



**SAINT LUCIA**

## **CHAPTER 14.06**

# **DISASTER PREPAREDNESS AND RESPONSE ACT**

### **Revised Edition**

Showing the law as at 31 December 2008

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

### **DISASTER PREPAREDNESS AND RESPONSE ACT**

Act 13 of 2000.. in force 7 August 2000 (S.I.193/2000)



## CHAPTER 14.06

# DISASTER PREPAREDNESS AND RESPONSE ACT

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## CHAPTER 14.06

# DISASTER PREPAREDNESS AND RESPONSE ACT

(Act 13 of 2000)

AN ACT to provide for a more effective organisation of the mitigation of, preparedness for, response to and recovery from emergencies and disasters.

Commencement [7 August 2000]

## PART 1 PRELIMINARY

### 1. SHORT TITLE

This Act may be cited as the Disaster Preparedness and Response Act.

### 2. INTERPRETATION

In this Act—

“**Advisory Committee**” means the National Emergency Management Advisory Committee established under section 6(1);

“**Director**” means the Director of the National Emergency Management Office appointed under section 3;

“**disaster emergency**” means a public emergency declared under section 17 of the Constitution of Saint Lucia on account of the threat or occurrence of a disaster;

“**Emergency Operations Centres**” means Emergency Operations Centres established under section 9;

“**hazard inspector**” means a hazard inspector appointed or designated under section 3;

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

“**local government unit**” means a district under the Local Authorities Act;

“**National Advisory Committee**” means the National Emergency Management Advisory Committee established under section 6(1);

“**Policy Review**” means the Disaster Preparedness and Response Policy Review under section 7(1);

“**Saint Lucia**” includes the territory (including areas covered by water) of Saint Lucia and maritime areas under the sovereignty or jurisdiction of Saint Lucia;

“**shelter manager**” means a shelter manager appointed or designated under section 3;

“**shelter officer**” means a shelter officer appointed or designated under section 3;

“**shelters list**” means the list of premises established under section 10(1);

“**special area precautionary plan**” means a special area precautionary plan under section 16;

“**statutory Board**” means a Board, committee or other group which is under any statute responsible for the direction, governing or control of any entity other than a Ministry or Department of Government and a majority of the membership of which Board, committee or other group would under any Act be constituted by persons to be appointed to that Board, committee or other group by a Minister or public officer and by Ministers and public officers who are ex officio members of that Board, committee or other group;

“**statutory body**” means an entity which has been established by or under any Act and which is directed or governed by either a public officer or an officer appointed by a Minister or a public officer or a statutory Board.

## **PART 2**

### **DIRECTOR OF THE NATIONAL EMERGENCY MANAGEMENT OFFICE**

#### **3. DIRECTOR OF THE NATIONAL EMERGENCY MANAGEMENT OFFICE**

- (1) There shall be a Director of the National Emergency Management Office (in this Act referred to as “NEMO”), who shall be a public officer.
- (2) The Director may be assisted by such number of public officers or other persons as may be appointed or designated for the purpose, including public officers appointed or designated to discharge the functions of hazard inspectors or shelter managers or officers under this Act.
- (3) Where a school is listed as premises available and suitable for use as a shelter under section 10 the shelter manager for that school shall be the principal of the school.
- (4) The Director or any police officer shall have all the enforcement powers of a hazard inspector, shelter manager or shelter officer under sections 10(7) and 30.

#### **4. FUNCTIONS OF DIRECTOR**

- (1) The Director shall subject to section 5 be responsible to the Prime Minister for coordinating the general policy of the Government of Saint Lucia relating to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Saint Lucia.
- (2) The Director shall for the purposes of subsection (1) and in addition to discharging other functions conferred on the Director by this Act or any other law—
  - (a) review and appraise the various programmes and activities of the Government in the light of the policy of this Act for the purpose of determining the extent to which such programmes and activities are contributing to the achievement of such policy, and to make recommendations to the Prime Minister with respect thereto;

- (b) develop and recommend to the Prime Minister national policies to foster and promote the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Saint Lucia;
- (c) gather timely and authoritative information concerning the conditions and trends in the quality of the environment, both current and prospective, as these relate to the likelihood of disasters in Saint Lucia;
- (d) analyse and interpret the information gathered under paragraph (c) for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy of this Act;
- (e) conduct investigations, studies, surveys, research and analyses relating to ecological systems and environmental quality and document and define changes in the natural environment as these relate to the likelihood of disasters in Saint Lucia;
- (f) prepare and review disaster risk assessment maps of Saint Lucia;
- (g) conduct programmes of public information and education on the mitigation of, preparedness for, response to and recovery from emergencies and disasters;
- (h) liaise with persons and organisations within and outside Saint Lucia for the purpose of exchanging information and facilitating the harmonisation of the policies of such persons and organisations with those of the Government of Saint Lucia relating to the prevention and mitigation of, preparedness for, response to and recovery from emergencies and disasters in Saint Lucia;
- (i) provide technical advice on draft regulations, whether under this Act or any other legislation, relating to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Saint Lucia.

## 5. MINISTERIAL DIRECTIONS TO DIRECTOR

The Director shall be subject to such 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 by or under this Act as the Prime Minister gives on any matter that affects the



public interests of Saint Lucia, and the Director shall give effect to all such directions.

### **PART 3**

#### **ADVISORY COMMITTEE, POLICY REVIEW AND PLAN**

##### **6. NATIONAL EMERGENCY MANAGEMENT ADVISORY COMMITTEE**

- (1) There shall be a National Emergency Management Advisory Committee comprising—
  - (a) the Prime Minister as *ex officio* chairperson;
  - (b) a Minister or public officer nominated by the Prime Minister to serve as chairperson in the absence of the Prime Minister from any meeting;
  - (c) such other members as may be nominated by the Prime Minister to represent—
    - (i) the Police Force,
    - (ii) the Special Service Unit,
    - (iii) the Fire Service,
    - (iv) the Ministry responsible for public health,
    - (v) the Ministry responsible for the environment,
    - (vi) the Ministry responsible for public works,
    - (vii) the Ministry responsible for local government,
    - (viii) such other Ministries, Departments of Government and statutory bodies as the Prime Minister thinks fit,
    - (ix) such other persons or organisations as the Prime Minister thinks fit who volunteer or are required by law to perform functions related to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Saint Lucia.
- (2) The chairperson or alternate chairperson and any 4 other members of the National Advisory Committee shall constitute a quorum for meetings of the Committee.
- (3) The Director of NEMO shall be the Secretary of the National Advisory Committee.

- (4) The members of the National Advisory Committee or of any other Committee under subsection (6) shall receive such attendance fees and travel or other allowances as the Prime Minister may authorise by order.
- (5) The Prime Minister may by regulations prescribe rules of procedure for the National Advisory Committee, but the Committee may, subject to such regulations and this Act, determine its own procedure.
- (6) The Director shall in consultation with the National Advisory Committee establish other committees and sub-committees charged with particular responsibilities, whether defined by geographical area or otherwise, in relation to the response to emergencies and disasters in Saint Lucia, which other committees and sub-committees shall be available to be convened whenever a threatened disaster alert arises or a disaster strikes.

## **7. DISASTER PREPAREDNESS AND RESPONSE POLICY REVIEW**

- (1) The Director shall prepare annually for the approval of the Prime Minister a Disaster Preparedness and Response Policy Review related to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Saint Lucia.
- (2) The Director for NEMO shall consult the National Emergency Management Advisory Committee in the preparation of the Policy Review.
- (3) When the Policy Review is approved by the Prime Minister, with or without amendments, the Director shall publish the Review.

