

DRAFT – NOT FOR CITATION

GUYANA

Bill No. X of 2019

DISASTER RISK MANAGEMENT BILL 2019

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A BILL

Intituled

AN ACT to provide for nationwide comprehensive disaster risk management, the establishment of the National Disaster Risk Management Agency and to define the powers and duties thereof and for matters incidental thereto.

A.D. 2019 Enacted by the Parliament of Guyana:-

Part 1

Preliminary matters

1 Title

This Act may be cited as the Disaster Risk Management Act [2019].

2 Commencement

This Act comes into force on [insert first commencement date, or alternative commencement provisions].

3 Interpretation

In this Act, unless the context otherwise requires —

CDEMA means the Caribbean Disaster Emergency Management Agency established under Article II of the CDEMA Agreement;

CDEMA Agreement means the Agreement Establishing the Caribbean Disaster Emergency Management Agency;

CDEMA Participating State means a State party to the CDEMA Agreement;

Commission means the Civil Defence Commission established under section **Error! Reference source not found.**;

declaration of a disaster means a declaration of a disaster under section 66 (and declared disaster shall have a corresponding meaning);

Director-General means the Director-General of the Commission;

Early Warning System means the Early Warning System established under section 28;

Fund means the Disaster Risk Management Fund established under section 85(1);

Joint Services means the Guyana Defence Force, the Guyana Police Force, Guyana Fire Service and Guyana Prison Service;

local government area means, with respect to any local government body, the geographical area for which it is responsible;

local government bodies means Regional Democratic Councils, Neighbourhood Democratic Councils and Municipalities, including any body established by those bodies under or pursuant to a provision of this Act;

Minister means the Minister responsible for disaster risk management;

National Disaster Risk Management Plan means the National Disaster Risk Management Plan prepared in accordance with section 23;

National Disaster Risk Management Policy means the National Disaster Risk Management Policy prepared in accordance with section 9;

National Disaster Risk Management Strategy means the National Disaster Risk Management Strategy prepared in accordance with section 22;

National Emergency Broadcast System means the National Emergency Broadcast System under section 28;

NEOC means the National Emergency Operations Centre established under section 29;

Platform means the National Disaster Risk Management Platform established under section 15;

preparedness means pre-disaster actions and measures being undertaken within the context of disaster risk reduction and management and are based on risk analysis as well as pre-disaster activities to avert or minimize loss of life and property;

REOC means a Regional Emergency Operations Centre established under section 36;

shelter manager means a shelter manager assigned in accordance with section 30(3);

shelter list means the shelter list established under section 68;

Trustee for the Fund and **Trustee** mean a Trustee for the Fund appointed under section 87(1);

vulnerable area means an area designated as such under section 79;

vulnerable population means a population exposed and sensitive to the potential impact of a hazard;

vulnerability means vulnerability to hazards.

4 **Meaning of disaster risk management**

“Disaster risk management” means arrangements related to managing the potential adverse effects of hazards, including arrangements for mitigating, preventing, preparing for, responding to and recovering from a disaster.

5 **Meaning of disaster and emergency**

- (1) A “disaster” is a **serious disruption** to a **community** caused by the impact of an event that **requires a significant coordinated response** to help that community recover from the disruption.
- (2) An “emergency” means any event requiring an urgent response in order to prevent or mitigate a **serious disruption** to a **community** or to prevent a disaster.
- (3) In this section—
 - (a) “community” means a community of people in Guyana, including communities linked by—
 - (i) place of residence;
 - (ii) professional (sectoral) activity;
 - (iii) demography; or
 - (iv) beliefs.
 - (b) “requires a significant coordinated response” refers to the need of the public body responsible for the affected community to coordinate, due to being overwhelmed, with public bodies and services outside of its responsibility or control;
 - (c) “serious disruption” means—
 - (i) loss of human life, or illness or injury to humans;
 - (ii) widespread or severe property loss or damage, including widespread or severe damage to infrastructure, transport and communication systems; or
 - (iii) widespread or severe damage to the environment.

6 Meaning of hazard and event

- (1) "Hazard" means a hazardous or potentially hazardous event.
- (2) "Event" includes—
 - (a) geological events, including earthquakes or other seismic events, volcanic eruptions, landslides, mudslides, tsunamis;
 - (b) hydro-meteorological events, including hurricanes or severe storms, flooding, drought, periods of extreme temperatures, hailstorms, tornados, wild fires;
 - (c) chemical and industrial events, including explosions, spills, fires, gas leaks, radioactive emissions;
 - (d) public health and ecological events, including intoxication, poisonings, epidemics, plagues, air pollution, water pollution, soil contamination, extinction of flora and fauna species, structural damage; and
 - (e) social-organisational events, including wars, public demonstrations, thefts and looting, sabotage, terrorism, large-scale public events, vehicular accidents, bomb threats, maritime accidents.
- (3) An event may be natural or caused by human acts or omissions.

Part 2

Objectives, General Principles and Policy

7 Objectives

The objectives of this Act are to—

- (a) support sustainable development in Guyana through the development and implementation of a comprehensive system of disaster risk management;
- (b) ensure that disaster risk management procedures and measures are put in place in Guyana, including procedures and measures aimed at disaster risk reduction, mitigation, preparedness, response and recovery and resilience building;
- (c) to enable the State (through all its to—
 - (i) assess and manage disaster risk;
 - (ii) mitigate or reduce the impact of hazards; and
 - (iii) effectively respond to, and recover from, a disaster or an emergency situation; and to these ends,

- (d) establish a long-term institutional, governance and risk management framework, at different levels of government to promote Guyana's resilience to hazards, emergencies and disasters.

8 General principles

- (1) This Act is to be administered according to the principles set out in this section.
- (2) Disaster risk management should be planned and implemented across the following four phases—
 - (a) the taking of preventative measures to reduce the risk of a hazard occurring or, if a hazard occurs, to reduce the severity of any adverse effects;
 - (b) the taking of preparatory measures to ensure that, if a hazard, emergency or disaster occurs, communities, resources and services are able to cope with the effects;
 - (c) the taking of appropriate measures to respond to an emergency or disaster, including action taken and measures planned in anticipation of, during, and immediately after the hazard creating the emergency or disaster occurs to ensure that its effects are minimised and that persons affected are given immediate relief and support;
 - (d) the taking of appropriate measures to recover from an emergency or disaster, including action taken to support disaster-affected communities in the reconstruction of infrastructure, the restoration of emotional, social, economic and physical wellbeing, and the restoration of the environment.
- (3) Disaster risk management policy, strategies and plans should—
 - (a) reflect a proportionate emphasis on emergencies and disasters taking into account the kind, severity and magnitude of disasters that occur or may occur in Guyana;
 - (b) place emphasis on measures that reduce the vulnerability of disaster-prone areas, communities and people;
 - (c) promote the mainstreaming of risk management in social, economic, financial and environmental planning and other development processes at the sectoral, national and regional levels.
- (4) All events, and all hazards, emergencies and disasters which flow from such events, should be managed in accordance with the following—
 - (a) the National Disaster Risk Management Policy;
 - (b) the National Disaster Risk Management Strategy and Plan;

- (c) insofar as they are applicable in the circumstances—
 - (i) regional and community disaster risk management plans;
 - (ii) sectoral disaster risk management plans;
 - (d) disaster risk management standards; and
 - (e) disaster risk management guidelines.
- (5) Local government bodies should primarily be responsible for reducing disaster risk in their local government area.
- (6) Central government should provide local governments with appropriate resources, information and support to help the local governments carry out their responsibilities under this Act.

9 National Disaster Risk Management Policy

- (1) The Minister, in close cooperation with the Commission, shall maintain a National Disaster Risk Management Policy aimed at ensuring comprehensive disaster risk management in Guyana.
- (2) In developing, maintaining and implementing the National Disaster Risk Management Policy, the Minister and the Commission shall collaborate with all branches of Government and statutory bodies, Regional Democratic Councils, other local government bodies, private sector entities, non-governmental organisations, private sector entities, local communities and individuals as may be needed to ensure that the Policy is comprehensive, integrated, inclusive and proportionate.
- (3) No later than one month after the end of the financial year, the Commission shall produce for the Minister an annual report on the implementation of this Act which must include the following—
- (a) information about activities undertaken during that financial year to maintain or enhance disaster risk management in Guyana;
 - (b) details of disaster or emergency operations performed during that financial year;
 - (c) information about priorities for disaster risk management;
 - (d) other matters about disaster risk management the Commission considers appropriate; and
 - (e) recommendations on changes needed to the Policy.

10 Annual review by Cabinet

- (1) The Minister shall present the annual report referred to in section 9(3) to the Cabinet, along with any recommendations the Minister chooses to make, taking account of those provided by the Commission under that subsection.
- (2) The Cabinet shall review the report presented under subsection (1) and shall make such recommendations as it deems fit.

11 Policy directions

- (1) The Minister may give directions to the Commission of a general or special character in relation to the policy to be followed in the exercise of the powers conferred and the duties imposed on the Commission by or under this Act.
- (2) Any directions given by the Minister under subsection (1) shall be reported to the Cabinet and the Cabinet may revoke, amend or replace the directions given by the Minister.

