

OBJECTS AND REASONS

This Bill would provide for the effective organization and management of disasters and other emergencies in Barbados.

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FIRST SCHEDULE

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BARBADOS

A Bill entitled

An Act to provide for the effective organization and management of disasters and other emergencies in Barbados.

ENACTED by the Parliament of Barbados as follows:

PART I

Preliminary

1. This Act may be cited as the *Emergency Management Act*, Short title. 2006.

Interpreta-
tion.

2. In this Act,

"Council" means the Emergency Management Advisory Council established by section 7(1);

"critical infrastructure" means those facilities or assets, the loss or destruction of which would have a debilitating impact on the economic and social well being of the country;

"Department of Emergency Management" or "the Department" means the Department of Government of that name referred to under section 3(1);

"Director" means the Director of the Department of Emergency Management;

"disaster" means a serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses which exceed the ability of the affected community or society to cope using its own resources but excluding events caused by war or military confrontation";

"disaster risk reduction" means the plans made with a view to the minimizing of vulnerabilities and disaster risks throughout a society, to avoid (prevention) or to limit (mitigation and preparedness) the adverse impacts of hazards, within the broad context of sustainable development;

"emergency" means

- (a) a public emergency declared under section 28(1) on account of the threat or occurrence of a disaster; or
- (b) a serious occurrence that takes place unexpectedly and demands an urgent response or attention;

"Emergency Management Plan" means the Emergency Plan prepared pursuant to section 9;

"emergency management" includes

- (a) the prevention and mitigation of the effect of disasters or other emergencies;
- (b) the preparedness for, response to and recovery from emergencies, disasters and hazards; and
- (c) the organization and management of resources and responsibilities for dealing with all aspects of emergencies;

"environmental impact assessment" means studies undertaken in order to assess the effect on a specified environment of the introduction of any new factor, which may upset the current ecological balance;

"Emergency Operations Centres" means Emergency Operations centres established by section 10;

"Geographic Information Systems" means an organized, collection of computer hardware, software, geographic data, and personnel designed to efficiently capture, store, update, manipulate, analyse, and display all forms of geographically referenced information;

"hazard" means a potentially damaging physical event, phenomenon or human activity that may cause the loss of life or injury, property damage, social and economic disruption or environmental degradation;

"hazard inspector" means a hazard inspector appointed or designated under section 3;

"listed premises" means premises listed in the shelters list;

"Minister" means unless the context indicates otherwise, the Minister responsible for emergency management;

"Policy Review" means the Emergency Management Policy Review prepared in accordance with section 8(2);

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

"relief supplies" refers to food, water, clothing, medicines or medical equipment, or any other supplies used for response or recovery;

"risk assessment map" means the geographical representation of the nature and extent of risk posed by actual or potential hazards;

"shelter manager" means a shelter manager appointed or designated under section 4;

"shelter officer" means a shelter officer appointed or designated under section 4;

"shelter list" means the list of premises established and maintained pursuant to section 11(1);

"special areas precautionary plan" means a special areas precautionary plan published in the *Official Gazette* pursuant to section 22;

"statutory body" means an entity which has been established by or under any Act and which is directed or governed by a statutory board;

"vulnerable" means susceptible to the impact of hazards, disasters or other emergencies whether through physical, social, economic and environmental factors or processes;

PART II

Department of Emergency Management

3. (1) There shall be a Department of Government to be known as the Department of Emergency Management Department of Emergency Management.
- (a) headed by a Director who shall be a public officer and who shall have the responsibility of administering this Act; and
- (b) whose principal objects are to give effect to the general policy of Government with respect to emergency management by facilitating and coordinating the development and implementation of systems in accordance with the Emergency Plan.
4. (1) The Director, any other technical officer in the Department and any member of the Police Force shall have all the enforcement powers of a hazard inspector, shelter manager or shelter officer under sections 30 and 31(5) respectively. Powers of Director.
- (2) The Director may be assisted by such number of public officers or other persons as may be appointed or designated for the purpose.
5. Subject to section 6, the Director shall be responsible to the Minister for implementing the general policy of the Government relating to emergency management in Barbados and in particular shall Functions of Director.
- (a) review and assess the various programmes and activities of the Government that have an impact on emergency management in Barbados and make recommendations to the Minister on the proposed activities and programmes on emergency management and the coordination of those activities and programmes;

