) commits an offence and is liable on summary conviction to a fine of twenty thousand dollars or to a term of imprisonment for two years

(11) A report of a hazard inspector under this section is admissible in any legal proceedings in a court of competent jurisdiction as evidence of the truth of the report's findings of fact, whether or not the Crown is a party to such proceedings.

(12) A person shall not assault or obstruct the Director or hazard inspector in the execution of his or her duty in relation to the functions of the Director or hazard inspector under this section.

(13) A person who contravenes subsection (12) commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars or to a term of imprisonment for two years.

### **Evacuation**

31. (1) Where the Prime Minister, after consultation with the Director, is satisfied that the lives of the residents in any part of Grenada would be at risk when a disaster occurs, the Prime Minister may cause an announcement to be made advising residents to evacuate that part of Grenada in the interest of their personal safety—

- (a) to be broadcast on the National Emergency Broadcast System;  
or
- (b) to be made by use of such practical means to bring the notice to the knowledge and attention of persons in that part of Grenada.

(2) Where—

- (a) there is a threat of a hazard in Grenada or in a part of Grenada; or
- (b) a hazard alert exists, or a disaster has occurred, in Grenada or in a part of Grenada,

the Director shall, before advising the Prime Minister to issue any notice of evacuation, assess the potential for loss of life and injury to persons and shall consult with the Council.

(3) Every notice of evacuation issued under subsection (1) shall specify the nature of the hazard or, as the case may be, the disaster and the area of Grenada required to be evacuated and the potential harm to persons.

(4) Where a notice of evacuation is issued under subsection (1), the Director shall coordinate the evacuation in accordance with the Regulations and with the assistance of agencies involved in emergency and disaster risk management including the Royal Grenada Police Force.

(5) Notwithstanding subsection (1), the Prime Minister may, after consultation with the Director, declare that notwithstanding the formal announcement made by the National Emergency Broadcast System, a hazard alert does not exist in respect of Grenada and such an announcement shall not constitute an offence under section 60.

#### **Duty to comply with notice of evacuation**

32. (1) Where the Prime Minister issues a notice of evacuation under section 31 requiring an area to be evacuated, every person within that area shall comply with the notice of evacuation.

(2) Where—

- (a) a person wilfully contravenes subsection (1); and
- (b) that person by reason of that failure requires the assistance of the Agency to move out of the area that is the subject of a notice of evacuation,

the person is liable for any cost incurred by the Agency in providing the assistance; but the Director may refuse to provide the assistance if the Director has reason to believe that it is not practicable to provide the assistance.

#### **Employees who assist in emergency situations**

33. (1) Where the Director certifies, in writing, that the services of a person are or were needed by the Agency for the performance of tasks related to recovery from an emergency during a specified period, the employer of that person shall pay to the person his or her salary and all benefits that the person is entitled for the specified period.

(2) The period the Director may specify under subsection (1) shall in no circumstances exceed a continuous period of two weeks.

**Fund for use by Agency**

34. (1) There is established a fund to be known as the Agency Fund to be used by the Agency for the execution of its functions and the discharge of its obligations under this Act.

(2) The Agency Fund shall consist of—

- (a) sums allocated to the Agency by Parliament;
- (b) revenue raised by the Agency in the form of investments of any surplus funds; and
- (c) all other sums that may become payable to or invested in the Agency in respect of matters incidental to its functions and powers.

(3) The Agency may establish a Reserve Fund into which may be paid any surplus funds of the Agency.

(4) The Agency may withdraw any funds from the Reserve Fund in cases of a shortfall for the purpose of exercising its functions or discharging its duties under this Act.

**Application of the Public Finance Management Act**

35. The provisions of Part XII of the Public Finance Management Act, 2015 shall apply in respect of the Agency.

**PART IV  
DISTRICT DISASTER MANAGEMENT COMMITTEE**

**Establishment of District Disaster Management Committee**

36. (1) There is established a District Disaster Management Committee in respect of each district as may be determined by the Director for the purposes of this Act.

