

ACT

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THE NATIONAL DISASTER MANAGEMENT AGENCY ACT, 2020

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SIGNED this 8th day of June, 2020.

DR. JULIUS MAADA BIO,
President.

LS

No. 3



2020

Sierra Leone

The National Disaster Management Agency Act, 2020

Short title.

Being an Act to provide for the establishment of the National Disaster Management Agency to manage disasters and similar emergencies throughout Sierra Leone, to establish offices of the Agency throughout Sierra Leone, to establish national, regional, district and chiefdom disaster management committees, to establish a National Disaster Management Fund to provide finances for the prevention and management of disasters and similar emergencies throughout Sierra Leone and to provide for other related matters.

] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I: PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires -

"Agency" means the National Disaster Management Agency established under section 2;

"authorised officer" means a person designated to carry out the functions of the Agency under section 47;

"Chiefdom Disaster Management Committee" means a chiefdom forum of people from different sectors and areas of study with diverse knowledge and skills brought together to advocate, plan, advise and promote the implementation of the framework for action to prevent or mitigate disaster;

"Council" means a Chiefdom Council established under the Chiefdom Councils Act (Cap 6) of the Laws of Sierra Leone;

"Director General" means the Director General of the Agency appointed under section 13;

"disaster" means an occurrence which is widespread or localised, natural or man-made which-

- (a) causes or threatens to cause death, injury or disease, damage to property, livelihood infrastructure or the environment and disruption of the life of the community;
- (b) is of a magnitude that exceeds the ability of a person affected to cope with its effects by the use of personal resources; and
- (c) requires a multi-sectoral and multi-disciplinary response;

"disaster affected person" means a person who is injured or whose property and means of livelihood has been destroyed by a disaster.

"District Disaster Management Committee" means a district forum of people from different sectors and areas of study with diverse knowledge and skills brought together to advocate, plan, advise and promote the implementation of the framework for action to prevent or mitigate disaster;

"disaster management" means a continuous and integrated multi-sectoral, multi-disciplinary process of planning and implementation of measures aimed at-

- (a) preventing or reducing the risk of disasters;
- (b) mitigating the severity or consequences of disasters;
- (c) emergency preparedness;
- (d) a rapid and effective response to disasters;
- (e) post-disaster recovery, rehabilitation, reconstruction and resettlement;

"disaster stricken or threatened area" means an area affected by or prone to disaster;

"emergency" means a sudden serious event or situation which requires immediate action to avert and or mitigate a disaster;

"emergency preparedness" means a state of readiness which enables ministries, departments and agencies, local and international organisations involved in

disaster management, the private sector, communities and individuals, to mobilise, organise and provide relief measures to deal with an impending or current disaster or the effects of disaster;

"emergency response operation" means any action taken to mitigate the effects of a disaster;

"Environment Protection Agency" means the Environment Protection Agency established by the Environment Protection Agency Act, 2008 (Act No. 11 of 2008);

"Government" means the Government of Sierra Leone;

"Minister" means a Minister appointed by the President to perform a specified function under this Act;

"National Platform" means the National Platform for Disaster Risk Reduction comprising persons from different sectors and areas of study with diverse knowledge and skills brought together to advocate, plan, advise and promote the implementation of the framework for action to prevent or mitigate disaster;

"National Platform for Disaster Risk Reduction" means the National Platform for Disaster Risk Reduction referred to in section 3;

"prevention" means measures aimed at stopping a disaster from occurring or preventing an occurrence or a situation from degenerating into a disaster;

"Regional Disaster Management Committee" means a regional forum of persons from different sectors and areas of study with diverse knowledge and skills brought together to advocate, plan, advise and promote the implementation of the framework for action to prevent or mitigate disaster;

"response" means measures taken during or immediately after a disaster in order to bring relief to people and communities affected by the disaster;

"Sierra Leone Meteorological Agency" means the Sierra Leone Meteorological Agency established by the Sierra Leone Meteorological Agency Act, 2017 (Act No. 8 of 2017);

"Vice President" means the Vice President of Sierra Leone.

"vulnerability" means the degree to which an individual, members of a household, a community or an area may be susceptible to a disaster;

PART II - ESTABLISHMENT OF THE NATIONAL DISASTER MANAGEMENT AGENCY

2. (1) There is hereby established a body to be known as the National Disaster Management Agency to manage disasters and similar emergencies throughout Sierra Leone and to develop the capacity of communities to respond effectively to disasters and emergencies.