- (b) develop and recommend to the Minister national policies to foster and promote emergency management;
- (c) in collaboration with or other agencies, 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 Barbados.
- (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 emergency management;
- (e) in collaboration with other agencies, 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 Barbados;
- (f) prepare and review disaster risk assessment maps of Barbados;
- (g) conduct programmes of public information and education on emergency management;
- (h) liaise with persons and organisations in or outside of Barbados for the purpose of exchanging information and facilitating the harmonisation of the policies of such persons and organisations with those of the Government of Barbados relating to emergency management in Barbados;
- (i) provide technical advice relating to emergency management in Barbados;

- (j) in conjunction with other agencies, identify, prepare and maintain a national database and a geographical information system that include information on
 - (i) areas, structures, institutions; and
 - (ii) those persons who are particularly vulnerable to the consequences of natural disasters;
- (k) encourage and support the development of community based sustainable development programmes aimed at reducing the risk and impact of hazards or disasters and harness community resources for preparedness, response and recovery; and
- (l) provide training in emergency management.

6. The Minister shall give the Director directions of a specific or general character in relation to the functions and duties of the Director as provided in this Act. Ministerial directions to the Director.

PART III

Emergency Management Advisory Council, Emergency Management Policy Review and Plan

7. (1) There shall be an Emergency Management Advisory Council. Emergency Management Advisory Council, its functions. First Schedule
- (2) The provisions of the *First Schedule* shall have effect as to the constitution of the Council and otherwise in relation thereto.
- (3) The functions of the Council are to
- (a) recommend policies, programmes and activities to enhance the emergency management programme;
 - (b) review the work of the Committees of the Council with respect to specialized areas; and
 - (c) any other function assigned to the Council by the Minister.

Annual
Report of
the Director
and an
emergency
management
Policy
Review.

8. (1) The Director shall within three months after the end of every calendar year and not later than 1st April of each year, prepare for the approval of the Council, an annual report of activities of the Department during that year and when approved by the Council, shall be forwarded by the Council to the Minister who shall lay copies thereof before Parliament.

(2) The report referred to in subsection (1) shall include an Emergency Management Policy Review related to

- (a) disaster preparedness and response;
- (b) disaster risk reduction; and
- (c) recovery, rehabilitation and reconstruction in respect of disasters and other emergencies.

(3) The Director shall consult the Council in the preparation of the Policy Review.

(4) When the policy review is approved by the Minister with or without amendments, the Director shall by Notice publish the Review in the *Gazette* and in each daily newspaper circulated in Barbados.

The
Emergency
Manage-
ment Plan.

9. (1) The Director shall prepare annually and not later than 1st March each year, for the approval of the Minister, the Emergency Management Plan, comprising a statement of the contingency arrangements under the coordination of the Director for responding to the threat or event and aftermath of a disaster or other emergency in Barbados whether or not the threat or the disaster or other emergency is such as to prompt a declaration of a disaster or other emergency.

(2) The Emergency Management Plan shall include procedures for or related to the

- (a) preparedness and response to disasters or other emergencies of public officers, Ministries and Departments of Government, statutory bodies and persons or organisations who volunteer or are required by law to perform functions related to emergency management in Barbados;
- (b) coordination of the Emergency Management Plan and its implementation with the preparation and implementation of procedures for coordinating disaster or other emergency response plans of persons and bodies in paragraph (a);
- (c) notification of persons under paragraph (a) and the public in Barbados and elsewhere of the existence of a threatened hazard under section 28 or of the existence of a disaster or other emergency;
- (d) preparation and maintenance of and inventories of services, system and supplies for the mitigation of, preparedness for, response to and recovery from emergencies and disasters during a threatened disaster alert or the existence of a disaster or other emergency;
- (e) mobilisation of services and systems for emergency management during a threatened hazard or the existence of a disaster or other emergency, including procedures for the manning of Emergency Operations Centres;
- (f) protection and restoration of communications, both nationally and internationally, during a threatened hazard or in the event or the aftermath of a disaster or other emergency;