(2) A District Disaster Management Committee may establish sub-committees charged with particular responsibilities, whether defined by geographical area or otherwise, in relation to the preparedness for, mitigation of, response to and recovery from emergencies and disasters within the district.

### **Composition of District Disaster Management Committee**

37. Each District Disaster Management Committee consists of—

- (a) a District Coordinator who shall be the Chairperson; and
- (b) any other person as may be required to carry out the functions of the District Disaster Management Committee.

### **Functions of District Disaster Management Committee**

38. (1) Every District Disaster Management Committee has the following functions—

- (a) develop and coordinate an effective Disaster Management Plan for its district and regularly review and assess the plan;
- (b) ensure that disaster management and disaster risk management in the relevant district are consistent with the National Comprehensive Disaster Management Plan;
- (c) consolidate, in respect of local areas comprising its district, disaster information which includes natural hazards, vulnerabilities, and climate change risks, and maintain risk maps in respect of those areas;
- (d) carry out relief activities in its district ensuring that there is an effective and efficient mechanism for the immediate delivery of food, shelter and water;
- (e) organise and conduct training, orientation, and knowledge management activities on disaster risk reduction and management in its district;
- (f) respond to and manage the adverse effects of an emergency in its district; and
- (g) report to the Agency on matters related to disaster management and disaster risk management.

(2) Without prejudice to the generality of subsection (1), every District Disaster Management Committee shall collaborate with the relevant entities to ensure the integration of disaster risk reduction and climate change adaptation within the district development plan programme.

### **Regulation of procedure**

39. A District Disaster Management Committee shall regulate its own procedure.

## **PART V SPECIALLY VULNERABLE AREAS**

### **Delimitation of specially-vulnerable areas**

40. (1) The Minister may, on the recommendation of the Agency, designate any area as specially vulnerable to a hazard by Order published in the *Gazette*.

(2) Before publishing an Order under subsection (1), the Minister shall arrange for a draft Order—

- (a) prepared after consultation by the Director with the relevant Government institutions and other organisations in the private sector; and
- (b) delimiting any area that the Agency recommends for designation as a specially vulnerable area,

to be published in the *Gazette* and in at least one newspaper circulating in Grenada and to be presented by the Director for discussion and comment at a public consultation.

(3) The Director shall submit to the Minister a report on the public consultation held under subsection (2).

(4) Upon completion of the review of the report under subsection (3), the Minister shall make a final determination in respect of the draft Order.

(5) For the avoidance of doubt, the provisions of this section apply to any amendment to an Order under subsection (1) as they apply to an Order.

### **Special area precautionary plans for specially-vulnerable areas**

41. (1) The Director may prepare for the approval of the Minister, a special area precautionary plan for the mitigation and prevention of disasters in a specially vulnerable area.

(2) A special area precautionary plan—

- (a) may include strategies, policies and standards for development and for maintenance of structures in the specially vulnerable area or any such proposed area; and
- (b) may communicate strategies, policies, standards or designations by means of maps and diagrams.

**Draft special area precautionary plan**

42. (1) Before approving a special area precautionary plan, the Minister shall—

- (a) cause a draft special area precautionary plan prepared by the Director to be published in the *Gazette* and in at least one newspaper circulating in Grenada; and
- (b) upon such publication, invite members of the public to submit to the Director, in writing, comments on the draft special area precautionary plan.

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

(3) From the date of the invitation to the public under subsection (1), the Director shall, on written application by any person, permit access to any technical studies used in the preparation of the draft special area precautionary plan.

**Approval of special area precautionary plan**

43. (1) After the expiration of the time allowed for the submission of comments under section 42, the Director shall submit a report on the comments received to the Minister, who shall cause the report and the draft special area precautionary plan to be reviewed by the Cabinet.

(2) The Cabinet may, subject to such amendments, if any, as it considers fit, approve the special area precautionary plan submitted under subsection (1).

