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**DISASTER RISK MANAGEMENT ACT, 2014***(Act 15 of 2014)**I assent*

J. A. Michel
President

19th August, 2014

AN ACT to provide for the establishment of the Disaster Risk Management Division for the effective management of disaster through a comprehensive and integrated all-hazard approach and for matters connected therewith or incidental thereto.

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

1. This Act may be cited as the Disaster Risk Management Act, 2014 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Short title and
commencement

Interpretation

2. In this Act, unless the context otherwise require—

“disaster” means a serious disruption in the functioning of a community or a society involving widespread human, material, economic or environmental threats, losses and impacts, whether arising from accident, social disruption, nature or human activity, whether developing suddenly or as a result of long term process;

“disaster risk” means the potential disaster losses, in lives, health status, livelihoods, assets and services, which could occur to a particular community or a society over some specified future time period;

“disaster risk reduction” means the concept and practice of reducing disaster risks through systematic efforts to analyse and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events;

“disaster risk area” means an area where a disaster has occurred or an area identified as a disaster risk area in the national disaster risk management plan or by contingency planning processes and related measures;

“disaster area” means a district, region, island or part thereof declared or designated as a disaster area for intervention and assistance as a result of disaster related losses;

“Division” means the Disaster Risk Management Division established under section 3;

“Director General” means the person appointed under section 7;

“early warning system” means the set of capacities needed to generate and disseminate timely and meaningful warning information to enable individuals, communities and organisations threatened by a hazard to prepare and to act appropriately and with sufficient time to reduce the possibility of harm or loss;

“Fund” means the National Disaster Risk Management Fund established by section 31;

“government institution” includes a Ministry, Department of Government, administrator of a district, statutory body, government agency or any other organisation performing a public service;

“Minister” means the Minister responsible for disaster risk management;

“National Committee” means the National Disaster Risk Management Committee established by section 9;

“prescribed” means prescribed by regulations made under this Act.

PART II - DISASTER RISK MANAGEMENT DIVISION

3. There is hereby established a division within the Government to be known as the Disaster Risk Management Division.

Disaster Risk
Management
Division

4.(1) The Functions of the Division shall be to —

Functions of
Division

(a) function as the national body for disaster risk management on a national level and in

- supporting regional and local level disaster risk management initiatives and response;
- (b) implement and monitor a comprehensive integrated disaster risk management system at all levels by facilitating and coordinating the development and implementation of integrated disaster risk management systems through the national disaster risk management policy and international disaster risk management guidelines;
 - (c) design methods and establish norms and criteria for auditing guidelines to undertake hazard surveillance, identification, analysis and risk assessment to implement disaster risk reduction activities through government bodies, non-governmental organisations, private sectors and communities.
 - (d) coordinate, monitor and promote a uniform approach to disaster risk management among government institutions, non-governmental organisations, private sector entities and communities including adoption of common standards and best practices;
 - (e) prepare a National Disaster Risk Management Plan and Strategy, having regard to the national disaster policy and disaster risk management plans and strategies prepared by the government institutions, non-governmental organisations, private sector entities and communities;
 - (f) implement such other plans, strategies, procedures and guidelines as the Director General considers necessary or as recommended by the National Committee or the Minister;

- (g) develop guidelines on, and provide technical assistance to, the preparation of disaster risk management plans and strategies by the government institutions, non-governmental organisations, private sector entities and communities;
- (h) approve, review and monitor disaster risk management plans of each government institutions, non-governmental organisations, private sector entities and communities;
- (i) monitor, coordinate and give directions regarding mitigation and preparedness measures to be taken by the government institutions, non-governmental organisations, private sector entities and communities;
- (j) collaborate with relevant government institutions, non-governmental organisations, private sector entities and communities and such other bodies or persons as the Division deems necessary and to—
 - (i) identify, analyse and map hazards, conduct related research and develop control measures, preparedness and responses strategy;
 - (ii) conduct vulnerability and risk assessments and investigations as and when required to determine vulnerable areas for each hazard;
 - (iii) encourage and support the development of community based

sustainable development programmes and interventions aimed at reducing the risk and impact of hazards and disasters and harness community resources for disaster preparedness, response and recovery; and

- (iv) encourage and support the establishment of resilience critical infrastructures;
- (k) plan and coordinate specialised training programmes for persons involved in disaster risk management including volunteers;
- (l) provide business continuity planning advice and assistance to the private sector as resources permit;
- (m) coordinate the conduct of assessments following a disaster;
- (n) promote education and awareness in relation to disaster risk management and use such mechanisms as necessary to stimulate public interest in disaster risk management and in securing public cooperation and participation in achieving planned objectives—
 - (i) act as a repository and conduit for hazard and other disaster related information and collaborate with relevant agencies as it thinks necessary in the collection, processing and analysis of such information; and
 - (ii) develop and maintain a database on disaster related information including climate change and other new and

emerging threats and ensure access to the database by stakeholders including special vulnerable areas declared;

- (o) to reduce vulnerability to disasters in the identified areas of concern and to put in place appropriate measures that minimises the impact or negative effects of disaster;
- (p) promote development of new technologies in risk and vulnerability reduction programmes including early warning systems and carry out risk awareness campaigns;
- (q) coordinate and monitor long term risk and vulnerability reduction, rehabilitation and recovery programmes carried out by other stakeholders and players in the country and facilitate resources for disaster risk and vulnerability reduction programmes;
- (r) perform such other functions as may be prescribed.

5. In implementing the integrated emergency management and coordination system, the Division shall —

- (a) set out specific requirements and uniform procedures on matters which can be standardised nationally, including the declaration of an emergency, allocation of functions and responsibilities between the agencies;
- (b) command and control of operations and inter-agency coordination arrangements and make the best use of available resources for response at local, regional, national and international level;

Integrated
emergency
management
arrangement

- (c) set out responsibility in ensuring that inter-agency co-ordination arrangements are developed at all level for effective co-ordination of individual response efforts to emergencies;
- (d) provide common terminology to facilitate coordinated and safe working;
- (e) identify and prioritise risks to ensure that existing services are prepared and equipped to deal with realistic potential emergencies;
- (f) ensure preparedness by the principal response agencies to ensure prompt and effective coordinated response;
- (g) activate response mechanisms for effective, timely search and rescue operations to save lives and minimise damage to property in times of crisis and ensuring the protection and care of the public at times of vulnerability;
- (h) ensure that measures are in place to restore livelihoods and other life support;
- (i) coordinate response in the event of a threat of the disaster;
- (j) organise and execute various drills, functional and full-scale exercises annually;
- (k) advise, assist and coordinate the activities of the government institutions, non-governmental organisations, private sector entities and communities.

