ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER D27

DISASTER MANAGEMENT ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 11/2007, in force 1 May 2008
U.K S.I. 2019 No. 852, in force 14 May 2019

Published by the
Attorney General's Chambers
Printed under Authority by
The Regional Law Revision Inc.
ANGUILLA

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER D27

DISASTER MANAGEMENT ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 11/2007, in force 1 May 2008
U.K S.I. 2019 No. 852, in force 14 May 2019

Published by the
Attorney General's Chambers
Printed under Authority by
The Regional Law Revision Inc.
ANGUILLA

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

© Government of Anguilla

All rights reserved. No part of this publication may be reproduced in any form or by any means (including photocopying) without the written permission of the Government of Anguilla except as permitted by the Copyright Act or under the terms of a licence from the Government of Anguilla.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

DISASTER MANAGEMENT ACT

TABLE OF CONTENTS

PART 1

PRELIMINARY

SECTION

1. Interpretation

PART 2

DIRECTOR OF DISASTER MANAGEMENT

2. Director of Disaster Management
3. Functions of Director
4. Directions to Director

PART 3

NATIONAL DISASTER MANAGEMENT COMMITTEE, POLICY REVIEW AND PLAN

5. National Disaster Management Advisory Committee
6. National Disaster Management Committee
7. Disaster Management Policy Review
8. National Disaster Management Plan

PART 4

EMERGENCY OPERATIONS CENTRES AND SHELTERS

9. Emergency Operations Centres
10. Shelters

PART 5

OBLIGATIONS OF OTHER PUBLIC OFFICERS

11. Liaison officers
12. Annual report to Director
13. Director to be consulted
14. Environmental impact assessments

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

PART 6

SPECIALLY VULNERABLE AREAS

15. Delimitation of specially vulnerable areas
16. Special area precautionary plans for specially vulnerable areas
17. Draft special area precautionary plan
18. Public consultation on draft special area precautionary plan
19. Revision of draft special area precautionary plan
20. Approval or referring back of draft special area precautionary plan
21. Special area precautionary plan
22. Authorities to have regard to special area precautionary plan
23. Amendment of order delimiting the specially vulnerable area
24. Amendment of special area precautionary plan
25. Judicial review

PART 7

THREATENED DISASTER ALERTS

26. Threatened disaster alerts

PART 8

DIPLOMATIC IMMUNITIES AND PRIVILEGES
RESPECTING THE AGENCY, SENDING STATES
AND THEIR REPRESENTATIVES AND PERSONNEL ETC.

27. Interpretation for Part 8
28. Immunities and privileges of the Agency
29. Immunities of representatives of the Agency etc. attending meetings
30. Immunities, privileges and facilities accorded to sending State and its personnel
31. Immunities to families of representatives and staff
32. Compilation of lists of persons entitled to immunities
33. Provisions as to regulations made under this Part
34. Transit of personnel, equipment and property in time of disaster emergency

PART 9

PROTECTION AND COMPENSATION

35. Protection from liability
36. Protection of employment rights
37. Compensation

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

PART 10

MISCELLANEOUS

38. Disaster hazard inspections
39. Dangers
40. Personal identification device
41. Regulations
42. Assaulting or obstructing the Director or a hazard inspector, etc.
43. Penalties
44. Power to institute proceedings
45. Application of Emergency Powers Act
46. Act binds the Crown
47. Citation

SCHEDULE 1: Public Consultation Procedure
SCHEDULE 2: Disasters and Threats of Disasters
SCHEDULE 3: Diplomatic Immunities and Privileges

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

DISASTER MANAGEMENT ACT

PART 1

PRELIMINARY

Interpretation

1. (1) In this Act, unless the context otherwise requires—

"Act" includes regulations made under this Act;

"Anguilla" includes the territory of Anguilla and the territorial waters of Anguilla;

"Director" means the Director of Disaster Management referred to in section 2;

"disaster emergency" means a public emergency declared under section 17 of the Constitution and section 2 of the Emergency Powers Act on account of the threat or occurrence of an emergency or a disaster;

"hazard inspector" means a person appointed or designated a hazard inspector under section 2;

"listed premises" means premises listed in the list of premises established and maintained under section 10;

"National Committee" means the National Disaster Management Committee established under section 6;

"shelter manager" means a person appointed or designated a shelter manager under section 2;

"shelter officer" means a person appointed or designated a shelter officer under section 2;

"special area precautionary plan" means a special area precautionary plan referred to in section 17.

