

**NATIONAL
DISASTER
MANAGEMENT
ACT, 2008**

NATIONAL DISASTER MANAGEMENT ACT, 2008

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National Disaster Management Act, 2008



THE GAMBIA
NO. 13 OF 2008

Assented to by The President

this 17th day of Nov., 2008



YAHYA A. J. J. JAMMEH
President

AN ACT to provide for an integrated and co-ordinated disaster management that focuses on prevention, preparedness, response, mitigation, and recovery from, disasters or emergency situations, and the management of their effects, to establish a National Disaster Management Agency and Regional, District and Village Disaster Management Committees and for matters connected therewith.

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ENACTED by the President and the National Assembly.

CHAPTER I - PRELIMINARYort title and
nancement

1. This Act may be cited as National Disaster Management Act, 2008 and comes into force on such date as the Vice-President may, by notification in the Gazette, appoint.

rpretation

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

"affected area" means an area or part of The Gambia affected by a disaster;

"Agency" means the National Disaster Management Agency established under section 4;

"authorised person" means a person authorised by the Agency, the Regional Disaster Committee or the District Disaster Committee, as the case may be, to perform a specified function under this Act;

"Constitution" means the Constitution of the Republic of The Gambia, 1997, as amended;

"Council" means the National Disaster Management Council established under section 5;

"Departmental Disaster Plan" means the Departmental Disaster Management Plan prepared pursuant to section 71;

"disaster" means a progressive or sudden, widespread or localized actual or imminent occurrence of a natural or human-caused occurrence, or by accident or negligence, which results, or can result, in substantial loss of life or human suffering, or damage to, destruction of infrastructure, or

property, or damage to, or degradation of, the environment arising from, but not limited to-

- (a) a flood or tidal waves;
- (b) a drought;
- (c) subject to any Act of the National Assembly on air and maritime search and rescue operations, any air and maritime disasters;
- (d) a major civil accident, such as, a major fire or bush fire or explosion;
- (e) man-made disasters, such as, but not limited to, industrial accidents, oil spillage, mass movement of persons who are internally displaced persons or refugees;
- (f) a pest or insect infestation;
- (g) a plague or epidemic;
- (h) disease disasters; or
- (i) any other similar natural or man-made event,

and is of a magnitude that exceeds the ability of those affected by the disaster to cope with its effects using only their own resources;

"disaster area" means the area in which a state of emergency is declared and includes a part of a disaster area;

"Disaster Funds" means the National Disaster Management Fund, the Regional Disaster Management Fund and the District Disaster Management Fund;

"disaster management" means the continuous and integrated multi-disciplinary and multi-sectoral process of planning, organising, coordinating and implementing measures which are necessary or expedient for-

- (a) prevention of danger or threat of any disaster,
- (b) mitigation or reduction of risk of any disaster or its severity or consequences,
- (c) capacity-building,
- (d) preparedness to deal with any disaster,
- (e) a rapid and effective response to any threatening disaster situation or disaster,
- (f) assessing the severity or magnitude of effects of any disaster,
- (g) evacuation, rescue and relief,
- (h) post-disaster recovery, rehabilitation and reconstruction;

"disaster operations" means activities undertaken before, during or after a disaster occurs to help reduce loss of human life, illness or injury to humans, property loss or damage, or damage to

the environment, including, but not limited to, activities to mitigate the adverse effects of a disaster;

"disaster worker" mean a person who assists in disaster operations and includes a volunteer;

No. 5 of 2002

"District" has the meaning given to it under the Local Government Act, 2002;

"District Disaster Committee" means the District Disaster Management Committee established in each District under section 46;

"District Disaster Coordinator" means a District Disaster Coordinator appointed under section 54;

"District Disaster Plan" means the District Disaster Plan prepared and formulated under section 76 in respect of disaster management in a District;

"Executive Director" means the Executive Director appointed under section 18;

"functions" includes powers and duties;

"Government agency" means-

- (a) a Department of State or other department of the Government;
- (b) any body constituted for a public purpose by or under any Act of the National Assembly;
- (c) any member or officer of a body stated in paragraph (a) or (b); and

- (d) any person in the service of the Government on whom any function, power, duty or responsibility is conferred by or under any Act;

"Local Authority" has the meaning given to it under the Local Government Act, 2002;

"mitigation" means measures aimed at reducing the risk, impact, or effects, of a disaster or threatening disaster situation;

"*mutatis mutandis*" means things being changed which are necessary to be changed in order to reflect the reference in another context;

"National Advisory Group" means the National Technical Advisory Group established under section 15;

"National Disaster Plan" means the National Disaster Management Plan prepared and formulated under section 69;

"non-government agency" means-

- (a) a voluntary organisation or any other private body within The Gambia;
- (b) an international body or agency; or
- (c) a foreign Government or a body or agency of a foreign Government;

"preparation", in relation to a disaster, includes arrangements or plans to deal with a disaster or the effects of a disaster;

"President" means the President of the Republic of The Gambia;

"prevention", in relation to a disaster, includes the identification of hazards, the assessment of threats to life and property and the taking of measures to reduce potential loss to life or property;

"recovery", in relation to a disaster, includes the process of returning an affected community to its proper level of functioning after a disaster;

"Region" has the meaning given to it in the Local Government Act, 2002;

"Regional Disaster Committee" means the Regional Disaster Management Committee established under section 32 in each Region in The Gambia;

"Regional Disaster Plan" means the Regional Disaster Plan prepared and formulated under section 73 in respect of disaster management in a Region;

"response", in relation to a disaster, includes the process of combating a disaster and of providing immediate relief for people affected by a disaster;

"Village" means-

- (a) in the case of the City of Banjul and Kanifing Municipality, a Ward, as determined by the Independent Electoral Commission, in the City or Municipality;
- (b) in any other case, a Village in a Region;

"Village Disaster Committee" means the Village Disaster Management Committee established under section 60;

"Village Disaster Plan" means the Village Disaster Management Plan prepared and formulated under section 77;

"volunteer" means a person who-

- (a) assists a Government agency or non-government agency in response to a disaster; or
- (b) assists, on his or her own initiative, in response to a disaster in circumstances in which the assistance was reasonably given.

3. Unless otherwise specifically authorised by the President, this Act does not-

- (a) authorise the taking of measures to control civil disorders or to bring to an end an industrial dispute, riot or other civil disturbance;
- (b) authorise actions to end a strike or lockout; or
- (c) cover circumstances arising from combat against an enemy.

Collaboration with any statutory body established to deal with matters relating to air or maritime search and rescue operations

4. (1) The Agency, Regional Disaster Committees District Disaster Committees, Village Disaster Committees and all other persons performing a function under this Act shall, in all matters relating to air or maritime search and rescue operations work in close collaboration with and under the supervision of any statutory body established to deal with matters relating to air or maritime search and rescue operations.

(2) Where a provision of this Act is inconsistent with a provision of any Act that deals with air and maritime search and rescue operations, the provision of that Act shall prevail.

CHAPTER II – NATIONAL DISASTER MANAGEMENT AGENCY

PART I - ESTABLISHMENT

Establishment of the National Disaster Management Agency

5. (1) There is hereby established a National Disaster Management Agency which shall act as the central body for disaster management in The Gambia.

(2) The Agency is a body corporate with perpetual succession and a common seal and may-

- (a) sue or be sued in its corporate name;
- (b) enter into contracts, and acquire, hold and dispose of property; and
- (c) so far as is possible for a body corporate, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

(3) The application of the common seal of the Agency shall be authenticated by the signature of the Chairperson of the Agency or, in his or her absence, the Executive Director.

(4) A document bearing the imprint of the common seal of the Agency is deemed to be properly sealed, unless the contrary is proved.

PART II - NATIONAL DISASTER MANAGEMENT COUNCIL

6. There is hereby established for the Agency a National Disaster Management Council which shall be the governing body of the Agency.

7. (1) The Council comprises the following members-

- (a) the Vice-President as Chairperson;
- (b) the Secretary of State responsible for the Interior;
- (c) the Secretary of State responsible for Defence;
- (d) the Secretary of State responsible for Finance;
- (e) the Secretary of State responsible for Health;
- (f) the Secretary of State responsible for the Environment;
- (g) the Secretary of State responsible for Local Government;

- (h) the Secretary of State for Agriculture;
- (i) the Secretary of State for Fisheries and Water Resources;
- (j) the Attorney General and Secretary of State for Justice;
- (k) the Chief Executive of any statutory body established to deal with matters relating to air or maritime search and rescue operations;
- (l) the Executive Director of the Agency;
- (m) one representative of The Gambia Chamber of Commerce; and
- (n) one representative of the Association of Non-Governmental Organisations.

(2) A member of the Council may be represented at a meeting of the Council by his or her Permanent Secretary, or a delegate not below the rank of a Deputy Permanent Secretary, who shall have the full powers of the member being represented.

(3) The Council may co-opt on an ad hoc basis, depending on the scale of the disaster or the expertise required to respond to the disaster, any Secretary of State, Permanent Secretary of any Department of State or other person to attend and participate at a meeting.

(4) A person co-opted by the Council under subsection (3) is not entitled to vote on any issue or question.

Tenure of office

8. The members of the Council, other than ex-officio members, shall hold office for a term of three years and may be re-appointed.

Meetings and procedures of the Council

9. (1) The Council may meet and transact business at such times and in such places as may be determined by the Chairperson, and, in any case shall meet at least three times in a calendar year.

(2) At a meeting of the Council-

- (a) seven members of the Council, shall constitute a quorum;
- (b) the Chairperson shall preside at all meetings at which he or she is present; and
- (c) in the absence of the Chairperson, the Vice-Chairperson, previously selected by the Chairperson, shall preside and, where both the Chairperson and Vice-Chairperson are absent, the members present shall elect one of their number to act as Chairperson for the purposes of that meeting.

(3) The Chairperson may, at any time, and shall, at the written request of not less than seven members of the Council summon a special meeting of the Council.

(4) Subject to subsection (5), a decision of the Council shall be determined by a simple majority vote of those present and voting at a meeting.

(5) Each member present at a meeting of the Council has one vote on any matter arising for

decision but where the votes are equally divided, the member presiding as the chairperson at the meeting may exercise a casting vote.

(6) The minutes of every meeting of the Council shall be recorded by the Secretary, and signed by the Chairperson or the person who presided at the meeting, after confirmation by the Agency.

(7) The Council may at any time invite a person to any of its meetings, but a person so invited is not entitled to vote at any of the meetings of the Council.

(8) The validity of the proceeding of the Council shall not be affected by-

- (a) a vacancy in its membership;
- (b) a defect in the appointment of any of its members; or
- (c) reason that a person not entitled to do so, took part in the proceedings.

(11) Subject to this section, the Council may regulate its own procedure.

Valid decision
without meeting

10. A proposed resolution of the Council becomes a valid decision of the Council despite the fact that it is not voted on at a meeting of the Council if-

- (a) notice of the proposed resolution is given to all members of the Council in accordance with procedures determined by the Council; and

- (b) a majority of the members express concurrence in the proposed resolution by letter, telegram, telex, facsimile transmission or other written communication setting out the terms of the resolution.

Protection of
members of the
Council

11. No action, suit prosecution or other proceeding shall be brought or instituted against a member of the Council personally in respect of any thing done in good faith in pursuance, execution or intended execution of any of the provisions of this Act.

Committees
of the Council

12. (1) The Council may appoint such technical and other committees, comprising members of the Council and other persons, as it deems necessary to carry out, on its behalf, such of its functions as it may determine.

(2) A decision of a Committee has no effect unless it is confirmed by the Council.