(3) The Minister shall cause the special area precautionary plan approved by it to be published in the *Gazette* and the special area precautionary plan shall, upon publication, form part of the National Comprehensive Disaster Management Policy.

(4) For the avoidance of doubt, the provisions of this section and sections 41 and 42 apply to any amendment to a special area precautionary plan published under subsection (3) as they apply to a special area precautionary plan.

## **PART VI DISASTER RISK FINANCING**

### **National Strategy for Disaster Financing**

44. (1) The National Strategy for Disaster Financing prepared under section 21 (7) shall include—

- (a) financial measures to prepare for disasters by increasing access to immediate liquidity, following a disaster or public health emergency;
- (b) medium-term financing to commence recovery operations and reconstruction of public assets and infrastructure; and
- (c) measures on the availability of various instruments including contingent lines of credit from development partners, and financial risk transfer products including parametric and indemnity insurance.

(2) The financing of the Strategy shall consist of—

- (a) such monies as may be appropriated by Parliament;
- (b) such donations and grants as may be made by persons and organisations approved by the Ministry of Finance; and
- (c) such other monies as the Agency may raise through activities organised by or on behalf of the Agency.

## **PART VII OBLIGATIONS OF PERSONS INVOLVED IN DISASTER MANAGEMENT**

### **Liaison officer**

45. Every Permanent Secretary, every Head of a Department of Government and the head of every statutory body shall ensure that there is, at all times in that Ministry, Department or statutory body, a person designated as the liaison officer for communication with the Agency to implement the plan under section

46 and other matters of disaster management relating to that Ministry, Department or statutory body.

### **Disaster management plan**

46. (1) Every Ministry and Department of Government, statutory body and critical facility agency shall prepare and submit to the Agency a comprehensive disaster management plan and review and update the plan annually in accordance with guidelines established by the Agency.

(2) The disaster management plan prepared under subsection (1) shall be consistent with the National Comprehensive Disaster Management Plan under section 21.

### **Preparation of strategy**

47. (1) Every Ministry and Department of Government, statutory body, critical facility agency and District Disaster Management Committee shall prepare and submit to the Agency a strategy to guide the implementation of its comprehensive disaster management plan.

(2) The strategy submitted to the Agency shall form part of the National Comprehensive Disaster Management Strategy.

### **Annual exercises and training of staff**

48. Every Ministry and Department of Government, critical facility agency and statutory body shall conduct or cause to be conducted annual exercises and training for its staff in relation to disaster management and disaster risk management.

### **Resources**

49. Every Ministry and Department of Government, critical facility agency and statutory body shall take reasonable steps to ensure that the resources available that may be used in disaster management and disaster risk management are identified and maintained so as to be ready for such use.

### **Supply of information**

50. Every Ministry and Department of Government, statutory body, critical facility agency and District Disaster Management Committee shall supply to the Agency in the prescribed manner and by such date as may be required by the Director, such information as the Director may request.

### **Report on damage assessment**

51. (1) Every Ministry and Department of Government, statutory body and District Disaster Management Committee shall prepare a report on damage assessment after a disaster.

(2) Every report prepared under subsection (1) shall be submitted to the Agency as soon as practicable after a disaster.

(3) Every report prepared under subsection (1) shall contain sex-disaggregated data whenever possible, and report on the conditions of shelters.

**Director to be consulted**

52. (1) Subject to subsection (2), before any person other than the Director, the Director of Public Prosecutions, a judge or a Magistrate exercises any disaster preparedness and response related powers under this Act or any other Act, that person shall consult with the Director.

(2) The obligation to consult in subsection (1) does not apply—

(a) during a disaster or an emergency, where the person exercising the powers under subsection (1) considers that the urgency of the matter or difficulties of logistics makes such consultation impracticable; or

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

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

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

**PART VIII  
NATIONAL MULTI-HAZARD ALERT SYSTEM  
AND DECLARATION OF DISASTERS**

**National Multi-hazard Alert System**

53. (1) There shall be a National Multi-Hazard Alert System for Grenada.