- (g) notification of persons under paragraph (a) and the public in Barbados and elsewhere of the state of affairs during a threatened hazard or in the event of the aftermath of a disaster or other emergency;
- (h) release, distribution and replenishment of relief supplies, during a threatened hazard or in the event or the aftermath of a disaster or other emergency;
- (i) protection against fire and epidemics during a threatened hazard or in the event or the aftermath of a disaster or other emergency;
- (j) provision of shelter for persons during a threatened hazard or in the event or the aftermath of a disaster or other emergency;
- (k) guidelines for cooperation with regional and international organisations and governments of countries outside Barbados during a threatened hazard under section 26 or in the event or the aftermath of a disaster or other emergency;
- (l) acceptance and the facilitation of the distribution of volunteer services and relief supplies during a threatened hazard or in the event or the aftermath of a disaster or other emergency;
- (m) evacuation of all the residents of any area if the evacuation is considered to be desirable in the event of a disaster or other emergency;
- (n) requisitioning of private property if the requisitioning is considered to be necessary or desirable in the event of a disaster or other emergency, including procedures for assessing and paying compensation;

- (o) protection of life and property from the dangers of looting and riotous behaviour in the event or the aftermath of a disaster or other emergency;
 - (p) maintenance of a national database and geographical information systems specified in paragraph (j) of section 5;
 - (q) evacuation of residents of any area that is considered to be at risk in the event of a threatened hazard or disaster; and
 - (r) protection of the family and property of persons required for the purpose of manning Emergency Operations Centres or required otherwise to perform other duties of protecting the public.
- (3) The Director shall consult the Council in the preparation of the Emergency Management Plan.

PART IV

Emergency Operations Centres and Shelters

Emergency
Operations
Centres.

10. The Director shall be responsible for the establishment and maintenance of an Emergency Operations Centre that shall be the headquarters of the activities undertaken in response to a disaster or other 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 otherwise, by persons or bodies referred to in paragraph (a) of section 9(2).

Shelters.

- 11.** (1) The Director shall ensure
- (a) after consultation with the Chief Shelter Warden, that the Chief Shelter Warden establishes and maintains a list of premises available for and suitable for use as emergency shelters; and

- (b) after consultation with the Chief Fisheries Officer, that the Chief Fisheries Officer establish and maintain a list of places available for and suitable for use as emergency shelters for boats and other vessels

during a threatened hazard or in the event or the aftermath of a disaster or other emergency.

(2) The Director shall ensure that in the shelter list, the Chief Shelter Warden,

- (a) distinguish between listed premises occupied by the government 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 hazard or in the event or the aftermath of a disaster or other emergency; and
- (d) indicate the periods for and the conditions under which the listed premises would be suitable for use in the instances referred to in paragraph (c);

(3) The Director shall ensure that the Chief Fisheries Officer, in the case of the marine shelters, indicate

- (a) the maximum draft and length of boats and other vessels allowed in the listed places;
- (b) the types of boats and other vessels that shall not be allowed in the listed places;
- (c) the mooring arrangement to be complied with while the listed places are being used for the purposes of this Act;
- (d) whether persons would be permitted to live aboard boats and other vessels in the listed places while the places are being used for the purposes of this Act;

(e) the maximum period that persons would be permitted to stay in the listed places while the listed places are being used for the purposes of this Act; and

(f) the extent and boundaries of the listed places.

(4) The Director shall, subject to subsection (5), ensure that the Chief Shelter Warden, assign to each of the listed premises a shelter manager who shall be charged with the responsibility of managing the shelter during any period where the building is being used for that purpose; and may assign shelter officers to assist any shelter manager.

(5) Where listed premises are not in government occupation, the designation of shelter managers or shelter officers for those premises shall be subject to the agreement of the owner or occupier of the premises.

(6) The owner or occupier of any listed premises shall not be 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 referred to in subsection (2).