Establishment
of National
Disaster
Management
Agency.

(2) The Agency shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of property, whether movable or immovable and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Agency shall have a common seal, the use of which shall be authenticated by the signatures of -

- (a) the Chairman or other member of the National Platform authorised either generally or specially by the National Platform in that behalf; and

- (b) the Director General or some other person authorised by the National Platform in that behalf.

National
Platform for
Disaster Risk
Reduction.

3. (1) The governing body of the Agency shall be the National Platform for Disaster Risk Reduction which shall be responsible for the control and supervision of the Agency.

(2) The National Platform for Disaster Risk Reduction shall comprise -

- (a) The Vice-President who shall be the Chairman -
- (b) The National Security Coordinator, Office of National Security who shall be the Deputy Chairman;
- (c) The Attorney-General and Minister of Justice;
- (d) The Mayor, Freetown City Council;
- (e) The Executive Chairman, Environment Protection Agency;
- (f) The Commissioner, National Commission for Social Action;
- (g) The Director General, Sierra Leone Meteorological Agency;
- (h) The Chief Social Services Officer, Ministry of Social Welfare;
- (i) The Chief Medical Officer, Ministry of Health and Sanitation;
- (j) The Permanent Secretary, Ministry of Internal Affairs;
- (k) The Permanent Secretary, Ministry of Lands;

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- (l) The Permanent Secretary, Ministry of Works and Public Assets;
 - (m) The Chief Agriculture Officer, Ministry of Agriculture, Forestry and Food Security;
 - (n) The Permanent Secretary, Ministry of Water Resources;
 - (o) The Permanent Secretary, Ministry of Basic and Senior Secondary Education;
 - (p) The Permanent Secretary, Ministry of Tertiary and Higher Education;
 - (q) The Permanent Secretary, Ministry of Information and Communications;
 - (r) The Permanent Secretary, Ministry of Environment;
 - (s) The Permanent Secretary, Ministry of Gender and Children's Affairs;
 - (t) The Permanent Secretary, Ministry of Local Government and Rural Development;
 - (u) The Inspector-General of Police;
 - (v) The Chief of Defence Staff, Ministry of Defence;
 - (w) The Chief Fire Officer, Sierra Leone Fire Force;
 - (x) The President, Sierra Leone Institute of Engineers;

- (y) The Director-General, National Minerals Agency;
- (z) The Secretary-General, Sierra Leone Red Cross;
- (aa) 2 representatives from civil society Organisations specialising in disaster management or environmental issues, appointed by the Chairman of the organisation;
- (bb) A representative from Sierra Leone Association of Non-governmental Organisations specialising in disaster management or environmental issues, appointed by the Chairman of the organisation;
- (cc) The Executive-Director, National Protected Area Authority;
- (dd) The Financial Secretary, Ministry of Finance;
- (ee) The Director-General, Ministry of Foreign Affairs and International Cooperation;
- (ff) The Director-General, Sierra Leone Civil Aviation Authority;
- (gg) The Director General, Ministry of Defence;
- (hh) The Director General of the Agency who shall be the Secretary.

Tenure of members.

4. A person shall cease to be a member of the National Platform on any of the following grounds-

- (a) if he is removed from office;

- (b) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (c) for proven misconduct;
- (d) if he becomes bankrupt or insolvent;
- (e) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (f) if he fails to attend 3 consecutive meetings of the Board without reasonable cause;
- (g) if he resigns his office.

5. (1) The National Platform shall meet during a disaster or for the dispatch of its business, at the times and places as the Chairman may consider appropriate. Meetings of the National Platform.

(2) The Chairman shall convene an extraordinary meeting of the National Platform at-

- (a) the time and place as he may determine, or,
- (b) the request in writing of not less than one third of the membership of the National Platform.

(3) The quorum at a meeting of the National platform is Twenty-three (23).

(4) The Chairman shall preside at every meeting of the National platform, and in his absence, the Deputy-Chairman shall preside and in his absence, a member of the National platform elected by the members present from among their number shall preside.

(5) Matters before the National Platform shall be decided by a majority of the numbers present and voting and in the event of an equality of vote, the Chairman shall have a casting vote.

(6) The National Platform may co-opt any person to attend a meeting but that person shall not vote.

Disclosure of interest.

6. (1) A member of the National Platform who has any interest, whether direct or indirect in any matter being considered or to be considered by the National Platform, shall disclose the nature of his interest to the National Platform and the disclosure shall be recorded in the minutes of the National Platform and such member shall not take part in any deliberation or decision of the National Platform relating to that matter.