- (2) The National Multi-Hazard Alert System—
- (a) shall be operated under the supervision of the Director; and
  - (b) shall consist of—
    - (i) a National Emergency Broadcast System;
    - (ii) siren warnings; and
    - (iii) such early warning systems as may be prescribed.

### **National Emergency Broadcast System**

54. (1) The National Emergency Broadcast System shall comprise all the means by which the Agency informs the public, including the use of media, telecommunications companies, and alerts systems.

(2) The National Emergency Broadcast System shall enable the Prime Minister, the Minister or the Agency to broadcast emergency announcements of the threat of a disaster directly from the National Emergency Operations Centre to the public on such frequency or in such manner as is specified in the memorandum of understanding between the Government and a person who is licensed to operate a telecommunications station in accordance with the provisions of any existing enactment.

(3) An announcement shall not be broadcast on the National Emergency Broadcast System unless it is in writing and approved and signed by the Prime Minister or Minister, acting in consultation with the Director.

- (4) The Director shall—
- (a) keep an original signed copy of all announcements broadcast on the National Emergency Broadcast System; and
  - (b) upon application in writing, provide any person with a certified copy of any original signed copy of an announcement referred to in paragraph (a).

(5) Judicial notice shall be taken of an original signed copy of an announcement, or a certified copy of any original signed copy of an announcement, referred to in subsection (4).

(6) All announcements broadcast on the National Emergency Broadcast System shall be presumed to be broadcast in accordance with subsection (2), unless notice to the contrary is subsequently given by an announcement broadcast on the National Emergency Broadcast System or by an advertisement issued by the Director and published in the *Gazette* and one issue of a newspaper in general circulation in Grenada.

(7) Subject to subsection (8), a person who contravenes subsection (3)—

- (a) commits an offence and is liable, on summary conviction, to a fine of five thousand dollars; and
- (b) is, without prejudice to the power of the court to make any order or grant any other relief, liable in civil proceedings to pay damages to any person who suffers injury, loss or damage as a result of relying on the announcement.

(8) A person with whom the Government has entered into a memorandum of understanding referred to in subsection (2)—

- (a) shall be entitled to presume that all announcements being broadcast on the National Emergency Broadcast System are being broadcast in accordance with the approval under subsection (3); and
- (b) is not liable under subsection (6), unless he or she knew or had reason to believe that the announcement was being broadcast without approval under subsection (2).

### **Declaration of disaster**

55. (1) The Prime Minister may declare a disaster for Grenada, or for a part of Grenada if he or she is satisfied—

- (a) that there is a substantial hazard within Grenada;
- (b) that a disaster has happened, is happening or is likely to happen in Grenada; and
- (c) that it is necessary for the Agency or a person authorised under this Act to exercise disaster management and disaster risk management powers under this Act, to prevent or minimise loss of human life, illness or injury to human, property loss or damage to the environment.

- (2) A declaration of a disaster under subsection (1) shall include—
- (a) the time and date of the commencement of the declaration;
  - (b) the duration of the period of disaster as declared; and
  - (c) the area in respect of which the declaration is made.
- (3) A declaration of a disaster under this section shall, as soon as practicable, be published by Notice in the *Gazette*.
- (4) A disaster—
- (a) starts when it is declared under subsection (1); and
  - (b) ends when a declaration by the Prime Minister has expired.
- (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 revoked or it expires under subsection (7).
- (7) The Prime Minister shall, by Notice, declare the end of a disaster prior to the expiration of the declaration under subsection (2), if it is no longer necessary for persons exercising disaster powers under this Act to do so.

### **Prohibitions and restrictions on public access**

56. On the declaration of a hazard alert or disaster, the Director, a member of the Royal Grenada 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 Grenada affected or likely to be affected by the disaster.

## **PART IX MISCELLANEOUS**

### **Critical facility agency**

57. The Minister may, by Regulations, designate a public or private entity as a critical facility agency.

### **Protection from liability**

58. (1) No action or proceeding shall be brought against any person in the exercise or performance in good faith of his or her powers, duties, or obligations under this Act.