PART III - FUNCTIONS OF THE AGENCY AND COUNCIL

Functions of the
Agency

13. (1) The functions of the Agency are to-

- (a) coordinate the actions of the Departments of State, Government agencies, Regional Disaster Committees, District Disaster Committees, Village Disaster Committees, Local Authorities and non-government agencies as requested by them or otherwise deemed appropriate by it;
- (b) ensure that the Departments of State, Government agencies, Regional Disaster Committees, District Disaster Committees

and Village Disaster Committees take necessary measures for preparedness to promptly and effectively respond to any threatening disaster situation or disaster;

- (c) cooperate with the United Nations agencies, other international organisations and Governments of foreign countries for the purposes of this Act;
- (d) carry out disaster management and other responsibilities and deal with routine disaster-related affairs at national, Regional, District and Village levels;
- (e) lead the country's efforts to prepare for, respond to, recover from, and mitigate the risks of natural and man-made disasters, including catastrophic incidents, and to warn the public of an approaching disaster and predict its effects on the country;
- (f) act as the central planning, coordinating and monitoring institution for disaster management and post-disaster recovery reconstruction in The Gambia;
- (g) advise and brief the President on progress and major problems in disaster management, and if appeal for international assistance is required;
- (h) prepare, update, maintain, implement and monitor the National Disaster Plan and the disaster plans prepared by the Departments of State;

- (i) formulate, monitor, coordinate, and give directions regarding, disaster preparedness, mitigation and response strategies and action plans and measures to be taken by different Departments of State, Government agencies, Local Authorities, non-government agencies and donor agencies in response to any threatening disaster situation or disaster;
- (j) lay down guidelines to be followed by-
 - (i) the Regional Disaster Committees, District Disaster Committees and Village Disaster Committees in drawing up the Regional Disaster Plans, the District Disaster Plans and the Village Disaster Plans, and
 - (ii) the different Departments of State and Government agencies for the purpose of integrating the measures for the prevention of disaster or the mitigation of its effects in their development plans and projects;
- (k) approve the disaster plans prepared by the Departments of State, Regional Disaster Committees, District Disaster Committees and Village Disaster Committees;
- (l) foster public awareness and education at National, Regional, District, Village and community levels of the effects of natural phenomena and measures which can be taken to prevent or mitigate them;

- (m) arrange external training for the staff of Government agencies, non-government agencies and Local Authorities which are directly involved with disaster management;
- (n) provide technical assistance and give advice on disaster management to Regional Disaster Committees, District Disaster Committees and Village Disaster Committees for carrying out their functions under this Act;
- (o) coordinate requests for aid, and control and direct the allocation of aid provided by Government and non-government agencies;
- (p) ensure that aid for disasters is used for the purpose for which it was provided;
- (q) establish and maintain relations with international relief organisations in order to facilitate accessing of their resources in the event of a disaster;
- (r) mobilise and organise technical assistance from interested national and international bodies to assist in the development of disaster response capabilities of the Agency;
- (s) provide a clearing house for relevant information and intelligence in all matters relating to disasters, including current research being undertaken in all related institutions; and

- (t) deal with such other matters as it deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act.

(2) The Agency shall also-

- (a) develop strategies and policies for the prevention of, preparation for, response to, mitigation of, and recovery from, disasters;
- (b) coordinate the general policy of the Government relating to the prevention of, preparedness for, response to, mitigation of and recovery from, disasters in The Gambia;
- (c) conduct programmes of public information and education on the preparedness for, response to, mitigation of, and recovery from, disasters;
- (d) liaise with persons and organisations within and outside The Gambia for the purpose of exchanging information and facilitating the harmonisation of the policies with those of the Government, relating to the prevention of, preparedness for, response to, mitigation of, and recovery from, emergencies and disasters in The Gambia;
- (e) provide technical advice on draft regulations, whether under this Act or any other legislation, relating to the prevention of, preparedness for, response to,

mitigation of, and recovery from, emergencies and disasters in The Gambia;

- (f) supervise the national state of preparedness for disasters and report on it to the Council;
- (g) assign responsibilities for disaster, related activities to Government agencies, non-government agencies and other interested groups;
- (h) coordinate relief actions and collate national relief requirements;
- (i) lay down guidelines for the preparation and format of the Regional Disaster Plans, District Disaster Plans, Village Disaster Plans and Departmental Disaster Plans; and
- (j) foster public awareness of the effects of disasters, and determine measures which can be taken to prevent or mitigate them.

Additional functions of the Agency in a disaster situation

14. For the purpose of assisting, protecting, or providing relief to, any part of The Gambia, in response to any threatening disaster situation or disaster, the Agency may, by itself or where appropriate, direct the relevant specialised agency to-

- (a) give directions for the release and use of resources available in any Department of State, Government agency and any Local Authority;

- (b) control and restrict vehicular traffic to, from, and within, a vulnerable or affected area;
- (c) control and restrict the entry of any person into, his or her movement within and departure from, a vulnerable or affected area;
- (d) remove debris, conduct search and carry out rescue operations;
- (e) provide assistance to the affected areas for-
 - (i) carrying out rescue and relief operations in the affected area,
 - (iii) assessing the damage from any disaster, and
 - (ii) carrying out rehabilitation and reconstruction,
- (f) provide shelter, food, drinking water, essential provisions, healthcare and humanitarian services;
- (g) establish emergency communication systems in the affected area;
- (h) create a centralized emergency number system for routing of emergency calls to the ambulance service, the Police, Fire Service and child help service;
- (i) make arrangements for disposal of the unclaimed corpses;

- (j) direct any Department of State, Government agency or any authority or body of the Government at the National, Regional, District or Village level to take such measures as are necessary in the Council's opinion;
- (k) require experts and consultants in the relevant fields to advise and assist as it may deem necessary;
- (l) procure exclusive or preferential use of amenities from any authority or person;
- (m) construct temporary bridges or other necessary structures and demolish structures which may be hazardous to the public or aggravate the effects of the disaster;
- (n) ensure that the non-governmental agencies carry out their activities in an equitable and non-discriminatory manner;
- (o) require any officer, Department of State or Government agency at the National, Regional, District or Village level or any Local Authority to take such measures for the prevention or mitigation of disaster or to effectively respond to it, as may be necessary, and the officer, Department or agency is bound to comply; and
- (p) take such other steps as may be required or warranted to be taken in such a situation.

- (a) ensure the implementation of the provisions of this Act;
- (b) advise the Government on all matters relating to disaster preparedness, response, mitigation and recovery, and the preparation and formulation of a National Disaster Plan, including the coordination of activities of Government and non-government agencies;
- (c) ensure that the strategies and policies it develops are implemented by the Agency, other Government agencies and non-government agencies;
- (d) advise the President on the need for aid to counter the effects of a disaster and on any agreement proposed to be entered into by the Government in relation to aid;
- (e) in the case of a particular disaster, advise the President on the need to declare a state of public emergency;
- (f) with the approval of the Inspector General of Police and of the Chief of Defence Staff, determine the number of members of The Gambia Police Force and The Gambia Armed Forces, respectively, to be deployed in the prevention of, preparation for, response to, mitigation of, and recovery from, a particular disaster; and
- (g) make available resources to the Regional Disaster Coordinators for the purposes of responding promptly and effectively to any threatening disaster situation or disaster in the Regions, including measures for-

- (i) providing emergency communication in a vulnerable or affected area,
- (ii) transporting personnel and relief goods to and from the affected area,
- (iii) providing evacuation, rescue, temporary shelter or other immediate relief,
- (iv) setting up temporary bridges, jetties and landing places, and
- (v) providing, drinking water, essential provisions, healthcare, and services in an affected area.

(2) The Chairperson of the Council may, in the case of an emergency, exercise all or any of the powers of the Council but the exercise of those powers is subject to subsequent ratification by the Council.

PART IV – NATIONAL TECHNICAL ADVISORY GROUP

Establishment
of the National
Technical
Advisory Group

16. (1) The Council shall set up an advisory body to be known as the National Technical Advisory Group, consisting of experts in various fields who can assist in disaster management at the national, Regional, District or village levels, to make recommendations on different aspects of disaster management.

(2) The National Technical Advisory Group shall provide advice to the Council on disaster management.

(3) The Council shall appoint the chairperson of the National Technical Advisory Group, and the procedures at its meetings shall be *mutatis mutandis* as those of the Council.

Power to co-opt

17. (1) The National Technical Advisory Group may, in relation to a matter before it or to a particular disaster, co-opt-

- (a) a head or an officer of a Government department;
- (b) any official of a Government agency; or
- (c) any official of a non-government agency.

(2) A person co-opted under subsection (1) may take part in deliberations but shall not vote on any questions before the Advisory Group.

(3). A co-opted member's period of service with the National Technical Advisory Group shall terminate as soon as the service for which he or she is co-opted is no longer required.

PART V – STAFF OF THE AGENCY

Executive Director

Appointment of the Executive Director

18. There shall be for the Agency an Executive Director, who shall be appointed by the President after consultation with the Public Service Commission, on such terms and conditions as may be specified in his or her letter of appointment.

Functions of the Executive Director

19. The Executive Director shall -

- (a) be the chief executive and be responsible for the day-to-day administration of the Agency;
- (b) organise, coordinate and supervise all of the activities undertaken by the Agency;
- (c) ensure that the Agency performs its functions properly, efficiently and effectively;
- (d) ensure that clear directions are given to all Government and non-government agencies responsible for taking action in relation to disasters;
- (e) develop and recommend to the Council national policies to foster and promote the prevention of, preparedness for, response to, mitigation of and recovery from, disasters in The Gambia;
- (f) examine and determine when it is necessary to approve payments from the Disaster Funds;
- (g) advise the Council when there is a disaster, and keep it apprised of all developments;
- (h) advise the Council if an appeal for international assistance is required; and
- (i) advise the Council as to whether a state of public emergency should be declared by the President.

Requisition by
the Executive
Director

20. The Executive Director may, by order, require any officer or any Government agency at the Regional, District or Village level or any Local Government Authority to take such measures for the prevention or mitigation of disaster or to effectively respond to it, as may be necessary, and the officer, agency or Authority is bound to carry out the order.

Council directions to the Executive Director

21. The Executive Director is subject to the directions of the Council in relation to the policy to be followed in the exercise of the powers conferred and the duties imposed on him or her by or under this Act on any matter that affects the public interests with regards to disaster relief, and the Executive Director shall give effect to all those directions.

Activity reports

22. (1) The Executive Director shall prepare and submit to the Council bi-annual reports on the activities of the Agency.

(2) A bi-annual report shall-

- (a) be in such form as may be approved by the Council; and
- (b) give a true and full account of the Agency's activities during the previous half year, and a copy of the report shall be forwarded to the Vice-President.

(3) The Executive Director shall provide the Council with any additional information that the Council may request.

Other Staff

Secretary and
other staff of the
Agency

23. (1) The Council shall appoint from among the staff of the Agency, a Secretary to the Council who shall-

- (a) keep the books and records and conduct the correspondence of the Agency;
- (b) prepare the agenda in consultation with the Chairperson and record the minutes of meetings of the Council; and
- (c) perform such other functions as may be assigned to him or her by the Council.

(2) The Council shall appoint for the Agency such staff as are necessary for the Agency to perform its functions.

(3) Staff of the Agency may also be-

- (a) seconded or transferred to the Agency by Departments of State and other Government agencies, subject to the approval of the Personnel Management Office; and
- (b) provided to the Agency by non-government agencies and funded by those agencies with the approval of the Government.

(4) Where the Government requests for the removal of a person that is provided to the Agency by a non-government agency, the non-government agency shall effect such removal within three days of being so informed by the Government.

(5) The salaries and any other remuneration and benefits of the staff shall be as approved by the Council.

PART VI - FINANCIAL PROVISIONS

24. (1) The sources of finances required to meet the expenses of the Agency under section 24 are-

- (a) moneys appropriated to it by the National Assembly; and
- (b) such other moneys as may accrue to the Agency from other sources.

(2) The moneys accruing to the Agency under subsection (1) shall be paid into a fund to be maintained by the Agency.