(7) The provisions of subsection (6) are 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 V

*Obligations of Public Officers and Other Persons*Liaison
officers.

12. (1) Every Permanent Secretary and Head of a Department of Government shall

- (a) ensure that there is at all times an officer of his Ministry, Department or statutory body falling under his Ministry, who is the liaison officer for communication with the Director in relation to the procedures of the Ministry, Department or statutory body referred to in paragraph (a) of section 9(2);
- (b) as required by the Director, cause an emergency management plan for each Ministry, Department or statutory body to be prepared and reviewed by 1st April annually and to be submitted to the Director.

Annual
report to
Director.

13. 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 Minister, such information as may be requested by the Director for the purposes of paragraph (a) of sections 5 and 9(2).

Director to
be con-
sulted.

14. (1) Subject to section 28, before any person other than the Director of Public Prosecutions, a judge, magistrate, the Commissioner of Police or the Chief Fire Officer exercises any emergency management related powers under this or any other Act, that person shall, subject to subsections (2) and (4), consult the Director.

- (2) The obligation to consult under subsection (1) shall not apply
 - (a) during a disaster or other 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 the Director's right to be consulted in effect under subsection (3).

(3) The Director may, with the approval of the Minister, waive the right of the Director to be consulted.

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

15. Any power under any law that requires an environmental or hazard impact assessment is, whether such power is express or implied, a emergency management related power for the purposes of section 14(1). Environ-
mental
impact
assessment.

16. (1) The Director shall establish a liaison with such businesses or organizations in the private sector as the Director thinks fit for the purpose of establishing communication links and accessing information and resources necessary for emergency management in relation to the procedures set out in the Emergency Management Plan. Director to
liaise with
private
sector.

(2) For the purposes of subsection (1), the Director may enter into such arrangements as the Director considers necessary with any business or organization requiring the provision by that organization of any information as may be requested by the Director in relation to the Emergency Management Plan.

PART VI

*Vulnerable Areas, Critical infrastructure and
Vulnerable Persons*

Delimitation
of specially
vulnerable
areas,
designation
of critical
infrastruc-
ture and
vulnerable
persons.

17. (1) In this Part,
- (a) "area plan" means a special area precautionary plan for vulnerable areas;
 - (b) "institutional plan" means a special precautionary plan for critical infrastructure;
- (2) The Minister may, on the recommendation of the Director,
- (a) designate vulnerable areas or critical infrastructure for the purposes of emergency management by delimiting such areas or infrastructure under this section;
 - (b) designate certain institutions or buildings for the purpose of emergency management; and
 - (c) determine the category of vulnerable persons to be protected.
- (3) The Director shall prepare, for the approval of the Minister, a draft order delimiting the category of vulnerable persons or areas that the Director recommends for designation under subsection (1).
- (4) Before approving the draft Order referred to under subsection (3), the Minister shall publish in the *Gazette* and in each daily newspaper a notice listing the category of persons or the areas that are to be declared to be vulnerable for the purposes mentioned in sub-section (2).

18. (1) The Director after consultation with the Chief Town Planner, may prepare for the approval of the Minister, a draft area plan comprising

Special area plan for vulnerable areas etc.

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

19. (1) The Director shall, by notice in the *Gazette* and in each daily newspaper circulated in Barbados invite submissions from the public relating to the contents of a draft area plan.

Draft special area plan.

(2) The Director shall allow a period of not less than four weeks and not more than six weeks for the receipt of the submissions referred to 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 area plan.

Revision of
draft area
plan.

20. After the date of the receipt of submissions pursuant to section 19, the Director in consultation with the Chief Town Planner shall consider what, if any, revisions ought to be made in the draft area plan in light of the submissions made under section 19 and resubmit the draft plan to the Minister with the revisions, if any.

Approval or
referring
draft back
of area plan.

21. The Minister may

- (a) approve the resubmitted draft area plan by Order subject to negative resolution; or
- (b) refer the draft area plan back to the Director for such changes as the Minister may require, in which event the Director shall make the changes as required and resubmit the draft plan to the Minister.