## **8. NATIONAL DISASTER RESPONSE PLAN**

- (1) The Director shall prepare annually for the approval of the Prime Minister, the National Disaster Response Plan, comprising the statement of the contingency arrangements under the coordination of the Director for responding to the threat or event and aftermath of a disaster in Saint Lucia whether or not the threat or the disaster is such as to prompt the declaration of a disaster emergency.
- (2) The National Disaster Response Plan shall include—

- (a) procedures related to disaster preparedness and response of public officers, Ministries and Departments of Government, statutory bodies, local government units, and persons or organizations who volunteer or are required by law to perform functions related to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Saint Lucia;
- (b) procedures for coordinating the national disaster response plan and its implementation with the preparation and implementation of disaster response plans of persons and bodies in paragraph (a);
- (c) procedures for informing persons under paragraph (a) and the public in Saint Lucia and elsewhere of the existence of a threatened disaster alert under section 27 or the existence of a disaster emergency;
- (d) procedures for preparing and maintaining inventories of services, systems and supplies for the mitigation of, preparedness for, response to and recovery from emergencies and disasters during a threatened disaster alert under section 27 or the existence of a disaster emergency;
- (e) procedures for mobilising services and systems for the mitigation of, preparedness for, response to and recovery from emergencies and disasters during a threatened disaster alert under section 27 or the existence of a disaster emergency, including procedures for the provision of manpower for Emergency Operations Centres and for the protection of the family and property of persons required for the purpose of providing manpower to such centres or required otherwise to perform other duties of protecting the public;
- (f) procedures for the protection and restoration of communications, both nationally and internationally, during a threatened disaster alert under section 27 or in the event or the aftermath of a disaster emergency;
- (g) procedures for informing persons under paragraph (a) and the public in Saint Lucia and elsewhere of the state of affairs during a threatened disaster alert under section 27 or in the event or the aftermath of a disaster emergency;

- (h) procedures for the release, distribution and replenishment of emergency stores of supplies of food, water, clothing and medical supplies during a threatened disaster alert under section 27 or in the event or the aftermath of a disaster emergency;
  - (i) procedures for safeguarding against fire and epidemics during a threatened disaster alert under section 27 or in the event or the aftermath of a disaster emergency;
  - (j) procedures for the provision of shelter for persons during a threatened disaster alert under section 27 or in the event or the aftermath of a disaster emergency;
  - (k) procedures for cooperation with international organizations and governments of countries outside Saint Lucia during a threatened disaster alert under section 27 or in the event or the aftermath of a disaster emergency;
  - (l) procedures for accepting and facilitating the distribution of volunteer services and relief supplies during a threatened disaster alert under section 27 or in the event or the aftermath of a disaster emergency;
  - (m) procedures to apply in the event that the evacuation of all the residents of any area is considered to be desirable in the event of a disaster emergency;
  - (n) procedures to apply in the event that the requisitioning of private property is considered to be desirable in the event of a disaster emergency, including procedures for assessing and paying compensation;
  - (o) procedures for protecting life and property from the dangers of looting and riotous behaviour in the event or the aftermath of a disaster emergency.
- (3) The Director of NEMO shall consult the National Emergency Management Advisory Committee in the preparation of the National Disaster Response Plan.

## **PART 4**

### **EMERGENCY OPERATIONS CENTRES AND SHELTERS**

#### **9. EMERGENCY OPERATIONS CENTRES**

The Director shall be responsible for the establishment and maintenance of a National Emergency Operations Centre to function as the headquarters of the activities undertaken in response to a disaster emergency, and may establish and maintain supplementary Emergency Operations Centres or facilitate the establishment and maintenance of such supplementary Emergency Operations Centres, whether distributed according to geographical location or local government unit or otherwise, by persons or bodies in section 8(2)(a).

#### **10. SHELTERS**

- (1) The Director shall establish and maintain a list of premises available for and suitable for use as shelters during a threatened disaster alert under section 27 or in the event or the aftermath of a disaster emergency.
- (2) The Director shall in the shelters list—
  - (a) distinguish between listed premises in State occupation and other premises;
  - (b) list the facilities available at each listed premises;
  - (c) indicate the suitability of each listed premises for use during a threatened disaster alert under section 27 or in the event or the aftermath of a disaster emergency; and
  - (d) indicate the periods for which the listed premises would be suitable for use in the instances in paragraph (c).
- (3) The Director shall subject to subsection (4) assign to each listed premises a shelter manager charged with the responsibility of managing the shelter during any period when the building is being used for that purpose, and may assign shelter officers to assist any shelter manager.
- (4) Where listed premises are not in State occupation, the designation of shelter managers or shelter officers for those premises shall be subject to the agreement of the occupier of the premises.

- (5) The Prime Minister may make regulations for the use of any listed premises by persons taking shelter therein, and regulations made under this subsection shall apply during the period when the premises are in use as shelters.
- (6) Regulations made under subsection (5) for listed premises which are not in State occupation may be made on the recommendation of the occupiers of the premises.
- (7) Regulations under subsection (5) may confer enforcement powers on shelter managers and shelter officers for the purpose of keeping order in shelters.
- (8) The owner or occupier of a listed premises is not liable to any person taking shelter on the premises for any injury to such person or damage to or loss of any person's property, which injury, damage or loss arises from the condition of the premises, where the use of the premises for shelter was within the listed limits of suitability of the premises under subsection (2).
- (9) Subsection (8) is without prejudice to any other right or remedy which 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.

## **PART 5**

### **OBLIGATIONS OF OTHER PUBLIC OFFICERS**

#### **11. LIAISON OFFICERS**

Every permanent secretary and head of a department of Government shall ensure that there is at all times a public officer of his or her Ministry or Department designated as the liaison officer for communication with the Director in relation to the procedures of the Ministry or Department under section 8(2)(a).

#### **12. ANNUAL REPORT TO DIRECTOR**

Every permanent secretary and head of a department of Government shall supply annually to the Director in such form and by such date as

may be required by the Prime Minister such information as may be requested by the Director for the purposes of sections 4(2)(a) and 8(2).

### **13. DIRECTOR TO BE CONSULTED**

- (1) Before any person other than the Director of Public Prosecutions, a judge or magistrate exercises any disaster preparedness and response related powers under this or any other Act, that person shall subject to subsections (2) to (4) consult the Director.
- (2) The obligation to consult in subsection (1) shall not apply—
  - (a) during a disaster 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;
  - (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 Prime Minister waive his or her right to be consulted, and any such waiver shall take effect when the Prime Minister notifies that waiver 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.

### **14. ENVIRONMENTAL IMPACT ASSESSMENTS**

Any power under any law to require an environmental impact assessment is, whether such power is express or implied, a disaster preparedness and response related power for the purposes of section 13(1).

## **PART 6**

### **SPECIALLY VULNERABLE AREAS**

#### **15. DELIMITATION OF SPECIALLY VULNERABLE AREAS**

- (1) The Prime Minister may on the recommendation of the Director designate specially vulnerable areas for the purposes of the mitigation of, preparedness for, response to and recovery from emergencies and disasters by delimiting such areas under this section.
- (2) The Director shall prepare for the approval of the Prime Minister a draft order delimiting any specially vulnerable area that the Director recommends for designation under subsection (1).
- (3) Before approving the draft order delimiting a specially vulnerable area, the Prime Minister shall arrange for a public enquiry to be held in conformity with Schedule 1, at which the Director shall present the draft order for discussion and comments.
- (4) The Prime Minister may combine a public enquiry under this section with a public enquiry under any other Act or under section 18(1) or both.
- (5) After the public enquiry has been held, the Prime Minister shall, if he or she decides to accept the Director's recommendation for the designation of the area, consider what revisions ought to be made of the draft order and shall settle the delimitation of the specially vulnerable area by making the order and publishing it in the Gazette.

