

*DISASTER PREPAREDNESS AND EMERGENCY
MANAGEMENT*

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THE DISASTER PREPAREDNESS AND
EMERGENCY MANAGEMENT ACT

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THE DISASTER PREPAREDNESS AND
EMERGENCY MANAGEMENT ACT

Act
15 of 1993.

[25th June, 1993.]

1. This Act may be cited as the Disaster Preparedness and Emergency Management Act. Short title.

2. In this Act—

Interpre-
tation.

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

“chairman” means the chairman of the Board;

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

“disaster” means the occurrence or threat of occurrence of an event, caused by an act of God or otherwise, which results or threatens to result in loss or damage to property, damage to the environment, death or injury of persons, on a scale which requires emergency intervention by the state and includes widespread dislocation of essential services, fire, accidents, hurricane, pollution, disease, earthquake, drought and flood so declared under section 12;

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

“functions” includes powers and duties;

“hazard” means a natural or manmade phenomenon which may cause physical damage, economic

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losses, or threaten human life and well-being, if it occurs in an area of human settlement, agricultural or industrial activity;

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

Establish-
ment of
the Office.

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

Schedule.

(2) The provisions of the Schedule shall have effect as to the constitution of the Office and otherwise in relation thereto.

Principal
objects of
Office.

4. The principal objects of the Office shall be to advance disaster preparedness and emergency management measures in Jamaica by facilitating and co-ordinating the development and implementation of integrated disaster management systems.

Functions.

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

- (a) developing and implementing policies and programmes to achieve and maintain an appropriate state of national and sectoral preparedness for coping with all emergency situations which may affect Jamaica;
- (b) encouraging and supporting disaster preparedness and mitigation measures in all the parishes in

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collaboration with the local government authorities, community based organizations and the private and voluntary agencies, respectively;

- (c) providing appropriate training programmes and consulting services related to all aspects of disaster preparedness, disaster mitigation, loss reduction, and disaster management;
- (d) planning and implementing programmes to enhance public awareness and understanding of disaster related issues, emergency management, hazard prevention and other similar matters;
- (e) identifying and analyzing hazards or emergency situations and conducting related operational research into their effects;
- (f) establishing, maintaining and managing mutual assistance and co-operation agreements.

(2) It shall be the duty of the Office to—

- (a) advise the Minister on major issues relating to disaster mitigation, preparedness, warning systems and emergency management;
- (b) prepare guidelines for disaster relief and response;
- (c) initiate, co-ordinate, inspect, evaluate and support—
 - (i) the development of a National Disaster Plan;
 - (ii) the development and testing of emergency response plans by appropriate agencies including the emergency services, the security forces, the private sector, and voluntary agencies;

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- (iii) contingency plans related to specific incidents;
- (d) identify any emergency contingencies that are within or related to the area of responsibility of each Ministry and public sector agency, and develop with that Ministry or public sector agency, a plan for mitigating or responding to that contingency;
- (e) be instrumental in stimulating public interest in disaster mitigation, preparedness and emergency management and in securing public co-operation and participation in achieving planned objectives;
- (f) encourage—
 - (i) measures for mitigating the effect of hazards and to reduce losses from disaster; and
 - (ii) the development of comprehensive disaster prevention and preparedness programmes and capabilities.

(3) For the purpose of discharging its functions under this Act, the Office may, subject to the provisions of this Act, do anything and enter into any transaction which, in the opinion of the Office, is necessary to ensure the performance of its functions.

Policy
directions.

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

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

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of the Office, and shall afford to the Minister facilities for verifying such information in such manner and at such times as he may reasonably require.

7.—(1) The Board shall appoint a Director-General of the Office.

Appoint-
ment of
Director-
General
and other
officers
and
agents.

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

(3) The Board may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, such officers, other employees and agents as it thinks necessary for the proper carrying out of the provisions of this Act:

Provided that—

(a) no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister;

(b) no appointment shall be made without the prior approval of the Minister to any post to which a salary in excess of the prescribed rate is assigned.

(4) In subsection (3) the prescribed rate means a rate of one hundred and fifty thousand dollars per annum or such higher rate as the Minister may, by order, prescribe.

(5) The Governor-General may, subject to such conditions as he may impose, approve of the appointment of any officer in the service of the Government to any post in the Office and any officer so appointed shall, during such appointment, in relation to pension, gratuity or other allowance, and to other rights as a public officer, be treated as continuing in the service of the Government.

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Pensions,
gratuities
and other
retiring
benefits.

8. The Office may, with the approval of the Minister—

(a) enter into arrangements respecting schemes, whether by way of insurance policies or not;

(b) make regulations,

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

Funds.

9. The funds and resources of the Office shall consists of—

(a) such sums as may from time to time be placed at its disposition by Parliament;

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

Accounts
and audit.

10.—(1) The Office shall keep accounts and other records in relation to its business, and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which shall conform with established accounting standards.

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

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

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

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

Annual
report and
estimates.

(2) The Minister shall cause copies of the report together with copies of the statement of accounts in respect of that year and the auditor's report thereon to be laid on the Table of the House of Representatives.

(3) The Office shall, before a date specified by the Minister, submit to the Minister for his approval, estimates of revenue and expenditure for the ensuing year.

