



MONTERRAT

## CHAPTER 10.03

# DISASTER PREPAREDNESS AND RESPONSE ACT

### Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

### DISASTER PREPAREDNESS AND RESPONSE ACT

Act 6 of 1999 .. in force 17 January 2000 (S.R.O. 7/2000)

Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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## CHAPTER 10.03

### DISASTER PREPAREDNESS AND RESPONSE ACT

*(Acts 6 of 1999 and 9 of 2011)*

AN ACT TO PROVIDE FOR THE EFFECTIVE MANAGEMENT AND CONTROL OF DISASTER AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

#### Commencement

*[17 January 2000]*

#### PART 1

##### PRELIMINARY

#### Short title

1. This Act may be cited as the Disaster Preparedness and Response Act.

#### Interpretation

2. In this Act unless the context otherwise requires—

“**Act**” includes Regulations made under the Act;

“**Director**” means the Director for Disaster Preparedness and Response in section 3 and shall include any person for the time being acting in that post or authorised to perform the functions of that office during the absence or inability of the Director to perform the said functions;

“**disaster emergency**” means a public emergency proclaimed under section 3 of the Leeward Islands (Emergency Powers) Order in Council (S.I. 1959 No. 2206);

“**Emergency Operations Centres**” means Emergency Operations Centres in section 9;

“**hazard inspector**” means a hazard inspector in section 3(2);

“**listed premises**” means premises listed in shelters list;

“**National Advisory Committee**” means the National Disaster Preparedness and Response Advisory Committee in section 6(1);

“**Policy Review**” means the Disaster Preparedness and Response Policy Review in section 7(2);

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“**shelter list**” means the list of premises in section 10(1);

“**shelter manager**” means a shelter manager in section 3(3);

“**shelter officer**” means a shelter officer in section 3(3);

“**special area precautionary plan**” means a special area precautionary plan referred to in section 21;

“**statutory Board**” means a Board, committee or other group which is under any statute responsible for the direction, governing or control of any entity other than a Ministry or Department of Government and a majority of the membership of which Board, committee or other group would under any Act be constituted by persons to be appointed to that Board, committee or other group by a Minister or public officer and by Ministers and public officers who are *ex officio* members of that Board, committee or other group;

“**statutory body**” means an entity which has been established by or under any Act and which is directed or governed by either a public officer or an officer appointed by a Minister or public officer or a statutory Board.

## PART 2

### DIRECTOR OF DISASTER PREPAREDNESS AND RESPONSE

#### **Director of Disaster Preparedness and Response**

**3. (1)** There shall be a Director of Disaster Preparedness and Response, who shall be a public officer.

**(2)** The Director may be assisted by such number of public officers or other persons as may be appointed or designated for the purpose, including deputy or assistant directors or public officers appointed or designated to discharge the functions of hazard inspectors or shelter managers or officers under this Act.

**(3)** The Director, any deputy or assistant director and any member of the police service shall have all the enforcement powers of a hazard inspector, shelter manager or shelter officer under sections 30 and 31(5). The Director may be assisted by such number of public officers or other persons as may be appointed or designated for the purpose, including public officers appointed or designated to discharge the functions of hazard inspectors or shelter manager or shelter officer under sections 30 and 31(5). (*Amended by Act 9 of 2011*)

**(4)** In the event of the absence from the country or the inability of the Director for any other reason to perform the functions of his office, the Governor may nominate another public servant to do so.



## Functions of Director

4. (1) The Director shall, subject to section 5 be responsible to the Governor for coordinating the general policy of the Government of Montserrat relating to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Montserrat.

(2) The Director shall, for the purposes of section 4(1) and in addition to discharging other functions conferred on the Director by this Act or any other law—

- (a) review and appraise the various programmes and activities of the Government in the light of the policy of this Act for the purpose of determining the extent to which such programmes and activities are contributing to the achievement of such policy, and to make recommendations to the Governor with respect thereto;
- (b) develop and recommend to the Governor national policies to foster and promote the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Montserrat;
- (c) gather timely and authoritative information, the results of investigations, studies, surveys, research and analyses relating to ecological systems conducted by other departments or agencies concerning the conditions and trends in the quality of the environment, both current and prospective, as these relate to the likelihood of disasters in Montserrat;
- (d) analyse and interpret the information gathered under section 4(2)(c) for the purpose of determining whether such conditions and trends are interfering, or likely to interfere, with the achievement of the policy of this Act;
- (e) prepare and review disaster risk assessment maps of Montserrat;
- (f) conduct programmes for public information and education on the mitigation of, preparedness for, response to and recovery from emergencies and disasters;
- (g) liaise with persons and organizations within and without Montserrat for the purpose of exchanging information and facilitating the harmonization of the policies of such persons and organizations with those of the Government of Montserrat relating to the prevention and mitigation of, preparedness for, response to and recovery from emergencies and disasters in Montserrat;
- (h) provide technical advice on draft regulations, whether under this Act or any other legislation, relating to the mitigation of,

preparedness for, response to and recovery from emergencies and disasters in Montserrat.