Part 3

Administration

12 Civil Defence Commission

- (1) The Civil Defence Commission is established as the body responsible for disaster risk management in Guyana.
- (2) The Commission is to—
 - (a) carry out the functions, duties and responsibilities assigned to it under this Act;
 - (b) carry out, and to keep under regular review, disaster risk management at the national level, including through implementation of the National Disaster Risk Management Strategy and Plan;
 - (c) regularly review and assess the effectiveness of, and where necessary provide support to, regional and community disaster risk management, and to review and approve regional and community disaster risk management strategies and plans;
 - (d) regularly review and assess cooperation between entities responsible for disaster risk management, including whether the disaster management systems and procedures employed by those entities are compatible and consistent;

- (e) serve as Secretariat to the Platform and, in this regard, provide a mechanism for sharing information among members of the Platform on activities of the Platform and on events and disaster or emergency situations;
 - (f) develop, maintain and keep under review disaster risk management standards and disaster risk management guidelines;
 - (g) work with entities performing emergency services, including local community organisations and private sector entities, to identify and improve disaster management capabilities, including volunteer capabilities;
 - (h) monitor, coordinate and give directions regarding disaster risk management measures to be taken public bodies, private sector entities, civil society organisations and communities;
 - (i) provide, on request, subject to the availability of resources, technical assistance to public bodies, private sector entities, civil society organisations and communities in preparing disaster risk management strategies and plans;
 - (j) channel foreign aid and humanitarian assistance to alleviate damages and reduce losses;
 - (k) set policies for and assist the Trustees for the Fund to administer the Disaster Prevention Fund;
 - (l) perform such other functions that are incidental to a function mentioned in paragraphs (a) to (g) or that are necessary to implement a Cabinet or Ministerial direction given under this Act.
- (3) In performing its functions under subsection (2), the Commission shall collaborate with public bodies, private sector entities, non-governmental organisations and communities to—
- (a) design, facilitate and implement an integrated approach to disaster risk management;
 - (b) promote awareness and knowledge amongst all stakeholders concerning disaster risk management;
 - (c) ensure that disaster risk management is incorporated into development procedures and policies with Governmental and nongovernmental entities and local communities to promote comprehensive disaster management; and
 - (d) monitor and evaluate the discharge of the functions established under paragraphs (a) to (c).

13 Administration of the Commission

- (1) The Minister, after consulting Cabinet, shall appoint—
 - (a) a Director-General, who will be the chief executive officer of the Commission;
 - (b) a Deputy Director-General, who will deputise for the Director-General when necessary and who will perform such other tasks as the Director-General may determine; and
 - (c) such other officers, including a Secretary, as may be necessary for the administration of this Act.
- (2) The Director-General shall appoint all other employees as may be necessary to discharge the functions under this Act or the regulations.
- (3) The Minister may give directions to the Director-General for the organisation of the Commission to enable it to discharge its functions under this Act, including the size of establishment, the employment of staff and the terms thereof, the provision of equipment and funds and the Director-General shall comply with such directions.
- (4) The seal of the Commission shall be such device as the Commission shall determine and shall be kept in the custody of the Director-General.
- (5) The Minister may make Regulations under section 98 for the administration of the Commission.

14 Authority of Director-General

- (1) The Chairperson of the Commission may call upon any governmental or non-governmental entity for the use of their facilities and resources for the protection and preservation of life and properties in relation to any aspect of disaster risk management, including post-disaster recovery.
- (2) The authority under subsection (1) includes the power to call on the Joint Services and other agencies to assist in relief and rescue operations during emergencies or disasters.

15 National Disaster Risk Management Platform

- (1) The National Disaster Risk Management Platform is established.
- (2) The Platform shall comprise—
 - (a) a Policy Committee, in accordance with section 17;
 - (b) a Technical Advisory Committee, in accordance with section 18;
 - (c) a Secretariat, in accordance with section 19;

- (d) subsidiary bodies, as may be established under subsection (3).
- (3) The Platform, by a decision of the Policy Committee, may establish such committees, sub-committees, advisory or working groups and other subsidiary bodies as it thinks fit to assist it in the performance of its functions or to further the objectives and implementation of this Act.
- (4) This section and sections 17 to 19 may, with the consent of the Cabinet, be amended by regulations made under section 98.

16 Functions of the Platform

The Platform is to—

- (a) share information and plans on disaster risk reduction, relief and recovery activities with the Commission and other Platform members;
- (b) coordinate disaster risk reduction and disaster response plans with the Commission and other Platform members as well as share results of implementation;
- (c) assist in providing technical guidance in disaster risk reduction activities, plans and projects;
- (d) share experiences, lessons learned and successful practices in disaster relief and disaster risk reduction;
- (e) provide logistic functioning and advocacy support to the Commission to build capacities to reduce the impacts of disasters in Guyana;
- (f) follow procedures established by the Commission to meet its official responsibilities in coordinating and reporting on disaster-related assistance in Guyana;
- (g) collaborate in and review regional and national damage and loss assessments and undertake cooperative responses to disasters to the extent possible and within their respective means;
- (h) provide disaster-related assistance in accordance with appropriate standards and good practices without any discrimination or inequality towards the affected population on the basis of gender, health condition origin or religion giving special consideration to persons with disabilities;
- (i) report regularly on relief, recovery, disaster risk reduction, humanitarian relief and activities related to the disaster risk reduction coordination platform.

17 Policy Committee

- (1) The members of the Policy Committee comprise—

- (a) the Minister, as chair of the Policy Committee;
 - (b) the Director-General, as Secretary to the Policy Committee;
 - (c) ministers of other government ministries exercising a mandate relevant to disaster risk management.
- (2) The functions of the Policy Committee are to—
- (a) review the advice and recommendations of the Technical Advisory Committee, and make decisions as necessary;
 - (b) review the implementation of disaster risk management planning at all levels;
 - (c) facilitate policy and institutional coordination to facilitate—
 - (d) the work of the Platform;
 - (e) the work of the Commission; and
 - (f) successful implementation of the National Disaster Risk Management Policy.
- (3) The Minister shall invited the other ministers referred to in subsection (1)(c) to participate.
- (4) Members of the Policy Committee who are unable to attend a meeting of the Committee may nominate a deputy minister or senior staff member of the ministry to attend as an alternate.
- (5) Subject to subsections (1) to (4), the Policy Committee may determine its own rules of procedure.

18 Technical Advisory Committee

- (1) The members of the Technical Advisory Committee comprise—
- (a) the Director-General or public officer nominated by the Director-General, who shall chair the Committee;
 - (b) the Deputy Director-General, or his nominee, who shall serve as the Secretary to the Platform;
 - (c) staff members of the Agency, nominated by the Director;
 - (d) any of the following, appointed in accordance with subsection (2)—
 - (i) representatives of any ministry, national agency or other statutory body, exercising a mandate relevant to disaster risk management;
 - (ii) representatives of the emergency services;
 - (iii) representatives of medical, paramedical and hospital organisations;

- (iv) private sector, academic and civil society organisations, exercising a mandate, performing a function or providing a service relevant to disaster risk management;
 - (v) intergovernmental agencies with a presence in Guyana, exercising a mandate relevant to disaster risk management;
 - (vi) experts on matters related to disaster risk management or climate change adaptation; and
 - (vii) such other bodies, organisations, entities or persons as the Minister thinks fit who perform functions or provide services related to disaster risk management in Guyana or who can provide scientific and technological advice or support to disaster risk management.
- (2) The Minister shall, based on recommendations from the Director-General, appoint members to the Committee from amongst the bodies, organisations, entities or persons referred to in subsection (2)(d).
- (3) The functions of the Technical Advisory Committee are to—
- (a) contribute, exchange and disseminate information related to disaster risk management;
 - (b) review the implementation of disaster risk management planning and response at all levels;
 - (c) review the implementation of national, regional and local policies, plans and other instruments related to disaster risk management;
 - (d) develop multi-sectoral programmes that contribute to disaster risk management;
 - (e) provide advice and recommendations to the Policy Committee; and
 - (f) carry out such other functions as the Policy Committee may direct.
- (4) Members of the Technical Advisory Committee who are unable to attend a meeting of the Committee may nominate an alternate to represent their institution.
- (5) Subject to subsections (1) to (4), the Technical Advisory Committee may determine its own rules of procedure.

19 Secretariat

- (1) The Commission shall serve as Secretariat to the Platform.
- (2) The functions of the Secretariat include—
- (a) organizing meetings and coordinating the work of the Policy Committee, the Technical Advisory Committee and any subsidiary bodies;

- (b) monitoring, evaluating and responding to the work of the Platform;
- (c) facilitating multi- sectoral tracking and reporting amongst members of the Platform.

20 Damage and Losses Assessment and Needs Analysis Plan

- (1) The Commission shall prepare a Damage Assessment and Needs Analysis Plan (“the DANA Plan”) which shall outline the framework within which damage and losses assessment is to be carried out.
- (2) The DANA Plan shall—
 - (a) provide a systematic approach for conducting damage and losses assessment;
 - (b) define all the phases of the damage and losses assessment process and the strategies used to facilitate them;
 - (c) ensure the collection of damage and losses data after any hazard impact to inform immediate needs;
 - (d) standardise the procedures used for damage and losses assessment and needs analysis inclusive of estimating costs of impact and recovery;
 - (e) facilitate the recovery phase by identifying the facilities for urgent rehabilitation and long-term reconstruction;
 - (f) identify areas that may be unfit for human habitation, or where evacuation is necessary;
 - (g) determine response and recovery actions.

21 Limitation of personal liability

No personal liability shall attach to any of the members of the Commission or any Committee, sub-committee, advisory or working group that may be established under it for—

- (a) any act or omission of the Commission; or
- (b) anything done, permitted to be done or omitted in good faith by the Commission in the discharge of its duties.

Part 4

National Disaster Risk Management

22 National Disaster Risk Management Strategy

- (1) The Commission shall prepare and maintain a National Disaster Risk Management Strategy which shall contain measures and procedures—
 - (a) for the identification of disaster risk and prevention of disasters and mitigation of their effects;
 - (b) to mainstream disaster risk reduction and mitigation in development plans and projects, nationally, regionally and across sectors;
 - (c) to be taken for disaster preparedness and capacity building to effectively respond to and recover from the threat of a disaster or an emergency;
 - (d) to mainstream disaster risk management in key sectors of the economy at the national, regional and local levels and across sectors;
 - (e) to enhance institutional support for disaster risk management;
 - (f) to develop capacities at all levels and across all sectors to reduce risk and vulnerability and to improve their resilience;
 - (g) to integrate adaptation to climate variability and change into disaster risk management;
 - (h) to integrate and mainstream social and human rights considerations into disaster risk management;
 - (i) to promote disaster risk awareness and knowledge for decision making; and
 - (j) to strengthen financial capacity to manage the impacts of events and disasters.
- (2) In developing the Strategy the Commission shall take into account—
 - (a) the National Disaster Risk Management Policy;
 - (b) directions, as may exist and be relevant, from the Minister or the Cabinet;
 - (c) other plans and strategies, as may exist and be relevant, prepared by (among others)—
 - (i) Ministries and other agencies of central Government;
 - (ii) the Joint Services;
 - (iii) private sector, academic sector or civil society organisations;
 - (iv) Regional Democratic Councils, Neighbourhood Democratic Councils and Municipalities;

- (v) CDEMA and other intergovernmental organisations and agencies, as may be relevant to Guyana.