(2) References in this Act to "hazard inspector", "shelter manager" or "shelter officer" shall be construed to include references to the Director and any police officer.

(Am. in L.R. 15/12/2008)

PART 2

DIRECTOR OF DISASTER MANAGEMENT

Director of Disaster Management

2. (1) There shall be a Director of Disaster Management, who shall be a public officer.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(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 public officers appointed or designated to discharge the functions of hazard inspectors or shelter managers or officers under this Act.

(3) The Director and any police officer shall have all the enforcement powers of a hazard inspector, shelter manager or shelter officer under sections 38 and 41(3)(b).

Functions of Director

3. (1) Subject to section 4, the Director shall be responsible to the Governor in Council for coordinating the general policy of the Government relating to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Anguilla.

(2) The Director shall, for the purposes of subsection (1) and in addition to discharging other functions conferred on him 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 that policy, and to make recommendations to the Governor in Council with respect thereto;

(b) develop and recommend to the Governor in Council national policies to foster and promote the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Anguilla;

(c) co-operate with non-government organizations and other private sector entities to develop and draw up a comprehensive plan for response to and recovery from emergencies and disasters in Anguilla;

(d) gather timely and authoritative information concerning the conditions and trends in the quality of the environment, both current and prospective, as these relate to the likelihood of disasters in Anguilla;

(e) analyse and interpret the information gathered under paragraph (d) for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy of this Act;

(f) conduct investigations, studies, surveys, research and analyses relating to ecological systems and environmental quality, and shall document and define changes in the natural environment as these relate to the likelihood of disasters in Anguilla;

(g) coordinate the preparation and review of disaster risk assessment maps for Anguilla;

(h) conduct programmes of public information and education on the mitigation of, preparedness for, response to and recovery from emergencies and disasters;

(i) liaise with persons and organisations within and without Anguilla for the purpose of exchanging information and facilitating the harmonisation of the policies of such persons and organisations with those of the Government relating to the management,

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

prevention and mitigation of, preparedness for, response to and recovery from emergencies and disasters in Anguilla;

(j) 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 Anguilla.

Directions to Director

4. 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 him by or under this Act as the Governor in Council may give on any matter that affects the public interest, and the Director shall give effect to all such directions.

PART 3

NATIONAL DISASTER MANAGEMENT COMMITTEE, POLICY REVIEW AND PLAN

National Disaster Management Advisory Committee

5. (1) There shall be a National Disaster Management Advisory Committee comprising—

(a) the Governor or, in his absence, the Deputy Governor, as Chairman;

(b) the Premier or his representative; and
(U.K. S.I. 2019 No. 852, s.13(a))

(c) such other persons appointed by the Governor from among Government Ministers, private sector officials and other members of the Anguillian community as the Governor in Council thinks fit.

(2) The Director shall be the Secretary of the Advisory Committee.

(3) The functions of the Advisory Committee are as follows—

(a) to review the disaster management initiatives, implementation mechanisms and the activities of the National Committee;

(b) to review the yearly report, work programme and draft budget of the Department of Disaster Management;

(c) to review the status, initiatives and work plans of all sub-committees of the National Committee; and

(d) to advise the Governor in Council in relation to any matter referred to in paragraphs (a), (b) and (c).

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(4) The Advisory Committee shall meet at least once every 6 months in every year and at such other times as may be necessary or expedient or as the Governor in Council may direct for the conduct of its functions under subsection (3).

(5) Subject to the provisions of this section, the Advisory Committee may regulate its own proceedings.

(6) In subsections (2) to (5), "Advisory Committee" means the National Disaster Management Advisory Committee established under subsection (1).

(Am. in L.R. 15/12/2008)

National Disaster Management Committee

6. (1) There shall be a National Disaster Management Committee comprising—

(a) the Governor or, in his absence, the Deputy Governor, as Chairman;

(b) a Government Minister;

(c) such other persons as may be appointed by the Governor in Council to represent—

(i) the Premier's Office,
(U.K. S.I. 2019 No. 852, s.13(a))

(ii) the Ministry of Social Development,

(iii) the Ministry of Finance,

(iv) the Ministry of Infrastructure, Communications, Utilities and Housing,

(v) the Royal Anguilla Police Force,

(vi) the Anguilla Fire and Rescue Service,

(vii) the Anguilla Tourist Board,

(viii) the Health Authority of Anguilla, and

(ix) such other Ministries, Government departments and government agencies as the Governor in Council thinks fit; and

(d) such other persons or organizations, as the Governor in Council 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 Anguilla.