25. The following expenses may be defrayed from the moneys received by the Agency in pursuance of section 24-

- (a) the cost of administration of the Agency;
- (b) the reimbursement to Agency members or any committee appointed by the Agency for such expenses as may be authorized by the Agency, in accordance with the rates approved by the Vice-President;
- (c) the payments of salaries, fees and other remuneration, allowances, pensions and gratuities payable to Agency members, employees of the Agency, as appropriate, and experts, professionals or agents appointed by the Agency;

(d) the maintenance of any property acquired or vested in the Agency; and

(e) meeting such other expenses as may be approved by the Council for the purposes of this Act.

26. (1) The Agency shall, not later than three months before the end of each financial year, prepare and submit to the Vice-President for approval, estimates of the income and expenditure of the Agency for the ensuing year.

(2) The Agency shall keep proper records and books of accounts of its income, expenditure and transfers.

(3) The Agency shall prepare, in respect of each financial year, a statement of accounts.

(4) The Agency shall, within three months of the end of each financial year, submit its statement of accounts to the Auditor General for audit.

(5) The audited accounts of the Agency and the Auditor General's report on those accounts shall form part of the Auditor General's overall report to the National assembly.

27. (1) The Agency shall, not later than two months after the end of each financial year submit to the Vice-President, in respect of the financial year, an annual report on the financial position and performance of the Agency, the Regional Disaster Committees, the District Disaster Committees, Village Disaster Committees and Disaster Funds.

Estimates,
accounts and
audit

Annual report

(2) The report under subsection (1) shall include-

- (a) a statement on the income, source of income and application of the moneys of the Agency the Regional Disaster Committees, the District Disaster Committees, Village Disaster Committees and the Disaster Funds;
- (b) information with regard to the operation and performance of the Agency the Regional Disaster Committees, the District Disaster Committees, the Village Disaster Committees and the Disaster Funds; and
- (c) such other information as the Vice-President may require.

(3) The Vice-President shall, not later than three months after the end of the financial year, cause the report to be laid before the National Assembly.

(4) The National Disaster Management Coordinator shall also, from time to time, provide the Vice-President with such information relating to the affairs of the Agency, Regional Disaster Committees, District Disaster Committees, Village Disaster Committees and Disaster Funds as the Vice-President may request.

28. The Agency shall be exempted from such duties as the Secretary of State responsible for finance may approve.

PART VII - LEGAL PROCEEDING

Notice of legal action

29. No action may be brought against the Agency unless at least one month's written notice of the intention to bring the action has been served on the Agency by the intending plaintiff or his or her agent.

Representation

30. In a suit against the Agency, the Agency may be represented in court at any stage of the proceedings by an officer or any other employee of the Agency duly authorized in writing by the Agency in that behalf.

Indemnity

31. An officer of the Agency or any other person acting on the direction of the Agency is not personally liable in respect of any matter or thing done by him or her in good faith for the purposes of this Act.

CHAPTER III - DISASTER MANAGEMENT COMMITTEES

PART I - ESTABLISHMENT AND COMPOSITION

Establishment of Regional Disaster Management Committees

32. (1) There is hereby established, for each Region, a Regional Disaster Management Committee, which shall reflect the name of the Region for which it is established.

(2) A Regional Disaster Committee has the responsibility for implementing both the National Disaster Plan and, Regional Disaster Plan and act as the coordinating and monitoring body for management of disasters for the Region.

(3) The Agency shall have overriding powers over a Regional Committee on any matter relating to disaster management and disaster operations in the Region.

Composition of
Regional
Committees

33. (1) A Regional Disaster Committee consists of-

- (a) a chairperson who shall be the Mayor or Governor, as the case may be;
- (b) such other members, as shall be determined by guidelines laid down by the Council; and
- (c) the Regional Disaster Coordinator who shall also act as secretary to the Regional Disaster Committee.

(2) The members of the Regional Disaster Committee may designate one of their number to be the vice-chairperson of the Regional Disaster Committee.

(3) Subject to this section, each Regional Disaster Committee shall determine its procedures and its meetings and voting shall be *mutatis mutandis* as those of the Council.

Meetings of
Regional
Committees

34. (1) A Regional Disaster Committee may meet and transact business at such times and in such places as determined by the chairperson, and, in any case, shall meet at least three times in a calendar year.

(2) A Regional Disaster Committee shall cause full minutes of its meetings to be kept in such manner as may be determined by it.

PART II – FUNCTIONS

Functions of
Regional
Disaster
Committees

35. (1) A Regional Disaster Committee shall-

- (a) lay down the disaster management policy and plans for disaster management in its Region;
- (b) lay down guidelines to be followed by the Local Authorities in the Region for the purposes of integration of measures for the prevention of disasters and mitigation in their development plans and projects and provide necessary technical assistance for them;
- (c) review the measures being taken for the mitigation, capacity building and preparedness by the Local Authorities in the Region and issue such guidelines as may be necessary;
- (d) recommend to the Agency the provision of funds for mitigation and preparedness measures in the Region;
- (e) examine the vulnerability of different parts of the Region to different forms of disasters and specify measures to be taken for their prevention or mitigation; and
- (f) coordinate all disaster management activities in the Region.

(2) A Regional Disaster Committee may, for the purpose of assisting or protecting the community affected by disaster or of providing relief to the community or preventing or combating disruption, or dealing with the effects of any threatening disaster situation in the Region-

- (a) control and restrict vehicular traffic to, from or within, the vulnerable or affected area;
- (b) control and restrict the entry of any person into, his or her movement within and departure from, a vulnerable or affected area,
- (c) remove debris, conduct search and carry out rescue operations;
- (d) provide shelter, food, drinking water, essential provisions, healthcare and services in accordance with the standards laid down by the Agency and the Regional Disaster Committee;
- (e) give direction to any District Disaster Committee, Village Disaster Committee or other relevant authority, within the local limits of the Regional Disaster Committee to take such measures or steps for rescue, evacuation or providing immediate relief, saving lives or property, as may be necessary in his or her opinion;
- (f) require a District Disaster Committee, Village Disaster Committee, other relevant authority, or person in charge of any relevant resources, to make available the resources for the purposes of emergency response, rescue and relief;

- (g) procure exclusive or preferential use of amenities from any District Disaster Committee, Village Disaster Committee other relevant authority, or person, as and when required;
- (h) ensure that non-governmental agencies carry out their activities in an equitable and non-discriminatory manner;
- (i) disseminate information to the public to deal with any threatening disaster situation or disaster; and
- (j) take such steps as the Agency may direct and such other steps as are required or warranted by the form of any threatening disaster situation or disaster.

(3) The chairperson of a Regional Disaster Committee has, in the case of an emergency, power to exercise all or any of the powers of the Regional Disaster Committee but the exercise of those powers is subject to ratification of the Regional Disaster Committee.

Powers and functions of Regional Disaster Committees in disaster situations

36. For the purpose of assisting, protecting or providing relief to the Region, in response to any threatening disaster situation or disaster within the Region, a Regional Disaster Committee may-

- (a) give directions for the release and use of resources available;
- (b) control and restrict vehicular traffic to, from and within, the vulnerable or affected area;

- (c) control and restrict the entry of any person into, his or her movement within and departure from, a vulnerable or an affected area;
- (d) remove debris, conduct search and carry out rescue operations;
- (e) provide shelter, food, drinking water, essential provisions, healthcare and services;
- (f) make arrangements for the disposal of unclaimed corpses;
- (g) recommend to any Government agency at the Regional level to take such measures as are necessary in its opinion;
- (h) procure exclusive or preferential use of amenities from any authority or person;
- (i) construct temporary bridges or other necessary structures and demolish structures which may be hazardous to public or aggravate the effects of the disaster;
- (j) ensure that the non-governmental agencies carry out their activities in an equitable and non-discriminatory manner;
- (k) by order, require any officer or any Government department or any Local Authority in the region to take such measures for the prevention or mitigation of disaster or to effectively respond to it,

as may be necessary, and the officer, or department or Authority is bound to carry out the order; and

- (l) take such other steps as may be required to be taken in a threatening disaster situation or disaster.

Guidelines for minimum standard of relief by Regional Disaster Committees

37. (1) The Regional Disaster Committee shall lay down detailed guidelines for providing standards of relief to persons affected by disaster in the Region.

(2) Standards provided under subsection (1) shall in no case be less than the minimum standards in the guidelines laid down by the Agency in that regard.

PART III – REGIONAL TECHNICAL ADVISORY GROUP

Regional Technical Advisory Groups

38. (1) A Regional Disaster Committee may constitute an advisory committee to be known as the Regional Technical Advisory Group, under the name as reflects the Region for which it is established.

(2) The Regional Technical Advisory Group shall consist of experts in various fields who can advise the Regional Disaster Committee in disaster management at the Regional, District or Village level and make recommendations to the Regional Disaster Committee on different aspects of disaster management.

PART IV - SECRETARIAT AND STAFF**Secretariat**

Secretariat

39. The secretariat of the Regional Disaster Committee is the office of the Mayor or Governor, as the case may be.

Regional Disaster Management CoordinatorAppointment of
Regional
Disaster
Coordinators

40. (1) The Agency shall appoint for each region a Regional Disaster Management Coordinator.

(2) A Regional Disaster Coordinator shall act as the administrative head and be responsible for the day-to-day administration of the Regional Disaster Committee.

Functions of
Regional Dis-
aster Coordinators

41. (1) Each Regional Disaster Coordinator is responsible for disaster management in the Region and shall carry out functions in relation to that responsibility.

(2) Without prejudice to subsection (1), a Regional Disaster Coordinator shall perform the following functions within the Region-

- (a) coordinate the general policy of the Regional Disaster Committee relating to the prevention of, preparedness for, response to, mitigation of, and recovery from, disasters in the Region.
- (b) develop and recommend to the Regional Disaster Committee a regional policy on fostering and promoting the prevention of, preparedness for, response to, mitigation of and recovery from, disasters in the Region;

- (c) lay down guidelines for the preparation and format of Regional Disaster Plans;
- (d) examine and determine when it is necessary to approve grants from a Regional Disaster Fund for emergency relief;
- (e) foster public awareness of the effects of disasters, and determine measures which can be taken to prevent or mitigate them;
- (f) coordinate and monitor the implementation of the disaster plans prepared by the Regional Disaster Committee, District Disaster Committee and Village Disaster Committee in the Region;
- (g) monitor the implementation of the guidelines laid down by the Regional Disaster Committee for integrating measures for the prevention and mitigation of disasters by the Departments of State in their development plans and projects in the Region;
- (h) evaluate the preparedness at all Governmental or non-governmental levels in the Region to respond to any threatening disaster situation or disaster and give directions, where necessary, for enhancing the preparedness;
- (i) coordinate response if there is any threatening disaster situation or disaster in the Region;

- (j) promote general education, awareness and community training in regard to the forms of disasters to which different parts of the Region are vulnerable and the measures that may be taken by the community to prevent, mitigate, and respond to the disaster;
- (k) provide necessary technical assistance or give advice to District and Village Disaster Committees in the District on disaster management;
- (l) examine construction works, in any area in the Region and may, if he or she is of the opinion that the standards laid for the construction for the prevention of disaster is not being or has not been followed, direct the relevant District Disaster Committee or Village Disaster Committee to take such action as is necessary to secure compliance with those standards;
- (m) provide information to the Agency relating to different aspects of disaster management in the Region;
- (n) prepare, review and update the Regional Disaster Plan for the Region and ensure that the District Disaster Plans and Village Disaster Plans are prepared, reviewed and updated;
- (o) perform such other functions related to disaster management in the Region as the Regional Disaster Committee considers necessary.

Requisition by
the Regional
Disaster Coordi-
nators

42. A Regional Disaster Coordinator may, by order, require any officer or any department at the Regional, District or Village level or any Local Authority to take such measures for the prevention, or mitigation, of disaster or to effectively respond to it, as may be necessary, and that officer or department is bound to carry out the order.