(2) For the avoidance of doubt, a volunteer who exercises the duties assigned to him or her under this Act or the Regulations, in good faith shall not be liable for injury to persons or loss to property caused by reason of the exercise of those duties.

(3) Subsection (1) shall not, by reason of section 4 (5) and 4 (6) of the Crown Proceedings Act, Chapter 74 relieve the Crown of liability in respect of a tort committed by any person to whom subsection (1) applies to which the Crown would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) were not enacted.

### **Compensation**

59. (1) Where the Director or any public officer or person appointed under this Act suffers any physical injury, or loss or damage to any personal property in the course of his duties under this Act or the Regulations, he or she shall be entitled to receive compensation paid out of public funds in respect of the expenses incurred in the treatment of the injury and the value of such property loss or damage.

(2) Without prejudice to section 58 (1), the Cabinet may in its discretion order that compensation shall be paid to a person upon being satisfied that the person has suffered loss or damage by reason of the exercise of a power conferred under this Act, and that the amount of the compensation shall be charged upon the Consolidated Fund.

### **Offences and penalties**

60. (1) A person commits an offence if the person—

- (a) by reason of his or her unlawful neglect of his or her duty, causes destruction, loss of lives, damage to facilities and misuse of funds;
- (b) prevents, in any disaster-stricken area, the entry and distribution of relief goods, appropriate technology, tools, equipment, accessories, disaster teams or experts;

- (c) buys, for consumption or resale, from any disaster relief agency any relief goods, equipment or other commodities that are intended for distribution to disaster-affected communities;
- (d) buys, for consumption or resale, from any recipient disaster-affected person any relief goods, equipment or other aid commodities received by the recipient disaster-affected persons;
- (e) sells relief goods, equipment or other aid commodities which are intended for distribution to disaster-affected persons;
- (f) forcibly seizes relief goods, equipment or other aid commodities intended for or consigned to a specific group of disaster-affected persons or relief agency;
- (g) misrepresents the source of relief goods, equipment or other aid commodities by—
  - (i) covering, replacing or defacing the labels of the containers to make it appear that the goods, equipment or other aid commodities came from another agency or person;
  - (ii) repacking the goods, equipment or other aid commodities into containers with different markings to make it appear that the goods came from another agency or person or were released upon the instance of a particular agency or person; or
  - (iii) making a false claim that the goods, equipment or other commodity in its untampered original containers actually came from another agency or person or was released upon the instance of a particular agency or persons;
- (h) diverts relief goods, equipment or other aid commodities to persons other than the rightful recipient or consignee;
- (i) accepts, possesses, uses or disposes of relief goods, equipment or other aid commodities not intended for nor consigned to the person;

- (j) substitutes or replaces relief goods, equipment or other aid commodities with the same items or items of a different quality;
- (k) intentionally uses false or inflated data in support of the request for funding, relief goods, equipment or other aid commodities for emergency assistance or livelihood projects; or
- (l) tampers with or steals hazard monitoring and disaster preparedness equipment and paraphernalia.

(2) Any person who commits an offence under this Act or the Regulations is liable on summary conviction to a fine of forty thousand dollars or to a term of imprisonment for three years, or to both.

(3) Where particular provision under this Act or any Regulations for a lesser penalty than that which would apply under this section, that lesser penalty applies to the exclusion of the penalty which would otherwise be applicable under this section.

(4) It is a defence to any charge of an offence under the Regulations which, at the time of the act charged as an offence, had been published only in the manner permitted by section 54 (2), for the person charged to show that he or she did not see or hear an announcement or see a notice or learn from a credible source that the act charged constituted an offence.

#### **Power to institute proceedings**

61. (1) Where an offence is created by this Act or the Regulations, an information against any person accused of committing that offence may be laid by the Director, a member of the Royal Grenada Police Force or any other person authorised in writing by the Minister.