#### **16. SPECIAL AREA PRECAUTIONARY PLANS FOR SPECIALLY VULNERABLE AREAS**

- (1) The Director may prepare for the Prime Minister's approval a draft special area precautionary plan for a specially vulnerable area under section 15(1).
- (2) A special area precautionary plan may include—
  - (a) strategies, policies and standards for development and for maintenance of structures in the specially vulnerable area or any proposed specially vulnerable area;



- (b) standards for environmental impact assessment for contemplated development in the specially vulnerable area;
  - (c) provisions designating any part of the specially vulnerable area as a prohibited area for navigation or for the purpose of removing vegetation, sand, stones, shingle or gravel.
- (3) A special area precautionary plan may communicate strategies, policies, standards or designations by means of maps and diagrams.

#### **17. DRAFT SPECIAL AREA PRECAUTIONARY PLAN**

- (1) The Director shall by notice in the Gazette and at least one newspaper published in Saint Lucia invite submissions from the public relating to the contents of a draft special area precautionary plan.
- (2) The Director shall allow a period of not less than 4 weeks and not more than 8 weeks for the receipt by him or her of such submissions 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.

#### **18. PUBLIC ENQUIRY ON DRAFT SPECIAL AREA PRECAUTIONARY PLAN**

- (1) When the draft special area precautionary plan is presented to the Prime Minister for approval, the Prime Minister shall, unless he or she considers that the objectives of the draft plan have already been met under the provisions of other legislation, arrange for a public enquiry to be held in conformity with the provisions of Schedule 1 at which the Director shall present the draft plan for discussion and comments.
- (2) The Prime Minister may combine a public enquiry under this section with a public enquiry under any other Act or under section 15(3) or both.

**19. REVISION OF DRAFT SPECIAL AREA PRECAUTIONARY PLAN**

After the public enquiry has been held, the Director shall consider what, if any, revisions ought to be made in the draft special area precautionary plan in the light of the proceedings of the public enquiry, and resubmit the draft plan to the Prime Minister with such revisions, if any.

**20. APPROVAL OR REFERRING BACK OF DRAFT SPECIAL AREA PRECAUTIONARY PLAN.**

- (1) The Prime Minister may—
  - (a) approve the resubmitted draft special area precautionary plan by order subject to affirmative resolution;
  - (b) refer the draft plan back to the Director for such changes as the Prime Minister may require, in which event the Director shall make the changes as required and resubmit the draft plan to the Prime Minister; or
  - (c) discontinue the process if he or she considers that the objectives of the draft plan have already been met under the provisions of other law.
- (2) Section 18 shall apply to a draft special area precautionary plan resubmitted to the Prime Minister under subsection (1)(b) as it applies to a draft plan under section 17.

**21. SPECIAL AREA PRECAUTIONARY PLAN**

- (1) The draft special area precautionary plan approved under section 20(1)(a) shall when published in the Gazette thereby become the special area precautionary plan for the specially vulnerable area until a new amended special area precautionary plan is approved under this Act.
- (2) A special area precautionary plan shall not authorise any development which would not be permitted under any law relating to land use or any other law in force in Saint Lucia.

**22. AUTHORITIES TO HAVE REGARD TO SPECIAL AREA PRECAUTIONARY PLAN**

Any person or authority exercising any function under this Act or any function under any law in force in Saint Lucia affecting the

conservation and management of the resources of the specially vulnerable area shall have regard to the special area precautionary plan.

**23. AMENDMENT OF ORDER DELIMITING THE SPECIALLY VULNERABLE AREA**

- (1) The Director may with the approval of the Prime Minister at any time prepare draft proposals for amending the order delimiting the specially vulnerable area.
- (2) The amendment of the order delimiting the specially vulnerable area in accordance with such draft proposals shall comply with section 15.

**24. AMENDMENT OF SPECIAL AREA PRECAUTIONARY PLAN**

- (1) The Director may at any time prepare and propose for the approval of the Prime Minister draft amendments to the special area precautionary plan for the specially vulnerable area.
- (2) The amendment of the special area precautionary plan in accordance with such drafts shall comply with sections 17 to 20, and the amended plan shall when approved under section 20(1)(a) and published in the Gazette thereafter constitute the special area precautionary plan under section 21(1).

**25. REGULATIONS FOR IMPLEMENTING SPECIAL AREA PRECAUTIONARY PLANS**

The Prime Minister may make regulations for the purpose of implementing the special area precautionary plans.

**26. JUDICIAL REVIEW**

- (1) Any person aggrieved by a special area precautionary plan for a specially vulnerable area, who desires to question its validity or the validity of any provision in it on the grounds that it is not within the powers of this Act or that any requirement of this Act has not been complied with in relation to the approval or preparation of the plan, may, within 6 weeks from the date on which the notice is published in the Gazette under section

20(1), make an application to the High Court under this section in accordance with any rules of court in force.

- (2) On any application under this section, the High Court, if satisfied that the plan, or any powers contained therein, is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by a failure to comply with any requirement of this Act may quash the special area precautionary plan or any provision contained in it, either generally or in so far as it affects any property of the applicant.
- (3) Where the whole special area precautionary plan is quashed under subsection (2), the Director shall prepare a new draft special area precautionary plan to which sections 17 to 20 shall apply as they apply to a draft plan under section 16(1).
- (4) Where a provision of the special area precautionary plan is quashed under subsection (2), but the whole plan is not quashed, the plan without the quashed provision shall be deemed to be an approved amended special area precautionary plan under section 20(1)(a).

## **PART 7**

### **THREATENED DISASTER ALERTS**

#### **27. THREATENED DISASTER ALERTS**

- (1) For the purposes of this Act, a threatened disaster alert exists when—
  - (a) the Governor General declares by Proclamation and on the advice of the Prime Minister after the Prime Minister has consulted or been advised by the Director under subsection (3), that there is a substantial prospect that a disaster of a kind in column 1 of Schedule 2 will strike within the applicable period in column 2 of Schedule 2; or
  - (b) an agency, whether within Saint Lucia or otherwise, certified by the Director as an Accredited Disaster Notification Service under subsection (4), broadcasts or otherwise publishes a formal announcement warning persons in Saint Lucia of the threat of the strike of a

disaster of a kind in column 1 of Schedule 2 within the applicable period in column 2 of that Schedule.

- (2) The Governor General may by declaration on the same advice and after the same consultation as is provided in subsection (1)(a) declare that despite such an announcement Saint Lucia is not in a state of threatened disaster alert.
- (3) The Director shall advise the Prime Minister on request, and at any time he or she considers appropriate, when there is a substantial prospect that a disaster of a kind in column 1 of Schedule 2 will strike within the applicable period in column 2 of that Schedule.
- (4) The Director may certify any agency, whether within Saint Lucia or otherwise, which he or she considers to have a high level of technical expertise in the prediction or assessment of risk of any kind of disaster, as an Accredited Disaster Notification Service for the purposes of this Act.
- (5) A certification under subsection (4) may be general or limited to specified kinds of disaster.
- (6) If the Prime Minister prescribes by regulations may under section 33(1) that different periods shall apply in relation to threatened disaster alerts than those prescribed in Schedule 2, that Schedule shall to the extent of the inconsistency cease to have effect under this section.