23 National Disaster Risk Management Plan

The Commission shall prepare a National Disaster Risk Management Plan for approval by the Minister which shall include measures to identify and reduce the impacts of hazards and disasters through actions to—

- (a) identify disaster risk scenarios and their prioritisation to study and assess in greater detail and generate the necessary resources for intervention;
- (b) identify disaster risk factors including threats, vulnerability and exposure, underlying factors, its origins, causes and transformation over time;
- (c) assess disaster risk including sizing estimation and possible consequences;
- (d) monitor hazards and its components;
- (e) communicate the results of the disaster risk assessments to public and private entities and the public;
- (f) intervene through—
 - (i) preventive actions to avoid the generation of new hazardous conditions;
 - (ii) corrective actions to reduce existing risk conditions;
 - (iii) actions to enhance preparedness and response;
 - (iv) actions to improve financial capacity to manage the impacts of disasters;
 - (v) actions to support recovery and build resilience, without rebuilding vulnerability.

24 Approval of Plan

The Commission shall, after consultation with Ministries and Departments of Government, statutory bodies, any disaster management committees, private sector, local communities, non-state actor, volunteers and other key stakeholders, submit the Plan established under section 23 to Cabinet for approval.

25 Annual Report

The Commission shall, through the Minister, within the first quarter of the succeeding year, submit an annual report relating to the progress of the implementation of the Plan to Cabinet.

26 Review of Plan

- (1) The Director-General —
 - (a) shall, in consultation with the Platform, review the Plan under section 23 at least once per year; and
 - (b) may, subject to the approval of the Cabinet, make amendments to the Plan.

27 Disaster risk reduction and mitigation

- (1) The Director-General shall be responsible for implementing and coordinating the disaster risk management policies, strategies, plans and actions relating to the prevention and mitigation, preparedness, response to, and recovery from emergencies and disasters and generally, to advise on matters relating to disaster risk management.
- (2) Without prejudice to the generality of subsection (1), the Director-General shall—
 - (a) review and assess the various programmes and activities of the Government which have an impact on disaster risk management, and recommend activities and programmes on disaster preparedness and coordination;
 - (b) in collaboration with Ministries and Departments of Government or other relevant entities, define procedures and formats for data sharing and gather timely and authoritative information concerning the conditions and trends in the quality of the natural and socio- economic environment, both current and prospective, as these relate to the likelihood of disasters in Guyana;
 - (c) analyse and interpret the information gathered under paragraph (b) for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the prevention and mitigation of, preparedness for, response to, and recovery from, emergencies and disasters;
 - (d) liaise with persons and organisations within and outside of Guyana for the purpose of exchanging information and facilitating the harmonisation

of the policies of such persons and organisations with those of the Government of Guyana relating to disaster risk management;

- (e) provide technical advice on draft regulations, whether under this Act or under any other legislation, relating to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Guyana;
- (f) consult with such entities, governmental or non-governmental, as the Director-General deems appropriate in the preparation of the Plan and Strategy;
- (g) require any governmental entity or other relevant body to make available to the Commission such data or information, publicly owned vehicles, plant and equipment or personnel as are available to it for the purposes of response, rescue and relief;
- (h) establish mechanisms for the exchange of information among public and private sector entities to inform policy formulation, plan development and decision making within other sectors; and
- (i) perform such other functions as may be necessary for the discharge of the duties under this section.

28 Early Warning System

- (1) There shall be established an Early Warning System which shall be operated under the supervision of the Commission.
- (2) The Early Warning System shall consist of—
 - (a) a National Emergency Broadcast System;
 - (b) siren warnings;
 - (c) remote broadcast connections; and
 - (d) such other early warning mechanisms as the Commission may notify by publication in the Gazette.
- (3) An announcement shall not be broadcast on the National Emergency Broadcast System unless the prior written approval of the Director-General is first obtained and the Director-General shall keep an original signed copy of all announcements broadcast.
- (4) The Minister may, after consulting the Commission and the Panel, make Regulations under section 98 to establish procedures for the operation of the Early Warning Alert System.
- (5) A person who uses the Early Warning System in contravention of subsection (3)—

- (a) commits an offence and is liable, on summary conviction, to a fine not exceeding five hundred thousand dollars; and
- (b) is, without prejudice to the power of the court to make any order or grant any other relief, liable in civil proceedings to pay damages to any person who suffers injury, loss or damage as a result of relying on the announcement.

29 National Emergency and Operations Centre

- (1) The Commission shall establish and maintain a National Emergency Operations Centre (“NEOC”) to serve as the headquarters for activities undertaken in response to an alert, emergency or disaster.
- (2) The NEOC shall comprise, but shall not be limited to, representatives from the following agencies, organisations and sectors—
 - (a) the Commission, as nominated by the Director-General;
 - (b) Ministries and other agencies of central Government;
 - (c) representatives of the Joint Services;
 - (d) representatives of the business community;
 - (e) representatives of the ICT sector;
 - (f) non-governmental humanitarian organisations;
 - (g) such other bodies, organisations or entities or persons as the Minister thinks fit who perform functions or provide services related to disaster risk management in Guyana.
- (3) The Minister shall, based on recommendations from the Director-General, appoint members to the NEOC from amongst the bodies, organisations and entities referred to in subsection (2)(b) to (g).
- (4) The functions of the NEOC shall be to—
 - (a) coordinate and control emergency or disaster response;
 - (b) keep the public informed of an alert, emergency or disaster;
 - (c) provide direction and support to the disaster site manager;
 - (d) arrange for logistical support to site personnel;
 - (e) channel foreign aid and humanitarian assistance to the affected populations
 - (f) plan for post-disaster activities;
 - (g) ensure the efficient movement, assimilation and dissemination of information from disaster sites to the resource managers and to the public;

- (h) in consultation with the Director-General, issue early warnings, bulletins or newsletters and provide and disseminate directions to the public;
 - (i) ensure the timely preparation and dissemination of situation reports which should be shared with CDEMA.
- (5) The NEOC shall coordinate the discharge of its functions with such REOCs as need to be engaged.
- (6) The NEOC shall prepare and submit to the Commission periodic situation reports which shall include a list of casualties, the physical damage experienced and the needs of persons affected in the aftermath of a disaster.

30 Emergency shelters

- (1) The Commission shall establish, maintain and publish a list of premises (called a shelter list) available and suitable for use as emergency shelters in the case of an alert, emergency or disaster.
- (2) The shelter list shall—
- (a) distinguish between listed premises in government occupation and any other premises;
 - (b) list the facilities available at each listed shelter;
 - (c) indicate the suitability of each listed shelter for use in the case of an [particular type of] alert, emergency or disaster; and
 - (d) indicate the periods for and the conditions under which the listed emergency shelters would be suitable for use in the instances referred to in paragraph (c).
- (3) The Commission shall, subject to subsection (4), assign to each listed shelter a shelter manager charged with the responsibility of managing the shelter during any period where the building is being used for that purpose, and may assign shelter officers to assist any shelter manager.
- (4) Where a listed shelter is not in government occupation, the Commission [may/shall]—
- (a) enter into agreements with owners or occupiers of premises to be used as emergency shelters; and
 - (b) such agreements shall, among other things, include the designation of shelter managers for those premises.
- (5) In respect of any person taking authorised refuge in a listed shelter, the owner or occupier of the listed shelter will not be liable for any injury, damage or loss to a person arising from the condition of the premises.

- (6) The Commission shall cause the inspection of emergency shelters annually to ensure their readiness and compliance with minimum stores and provisions.
- (7) A person must not assault or obstruct a shelter manager or shelter officer in the execution of his duties under this section or under Regulations made pursuant to subsection (9).
- (8) A person who contravenes subsection (7) commits an offence and is [liable on summary conviction to a fine of five hundred thousand dollars, or to imprisonment of 6 months, or both].
- (9) The Minister may, after consulting the Commission and the Panel, make Regulations under section 98 to provide rules for the establishment, inspection, operation and management of emergency shelters, including the powers and duties of shelter managers and shelter officers.

31 Volunteers

- (1) The Commission may, in consultation with such other entities as it deems appropriate—
 - (a) recruit individuals that can augment available personnel in the exercise of disaster risk management programmes, including training exercises, and in the case of an alert, emergency or disaster;
 - (b) develop criteria and procedures, for the registration and enlisting of volunteers;
 - (c) develop criteria and procedures, including a manual of operations, for the functions and duties of volunteers;
 - (d) maintain a register in electronic and manual format to be known as the Register of Volunteers, included in the National Information System for Disaster Risk Management.
- (2) The Register of Volunteers shall be updated at least once a year.
- (3) The Commission may engage a person as a volunteer who is not on the Register of Volunteers if it is necessary or expedient in the case of an alert, emergency or disaster.
- (4) The Commission—
 - (a) shall provide training to ensure a minimum standard among the volunteers; and
 - (b) may provide incentives to volunteers to facilitate effective participation by them.

32 Limitation of personal liability of volunteer

A volunteer will not be liable for any act or omission if such act or omission was done in good faith and in the course of duties assigned to him under or pursuant to this Act.

Part 5

Regional Disaster Risk Management

33 Regional Disaster Risk Management Committees

- (1) Each Regional Democratic Council shall establish, with respect to its region, a Disaster Risk Management Committee (the “RDRMC”) which shall consist of—
 - (a) the Regional Chairman, Regional Vice-Chairman, Regional Executive Officer and Regional Information Officer;
 - (b) a regional representative of the Commission;
 - (c) regional representatives of central government Ministries and agencies;
 - (d) regional representatives of the emergency and security services;
 - (e) regional representatives of the business community;
 - (f) regional representatives of the ICT sector;
 - (g) regional representatives of grass-root groups and community-based organisations and other organisations of civil society
 - (h) non-governmental humanitarian organisations with a presence in the region;
 - (i) such other bodies, organisations or entities or persons as the Chairperson of the Regional Democratic Council thinks fit who perform functions or provide services related to disaster risk management.
- (2) The RDRMC shall be responsible, inter alia, for the development of regional disaster risk management plans and in ensuring that disaster risk reduction is incorporated into such plans.