(2) A member of the National Platform who contravenes subsection (1) shall be guilty of misconduct and shall be removed from the National Platform.

Immunity of members of the National Platform, etc.

7. (1) An action or other proceedings shall not lie or be instituted against any member of the National Platform or member of a committee of the National Platform for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) A member of the National Platform shall not be personally liable for any debt or obligation of the Agency.

Committees of the National Platform.

8. The National Platform may, for the discharge of its functions, appoint one or more committees consisting of members of the Agency or non- members or both to perform such functions and to report to the Agency as the National Platform may determine.

Functions of the National Platform.

9. (1) Subject to this Act, the National Platform shall have control and supervision of the Agency, including overseeing the sound and proper financial management of the Agency providing policy guidance and advice as will ensure the efficient implementation of the functions of the Agency to enhance the overall performance of the Agency.

(2) Notwithstanding the generality of subsection (1) the National Platform shall-

- (a) ensure that there are appropriate and adequate facilities for rehabilitation, reconstruction and recovery in the event of any disaster throughout Sierra Leone;
- (b) liaise with public institutions, non-governmental organisations and donor agencies for financial support and the provision of logistics for the management of disasters throughout Sierra Leone; and
- (c) perform any other functions incidental to the functions of the National Disaster Management Committee.

(3) The National Platform for Disaster Risk Reduction shall, where a national disaster occurs, perform its functions expeditiously and efficiently in accordance with this Act and regulations made under it.

(4) The National Platform shall collaborate with relevant government agencies, public or private institutions in the management of national disasters.

(5) The National Platform for Disaster Risk Reduction shall report to the chairman of the National Security Council of its activities as deemed necessary for National Security Council meetings.

10. Where the Chairman or a member of the platform dies, resigns, is removed from office, is absent or is by reason of illness unable to perform the functions of his office for 3 consecutive meetings - Filling of vacancies

- (a) the Deputy Chairman of the National Platform shall act as Chairman and in his absence, the members of the National Platform shall, as the case may be, elect one of their number to act as Chairman until such time as the Chairman or Deputy Chairman resumes his office or another is appointed in his stead; and

- (b) in the case of a member, the Chairman shall subject to this Act, have another person appointed to the National Platform.

PART III-FUNCTIONS OF AGENCY

Functions
of Agency.

II. (1) The object for which the Agency is established is to manage disasters and similar emergencies throughout Sierra Leone and to develop the capacity of communities to respond effectively to disasters and emergencies.

(2) Without prejudice to the generality of subsection (1) the Agency shall have responsibility to -

- (a) implement-
 - (i) Government policy on disaster prevention, disaster risk reduction and climate risk management; and
 - (ii) national, regional, district and chiefdom disaster management plans;
- (b) prepare, co-ordinate, monitor, evaluate and update disaster management plans;
- (c) identify, manage and monitor hazards and natural disasters;
- (d) disseminate information and conduct public education on -
 - (i) human activities most likely to cause disasters in Sierra Leone;
 - (ii) the hazards and natural disasters likely to affect any region, district or chiefdom in Sierra Leone;

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- (iii) action to be taken in the event of a disaster;
 - (iv) the control and relief measures to be taken by Government in the event of a disaster; and
 - (v) public co-operation with designated authorities in the event of a disaster;
 - (e) advise Government on matters relating to disaster and emergency prevention rules and regulations and their correlative sanctions;
 - (f) facilitate the development of communities and community based organisations to -
 - (i) respond effectively to disasters, and
 - (ii) improve social mobilisation, employment generation and poverty reduction;
 - (g) collate and preserve data on disasters in Sierra Leone;
 - (h) stockpile, manage, co-ordinate and supervise the distribution of disaster relief items;

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- (i) analyse and disseminate relevant information on disasters to the public;
 - (j) ensure the effective flow of information on disasters between the national, regional district and chiefdom levels of Government;
 - (k) organise and equip disaster volunteer groups for disaster management and income generation;
 - (l) sensitise and motivate communities to serve as voluntary organs to assist in managing disasters;
 - (m) provide the first line response in the event of a disaster;
 - (n) organise disaster response simulation exercises;
 - (o) ensure the provision of adequate facilities for -
 - (i) technical training in disaster preparedness;
 - (ii) educational programmes to create awareness of disasters and the required response; and
 - (iii) the establishment of early warning systems;
 - (p) investigate reports and analyse the nature of hazards, vulnerability and risk situations in particular areas;

- (q) ensure the operational preparedness of disaster management committees in vulnerable and risk prone areas;
- (r) co-ordinate response and reconstruction efforts of local and foreign collaborators;
- (s) co-operate with other countries and relevant institutions in disaster prevention, mitigation and search and rescue operations;
- (t) conduct research on matters relating to disasters and emergencies in Sierra Leone; and
- (u) perform any other function ancillary to the object of the Agency.