## **PART 8**

### **APPLICATION OF TREATIES**

#### **28. CARIBBEAN DISASTER EMERGENCY RESPONSE AGENCY**

The provisions of the Caribbean Disaster Emergency Response Agency Agreement in Schedule 3 has the force of law in Saint Lucia.

#### **29. APPLICATION OF TREATIES IN TIME OF DISASTER EMERGENCY**

Where Saint Lucia is a party to a treaty or other international agreement which the Governor General considers relevant to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Saint Lucia, the Governor General may

during any disaster emergency or at any other time proclaim that treaty or any part of it to be part of the law of Saint Lucia for the duration of any disaster emergency or any particular case or class of case of such disaster emergency, and the provisions of that treaty or part thereof, as the case may be, shall for the duration of that disaster emergency have effect as if enacted under this Act.

## **PART 9 MISCELLANEOUS**

### **30. DISASTER HAZARD INSPECTIONS**

- (1) Where a magistrate is satisfied, on evidence on oath by a hazard inspector, that the condition of any premises is reasonably suspected of posing a danger of serious injury to persons outside of the premises in the event of a disaster, the magistrate may issue or renew an order authorising the hazard inspector to enter and inspect those premises for hazards.
- (2) An order under this section expires not later than 30 days after the date on which it is made, and may be renewed before expiry for one or more periods each of which is not more than 30 days.
- (3) An order under this section shall be carried out during daylight hours unless the order authorises otherwise.
- (4) The Director shall provide himself or herself and each hazard inspector with a distinctive badge, tag or other identification device which may conveniently be carried by himself or herself and each hazard inspector while engaged in the performance of their duties under this section.
- (5) A hazard inspector who exercises a power under this section shall identify himself or herself as a hazard inspector to any person in control of the premises to be inspected at the time of the inspection, by the production of his or her hazard inspector's badge, tag or other identification device under subsection (4) and shall explain the purpose of the inspection.
- (6) An order under this section may be issued or renewed on application although no notice of the application is given to any person who may be affected thereby.

- (7) A hazard inspector shall prepare a report on the results of any inspection carried out under this section, a copy of which shall be provided to the occupier of the premises.
- (8) Where the hazard inspector is of the opinion, after carrying out an inspection under this section, that the condition of any premises poses a danger of serious injury to persons outside of the premises in the event of a disaster, and that the condition of the premises which gives rise to the danger constitutes a violation of any other law, he or she shall send a copy of the report to any Ministry, Department or other body responsible for the administration of that other law, and notify the occupier of the premises that the report has been supplied to the Ministry or Department in question.
- (9) A report of a hazard inspector under this section shall be admissible in any legal proceedings as evidence of the truth of the report's findings of fact, whether or not the State is a party to such proceedings.

### **31. TREES WHICH POSE DANGER**

- (1) Where the Director or a hazard inspector identifies a tree as a tree likely to pose danger in the event of a disaster, he or she shall certify that in writing and send a notice to the owner or occupant of the property on which the tree stands, giving him or her specific instructions as to the steps to take to abate or remove the danger.
- (2) A person who is served with a notice under subsection (1) who does not take all the steps as directed by the Director or a hazard inspector in the notice to abate or remove the potential danger within 2 weeks from the date of receipt of the notice, commits an offence and in addition to any penalty imposed under section 35, is liable to pay any expenses which NEMO incurs to abate or remove the danger.
- (3) The Director or a hazard inspector exercising a function under this section shall identify himself or herself as the Director or hazard inspector, to the occupant or owner of the property on which the tree identified as posing danger stands, by the production of his or her badge, tag or other identification device provided under section 30(4) and shall explain the purpose of his or her mission.

### 32. EMPLOYEES WHO ASSIST IN EMERGENCY SITUATIONS

- (1) Where the Director certifies in writing that the services of a person is or was needed by NEMO, for the performance of tasks related to recovery from an emergency during a specified period, the employer of that person shall be obliged to pay the salary and all benefits to which the employee was entitled for the period specified.
- (2) The period the Director may specify under subsection (1) shall in no case exceed a continuous period of 2 weeks.
- (3) An employer who fails to comply with subsection (1) commits an offence.

### 33. REGULATIONS

- (1) The Prime Minister may make regulations for the purpose of implementing the provisions of this Act.
- (2) Regulations made under this Act shall be subject to a negative resolution.
- (3) During any threatened disaster alert or disaster emergency, regulations made under this Act, other than regulations required under subsection (4) to be published in the Gazette, may be published either—
  - (a) by announcement in any television or wireless transmission media licensed under the Telecommunications Act for transmission and reception in Saint Lucia; or
  - (b) by notice affixed to the outside of every district court and every police station located in the area of Saint Lucia to which the regulations apply.
- (4) Publication under subsection (3) shall be deemed to be sufficient compliance, for the duration of any period of disaster alert or disaster emergency, with any requirement of publication under this Act or any other law.
- (5) The means of authentication of regulations published under subsection (3) shall, unless otherwise prescribed by regulations published in the Gazette, be—
  - (a) in the case of media announcements under subsection (3)(a), the voice of the Prime Minister, a permanent



secretary, the Director or a head of a department of Government;

- (b) in the case of posted notices under subsection (3)(b), the actual or facsimile signature of the Prime Minister, a Permanent Secretary, the Director or a head of a department of Government.

#### **34. ASSAULTING OR OBSTRUCTING THE DIRECTOR OR A HAZARD INSPECTOR**

A person commits an offence who assaults or obstructs the Director, a hazard inspector, a shelter manager, a shelter officer, or a police officer in the execution of his or her duty in relation to—

- (a) the functions of a shelter manager or shelter officer under section 10;
- (b) the functions of a hazard inspector under section 30;
- (c) the functions of the Director or hazard inspector under sections 31 and 32; or
- (d) the functions of the Director under any regulations, made under this Act;

#### **35. PENALTIES**

A person who commits an offence under this Act for which no penalty is prescribed is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a period not exceeding 2 years, or both.

#### **36. ACT BINDS THE CROWN**

This Act binds the Crown.

## **SCHEDULE 1**

(Sections 15(3) and 18(1))

### **PUBLIC ENQUIRY PROCEDURE**

1. Where a public enquiry is to be held under this Act, the Prime Minister shall by instrument in writing appoint a person to hold the public enquiry on his or her behalf.
2. A person appointed to hold a public enquiry under this Schedule shall have the same powers as regards the regulation of the proceedings of the enquiry and the summoning and examination of witnesses and shall enjoy the same privilege of immunity from suit as a Commissioner appointed under the Commissions of Inquiry Act and that Act shall, with the necessary modifications, apply in relation to an enquiry under this Schedule and to any person summoned to give or giving evidence at any such enquiry.
3. The name of every person appointed to hold a public enquiry under this Schedule shall be published in the Gazette.
4. Notice shall be published in 3 issues of the Gazette and at least one newspaper published in Saint Lucia of the date appointed by the Prime Minister for the holding of a public enquiry under this Schedule, the first such notice being not less than 2 weeks before the date so appointed.
5. The Director shall appear or be represented at every public enquiry under this Schedule.
6. The person appointed under paragraph (1) may, for the purposes of sections 15(4) and 18(2) discharge the functions under this Schedule simultaneously with those relating to any public enquiry which that person may have been appointed to hold under any other Act.