12.—(1) Where the Office reports to the Minister—

- (a) the existence of any local condition in any part of the Island tending to endanger public safety, and there are no powers under any law other than this section whereby such condition may be removed or guarded against; or
- (b) that any part of the Island appears to be threatened with or affected by a natural or technological hazard and that measures apart from, or in addition to, those specifically provided for in this Act, should be taken promptly,

Minister
may
declare
disaster
areas.

the Minister shall notify the Prime Minister in writing and the Prime Minister may by order published in the *Gazette* declare that part of the Island to be a disaster area and direct the enforcement of any measures recommended by the Office or any other measures that he thinks expedient for removing or otherwise guarding against any such condition and the probable consequences thereof or mitigating as far as possible, any such hazard.

- (c) prescribing matters in respect of which fees are to be payable, the amount of such fees and the persons liable to pay them;
- (d) any other matter or anything which may be, or is required by this Act to be, prescribed.

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

Exemption from customs duty.

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

Exemption from income tax, stamp duties and transfer tax.

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

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

16. Every person who—

- (a) assaults or obstructs the Director-General or any other duly authorized person acting in execution of his duty under this Act; or
- (b) fails to furnish any information required pursuant to the provisions of an order under section 12, or knowingly furnishes false information,

Offences and penalties.

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate, to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding twelve months.

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Protection
of officers,
employees
and autho-
rized per-
sons.

17. No action, suit or other proceeding shall be brought or instituted personally against any officer or employee of the Board or any person authorized under section 12, in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

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SCHEDULE

(Section 3 (2))

1. The Office shall consist of a Board of Management comprising the Director-General and such additional members not being less than seven nor more than ten as the Minister may from time to time appoint by instrument in writing. Constitution of Office.
2. A member of the Board other than the Director-General shall, subject to the provisions of this Schedule, hold office for a period not exceeding three years and each such member shall be eligible for re-appointment. Term of office.
3. The Minister may appoint any person to act temporarily in the place of any member of the Board other than the Director-General in the case of the absence or inability to act of such member. Acting appointments.
4. Any member of the Board other than the Director-General may at any time resign his office by instrument in writing addressed to the Director-General who shall forthwith cause it to be forwarded to the Minister and upon the date of the receipt by the Minister of such instrument the member shall cease to hold office. Resignation.
5. The Minister may at any time revoke the appointment of any member of the Board (other than the Director-General) if he thinks it expedient so to do. Revocation of appointments.
6. The names of all members of the Board as first constituted and every change in membership thereof shall be published in the *Gazette*. Gazetting of appointments.
- 7.—(1) The Minister may, on the application of any member of the Board (other than the Director-General), grant leave of absence to such member. Leave of absence.
(2) The appointment of a member referred to in sub-paragraph (1) shall be regarded as terminated if, without the grant of leave of absence, that member is absent from at least three consecutive meetings of the Board.
8. There shall be paid to the Director-General and each member of the Board such remuneration and allowances as the Minister may determine. Remuneration of members.
- 9.—(1) The seal of the Office shall be kept in the custody of the Director-General or of any officer of the Office authorized by the Board in that behalf, and shall be affixed to instruments pursuant to a resolution of the Board in the presence of the Director-General or any other member duly authorized to act in that behalf, and the secretary. Seal and execution of documents.
(2) The seal of the Office shall be authenticated by the signature of the secretary.

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(2) Any order under this section—

- (a) may extend to the whole Island or to such part thereof or to such particular places as may be specified therein;
- (b) shall, subject to subsection (4), remain in force for such period as may be specified therein.

(3) A copy of every such order shall be posted in a conspicuous place at every police station and post office in the Island.

(4) Any officer or employee of the Office or any other person authorized in writing in that behalf by the Director-General may at all times enter any premises for the purpose of ensuring compliance with the provisions of any order made under this section, and shall, if so required by the person in charge of the premises, produce to that person the authority for such entry.

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

Regulations.

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

- (a) the prevention, mitigation and suppression of technological hazards;
- (b) the collection and publication of data pertaining to disaster mitigation preparedness and emergency management;

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

**Procedure
and meet-
ings.**

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

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

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

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

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

(6) Subject to the provisions of this Schedule the Board may regulate its own proceedings.

**Disclosure
of interest.**

11. A member of the Board who is directly or indirectly interested in any matter which is being dealt with by the Board—

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

**Appoint-
ment of
committees.**

12.—(1) The Board may appoint such committees as it thinks fit consisting wholly or partly of members of the Board and may delegate to such committees such of the Board's functions as it thinks fit.

(2) A delegation under sub-paragraph (1) shall not prevent the exercise by the Board of any function so delegated.

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13. The office of a member of the Board other than the Director-General, shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

Office of member other than Director-General not public office.

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

Protection of office.

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

15.—(1) No action, suit or other proceeding shall be brought or instituted personally against any member of the Board in respect of any act done *bona fide* in the course of carrying out the provisions of this Act.

Protection of Board members.

(2) Where any member of the Board is exempt from liability by reason only of the provisions of this paragraph, the Office shall be liable to the extent that it would be if that member were an employee or agent of the Office.