### **Ministerial directions to Director**

5. The Director shall be subject to such directions of a special or general character in relation to the policy to be followed in the exercise of the powers conferred and the duties imposed on the Director by or under this Act as the Governor gives on any matter that affects the public interests of Montserrat, and the Director shall give effect to all such directions.

## PART 3

### NATIONAL ADVISORY COMMITTEE, POLICY REVIEW AND PLAN

### **National Disaster Preparedness and Response Advisory Committee**

6. (1) There shall be a National Disaster Preparedness and Response Advisory Committee comprising—

- (a) the Governor as *ex officio* Chairman;
- (b) a Minister or public officer nominated by the Governor under section 6(2);
- (c) such other members as may be nominated by the Governor to represent—
  - (i) the police service;
  - (ii) the Royal Montserrat Defence Force;
  - (iii) the fire service;
  - (iv) the Ministry responsible for public health;
  - (v) the Ministry responsible for the environment;
  - (vi) the Ministry responsible for public works;
  - (vii) the Premier's Office;
  - (viii) such other Ministries, Departments of Government and statutory bodies as the Governor thinks fit;
  - (ix) such other persons or organizations as the Governor thinks fit who volunteer or are required by law to perform functions related to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Montserrat.

*(Amended by Act 9 of 2011)*

(2) The Governor shall nominate another Minister or a public officer to serve as Chairman of the National Advisory Committee in the Governor's absence.

(3) The Chairman or alternate Chairman and any four other members of the National Advisory Committee shall constitute a quorum for meetings of the Committee.

(4) The Director of Disaster Preparedness and Response shall be the Secretary of the National Advisory Committee.

(5) The Director may in consultation with the National Advisory Committee establish other committees and sub-committees charged with particular responsibilities, whether defined by geographical area or otherwise, in relation to the response to emergencies and disasters in Montserrat, which other committees and sub-committees shall be available to be convened whenever a threatened disaster alert arises or a disaster strikes.

(6) The members of the National Advisory Committee or of any other Committee under section 6(5) shall receive such attendance fees and travel or other allowances as the Governor may authorise by Order.

(7) The National Advisory Committee and any other Committee under section 6(5) may subject to Rules under section 31(1)(a) and to this Act determine its own procedure.

### **Annual Report of Director and Disaster Preparedness and Response Policy Review**

7. (1) Within three months after the end of every calendar year, the Director shall prepare a general report of activities during that year, and transmit it to the Governor who shall consider it and lay copies thereof before the Legislative Assembly. (*Amended by Act 9 of 2011*)

(2) The report in section 7(1) shall include a Disaster Preparedness and Response Policy Review related to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Montserrat.

(3) The Director for Disaster Preparedness and Response shall consult the National Disaster Preparedness and Response Advisory Committee in preparation of the Policy Review.

(4) When the Policy Review is approved by the Governor, with or without amendments, the Director shall publish the Review.

### **The National Disaster Preparedness Response Plan**

8. (1) The Director shall prepare annually for the approval of the Governor the National Disaster Preparedness Response Plan, comprising the statement of the contingency arrangements under coordination of the Director for responding to the threat or event and aftermath of a disaster in Montserrat whether or not the threat or the disaster is such as to prompt the declaration of a disaster emergency.