(2) The Chairman and any 6 other members of the National Committee shall constitute a quorum for its meetings.

(3) The Director shall be the Secretary of the National Committee.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(4) The Director shall, in consultation with the National 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 Anguilla, which other committees and sub-committees shall be available to be convened whenever a threatened disaster alert arises or a disaster occurs.

(5) The Governor in Council may by regulations prescribe rules of procedure for the National Committee but that Committee may, subject to this Act and such rules, regulate its own procedure.

(6) The National Committee shall advise the Governor in Council on the policies respecting disaster management and all other matters incidental or relating to disaster management under this Act.

(7) Without limiting the generality of subsection (6), the National Committee shall advise the Governor in Council in respect of—

(a) the policies and procedures to prevent or minimize damage to archival materials or organizational records resulting from a disaster;

(b) the procedures to be adopted to co-ordinate the resources necessary to ensure that all steps are taken to plan for and counter the effects of disasters;

(c) the establishment and maintenance of a national disaster management enforcement system.

Disaster Management Policy Review

7. (1) The Director shall, within 3 months after the end of every calendar year, prepare, for the approval of the Governor in Council, a Disaster Management Policy Review in relation to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Anguilla.

(2) The Director shall, in the preparation of the Disaster Management Policy Review, consult the National Committee.

(3) The Disaster Management Policy Review approved by the Governor in Council shall be published by the Director in the *Gazette* not later than the 31st day of May in each year.

National Disaster Management Plan

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

(2) The National Disaster Management Plan shall include—

(a) procedures related to disaster preparedness and response of public officers, Ministries and Government departments, government agencies, and persons or organizations who volunteer or are required by law to perform functions related to the mitigation

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

of, preparedness for, response to and recovery from emergencies and disasters in Anguilla;

(b) procedures for coordinating the National Disaster Response Plan and its implementation with the preparation and implementation of disaster response plans of persons and bodies in paragraph (a);

(c) procedures for coordinating an organised recovery after an emergency or disaster has impacted upon Anguilla;

(d) procedures for informing persons under paragraph (a) and the public in Anguilla and elsewhere of the existence of a threatened disaster alert under section 26 or the existence of a disaster emergency;

(e) procedures for preparing 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 26 or the existence of a disaster emergency;

(f) procedures for mobilising services and systems for the mitigation of, preparedness for, response to and recovery from emergencies and disasters during a threatened disaster alert under section 26 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;

(g) procedures for the protection and restoration of communications, both nationally and internationally, during a threatened disaster alert under section 26 or in the event or the aftermath of a disaster emergency;

(h) procedures for informing persons under paragraph (a) and the public in Anguilla and elsewhere of the state of affairs during a threatened disaster alert under section 26 or in the event or the aftermath of a disaster emergency;

(i) 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 26 or in the event or the aftermath of a disaster emergency;

(j) procedures for safeguarding against fire and epidemics during a threatened disaster alert under section 26 or in the event or the aftermath of a disaster emergency;

(k) procedures for the provision of shelter for persons during a threatened disaster alert under section 26 or in the event or the aftermath of a disaster emergency;

(l) procedures for cooperation with international organizations and governments of countries outside Anguilla during a threatened disaster alert under section 26 or in the event or the aftermath of a disaster emergency;

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(m) procedures for accepting and facilitating the distribution of volunteer services and relief supplies during a threatened disaster alert under section 26 or in the event or the aftermath of a disaster emergency;

(n) procedures to apply if the evacuation of all the residents of any area is considered to be desirable in the event of a disaster emergency;

(o) procedures for the provision of medical care in the event of a disaster emergency;

(p) procedures to apply if the requisitioning of private property is considered to be desirable in the event of a disaster emergency, including procedures for assessing and paying compensation;

(q) 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 shall, in the preparation of the National Disaster Management Plan, consult the National Committee.

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 referred to 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 26 or in the event or the aftermath of a disaster emergency.