Regional Disas-
ter Coordinators
relationship with
the Executive
Director

43. (1) Where a disaster occurs in a Region, the Executive Director may initiate or take over, from the Regional Disaster Coordinator disaster management and disaster operations in the affected area in the Region and the Regional Disaster Coordinator shall coordinate, cooperate and act on the advice and instructions of the Executive Director.

(2) A Regional Disaster Coordinator shall provide such information as is requested by the Executive Director without delay.

(3) A Regional Coordinator shall provide bi-annual reports of his or her activities to the Executive Director.

Other Staff

Other Staff of
the Regional
Coordinators

44. (1) The other staff of a Regional Disaster Committee shall comprise employees deployed to it from the office of the Mayor or Governor, as the case may be.

(2) The staff shall be paid such salaries and allowances as may be determined by the Regional Disaster Committee.

PART V – FINANCIAL PROVISIONS

Finances of the
Regional
Disaster
Committees

45. (1) A Regional Disaster Committee shall be funded from monies appropriated to the Mayor's or Governor's office either by the National Assembly or the Department of State responsible for Local Government.

(2) The Regional Disaster Committee shall submit annual financial report to the Mayor or Governor in such form as he or she shall determine.

CHAPTER IV - DISTRICT DISASTER MANAGEMENT COMMITTEES**PART I – ESTABLISHMENT AND COMPOSITION**

Establishment
of District Disaster
Management
Committees

46. (1) There is hereby established, for each District, a District Disaster Management Committee which shall reflect name of the District for which it is established.

Composition of
District Disaster
Committees

47. A District Disaster Committee consists of-

- (a) the District Seyfo as the chairperson;
- (b) such other members, as shall be determined by guideline laid down by the Regional Disaster Committee; and
- (c) the District Disaster Coordinator who shall act also as secretary to the District Disaster Committee.

Functions and
powers of
Chairpersons of
District Disaster
Committees

48. (1) The chairperson of the District Disaster Committee shall, in addition to presiding over its meetings, perform such functions and exercise such powers of the District Disaster Committee may delegate to him or her.

(2) The chairperson of the District Disaster Committee, in the case of an emergency, has power to exercise all or any of the powers of the District Disaster Committee but the exercise of those powers is subject to ratification of the District Disaster Committee.

Meetings and
procedures

49. (1) The District Disaster Committee shall meet as and when necessary and at such time and place as the chairperson may think fit.

(2) Subject to subsection (1), each District Disaster Committee's procedures shall be as determined by the Regional Disaster Committee and its meetings and voting shall be *mutatis mutandis* the same as those of the Council.

Functions and
powers of Dis-
trict Disaster
Committees

50. A District Disaster Committee's functions and powers at the District level are *mutatis mutandis* as the same those of the Regional Disaster Committee, except that it cannot-

- (a) make any recommendation to the Agency or Council except through the Regional Disaster Coordinator; and
- (b) do anything that should be done at the Regional disaster management level.

Functions and powers of District Disaster Committees in disaster situations

51. For the purpose of assisting, protecting, or providing relief to, the community, in response to any threatening disaster situation or disaster, a District Disaster Committee has in relation to any threatening disaster situation or disaster, *mutatis mutandis* the same functions and powers as a Regional Disaster Committee in relation to its Region of jurisdiction.

Appointment of advisory and other committees

52. The District Disaster Committee may, as and when it considers necessary, appoint one or more advisory committees and other committees for the efficient discharge of its functions.

PART II - SECRETARIAT AND STAFF OF DISTRICT DISASTER COMMITTEES

Secretariat

Secretariat

53. The secretariat of the District Disaster Committee shall be provided by the District Seyfo.

District Disaster Coordinators

Appointment of District Disaster Coordinators

54. (1) There shall be a District Disaster Management Coordinator for each District.

(2) The District Disaster Coordinator shall be appointed by the Regional Disaster Committee.

Functions of District Disaster Coordinators

55. (1) Each District Disaster Coordinator is responsible for disaster management in the District and shall exercise such powers and perform such functions as the District Disaster Committee may delegate to him or her.

(2) A relation to the District, the District Disaster Coordinator has *mutatis mutandis* the same powers and functions of the Regional Coordinator, except that the District Coordinator cannot-

(a) make any recommendation to the Council or Agency except through the Regional Disaster Coordinator; or

(b) do anything that should be done at the Regional Disaster Management level.

Requisition by the District Disaster Coordinators

56. A District Disaster Coordinator may, by order, require any officer or any Government agency at the district or village level to take such measures for the prevention or mitigation of disaster or to effectively respond to it, as may be necessary, and that officer or agency is bound to carry out the order.

District Disaster Coordinators relationship with the Executive Director and the Regional Disaster Coordinators

57. (1) If a disaster occurs in a District, the National Disaster Coordinator or Regional Disaster Coordinator may initiate or take over a disaster operation and management of the disaster in the affected area, and the District Disaster Coordinator shall coordinate, cooperate and act on the advice and instructions of the National Disaster Coordinator or Regional Disaster Coordinator, as the case may be.

(2) A District Disaster Coordinator shall provide such information as is requested by the Executive Director or Regional Disaster Coordinator without delay.

(3) A District Disaster Coordinator shall submit to the Regional Disaster Coordinator biannual updates on his or her activities in the field of disaster management.

Other Staff

58. The other staff of a District Disaster Committee shall comprise employees deployed to it from the Governor's office.

(2) The staff shall be paid such salaries and allowances as may be determined by the District Disaster Committee.

PART III - FINANCES

59. A District Disaster Committee shall be funded from monies appropriated to it from the office of the District Seyfo.

CHAPTER V – VILLAGE DISASTER MANAGEMENT COMMITTEES

PART I – ESTABLISHMENT AND COMPOSITION

60. (1) There is hereby established a Village Disaster Committee for each village or cluster of villages as determined under section 92 (2) of the Local Government Act, 2002.

(2) The Village Development Committee established under section 92 (1) of the Local Government Act, 2002 shall act as the Village Disaster Management Committee for the village, and accordingly-

(a) references in this Act to Village Disaster Committee shall be construed as references to the Village Development Committee acting in its capacity as the Village Disaster Committee; and

(b) the Chairperson and members of the Village Development Committee are the Chairperson and members of the Village Disaster Committee.

61. (1) A Village Disaster Committee shall meet as and when necessary and at such time and place as the chairperson may think fit for the purposes of this Chapter of this Act.

(2) Each Village Disaster Committee shall determine its procedures and its meetings and voting shall be *mutatis mutandis* the same as those of the Council.

PART II – FUNCTIONS

62. (1) A Village Disaster Committee shall act as the village disaster planning, coordinating and implementing body for disaster management for the village and take all measures for the purposes of disaster management in the village in accordance with the guidelines laid down by the Agency, the Regional Disaster Committee and District Disaster Committee.

(2) The functions and powers of the Village Disaster Committee shall be *mutatis mutandis* the same as those of the District Disaster Committee, except that it is restricted to the Village level.

Meetings and
procedures

Functions and
powers of
Village Disaster
Committees

Finances of
District Disaster
Committees

Establishment
of Village Disaster
Management
Committees

No.5 of 2002

Functions and powers of Village Disaster Committees in the event of threatening disaster situations or disasters

63. For the purpose of assisting, protecting or providing relief to the community, in response to any threatening disaster situation or disaster in a village, a Village Disaster Committee may-

- (a) give directions for the release and use of village resources;
- (b) control and restrict the movement of any person, vehicles and cattle into, within and departure from, a vulnerable or affected area;
- (c) control and restrict the entry of any person into, his movement within and departure from, a vulnerable or affected area;
- (d) remove debris, conduct search and carry out rescue operations;
- (e) provide shelter, food, drinking water and essential provisions, healthcare and services;
- (f) make arrangements for the disposal of the unclaimed corpses; and
- (g) take such other steps as may be required or warranted to be taken in such a situation.

Powers of chairpersons of Village Disaster Committees

64. (1) The chairperson of the Village Disaster Committee shall, in addition to presiding over its meetings, exercise and discharge such powers and functions of the Village Disaster Committee as the Village Disaster Committee may delegate to him or her.

Village Disaster Committees relationship with the Executive Director and the Regional and District Disaster Coordinators

(2) The chairperson of the Village Disaster Committee has, in the case of an emergency, power to exercise all or any of the powers of the Village Disaster Committee but the exercise of such powers shall be subject to thereafter ratification of the Village Disaster Committee.

Appointment of Village Disaster Coordinators

65. (1) Where a disaster occurs in a Village, the Executive Director, Regional Disaster Coordinator or District Disaster Coordinator may initiate or take over disaster operations and management in the affected area in the Village, and the Village Disaster Committee shall render all assistance, coordinate, cooperate and act on the advice and instructions of the Executive Director, Regional Disaster Coordinator or District Disaster Coordinator, as the case may be.

PART III - VILLAGE DISASTER COORDINATORS

66. (1) There shall be a Village Disaster Coordinator for each village or cluster of villages.

(2) A Village Disaster Coordinator shall be appointed by the Village Disaster Committee.

(3) The Village Disaster Coordinator shall act as the central person for coordinating disaster management within the Village.

Functions of Village Disaster Coordinators

67. Each Village Disaster Coordinator is responsible for coordinating disaster-related matters in the Village and carrying out the same functions, in relation to the Village, *mutatis mutandis* as the District Disaster Coordinator, except that-

- (a) he or she cannot make any recommendation to the District Disaster Committee unless through the District Disaster Coordinator; or
- (b) any matter that deals with matters at the District, Regional or National level.

Village Disaster Coordinators relationship with the Executive Director and the Regional and District Disaster Coordinators

68. (1) Where a disaster occurs in a village, the Executive Director, Regional Disaster Coordinator or District Disaster Coordinator may initiate or take over a disaster operations and management in the affected area in the village, and the Village Disaster Coordinator shall coordinate, cooperate and act on the advice and instructions of the Executive Director, the Regional Disaster Coordinator and the District Disaster Coordinator.

(2) A Village Disaster Coordinator shall provide, without delay, such information as is requested by the Executive Director, Regional Disaster Coordinator and District Disaster Coordinator.

CHAPTER VI - DISASTER MANAGEMENT PLANS

PART I - NATIONAL DISASTER MANAGEMENT PLAN

National Disaster Management Plan

69. (1) The Agency shall, with the approval of the Council, draw up a plan for national disaster management for the whole of the country to be called the National Disaster Plan, directed at the prevention of, preparedness for, response to, mitigation of, and recovery from, disasters in The Gambia.

(2) The National Disaster Plan shall be drawn up in consultation with the Government agencies and non-government agencies with expertise in the field of disaster management.

(3) Appropriate provisions shall be made by the Government for financing the measures to be carried out under the National Disaster Plan.

(4) The Agency shall make available copies of the National Disaster Plan to the Departments of State which shall draw up their own disaster management plans in accordance with the National Disaster Plan.

(5) The National Disaster Plan shall comprise the statements of the contingency arrangements and requirements, under the coordination of the Agency, to be followed by Government agencies and non-government agencies.

(6) The National Disaster Plan shall include-

- (a) measures to be taken for the prevention of disasters and the mitigation of their effects;
- (b) measures to be taken for the integration of mitigation measures in the development plans;
- (c) measures to be taken for preparedness and capacity building to effectively respond to any threatening disaster situations or disaster;

- (d) roles and responsibilities of different Departments of State in respect of measures specified in paragraphs (a), (b) and (c);
- (e) post-disaster reconstruction, rehabilitation and recovery plans;
- (f) procedures related to disaster prevention, preparedness for, response to, mitigation of, and recovery from, disasters by Departments of State, Government agencies and non-government agencies;
- (g) procedures for informing the public in The Gambia and elsewhere of the existence of a threatened disaster or the existence of a disaster emergency; and
- (h) procedures to be followed during a threatened disaster alert or in the event or aftermath of a disaster emergency for-
 - (i) safeguarding against fires and epidemics,
 - (ii) the protection and restoration of communication, both nationally and internationally,
 - (iii) the provision of shelter for persons,
 - (iv) cooperation with international organizations and Governments of countries outside The Gambia,

- (v) the evacuation of all the residents of any area when it is considered desirable in the event of a disaster emergency,
- (vi) the requisitioning of private property when it is considered desirable in the event of a disaster emergency, including procedures for assessing and paying compensation in consequence of any requisition,
- (vii) protecting life and property from the dangers of looting and riotous behaviour, and
- (viii) accepting and facilitating the distribution of volunteer services and relief supplies.