## SCHEDULE 2

(Section 27)

### DISASTER ALERT ADVANCE SCHEDULES

***Column 1:***  
***Type of Disaster***

Earthquakes

Fires

Floods

Hurricanes

Landslides or slope failures

Storm surges

Tsunamis or tidal waves

Volcanic eruptions

***Column 2:***  
***Disaster Alert Advance Schedules***

[ ]

[ ]

[ ]

**Storm Warnings:**

When winds are expected to affect the island within 24 hours

**Hurricane Watch:**

When there is a threat of hurricane conditions affecting the island within 24–36 hours

**Hurricane Warnings:**

When hurricane conditions are expected to affect the island within 24 hours.

[ ]

[ ]

[ ]

**Stage 1 – Background:**

Several months to years

**Stage 2 – Preliminary alert:**

Several months to years

**Stage 3 – Alert:**

Weeks to months

**Stage 4 – Evacuation:**

Days to weeks

**Stage 5 – Eruption:**

Hours to days

**Stage 6** – Post eruption:

Days to months to years \*\*\*

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

## **SCHEDULE 3**

(Section 28)

### **AGREEMENT ESTABLISHING THE CARIBBEAN DISASTER EMERGENCY RESPONSE AGENCY**

#### **THE STATES PARTIES:**

CONSCIOUS that the fragile economies and ecosystems of Caribbean States are extremely vulnerable to natural and man-made disasters;

RECALLING that during recent decades many Caribbean States have been adversely affected by a succession of hurricanes, namely Barbados (1955); Cuba, Trinidad and Tobago, Jamaica and Haiti (1964); Dominica and the Dominican Republic (1979); Saint Lucia, Haiti and Jamaica (1980) and Antigua and Barbuda, St. Kitts and Nevis and Montserrat (1989);

RECALLING FURTHER the volcanic eruptions in Martinique and St. Vincent and the Grenadines (1902); Guadeloupe (1976); St. Vincent and the Grenadines (1979) as well as the earthquakes in Jamaica (1902); Puerto Rico (1918); the Dominican Republic (1946) and Antigua and Barbuda (1974);

MINDFUL that, from time to time, several States of the Caribbean are subject to disastrous floods and landslides;

AWARE of the need to complement the initiatives of the Pan Caribbean Disaster Preparedness and Prevention Project by establishing a mechanism among Caribbean States in order to facilitate immediate and coordinated assistance to States participating therein in the event of a disaster;

HAVE AGREED AS FOLLOWS:

#### **Article 1**

##### **Definitions**

In this Agreement, unless the context otherwise requires:

- (a) “Caribbean” means the territories of Member Countries of the Pan Caribbean Disaster Preparedness and Prevention Project.

- (b) “CARICOM” means the Caribbean Community;
- (c) “Coordinator” means the Disaster Emergency Response Coordinator appointed pursuant to Article 7;
- (d) “disaster” means the sudden event attributable directly and solely either to the operation of the forces of nature or to human intervention or to both of them and characterised by widespread destruction of lives or property accompanied by extensive dislocation of public services, but excluding events occasioned by war, military confrontation or mismanagement;
- (e) “national Relief” means the governmental agency organisation charged with responsibility for disaster relief management;
- (f) “Participating State” means a State party to this Agreement; and “affected Participating State” means such a State in the territory which a disaster has occurred;
- (g) “State” includes a dependent political entity of the Caribbean.

## **Article 2**

### **Establishment of the Agency**

The Caribbean Disaster Emergency Response Agency (hereinafter referred to as “the Agency”) is hereby established with the membership, structure, powers and functions herein set forth.

## **Article 3**

### **Membership**

Membership of the Agency shall be open to—

- (a) the States listed in the Annex to this Agreement; and
- (b) other States admitted to membership thereof in accordance with Article 32.

## **Article 4**

### **Objectives**

The Agency shall have the following objectives:

- (a) to make an immediate and coordinated response by means of emergency disaster relief to an affected Participating State;

- (b) to secure, coordinate and channel to interested inter-governmental and non-governmental organisations reliable and comprehensive information on disasters affecting a Participating State;
- (c) to mobilise and coordinate disaster relief from governmental and non-governmental organisations for affected Participating States;
- (d) to mitigate or eliminate, as far as practicable, the immediate consequences of disasters in Participating States;
- (e) to promote the establishment, enhancement and maintenance on a sustainable basis adequate emergency disaster response capabilities among the Members of the Agency.

### **Article 5**

#### **Organs of the Agency**

The Agency shall have the following Organs with the powers and functions specified in this Agreement:

- (a) The Council;
- (b) The Board of Directors; and
- (c) The Coordinating Unit.

### **Article 6**

#### **The Council**

1. The Council shall consist of the Heads of Government of the Participating States.
2. Every member of the Council shall be entitled to nominate any other person to represent that member at meetings of the Council.
3. The Council shall meet in ordinary session at least once in every calendar year and shall convene in extraordinary sessions at the request of  $\frac{3}{4}$  of the membership of the Agency.
4. Subject to the provisions of paragraph 3 of this Article, the Council shall regulate its own procedure.

### **Article 7**

#### **Functions of the Council**

The Council shall:

- (a) determine the policy of the Agency;
- (b) determine the organisation with which the Agency may establish functional relationships;
- (c) appoint the Disaster Emergency Reponse Coordinator on the recommendation of the Board of Directors;
- (d) designate such national disaster relief organisations as it may deem expedient as Sub-Regional Disaster Emergency Response Operational Units with the prior consent of the Government of the Participating States concerned;
- (e) approve the budgets of the Agency and the contributions of Participating States thereto;
- (f) perform such other functions as it may deem necessary or expedient to achieve the objectives of the Agreement.

#### **Article 8**

##### **The Board of Directors**

1. The Board of Directors shall consist of the heads of national disaster relief organisations of Participating States, with the Coordinator as its Chairman.
2. The Chairman shall convene the meetings of the Board of Directors which shall meet at least once in every calendar year. The Chairman shall convene extraordinary meetings of the Board at the request of not less than one-half of its members.
3. Subject to the foregoing provisions, the Board of Directors shall regulate its own procedure.

#### **Article 9**

##### **Functions of the Board of Directors**

The Board of Directors shall:

- (a) establish procedures for mobilising national resources to provide assistance in a timely and efficacious manner;
- (b) establish a system for maintaining and sharing inventories of critical resources likely to be needed by Participating States in the event of a disaster;



- (c) establish arrangements for rapidly accessing financial resources to cover the cost of mobilisation in the event of disaster in a Participating State;
- (d) establish and maintain systems for facilitating the movement of resources originating in or transiting a Participating State having regard to the requirements of immigration and customs authorities;
- (e) establish pro forma lists of the likely requirements of Participating States in the event of disaster;
- (f) establish standards and procedures for the fair and equitable deployment of resources made available by Participating States in response to a disaster;
- (g) determine the standard and procedures for a phased triggering of the disaster response mechanism;
- (h) assess the contributions of Participating States to the administrative budget of the Agency and the Emergency Assistance Fund referred to in Article 25 and make recommendations to the Council;
- (i) perform such other functions as the Council may determine.

### **Article 10**

#### **The Coordinating Unit**

1. The Coordinating Unit shall be the administrative headquarters of the Agency and it shall be located in such place as the Council shall decide.
2. The Coordinator shall be the Chief Administrative Officer of the Agency and shall act in that capacity at all meetings of the Council.
3. The appointment of the Coordinator shall be for a term not exceeding 5 years and he or she may be re-appointed.
4. The Coordinator shall make an annual report to the Council on the work of the Agency.
5. The Coordinator shall appoint the staff of Unit. In particular, he or she shall appoint a Deputy Disaster Emergency Response Coordinator (hereinafter referred to as “the Deputy Coordinator”) who shall be appointed from among persons with experience of, and shown capacity in, matters relating to

emergency relief operations, social welfare or administration. The Deputy Coordinator shall serve for a period not exceeding 2 years and he or she may be re-appointed.