PART IV - ADMINISTRATIVE PROVISIONS

12. (1) There is established a National Disaster Management Agency Secretariat that will provide technical and other support to the Agency and the National Platform.

National
Disaster
Management
Agency
Secretariat.

(2) Notwithstanding the generality of subsection (1), the Secretariat shall -

- (a) be responsible for implementing the decisions of the National platform;
- (b) perform the functions that are incidental to the effective operation of the Agency, and
- (c) perform any other function that the National platform may specify.

(3) The Director General shall be the head of the Secretariat.

13. The Agency shall have a Director General who shall be the administrative head of the Agency and shall be appointed by the President subject to the approval of Parliament.

Director
General.

(2) A person shall not be appointed Director General under subsection (1) unless he-

- (a) is a citizen of Sierra Leone;
- (b) has, at least, 7 years of proven knowledge and experience in the management of disasters and emergencies;
- (c) Holds, at least, a bachelor's degree from a recognised university; and
- (d) has not been convicted of a criminal offence.

(3) The Director General shall be appointed for a term of 5 years and shall be eligible for reappointment for another term of 5 years

(4) The Director General may be removed from office for

- (a) inability to perform the functions of the office arising out of mental or physical incapacity;
- (b) gross misconduct or misbehaviour;
- (c) incompetence or neglect of duty; or
- (d) any other ground that would justify removal from office under his terms and conditions of service.

(5) The Director General shall be responsible to provide overall leadership in the management of the day-to-day administration of the Agency and is answerable to the National platform in the performance of his functions under this Act.

(6) The Director General may delegate any of his functions to an officer of the Agency but shall not be relieved from ultimate responsibility for the performance of the delegated function.

14. (1) The Agency shall have a Deputy Director General who shall be appointed by the President subject to the approval of Parliament.

Deputy
Director
General.

(2) A person shall not be appointed Deputy Director General under subsection (1) unless he-

- (a) is a citizen of Sierra Leone;
- (b) has 7 years of proven knowledge and experience in management of disasters or related field;
- (c) holds at least a bachelor's degree from a recognised university; and
- (d) has not been convicted of a criminal offence.

(3) The Deputy Director General shall be appointed for a term of 5 years and shall be eligible for reappointment for another term of 5 years

(4) The Deputy Director General may be removed from office for-

- (a) inability to perform the functions of the office arising out of mental or physical incapacity;
- (b) gross misconduct or misbehaviour;
- (c) incompetence or neglect of duty; or
- (d) any other ground that would justify removal

from office under the terms and conditions of service.

(5) The Deputy Director General shall assist the Director General in the performance of his duties and in the absence of the Director General shall act as Director General.

Offices of the Agency.

15. (1) The Director-General may establish offices of the Agency in each of the administrative regions of Sierra Leone and in such district and chiefdom as the National Platform may determine.

(2) A regional, district or chiefdom office established by the Director-General under subsection (1), shall be provided with such officers and staff as may be necessary for the proper and effective performance of its functions.

(3) A regional or district office shall perform the functions of the Agency in the region, district or chiefdom and in such manner as the National platform may direct.

Other staff of Agency.

16. The Agency shall have other staff as may be required for the efficient performance of the functions of the Agency.

Secondment of public officers.

17. Public officers may at the instance of the Agency, be seconded or otherwise render assistance to the Agency but the Agency may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Agency.

Protection of officers.

18. An officer or employee of the Agency or any person acting on the directions of an officer or employee of the Agency shall not be liable in respect of any matter or thing done by him in good faith under this Act.

Departments of Agency.

19. (1) The National Platform may establish departments within the Agency, at the national, regional, district and chiefdom levels, as it may consider necessary for the effective performance of the functions of the Agency.

(2) The National Platform may abolish or re-organise a department established under subsection (1).