Review of National Disaster Plan

70. (1) The Agency shall review the National Disaster Plan annually and make such amendments as are necessary to keep the National Disaster Plan up to date.

(2) Any periodic updates or amendments to the National Disaster Plan must be approved by the Council before they take effect.

PART II - DEPARTMENTS OF STATE DISASTER MANAGEMENT PLANS

Departmental Disaster Management Plans

71. (1) The Agency may require a Department of State to-

- (a) prepare a Departmental Disaster Management Plan specifying the following particulars -

- (i) the measures to be taken by the Department of State for the prevention of, preparedness for, response to, mitigation of, and recovery from, disasters in accordance with the National Disaster Plan,
 - (ii) the specifications regarding integration of mitigation measures in its development plans in accordance with the guidelines laid down by the Agency,
 - (iii) its roles and responsibilities in relation to preparedness for, and capacity-building to deal with, any threatening disaster situation or disaster,
 - (iv) its roles and responsibilities in regard to promptly and effectively responding to any threatening disaster situation or disaster,
 - (v) the present status of its preparedness to perform the roles and responsibilities specified in subparagraphs (iii) and (iv), and
 - (vi) the measures required to be taken in order to enable it to perform its responsibilities specified in subparagraphs (iii) and (iv);
- (b) review and update annually its Departmental Disaster Plan; and

- (c) forward a copy of the Departmental Disaster Management Plan referred to in paragraph (a) or (b), as the case may be, to the Agency for its approval.

(2) Every Department of State shall-

- (a) while preparing its Departmental Disaster Plan under subsection (1) (a), make provision for financing the activities specified in it; and
- (b) furnish a status report regarding the implementation of the Departmental Disaster Plan to the Agency, as and when required by it.

Review of
Departmental
Disaster
Plans

72. (1) The Permanent Secretary of each Department of State shall review the Departmental Disaster Plan annually and make such amendments as are necessary to keep it up to date.

(2) Any periodic updates or amendments to the Departmental Disaster Plan must be approved by the Council before they take effect.

PART III - REGIONAL DISASTER MANAGEMENT PLANS

Regional
Disaster Plans

73. (1) There shall be a plan for disaster management for every Region to be called the Regional Disaster Management Plan preceded by the name of the respective Region to which it applies.

(2) The Regional Disaster Management Plan shall be prepared by the Regional Disaster Coordinator, having regard to the guidelines laid down by the Agency, and after consultation with the Regional Disaster Committees, the Local Authorities concerned, the District Disaster Committees and the Village Disaster Committees.

(3) The Regional Disaster Plan prepared under subsection (2) shall be subject to approval by the Agency before it can be implemented.

(4) The Regional Disaster Plan shall include-

- (a) the vulnerability of different parts of the Region to different forms of disasters;
- (b) the measures to be adopted for the prevention of, preparedness for, response to, mitigation of, and recovery from, disasters in the Region;
- (c) the manner in which the mitigation measures shall be integrated with the development plans and projects in the Region; and
- (d) the capacity-building and preparedness measures to be taken in the Region.

(5) Appropriate provisions shall be made for financing the measures to be carried out under the Regional Disaster Plan.

74. (1) The Regional Disaster Coordinator shall review the Regional Disaster Plan annually and make such amendments as are necessary to keep it up to date.

Review of
Regional
Management
Disaster plans

(2) Any periodic updates or amendments to the plan must be approved both by the Regional Disaster Committee and the Agency before they can take effect.

PART IV - DISTRICT DISASTER MANAGEMENT PLANS

District Disaster
Management
Plans

75. (1) There shall for every District a plan for disaster management to be known as the District Disaster Management Plan, which shall be preceded by such name as reflects the District to which it applies.

(2) The District Disaster Plan shall be prepared by the District Disaster Coordinator, subject to approval by both the District Disaster Committee, the Regional Disaster Committee and the Agency.

(3) The District Disaster Management Plan shall include-

- (a) the areas in the District vulnerable to different forms of disasters;
- (b) the measures to be taken, for the prevention of, preparedness for, response to, mitigation of, and recovery from, disasters at the District level;
- (c) the capacity-building and preparedness measures required to be taken by the Departments of the Government at the District level and the Village level in the District to respond to any threatening disaster situation or disaster;
- (d) the response plans and procedures, in the event of a disaster, providing for-

- (i) allocation of responsibilities to the Departments of the Government at the District level and the Village level in the District,
- (ii) prompt response to disaster and relief,
- (iii) procurement of essential resources,
- (iv) establishment of communication links, and
- (v) the dissemination of information to the public.

(4) Copies of the District Disaster Management Plan shall be submitted to the Agency and shall be made available to the District Disaster Committee and the Regional Disaster Committee.

District review
of District Disaster
Plans

76. (1) The District Disaster Coordinator shall review and up date the District Disaster Plan annually and make such amendments as are necessary to keep the District Disaster Plan up to date.

(2) Any periodic updates or amendments to the District Disaster Plan shall be approved by the District Disaster Committee, Regional Disaster Committee and the Agency before they can take effect.

PART V – VILLAGE DISASTER MANAGEMENT PLANS

Village Disaster
Management
Plans

77. (1) There shall be a Village Disaster Management Plan for disaster management for each village.

(2) The Village Disaster Committee shall prepare the Village Disaster Plan, after consultation with the local authorities and having regard to the National Disaster Plan, the Regional Disaster Plan and the District Disaster Plan subject to the approval of the Regional Disaster Committee.

(3) The Village Disaster Plan shall include-

- (a) the areas in the Village vulnerable to different forms of disasters;
- (b) the measures to be taken, for prevention and mitigation of disaster, by the Departments of the Government at the Village level and local authorities in the Village;
- (c) the capacity-building and preparedness measures required to be taken by the Departments of the Government at the Village level and the local authorities in the Village to respond to any threatening disaster situation or disaster;
- (d) the response plans and procedures, in the event of a disaster, providing for-
 - (i) allocation of responsibilities to the Departments of the Government at the Village level and the local authorities in the Village,
 - (ii) prompt response to disaster and relief,
 - (iii) procurement of essential resource,

- (iv) establishment of communication links,
- (v) the dissemination of information to the public; and
- (e) such other matters as may be required by the Village Disaster Committee.

(4) The Village Disaster Plan shall be reviewed and updated annually by the Village Disaster Committee.

(5) A Village Disaster Committee shall send a copy of the Village Disaster Plan to the District Disaster Committee which shall forward it to the Regional Disaster Committee for its approval.

CHAPTER VII - GOVERNMENT DISASTER MANAGEMENT MEASURES

Government to take measures

78. (1) Subject to the provisions of this Act, the Government shall take all such measures as it deems necessary or expedient for the purpose of disaster management.

(2) Without prejudice to subsection (1), measures which the Government may take include, but are not limited to-

- (a) deployment of security services from the military or police or any other civilian personnel as may be required for the purposes of this Act; and

- (b) establishment of institutions for research, training, and developmental programmes in the field of disasters management;

(3) The Government may extend such measures to other countries affected by major disasters as it may deem appropriate.

Responsibilities of Departments of State

79. Every Department of State is responsible for-

- (a) integrating into its development plans and projects, and taking measures necessary for the prevention of, preparedness for, response to, mitigation of, and recovery from, disasters, in accordance with the guidelines laid down by the Agency;
- (b) taking measures necessary for capacity-building in the area of disaster management and the training of personnel in relation to disaster management;
- (c) responding effectively and promptly to any threatening disaster situation or disaster in accordance with the guidelines or directions of the Agency;
- (d) reviewing the enactments administered by it, its policies, rules and regulations, with a view to incorporating in them the provisions necessary for the prevention of, mitigation of, or preparedness for, disaster;

- (e) allocating funds for measures for the prevention of, preparedness for, response to, mitigation of and recovery from, disasters, as well as capacity-building; and
- (f) taking such other actions as it may consider necessary for disaster management.

CHAPTER VIII - EVACUATION

80. (1) The Executive Director shall assess the potential for loss of life, or injury to persons, where there is a threat of a disaster or where a disaster has occurred in The Gambia or in a part of The Gambia.

(2) The Executive Director shall, after consultation with the Council, recommend to the Secretary of State for the Interior that it is necessary for him or her to order an evacuation of inhabitants of the affected area.

81. (1) If, on receipt of a recommendation pursuant to section 80, the Secretary of State for the Interior considers that an evacuation is necessary, he or she shall issue a Notice of Evacuation.

(2) A Notice of Evacuation issued pursuant to subsection (1) shall specify the nature of the disaster, the potential harm to persons, and the area of The Gambia required to be evacuated.

(3) Where a Notice of Evacuation is issued pursuant to subsection (1), the Executive Director shall coordinate the evacuation with the assistance

of agencies involved in emergency and disaster management, including the Police Force, the Fire Service and The Gambia Armed Forces, as the case may be.

(4) A person to whom a Notice of Evacuation issued pursuant to this section shall comply.

(5) A person who does not comply with a provision of this section commits an offence and is liable on conviction to a fine not exceeding fifty thousand dalasis or imprisonment for a term not exceeding twelve months, or to both the fine and imprisonment.

CHAPTER IX - ASSISTANCE DURING PERIOD OF DISASTER

82. (1) Where the Agency has declared that a disaster exist in any part of The Gambia and it considers that the Regional Disaster Committee, District Disaster Committee or Village Disaster Committee, for the affected area is unable to provide adequate disaster management services to deal with the disaster, the Agency may-

- (a) by notice published in such manner as it thinks fit and-
- (i) to such extent and for such purposes as it may specify in the notice, take over any power or duty conferred on the Regional Disaster Committee under this Act for the area concerned, and

General powers
during period of
disaster

Consultation
prior to evacua-
tion

Notice of
evacuation

- (ii) confer or impose on any person or authority, any power or duty conferred or imposed on a Regional Disaster Committee, District Disaster Committee or Village Disaster Committee by or under this Act:
 - (b) direct any person employed by the Government to render such assistance as the Agency may direct to any Regional Disaster Coordinator, District Disaster Coordinator, Village Disaster Committee or other person on whom a power or duty is conferred by or under this Act.
- (2) The Agency may direct any person employed by the Government-
- (a) to evaluate, from time to time, the preparedness of Local Authorities and District authorities in matters relating to disaster management and to report on them;
 - (b) in collaboration with the Regional Disaster Coordinator, District Disaster Coordinator and Village Disaster Coordinator concerned, to activate disaster management services within any area and to coordinate all activities related to disaster management in the Region, District or Village.
- (3) The Agency shall not give any direction under subsection (2) to-
- (a) a police officer, without the consent of the Inspector General of Police;

- (b) a member of The Gambia Armed Forces, without the consent of the Chief of Defence Staff;
- (c) a prison officer, without the consent of the Commissioner of Prisons;
- (d) a fire officer, without the consent of the Chief Fire Officer; or
- (e) an employee of Government, without the consent of the Secretary of State responsible for the Department of State to which the employee is posted.

Power to issue
directions to
Government
Departments

83. (1) Notwithstanding anything contained in any other law for the time being in force, the Agency may issue directions in writing to the Departments of State and Government agencies or any of its officers or employees, as the case may be, to facilitate or assist in disaster management.

(2) Departments of State and other Government agencies and any of its officers or employees shall comply with a direction issued to it, provided that the directions would not reasonably place the life or property of the officer in danger.