6. The Division may, in consultation with the Minister, set up other committees as deemed necessary for the purpose of carrying out its functions under this Act.

Other committees

7.(1) The President shall, by order published in the *Gazette*, appoint a suitably qualified and experienced person to be the Director General who shall be responsible for the administration and management of the affairs of the Division.

Director General and other staff of Division

(2) The Minister, with the approval of the President, shall appoint competent public officers to be disaster risk management officers and a competent public officer to be a shelter manager for the purposes of this Act;

(3) Without prejudice to subsection (2), the Director General may, with the approval of the Minister, employ suitable and qualified persons as may be necessary for the effective performance of the functions of the Division under this Act.

(4) The Division shall issue credentials to every person appointed under this section or authorised to act as an authorised officer under section 43, with distinctive badges, tags or other identification as deemed necessary.

8. In carrying out the functions under this Act, the Director General shall —

Functions of Director General

- (a) advise the Minister on matters relating to disaster risk management;
- (b) review and assess the various programmes and activities of the government which have an impact on disaster risk management and make recommendations to the Minister on the likely effect of such activities;
- (c) in collaboration with other departments or agencies, conduct investigations, studies, surveys, research and analysis relating to all hazards;

- (d) in collaboration with government or other agencies, participate in programmes to prepare and review disaster risk assessments and to analyse and interpret the information gathered under paragraph (c) for the purpose of determining whether such conditions and trends are interfering or are likely to interfere, with the achievement of disaster risk management;
- (e) conduct programmes of public information and education on disaster risk management;
- (f) liaise with persons and other organisations in and outside of Seychelles for the purpose of exchanging information and facilitating the harmonisation of policies;
- (g) consult with stakeholders in the preparation of the national disaster risk management plan and provide technical advice to facilitate the development of regulations relating to disaster risk management;
- (h) establish mechanism to collect information to facilitate policy formulation and planned decision-making with other sectors;
- (i) compile and submit to the Minister necessary reports on disaster risk management;
- (j) require any governmental institutions to make such publicly owned vehicles, plant, equipment or personnel available with the Division for the purposes of response, rescue and relief;
- (k) require any governmental institutions, non-governmental organisations or private

- sectors to report on any incident, accident or any low intensity event occurred that have caused injury, damage to property, the environment or losses or had the potential to cause harm to human, damages to property, environment, or severe economic impact;
- (l) enter any place of incident for the purpose of rendering support, guidance carrying out risk assessment;
- (m) develop standard operating procedures for the Division;
- (n) enter into memorandum of understanding, with the approval of the Minister, on behalf of the Republic in matters relating to the administration and functioning of this Act.

9.(1) There shall be established a National Disaster Risk Management Committee comprising of persons with high level capacity to advise the President and the Cabinet, through the Minister on matters relating to disaster risk management.

National
Disaster Risk
Management
Committee

(2) The Minister shall be the chairperson of the National Committee.

(3) The National Committee shall elect a vice-chairperson from its members.

10.(1) The National Committee shall consist of the following members, to be appointed by the President, by notice published in *Gazette*,—

Composition
of National
Committee

- (a) the Director General;
- (b) a representative of the President's office;
- (c) Principal Secretaries of the Ministries or departments responsible for—

- (i) environment;
 - (ii) land use and housing;
 - (iii) health;
 - (iv) community development and sports;
 - (v) transport;
 - (vi) labour;
- (d) one representative each from—
- (i) the Seychelles Broadcasting Corporation;
 - (ii) the Meteorological Office;
 - (iii) the Police Department not below the rank of Superintendent;
 - (iv) the Red Cross Society of Seychelles;
 - (v) the Seychelles Fire and Rescue Services Agency.

(2) The President may, if considers necessary, appoint such other persons or representatives of an association, organisation or institution, having such qualifications and experience in disaster risk management as may be prescribed, to be the member of the National Committee.

Functions of
National
Committee

11. The functions of the National Committee shall be to—
- (a) advise and to make recommendations to the President and the Cabinet in relation to the application of this Act;
 - (b) ensure that the principles of the disaster risk reduction are integrated into the activities of

- each relevant government institution and that each government institution takes primary responsibility for disaster risk management within their sector;
- (c) ensure that disaster risk reduction is integrated into all development policies, strategies and programmes at national, regional, and local levels;
- (d) support and mobilise resources for improved disaster risk assessment, the quality of information and data on disaster risk and for strengthening early warning systems;
- (e) support the enhancement of skills and capacities for disaster risk management at all levels;
- (f) promote and strengthen scientific, research and technical capacity in disaster reduction;
- (g) advocate the development of national information and knowledge management strategies and the establishment of stakeholder networks for disaster risk management;
- (h) review and update the disaster risk management policies;
- (i) provide guidance to the Division in matters pertaining to disaster risk management;
- (j) review periodically policy issues regarding international appeals soliciting, the acceptance and the use of international assistance.

Meetings of
National
Committee

12.(1) The National Committee shall meet not less than four times a year in the first year of the commencement of this Act and not less than twice a year thereafter.

(2) The National Committee shall regulate its own proceedings.

(3) The National Committee may, in the manner as may be prescribed, establish one or more sub-committees as deemed necessary.

(4) The chairperson or in his or her absence, the vice-chairperson shall preside over the meetings of the National Committee.

(5) In the event of an emergency, the Minister shall have powers to call an extraordinary meeting of the National Committee.

Establishment
of
Vulnerability
Assessment
Committee

13.(1) There is hereby established a Vulnerability Assessment Committee.