(2) The National Disaster Preparedness Response Plan shall where practicable include—

- (a) procedures related to disaster preparedness and response of public officers, Ministries and Departments of Government, statutory bodies and persons or organizations who volunteer or are required by law to perform functions related to emergencies and disasters in Montserrat;
- (b) procedures for coordinating the National Disaster Response Plan and its implementation with persons and bodies in section 8(2)(a);
- (c) procedures for informing persons under section 8(2)(a) and the public in Montserrat and elsewhere of the existence of a threatened disaster alert under section 24 or the existence of a disaster emergency;
- (d) procedures for updating and maintaining inventories of services, systems and supplies for the mitigation of, preparedness for, response to and recovery from emergencies and disasters during a threatened disaster alert under section 24 or the existence of a disaster emergency;
- (e) procedures for mobilizing services and systems during a threatened disaster alert under section 24 or the existence of a disaster emergency, including procedures for the manning of Emergency Operations Centres and for the protection of the family and property of persons required for the purpose of manning such centres or required otherwise to perform other duties of protecting the public;
- (f) procedures for the protection and restoration of communications, both nationally and internationally, during a threatened disaster alert under section 24 or in the event or the aftermath of a disaster emergency;
- (g) procedures for informing the persons referred to under section 8(2)(a) and the public in Montserrat and elsewhere of the state of affairs during a threatened disaster alert under section 24 or in the event or the aftermath of a disaster emergency;
- (h) procedures for the release, distribution and replenishment of emergency stores of supplies of food, water, clothing and medical supplies during a threatened disaster alert under section 24 or in the event or the aftermath of a disaster emergency;
- (i) procedures for safeguarding against fire and epidemics during a threatened disaster alert under section 24 or in the event or the aftermath of a disaster emergency;
- (j) procedures for the provision of shelter for persons during a threatened disaster alert under section 24 or in the event or the aftermath of a disaster emergency;

- (k) procedures for cooperation with international organizations and governments of countries outside Montserrat during a threatened disaster alert under section 24 or in the event or the aftermath of a disaster emergency;
- (l) procedures for accepting and facilitating the distribution of volunteer services and relief supplies during a threatened disaster alert under section 24 or in the event or the aftermath of a disaster emergency;
- (m) procedures to apply in the event that the evacuation of all the residents of any area is considered to be desirable in the event of a disaster emergency;
- (n) procedures to apply in the event that the requisitioning of private property is considered to be desirable in the event of a disaster emergency, including procedures for assessing and paying compensation;
- (o) procedures for protecting life and property from the dangers of looting and riotous behaviour in the event or the aftermath of a disaster emergency.

(3) The Director for Disaster Preparedness and Response shall consult the National Disaster Preparedness and Response Advisory Committee in the preparation of the National Disaster Preparedness Response Plan.

## PART 4

### EMERGENCY OPERATIONS CENTRES AND SHELTERS

#### Emergency Operations Centres

9. The Director shall be responsible for the establishment and maintenance of a National Emergency Operations Centre to function as the headquarters of the activities undertaken in response to a disaster emergency, and may establish and maintain supplementary Emergency Operations Centres or facilitate the establishment and maintenance of such supplementary Emergency Operations Centres, whether distributed according to geographical location or otherwise, by persons or bodies in section 8(2)(a).

#### Shelters

10. (1) The Director shall establish and maintain a list of premises available for and suitable for use as shelters during a threatened disaster alert under section 24 or in the event of the aftermath of a disaster emergency.

(2) The Director shall in the shelters list—

- (a) distinguish between listed premises in Crown occupation and other premises;
- (b) list the facilities available at each listed premises;
- (c) indicate the suitability of each listed premises for use during a threatened disaster alert under section 30 or in the event or the aftermath of a disaster emergency; and
- (d) indicate the periods for and the conditions under which the listed premises would be suitable for use in the instances in section 10(2)(c).

(3) The Director shall, subject to section 10(4) assign to each listed premises 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 listed premises are not in Crown occupation, the designation of shelter managers or shelter officers for those premises shall be subject to the agreement of the occupier of the premises.

(5) The owner or occupier of any listed premises shall not be liable to any person taking shelter on the premises for any injury to such person or damage to or loss to 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 section 10(2).

(6) The provisions of section 10(5) are without prejudice to any other right or remedy which the person suffering damage or loss may have—

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

## PART 5

### OBLIGATIONS OF OTHER PUBLIC OFFICERS

#### **Liaison Officers**

11. Every Permanent Secretary and Head of a Department of Government shall ensure that there is at all times a public officer of his Ministry or Department designated as the liaison officer for communication with the Director in relation to the procedures of the Ministry or Department under section 8(2)(a).

### Annual report to Director

**12. (1)** Every Permanent Secretary and Head of a Department of Government shall supply annually to the Director in such form and by such date as may be required by the Governor such information as may be requested by the Director for the purposes of sections 4(2)(a) and 8(2).

**(2)** The Director shall maintain a list of persons by name or office who may be called upon by him to assist him in the event of a threatened disaster alert under section 24 or in the event or aftermath of a disaster.