6. The paramount consideration in the recruitment and appointment of staff in the Coordinating Unit and in the determination of their conditions of service shall be the need to ensure the highest standards of competence, efficiency and integrity. Subject to this consideration, due regard shall be paid to the importance of recruiting staff on as wide a geographical basis as possible.
7. In the performance of their duties the Coordinator and his or her staff shall not seek or receive instructions from the Government of any Participating State or from any source external to the Agency. They shall refrain from any action which may reflect adversely on their positions as international officials responsible only to the Agency.
8. Participating States undertake to respect the international character of the responsibilities of the Coordinator and his or her staff and not seek to influence them in the discharge of their duties.
9. Subject to the approval of the Board of Directors, the Coordinator shall establish the terms and conditions of service of the staff of the Coordinating Unit.

### **Article 11**

#### **Functions of the Coordinating Unit**

In addition to any other functions which may be allocated to it by the Council or the Board of Directors, the Coordinating Unit Shall:

- (a) develop and maintain a reliable damage assessment system and procedures to facilitate rapid and effective evaluation of a national disaster;
- (b) develop and maintain a comprehensive and reliable data base of key relevant resources (persons, facilities, equipment supplies) and a system for updating it;
- (c) establish, equip and maintain an emergency operations system capable of handling emergency telecommunications and facilitating coordination of

emergency responses involving many services, supplies and facilities;

- (d) establish and maintain an efficient and reliable system of communications with sub-regional operational focal points in order to facilitate the mobilisation, deployment and coordination of disaster response supplies and services;
- (e) establish arrangements with regional airlines and shipping lines in order to ensure access to their facilities on a priority basis in the event of a disaster;
- (f) establish arrangements with regional media houses designed to ensure the dissemination of reliable information on national disasters to the public;
- (g) establish arrangements with CARICOM Committees of Ambassadors in various metropolitan centres in order to ensure the dissemination to them of reliable information on national disasters in Member States and to enlist their cooperation in mobilising disaster relief resources on a timely and structured basis;
- (h) establish and maintain a reliable system of communications with the heads of national relief organisations and ensure that their disaster response capabilities are maintained at agreed levels of operational efficiency;
- (i) establish and maintain relations with international relief organisations in order to facilitate accessing of their resources in the event of a disaster;
- (j) mobilise and organise technical assistance from interested national and international bodies to assist in the development of disaster response capabilities of Participating States;
- (k) provide a clearing house for relevant information and intelligence in all matters relating to disasters including current research being undertaken in all related regional institutions;
- (l) on the basis of a distress call or on such other basis as may be agreed and in consultation with, Sub-Regional Disaster Response Operational Units, trigger the mechanism;

- (m) provide assistance on request to the heads of national relief organisations in the event of a disaster;
- (n) liaise with the disciplined forces of the sending States both in the planning and response stage of any operation mounted after the activation of the triggering mechanism;
- (o) review periodically disaster response capabilities of Participating States and ensure that resources identified for the purpose are immediately available in the event of disasters in Participating States;
- (p) prepare the administrative and emergency budgets of the Agency for submission to the Board of Directors.

### **Article 12**

#### **Sub-Regional Disaster Emergency Response Operational Units**

1. Where, pursuant to paragraph (d) of Article 7, the Council has designated Sub-Regional Disaster Emergency Response Operational Units, such bodies shall:
  - (a) acquire and maintain on an updated basis comprehensive information on the facilities and services available in each of the Participating States for which they bear responsibility;
  - (b) maintain and test on a regular basis communications with the Coordinating Unit and with critical response agencies under the control of national relief organisations;
  - (c) maintain independent fuel and power supplies and ensure that relevant physical facilities are in a condition to withstand a major disaster;
  - (d) keep and maintain at the operational focal point in serviceable and optimal working condition an equipment package containing essential items determined by the Board of Directors, subject to the approval of the Council.
2. In making a designation referred to in paragraph 1 of this Article, the Council shall identify the States for which the Sub-Regional Disaster Response Operational Unit concerned shall have responsibility.

### **Article 13**

#### **Undertaking of Participating States**

Without prejudice to the requirement to discharge any other obligations assumed under or in connection with this Agreement, Participating States undertake:

- (a) to establish or maintain, as the case may be, national relief organisations capable of responding swiftly, effectively and in a coordinated manner to disasters in Participating States;
- (b) to establish emergency disaster planning groups and define national policies and priorities in the event of disasters;
- (c) provide national relief organisations with adequate support including named emergency coordinators, liaison officers with key Ministries, emergency services, utilities and the like;
- (d) to task the named agencies (including the emergency services, Health and Public Works) and their coordinators with specific functions and responsibilities to ensure the development of an adequate response capability to support national disaster action;
- (e) to define the role and functions of key agencies such as the Security Services, Health and Public Works in disaster emergency response management and establish a system for regular review of their procedures for coordinated response;
- (f) establish and equip a suitable emergency operations centre capable of handling emergency telecommunications and coordinating emergency response involving many services;
- (g) develop and maintain an emergency telecommunications system based on the most appropriate technology to ensure the coordination of emergency operations involving the emergency services mentioned above as well as voluntary private sector services;
- (h) establish and strengthen procedures for coping with major disaster threats and scenarios and review systems for treating the procedures by drills and simulations;
- (i) to review and rationalise legal arrangements for disaster mitigation and emergency action;

- (j) to review and catalogue past disaster events and list credible future emergency event scenarios and identify and map areas with special problems like flood prone and landslide prone areas;
- (k) to establish data bases of key resources, both human and material, and a system for keeping them current and to computerise and integrate them into an automated emergency information system;
- (l) to develop, in collaboration with competent governmental agencies, an emergency shelter policy programme involving the full participation of local officials in community-based organisations;
- (m) to develop and review a system for community participation, local mobilisation and counter disaster action in the event of isolation;
- (n) to develop strategies for loss reduction in the public and private sectors focussing on vital economic activities and life-line activities like water supply;
- (o) to develop a system and procedures for damage assessment in order to facilitate rapid and effective post impact evaluation;
- (p) to develop and implement a comprehensive disaster public awareness, information and education programme involving media houses, schools, voluntary agencies and other institutions in order to ensure public participation and community involvement in the disaster management system;
- (q) develop and implement appropriate training programmes for persons involved in the disaster management system;
- (r) identify and seek participation in bilateral and multilateral technical cooperation programmes designed to develop disaster management capabilities;
- (s) to identify, maintain in a state of readiness and make available immediately on request by the Coordinator relevant material and human resources in the event of disaster.

#### **Article 14**

#### **Relations with Government and Non-Governmental Institutions**

1. The Agency may conclude agreements with Governmental, Inter-Governmental and Non-Governmental Organisations or Agencies in order to achieve the objectives of the Agency.
2. Unless the Council decides otherwise, the Coordinator may negotiate and conclude such Agreements on behalf of the Agency.