(2) The Vulnerability Assessment Committee shall consist of the following members to be appointed, by notice published in the *Gazette*, by the Minister, on such terms and conditions as may be prescribed—

- (a) the Director General; and
- (b) one or more officers not below the rank of director from—
 - (i) Ministry of Health dealing with the public health;
 - (ii) Ministry of Environment dealing with disaster risk management, forestry,

environmental impact assessment, coastal adaptation and management or geographic information systems;

- (iii) Ministry of Labour;
- (iv) Ministry of Tourism;
- (v) Department of Community Development and Sport;
- (vi) Gender Secretariat and Child Welfare Services;
- (vii) Seychelles Agriculture Agency;
- (viii) Seychelles Peoples' Defence Force;
- (ix) Seychelles Fire and Rescue Services Agency; and
- (x) Seychelles National Parks Authority.

(3) A member of the Vulnerability Assessment Committee appointed under subsections (2)(b) shall hold office for a term of three years and shall be eligible for re-appointment.

14.(1) The Vulnerability Assessment Committee shall perform the following functions—

- (a) collect vulnerability information and conduct assessments taking an all-hazard approach in order to—
 - (i) inform early warning on potential risks and hazards;
 - (ii) guide national planning processes and development strategies;
 - (iii) inform government and relevant stakeholders of poverty reduction

Functions of
Vulnerability
Committee

strategies and social safety-net programming relevant to Disaster Risk Reduction;

- (b) assess disaster risk indicators to identify factors that influence risk and vulnerability such as livelihoods and well-being on a national, regional and local level;
- (c) assess the outcomes of impacts of disasters on livelihoods and psychosocial impacts of disasters;
- (d) update livelihood zones and baselines for monitoring vulnerability;
- (e) host and periodically update data of vulnerability assessment information;
- (f) conduct and compile periodic vulnerability assessment reports and submit to the President and the Cabinet through the National Committee;
- (g) train sectors and necessary stakeholders on vulnerability assessment;
- (h) monitor early warning information.

(2) The Vulnerability Assessment Committee may, where it deem necessary require a government institution in consultation with the Director General to develop and implement disaster risk management programmes consisting of—

- (a) training programmes and exercises for staff members, employees and other persons with respect to the provision of necessary services and the procedures to be followed in

emergency preparedness, response and recovery activities;

- (b) public education on risks to public safety and on disaster risk management preparedness, response and recovery in relation to its programme prepared under paragraph (a); and
- (c) any other matter required by the disaster risk management programmes as may be prescribed.

(3) In developing a disaster risk management programme, every government institution shall identify various hazards and assess the risks to public safety that could give rise to disasters and identify the facilities and other elements of the infrastructure for which the institution is responsible that are at risk of being affected by disasters.

15.(1) Every government institution and every prescribed private organisation shall formulate a disaster risk management plan in respect of the type and the role assigned to it by or under this Act governing the provision of necessary services during a disaster and the procedures under and the manner in which staff members or employees and other persons will respond to the disaster.

Formulation of disaster risk management plan by government institutions and prescribed private organisations

(2) A disaster risk management plan formulated under section (1) shall —

- (a) authorise staff members, employees or other persons to take action under the plan, where a disaster exists;
- (b) specify procedures to be taken for the safety or evacuation of persons in an affected or a disaster area;

- (c) establish committees and designate staff members or employees to be responsible for reviewing the plan, training staff members or employees in their functions and implementing the disaster plan during an emergency or disaster;
- (d) provide for the procurement and distribution of materials, equipment and supplies during a disaster;
- (e) provide for such other matters as are considered necessary or advisable for the implementation of the disaster plan during preparedness, response and recovery; and
- (f) provide for any other matter as may be prescribed.

(3) Every government institution and prescribed private organisation shall —

- (a) align the development and implementation of its disaster risk management plan with other stakeholders and institutions for incorporation into the National Disaster Risk Management Plan;
- (b) facilitate the training of personnel in the implementation of its disaster risk management plan;
- (c) review regularly and update its disaster risk management plan; and
- (d) submit a copy of its disaster risk management plan, and any amendment to the plan, to the Director General.

(4) The disaster risk management plan under subsection (1) shall include procedures on prevention, preparedness, response and recovery in relation to the disaster risk management —

- (a) of ministries, departments of government, statutory bodies and other organisations or persons who perform functions under this Act;
- (b) for coordinating the implementation of the national disaster risk management plan and implementation of emergency preparedness and response plans of persons and bodies in paragraph (a);
- (c) for informing persons referred to in paragraph (a) and the public of the existence of a potential threat, alert of a disaster or the declaration of an emergency of disaster;
- (d) for preparing and maintaining inventories of services and systems;
- (e) for mobilising services and systems for preparedness, before an incident, during emergency operation and after the, incident, emergency operation or disaster including procedures for staffing emergency operations centres;
- (f) for protecting and restoring communications, both nationally and internationally;
- (g) for procuring, releasing, distributing and replenishing contingency stores of supplies of food, water, clothing and medical supplies;

- (h) for providing shelter for persons affected by the disaster;
- (i) to apply the evacuation of the residents of an area affected by the disaster which is considered to be necessary;
- (j) established by the Minister responsible for health for safeguarding against epidemics;
- (k) established by the Commissioner of Police for safeguarding and protecting life and property from the dangers of looting and riotous behaviour;
- (l) for cooperation with international organisations and governments of countries outside Seychelles;
- (m) for accepting and facilitating the distribution of volunteer services and relief supplies during an alert, a declaration;
- (n) to apply in the event that the requisitioning of private property is considered to be desirable including procedures for assessing and paying compensation;
- (o) for prioritising recovery interventions;
- (p) for maintaining a national disaster risk management information system.

16.(1) There is hereby established, a committee to be known as the National Platform for Disaster Risk Reduction.

(2) The chairperson and the vice-chairperson of the National Platform for Disaster Risk Reduction shall be appointed by the Minister in consultation with the National

Establishment
of National
Platform for
Disaster Risk
Reduction

Committee, who shall be public officers not below the rank of Director.

(3) The Minister may appoint such other persons, having qualification, expertise and experience in disaster risk reduction, to be the members of the National Platform for Disaster Risk Reduction as may be necessary for effective implementation of this Act.