Powers made
available to
Government
officers for
rescue
operations

84. Any officer of the Government, when requested by the Agency, shall perform any of the functions in connection with the prevention of, preparedness for, response to, mitigation of, and recovery from, disasters and rescue or relief work.

Power of
requisition of
resources,
provisions,
vehicles, etc.,
for rescue
operations, etc.

85. (1) If it appears to the Agency, a Regional Committee, District Disaster Committee, Village Disaster Committee or any officer as may be authorised by it in this behalf, that-

- (a) any resources with any authority or person are required for the purpose of prompt response to a disaster;
- (b) any premises are required or likely to be required for the purpose of disaster operations or rescue operations; or
- (c) any vehicle is required or is likely to be required for the purposes of transport of resources to or from disaster affected areas or transport in connection with rescue, rehabilitation or reconstruction,

it may, by order in writing, requisition the resources, premises or vehicle, as the case may be, and may make such further orders as may appear to it necessary or expedient in connection with the requisitioning.

(2) Whenever any resource, premises or vehicle is requisitioned under subsection (1), the period of requisition shall not extend beyond the period for which the resource, premises or vehicle is required for any of the purposes mentioned in that subsection.

(3) In this section-

- (a) "resources" includes human and material resources;
- (b) "services" includes facilities;
- (c) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part of the premises; and

- (d) "vehicle" means any vehicle used or capable of being used for the purpose of transport, whether propelled by mechanical power or otherwise.

Direction to media of communication of warnings, etc.

86. The Agency, a Regional Disaster Committee, District Disaster Committee or Village Disaster Committee may request the Government to give direction to any authority or person in control of any audio or audio-visual media or of such other means of communication, as may be available, to carry any warning or advisories regarding any threatening disaster situation or disaster, and the authority or person so directed shall comply with the direction.

Protection of employees who assist in emergency situations

87. (1) Where the Executive Director certifies in writing to an employer that the services of his or her employee is or was required by the Agency, for the performance of tasks for a specified period in response to the prevention of, preparedness for, response to, mitigation of, and recovery from, disasters or an emergency, the employer shall, whether or not he or she consented to the absence of the employee-

- (a) not dismiss or prejudice the employment of the employee by reason of the absence; or
- (b) continue to pay the salary and benefits to which the employee is entitled for the period specified.

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

(3) An employer who fails to comply with subsection (1) commits an offence and is liable on conviction, in the case of-

- (a) an individual to a fine not exceeding fifty thousand dalasis or imprisonment for a term not exceeding two years, or to both the fine and imprisonment; and
- (b) a body corporate, to a fine not exceeding two hundred thousand dalasis.

Emergency
procurement
and accounting
No. 3 of 2002

88. Notwithstanding the provisions of The Gambia Public Procurement Act, 2001, where, by reason of any threatening disaster situation or disaster, the Agency, a Regional Disaster Committee, District Disaster Committee or Village Disaster Committee is satisfied that immediate procurement of provisions or materials or the immediate application of resources are necessary for rescue or relief-

- (a) it may authorise the department or authority concerned to make the emergency procurement, in which case, the standard procedure requiring invitation of tenders or quotations shall be deemed to be waived;
- (b) a certificate about the utilisation of provisions or materials by the controlling officer authorised by the Council, Regional Disaster Committee, District Disaster Committee or Village Disaster Committee, as the case may be, shall be deemed to be a valid document or voucher for the purpose of accounting of emergency procurement of the provisions or materials.

Register of
Volunteers

89. (1) The Executive Director shall maintain a register to be known as the Register of Volunteers.

(2) A person who wishes to volunteer for the purposes of assisting in an emergency or a disaster situation shall submit his or her name to the Executive Director for registration as a volunteer and the National Disaster Coordinator shall, if he or she sees fit, register the person in the Register of Volunteers as a volunteer.

(3) The chairpersons of a Regional Disaster Committee, District Disaster Committee and Village Disaster committee shall submit in writing to the Executive Director on or before 1st July in each year the names of the members of their Committees who wish to be registered as volunteers, and the Executive Director shall include the names of those members in the Register of Volunteers as volunteers.

(4) A volunteer who performs the duties assigned to him or her pursuant to this Act in good faith is not liable for injury to persons or loss of property caused as a result of his or her performance of those duties.

CHAPTER X - STATE OF PUBLIC EMERGENCY

Declaration of
state of
emergency

90. If the President, on the advice of the Council, is satisfied that a disaster in any area-

- (a) is of such a nature and extent that exceptional measures are necessary or that circumstances are likely to arise making it necessary to take those measures, to assist and protect the public of the area;

(b) constitutes a significant and widespread danger to life or property in The Gambia; or

(c) exceeds the affected community's capabilities to deal with that disaster,

he or she may, in accordance with section 34 of the Constitution by proclamation, declare that a state of public emergency exists, in the whole, or a specified part or parts of The Gambia, in relation to that disaster.

Duration of
declaration

91. A declaration of a state of public emergency has effect and remains in force as provided in section 34 of the Constitution.

Presidential
emergency
powers
Cap.17:03.

92. In addition to the general emergency powers set out under the Constitution and the Emergency Powers Act, the President has, during a state of public emergency, the power to-

- (a) suspend the provisions of any regulatory statute prescribing the procedures for conduct of Government business or the orders, rules or regulations of any Government agency, rules of procurement, if compliance with the provisions of the statute would in any way prevent, hinder, or delay necessary action in coping with the disaster-induced emergency;
- (b) utilise all available resources of the Government, including stores, equipment, vehicles and facilities as reasonably necessary to cope with an emergency;
- (c) transfer personnel or functions of Government departments and agencies or units for the purpose of performing or facilitating emergency services;

- (d) implement the relevant provisions of the National Disaster Plan to meet emergency requirements;
- (e) mobilise strategic reserves of commodities, and equipment and other resources;
- (f) have access to and utilise the personnel, vehicles, equipment and radio communications and equipment of The Gambia Police Force and The Gambia Armed Forces;
- (g) direct and compel the evacuation of all or part of the population from any disaster-stricken or threatened area-
 - (i) if he or she considers such an action is necessary for the preservation of life, and
 - (ii) move them to temporary shelter elsewhere where adequate facilities exist for their livelihood;
- (h) prescribe appropriate routes, modes of transportation and destination in connection with evacuation;
- (i) control in-coming and out-going traffic to and from a disaster area, the movement of persons within the area and the occupancy of premises within the area, making provision for the availability and use of temporary emergency housing;

- (j) suspend or limit the sale, dispensing or transportation of alcoholic beverages, fire-arms and explosives;
- (k) requisition buildings, vehicles and equipment under the control of centres and Local Government institutions needed for emergency purposes;
- (l) take all necessary measures in order to prevent, alleviate, control and minimise the effects of disasters;
- (m) make plans for post-disaster reconstruction, rehabilitation and recovery;
- (n) improve and enforce restrictions on the supply and usage of water in circumstances of severe prolonged droughts; and
- (o) prepare an appeal for donor assistance and to receive, accept and account for any donations given for the purpose of disaster relief and management.

Agency's power to direct Government agencies, etc. during state of public emergency

93. (1) While a declaration of a state of public emergency is in force, the Agency, in addition to the powers vested under this Act but subject to section 92, may-

- (a) direct any Government agency to do or refrain from doing any act, or to exercise or refrain from exercising any function which shall be complied with despite any other Act or law to the contrary;

- (b) supply and distribute food, water, fuel, electricity, medical assistance, shelter, and other basic necessities;
- (c) maintain the means of transportation by land, air or water and the control of the transport of persons and things;
- (d) temporarily acquire or control any property, undertaking or land;
- (e) evacuate people in their own interest or that of the public;
- (f) enter and search of any premises; and
- (g) do such other things which may apply to a specific disaster event.

Other special powers during state of public emergency

94. (1) During a state of public emergency, the Executive Director, may, subject to section 92 if it is necessary in the interest of safety-

- (a) direct a person to do any or all of the following-
 - (i) leave particular premises and to move out of a disaster area,
 - (ii) take any children or adults present in any particular premises who are in the person's care and move them out of a disaster area, or
 - (iii) not to enter a disaster area;

- (b) close to traffic, any street, road, lane, thoroughfare or footpath or place open to or used by the public in a disaster area;
- (c) close any other public or private place in a disaster area;
- (d) order any wall or premises that have been damaged or rendered insecure in a disaster area to be pulled down or repaired at the expense of the owner;
- (e) shut off or disconnect the supply of any water or electricity in a disaster area;
- (f) take possession of, and remove, any material or thing in a disaster area that may be dangerous to life or property.

(2) If the person mentioned in subsection (2)(a) does not comply with the direction, a member of The Gambia Police Force, The Gambia Armed Forces or volunteer, may do all such things as are reasonably necessary to ensure compliance with it, using such force as is reasonably necessary in the circumstances.

(3) On the declaration of a state of public emergency and while that declaration remains in force, the Executive Director or an authorised officer may, if he or she is of the opinion that it is necessary to do so, do or cause to be done all or any of the following-

- (a) enter and, if necessary, break into any land, building, structure or vehicle (using such force as is necessary);

- (b) take possession of, protect or assume control over, any land, body of water, building, structure, vehicle or other thing;
- (c) remove or destroy, or order the destruction of, any building, structure, vehicle, vegetation or seriously injured animal;
- (d) subject a place or thing, or direct a person, to a decontamination procedure;
- (e) direct the owner of, or the person for the time being in charge of, any real or personal property to place it under the control or at the disposition of a specified person;
- (f) remove, or cause to be removed, to such place as the Executive Director or authorised officer thinks fit, any person or animal, or direct the evacuation or removal of any person or animal;
- (g) direct or prohibit the movement of persons, animals or vehicles;
- (h) remove, or cause flammable material or any other hazardous material, or any other hazardous material to be removed from any place, building or structure;
- (i) cause any supply of fuel or other flammable liquid, any gas or electricity or any other hazardous material to be shut off or disconnected;

- (j) direct a person, who is in a position to do so, to-
 - (i) stop any work or operation,
 - (ii) close any premises or other place,
 - (iii) contain the escape of any hazardous material,
 - (iv) nullify the effects of the escape of any hazardous material, or
 - (v) shut off or remove any plant, equipment, apparatus or device or perform any operation in relation to any plant, equipment, apparatus or device;
- (k) shut off, or cut off, the supply of water or any drainage facility;
- (l) make use of the voluntary services of any person;
- (m) remove to such place, as he or she thinks fit, any person who obstructs, or threatens to obstruct response or recovery operations;
- (n) in the case of a major emergency or disaster, give directions to any agency or person whose responsibilities require him or her to engage in response or recovery operations, or who is so engaged.

Disconnection
of electricity and
water supply

95. (1) A person supplying water or electricity to any premises or other place shall at the direction of the Executive Director or an authorised officer, during a state of public emergency, send a competent person to shut off or disconnect the supply of water or electricity to the premises or other place, or to any adjacent premises or place.

(2) A person so directed under subsection (1) must comply with any direction that may be given in the exercise of powers under that subsection.

Recovery
operations

96. (1) The Executive Director may, at any time, after the declaration of a state of public emergency, direct authorised officers of Government agencies to take specified action for the purposes of carrying out recovery operations in accordance with the National Disaster Plan.

(2) An authorised officer may be assisted by volunteers in carrying out recovery operations under this section and may give such directions to a volunteer as the officer thinks necessary for that purpose.

(3) A recovery operation under this section shall not be carried out on private land unless-

- (a) the owner of the land consents to the operation being carried out on the land; or
- (b) the Executive Director is satisfied that it is not reasonably practicable to seek the consent of the owner of the land (because the owner cannot be located or for any other reason) or that the consent of the owner is being unreasonably withheld.

(4) Where-

- (a) the National Disaster Coordinator is satisfied that it is necessary or expedient that a particular work be carried out in the course of a recovery operation under this section; and
- (b) a person has, apart from this section, a duty to carry out the work or a legal liability in respect of carrying out the work,

the Executive Director may cause the work to be carried out and recover, as a debt from the person, the reasonable costs of carrying out the work.