**(3)** Any person on the list referred to under subsection (2) hereof, which list shall be published, shall if called upon by the Director report to him immediately in person and failure to do so shall be an offence under this Act.

**(4)** The Governor may by Order under his hand acting after consultation with the Director take possession of and use such premises, machinery and vehicles as may in his opinion be required during or after a disaster alert under section 24.

**(5)** Persons whose property has been thus taken over and used may in the event of any damage thereto be entitled to such compensation as a Magistrate may consider just.

### Director to be consulted

**13. (1)** Before any person other than the Attorney General, a judge or magistrate exercises any disaster preparedness and response related powers under this or any other Act, that person shall subject to sections 13(2) to 13(4) consult the Director.

**(2)** The obligation to consult in section 13(1) shall not apply—

**(a)** during a disaster emergency, where the person exercising the powers under section 13(1) considers that the urgency of the matter or difficulties of logistics makes such consultation impracticable;

**(b)** in respect of the exercise of any power in relation to which a waiver by the Director of his right to be consulted is in effect under section 13(3).

**(3)** The Director may with the approval of the Governor waive his right to be consulted, and any such waiver shall take effect when the Governor shall have notified that waiver by Order published in the *Gazette*.

**(4)** A waiver under section 13(3) may relate to the exercise of any power or category or powers or to the exercise of a power in a specific instance.

## **Environmental impact assessments**

14. Any power under any law to require an environmental impact assessment is, whether such power is expressed or implied, a disaster preparedness and response related power for the purposes of section 13(1).

## **PART 6**

### **SPECIALLY VULNERABLE AREAS**

#### **Delimitation of specially vulnerable areas**

<sup>1</sup>15. (1) The Governor may on the recommendation of the Director designate specially vulnerable areas for the purposes of the mitigation of, preparedness for, response to and recovery from emergencies and disasters by delimiting such areas under this section.

(2) The Director shall prepare for the approval of the Governor a draft Order delimiting any specially vulnerable area that the Director recommends for designation under subsection (1).

#### **Special area precautionary plans for specially vulnerable areas**

16. (1) The Director may prepare for the Governor's approval, a draft special area precautionary plan for a specially vulnerable area under section 15(1).

(2) A special area precautionary plan may include—

- (a) strategies, policies and standards for development and for maintenance of structures in the specially vulnerable area or any proposed such area;
- (b) standards for environmental impact assessment for contemplated development in specially vulnerable area;
- (c) provisions designating any part of the specially vulnerable area as a prohibited area for navigation or for the purpose of removing vegetation, sand, stones, shingle or gravel.

(3) A special area precautionary plan may communicate strategies, policies, standards or designations by means of maps and diagrams.

#### **Approval or referring back of draft special area precautionary plan**

17. The Governor may—

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<sup>1</sup> The areas comprising of Zones A, B, C, F, T and U designated as specially vulnerable areas (S.R.O. 2/2010)



- (a) approve the resubmitted draft special area precautionary plan by Order subject to the affirmative resolution of the Legislative Assembly; or (*Amended by Act 9 of 2011*)
- (b) refer the draft plan back to the Director for such changes as the Governor may require, in which event the Director shall make the changes as required and resubmit the draft plan to the Governor; or
- (c) discontinue the process if he considers that the objectives of the draft plan have already been met under the provision of other law.

### **Special area precautionary plan**

**18. (1)** The draft special area precautionary plan approved under section 17, shall when published in the *Gazette* thereby become the special area precautionary plan for the specially vulnerable area until a new amended special area precautionary plan is approved under this Act.

**(2)** A special area precautionary plan does not authorise any development which would not be permitted under the Land Acquisition Act or any other Act.

### **Authorities to have regard to special area precautionary plan**

**19.** Any person or authority exercising any function under this Act and any function under any Act affecting the conservation and management of the resources of the specially vulnerable area shall have regard to the special area precautionary plan.

### **Amendment of Order delimiting the specially vulnerable area**

**20. (1)** The Director may with the approval of the Governor at any time prepare draft proposals for amending the Order delimiting the specially vulnerable area.

**(2)** The amendment of the Order delimiting the specially vulnerable area in accordance with such draft proposals shall comply with section 15.

### **Amendment of special area precautionary plan**

**21. (1)** The Director may at any time prepare and propose for the approval of the Governor draft amendments of the special area precautionary plan for the specially vulnerable area.