34 Regional Disaster Risk Management Plan

- (1) The RDRMC in each region shall prepare a Regional Disaster Risk Management Plan (a “RDRM Plan”), for approval by the Director-General, with the purpose of strengthening regional capacities to manage risk, improve preparedness and coordinate responses to disasters, in line with the National Integrated Disaster Risk Management Plan and Implementation Strategy.

- (2) A RDRM plan shall include—
 - (a) an assessment of risks, hazards and vulnerabilities within the region; and
 - (b) a map of the region in which these risks, hazards and vulnerabilities are demarcated.
- (3) A RDRM Plan shall include provisions with respect to—
 - (a) the roles and responsibilities of persons involved in disaster preparedness operations and disaster risk management within the region;
 - (b) procedures for disaster risk management to be carried out by agencies, organisations and other entities in the region;
 - (c) the coordination of disaster response plans;
 - (d) providing information on events, the existence of an early warning, a declaration of disaster or the existence of an emergency;
 - (e) preparing and maintaining inventories of services and systems for disaster risk management;
 - (f) mobilising services and systems for disaster risk management during an early warning or a hazard impact including procedures for staffing emergency operations centres;
 - (g) providing shelter for persons during a hazard alert or a hazard to apply in the event that the evacuation of the residents of an area is considered to be necessary if there is a disaster;
 - (h) for protecting and restoring communications within the region during a disaster;
 - (i) for procuring, releasing, distributing and replenishing contingency stores of supplies of food, water, clothing and medical supplies during a disaster or emergency; and
 - (j) any other procedures to be followed before, during and after a disaster or emergency.

35 Regional Disaster Assessment Teams

- (1) The RDRMC shall establish a Regional Damage Assessment Committee (RDAC) as a sub-committee.
- (2) Where an emergency or a disaster has been declared which affects a region, the RDAC for that region shall organize a Regional Damage Assessment Team, from amongst its own members or using external personnel, to collect data pertaining to the emergency or disaster.
- (3) In addition, the RDAC shall perform the following functions—

- (a) liaise with the Commission;
 - (b) confirm the reported emergency or disaster and estimate the overall magnitude of the damage and losses within its assigned area of responsibility;
 - (c) identify, characterise and quantify populations affected or at risk in the emergency or disaster;
 - (d) provide assistance in defining and prioritising the actions and resources that are needed to reduce immediate risks;
 - (e) identify the priorities of the affected people;
 - (f) coordinate training and capacity building of local people in disaster risk reduction, emergency responses and restoration activities.
 - (g) estimate the additional support required from local and national sources for immediate relief and recovery;
 - (h) identify and document existing resources and communicate them to the Commission in the format and frequency established;
 - (i) identify areas that may be unfit for human habitation or if evacuation is necessary;
 - (j) establish linkages with other disaster risk reduction and emergency response entities and with RDRMCs from other regions;
 - (k) recommend the enactment of bye-laws that are consistent with the requirements of this Act.
- (4) The members and terms of appointment of the RDRMC and the RDAC shall be determined by the Regional Democratic Council in each of the regions and shall be drawn from any of the entities located within it.

36 Regional Emergency Operations Centre

- (1) Each Regional Democratic Council shall establish a Regional Emergency Operations Centre (REOC) in order to provide coordination with and support to the National Emergency Operations Centre.
- (2) A REOC shall comprise, but is not limited to, representatives from the following entities—
 - (a) Regional Chairman (RC) of the Regional Democratic Council;
 - (b) Regional Executive Officer (REO);
 - (c) Programme Heads of the Participating agencies including—
 - (d) representatives of the Business Community;
 - (e) representatives of all the major ICT companies; and

- (f) representatives of the national emergency and security services.
- (3) The members and terms of appointment of the REOC members shall be determined by the Regional Democratic Council in each of the regions and shall be drawn from any of the entities located within it.
- (4) The functions of the REOC shall be, in coordination as necessary with the NEOC, and in respect of the region to which it relates, to—
 - (a) coordinate and control emergency or disaster response;
 - (b) keep the public informed of an alert, emergency or disaster;
 - (c) provide direction and support to the disaster coordinators;
 - (d) arrange for logistical support to site personnel;
 - (e) plan for post-disaster activities;
 - (f) ensure the efficient movement, assimilation and dissemination of information from disaster sites to the resource managers and to the public;
 - (g) in consultation with the Regional Information Officer, issue alerts, bulletins or newsletters and provide and disseminate directions to the public.
- (5) The REOC shall prepare and submit to the NEOC and the Regional Democratic Council periodic situation reports which shall include a list of casualties, the physical damage experienced and the needs of persons affected in the aftermath of a disaster.

Part 6

Local Disaster Risk Management

37 Municipalities to have a disaster risk management plan

- (1) Each town council, in consultation with the Commission and with the RDC responsible for the region in which it is located, shall develop, maintain and keep under review a disaster risk management plan in order to strengthen municipal capacities to manage risk, improve preparedness and coordinate responses to disasters and emergencies.
- (2) A disaster risk management plan adopted under subsection (1) shall be reviewed at least once per year by the responsible town council and shall be amended, as necessary.
- (3) Each town council shall establish a disaster risk management committee to oversee the development and implementation of the disaster risk management

plan under subsection (1) and to coordinate responses to and report on disasters and emergencies.

- (4) The committee shall nominate a member to act as Chairperson, who shall act as a focal point for the exchange of information and other contact with the Commission and the RDC.
- (5) Subject to the provisions of this Part, the town council shall determine as it sees fit—
 - (a) the procedure for the development, review and amendment of the plan adopted under subsection (1); and
 - (b) the composition, terms of reference and rules of procedure of the committee established under subsection (3).

38 Other local disaster risk management plans

- (1) Any other local democratic institution may develop, maintain and keep under review a disaster risk management plan in order to strengthen municipal capacities to manage risk, improve preparedness and coordinate responses to disasters and emergencies.
- (2) The Commission shall provide assistance to local democratic institutions to develop, maintain and keep under review disaster risk management plans under subsection (1).

39 Content of local disaster risk management plans

- (1) A disaster risk management plan developed under this Part should—
 - (a) identify hazard, emergency and disaster risks that may affect the community; and in respect of those risks
 - (b) identify vulnerabilities within the community;
 - (c) identify measures and steps that can be taken to reduce those risks and;
 - (d) assess the community's capacity to respond to a disaster or emergency;
 - (e) identify the infrastructure and resources that may be used to respond to a disaster or emergency;
 - (f) set out measures and steps to be taken when hazards, emergencies or disasters occur.
- (2) The Commission may adopt guidelines for the development, maintenance and review of local disaster risk management plans and the steps and measures to be contained.

- (3) A local disaster risk management plan must be consistent with any applicable disaster risk management standards, any guidelines adopted pursuant to section (2) and any relevant parts of regional plans, strategies and policies.

40 Plan to be available for inspection, etc.

A town council or local democratic institution, as the case may be, must—

- (a) ensure a copy of its disaster risk management plan is available for inspection, free of charge, by members of the public—
- (i) at its main office;
 - (ii) on its website, if any; and
 - (iii) at other places the town council or local democratic institution considers appropriate; and
- (b) subject to payment of a reasonable fee, provide upon request by a person a copy of the plan to that person.

41 Interpretation of this Part

In this Part—

- (a) “local democratic institution” includes any local government district established under the Municipal and District Councils Act, or any village council or country authority under the Local Government Act; and
- (b) “town council” means the council of any town established under section 33 of the Municipal and District Councils Act.

Part 7

General Disaster Risk Management Obligations

42 Duty to have regard to the National Policy, Strategy and Plan

Every Ministry, Department of Government, statutory body or such other government-related entity shall have regard to the National Disaster Risk Management Policy and the National Disaster Risk Management Strategy and Plan in the preparation of their respective policies, plans and strategies insofar as they relate to disaster risk management.

43 Sectoral, etc., disaster risk management plans

- (1) Every public body and every large industrial or business operation shall review the National Disaster Risk Management Strategy and Plan in order to

determine its applicability to their own functions or conduct of business and operations.

- (2) Where appropriate, the public bodies and industrial or business operations referred to in subsection (1) shall prepare a disaster risk management plan in relation to their functions, business or operations.
- (3) Disaster risk management plans prepared pursuant to subsection (1) shall be harmonised with the Plan prepared under section 23 and shall be reviewed and updated in accordance with such guidelines as may be developed by the Commission.
- (4) The Director-General may, in guidelines, identify the public bodies and industrial or business operations to which this subsection (1) applies.

44 Disaster focal point

- (1) Every—
 - (a) Ministry or other statutory body, agency or governmental entity; and
 - (b) Regional Democratic Council,shall assign a public officer to perform the duties of a disaster focal point for the purposes of this section.
- (2) A disaster focal point assigned under subsection (1) shall be responsible for communicating with the Commission on matters pertaining to the implementation of disaster risk management activities (including, as the case may be, implementation of national, regional, local community and sectoral disaster risk management plans and strategies).
- (3) Without limiting the generality of subsection (2) a disaster focal point, shall, in relation to the body he represents—
 - (a) ensure that disaster risk reduction is integrated into training, planning and implementation activities;
 - (b) provide reports on disaster risk reduction activities, when requested by the Commission;
 - (c) develop and maintain databases on disaster risk reduction projects, contingency stocks by Platform members and emergency contact lists;
 - (d) report to the Commission and make publicly available information on experiences, good practices and lessons learned related to disaster risk management.

45 Training of staff

Each body to which section 44(1) applies shall, on an annual basis, undertake training exercises for staff in relation to disaster risk management and report the results of the training to the Commission.

46 Obligations for the private sector, non-governmental organisations and diplomatic communities

The Commission may adopt guidelines or standards applicable to private sector entities, non-governmental organisations or diplomatic community bodies recommending or requiring, as the case may be, the taking of steps equivalent to those set out in sections 42 and 45.