(2) The Director shall, in the list of premises established and maintained under subsection (1)—

(a) distinguish between listed premises in Crown occupation and other listed premises;

(b) specify the facilities available at each listed premises;

(c) indicate the occupancy capacity of each listed premises;

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(d) indicate the suitability of each listed premises for use during a threatened disaster alert under section 26 or in the event or the aftermath of a disaster emergency; and

(e) indicate the periods for which each listed premises would be suitable for use during a threatened disaster alert declared by the Governor or the aftermath of a disaster emergency.

(3) The Director shall, subject to subsection (4), assign to each listed premises a shelter manager charged with the responsibility of managing the shelter during any period where the premises are being used for that purpose, and may assign shelter officers to assist any shelter manager.

(4) Where any listed premises are not in Crown occupation, the designation of shelter managers or shelter officers for such premises shall be subject to an agreement between the owner or, as the case may be, the occupier of the premises and the Director.

(5) Notwithstanding any law to the contrary, the owner or occupier of any listed premises shall not be liable to any person taking shelter on such premises for any injury to such person or damage to or loss of such person's property, which injury, damage or loss arises from the condition of the premises, where the use of the premises as a shelter was within the listed limits of suitability of the premises under subsection (2).

(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) 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 Government department 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 Government department under section 8(2)(a).

Annual report to Director

12. Every Permanent Secretary and Head of a Government department shall supply annually to the Director in such form and by such date as may be required by the Governor in Council such information as may be requested by the Director for the purposes of sections 3(2) and 8(2).

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Director to be consulted

13. (1) Subject to the provisions of this section, any person other than the Attorney General, the Judge of the High Court or Magistrate empowered to exercise any disaster management related powers under this Act or any other Act shall first consult the Director before exercising any such powers.

(2) The obligation to consult under subsection (1) shall not apply—

(a) during a disaster emergency, where the person exercising a power referred to in subsection (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 subsection (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 notice published in the *Gazette*.

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

Environmental impact assessments

14. A power under any law requiring the preparation and submission of an environmental impact assessment is, whether such power is express or implied, a disaster management related power for the purposes of section 13(1).

PART 6

SPECIALLY VULNERABLE AREAS

Delimitation of specially vulnerable areas

15. (1) The Governor in Council 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 in Council, a draft order delimiting any specially vulnerable area that the Director recommends for designation under subsection (1).

(3) Before approving the draft order delimiting a specially vulnerable area, the Governor in Council shall arrange for a public consultation to be held in conformity with the provisions of Schedule 1, at which the Director shall present the draft order for discussion and comment.

(4) The Governor in Council may combine a public consultation under this section with a public consultation under section 18.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(5) After the public consultation has been held, the Governor in Council shall, if the Governor in Council decides to accept the Director's recommendation for the designation of the area, consider what revisions ought to be made to the draft order and shall settle the delimitation of the specially vulnerable area by making the order and publishing it in the *Gazette*.

Special area precautionary plans for specially vulnerable areas

16. (1) The Director may prepare, for the approval of the Governor in Council, a draft special area precautionary plan for a specially vulnerable area designated 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 the 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.

Draft special area precautionary plan

17. (1) The Director shall, by notice published in the *Gazette* and at least one newspaper published or in general circulation in Anguilla, invite written submissions from the public relating to the contents of a draft special area precautionary plan.

(2) The Director shall allow a period of not less than 4 weeks and not more than 8 weeks for the receipt by him of the submissions referred to in subsection (1).

(3) From the date of the invitation to the public under subsection (1) the Director shall, on an application in writing by a person, permit the person access to any technical studies used in the preparation of the draft special area precautionary plan.

Public consultation on draft special area precautionary plan

18. (1) When the draft special area precautionary plan is presented to the Governor in Council for approval, the Governor in Council shall, unless he considers that the objectives of the draft plan have already been met under the provisions of another law in force in Anguilla, arrange for a public consultation to be held in conformity with the provisions of Schedule 1 and at which the Director shall present the draft plan for discussion and comment.

(2) The Governor in Council may combine a public consultation under this section with a public consultation under section 15.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Revision of draft special area precautionary plan

19. After the public consultation has been held, the Director shall consider what revisions, if any, ought to be made in the draft special area precautionary plan in light of the proceedings of the public consultation, and resubmit the draft plan to the Governor in Council with such revisions, if any.