**(2)** The amendment of the special area precautionary plan shall when approved under section 17 and published in the *Gazette* thereafter constitute the special area precautionary plan under section 18.

### **Regulations for implementing special area precautionary plans**

22. The Governor may make Regulations for the purpose of implementing the special area precautionary plans.

### **Judicial review**

23. (1) Any person aggrieved by a special area precautionary plan for a specially vulnerable area, who desires to question the validity thereof or of any provision contained therein on the grounds that it is not within the powers of this Act or that any requirement of this Act or of any Regulations has not been complied with in relation to the approval or preparation of the plan, may, within six weeks from the date on which the notice is published in the *Gazette* under section 18(1), make an application to the High Court under this section in accordance with any Rules of Court for the time being in force.

(2) On any application under this section, the High Court, if satisfied that the plan, or any powers contained therein, is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by a failure to comply with any requirement of this Act or of any Regulations, may quash the special area precautionary plan or any provision contained therein, either generally or in so far as it affects any property of the applicant.

(3) Where the whole special area precautionary plan is quashed under section 23(2), the Director shall prepare a new draft special area precautionary plan.

(4) Where a provision of the special area precautionary plan is quashed under section 23(2), but the whole plan is not quashed, the plan without the quashed provision shall be deemed to be an approved amended special area precautionary plan under section 17(1)(a).

## **PART 7**

### **THREATENED DISASTER ALERTS**

#### **Threatened disaster alerts**

24. (1) For the purposes of this Act, a threatened disaster alert exists when—

- (a) the Governor declares by proclamation and on the advice of the Premier, after the Governor has consulted or been advised by the Director under section 24(2), that there is a substantial prospect that a disaster of a kind in the Schedule will strike or has struck the Island; or (*Amended by Act 9 of 2011*)
- (b) the Director broadcasts or otherwise publishes a formal announcement warning persons in Montserrat of the threat of

the striking of a disaster of a kind in the Schedule or that a disaster has struck the Island:

Provided that, the Governor may by declaration on the same advice and after the same consultation as is provided in section 24(1)(a) declare that notwithstanding such an announcement Montserrat is not in a state of threatened disaster alert.

(2) The Director shall advise the Governor on request, and at any time he considers appropriate, when there is a substantial prospect that a disaster of a kind in the Schedule will strike the Island.

## PART 8

### APPLICATION OF TREATIES

#### **Caribbean Disaster Emergency Response Agency**

25. The provisions of the Caribbean Disaster Emergency Response Agency Agreement shall have the force of law in Montserrat.

#### **Application of treaties in time of disaster emergency**

26. Where Montserrat is party to a treaty or other international agreement which the Governor considers relevant to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Montserrat, the Governor may during any disaster emergency or at any other time proclaim that treaty or any part thereof to be part of the law of Montserrat for the duration of any disaster emergency or any particular case or class of case of such disaster emergency, and the provisions of that treaty or part thereof, as the case may be, shall for the duration of that disaster emergency have effect as if enacted in this Act.

## PART 9

### PROTECTION AND COMPENSATION

#### **Compensation**

27. (1) Any officer appointed under section 3(2) or any other person appointed or designated under section 3(3) who suffers any physical injury or loss or damage to any personal property while carrying out his duties under this Act or any regulations passed under it shall be entitled to receive compensation from the Government equivalent to the expenses incurred by him in the treatment of his injury and to the extent of his pecuniary loss in relation to property.

(2) Any compensation payable under subsection (1) shall be paid out of monies appropriated for that purpose by the Legislative Assembly.  
(Amended by Act 9 of 2011)

(3) The sum payable as compensation under this section shall, in the event of a dispute, be fixed by the High Court.

### **Protection from liability**

**28. (1)** No action or proceedings shall be brought against the Crown, or the Director, or any officer or servant of them, or against any other person whatsoever to recover compensation for any damage to property occasioned by such a person in the exercise or performance in good faith of his powers, duties, or obligations under this Act.

(2) No person shall be personally liable for any act done or default made by him in good faith in the course of carrying out his duties under this Act.

### **Protection of employment rights**

**29.** A person who during the period of a state of disaster emergency declared pursuant to this Act is absent from the usual employment on duties in connection with the disaster emergency in any capacity whatever shall not be liable for dismissal, loss of long service leave, sick leave, recreation leave or other benefits to which he may be entitled under the terms applicable to his usual employment by reason only of his absence on those duties whether or not his usual employer has consented to his absence.