47 Director-General to be consulted

- (1) Before any person other than the Director-General of Public Prosecutions, a judge or Magistrate exercises any disaster risk management related powers under this Act, that person shall, subject to subsections (2) and (4), consult the Director-General.
- (2) The obligation to consult in subsection (1) shall not apply –
 - (a) during a disaster or emergency, where the person in acting in good faith in the exercise of powers under subsection (1) considers that the urgency of the matter makes such consultation impracticable;
 - (b) in respect of the exercise of any power in relation to which a waiver by the Director-General of his right to be consulted is in effect under subsection (3).
- (3) The Director-General may, with the approval of the President, waive his right to be consulted and any such waiver shall take effect when published as an Order in the Gazette.
- (4) A waiver under subsection (3) may relate to the exercise of any power or category of power or to the exercise of a power in a specific instance.

48 Disaster management standards

- (1) The Commission may, after –
 - (a) conducting such public consultations as are appropriate to the nature and content of the proposed standard;
 - (b) consulting any public body that has an interest in the subject matter of the standard and which may grant a permit, licence or other authorisation that may be affected by the proposed standard; and

- (c) consulting the National Bureau of Standards, make standards (applicable to any body, organisation or entity, whether public or private) relating to disaster risk management.
- (2) Standards made by the Commission shall—
 - (a) be approved by the Minister;
 - (b) be published by Notice in the Gazette; and
 - (c) enter into force one month after the date of notification in the Gazette.
- (3) The Commission must ensure the disaster risk management standards are accessible to those that may be affected by them and shall, as minimum requirements—
 - (a) maintain copies of all standards in force in the Commission's office and allow them to be inspected during office hours; and
 - (b) publish them on at least one official website.
- (4) Any public body in Guyana that grants permits, licences or other authorisations may make compliance with a standard made under this section a requirement for grant, or may attach conditions to any such permit, licence or other authorisation.

49 Incorporation of disaster risk assessment in planning

- (1) The Commission, after consulting the Platform, shall establish guidelines for the incorporation of disaster risk assessment in the early stages of project development in the following areas—
 - (a) public investment projects;
 - (b) regional and urban development plans, programmes and projects and related studies;
 - (c) spatial planning and development including land-use planning, environmental management, watershed management and development planning at different levels of government;
 - (d) financial risk management including market risk and risk modelling; and
 - (e) insurance of public facilities and infrastructure.
- (2) For the purpose of subsection (1), the Commission may adopt joint guidelines with the Environment Protection Agency to integrate disaster risk management into environmental impact assessment.
- (3) Ministries and Departments of Government, statutory bodies, and other government-related entities shall, within a period not exceeding after the commencement of this Act, review and adjust its projects, plans, sectoral and

sub- plans, standard operating procedures and budgets including land management plans to include risk management considerations in accordance with guidelines set out by the Commission in this section.

50 Guidelines on disaster risk management related powers

- (1) The Commission may publish guidelines defining, classifying or otherwise on the interpretation of the term “disaster risk management related powers” for the purposes of section 47.
- (2) Guidelines adopted under subsection (1) shall be—
 - (a) adopted after a public consultation by the Commission;
 - (b) approved by Cabinet;
 - (c) published in the Gazette; and
 - (d) upon publication in the Gazette, deemed definitive with respect to the interpretation of section 47(1).

51 Exchange of information

- (1) Every Ministry and Department of Government, statutory body or other governmental-related entity shall cooperate with the Director-General in the supply of information and shall comply with any request for information from the Director-General.
- (2) The Commission, through the Platform or otherwise, shall collect, share and publish information related to all or any of the following matters—
 - (a) the collection, analysis and processing of information on disasters and disaster risk management including information on—
 - (i) risk factors underlying disasters or emergencies and ways and means proposed, planned, ongoing, or set in place to reduce such risks;
 - (ii) recurring occurrences that result in loss, but which are not classified as emergencies or disasters under this Act;
 - (iii) disaster prevention and mitigation measures;
 - (iv) early warning signs;
 - (v) areas, communities, households, and/or individuals particularly vulnerable;
 - (vi) indigenous knowledge relating to disaster risk management;

- (vii) emergency response resources, capabilities and capacity in Ministries, Departments of Government, the private and non-governmental sectors;
 - (b) the dissemination of information related to risk awareness, prevention, preparedness, response and recovery at the national, regional and local community levels;
 - (c) the monitoring of disaster hazards, vulnerabilities and disaster risks;
 - (d) the coordination of information systems at the national, regional and local community levels;
 - (e) the availability of emergency response resources and capacity in the Caribbean community and other neighbouring countries and relevant international relief agencies, and
 - (f) research and training facilities for disaster risk management disciplines.
- (3) The Director-General shall—
- (a) take reasonable steps to ensure that the information is accessible free of charge to any member of the public and where possible through an electronic database;
 - (b) establish security safeguards to protect the database from abuse; and
 - (c) in the interests of national security, classify access to the database according to types of user-type.

Part 8 Disasters and Emergencies

Sub-Part A. Regional Emergencies

52 Declaration of regional emergencies

- (1) Where, in respect of a region—
- (a) an event has occurred, is occurring or is likely to occur in one or more communities or localities in the region; and
 - (b) in relation to that event, a relevant person considers the definition of “emergency” in section 5(2) is met;
- the Regional Chairperson may declare an emergency for the region, or a part of it.
- (2) In subsection (1), “relevant person” means—
- (a) the Regional Chairperson;
 - (b) the Minister;

- (c) the Director-General; or
 - (d) any other person designated as a “relevant person” for the purpose of this section in the applicable Regional Disaster Risk Management Plan.
- (3) Before declaring the disaster situation, the Regional Chairperson must take reasonable steps to consult with—
- (a) the Commission;
 - (b) the Regional Democratic Council or Councils for the region or regions concerned;
 - (c) each local government whose area is in, or partly in, the declared area for the disaster situation.
- (4) A failure to consult or a delay in consulting under subsection (3) does not affect the validity of the declaration.

53 Form and notice of declaration

- (1) A declaration of an emergency under section 52(1) must include the following information—
- (a) the time and date of the declaration;
 - (b) the location and extent of the declared area for the emergency;
 - (c) essential details relating to the emergency.
- (2) Despite subsection (1), a declaration of an emergency can be made orally if the Regional Chairperson is satisfied it is necessary to make the declaration before the approved form can be completed.
- (3) If an oral declaration of a disaster situation is made under subsection (4), the declaration of the disaster situation must be recorded in the approved form under subsections (1) to (3) as soon as is reasonably practicable after the oral declaration is made.

54 Duration

- (1) Subject to sections 55 and 56, the period of a declared emergency—
- (a) starts when it is declared under section 52(1); and
 - (b) ends 14 days after the day it is declared.

55 Declaration extending emergency situation

- (1) Where an emergency situation is declared under section 52(1), the competent Regional Chairperson may, with the consent of the Minister, and if he is

satisfied that the emergency situation should be extended or further extended, extend the period of the emergency situation.

- (2) A declaration under subsection (1) must state—
 - (a) the time and date of the declaration; and
 - (b) the period, being no more than 14 days, by which the disaster situation is extended.
- (3) As soon as practicable after the extension is declared, the Minister must give notice of the declaration by notice in the Gazette.
- (4) The notice in the Gazette must include the time and date of the declaration.
- (5) A declaration under this section—
 - (a) may be made more than once for a particular disaster situation; but
 - (b) cannot be used consecutively to extend the disaster situation beyond a period of 28 days from the date it was declared under section 52(1) without the consent of the Cabinet.

56 Ending emergency situation

- (1) If the Regional Chairperson considers that the circumstances that led to the declaration of an emergency under section 52(1) no longer exist, he must terminate the declaration of emergency.
- (2) If the Regional Chairperson ends the disaster situation under subsection (1), the Regional Chairperson must—
 - (i) make a written record of the time and date the disaster situation ended;
 - (ii) immediately inform the Commission of the ending of the disaster situation; and
 - (iii) inform all such persons as he considers necessary of the ending of the emergency situation.

57 Steps to be taken in an emergency

- (1) As soon as practicable after the emergency is declared, the Regional Chairperson must take steps to—
 - (a) activate the REOC;
 - (b) establish a regular means of communication with the Commission; and
 - (c) identify and implement the steps that need to be taken under the RDRMP.

- (2) During the period of emergency, the Regional Chairperson shall take reasonable steps to ensure the public are kept informed, including through the television and radio media, newspapers and other appropriate means.

Sub-Part B. Sectoral Emergencies

58 Sectoral emergencies

- (1) Where a public body or private sector entity implements or activates and part of its sectoral disaster risk management plan it shall immediately notify—
 - (a) the Commission;
 - (b) the Regional Chairperson of any region which may be affected by the implementation or activation of the plan or the risks or hazards being addressed.
- (2) Upon receiving notification under subsection (1)(a), the Director-General shall consider what steps, if any, need to be taken under the NDRMP.
- (3) Upon receiving notification under subsection (1)(b), the Regional Chairperson shall consider what steps, if any, need to be taken under the RDRMP.

59 Commission to provide assistance

- (1) In respect of a sectoral disaster risk management plan being implemented under section 58(1)—
 - (a) a public body or private sector entity referred to in that section may at any time request the assistance of the Commission; and
 - (b) the Commission may at any time offer assistance, and upon the agreement of both parties, the Commission shall provide such assistance as it considers appropriate.
- (2) Where, in respect of a sectoral disaster risk management plan being implemented under section 58(1), a relevant person considers that steps additional to those that can be taken under the sectoral disaster risk management plan are needed to bring the emergency to an end, or if there is otherwise a risk of disaster, the Minister may issue a temporary declaration authorising the Commission to take such steps it considers necessary to bring the matter under control.
- (3) A declaration under subsection (2) shall—
 - (a) be made in writing;
 - (b) last for 7 days; and

- (c) be notified in the Gazette.
- (4) A declaration under subsection (2) may be extended only with the consent of the Minister and the minister responsible for the public body or private sector entity referred to in section 58(1).