### **Article 15**

#### **Disciplined Forces**

1. Where, in response to a request for assistance by any Participating State, members of the disciplined forces are despatched to any part of the territory of the requesting State, designate a Special Coordinator from among the senior officers of such forces, acting after consultation with the Chiefs of Staff or Commanding Officers of the disciplined forces concerned.
2. The Special Coordinator shall be charged with responsibility for coordinating the disaster relief efforts of the disciplined forces to the Participating State concerned for the purpose.
3. No member of the disciplined forces shall be despatched to the territory of an affected Participating State without the express prior consent of that State.
4. In the absence of a contrary agreement between the requesting State and the sending State to that effect, members of the disciplined forces of the sending State shall be under the control and disciplinary authority of their commanding officer.

### **Article 16**

#### **Direction and Control of Assistance**

1. Subject to paragraph 2 of this Article, the overall direction, control, coordination and supervision of assistance despatched to a requesting State shall be the responsibility within its territory of the requesting State.
2. Where the assistance from a sending State involves personnel other than disciplined forces, the sending State shall designate in consultation with the requesting State the person who should be in charge of, retain immediate operational supervision over the personnel, equipment and supplies provided by it. The person so designated shall exercise such supervision in

cooperation with the competent authorities of the requesting State.

3. The requesting State shall provide to the extent of its capabilities local facilities and services for proper and efficient administration of communications assistance. In particular, the requesting State shall ensure that any ground stations brought into its territory for the purpose of rendering assistance shall be duly licensed to transmit and receive information in accordance with its domestic laws and regulations.
4. In the absence of a contrary agreement, ownership of equipment and materials despatched to the requesting State by a sending State during periods of assistance shall be unaffected and their prompt return shall be ensured.
5. The requesting State shall ensure the protection of personnel, equipment and materials brought into its territory for the purpose of rendering assistance in the event of a disaster.

#### **Article 17**

##### **Competent Authorities and Contract Points**

1. In the absence of a contrary indication from a Participating State the competent authority and contact point to make requests for and accept offers of assistance in the event of a disaster shall be the head of the national relief organisation.
2. Contact points and a focal point within the Coordinating Unit shall be made available continuously.
3. The Coordinating Unit shall regularly and expeditiously provide Participating States and relevant international organisations with the information referred to in paragraphs 1 and 2 of this Article.

#### **Article 18**

##### **Confidentiality and Public Statements**

1. Participating States shall respect the confidentiality of any confidential information becoming available to them in connection with assistance requested in the event of a disaster. Such information shall be used exclusively for the purpose of the assistance agreed upon.



2. The sending State shall use its best endeavours to coordinate with the requesting State before releasing information to the public on the assistance provided in connection with a disaster.

#### **Article 19**

##### **Costs of Providing Assistance**

Except as may otherwise be agreed between them, the expenses incurred by a sending State in providing assistance to a requesting State shall be defrayed by the sending State.

#### **Article 20**

##### **Termination of Assistance**

1. The Coordinator shall, subject to paragraph 2 of this Article, in consultation with the requesting State, determine the period of response to a disaster.
2. The requesting or sending State may, at any time, after appropriate consultation and by notification in writing request the termination of assistance provided or received under this Agreement.
3. Upon a request being made in that behalf, the parties concerned shall consult with each other to make arrangements for the termination of the assistance.

#### **Article 21**

##### **Privileges, Immunities and Facilities to be accorded a Sending State and its Personnel**

1. The requesting State shall accord to personnel of the sending State and personnel acting on its behalf the necessary privileges, immunities and facilities for the performance of their functions in rendering assistance.
2. Subject to prior notification by the sending State and acceptance by the requesting State of the personnel of the sending State or personnel acting on its behalf, the requesting State shall:
  - (a) grant to such personnel immunity from arrest, detention and legal process including criminal, civil and administrative jurisdiction of the requesting State, in respect of acts or omissions in the performance of their functions in rendering assistance;

- (b) grant to such personnel exemption from taxes, duties or other charges, in respect of the performance of their functions in rendering assistance, as is accorded to diplomatic personnel in accordance with international law;
  - (c) facilitate the entry into, stay in and departure from its territory of personnel so notified and accepted.
- 3. The requesting State shall:
  - (a) accord the sending State exemption from taxes, duties or other charges on equipment and property brought into the territory of the requesting State by the sending State for the purpose of rendering assistance;
  - (b) confer immunity from seizure, attachment or Requisition of such equipment and property and ensure they return to the sending State.
- 4. Nothing in this Article shall require the requesting State to accord its nationals or permanent residents the privileges and immunities provided for in paragraph 2(b) of this Article.
- 5. All persons enjoying privileges and immunities under this Article have a duty to respect the law and regulations of the requesting State and shall not interfere in the domestic affairs of the requesting State.

## **Article 22**

### **Transit of personnel, equipment and Property**

Participating States shall, at the request of the requesting State or the sending State, take all measures necessary to facilitate the transit through their territory of duly notified personnel, equipment and property involved in rendering assistance to and from the requesting State.

## **Article 23**

### **Claims and Compensation**

1. Participating States shall, cooperate in order to facilitate the settlement or legal proceedings and claims under this Article.
2. In the absence of a contrary agreement, the requesting State shall, in respect of death to the environment caused within its

territory or under its control or jurisdiction in the course of providing the assistance requested:

- (a) not bringing any legal proceedings against the sending State or persons or other legal entities acting on its behalf;
  - (b) assume responsibility for dealing with legal proceedings and claims brought by third parties against the sending State or against persons or other legal entities acting on its behalf except in cases of wilful misconduct or gross negligence;
  - (c) hold the sending State or persons or other legal entities acting on its behalf harmless in respect of legal proceedings referred to in sub-paragraph (b) hereof;
  - (d) compensate the sending State or persons or other legal entities acting on its behalf for death or injury to personnel of the sending State or persons or other legal entities acting on its behalf and for loss of or damage to non-consumable equipment or materials related to the assistance except in cases of wilful misconduct or gross negligence by individuals causing the death, injury or loss or damage.
3. Nothing in the Article shall be construed to prevent compensation or indemnity available under any applicable international agreement or national law of a Participating State nor to require the requesting State to apply paragraph 2 of this Article, in whole or in part, to its nationals or permanent residents.

## **Article 24**

### **The Administrative Budget**

1. The Agency shall establish an administrative budget, the funds of which shall be used to defray the ordinary expenses incurred in administering its affairs.
2. Participating States shall contribute to the administrative budget in accordance with a scale of assessment to be determined by the Board of Directors and approved by the Council.
3. The administrative budget shall be established on a biennial basis and the Coordinator shall cause the accounts of the Agency to be audited annually by external auditors approved by the Board of Directors.

4. The report of the auditors shall be presented by the Coordinator to the Board of Directors as soon as practicable for the consideration and approval of the Board.
5. The Coordinator, with the approval of the Board of Directors, shall establish financial regulations for the Agency.

### **Article 25**

#### **Emergency Assistance Fund**

1. The Agency shall establish an Emergency Assistance Fund (hereinafter in the Article referred to as “the Fund”) which shall be used solely to defray expenses incurred in connection with the rendering of assistance in the event of a disaster occurring in a Participating State.
2. Participating States shall contribute to the Fund in accordance with a scale of assessment to be determined by the Board of Directors and approved by the Council.
3. The Coordinator may accept contributions to the Fund from sources external to the Agency on such conditions as may be prescribed by them and agreed by the Board of Directors but without discrimination as to the Participating States to receive such assistance.
4. The Coordinator shall cause the accounts of the Fund to be audited annually by the auditors referred to in paragraph 3 of Article 24.
5. Paragraph 4 of Article 24 shall apply for the purposes of the Fund.