17. The functions of the National Platform for Disaster Risk Reduction shall be to—

- (a) perform as a national mechanism to address inter-related social, economic and environmental problems;
- (b) support the identification of urgent needs in the area of disaster risk reduction and reviewing the implementation of disaster risk reduction activities in line with the national plan;
- (c) perform as a catalyst for national consultation and consensus building, as well as for Disaster Risk Reduction priority identification and policy formulation, implementation and monitoring Disaster Risk Reduction activities;
- (d) coordinate to enhance multi-stakeholder collaboration for the sustainability of disaster risk reduction activities through a consultative and participatory process in line with the implementation of the Hyogo framework for action;
- (e) foster an enabling environment for developing a culture of prevention, through advocacy of and awareness-raising on disaster risk reduction and the necessity and

Functions of
National
Platform for
Disaster
Risk
Reduction

importance of its integration into development policies, planning and programmes; and

- (f) facilitate the integration of disaster risk reduction into national policies, planning, programmes in various development sectors as well as into international or bilateral development aid policies and programmes.

PART III - DISASTER RISK AND EMERGENCY MANAGEMENT

18.(1) The Director General shall prepare a National Disaster Risk Management Strategy which shall consist of—

- (a) measures for the prevention of disasters and mitigation of their effects;
- (b) measures to be taken for the integration of risk reduction and mitigation in development plans and projects at all levels;
- (c) measures to be taken for preparedness and capacity building to effectively respond to any threat that has a potential to cause harm to human, environment, property and livelihood;
- (d) integrated disaster risk reduction strategies involving multi stakeholder participation;
- (e) timely disaster risk reduction actions that contribute to sustainable development by limiting the loss of life and livelihood and environmental and property damage;
- (f) the introduction of mechanisms to ensure transportation, utilities and public sector infrastructure networks are able to withstand potential threats; and

National disaster risk management strategy

- (g) such other matters as may be prescribed.

(2) The National Integrated Emergency Management Plan to be prepared by the Director General shall consist of—

- (a) roles and responsibilities of all government institutions in relation to the disaster risk and emergency management;
- (b) the structure of command and control during preparation, response and recovery to threats, events and aftermath of an event or disaster, whether or not the emergency or disaster is such to prompt the issuance of an alert, a declaration of a disaster; and
- (c) the outline of the government business continuity plan in relation to paragraphs (a) and (b).

(3) The Director General shall, in consultation with the National Committee review the plan under subsection (1) annually and may, with the approval of the Minister make amendments to the plan.

19. The Director General shall prepare other plans which shall contain details of arrangements under the coordination of the Director General for matters relating to hazard identification, risk assessment and mitigation.

Director General to prepare other plans

20.(1) The Director General shall give guidance to the government institutions, private sector entities, non-governmental organisations, communities and individuals to assess and prevent or reduce the risk of disasters, including—

Other bodies to develop a disaster risk management programme

- (a) ways and means of —

- (i) determining levels of risk;

- (ii) assessing the vulnerability of communities and households to disasters that may occur;
 - (iii) increasing the capacity of communities and households to minimise the risk and impact of disasters that may occur; and
 - (iv) monitoring the likelihood of, and the state of alertness to disasters that may occur;
- (b) the development and implementation of appropriate prevention and mitigation methodologies;
 - (c) the integration of prevention and mitigation methodologies with development plans, programmes and initiatives; and
 - (d) the management of high-risk developments.

(2) The Director General shall promote formal and informal initiatives that encourage risk-avoidance behaviour by the government institutions, non-governmental organisations, communities and individuals.

Preparation
of strategy

21.(1) The Director General may order to organise drills, exercise to test their system in order to ensure effectiveness and readiness.

(2) Every government institution shall conduct exercises and training for staff in relation to Disaster Risk Management.

(3) Every government institution shall take part in drills, exercises and training organise by the Division for the purpose of ensuring procedures in place are effective, to

identify possible weaknesses or short-comings in strategy of preparedness and response, and to continuously train and test all devices and equipment used for preparedness and response.

22. Every government institution shall ensure that the resources available may be used for or identified for use in an emergency or disaster is maintained so as to be ready for use.

Resources to
be used in
emergency

23.(1) The Director General shall be responsible for the establishment and maintenance of a National Emergency Operations Centre and supplementary emergency operations centres, whether or not based on geographical location or any other required factor.

Emergency
management
operation
centers

(2) The National Emergency Operation Centre shall serve as the headquarters of the activities undertaken in emergency response to an alert, event or disaster.

(3) The Director General shall provide staff and resources to effectively manage and operate the National Emergency Operation Centre.

24.(1) The Director General shall establish and maintain a shelter list of premises available and suitable for the use as shelter, during a declaration of an emergency or an alert or in the event or the aftermath of an emergency or a disaster.

Shelter

(2) The Director General shall in the shelters list indicate—

- (a) the shelters under the control of the Government and any other shelter;
- (b) the facilities available at each shelter;
- (c) the suitability of each shelter for use during a declaration of emergency or an alert or in the event or the aftermath of an emergency or a disaster; and

- (d) the periods for and the conditions under which the shelter would be suitable for use in the instances in paragraph (c).

(3) The Director General shall assign to each shelter a shelter manager who shall have the responsibility of managing the shelter during any period where the premises are being used for that purpose, and may assign employees of the Division as shelter officers to assist a shelter manager.

(4) Where a shelter is not in the Government's possession, the designation of shelter managers or shelter officers for the premises shall be subject to the agreement of the owner of the shelter.

(5) The owner or occupier of any premises listed as a shelter in the shelter list is not liable to any person taking shelter on the premises for any injury to such person or damage to or loss of any person's property, which injury, damage or loss arises from the condition of the premises, where the use of the premises for shelter was within the listed limits of suitability of the premises under this section.

(6) The provisions of subsection (5) are without prejudice to any other right or remedy which the person suffering damage or loss may have —

- (a) against the owner or occupier of the premises; or
- (b) against the owner or occupier of the premises for damage or loss arising otherwise than from the condition of the premises.

(7) The Director General shall inspect shelters annually.