60 Regional and national disasters

Nothing in this sub-part inhibits or limits the functions and powers of the Commission, any Regional Democratic Council or the President under sub-parts C or D.

Sub-Part C. Regional Disasters

61 Declaration of a regional disaster

- (1) Where, in respect of a region—
 - (a) an event has occurred, is occurring or is likely to occur in one or more communities or localities in the region; and
 - (b) in relation to that event, a relevant person considers the definition of “disaster” in section 5(1) is met;the Regional Chairperson may declare a regional disaster.
- (2) In subsection (1), “relevant person” means—
 - (a) the Regional Chairperson;
 - (b) the Minister;
 - (c) the Director-General; or
 - (d) any other person designated as a “relevant person” for the purpose of this section in the applicable Regional Disaster Risk Management Plan.
- (3) Before declaring the disaster situation, the Regional Chairperson must take reasonable steps to consult with—
 - (a) the Commission;
 - (b) the Regional Democratic Council or Councils for the region or regions concerned;
 - (c) each local government whose area is in, or partly in, the declared area for the disaster situation.
- (4) A failure to consult or a delay in consulting under subsection (3) does not affect the validity of the declaration.

62 Form and notice of declaration

- (1) A declaration of an emergency under section 52(1) must include the following—
 - (a) the time and date of the declaration; and
 - (b) the declared area for the emergency.
- (2) As soon as practicable after the emergency is declared—
 - (a) the Minister must give notice of the declaration by notice in the Gazette; and
 - (b) the Regional Chairperson must publish a notice in a newspaper in circulation within the region.
- (3) The notices in subsection (2) must include—
 - (a) the time and date of the declaration; and
 - (b) details of the declared area for the emergency.
- (4) Despite subsection (1), a declaration of an emergency can be made orally if the Regional Chairperson is satisfied it is necessary to make the declaration before the approved form can be completed.
- (5) If an oral declaration of a disaster situation is made under subsection (4), the declaration of the disaster situation must be recorded in the approved form under subsections (1) to (3) as soon as is reasonably practicable after the oral declaration is made.

63 Duration

- (1) Subject to subsection (2), the period of a declared emergency—
 - (a) starts when it is declared under section 52(1); and
 - (b) ends 14 days after the day it is declared.
- (2) A declared disaster situation may be—
 - (a) extended beyond the end of the period provided for in subsection (1) by means of a further declaration under section 55; or
 - (b) ended prior to the expiry of the period provided for in subsection (1) by a decision of the Minister under section 56.

64 Declaration extending disaster situation

- (1) Where—
 - (a) a disaster situation is declared under section 52(1); and

- (b) the Regional Chairperson is satisfied that the disaster situation should be extended or further extended,
the Regional Chairperson may, after consulting and with the consent of the Minister, extend the period of the disaster situation.
- (2) A declaration under subsection (1) must state —
 - (a) the time and date of the declaration; and
 - (b) the period, being no more than 14 days, by which the disaster situation is extended.
- (3) As soon as practicable after the extension is declared, the Minister must give notice of the declaration by notice in the Gazette.
- (4) The notice in the Gazette must include the time and date of the declaration.
- (5) A declaration under this section—
 - (a) may be made more than once for a particular disaster situation; but
 - (b) cannot be used consecutively to extend the disaster situation beyond a period of 28 days from the date it was declared under section 52(1) without the consent of the Cabinet.

65 Ending disaster situation

- (1) As soon as either the Regional Chairperson or the Minister is satisfied it is no longer necessary for the Commission, the RDC or any other body or person to exercise declared disaster powers for the disaster situation, the Regional Chairperson must end the disaster situation.
- (2) If the Regional Chairperson ends the disaster situation under subsection (1)—
 - (a) the Regional Chairperson must—
 - (i) make a written record of the time and date the disaster situation ended; and
 - (ii) inform all such persons as he considers necessary of the ending of the disaster situation.
- (3) The Minister must as soon as practicable give notice of the ending of the disaster situation, and when it ended, by notice in the Gazette.

Sub-Part D. National Disasters

66 Declaration of disaster

- (1) The President may declare a national disaster for all of Guyana or any part of it if he is satisfied that—

- (a) an event has occurred, is occurring or is likely to occur in Guyana or which may impact upon Guyana;
 - (b) in relation to that event, and taking account of the local, regional and national capacities for disaster risk management, the President considers the definition of “disaster” in section 5(1) is met,
- the President may declare a national disaster for Guyana or any part of it.
- (2) Following a declaration under subsection (1), the Director-General shall as soon as practicable provide notice of the declaration by the following means—
 - (a) a notice in the Gazette;
 - (b) a notification on at least one occasion in a daily newspaper of general circulation in Guyana;
 - (c) posting notifications of the declaration on official websites; and
 - (d) announcements on the television and radio media.
 - (3) The notice under subsection (2)(a) shall include—
 - (a) the time and date of the declaration;
 - (b) a description of the area in respect of which it is made;
 - (c) a description of the affected communities and the extent of the damage
 - (d) a description of the damaged infrastructure and transport systems
 - (e) a description of the event or events to which the disaster relates; and
 - (f) any measures (that can at that time be identified) that should be taken by persons.
 - (4) A declaration made under subsection (1) shall remain in force for a period of 14 days unless—
 - (a) the declaration of disaster is revoked earlier by the President; or
 - (b) the declaration of disaster is extended under section 67.
 - (c) a further Notice in the Gazette declaring the state of disaster to be a t an end.

67 Disaster regulations

- (1) The Minister, with the consent of the President, may make Regulations to extend, or from time to time further extend, the period of a previously declared disaster situation.
- (2) Regulations made under subsection (1) shall be subject to negative resolution of the National Assembly and shall come into force 48 hours after laying before the National Assembly, unless annulled.

- (3) Regulations under subsection (1)—
 - (a) must state—
 - (i) the period by which the disaster situation is extended, being not more than 14 days; and
 - (ii) if the disaster situation has previously been extended under this section, the date of each previous extension;
 - (b) may make provision for specific measures, powers or steps to be taken in response to the disaster; and
 - (c) expire at the end of the period stated pursuant to sub-paragraph (a)(i), unless repealed earlier.

Part 9 Powers and Functions in Emergencies and Disasters

68 Application and interpretation of this Part

- (1) This Part applies following the declaration of—
 - (a) a regional emergency under section 52(1);
 - (b) a regional disaster under section 61(1);
 - (c) a national disaster under section 66(1)and ceases to apply once the declared disaster or emergency is ended.
- (2) This powers and duties in this Part may be exercised only to the extent necessary in relation to the declared disaster or emergency.
- (3) The Commission may delegate functions and powers assigned to it in this Part provided such delegation is specified in writing (including in a disaster risk management plan).
- (4) For the purpose of this section, “authorised person” includes—
 - (a) any officer of the Commission;
 - (b) any member of the Joint Services; and
 - (c) any other person acting under the written authority of the Director-General.
- (5) In this Part, “declared disaster or emergency” means, in any particular case, the emergency that has been declared under subsection (1)(a) or the disaster that has been declared under subsection (1)(b) or (c).

69 Powers of authorised persons under other Acts

- (1) In relation to a declared disaster, an authorised officer may to the extent necessary to prevent—

- (a) loss of human life, or illness or injury to humans;
 - (b) widespread or severe property loss or damage, including widespread or severe damage to infrastructure, transport and communication systems;
or
 - (c) widespread or severe damage to the environment;
- exercise any function referred to in subsection (2).
- (2) For the purposes of subsection (1), the Policy Committee of the Platform shall—
- (a) maintain a list of powers exercised by public officers under other enactments that may be exercised by an authorised officer under this Act;
and
 - (b) after obtaining the consent of Cabinet to the list, including any amendment to it, publish that list, and any amendment to it, in the Gazette.
- (3) In relation to the exercise of powers under this section, the Commission—
- (a) may enter into memoranda of understanding with relevant public bodies;
and
 - (b) shall ensure that authorised officers receive training in the exercise of the powers concerned.

70 General powers of authorised persons

- (1) Any authorised person may, after consultation where possible with the Commission—
- (a) prohibit or partially restrict public access, with or without vehicles, to a road or pathway within Guyana;
 - (b) suspend air traffic to and from Guyana; or
 - (c) require private contractors to assist in providing services in relation to life-threatening emergencies,
- provided that such suspension or provision of services do not exceed the period described in subsection (2).
- (2) The period referred to in subsection (1) is—
- (a) 6 months from the date of declaration of a national disaster or the date of termination of the state of disaster, if earlier;
 - (b) 3 months from the date of declaration of a regional disaster or the date of termination of the state of disaster, if earlier;
 - (c) 14 days from the date of declaration of a regional emergency or the date of termination of the state of emergency, if earlier.

71 Emergency shelters

The Commission may procure the use of emergency shelters, where required.

72 Volunteers

- (1) The Commission may engage any person on the Register of Volunteers during the declared disaster or emergency, within the limits of their volunteer terms.
- (2) The Commission may engage a person as a volunteer who is not on the Register of Volunteers if it is necessary or expedient in the case of an alert, emergency or disaster.

73 Employees who assist during emergencies

- (1) The Commission may engage, for a period not exceeding two continuous weeks, the services of a person who is reasonably believed to be capable of providing assistance to the Commission during an alert, emergency or disaster.
- (2) Where the Commission certifies in writing that the services of a person mentioned in subsection (1) was used by the Commission the employer of such person shall pay such salary, benefits and other compensation due legitimately to the employee for the period specified.
- (3) An employer who fails to comply with subsection (2)—
 - (a) commits an offence and is liable [on summary conviction to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding three months or to both]; and
 - (b) remains liable to the employee for any salary, benefit and other compensation due but not provided pursuant to subsection (2).

74 Evacuations

- (1) Where a disaster has occurred or is likely to occur the Director-General shall, after consultation with the Cabinet and the National Disaster Committee, assess the potential for loss of life and injury to persons to determine whether an evacuation of an area of Guyana is required.
- (2) If after consultation under subsection (1), the Director-General determines that an evacuation of an area in Guyana is necessary, the President, acting on the advice of the Commission shall issue a notice of evacuation.
- (3) A notice of evacuation issued under subsection (2) shall specify the nature of the disaster, the area of Guyana required to be evacuated and the potential harm to persons and the area where the affected people would move to.