22. (1) The draft area plan approved under paragraph (a) of section 21(1) shall, when published in the *Gazette*, become the area plan for the vulnerable areas until a new area plan is approved under this Act. Special area plan.

(2) An area plan does not authorise any development which would require permission under the *Town and Country Planning Act* or under any other Act. Cap. 240.

23. Any person or authority exercising any function under this Act or any other Act affecting the conservation and management of the resources of the vulnerable areas shall have regard to the area plan. Authorities to have regard to the area plan.

24. (1) The Director may, with the approval of the Minister, at any time prepare draft proposals for amending the Order delimiting the vulnerable areas. Amendment of Order delimiting the vulnerable areas.

(2) The amendment of the Order delimiting the vulnerable areas in accordance with the draft proposals referred to under subsection (1) shall comply with the procedure set out in section 17.

25. (1) The Director may at any time prepare and propose for the approval of the Minister, draft amendments to the area plan. Amendment of special area plan.

(2) Amendments to the area plan in accordance with the draft referred to in subsection (1) shall comply with sections 18 to 21, and the amended plan shall, when approved under paragraph (a) of section 21 and published in the *Gazette*, thereafter constitute the area plan under section 22(1).

26. The Minister may, at any stage in the process of designation of a vulnerable area under section 17 or section 24 or of the preparation of a draft area plan under sections 18 to 21 or section 25, discontinue the process if the Minister considers that the objectives of the draft plan have already been met under the provisions of any other law. Discontinuance of area designation or plan preparation.

Judicial
Review.

27. (1) Any person who is aggrieved by the provision of an area plan for a vulnerable area and who desires to question the validity of the plan or of any provision contained in the plan on the grounds that

- (a) it is not within the powers of this Act; or
- (b) any requirement of this Act has not or any Regulations made under this Act have not been complied with in relation to the approval or preparation of the plan;

may, within six weeks from the date on which the Notice is published in the *Gazette* under section 22(1), make an application to the High Court under this section for judicial review.

(2) On any application under this section, the High Court, if satisfied that

- (a) the area plan is not within the powers of this Act or any powers contained in the plan are not within the powers of this Act; or
- (b) the interests of the applicant have been substantially prejudiced by a failure to comply with any requirement of this Act or any Regulations,

may quash the area plan in its entirety or any provision contained in the plan, in so far as it affects any property of the applicant.

(3) Where the whole area plan is quashed under subsection (2), the Director shall prepare a new draft area plan to which sections 19 to 21 shall apply as they apply to a draft plan under section 18(1).

(4) Where only a provision of the area plan is quashed under subsection (2), the plan without the provision that was quashed shall be deemed to be an approved amended area plan under paragraph (a) of section 21.

PART VII

*Declaration of Disaster or other Emergency, Threatened
Disaster or other Emergency, or Hazard Alert*

28. (1) Where the Governor-General is satisfied that an emergency has arisen as a result of the occurrence of a disaster or other emergency of a kind set out in Column 1 of the *Second Schedule*, the Governor-General may by proclamation declare that an emergency exists.

Declaration
of disaster,
emergency,
threatened
disaster or
emergency,
hazard alert.
Second
Schedule.

(2) For the purposes of this Act, a threatened disaster or other emergency exists when

(a) the Governor-General declares by Proclamation on the advice of the Prime Minister after the Prime Minister has consulted or has been advised by the Director that a disaster or other emergency of a kind set out in Column I of the *Second Schedule*, will strike within the applicable period set out in Column 2 of that Schedule; or

Second
Schedule.

(b) an agency, whether within Barbados or otherwise, certified by the Director as an Accredited Disaster Notification Service under subsection (5), broadcasts or otherwise publishes a formal announcement warning persons in Barbados of the threat of the strike of a disaster or other emergency of a kind set out in Column I of the *Second Schedule* within the applicable period in Column 2 of that Schedule.

(3) Notwithstanding subsection (2), the Governor-General may, by declaration after the consultation referred to in paragraph (a) of subsection (2), declare that notwithstanding the announcement referred to in paragraph (b) of subsection (2), Barbados is not in a state of threatened disaster or other emergency alert.