PART V- REGIONAL, DISTRICT AND CHIEFDOM DISASTER
MANAGEMENT COMMITTEES

20. (1) There is established in each administrative region of Sierra Leone, a Regional Disaster Management Committee. Regional
Disaster
Management
Committee.

(2) A Regional Disaster Management Committee shall comprise-

- (a) Resident Minister who shall be the Chairman;
- (b) The Provincial Security Coordinator, Office of National Security who shall be the Deputy Chairman;
- (c) The Provincial Secretary;
- (d) The Brigade Commander, Republic of Sierra Leone Armed Forces;
- (e) The Regional Police Commander;
- (f) The Regional Commander, National Fire Force;
- (g) The Mayor of the Municipality;
- (h) The Regional Coordinator, National Commission for Social Action;
- (i) The District Medical Officer in the region;
- (j) The Branch Manager, Sierra Leone Red Cross;
- (k) The Regional Head, Environment Protection Agency;

- (l) The Paramount Chiefs who reside in the region;
- (m) The Regional Information Officer;
- (n) A representative from the Ministry of Lands, Housing and the Environment, appointed by the Permanent Secretary;
- (o) The Regional Coordinator of the Agency who shall be the Secretary.

(3) The Regional Disaster Management Committee may co-opt members but such members shall not vote.

Functions of
Regional
Disaster
Management
Committee.

21. The Regional Disaster Management Committee shall -

- (a) prepare in respect of the region, plans for the prevention of disasters and for mitigating the effects of disaster;
- (b) co-ordinate the preparation and implementation of regional disaster management plans; and
- (c) perform other functions relevant to the Regional Disaster Management Committee.

District
Disaster
Management
Committee.

22. (1) There is established in each district a District Disaster Management Committee.

(2) The District Disaster Management Committee shall comprise -

- (a) The District Council Chairman who shall be the Chairman;
- (b) The District Security Coordinator, Office of National Security who shall be the Deputy Chairman;

- (c) The Senior District Officer;
- (d) The Battalion Commander, Republic of Sierra Leone Armed Forces;
- (e) The Local Unit Commander, Sierra Leone Police;
- (f) The Regional Commander, National Fire Force;
- (g) The District Coordinator, National Commission for Social Action;
- (h) The District Medical Officer;
- (i) The District Head, Environment Protection Agency;
- (j) The Chairman, Council of Paramount Chiefs;
- (k) The District Information Officer;
- (l) The District Director of Agriculture, Ministry of Agriculture, Forestry and Food Security;
- (m) The Branch Manager, Sierra Leone Red Cross;
- (n) a representative from the Ministry of Lands, Housing and the Environment, appointed by the Permanent Secretary;
- (o) The District Youth Chairman, District Youth Council;
- (p) a representative from a civil society organization specialising in disaster

management or environmental issues, appointed by the Chairman of the Board:

- (q) The District Coordinator of the Agency who shall be the Secretary.

(3) The District Disaster Management Committee may co-opt members but such members shall not vote.

Functions of District Disaster Management Committee.

23. The District Disaster Management Committee shall -

- (a) prepare plans for the district to prevent and mitigate disasters in its area of authority;
- (b) maintain a close liaison with the Regional Disaster Management Committee in drawing up its plans; and
- (c) perform in the district, the functions directed by the Platform or the Director General.

Meetings of Regional and District Disaster Management Committees.

24. (1) A Regional Disaster Platform Management Committee shall meet during a disaster in the region or for the dispatch of business, at the times and places as the Chairman may consider appropriate.

(2) A District Disaster Management Committee shall meet during a disaster in the district or for the discharge of business, at the times and places as the Chairman may consider appropriate.

(3) A Regional Disaster Management Committee and a District Disaster Management Committee shall meet at least once every month.

(4) Regional and District Disaster Management Committees shall regulate the procedure of their meetings.

Chiefdom Disaster Management Committee.

25. (1) There is established in each chiefdom, a Chiefdom Disaster Management Committee.

(2) The Chiefdom Disaster Management Committee shall comprise-

- (a) The Paramount Chief who shall be the Chairman;
- (b) The Community Health Officer;
- (c) The Company Commander, Republic of Sierra Leone Armed Forces;
- (d) The Officer-in-Charge, Sierra Leone Police;
- (e) The Chiefdom Security Coordinator, Office of National Security;
- (f) a representative from the Sierra Leone Red Cross;
- (g) The Chiefdom Youth Chairman;
- (h) A representative of a civil society organisation specialising in disaster management or environmental issues, appointed by the Chairman of the Organisation;
- (i) The Chiefdom Coordinator of the Agency who shall be the Secretary;
- (j) One Councillor per chiefdom nominated by the District Chairman of Council;
- (k) The member of Parliament of the constituency;

(5) The Chiefdom Disaster Management Committee may co-opt members.