## PART 10

### MISCELLANEOUS

### **Disaster hazard inspections**

**30. (1)** Where a Magistrate is satisfied, on evidence on oath by a hazard inspector, that the condition of any premises is reasonably suspected of posing a danger of serious injury to persons outside of the premises in the event of a disaster, the Magistrate may issue or renew an order authorizing the hazard inspector to enter and inspect those premises for hazards.

(2) An order under this section expires not later than thirty days after the date on which it is made, and may be renewed before expiry for one or more periods each of which is not more than thirty days.

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

(4) The Director shall provide himself and each hazard inspector with a distinctive badge, tag or other identification device which may conveniently be carried by himself and each hazard inspector while engaged in the performance of their duties under this section.

(5) A hazard inspector who exercises a power under this section shall identify himself as a hazard inspector to any person in control of the premises to be inspected at the time of the inspection, by the production of

his hazard inspector's badge, tag or other identification device under subsection (4) above and shall explain the purpose of the inspection.

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

(7) The hazard inspector shall prepare a report to be submitted to the Director on the results of any inspection carried out under this section, a copy of which shall be provided to the occupier of the premises.

(8) Where the Director is of the opinion, after seeing the report of the inspection carried out under this section, that the condition of any premises poses a danger of serious injury to persons outside of the premises in the event of a disaster, and that the condition of the premises which give rise to the danger constitutes a violation of any other law, he shall send a copy of the report to any Ministry, Department or other body responsible for the administration of that other law, and notify the occupier of the premises that the report has been supplied to that Ministry or Department.

(9) A report of a hazard inspector under this section shall be admissible in any legal proceedings as evidence of the truth of the report's findings of fact, whether or not the Crown is a party to such proceedings.

## Regulations

**31. (1)** The Governor may make Regulations for the purpose of implementing the provisions of this Act.

(2) Regulations, Rules and By-laws made under this Act shall be subject to the negative resolution of the Legislative Assembly within ninety days. (*Amended by Act 9 of 2011*)

(3) During any threatened disaster alert or disaster emergency, Regulations, Rules and Bye-laws made under this Act, other than Regulations required under section 31(4) to be published in the *Gazette* may be published either—

- (a) by announcement in any television or wireless transmission media licensed under Act for transmission and reception in Montserrat; or
- (b) by notice affixed to the outside of every Magistrate's court and every police station.

(4) Publication under section 31(3) shall be deemed to be sufficient compliance, for the duration of any period of disaster alert or disaster emergency, with any requirement of publication under this Act or any other law.

(5) The means of authentication of Regulations published under section 31(3) shall, unless otherwise prescribed by Regulations published in the *Gazette*, be—

- (a) in the case of media announcements under section 31(3)(a), the voice of the Premier, a Permanent Secretary, the Director or a Head of a Department of Government;
- (b) in the case of posted notices under section 31(3)(b), the actual or facsimile signature of the Premier, a Permanent Secretary, the Director or a Head of a Department of Government.

*(Amended by Act 9 of 2011)*

### **Assaulting or obstructing the Director or a hazard inspector**

**32.** A person is guilty of an offence who assaults or obstructs the Director, a hazard inspector, a shelter manager, a shelter officer, or a member of the police service in the execution of his duty in relation to—

- (a) the functions of a shelter manager or shelter officer under section 10; or
- (b) the functions of a hazard inspector under section 30; or
- (c) his functions under any Regulations, Rules or By-laws made under this Act.

*(Amended by Act 9 of 2011)*

### **Penalties**

**33. (1)** Any person who commits an offence under this Act or any Regulations made under this Act shall be liable on summary conviction to a fine of not more than \$1,000 or to imprisonment for not more than two years, or both.

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

**(3)** It shall be a defence to any charge of an offence under the Regulations which, at the time of the act charged as an offence, had been published only in the manner permitted by section 31(3), for the person charged to show that he did not see or hear an announcement or see a notice or learn from credible sources that the act charged constituted an offence.

### **Act binds the Crown**

**34.** This Act binds the Crown.

**SCHEDULE**

**DISASTER ALERT ADVANCES SCHEDULES**

| COLUMN 1  | COLUMN 2                                |
|---|---|
| <i>Type of Disaster</i>   | <i>Disaster Alert Advance Schedules</i> |
| Earthquakes<br>Fires<br>Floods<br>Hurricanes<br>Landslides or slope failures<br>Storm surges<br>Tsunamis or tidal waves<br>Volcanic eruptions<br>Oil Spills |   |