(4) The Director shall advise the Prime Minister on request and at any time the Director considers appropriate, when there is a substantial prospect that a disaster of a kind in Column I of the *Second Schedule* will strike within the applicable period set out in Column 2 of that Schedule.

(5) The Minister may on recommendation of the Director declare by Order any agency, whether within Barbados or otherwise, that the Director 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.

(6) A declaration under subsection (5) may be general or limited to specified kinds of disasters, other emergencies or disaster areas and may be revoked by the Prime Minister after consultation with the Director.

(7) A proclamation issued under subsection (1) shall, unless previously revoked, remain in force for one month or for such longer period, not exceeding six months, as the House of Assembly may determine by a resolution supported by the votes of a majority of all the members of that House but may be extended from time to time for a further period not exceeding six months by resolution passed in like manner and may be revoked at any time by resolution supported by the votes of a majority of all members of the House of Assembly.

(8) The Governor-General shall, immediately after making a proclamation of emergency, communicate the fact to both Houses and if Parliament is prorogued or either House is adjourned to a day more than five days thereafter, the Governor-General shall summon both Houses or the House so adjourned, as the case may be, within five days and the Houses so summoned shall accordingly meet and sit upon the day appointed by the Governor-General acting in accordance with the advice of the Prime Minister and shall continue to sit and act in like manner as if they had stood prorogued or adjourned to that day.

(9) When a proclamation of emergency referred to in subsection (1) is in force, it shall be lawful for the Cabinet to make any orders whatsoever it considers desirable in the public interest.

(10) Orders made under this section may make provision for such matters that are provided for under section 3 of the *Emergency Powers Act*.

Cap. 161.

29. (1) There shall be a National Alert System for Barbados.

National
Alert System.

(2) The National Alert System shall be operated under the supervision of the Director and shall consist of National Emergency Broadcast System or such other emergency systems as may be determined in writing by the Minister.

(3) The National Emergency Broadcast System shall enable the Government to broadcast emergency announcements directly from the Emergency Operations Centre to the public on such frequency or in such manner as is specified in a memorandum of understanding between the Government and a person who is licensed to operate a telecommunications station under the *Telecommunications Act* or any enactment amending or replacing that Act.

Cap. 282B

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

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

PART VIII

Application of Treaties

Caribbean
Disaster
Emergency
Response
Agency
Agreement.
First
Schedule.

Cap. 157A.
Cap. 174B.

- 30.** The relevant provisions of
- (a) the Caribbean Disaster Emergency Response Agency Agreement set out in the *First Schedule* to the *Caribbean Disaster Emergency Response Agency Act*;
 - (b) the Treaty Establishing the Regional Security System set out in the First Schedule to the Regional Security System Act; and
 - (c) Agreement between Member States and Associate Members of the Association of Caribbean States for Regional Cooperation on National Disasters signed by Barbados on the 17th day of April, 1999

shall apply in giving effect to the purposes of this Act.

PART IX

Hazard Inspectors

Disaster
hazard
inspections.

31. (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 an emergency or an impact of a hazard, the magistrate may issue or renew an order authorising the 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 a period of not more than 30 days from the date of expiry.

(3) An order under this section shall be carried out during daylight hours unless the order authorises otherwise.

(4) The Director shall have and shall provide each hazard inspector with a distinctive badge, tag or other identification device which may conveniently be carried by the Director 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 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 hazard inspector's badge, tag or other identification device specified under subsection (4) and shall explain the purpose of the inspection.

(6) An order under this section may be issued or renewed on application notwithstanding that no notice of the application is given to any person who may be affected by the application.

(7) The 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

- (a) the condition of any premises poses a danger of serious injury to persons outside of the premises in the event of a disaster; and
- (b) the condition of the premises which gives rise to the danger constitutes a violation of any other law,

the inspector 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 relevant 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 Government is a party to such proceedings.

(10) This Act does not prejudice any right under any other law to take steps to ameliorate the condition of premises considered to pose danger under subsection (8).

Part X

Emergency Disaster Fund

Emergency
Disaster
Fund.