- (4) Where a notice of evacuation is issued under subsection (3), the Commission shall coordinate the evacuation in accordance with Regulations that may be prescribed under this Act, with the assistance of agencies involved in emergency and disaster management, including the police and fire service.
- (5) Every person shall comply with a notice of evacuation issued under this section.
- (6) A person who contravenes subsection (5) commits an offence and is liable on [summary conviction to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment].

75 Remedial Measures

- (1) Following the declaration of a disaster, the President may establish remedial measures for—
 - (a) the setting of price ceilings on basic necessities and prime commodities by the Ministry responsible for trade and industry/entity responsible for the setting of prices and commodities;
 - (b) monitoring and preventing overpricing, profiteering and hoarding of prime commodities, medicines and petroleum products;
 - (c) programming or reprogramming funds for the repair and safety upgrading of public infrastructures and facilities in accordance with this Act; and
 - (d) promoting the grant of no-interest loans to the most affected sections of the population through Government financing, cooperatives or lending institutions.

76 Telecommunication networks and services

- (1) For the purposes of protecting the availability of telecommunications services during an emergency or disaster all providers of telecommunication networks and services operating in Guyana shall allow access and use of their networks and infrastructure upon request by the Director-General.
- (2) The Director or proprietor of a provider mentioned in subsection (1) that fails to comply with the request of the Director-General is guilty of an offence and shall on conviction be liable to imprisonment for one year.

77 Accredited Disaster Service

- (1) The Director-General may certify any entity, whether within Guyana or otherwise, that he considers to have a high level of technical expertise in the assessment of risks and/or the prediction of any kind of disaster, as an Accredited Disaster Notification Service for the purposes of this Act.
- (2) An entity under subsection (1) shall show capabilities, inter alia, to—
 - (a) install and operate an ICT emergency notification service that provides mass notification;
 - (b) identify current and future issues and risks using technical and operational assessments that prevent or minimise the occurrence of critical support incidents;
 - (c) review findings, provide recommendations and knowledge transfer, and build a remediation plan.
- (3) A certification under subsection (1) may be general or limited to specified kinds of disasters or emergencies and may be revoked at any time by the Director-General.

78 Sector Assessments

- (1) Each Ministry and Department of Government responsible for public utilities, health, agriculture and welfare and non-governmental organisations as well as such other entities as the Commission may determine, shall conduct assessments of—
 - (a) damage and losses to its facilities; and
 - (b) impact on its programmes, plans and actions.
- (2) The assessments mentioned in subsection (1)(a) shall be submitted to the Commission and include information on—
 - (a) the extent of damage and losses incurred to their facilities; and
 - (b) the estimated time and cost for repair and rehabilitation of facilities.
- (3) Where requested by the Commission the entities mentioned in subsection (1) shall assist other damage assessment teams in data gathering, evaluation, economical and sociological recovery and rehabilitation of affected areas.

Part 10

Vulnerable Areas

79 Designation of vulnerable areas

- (1) The Minister may, on the recommendation of the Commission, designate by Order published in the Gazette any area to be an area vulnerable to disasters or emergencies arising from a particular type of event or events (in this Part a “vulnerable area”).
- (2) Before making a recommendation to the Minister under subsection (1), the Commission shall—
 - (a) carry out such technical studies and vulnerability assessments as may be necessary to determine the need for a designation;
 - (b) prepare a draft Order in collaboration with relevant governmental institutions and non-governmental organisations and entities;
 - (c) publish the draft Order in the Gazette and in at least one daily newspaper of national circulation in Guyana for a period of at least 28 days; and
 - (d) carry out a public consultation on the proposed designation.
- (3) The Director-General shall submit a report on the public consultation held under subsection (2) to the Minister, who shall cause the report and the draft Order to be reviewed by the Cabinet.
- (4) The Cabinet shall, upon completion of its review of the draft Order and report submitted under subsection (3) make such recommendations respecting any Order to be published under subsection (1) as the Cabinet thinks fit.
- (5) Subject to subsection (1) an area designated under subsection (1) shall be published in the Gazette, in at least one daily newspaper of national circulation in Guyana and on at least one official website.

80 Precautionary plan for vulnerable areas

- (1) In accordance with the procedure in section 81, the Commission shall prepare a precautionary plan in respect of each vulnerable area designated under section 79(1).
- (2) A precautionary plan shall include—
 - (a) a description and a map of the area that has been designated;
 - (b) a description of the reasons for the designation and the objectives to be achieved through the precautionary plan;

- (c) strategies, policies and standards for development and for maintenance of structures within the vulnerable area;
 - (d) standards for the conduct of vulnerability assessment for development in the vulnerable area;
 - (e) strategies, policies and standards for the collection, sharing and dissemination of information relating to the threats and vulnerabilities pertaining to the vulnerable area;
 - (f) provisions designating any part of the vulnerable area as a protected zone and a description of the conditions that apply in the protected zone; and
 - (g) a description of any specific institutional or administrative requirements or measures that need to be taken.
- (3) The restrictions referred to in subsection (2)(e) may include restrictions, prohibitions or other conditions relating to—
- (a) navigation, transport or other movement of vehicles, persons or things;
 - (b) removing vegetation, sand, stones, shingle, gravel or other substances; or
 - (c) access to the zone and the activities that can be conducted within it.

81 Preparation of precautionary plan

- (1) In cooperation with the entities consulted under section 79(2) with respect to the vulnerable area for which the plan is being drawn up, the Commission shall prepare a draft precautionary plan and shall by notice in the Gazette, in at least one daily newspaper of national circulation in Guyana and on at least one official website, invite submissions from the public on the draft plan.
- (2) The Commission shall allow a period of not less than four weeks and not more than eight weeks for the receipt of submissions mentioned in subsection (1).
- (3) From the date of the invitation to the public under subsection (1), the Commission shall, upon the request of any person, permit access to any technical studies or impact assessments used in the preparation of the draft precautionary plan.
- (4) The Director-General shall consider what, if any, revisions ought to be made in the draft precautionary plan pursuant to comments that may be received during public consultations and submit the draft plan to the President with such revisions, if any.

82 Approval of draft Plan

- (1) The President may—

- (a) approve the draft special area precautionary plan; or
 - (b) refer the draft plan back to the Director-General for such changes as the President may require, in which event the Director-General shall make the changes as required and resubmit the draft plan to the President for approval.
- (2) The draft precautionary plan when approved shall, subject to the affirmative resolution of the National Assembly, be published in the Gazette, in at least one national newspaper of daily circulation and on at least one official website and thereby become the precautionary plan for the designated vulnerable area.

83 Authorities to have regard to Plan

A person or authority exercising any function under this Act or any other Act affecting the conservation and management of the resources within a vulnerable area shall have regard to the special area precautionary plan under section 51.

84 Review, amendment and revocation of plan

- (1) The Commission shall keep the implementation of each precautionary plan under review and shall report annually to the Minister on the continued validity of each vulnerable area and on the implementation of its precautionary plan.
- (2) The Commission may at any time prepare a proposal to amend the designation of a vulnerable area or a precautionary plan and—
- (a) where it proposes to amend a designation of a vulnerable area, shall present a new recommendation under section 79(1) and section 79 shall apply to that recommendation; and
 - (b) where it proposes to amend a precautionary plan, the Commission shall prepare a new draft precautionary plan, incorporating the amendments it proposes, and sections 80 to 82 shall apply to that precautionary plan.
- (3) The Cabinet may, at any time, revoke a precautionary plan if it considers that the objectives of the plan are met under the provisions of any other law or the objectives of the plan have otherwise been met or become redundant.

Part 11

National Disaster Risk Management Fund

85 Establishment and objectives of Fund

- (1) There is hereby established a Fund to be known as the National Disaster Risk Management Fund.
- (2) The objectives for which the Fund is established are to—
 - (a) promote and support the development and implementation of disaster risk reduction actions;
 - (b) serve as a contingency fund in the case of disasters and emergencies; and
 - (c) support the adoption of comprehensive disaster risk management in Guyana.
- (3) With respect to the objective specified in subsection (2)(b), the Fund operates in a complementary manner to the Contingencies Fund established pursuant to Article 221 of the Constitution.

86 Financial sources of Fund

The Fund consists of—

- (a) monies appropriated by the National Assembly for purposes of the Fund;
- (b) such portion of the appropriations as may be duly assigned by Government Ministries or Departments, statutory authorities and agencies of the Government;
- (c) monies received from partnerships with donor organisations, stakeholders and development partners, including in the form of loans, grants or donations;
- (d) advances made to the Fund;
- (e) interest and dividends derived from the investment of monies made on behalf of the Fund; and
- (f) such other monies which are provided to the Commission as may be raised through or as a result of activities organised by or on its behalf.

87 Trustees of the Fund

- (1) Three members of the Commission shall be designated by the President to act as Trustees for the Fund and shall be responsible for its administration.

- (2) Of the three members mentioned under subsection (1) one shall be expert in technical and financial matters and the other shall be a member of a service organisation.
- (3) Service as a Trustee shall terminate automatically at such time as the Trustee ceases to be a member of the Commission.

88 Application of the Fund

- (1) The proceeds of which may be applied towards disaster risk management activities including but not limited to—
 - (a) risk reduction and mitigation measures and actions;
 - (b) disaster preparedness programmes;
 - (c) training of personnel;
 - (d) procurement of equipment including life-saving rescue equipment and supplies and medicines for post-disaster activities;
 - (e) capital expenses including projects and programmes in relation to the mitigation of, preparedness for, response to and recovery from, emergencies and disasters;
 - (f) the payment of premiums on disaster insurance;
 - (g) relief, recovery, rehabilitation, reconstruction and other work or services in connection with natural or human-induced disasters or related threat thereof which may occur during the budget year;
 - (h) use as a stand-by fund for relief and recovery programmes; and
 - (i) providing financial assistance to persons for relief and recovery from an emergency or a disaster; or
 - (j) such other matters as the Trustees may specify, with the consent of the Minister.
- (2) Subject to the criteria, conditions and reporting requirements adopted under section 89(1)(a), and consented to by the Minister, certain proportions of the funds may be allocated to Regional Democratic Councils and used by them for the activities referred to in subsection (1) at the regional level.
- (3) Subject to this section, the Minister may, on the recommendation of the Trustees, make Regulations respecting the application of the resources of the Fund.