(2) Notwithstanding subsection (1), an information may be laid by a shelter manager against a person accused of committing an offence against any regulation made under section 27.

#### **Act binds the Crown**

62. This Act binds the Crown.

#### **Amendment of Schedule**

63. The Minister may by Order amend the Schedule.

#### **Guidelines to be approved by the Minister**

64. The Minister may approve guidelines or operating procedures for the better management of emergencies.

### **Regulations**

65. (1) The Minister may, make Regulations generally for the purpose of implementing the provisions of this Act.

(2) Without prejudice to subsection (1), the Minister may, make Regulations—

- (a) respecting early warning systems;
- (b) respecting volunteers, hazard inspectors and evacuation;
- (c) respecting types of hazards and disasters;
- (d) respecting the collection and publication of data pertaining to disaster mitigation, preparedness, recovery and emergency management;
- (e) respecting District Disaster Management Committees; and
- (f) prescribing whatever is required to be prescribed under this Act.

(3) Regulations made under this Act may create offences within the limits in section 60 and prescribe for such offences the imposition by a court of summary jurisdiction of a fine of fifty thousand dollars or imprisonment for a term of two years or both, upon conviction of an offence under the regulations.

(4) Regulations made under this Act are subject to negative resolution of the House of Representatives.

(5) During any threat of a hazard alert, disaster or emergency, Regulations made under this Act, other than Regulations required under subsection (6) to be published in the *Gazette*, may be published either—

- (a) by an announcement on any television or wireless transmission media licensed under the Act for transmission and reception in Grenada; or
- (b) by notice affixed to the outside of every Magistrate's Court and every police station located in the area to which the Regulations apply.

(6) Publication under subsection (5) is deemed to be sufficient compliance, for the duration of any period of hazard alert or disaster emergency, with any requirement of publication under this Act or any other enactment.

(7) The means of certifying the authenticity of Regulations published under subsection (5) shall, unless otherwise prescribed by Regulations published in the *Gazette*, be—

- (a) in the case of media announcements under subsection (5) (a), certification by the voice of the Prime Minister, a Minister, a Permanent Secretary, the Director or a Head of a Department of Government;
- (b) in the case of posted notices under subsection (5) (b), certification by the actual, facsimile signature or electronic signature of the Prime Minister, a Minister, a Permanent Secretary, the Director or a Head of a Department of Government.

### **Repeal and savings**

66. (1) The National Disaster (Emergency Powers) Act, Chapter 203 is hereby repealed.

(2) Notwithstanding the repeal of the National Disaster (Emergency Powers) Act, Chapter 203 under subsection (1)—

- (a) any Rule, Order or Regulations made under the repealed Act shall, until revoked, continue to be in force to the extent that the Rule, Order or Regulations is not inconsistent with this Act; and
- (b) any directions, notifications, approvals, decisions and other executive acts howsoever called, made, given or done under, or in accordance with, or by virtue of the repealed Act shall—
  - (i) continue in force, if in force on the date immediately before the coming into force of this Act; and
  - (ii) so far as such executive acts could have been made, given or done under this Act, have effect as if made, given or done under the corresponding provisions of this Act.

- (3) Nothing in the repealed Act or this Act shall affect—
- (a) the liability of any person to be prosecuted or punished for offences or breaches committed under the repealed Act before the commencement of this Act; or
  - (b) any legal proceedings brought, sentence imposed or action taken under the repealed Act before the commencement of this Act in respect of such offences or breaches.
- (4) For the avoidance of doubt—
- (a) any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Act before the commencement of this Act; or
  - (b) any legal proceedings, remedy or investigation in respect of such right, privilege, obligation or liability,

shall not be affected by this Act and shall continue to remain in force as if this Act had not been enacted.

(5) For the purposes of this section, “repealed Act” means the National Disaster (Emergency Powers) Act, Chapter 203.