Functions of
Chiefdom
Disaster
Management
Committee.

26. The Chiefdom Disaster Management Committee shall-
- (a) prepare plans for the chiefdom to prevent and mitigate disasters in its area of authority;
 - (b) maintain a close liaison with the District Disaster Management Committee in drawing up its plans; and
 - (c) perform in the chiefdom, functions directed by the Board or the Director General.

Meetings of
District and
Chiefdom
Disaster
Management
Committees

27. (1) A Chiefdom Disaster Management Committee shall meet during a disaster in the chiefdom or for the discharge of business, at the times and places as the Chairman may consider appropriate.

(2) A District Disaster Management Committee and Chiefdom Management Committee shall meet at least once every month.

(3) Chiefdom Disaster Management Committees shall regulate the procedure for their meetings.

PART VI-DECLARATION OF STATE OF EMERGENCY AND RESPONSIBILITY FOR DISASTERS

Declaration
of state of
emergency.

28. (1) The President may declare a state of emergency in accordance with section 29 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) where the National Platform establishes the imminence or prevalence of a disaster to the President

(2) A Regional Disaster Management committee shall inform the National Platform of a disaster that occurs within its region.

(3) A District Disaster Management Committee shall inform the Regional Disaster Management Committee and the National Platform of a disaster in its district.

(4) Where a state of emergency has been declared, the President may, by Proclamation published in the *Gazette*, make Regulations or issue directives for-

- (a) the release of state resources for the management of the disaster;
- (b) the use of private resources for the management of the disaster;
- (c) the release of personnel of public or private institutions to render emergency services;
- (d) the implementation of the whole or part of a national disaster management plan;
- (e) the evacuation of the whole or a part of the population from the disaster-stricken or threatened area to temporary shelters for the preservation of life;
- (f) the regulation of traffic to, from or within the disaster-stricken or threatened area;
- (g) the regulation of the movement of persons and goods to, from or within the disaster-stricken or threatened area;

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- (h) the control and occupancy of premises in the disaster-stricken or threatened area;
 - (i) the provision, control or use of temporary emergency accommodation;
 - (j) the suspension or limitation of the sale, dispensation or transportation of alcoholic beverages and food items in the disaster-stricken or threatened area;
 - (k) the prohibition of a person from manufacturing or carrying arms or ammunition in the disaster-stricken or threatened area;
 - (l) the maintenance or installation of temporary lines of communication to, from or within the disaster-stricken or threatened area;
 - (m) the dissemination of information required for dealing with the disaster;
 - (n) emergency procurement procedures notwithstanding the Public Procurement Act, 2016 (Act No. 1 of 2016);
 - (o) the facilitation of response and post-disaster recovery and rehabilitation; and
 - (p) the implementation of any other measures that may be necessary to prevent an escalation of a disaster or to alleviate and minimise the effects of a disaster.

29. Where a disaster occurs or threatens to occur in a region, the relevant regional disaster management committee shall-

Regional disaster.

- (a) inform the National Platform for Risk Reduction of the disaster and of its initial assessment of the magnitude or potential magnitude and severity of the disaster;
- (b) alert stakeholders concerned with disaster management in that region capable of granting assistance in the circumstances; and
- (c) initiate the implementation of contingency plans and emergency procedures that are applicable in the circumstances.

30. Where a state of emergency has been declared over a region by the President, the Resident Minister responsible shall issue with respect to that region, directives or authorise directives to be issued for the following-

State of emergency with respect to a region.

- (a) the release of available state resources in the region for the management of the disaster;
- (b) the release of personnel of institutions in the region to render emergency services; and
- (c) the implementation of the whole or part of a regional disaster management plan that is applicable in the circumstances.

Responsibility
of Regional
Disaster
Management
Committee
in the event
of a regional
disaster.

31. (1) The respective Regional Disaster Management Committee has the responsibility for the co-ordination and management of a disaster that occurs in the region.

(2) The Regional Disaster Management Committee shall perform its functions in accordance with any directives issued by the Resident Minister.

District
disaster.