32. There is established a fund to be known as the Emergency Disaster Fund that shall comprise

- (a) such monies that have been voted by Parliament for the purpose; and
- (b) such donations and grants as may be made by persons and organizations approved by the Minister of Finance;
- (c) any other funds created for the purpose and approved by the Minister of Finance.

Part XI

Miscellaneous

- Regulations **33.** (1) The Minister may make Regulations generally for the purpose of implementing the provisions of this Act and in particular may make Regulations to ensure
- Second
Schedule (a) that different periods may apply in relation to threatened disaster alerts than those set out in the *Second Schedule*; and
- (b) the regulating of the use of any listed premises by persons taking shelter therein during the period when the premises are in use as shelters.
- (2) Regulations made under paragraph (b) of subsection (1) may authorise shelter managers and shelter officers to
- (a) refuse admission of persons to the shelter to prevent overcrowding;
- (b) prohibit the bringing of pets or other animals into the shelter;
- (c) prohibit the bringing of weapons or hazardous materials into the shelter;
- (d) limit by weight or bulk the luggage or other property to be brought into the shelter by persons taking shelter;

- (e) disclaim, as a condition of permitting persons using the shelter, to bring luggage or other property into the shelter, responsibility for the safety of such property, including responsibility for negligent damage to such property;
- (f) refuse entry of any person to the shelter unless that person submits to a search of any luggage or other property to be brought into the shelter;
- (g) allocate the use of the space and the facilities of the shelter among different users of the shelter;
- (h) regulate the use of musical instruments and other equipment which may disturb the users of the shelter by noise or light;
- (i) prohibit the consumption of alcoholic drink and the use of tobacco products in or on the premises of the shelter;
- (j) require persons to observe safeguards in the interests of the health of other persons;
- (k) require persons using the shelter to take precautions against the outbreak or spread of fire, including participating in fire drills requiring temporary evacuation and assembly;
- (l) set minimum standards of conduct in shelters in the interests of decency and public morality;
- (m) set minimum standards of cleanliness and tidiness to be observed in shelters;
- (n) require persons taking shelter to clean areas within the shelter which they occupy;
- (o) prohibit the commission of breaches of the peace or sexual or other harassment in or near the shelter; or

(p) enforce the criminal law and the regulation and prohibition of the matters in paragraphs (a) to (o) by suspension or expulsion from the shelter, and to use reasonable force for this purpose, independently of any proceedings in respect of an offence under section 35.

(3) Where the use of reasonable force is permitted under paragraph (p) of subsection (2), the shelter manager or officer may request the assistance of any other person in the use of such reasonable force and neither the shelter manager, shelter officer nor person rendering assistance shall be liable in any civil or criminal proceedings, for any tort or offence by virtue of using such reasonable force.

(4) Where a person is forcibly detained under paragraph (p) of subsection (2), detention may not be continued beyond the first reasonable opportunity to hand over custody of the person detained to a member of the Police Force.

(5) Statutory instruments made under this Act shall be subject to negative resolution.

(6) Notwithstanding any other law, statutory instruments made

(a) during any threatened disaster alert;

(b) under this Act, other than Regulations required under subsection (7), may be published either

(i) by announcement on any television or wireless transmission media licensed under the *Broadcasting Act* for transmission and reception in Barbados; or

(ii) by notice affixed to the outside of every magistrate's court and every police station located in the area to which the Regulations apply.

(7) Publication under subsection (6) 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.

(8) The means of certifying the authenticity of Regulations published under subsection (6) shall, unless otherwise prescribed by Regulations published in the Gazette, be

- (a) in the case of media announcements under paragraph (a) of subsection (8), certification by the voice of the Minister, a Permanent Secretary, the Director or a Head of a Department of Government;
- (b) in the case of posted notices under paragraph (b) of subsection (8), certification by the actual or facsimile signature of the Minister, a Permanent Secretary, the Director or a Head of a Department of Government.

34. The Schedules to this Act may be amended by Order.

Amendment
of Schedules
by Order.

35. (1) Any person who contravenes the provisions of this Act or Regulations made under this Act is guilty of an offence and where no specific penalty has been provided by this Act or Regulations, is liable on summary conviction to a fine of \$10, 000 or to imprisonment for a term of 2 years or to both.