(8) The Minister may enter into agreements with the owners of premises used as shelters where these are not in occupation.

(9) A person shall not obstruct a shelter manager or a shelter officer in the execution of his or her duty in relation to the function of the shelter manager or shelter officer under this section.

(10) A person who contravenes subsection (9) commits an offence and shall on conviction be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding SCR20,000 or to both such imprisonment and fine.

25.(1) The Director General shall assess the potential for loss of life and injury to persons where there is a threat of a hazard or where a disaster has occurred.

Assessment
of loss,
injury and
evacuation

(2) If on a assessment pursuant to subsection (1) an evacuation is considered necessary, the Minister acting on the advice of the Director General shall subject to subsection (3) issue a notice of evacuation.

(3) A notice of evacuation pursuant to subsection (2) shall specify the nature of the disaster and the area required to be evacuated and the potential harm to persons.

(4) Where a notice is issued pursuant to subsection (2), the Director General shall coordinate the evacuation with the assistance of agencies involved in emergency and disaster risk management.

(5) Every person shall comply with a notice of evacuation issued pursuant to this section.

(6) A person who fails to comply with a notice of evacuation issued under subsection (2) commits an offence and shall on conviction be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding SCR20,000 or to both such imprisonment and fine.

PART IV - COMMUNICATIONS LINK

26.(1) The Director General shall —

- (a) develop and maintain a directory of all government institutions, private sector

Directory of
person
involved in
disaster risk
management,
etc.

entities and non-governmental organisations involved in the disaster risk management and emergency management and response showing—

- (i) their names, telephone and fax numbers and physical, postal and electronic addresses;
 - (ii) particulars of their involvement in disaster risk management; and
 - (iii) the nature, capacity and location of emergency and relief services under their control; and
- (b) establish effective communication links with contact persons identified by the ministries, departments of government, statutory bodies, private sector entities and non-governmental organisations.
- (2) The directory must include particulars of—
- (a) all government institutions and bodies involved in disaster risk management;
 - (b) non-governmental organisations involved in disaster risk management;
 - (c) disaster risk management experts both locally and internationally;
 - (d) private sector entities with specialised equipment, skills or knowledge relevant to disaster risk management;
 - (e) private sector voluntary agencies involved in disaster risk management; and

- (f) foreign non-governmental organisations and international organisations involved in disaster risk management.

(3) The Director General shall establish communication links with foreign disaster risk management agencies, including institutions performing functions similar to those performed by the Division, to exchange information to have access to international expertise in and assistance in respect of disaster risk management.

27.(1) The Director General shall—

- (a) collect information on all aspects of disasters and disaster risk management;
- (b) process and analyse the information collected under paragraph (a); and
- (c) develop and maintain an electronic database envisaged under this section;

Emergency
management
and response

(2) The electronic database developed by the Division shall contain extensive information concerning disasters that occur or may occur locally and disaster risk management issues, including information on—

- (a) phenomena, occurrence, and circumstances that cause or aggravate disaster;
- (b) risk factors underlying disasters and ways and means to reduce such risks;
- (c) recurring occurrences that result in loss, but which are not classified as disasters in terms of this Act;
- (d) prevention and mitigation;
- (e) early warning systems;

- (f) areas and communities that are particularly vulnerable to disasters;
- (g) indigenous knowledge relating to disaster risk management;
- (h) the directory under section 26 and the names and particulars of contact persons;
- (i) emergency response resources and capacity in the government institutions and in the non-government sectors, including location and size of, and other relevant information relating to—
 - (i) police stations;
 - (ii) hospitals, clinics and other health institutions;
 - (iii) emergency medical services;
 - (iv) school, church and public buildings and other facilities that could be used as emergency shelters or hospitals in the event of a disaster;
 - (v) fire-fighting services; and
 - (vi) airports, airstrips, harbours and seaports;
- (j) emergency response resources and capacity in neighbouring countries and relevant international relief agencies;
- (k) emergency preparedness in the different Ministries and Departments of Government;
- (l) research and training facilities for disaster risk management disciplines.

(3) The Director General shall ensure that security safeguard is properly established against any misuse and unauthorised access.

PART V - INTERNATIONAL ASSISTANCE

28.(1) The Director General shall, in consultation with the Minister, make—

International
assistance

- (a) an initial estimate as to whether domestic capacities are sufficient to attend to the needs of affected persons for disaster relief and initial recover assistance; and
- (b) a determination as to whether and what international assistance is required, and, with the consent of the President immediately request for international assistance through the Ministry of Foreign Affairs.

(2) The request for international assistance shall be accompanied by information—

- (a) as to the extent and type of assistance required, based on a report prepared by the Director General in consultation with the Minister; and
- (b) on the procedures assisting international organisations are to follow when making offers or providing assistance.

(3) The Division may in consultation with the Minister of Foreign Affairs request for assistance with the foreign components of the International Red Cross and the Red Crescent Movement to supplement the disaster relief and recovery assistance.

(4) Assistance from international humanitarian organisations shall be accepted if an offer is based on relevance

and need which has been deemed necessary based on the report prepared under subsection (2).

(5) An international humanitarian organisations present in Seychelles may provide direct offers to the Division;

(6) An international humanitarian organisation or a country interested in providing assistance to Seychelles shall direct their offers through the Ministry of Foreign Affairs and the appropriate embassy, and the Ministry of Foreign Affairs shall forward such offers of assistance to the Division who shall take a decision on the offer.

(7) Where an offer has been accepted, the representative of the international humanitarian organisation shall comply with the general terms of the offer and if the offer was unconditional, the Division, in consultation with the representative of the international humanitarian organisation, shall come to an agreement as to the type, amount and estimated duration of the assistance.

29. The period for international assistance shall commence when request for assistance is accepted and terminate after an assessment of the disaster is carried out by the Division in consultation with the National Committee and the international humanitarian organisation concluding in writing that the international assistance is no longer required after the termination date, announced 7 days prior to the proposed termination date.

30.(1) The Minister, in consultation with the Minister of Foreign Affairs, may terminate the international assistance by issuing a notice in writing to the international organisation.