Approval or referring back of draft special area precautionary plan

20. (1) The Governor in Council may—

(a) by order, subject to the affirmative resolution procedure, approve the resubmitted draft special area precautionary plan;

(b) refer the draft plan back to the Director for such changes as the Governor in Council may require, in which event the Director shall make the changes as required and resubmit the draft plan to the Governor in Council;

(c) discontinue the process if he considers that the objectives of the draft plan have been met under the provisions of another law in force in Anguilla.

(2) Section 18 shall apply to a draft special area precautionary plan resubmitted to the Governor in Council under paragraph (1)(b) as it applies to a draft special area precautionary plan under section 17.

Special area precautionary plan

21. (1) The draft special area precautionary plan approved under section 20 shall, upon publication in the *Gazette,* 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 any enactment, in force in Anguilla, in respect of physical planning, land development or land use.

Authorities to have regard to special area precautionary plan

22. 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

23. (1) The Director may, with the approval of the Governor in Council, 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

24. (1) The Director may, at any time, prepare and submit for the approval of the Governor in Council draft amendments of the special area precautionary plan for the specially vulnerable area.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(2) The amendment of the special area precautionary plan in accordance with the draft amendments referred to in subsection (1) shall comply with sections 17 to 20, and the amended special area precautionary plan shall, when approved under section 20 and published in the *Gazette,* constitute the special area precautionary plan under section 21.

Judicial review

25. (1) A person may, within 6 weeks from the date on which a special area precautionary plan for a specially vulnerable area is published in the *Gazette* under section 21(1), make an application to the High Court for a review of such precautionary plan, if the person—

(a) to the extent that such precautionary plan relates to his property, is aggrieved by that precautionary plan; and

(b) desires to question the validity of such precautionary plan or of any provision contained in such precautionary plan on the grounds that it is not within the powers of this Act or that any requirement of this Act or of any regulation made under this Act has not been complied with in relation to the approval or preparation of such precautionary plan.

(2) The High Court may, on an application under subsection (1), quash such precautionary plan or any provision contained in such precautionary plan, either generally or in so far as it affects the property of the applicant if the High Court is satisfied that—

(a) such precautionary plan is, or, as the case may be, any powers contained in such precautionary plan are, not within the powers of this Act; or

(b) in the preparation of such precautionary plan, the interests of the applicant in any property have been substantially prejudiced by a failure to comply with any requirement of this Act or of any regulations made under this Act.

(3) Where the whole such precautionary plan is quashed under subsection (2), the Director shall prepare a new draft special area precautionary plan for the specially vulnerable area to which sections 17 to 20 shall apply as these sections apply to a draft plan under section 16.

(4) Where a provision of such precautionary plan is quashed under subsection (2) but, the whole of such precautionary plan is not quashed, such precautionary plan without the quashed provision shall be deemed to be an approved amended special area precautionary plan under section 20(1)(a).

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

PART 7

THREATENED DISASTER ALERTS

Threatened disaster alerts

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

(a) the Governor, upon the recommendation of the Director under subsection (2) but after consultation with the Premier, declares by Proclamation that there is a substantial prospect that a disaster of a kind set out in Schedule 2 will strike Anguilla within such period as may be specified; or

(U.K. S.I. 2019 No. 852, s.13(a))

(b) an agency, whether within Anguilla or otherwise, certified by the Director as an Accredited Disaster Notification Service under subsection (3), broadcasts or otherwise publishes a formal announcement warning persons in Anguilla of the threat of a disaster of a kind set out in Schedule 2 striking Anguilla within such period as may be specified, but the Governor may, on the same recommendation and after the same consultation specified in paragraph (a), declare that, notwithstanding such an announcement, Anguilla is not in a state of threatened disaster alert.

(2) The Director shall recommend to the Governor on request, and at any time the Director considers appropriate, when there is a substantial prospect that a disaster of a kind set out in Schedule 2 will strike Anguilla within such period as may be specified.

(3) The Director may certify any agency, whether within Anguilla or otherwise, as an Accredited Disaster Notification Service for the purposes of this Act if he considers the agency to have a high level of technical expertise in the prediction or assessment of risk of any kind of disaster.

(4) A certification under subsection (3) may be general or limited to specified kinds of disasters.

(5) The Director shall work with the radio, television and print media to define and disseminate general alert message templates for disasters and threats of disasters of the kinds set out in Schedule 2, and every alert message required to be given to the public in relation to a threatened disaster alert, utilising radio, television and print media, shall be given in an expeditious, clear and consistent manner which takes into account the needs of the disadvantaged and non-English speaking populations.