Offences.

(2) Any person who assaults or obstructs the Director-General a hazard inspector, a shelter manager, a shelter officer, or a member of the Police Force in the execution of duty in relation to

- (a) the functions of a shelter manager or shelter officer under section 11;
- (b) the functions of a hazard inspector under section 31; or

(c) the functions under any statutory instrument made under this Act,

is guilty of an offence and is liable on summary conviction to a fine of \$10,000.00 or to imprisonment for a term of 2 years, or to both such fine and term of imprisonment.

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

Power to
institute
proceedings.

36. (1) An information against any person accused of committing an offence under this Act may be laid by the Director, a member of the Police Department or any other person authorised in writing by the Minister.

(2) Subject to subsection (1), an information may be laid by a shelter manager against a person accused of committing an offence under section 33(8) or against Regulations made under paragraph (b) of section 33(1).

Limitation
of liability.

37. For the purposes of this Act, where any liability arises in respect of any claim brought against the government of Barbados for any act or omission that was proved by any Court to have caused damage or death therefrom as a result of the negligence of the Government of Barbados, the quantum of damages determined by the Court shall not exceed \$5 million.

Act binds
the Crown.

38. This Act binds the Crown.

Amend-
ments.
Third
Schedule.

39. The Act set out in the *Third Schedule* is amended in the manner specified in that Schedule.

Commence-
ment.

40. This Act comes into operation on a day to be fixed by Proclamation.

FIRST SCHEDULE

*(section 7)**The Emergency Management Advisory Council*

1. The Council shall consist of
 - (a) the Minister as *ex officio* Chairman;
 - (b) any other Minister or public officer nominated by the Minister under paragraph (2), who shall act as alternate Chairman in the absence of the Minister;
 - (c) such other members not exceeding 15 as may be nominated by the Minister to represent
 - (i) the Chief Town Planner;
 - (ii) Defence Force;
 - (iii) the Fire Service;
 - (iv) the Police Department;
 - (v) the Ministry responsible for Agriculture;
 - (vi) The Ministry responsible for Education;
 - (vii) the Ministry responsible for Environment;
 - (viii) the Ministry responsible for Health;
 - (ix) the Ministry responsible for Home Affairs;
 - (x) the Ministry responsible for Public Works;
 - (xi) the Ministry responsible for Telecommunications;
 - (xii) the Ministry of Tourism;
 - (xiii) the Ministry responsible for Social Transformation;
 - (xiv) such other Ministries and Department of Government and statutory bodies as the Minister thinks fit; and

- (xv) such other persons or organisations as the 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 Barbados.
2. The Minister shall nominate in writing another Minister or a public officer to serve as Chairman of the Council in the absence of the Minister.
3. ~~The Chairman or alternate Chairman and any seven~~ other members of the Council shall constitute a quorum for meetings of the Council.
4. The Director shall be the Secretary of the Council.
5. The Council shall, in consultation with the Director, 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 Barbados, which other Committees and sub-committees may be convened whenever a threatened disaster alert arises or a disaster strikes.
6. The Council and any other committee established under paragraph (5) may, subject to Rules under section 31(1)(a) and to this Act, determine its own procedure.

SECOND SCHEDULE

*(section 28(1))*DISASTER OR OTHER EMERGENCY ALERT
ADVANCE SCHEDULES

<i>Column 1</i>	<i>Column 2</i>
<i>Type of Disasters or other Emergencies</i>	<i>Disaster Alert Advance</i>
1. Floods	12 hours
2. Hurricanes	24 - 36 hours
3. Other meteorological hazards	12 hours
4. Any other disasters whether natural or otherwise	1-12 hours

THIRD SCHEDULE

*(section 39)**Acts**Amendment*

Emergency Powers Act,
Cap. 161

In section 2(1), delete paragraph (a) and substitute the following:

"(a) that a public emergency has arisen as a result of the imminence of a state of war between Barbados and another state or as the result of the occurrence of any civil unrest or other similar calamity."