32. When a disaster occurs or threatens to occur in a district, the District Disaster Management Committee shall-

- (a) initiate the implementation of programmes to reduce the incidence and impact of the disaster; and
- (b) alert the stakeholders concerned with disaster management in the district.

State of
emergency
with respect
to a District.

33. Where a state of emergency has been declared by the President with respect to a region, the Resident Minister shall issue directives or authorise directives to be issued for the following-

- (a) the release of available resources for the district;
- (b) the release of personnel of institutions in the district to render emergency services; and
- (c) the implementation of the whole or a part of a district disaster management plan that is applicable in the circumstances.

34. (1) A District Disaster Management Committee has the responsibility for the co-ordination and management of a disaster that occurs in the district.

Responsibility of District Disaster Management Committee.

(2) The District Disaster Management Committee shall perform its functions in accordance with the resolutions passed by the District assembly where a district disaster occurs.

35. When a disaster occurs or threatens to occur in a chiefdom, the Chiefdom Disaster Management Committee shall-

Chiefdom disaster.

- (a) initiate the implementation of programmes to reduce the incidence and impact of the disaster; and
- (b) alert the stakeholders concerned with disaster management in the district.

36. The Chiefdom Assembly concerned may pass a resolution on the recommendation of the Chiefdom Disaster Management Committee in respect of the following -

State of emergency with respect to a chiefdom.

- (a) the release of available resources for the Chiefdom;
- (b) the release of personnel of institutions in the Chiefdom to render emergency services; and
- (c) the implementation of the whole or a part of a district disaster management plan that is applicable in the circumstances.

Responsibility
of Chiefdom
Disaster
Management
Committee.

37. (1) A Chiefdom Disaster Management Committee has the responsibility for the co-ordination and management of a disaster that occurs in the chiefdom.

(2) The Chiefdom Disaster Management Committee shall perform its functions in accordance with the resolutions passed by the Chiefdom assembly where chiefdom disaster occurs.

PART VII - FINANCIAL PROVISIONS

Establishment
of National
Disaster
Management
Fund.

38. (1) There is established a National Disaster Management Fund to provide finances for the development and operation of disaster prevention, disaster risk reduction, climate change risk reduction and other disaster management programmes.

(2) The Fund under subsection (1) shall be applied to finance emergency relief for disaster victims including such other disaster prevention and disaster risk reduction activities as may be determined by the Platform.

Sources of
funds of
Agency.

39. The activities of the Agency shall be financed by funds consisting of-

- (a) monies appropriated for the Agency by Parliament;
- (b) grants, donations and other voluntary contributions to the Fund; and
- (c) other moneys that may in any manner become lawfully payable to the Agency.

Management
of Fund.

40. (1) The Agency is responsible for the management of the Fund and for that purpose shall-

- (a) pursue policies to achieve the object of the Fund;
- (b) formulate policies to generate money for the Fund;
- (c) monitor and evaluate the development and operations of disaster management programmes in respect of moneys received from the Fund;
- (d) ensure accountability of the Fund by defining appropriate procedures for its management and utilisation;
- (e) provide a formula for the disbursement of moneys from the Fund;
- (f) invest, with the approval of the President, monies of the Fund in securities that are safe and financially beneficial to the Fund; and
- (g) perform any other function ancillary to the object of the Fund.

(2) The funds of the Agency shall be applied only for the purposes of the approved budget of the Agency.

41. (1) The Agency shall keep proper books of account and other records in relation to the activities, property and finances of the Agency in a form approved by the Auditor-General and shall prepare in respect of each financial year of the Agency a financial statement which shall include-

Accounts
and audit of
Agency.

- (a) balance sheet accounts;
- (b) income and expenditure accounts, and
- (c) source and application of funds.

(2) The accounts of the Agency kept under subsection (1) shall, not later than 2 months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Agency and to require such information and explanation thereon as he may think fit.

(4) The Agency shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Agency.

(5) The Auditor-General or the auditor appointed by him shall submit to the Agency a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to -

- (a) any irregularities in the accounts;
- (b) any matters that are likely to adversely affect the operations of the Agency; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Agency.

42. The financial year of the Agency shall be the same as the financial year of the Government.

Financial
year of
Agency.

43. (1) The Agency shall, within 3 months after the end of the financial year, submit to the Minister an annual report on the performance of its functions during that year and on its policy and programmes.

Annual
report.

(2) The annual report submitted by the Agency under subsection (1), shall include the accounts and annual financial statement prepared under section 21 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within 2 months after he has received the report.