(2) Upon termination of any the international assistance, the international organisation shall ensure that there is a adequate handover of responsibilities, in order to reduce any negative impact from the terminations;

Commencement
and termination
of international
assistance

Minister may
terminate
international
assistance

(3) The Director General shall negotiate with the international humanitarian organisations in advance as to what costs if any, that Seychelles will bear for the assistance the international humanitarian organisation will be providing.

(4) The Director General shall to the extent it is necessary for the performance of disaster relief and recovery—

- (a) serve as the focal point for liaison between Seychelles and assisting international humanitarian organisations;
- (b) inform the international humanitarian organisations of their rights and responsibilities under this Act;
- (c) request relevant government institution to make available assets or premises required to facilitate the work of the international humanitarian organisation;
- (d) facilitate the entry of the humanitarian personnel in Seychelles, including liaising with the Ministry responsible for immigration for necessary visa or permit, as the case may be, to be issued for the duration of the assistance;
- (e) facilitate through the authority responsible for qualification for temporary recognition of professional qualifications of foreign medical personnel and other licences or certificates of humanitarian personnel;
- (f) facilitate through the Ministry responsible for finance and trade for—

- (i) exemption of customs duties, taxes, levies and tariffs or any other government fees on goods and equipment imported, to be exported, in transit or to be re-exported;
 - (ii) inspection requirements of the goods and equipment to be used for the disaster relief and recovery; and
 - (iii) recognition of foreign drivers licences.
- (g) facilitate through the Ministry responsible for telecommunication for the use and setting up of the telecommunication equipment by the humanitarian personnel;
- (h) facilitate access (and as much as possible provide care, security and protection) to areas affected by the disaster;
- (i) facilitate through the Ministry responsible for finance the opening of bank account, if necessary;
- (j) ensure the security and safety of the humanitarian personnel and the goods and equipment to be used by them;
- (k) liaise and facilitate interactions with the Ministry responsible for health to verify and issue licences to export and distribute the medication and equipment to be used by the international humanitarian organisation;
- (l) facilitate the role of the assisting international humanitarian organisations into their contingency planning and mechanism for operational coordination for disaster relief and initial recovery assistance.

(5) The assisting international humanitarian organisation shall cooperate and coordinate with national authorities and organisations during the disaster relief and initial recovery period.

(6) The head of the international humanitarian organisation shall ensure that any medications or equipment to be used are safe, of good quality, have not expired, are maintained in appropriate condition and are labelled in a language understood by the medical doctors of Seychelles.

(7) The international humanitarian organisations shall comply with the principles of humanity, independence and impartiality in providing assistance and shall establish priorities on the basis of need and they shall not—

- (a) engage in adverse distinctions, exclusions or preferences based on status, nationality, race, ethnicity, religious belief, class, gender, sexual orientation, disability, age or political opinion;
- (b) seek to further a particular political or religious standpoint or interfere in internal matters not relating to disaster response;
- (c) seek to obtain commercial gain from their assistance; and
- (d) gather sensitive information of a political, economic or military nature.

(8) The international humanitarian organisation shall ensure that any goods or equipment they import for the purpose of disaster relief or initial recovery assistance which are or become unusable, including other waste products produced by them are destroyed, recycled or otherwise disposed of in a safe, environmental friendly and effective manner and in accordance with the laws relating to environment for the time being in force in Seychelles.

(9) A humanitarian personnel shall not be liable for any acts done in good faith during his or her performance of assistance.

PART VI - NATIONAL DISASTER RISK MANAGEMENT FUND

National
Disaster Risk
Management
Fund

31.(1) There is hereby established a Fund to be known as the National Disaster Risk Management Fund.

(2) The resources of the Fund shall consist of—

- (a) such moneys as may be appropriated by the National Assembly;
- (b) such donations and grants as may be made by persons and organisations;
- (c) such other moneys as the Division may raise through activities organised by or on behalf of the Division; and
- (d) such other moneys as may be transferred from any other fund.

(3) The Fund shall be administered by the Division.

(4) The Fund shall be applied towards recovery efforts and the adoption and promotion of preventative measures before, during and after a disaster or an emergency.

(5) The Division shall, in the administration of the Fund, be responsible for—

- (a) 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; and

(ii) providing financial assistance to persons for their relief and recovery from an emergency or a disaster;

- (b) keeping of proper books of accounts and other records;
- (c) maintaining a list of assistance provided by multi-national corporations with respect to medicines, food, water and sanitation equipment;
- (d) keeping the record of moneys received from foreign countries and foreign individuals at the time of a disaster;
- (e) preparing and submitting the reports relating to the administration of the Fund to the Minister and the Minister responsible for finance; and
- (f) making recommendations to the Division on activities geared towards raising funds.

32.(1) The Division shall maintain proper accounts and other relevant records of the Fund and prepare a statement of accounts in the form and manner approved by the Auditor General.

Accounts and
audit

(2) The account of the Fund shall be audited by the Auditor General in accordance with Article 158 of the Constitution.

(3) Where the accounts and the statement of accounts of the Fund in respect of a financial year have been audited, the Division shall furnish, not later than 3 months after the end of the financial year, to the Minister and the Minister responsible for finance, a copy of the statement together with a copy of any

report by the Auditor General on the statement of accounts or on the accounts of the Fund and the Minister shall cause it to be tabled in the National Assembly.

PART VII - OBLIGATIONS OF PERSONS INVOLVED IN DISASTER RISK MANAGEMENT

Volunteers

33.(1) The Director General shall maintain a register of volunteers to be known as the Register of Volunteers.

(2) A person who wishes to volunteer for the purposes of assisting in an emergency or a disaster shall submit his or her name to the Director General for registration as a volunteer and the Director General shall, after undertaking a screening process and if he or she sees fit register in the Register of Volunteers the person as a volunteer.

(3) The administrator of each district shall submit in writing to the Director General on or before 1st day of January in each year, the names of the volunteers and the Director General shall after a screening process register, the names of volunteers who he or she sees fit, in the Register of Volunteers.

(4) The Director General may, from time to time, amend the Register of Volunteers.

(5) The Director General shall annually publish the names of all volunteers registered in the Register of Volunteers in the *Gazette*.