(5) For the purposes of subsection (4)-

- (a) in the case of an independent contractor is engaged for the purpose of carrying out the work, the reasonable costs of carrying out the work shall be taken to be the actual costs of engaging the contractor and in any proceedings under subsection (4), a certificate apparently signed by the Executive Director certifying the costs of engaging the contractor shall, in the absence of proof to the contrary, be accepted as proof of the costs so certified; or
- (b) in any other case, the reasonable costs of carrying out the work shall be assessed by reference to the reasonable costs that would have been or would be

incurred in having the work done by an independent contractor engaged for that purpose.

CHAPTER XI - COMPENSATION AND OTHER FORMS OF RELIEF

Payment of
compensation

97. (1) Whenever the Agency, a Regional Committee or a District Disaster Committee or an authorised officer, requisitions any premises, there shall be paid to the owner of the premises just and reasonable compensation for use, loss or damage to the premises which shall be determined by taking into consideration-

- (a) the rent payable in respect of the premises, or if no rent is so payable, the rent payable for similar premises in the locality; and
- (b) if, as a consequence of the requisition of the premises, the person interested is compelled to change his or her residence or place of business, the reasonable expenses (if any) incidental to the change.

(2) Where-

- (a) a person interested under subsection (1), being aggrieved by the amount of compensation so determined, makes an application to the Agency, within the thirty days for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in that behalf by the Agency may determine; and

- (b) there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the Agency to an arbitrator appointed in that behalf by the Agency for determination, and shall be determined in accordance with the decision of the arbitrator.

(3) The Agency shall pay compensation to a person whose services, equipment, supplies, materials or other things that are necessary for the relief of persons have been requisitioned for the purposes of disaster management.

(4) Whenever the Agency, a Regional Disaster Committee or a District Disaster Committee or an authorised officer, in pursuance of subsection (1), requisitions any vehicle or vessel, the owner of the vehicle or vessel shall be paid compensation of such amount as shall be determined by the Agency on the basis of the fares or rates prevailing in the locality for the hire of the vehicle or the charter of the vessel.

(5) Where-

- (a) the owner of a vehicle or vessel under subsection (4), being aggrieved by the amount of compensation so determined, makes an application to the Agency within the prescribed time, for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in that behalf by the to the Agency may determine; and

- (b) immediately before the requisitioning, the vehicle or vessel was, by virtue of a hire purchase agreement or charter agreement, in the possession of a person other than its owner, the amount determined, under subsection (4) or paragraph (a) of this subsection as the total compensation payable in respect of the requisition, shall be apportioned between that person and the owner in such manner as they may agree on, and in default of agreement, in such manner as an arbitrator appointed by the Agency in that behalf may decide.

(6) Compensation for loss or damage arising out of an action taken under or pursuant to this Act during a disaster situation shall be payable at a reduced amount if the conduct of the person so affected thereby contributed to the loss or damage.

(7) In this section, "person interested" means the person who was in actual possession of the premises requisitioned immediately before the requisition, or, where no person was in actual possession, the owner of premises.

When compensation is not payable

98. Compensation is not payable to a person for loss or damage in a disaster situation that may have been caused by any action taken under or pursuant to this Act, to the extent that-

- (a) an amount for the loss or damage is recovered or recoverable by the person under a policy of insurance; or

- (b) the loss or damage would have happened in any event irrespective of the exercise, or purported exercise, of the power.

Claims for compensation and costs to be submitted to the Executive Director

99. A person who claims any compensation, remuneration or other costs for any action taken under this Act or any regulations made under this Act shall submit the claim for compensation, remuneration or costs to the Executive Director.

Application and decision about compensation

100. (1) A person who suffers loss or damage because of the exercise, or purported exercise of powers under sections 97 may apply to the Executive Director for compensation for the loss or damage.

(2) The application must be made in writing within thirty days after the person suffers the loss or damage.

(3) Notwithstanding subsection (2), the Executive Director may accept a person's application for compensation made more than thirty days after the person suffers the loss or damage if the Executive Director is satisfied it would be reasonable in all the circumstances to accept the application.

(4) The application must state –

- (a) details of the person's loss or damage;
- (b) the amount of compensation claimed; and
- (c) the grounds for the amount claimed.

(5) The applicant also must provide any other relevant information reasonably required by the Executive Director to decide the application.

Notice of decision

101. As soon as practicable after deciding the application, the Executive Director shall give the applicant a written notice stating-

- (a) where the Executive Director decides to pay compensation-
 - (i) details of the amount and how the amount was assessed, and
 - (ii) that the applicant may appeal against the decision, if the amount is less than the amount claimed;
- (b) where the Executive Director decides not to pay compensation-
 - (i) the reasons for the decision,
 - (ii) notification that the applicant may appeal against the decision.

Appeal

102. An applicant for the payment of compensation under this Chapter who is dissatisfied with the Executive Director's decision not to pay compensation or about the amount of compensation may appeal to the High Court.

Prohibition against discrimination.

103. While providing compensation and relief to the victims of disaster under this Act, there shall be no discrimination on the ground of sex, race, age, community, descent or religion.

Disability
benefits

104. The provisions of any enactment relating to the disability payment of compensation on the death of or injury to officers in the public service shall, *mutatis mutandis*, apply in relation to a volunteer or any other person performing any duty under or pursuant to this Act as though that person were an officer in the public service.

Monetary relief
to victims of
disasters

105. (1) The Agency may, at its absolute discretion, provide monetary relief, to victims of a disaster in order to alleviate the victim's pain and suffering.

(2) The victim of a disaster may apply in writing to the Executive Director for monetary relief payments.

Reimbursement
and indemnify-
cation

106. The Executive Director shall reimburse and indemnify every volunteer and other person employed in a disaster management service for any reasonable expense or liability incurred by the volunteer or other person as a result of-

- (a) carrying out any order or performing any disaster management service under or pursuant to this Act; or
- (b) making available, for the purpose of disaster management, any equipment, land, building or other property.

Insurance
policies to cover
damage

107. All policies of insurance against injury or death of a person, or damage or loss of property, caused by, or occurring during the course of, any disaster, is deemed to extend to damage or loss arising from measures taken by any person acting in pursuance of an authority conferred by or under this Act at the scene of the disaster.

CHAPTER XII - DISASTER FUNDS

PART I - NATIONAL DISASTER FUND

National
Disaster Fund.

108. (1) The Agency shall establish a fund to be known as the National Disaster Fund exclusively for the purposes set out in this Chapter.

(2) There shall be credited to the National Disaster Fund -

- (a) such amounts which the Government may, after due appropriation made by the National Assembly, provide;
- (b) monies received by the Agency or the Council by way of grants, gifts or donations from sources inside or outside The Gambia for disaster related matters; and
- (c) such other moneys as may accrue to it from any other source.

Maintenance of
accounts

109. (1) The Agency shall maintain accounts in which it shall record receipts into, and disbursements from, the National Disaster Fund.

(2) In maintaining the accounts referred to in subsection (1), the Agency shall observe the provisions of the applicable financial instructions and other laws governing the receipt, control and disbursement of public funds.

Administration
of the National
Disaster Fund

110. The Agency shall administer the National Disaster Fund subject to the directions of the Council.

Application of
National
Disaster Fund

111. (1) The National Disaster Fund shall be applied for the purpose of preventing, responding to, mitigation of, providing relief in, recovery from and rehabilitation in any threatening disaster situation or disaster, in, accordance with the guidelines laid down under National Disaster pursuant to this Act.

(2) Subject to section 112, and without prejudice to subsection (1), there shall be paid out of the National Disaster Fund-

- (a) moneys required for the discharge of the liabilities of the Agency in carrying out disaster management;
- (b) moneys required to defray expenses incurred by the Agency in the exercise and discharge of its disaster management functions;
- (c) moneys required to pay compensation under this Act; and
- (d) subject to subsection (3), any other expenses as may be approved by the Secretary of State responsible for finance.

(3) Subject to this section, no money received for the National Disaster Fund in respect of a particular declared emergency or proclaimed situation may be disbursed otherwise than to, or for the purpose of-

(a) relief of persons who suffered injury, loss or damage as a result of that declared disaster or proclaimed disaster situation;

(b) assisting communities adversely affected by that declared disaster or proclaimed disaster situation; and

(c) payment of compensation under this Act.

(4) If the Council is satisfied that the Agency has made sufficient payment to persons or communities on account of a particular declared disaster, the Council may, with the approval of the Secretary of State responsible for finance, require the Agency to leave the balance of the money in the National Disaster Fund to be applied under subsection (3) for the purpose of responding to some future declared disaster.

(5) The Secretary of State responsible for finance may, by a contingencies warrant under his or her hand, make advances out of the Consolidated Revenue Fund if he or she is satisfied that there has arisen an urgent and unforeseen need for expenditures for which other provision or no other sufficient provision exists for the relief of persons for the purposes of disaster management.

112. (1) Money in the National Disaster Fund shall not be used to-

- (a) pay salaries, allowances, per diems, or other forms of remuneration of members of the Council or staff of Agency; or

National Disaster Fund not to be used to pay administrative costs

- (b) purchase air tickets;
- (c) defray the administrative costs and expenses of administering the National Disaster Fund or for the daily administrative expenses of the Council or Agency.

(2) There shall be no virement from the National Disaster Fund to other accounts or uses, except as provided for in this Act.

Overpayment
from National
Disaster Fund

113. (1) Where the Executive Director is of the opinion that a person who suffered injury, loss or damage as a result of a declared disaster has been overcompensated for that injury, loss or damage by reason of being paid-

- (a) money from the National Disaster Fund;
or
- (b) damages or compensation from another source,

he or she may, by notice in writing given personally or by registered post to the person, require that person to pay to the National Disaster Fund the amount of the overcompensation as determined by the Executive Director and specified in the notice.

(2) A person who is given a notice under subsection (1) is liable to pay to the Agency, as a debt due to the Government, the amount specified in the notice within the time specified in the notice, being a period of not less than thirty days from the day on which the notice is given.

(3) Any overpayment refunded under this section shall be paid into the National Disaster Fund within three working days of its receipt.

Donations

114. (1) All donations in money or in any other form which are made either from within or outside The Gambia to assist in recovery from disaster or for other disaster-related needs shall be utilised for the purposes for which they have been donated only, but where no conditions are attached, shall be used for the purposes of implementing disaster management programmes.

(2) A donation paid in monetary form into the National Disaster Fund or made to the Agency for the purpose of disaster relief shall not be diverted for any other purpose without the authority of the Council and the specific agreement of the donor persons, agency or country that made the donation.

(3) A donation shall be taken on charge and accounted for in accordance with applicable laws and regulations governing the receipt, issue and control of public monies, stores, equipment, plants, vehicles, machinery, buildings and related matters.

Exemption from
taxation

115. The monies received into the National Disaster Fund shall be exempt from all forms of taxation.

PART II – REGIONAL AND DISTRICT DISASTER FUNDS

Establishment
of Regional and
District Disaster
Funds

116. (1) A Regional Disaster Committee shall establish for the purposes of this Act a fund to be called the Regional Disaster Fund for its Region.

(2) A District Disaster Committee shall establish for the purposes of this Act a fund to be called the District Disaster Fund for the District.

(3) The Regional Disaster Fund and District Disaster Fund shall each consist of-

(a) moneys received by way of grants, gifts or donations from sources inside or outside The Gambia for disaster related matters; and

(b) such moneys as may accrue to them from any other source.

(4) All donations in money or in any other form which are made either from within or outside The Gambia to assist in recovery from disaster or for other disaster-related needs within the Region or District, as the case may be, shall be utilised for the purposes for which they have been donated only, but where no conditions are attached, donations shall be used for the purposes of implementing disaster management programmes.

(5) Donations shall not be diverted for any other purpose without the authority of the donor persons, agencies or Government.