(4) The Agency shall make copies of the report available to all stakeholders once it has been laid before Parliament.

44. The Agency is exempt from the payment of taxes, duties and levies.

Exemption
from taxes,
duties and
levies.

PART VIII-MISCELLANEOUS PROVISIONS

45. (1) The Chairman of each Disaster Management Committee under this Act shall ensure that a disaster management plan is prepared and simulated annually and subsequently revised in accordance with the national policy on disaster management.

Disaster
management
Plan.

(2) The Chairman of each Disaster Management Committee shall submit the respective disaster management plan to the National Platform for Disaster Risk Reduction for review 30 days after the national budget has been approved.

Establishment
of register.

46. (1) The Agency shall establish and maintain a register for the purpose of disaster and emergency management in such form as may be determined by the National Platform.

(2) Every Regional Coordinator, District Coordinator and Chiefdom Coordinator shall cause to be recorded in the register particulars of each disaster that occurs in their respective region, district or chiefdom.

(3) The Secretariat shall record the particulars of each disaster in the register.

Powers of
authorised
officers

47. (1) The Director General may authorise designated officers to carry out the functions of the Agency.

(2) An officer or agent of the Agency, authorised to carry out a function or to collaborate with an existing authorised agency may -

- (a) enter any premises, which poses or is likely to pose a danger during a disaster;
- (b) demolish any building or structure which has been assessed by a certified planner as being in an unauthorised or hazardous location; and
- (c) carry out any other lawful act including safety simulations and rehearsals to deal with a hazardous situation or to mitigate a disaster.

(3) An officer, agent or volunteer of the Agency who undertakes any unauthorised act under the pretext of managing a disaster or emergency, commits an offence and is liable on conviction

to a fine of not less than 30,000,000.00 Leones or to a term of imprisonment of not less than 3 years or to both such fine and imprisonment.

48. (1) The Agency may request for relevant information from Request for information.

- (a) a ministry, department or agency,
- (b) a non-governmental organisation,
- (c) a private institution, or
- (d) an individual, within a time frame determined by the Secretariat for purposes of disaster prevention and management.

(2) A person who, without reasonable excuse, refuses to comply with a request for information commits an offence and is liable on conviction to a fine of not less than 10,000,000.00 Leones or to a term of imprisonment of not less than 12 months or to both such fine and imprisonment.

49. (1) A person shall not -

- (a) obstruct an authorised officer or agent of the Agency in the discharge of a duty under this Act;
- (b) act or omit to act in a manner that results in disaster or exacerbates the effect of a disaster being managed by an officer or agent of the Agency.

Obstruction of officer or agent of Agency.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of not less than 10,000,000.00 Leones or to a term of imprisonment of not less than 12 months or to both such fine and imprisonment.

Non-Governmental Organisations.

50. (1) A non-governmental organisation shall collaborate with the Agency, where the non-governmental organisation intends to grant assistance for the purpose of this Act, and shall submit a report in writing to the Secretariat in respect of the outcome of the intervention and assistance of the non-governmental organisation to manage or mitigate the particular disaster or emergency.

(2) The Agency shall collaborate with a non-governmental organisation through the competent statutory authority responsible for the operation of non-governmental organisations.

General penalty.

51. A person who commits an offence under this Act for which a penalty has not been prescribed, is liable on summary conviction to a fine of not less than 30,000,000.00 Leones or to a term of imprisonment of not less than 3 years or to both such fine and imprisonment.

Regulations.

52. (1) The Director General may, on the advice of the National Platform through the Minister, by statutory instrument make Regulations as he considers necessary or expedient for giving effect to this Act.

(2) Notwithstanding the generality of subsection (1), the Minister may make Regulations to -

- (a) provide for the procurement of goods, equipment, personnel, accommodation and other services in time of disaster and emergency;
- (b) prescribe safety measures for the public;

- (c) prescribe levels for the state of alertness, in respect of the declaration of a state of emergency;
- (d) prescribe emergency management plans;
- (e) prescribe reporting procedures for disaster management;
- (f) provide for the terms of mutual aid agreements;
- (g) provide for the dissemination of information;
- (h) provide for evacuation procedures; and
- (i) provide for any other matter necessary for the effective implementation of the provisions of this Act.

Passed in Parliament this *24th day of March*, in the year of our Lord two thousand and twenty.

PARAN UMAR TARAWALLY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill

PARAN UMAR TARAWALLY,
Clerk of Parliament.