## **SCHEDULE**

*(Sections 15 and 64)*

### **CONSTITUTION AND PROCEDURES OF THE NATIONAL DISASTER MANAGEMENT AGENCY BOARD**

#### **Constitution of Board**

1. (1) The Board shall comprise—
  - (a) a Chairperson;
  - (b) a Deputy Chairperson; and
  - (c) not less than seven other members, as the Prime Minister from time to time determines.
- (2) The members of the Board shall be appointed by the Prime Minister from among persons appearing to him or her to be qualified for the office.
- (3) The members of the Board, other than the Chairperson and Deputy Chairperson, shall be—
  - (a) persons who appear to the Prime Minister to have a knowledge of or responsibility for the mitigation of, preparedness for, response to and recovery from emergencies and disasters; or
  - (b) holders *ex-officio* of offices, whether under the Crown or otherwise, whose functions include responsibility for aspects of the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Grenada.

#### **Disqualification**

2. A person is disqualified from being a member of the Board if that person—
  - (a) is adjudged by a court to be a bankrupt;
  - (b) is declared by a court to be physically or mentally incapacitated by reason of unsoundness of mind; or
  - (c) has been convicted of an offence involving dishonesty.

### **Term of appointment**

3. (1) The appointment of a member of the Board is for a period not exceeding three years as may be fixed at the time of his or her appointment.

(2) A member is eligible for reappointment.

### **Revocation**

4. The Prime Minister may at any time direct, by notice in writing, that any member of the Board shall cease to hold office.

### **Resignation**

5. A member of the Board may at any time, by notice in writing to the Prime Minister, resign his or her office.

### **Meetings of Board**

6. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times as the Chairperson shall determine.

(2) The Chairperson may at any time call a special meeting of the Board and shall call a special meeting to be held within seven days of a written request for that purpose addressed to the Chairperson by any other member of the Board.

### **Quorum**

7. A meeting of the Board is duly constituted for all purposes if there is a quorum of not less than five members of the Board including the Chairperson.

### **Voting**

8. (1) Any matter or question put to a vote at the meeting of the Board shall be determined by the majority of the members of the Board who are present and voting on the matter or question.

(2) In the holding of any vote, where there is an equality of votes, the Chairperson shall have a casting vote whether or not the Chairperson has voted before on the matter or question.

### **Disclosure of interest of members**

9. (1) A member of the Board who is in any way directly or indirectly interested in a matter before the Agency shall—

- (a) declare the nature of his or her interest at the first meeting of the Board at which it is practicable to do so; and
- (b) leave the meeting upon the matter coming up for discussion.

(2) A declaration and the departure of a member of the Board from the meeting in accordance with subsection (1) shall be noted in the minutes of the meeting.

(3) A member of the Board shall not—

- (a) vote in respect of a matter before the Board in which he or she is in any way interested, whether directly or indirectly; or
- (b) seek to influence the vote of any other member of the Board in relation to the matter.

(4) A member of the Board who fails to comply with subsection (3) shall be promptly removed from the Board.

### **Vacancy**

10. (1) The office of a member of the Board is vacated—

- (a) upon the death of the member;
- (b) if the member becomes disqualified under section 2 of this Schedule;
- (c) if the member resigns from membership under section 5 of this Schedule;
- (d) if the Prime Minister revokes the appointment of that member under section 4 of this Schedule; and
- (e) if the member fails to attend three consecutive meetings of the Board without presenting a medical certificate or without being excused in writing.

(2) Where a vacancy occurs in the membership of the Board, the Prime Minister may appoint a person to fill that vacancy for the unexpired portion of the period in respect of which the vacancy occurs.

### **Decisions not invalidated**

11. (1) A vacancy in the membership of the Board does not invalidate a decision of the Board made at a meeting with the quorum required by section 7 of this Schedule.

(2) Where a disqualified member sits at a meeting of the Board, the Board may review and amend its decision within two months of that decision being made.

**Remuneration**

12. The members of the Board shall be remunerated in accordance with the Regulations.

**Procedure**

13. Subject to this Schedule and the Regulations, the Board may regulate its own procedures.