Maintenance of
accounts

117. (1) The Regional Disaster Committee and District Disaster Committee shall maintain accounts in which it shall record receipts into, and disbursement from, the Regional Disaster Fund and District Disaster Fund.

(2) In maintaining the accounts referred to in subsection (1), the Regional Disaster Committee and District Disaster Committee shall observe the provisions of the applicable financial instructions and other laws governing the receipt, control and disbursement of public funds.

Administration

118. The Regional Disaster Committee and District Disaster Committee, as the case may be, shall administer the Regional Disaster Fund and District Disaster Fund, subject to the directions of the Council.

Application of
Regional Disas-
ter Funds and
District Disaster
Funds

119. (1) The Regional Disaster Fund and District Disaster Fund shall be applied for the purpose of preventing, responding to mitigation of, providing relief in, recovery from and rehabilitation in any threatening disaster situation or disaster, in accordance with the guidelines laid down under this Act.

(2) Subject to section 120 of this Act, and without prejudice to subsection (1), there shall be paid out of the Regional Disaster Fund and District Disaster Fund-

(a) moneys required for the discharge of the liabilities of the Regional Disaster Committee and District Disaster Committee in carrying out disaster management;

(b) moneys required to defray expenses incurred by the Regional Disaster Committee and District Disaster Committee in the exercise and discharge of its disaster management functions; and

- (c) subject to subsection (3), any other expenses as may be approved by the Secretary of State responsible for finance.

(3) Subject to this section, no money received for a Regional Disaster Fund or District Disaster Fund in respect of a particular declared emergency or proclaimed situation may be disbursed otherwise than to, or for the purpose of-

- (a) relief of persons who suffered injury, loss or damage as a result of that declared disaster or proclaimed disaster situation; or
- (b) assisting communities adversely affected by that declared disaster or proclaimed disaster situation; and
- (c) payment of compensation under this Act.

(4) If the Regional Disaster Committee or District Disaster Committee is satisfied that it has made sufficient payment to persons or communities on account of a particular declared disaster, it may, with the approval of the Secretary of State responsible for finance, leave the balance of the money in the Regional or District Disaster Fund to be applied under this section for the purpose of responding to some future declared disaster.

120. (1) No money in a Regional Disaster Fund or District Disaster Fund may be used to -

Regional and District Disaster Funds not to be used to pay administrative costs

- (a) pay salaries, allowances, per diems, or other forms of remuneration of staff of any district committee, or
- (b) purchase air tickets;
- (c) defray the administrative costs and expenses of administering the fund or for the daily administrative expenses of the Regional Disaster Fund or District Disaster Fund as the case may be.

(2) There shall be no virement from the respective Regional Disaster Fund or District Disaster Fund to other accounts or uses, except as provided for in this Act.

Exemption from taxation

121. The monies received into a Regional Disaster Fund or District Disaster Fund shall be exempt from all forms of taxation.

CHAPTER XIII - OFFENCES AND PENALTIES

Punishment for obstruction, etc.

122. (1) A person who, without reasonable cause-

- (a) obstructs assaults, threatens or abuses any officer or employee of the Government, the Agency, a Regional Disaster Committee, District Disaster Committee, Village Disaster Committee, or any other person exercising powers or functions under this Act in the discharge of the officer's or employee's functions under this Act; or

- (b) refuses to comply with any lawful direction given by or on behalf of the Government, or by a person authorised by the Government, Agency, a Regional Disaster Committee, District Disaster Committee or Village Disaster Committee, in that behalf,

commits an offence.

(2) A person who commits an offence under subsection (1) is liable on conviction to a fine of not less than twenty thousand dalasis and not more than one hundred thousand dalasis or imprisonment for a term of two years, or to both the fine and imprisonment.

(3) If the obstruction or refusal to comply with directions results in loss or imminent danger to a person's life or property, the punishment set out in subsection (2) shall be increased to a fine of not less than one hundred thousand dalasis and not more than five hundred thousand dalasis or imprisonment for a term not exceeding five years, or to both the fine and imprisonment.

Punishment for
false compensation claim

123. (1) A person who knowingly makes a claim which he or she knows or has reason to believe to be false or misleading or otherwise attempt to mislead, in an application for compensation or for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to a disaster from any officer of the Government, the Agency, a Regional Disaster Committee, District Disaster Committee or Village Disaster Committee, commits an offence.

(2) A person who commits an offence under subsection (1) is liable on conviction to a fine equivalent to treble the amount received or attempted to be claimed or one hundred thousand dalasis, whichever of the amounts is greater, or imprisonment for a term not exceeding two years, or to both the fine and imprisonment.

Punishment for
misappropriation of money or
materials, etc.

124. (1) Notwithstanding the Criminal Code, a person who, being entrusted with any money or material, or otherwise being, in custody of, or dominion over, any money or material, meant for providing relief in any threatening disaster situation or disaster-

(a) misappropriates, or appropriates-

- (i) for his or her own person use, or
- (ii) for the use of any other who is not the victims of threatening disaster situation or disaster, or

(b) disposes of the money or material or any part of it or wilfully compels any other person to do so,

commits an offence.

(2) A person who commits an offence under subsection (1) is liable on conviction to a fine equivalent to treble the amount misappropriated, appropriated or disposed, as the case may be, or one hundred thousand dalasis, whichever of the amounts is greater, or imprisonment for a term not exceeding two years, or to the both fine and imprisonment.

Punishment for
false warning

125. A person who, without lawful authority, makes or circulates a false alarm or warning as to a threatening disaster situation or disaster or its severity or magnitude, leading to panic, commits an offence and is liable on conviction, to a fine not exceeding five hundred thousand dalasis or imprisonment for a term not exceeding five years, or to both the fine and imprisonment.

Failure of officer
in contravention
of this Act

126. An officer, on whom any duty has been imposed by or under this Act, who, without the express written permission of his or her official superior or has other lawful excuse for so doing, ceases or refuses to perform or withdraws himself or herself from the duties of his or her office, commits an offence and is liable on conviction to a fine of twenty thousand dalasis or imprisonment for a term not exceeding one year, or to both the fine and imprisonment.

Offences by
Government
agencies

127. (1) Where an offence under this Act has been committed by a Government agency, the head of that Government agency, is deemed to have committed the offence and is liable to be proceeded against and punished accordingly unless he or she proves that the offence was committed without his or her knowledge or that he or she exercised all due diligence to prevent the commission of the offence.

(2) Notwithstanding anything contained in subsection (1), where an offence under this Act has been committed by a Government agency and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than

the head of Government agency, the officer is deemed to have committed that offence and is liable to be proceeded against and punished accordingly.

Offences by
body corporate

128. (1) Where an offence under this Act has been committed by a body corporate, every person who at the time the offence was committed, was in charge of, and was responsible for, the body corporate, for the conduct of the business of the body corporate, as well as the body corporate, is deemed to have committed the offence and is liable to the same penalty as may be imposed for the offence when committed by a natural person and to be proceeded against and punished accordingly.

(2) Nothing in subsection (1) renders a person liable to any punishment provided in this Act, if he or she proves that the offence was committed without his or her knowledge or that he or she exercised due diligence to prevent the commission of the offence or proves that he or she could not, by the exercise of reasonable diligence, have prevented the commission of the offence by the body corporate.

(3) Notwithstanding anything contained in subsection (1), where an offence under this Act has been committed by a body corporate, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any manager, secretary or other officer of the body corporate, he or she is deemed to have committed the offence and is liable to be proceeded against and punished accordingly.

(4) A person may be prosecuted and convicted of an offence under this section whether or not the body corporate has been prosecuted or convicted of the offence committed by the body corporate.

(5) For the purpose of this section –

(a) "body corporate" means a company and includes a firm or other association of individuals; and

(b) "manager", has the meaning given to it in the Companies Act, but in relation to a firm, means a partner in the firm.

Cap 95:01

Consent for prosecution

Impersonating an authorised officer, etc

129. A prosecution for offences punishable under sections 126 and 127 shall not be instituted except with the consent of the Attorney-General.

130. (1) It is an offence for a person to falsely represent that he or she is an authorised officer or other person with responsibilities under this Act.

(2) It is an offence for a person, without lawful authority to –

(a) wear any insignia or special apparel issued to an authorised officer for the purposes of this Act; or

(b) use any special equipment issued to an authorised officer for the purposes of this Act,

in circumstances where to do so would lead to a reasonable belief that he or she is an authorised officer.

Obstructing a disaster worker is an offence

Offence and penalty

Omnibus penalty provisions

Immunity from suit

(3) A person who contravenes subsections (1) or (2) commits an offence and is liable on conviction to a fine of not less than five thousand dalasis or imprisonment for a term not exceeding three months, or to both the fine and imprisonment.

131. (1) A person shall not knowingly obstruct, hinder or in anyway interfere with, a person engaging in any activity as a disaster worker in the carrying out of disaster operations.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding fifty thousand dalasis imprisonment for a term not exceeding two years or to both the fine and imprisonment.

132. A person who, without lawful excuse, fails to comply with an order or instruction given under this Act commits an offence and is liable on conviction to a fine not exceeding fifty thousand dalasis or imprisonment for a period not exceeding two years, or both the fine and imprisonment.

133. A person who commits an offence under this Act for which no penalty is prescribed is liable on conviction to a fine not exceeding fifty thousand dalasis or imprisonment for a period not exceeding two years, or to both the fine and imprisonment.

CHAPTER XIV - MISCELLANEOUS

134. (1) No suit, prosecution, proceeding, claim or set-off shall operate or lie in any court, against-

(a) the Government;

- (b) a member of the Council;
- (c) the Executive Director;
- (d) an official of the Agency;
- (e) a member of a Regional Disaster Committee;
- (f) a member of a District Disaster Committee;
- (g) a member of a Village Disaster Committee;
- (h) a Regional Disaster Coordinator;
- (i) a District Disaster Coordinator; or
- (j) the Village Disaster Coordinator; or
- (k) any officer or employee working for or behalf of the bodies and persons listed in paragraphs (a) to (j),

in their official capacity, to recover compensation for any damage, loss, death or injury to any person or to property occasioned by the person in the exercise or discharge, or purported exercise or discharge in good faith of powers, duties, obligations, done or intended to be done or an omission to exercise any such power or perform any such duty under this Act, rules, regulations or Notice of evacuation made under this Act, unless the act or omission in question was unreasonable or negligent or was done in bad faith or arises from wilful misconduct.

(2) No action shall be brought against a volunteer, for anything done in good faith in the exercise of any power or duty conferred under this Act.

Act to have overriding effect

135. Subject to the provisions of this Act, this Act has effect, notwithstanding anything inconsistent with it contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

This Act does not limit other Acts and laws

136. This Act does not limit the operation of any other Act or law, except as expressly provided by this Act.

Regulations

137. The Vice-President, on the advice of the Council, may make regulations consistent with this Act for or with respect to all matters which are-

- (a) required to give effect to the purposes of this Act;
- (b) required or permitted by this Act; or
- (c) necessary or convenient for the proper administration of this Act, or for carrying out or giving effect to this Act.

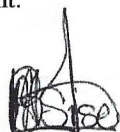
Amendment of section 40 of No. 13 of 1994

138. (1) Section 40 (1), (2) and (3) of the National Environmental Management Act, 1994 are hereby deleted.

(2) Notwithstanding anything contained in subsection (1), all regulations, orders, notices and directives made or given under subsections (1), (2) and (3) of section 40 of the National Environmental Management Act, 1994, and in force at the time of

the coming into operation of this Act are deemed to have been made or given under this Act, and shall continue in force until other provisions are made by virtue of this Act.

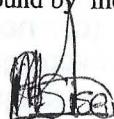
PASSED in the National Assembly this Twenty-Second day of October in the year of Our Lord Two Thousand and Eight.



M. A. Sise

Ag. Clerk of the National Assembly.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed in the National Assembly, and found by me to be a true and correct copy of the said Bill.



M. A. Sise

Ag. Clerk of the National Assembly.

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