89 Administration of the Fund

- (1) In the administration of the Fund, the Trustees shall, in consultation with the Director-General, be responsible for—
 - (a) determining the criteria, conditions and reporting requirements to be applied to the allocation of funds to Regional Democratic Councils for disaster risk management activities at the regional level;
 - (b) determining the criteria to be applied in—
 - (i) funding projects and programmes in relation to the mitigation of, preparedness for, response to and recovery from, emergencies and disasters;
 - (ii) providing financial assistance to persons for relief and recovery from an emergency or a disaster;
 - (c) determining the criteria to be applied to the use and availability of funds in the case of—
 - (i) a regional emergency;
 - (ii) a sectoral emergency;
 - (iii) a regional disaster;
 - (iv) a national disaster;
 - (d) the keeping of proper books of accounts and other records, including by Regional Democratic Councils, in relation to the Fund;
 - (e) maintaining a list of assistance provided by multi-national corporations with respect to medicines, food, water and sanitation equipment;
 - (f) recording monies received from foreign countries and foreign individuals at the time of a disaster;
 - (g) the preparation and submission of reports relating to the administration of the Fund to the Minister responsible for finance; and
 - (h) making recommendations to the Commission on fund raising activities.

90 Accounting procedures of the Fund

- (1) Subject to subsection (3) the Commission shall issue guidelines for the contribution and accounting procedures of the Fund, including specific procedures in relation to Regional Democratic Councils.
- (2) All monies obtained as donations shall be kept in a separate account to meet the purposes for which such funds were donated.

91 Investments and insurance

- (1) All monies that comprise the Fund and which do not have to be used immediately to defray expenses as provided for under this Act may be invested in such manner as the Trustees may consider fit, subject to subsection (2).
- (2) Additionally, or alternatively, the Fund may subscribe to insurance schemes in order to re-insure the risks the Fund provides for.
- (3) Any investments under subsection (1) must be—
 - (a) designed to preserve the principal and achieve a reasonable rate of return;
 - (b) approved by the Commission; and
 - (c) approved by the National Assembly.
- (4) The Trustees shall possess the authority necessary, either directly or through authorised agents, to undertake such investments as are approved under subsection (3), including the power to buy and sell such securities or other obligations.
- (5) In selecting the investment instrument for Trust funds, the Trustees shall ensure that the investment instrument permits withdrawals at short notice without incurring more than ten percent in costs.

92 Withdrawal of money from the Fund

- (1) Except as provided in subsections (2) and (3), no money shall be withdrawn from the Fund.
- (2) Money may be withdrawn from the Fund on the authority of a warrant issued under the authority of the Minister responsible for finance in accordance with subsection (3).
- (3) The Minister responsible for finance shall not make any authorisation under subsection (2), unless he first—
 - (a) consults the Trustees; and
 - (b) provides reasons in writing for the authorisation to the Trustees.

93 Accounts and Audit

- (1) The accounts of the Fund shall be audited and reported on annually by the Auditor General in accordance with the Audit Act 2004 or any person authorised by him in that behalf, and for that purpose the Auditor General or any person authorised by him in that behalf shall have access to all books, records, returns and other documents relating to such accounts.

- (2) The Auditor General shall submit the report referred to in subsection (1) to the Minister, who shall cause it to be laid before the National Assembly.

Part 12

Humanitarian Assistance

94 International humanitarian assistance

- (1) The Commission shall be responsible for the coordination and collaboration amongst local and international donors in disaster and emergency situations.
- (2) The sovereignty and territorial integrity of Guyana shall be respected at all times by all persons.
- (3) Without prejudice to the generality of subsection (1)—
 - (a) Guyana shall have the primary responsibility to respond to disasters, occurring within its territory; and
 - (b) external assistance and offers of assistance shall only be provided upon the request or consent of Guyana through the Director-General.

95 Request for international assistance

- (1) This section only applies following the declaration of a regional disaster under section 61(1) or a national disaster under section 66(1).
- (2) The Cabinet after consultation with the Commission may, depending on the scope, magnitude of damage or implications of the adverse effects of the disaster, recommend to the Government to request international assistance.
- (3) Where the request for international assistance is being made under the CDEMA Agreement, the request may be sent directly to other CDEMA Participating States.
- (4) For purposes of ensuring concerted actions on the international sphere, the Ministry of Foreign Affairs through the embassies or consulates of Guyana and the President through the Commonwealth Office, may facilitate the call for international assistance.
- (5) Where the Government requests international assistance which includes a visit by a field team, the Director-General shall assist in facilitating such clearances as may be required for the field team.

96 Disaster relief efforts of disciplined forces

Where, in response to a request for assistance by Guyana to CDEMA, members of the disciplined forces of another CDEMA Participating State are dispatched to any part of Guyana—

- (a) subject to paragraph (b), the members of the disciplined forces shall be under the control and disciplinary authority of their commanding officer; or
- (b) the coordination of disaster relief efforts of the disciplined forces in Guyana shall be the responsibility of the Special Coordinator designated by the Executive Director-General of CDEMA in accordance with the provisions of the Agreement.

97 Exemption from taxes

The importation and donation of food, clothing, medicine, vehicles and equipment for relief and recovery and other disaster management and recovery-related supplies shall be exempted from any stamp duty, corporation tax, customs duties, value added taxes, motor vehicle taxes, fees, charges, assessments, levies and imposts.

Part 13

Miscellaneous

98 Regulations

- (1) Subject to negative resolution of the National Assembly the Minister may make regulations for the efficient administration of this Act.
- (2) Without prejudice to the generality of subsection (1) the Minister shall make regulations for the purpose of—
 - (a) implementing the Disaster Risk Management Strategy and Plan;
 - (b) establish procedures regarding disasters and emergencies for—
 - (i) the operation and maintenance of a national information system for risk management;
 - (ii) protecting and restoring communications, both nationally and internationally;
 - (iii) procuring, releasing, distributing and replenishing contingency stores of supplies of food, water, non-food items, clothing and medical supplies;

- (iv) safeguarding against fire and epidemics;
 - (v) an alert, a declaration of disaster, or in the event or the aftermath of an emergency or disaster;
 - (vi) evacuations;
 - (c) criteria for the declaration of disasters;
 - (d) regulating the use of any listed premises by persons taking shelter, to apply during the period when the premises are in use as emergency shelters;
 - (e) designate a public or private entity to be a Critical Facility Agency;
 - (f) prescribing the procedures for simulation exercises for an emergency or disaster by persons in the private or public sector;
 - (g) prescribing penalties for the commission of offences under this Act;
 - (h) all other matters which the Minister may consider to be in any way incidental to, connected with or conducive to the discharge of the provisions of this Act.
- (3) During any alert, disaster or emergency, statutory instruments made under this Act, may be published either—
- (a) by announcement in any radio, television or wireless transmission media licensed for transmission and reception in Guyana pursuant to the law in force in Guyana; or
 - (b) by notice affixed to the outside of every court and every police station located in the area of Guyana to which the Regulations apply.
- (4) Publications under subsection (3) shall be deemed to be sufficient compliance, for the duration of any period of alert, disaster or emergency, with any requirement of publication under this Act or any other law.

99 Offences and penalties

- (1) Any person who—
- (a) prevents the entry and distribution of relief goods, tools, equipment or accessories, disaster in disaster-stricken areas;
 - (b) purchases, for consumption or resale, any relief goods, equipment or other aid commodities which are intended for distribution to disaster affected communities;
 - (c) sells any relief goods, equipment or other aid commodities which are intended for distribution to disaster victims;

- (d) seizes relief goods, equipment or other aid commodities intended for or consigned to a specific group of victims or relief Agency;
 - (e) diverts or mis-delivers relief goods, equipment or other aid commodities to persons other than the rightful recipient or consignee;
 - (f) accepts, possesses, uses or disposes of relief goods, equipment or other aid commodities not intended for nor consigned to him/her;
 - (g) misrepresents the source of relief goods, equipment or other aid commodities by—
 - (i) either covering, replacing or defacing the labels of the containers to make it appear that the goods, equipment or other aid commodities came from another Agency or persons;
 - (ii) repacks the goods, equipment or other aid commodities into containers with different markings to make it appear that the goods, came from another Agency or persons or was released upon the instance of a particular Agency or persons;
 - (iii) makes false verbal claim that the goods, equipment or other aid commodity in its untampered original containers actually came from another Agency or persons or was released upon the instance or a particular Agency or persons;
 - (iv) substitutes or replaces relief goods, equipment or other aid commodities with the same items or inferior/cheaper quality, or even different goods;
 - (v) makes illegal solicitations by representing other persons or organisations;
 - (vi) uses false or inflated data in support of the request for funding, relief goods, equipment or other aid commodities for emergency assistance or livelihood projects; or
 - (vii) tampers with or steals hazard monitoring and disaster preparedness equipment and paraphernalia,commits an offence and shall be liable upon conviction to a fine of five hundred thousand dollars and imprisonment for two years.
- (2) Where the offender under subsection (1) is a non-national of Guyana, he shall, in addition to the penalties prescribed in this Act, be deported without further proceedings after serving the prison sentence if so ordered by the court.

100 Power to institute proceedings

- (1) Where an offence is created by this Act, information against any person accused of committing that offence may be laid by the Director-General, a member of the Joint Services or any other person authorised in writing by the Minister.
- (2) Subject to subsection (1), information may be laid by a shelter manager against a person accused of committing an offence against this Act or regulations.

101 Review of Act, administration etc.

Not later than five years after the commencement of this Act, or as the need arises, the Commission shall review the accomplishments and impact of this Act, as well as the performance and organisational structure of its implementing agencies, for purposes of determining any additional measures that may be necessary.

102 Act binds the State

This Act binds the State.

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