(6) The Director General may engage a volunteer who is not on the Register of Volunteers if during a disaster it is practicable to do so.

(7) The Director General shall provide training to all volunteers.

(8) A volunteer who exercises the duties assigned to him or her pursuant to this Act in good faith shall not be liable

for injury to persons or loss to property caused as a result of those duties.

34.(1) Where the Director General certifies in writing that the services of a person is or was needed by the Division, for the performance of tasks related to preparation, response and recovery from an emergency during a specified period, the employer of that person shall pay the salary and all benefits to which the employee was entitled for the period specified.

Employees who assist in emergency situations

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

(3) An employer who fails to comply with subsection (1) commits an offence and on conviction be liable to imprisonment for a term not exceeding 3 months or a fine not exceeding SCR50,000 or to both such imprisonment and fine.

35.(1) The Director General shall appoint officers to be known as risk management officer for the purpose of implementation of specific provision of this Act.

Risk management officers

(2) The Director General shall issue credentials to every person appointed to act as a risk management officer.

(3) The functions of the risk management officer is to inspect and assess premises in relation to risk or threat and for that purpose may —

- (a) enter in to a premises which, in the opinion of the Director General, appear to pose a reasonable danger of serious injury to persons, animal, or serious harm to human and animal health inside or outside the premises or pose reasonable threat to property, livelihood inside within or outside the premises and that such danger or threat

can lead to serious or catastrophic consequences that may lead to a disaster; and

- (b) enter in to the premises at a reasonable time with the consent of the owner or occupier or under the authority of a warrant issued by a Magistrate for the purpose of carrying out the functions conferred under this Act.

(4) Where a magistrate is satisfied, on evidence on oath by a risk management officer, that the conditions of any premises is reasonably suspected of posing a danger of serious injury to persons inside or outside of the premises in the event of a disaster, the Magistrate may issue a warrant authorising the risk management officer efficient to enter and inspect the premises for hazards.

(5) A warrant issued under subsection (4) expires not later than 2 weeks after the date on which it is made, and may be renewed before expiry for period not exceeding 7 days.

(6) A risk management officer who exercises a power under this section shall identify himself to any person in control of the premises to be inspected at the time of the inspection, by the production of his or her credentials issued pursuant to subsection (2) and the warrant of the Magistrate issued pursuant to subsection (4) and shall explain the purpose of the assessment or inspection.

(7) The risk management officer shall prepare a report on the results of any inspection carried out under this section and shall submit a copy of the report to the Director General.

(8) Upon receiving the report under subsection (7), the Director General shall —

- (a) provide a copy of the report submitted by the risk management officer to the owner or

occupier of the premises in respect of which a report is submitted; and

- (b) if the report reveals that the condition of any premises poses danger of serious injury to persons inside or outside the premises and the condition of the premises which gives rise to the danger constitutes a violation of any law, submit to the relevant ministry, department of government or body responsible for that other law a copy of the report submitted by the risk management officer.

(9) Subject to subsection (8), the Director General pursuant to the report under subsection (7) shall request the owner of the premises to take remedial action within a specified period of time.

(10) The owner who fails to comply with a request made pursuant to subsection (9) commits an offence and shall on conviction be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding SCR20,000 or to both such imprisonment and fine.

(11) A report of a risk management officer under this section shall be admissible in any legal proceedings as evidence of the truth of the report's findings of fact, whether or not the Republic is a party to such proceedings.

(12) A person shall not obstruct the Director General or risk management officer in the execution of his or her duty in relation to the functions of the Director General or the risk management officer under this section commits an offence and shall on conviction be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding SCR20,000 or to both such imprisonment and fine.

36.(1) There shall be established a National Multi-Hazard Risk Communication Alert and Warning System for Seychelles.

(2) The Director General shall design, develop and implement the mechanism and method for the National Multi-Hazard Risk Communication and Alert System.

(3) The Director General may consult such persons or organisations as he or she considers necessary in the development of warning and alert and may request or instruct an agency for the issuance of a warning or alert under its direct supervision.

(4) The issuance of warning and alert under this section shall be in such manner as may be prescribed.

PART VIII - REPORTING, DOCUMENTATION AND DATA COLLECTION

37. Every government institution shall supply to the Director General in the prescribed manner and by such date as may be required by the Director General, such information as may be requested by the Director General.

Obligation to supply information when requested by Director General

38.(1) Every government institution shall prepare a report on damage assessment in the aftermath of a disaster.

Obligation to make a damage report assessment

(2) A report prepared under subsection (1) shall be submitted to the Director General as soon as practicable after it is prepared.

PART IX - DECLARATION OF DISASTERS

39.(1) Notwithstanding subsection (2), the President may, on being satisfied that a grave civil emergency has arisen or imminent due to a disaster, declare a state of emergency under article 41(1)(b) of the Constitution and specify any area as "disaster area" or "potential disaster area".

Declaration of disasters

(2) Upon a declaration under subsection (1), the provisions of Part III of the Constitution shall apply and the

powers and functions of the Minister under this Act shall be deemed to be the powers and functions of the President.

(3) Subject to subsection (1), the Minister may, on the recommendation of the Director General or on his or her own motion, declare an area—

- (a) a "disaster area" on the event of any disaster; or
- (b) a "potential disaster area" depending on possible or imminent threat of disaster,

that is deemed to require specific response necessary to save life or property or to take measures for disaster risk management.

(4) A declaration made under subsection (3) shall be valid for a period of 7 days from the date of such declaration unless the period has been extended with the approval of the President and the National Assembly.

(5) The declaration made under this section shall specify the threat level and colour coding in respect of disaster.

(6) When a declaration in respect of an area in Seychelles or part thereof has been made under this section, the National Committee shall—

- (a) make provisions for the release of available resources including equipment vehicles, water transport, air transport and any other facilities; and
- (b) make arrangements for personnel to be made temporarily available for the performance of emergency services.

Access to
private places

40. Where a declaration has been made under section 39, the Police may, take measures necessary to limit the extent of the threat, incident or disaster, totally or partially prohibit or restrict public access, with or without vehicles, to any road or pathway leading to the disaster area which is affected or likely to be affected by the event.