### **Article 26**

#### **Privileges and Immunities of the Agency**

1. The Agency shall have international legal personality and such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its objectives.
2. The Agency, its property and assets shall enjoy in the territories of the Participating States immunity from legal process except to the extent that the Agency waives this immunity expressly in any particular case.
3. The property and assets of the Agency in Participating States wherever located and by whomsoever held shall be immune

from search, requisition, confiscation, appropriation or any other form of seizure by executive or legislative action.

4. The property and assets of the Agency shall be exempt from restrictions, regulations, controls and moratoria of any kind.
5. The archives of the Agency, wherever located, shall be inviolable. Proprietary data, confidential information and personnel records shall not be placed in archives open to public inspection.
6. In respect of its official communications the Agency shall be accorded by each Participating State treatment no less favourable than that accorded by that State to other international organisations.

#### **Article 27**

##### **Representatives and Staff of the Agency**

Representatives of Participating States attending meetings of the Council of the Board of Directors and the Coordinator and other staff of the Unit shall enjoy in the Territory of each Participating State:

- (a) immunity from legal process with respect to acts performed by them in the exercise of their functions, except to the extent that the State which they represent or the Agency as appropriate expressly waives this immunity in any particular case;
- (b) where they are not nationals of that Participating State, the same exemptions from immigration restrictions, alien registration requirements and national service obligations, the same facilities as regards exchange restrictions and the same treatment in respect of travelling facilities as are accorded by that Participating State to the representatives, officials and employees of comparable rank of other Participating States.

#### **Article 28**

##### **Exemptions from Taxes and Customs Duties**

1. The Agency, its assets and property, its income, and its operations and transactions within the contemplation of this Agreement, shall be exempt from all direct taxation and goods imported or exported for its official use shall be exempt from

all customs duties. The Agency shall not claim exemption from taxes which are no more than charges for services rendered.

2. Where purchases of goods or services of substantial value necessary for the official activities of the Agency are made by or on behalf of the Agency, and where the price of such goods or services includes taxes or duties, appropriate measures shall, to the extent practicable, be taken by Participating States to grant exemptions from such taxes or duties or provide for their reimbursement.
3. Goods imported or purchased under an exemption provided for in this Article shall not be sold or otherwise disposed of in the territory of the Participating State granting the exemptions, except under conditions agreed with that Participating State granting the exemptions, except under conditions agreed with that Participating Member State.
4. No tax shall be levied by Participating States or in respect of salaries and other emoluments paid or any other form of payment made by the Agency to the Coordinator and staff of the Agency as well as experts performing missions for the Agency, not being their nationals.

### **Article 29**

#### **Suspension of Rights and Privileges of Membership**

1. A Participating State which is in arrears in the payment of its financial contribution to the administrative budget of the Agency shall have no vote in the Council or the board of Directors if the amount of the arrears equals or exceeds the amount of the contributions due from it for the preceding 2 financial years.
2. A Participating State which has grossly and persistently violated the obligations assumed under this Agreement may be suspended from the exercise of the rights and privileges of membership by the Council.
3. A determination within the meaning of paragraph 2 of this Article shall be made by the Council.

### **Article 30**

#### **Settlement of Disputes**

In the absence of a contrary agreement between the parties concerned, all disputes arising from or in connection with the interpretation or application of this Agreement shall be settled by the Council.

### **Article 31**

#### **Signature and Ratification**

The Agreement shall be open for signature by the States listed in the Annex to this Agreement and shall be subject to ratification in accordance with their respective constitutional procedures.

### **Article 32**

#### **Entry into Force**

1. This Agreement shall enter into force when Instruments of Ratification have been deposited by at least 7 of the States listed in the Annex to this Agreement including Barbados, Jamaica and Trinidad and Tobago.
2. Any other Caribbean State not listed in the Annex to this Agreement may apply to become a member of the Agency. Applications for membership shall be submitted to the Coordinating Unit. Admission to membership of the Agency shall be determined by the Council on the recommendation of the Board of Directors.
3. A State admitted to membership in accordance with paragraph 2 of this Article shall deposit an appropriate Instrument of Accession with the CARICOM Secretariat before becoming entitled to enjoy the privileges of membership of the Agency.

### **Article 33**

#### **Depositary**

1. The original of this Agreement and any amendments thereto shall be deposited with the CARICOM Secretariat.
2. The Secretary General of CARICOM shall notify the Coordinating Unit of the Agency of the Deposit of Instruments of Ratification or Accession, as the case may be.

### **Article 34**

#### **Amendments**

1. Any Participating State may propose amendments to this Agreement.
2. Any proposal for an amendment to this Agreement shall be submitted to the Coordinating Unit which shall transmit it to the Board of Directors with its comments.
3. The Board of Directors shall consider the proposal together with the comments of the Coordinating Unit and make a recommendation to the Council.
4. The Council shall consider the proposal for amendment and may adopt it with such modifications as it deems necessary.
5. Amendments shall enter into force when ratified by all Participating States.

### **Article 35**

#### **Denunciation and Withdrawal**

1. Any Participating State may denounce this Agreement and withdraw from the Agency.
2. Any Participating State wishing to withdraw from the Agency shall give to the Coordinating Unit 12 months' notice of its intention to do so and the Coordinator shall immediately notify the other Participating States.
3. The notice mentioned in paragraph 2 of this Article may be withdrawn at any time prior to the date on which withdrawal is to take effect.
4. A Participating State withdrawing from the Agency shall honour any financial obligations duly assumed by it during the period of its membership.

### **Article 36**

#### **Provisional Application**

1. Seven or more of the Participating States listed in the Annex to this Agreement including Barbados, Jamaica and Trinidad and Tobago, may, upon signature, or at any later date before this Agreement enters into force, declare their intention to apply it provisionally.
2. Upon any such declaration, the Secretary General of CARICOM shall convene an inaugural meeting of the Council.



IN WITNESS WHEREOF the undersigned representatives, being duly authorised by their respective Governments, have signed this Agreement—

Signed by

For the Government of Antigua and Barbuda on 7 March 1991 at St. John's Antigua

Signed by

For the Government of the Bahamas on 2 July 1991 at Basseterre, St.. Kitts and Nevis

Signed by

For the Government of Barbados on 26 February 1991 at Port-of-Spain, in Trinidad and Tobago

Signed by

For the Government of Belize on 26 February 1991 at Port-of-Spain, in Trinidad and Tobago

Signed by

For the Government of the British Virgin Islands on at

Signed by

For the Government of Dominica on at

Signed by

For the Government of Grenada on 14 May 1991 at Bridgetown, Barbados

Signed by

For the Government of Guyana on 2 July 1991 at Basseterre, St. Kitts and Nevis

Signed by

For the Government of Jamaica on 26 February 1991 at Port-of-Spain, Trinidad and Tobago

Signed by

For the Government of Montserrat on 4 March 1991 at Plymouth, Montserrat

Signed by

For the Government of St. Kitts and Nevis on 26 February 1991 at Port-of-Spain, Trinidad and Tobago

Signed by

For the Government of Saint Lucia on 26 February 1991 at Port-of-Spain, Trinidad and Tobago

Signed by

For the Government of Saint Vincent and the Grenadines on 14 May 1991 at Bridgetown, Barbados

Signed by

For the Government of Trinidad and Tobago on 26 February 1991 at Port-of-Spain, Trinidad and Tobago

**ANNEX**

Antigua and Barbuda

The Bahamas

Barbados

Belize

British Virgin Islands

Dominica

Grenada

Guyana

Jamaica

Montserrat

St. Kitts and Nevis

Saint Lucia

Saint Vincent and the Grenadines

Trinidad and Tobago