PART X- MISCELLANEOUS

Protection from
liability

41.(1) Any suit or other legal proceedings shall not lie against a person in respect of an act done or intended to be done in good faith in the exercise or performance of his or her powers, duties, or obligations in pursuance of this Act.

(2) The public officers appointed under this Act shall be deemed to be employed in the public service and sections 91 to 96 of the Penal Code shall apply to them.

Compensation
for loss or injury
suffered by
public officer

42. Where the Director General or any public officer or person appointed under this Act suffers any physical injury, or loss or damage to any personal property in the course of his or her duties under this Act or regulations made thereunder, he or she shall be entitled to receive compensation paid out of public funds in respect of the expenses incurred in the treatment of the injury and the value of such property loss or damage.

Authorised
officer

43. The President may during the period of the state of emergency appoint staff members of the Division or public service or appoint other persons to be authorised officers for such periods and for such areas and subject to such conditions as may be specified in the instrument designating or appointing the staff member or person.

Powers of
authorised
officers

44.(1) An authorised officer may, during the period of the state of emergency, direct any person, by order in writing—

- (a) to supply him or her with information relating to—

- (i) employees; or
- (ii) the existence and availability of any services, facility or thing which may be used for or in connection with the emergency, disaster or state of national disaster which is under the control or in possession of such person;
- (b) to maintain such specified stock of fuel, food, water or medical supplies for the use before, during or after an emergency or disaster as he or she may reasonably be expected to maintain;
- (c) who is the owner or manager of any industry or trade which the authorised officer reasonably believes is an essential industry or trade or renders an essential service, to take in regards to that industry trade or service or the continuation thereof, such steps as the authorised officer considers necessary to deal with the emergency or disaster.

(2) Every authorised officer and any person performing disaster risk management tasks under this Act shall maintain and aid in maintaining confidentiality of information supplied in compliance with an order made under subsection (1).

(3) A person who is aggrieved by an order made under subsection (1) may appeal in writing to the Supreme Court.

(4) On receipt of an appeal under subsection (3), the Supreme Court, after requiring the authorised officer to submit written reply in the matter and considering any reply so submitted, may confirm, vary or set aside the order appealed against or give such other directions in the matter as the Supreme Court deems appropriate.

(5) An authorised officer may in the exercise of his or her powers or the performance of his or her functions or duties under this Act—

- (a) enter, or break and enter any premises; or
- (b) order people to evacuate themselves and their property from the location,

if he or she believes on reasonable grounds that such action is necessary for—

- (i) the preservation of the life of persons or animals;
- (ii) the prevention of injury to persons, or animals or harm to human health and animal;
- (iii) the removal of injured persons or animals;
- (iv) the protection of property livelihood; and
- (v) the prevention of damage to the environment

Power take
control of land
or property
during disaster

45.(1) An authorised officer may, during the period of the state of emergency—

- (a) take control over any land or other property for the purpose of dealing with the situation;
- (b) direct any person who is the owner of or who has possession of or control over any land or other property which is required for the purposes of dealing with the disaster situation

to surrender the use of such land to a specified person or to a specified authority or to deliver or make available such property to a specified person in the service of that authority.

(2) The authorised officer shall, after taking possession or control of land or property or giving a direction under subsection (1), cause written notice of such taking such possession or control of land or property or giving direction to be served on any person owning or possessing such land or property.

(3) Where it is possible to do so, cause the written notice referred to in subsection (2) to be served before taking possession or control of the land or property concerned or giving the directions.

(4) The person from whom possession or control of any land or property has been or is about to be taken under this section may, if he or she objects to such taking of possession or control, notify the authorised officer concerned.

(5) Where an authorised officer is notified under subsection (4), he or she shall, within 14 days apply to the Supreme Court for a determination of his or her entitlement to exercise the or her powers under this section.

(6) On an application made under subsection (5), the Supreme Court may—

- (a) confirm the order if it is satisfied that the exercise of the power by the authorised officer under this section was reasonably justifiable in the circumstances of the situation arising or existing as a result of the disaster concerned or giving rise to the

declaration of the state of disaster for the purpose of dealing with that situation; or

- (b) order the authorised officer to return any land or property which he or she has taken into possession or control or to cancel the notice of intention to take possession or control thereof or to cancel the directive, if it is satisfied that exercise of the power by the authorised officer was not reasonably justifiable in the circumstances of the situation.

(7) Where the continued possession or control by an authorised officer of any land or property taken in under subsection (2) is no longer reasonably justifiable,

- (a) the land or property shall be promptly returned, wherever possible, in the condition in which it was at the time of such taking of possession or control;
- (b) the owner or any other person entitled to the return of any land or property or entitled to compensation in terms of section 46 may apply to the Supreme Court for the return of the land or property or for the determination of the right to or the amount of such compensation, as the case may be, and the Supreme Court shall make such order.

(8) No land or other property owned or possessed by the State may be taken under this section without the prior approval of the Minister responsible for the land or property.

Compensation for taking possession or control of land or property

46.(1) If any land or property of any person has been taken, damaged, removed or destroyed in terms of section 45(1)(a) or if any person is directed in terms of section 45(1)(b) to surrender

the use of any land or to deliver or make available any property to a specified person or authority or any premises has been broken under section 44(5)(a), that person is entitled to payment of compensation, as may be agreed on between that person and the Minister.

(2) A dispute arising from the determination of compensation payable under subsection (1) may be referred for resolution to the Supreme Court.

47. The Minister, a member of the National Committee or any other committee, the administrator of a district, or a person in the service of the Government, a volunteer or any person who exercises a power or performs a function or discharges a duty under this Act, is not liable for any loss or damage as a result of injury, loss of life or loss of or damage to the property, caused by or arises out of, or in connection with, anything done or performed in good faith in the exercise, performance or discharge of a power, function or duty, as the case may be, in accordance with the provisions of this Act.

Indemnity for actions of person acting under this act

48. The Minister may make regulations, consistent with this Act, to give effect to the provisions of this Act.

Power to make regulations

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 29th July, 2014.



Luisa Ways-Hive
Deputy Clerk