(6) References in subsection (5) to "alert message" shall be construed as including references to warnings, notification or other similar information required to be given to the public in relation to disasters and threatened disasters of the kinds set out in Schedule 2.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

PART 8

DIPLOMATIC IMMUNITIES AND PRIVILEGES RESPECTING THE AGENCY, SENDING STATES AND THEIR REPRESENTATIVES AND PERSONNEL ETC.

Interpretation for Part 8

27. In this Part, unless the context otherwise requires—

"Agency" means the Caribbean Disaster Emergency Response Agency established by Article 2 of the Agreement;

"Agreement" means the Agreement establishing the Caribbean Disaster Emergency Response Agency;

"requesting State" means a State party to the Agreement requesting assistance in the event of a disaster emergency;

"sending State" means a State party to the Agreement rendering assistance to Anguilla in the event of a disaster emergency.

Immunities and privileges of the Agency

28. The Agency shall have—

(a) immunity from suit and legal process except to the extent that the Agency waives this immunity expressly in any particular case;

(b) the inviolability of its archives and the premises occupied as its offices;

(c) immunity of its property and assets wherever located or by whomever held in Anguilla from search, requisition, confiscation, appropriation or any other form of seizure by executive or legislative action;

(d) exemption from taxes and customs duties on the importation of goods by the Agency for its official use in Anguilla or for exportation, such exemptions to be subject to compliance with such conditions as the Comptroller of Customs in Anguilla may prescribe for the protection of the revenue;

(e) exemption of its assets and property, its income and its operations and transactions from direct taxation; and

(f) in respect of its official communications, treatment no less favourable than that accorded by Anguilla to other international organizations.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Immunities of representatives of Agency etc. attending meetings

29. Where a meeting of the Council or Board of Directors of the Agency is held in Anguilla, the Governor in Council may, by regulations, confer upon—

(a) any person who is a representative of the Agency or is a member of the Council or Board of Directors of the Agency; and

(b) such number of the staff of the Agency as may be specified in the regulations, being holders of such offices in the Agency as may be so specified;

to such extent as may be specified in the regulations, the immunities and privileges set out in Part 1 of Schedule 3.

Immunities, privileges and facilities accorded to sending State and its personnel

30. (1) A sending State shall have—

(a) exemption from taxes, duties or other charges on equipment and property which it brings into Anguilla for the purpose of rendering assistance to Anguilla in the event of a disaster emergency; and

(b) immunity from seizure, attachment or requisition of such equipment and property.

(2) Where in the event of a disaster emergency—

(a) Anguilla requests assistance from States parties to the Agreement;

(b) a sending State notifies Anguilla of its personnel or the personnel acting on its behalf who are to render the assistance to Anguilla; and

(c) Anguilla accepts such personnel to render such assistance;

the Governor in Council may, by regulations, confer upon such personnel, to such extent as may be specified in the regulations, the immunities and privileges set out in Part 2 of Schedule 3.

Immunities to families of representatives and staff

31. (1) Part 2 of Schedule 3 shall have effect for the purpose of extending to the families of the representatives, staff and personnel as are mentioned in sections 29 and 30 any immunities and privileges conferred on such representatives, staff and personnel, except in so far as the operation of that Part is excluded by the regulations conferring the immunities and privileges.

(2) The regulations shall be so framed as to ensure that there are not conferred on any person immunities or privileges greater in extent than those which at the time of making of the regulations are required to be conferred on that person in order to give effect to the Agreement in that behalf.

(3) Nothing in this section and sections 28, 29 and 30 shall be construed as authorising any person enjoying privileges and immunities under this Part to interfere in the domestic affairs of Anguilla or act in any manner which does not indicate respect for the laws and regulations of Anguilla.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Compilation of list of persons entitled to immunities

32. (1) Where immunities and privileges are conferred on persons by regulations under this Part, the Governor—

(a) may compile a list of the persons entitled to such immunities and privileges and shall cause such list to be published in the *Gazette*; and

(b) whenever any person ceases or begins to be entitled to the immunities or privileges to which such list relates, shall amend the list and cause notice of the amendment or, if he thinks fit, an amended list to be published in the *Gazette*.

(2) Every list or notice published under subsection (1) shall state the date from which the list or amendment takes or took effect.

(3) Where a list of the persons entitled to immunities and privileges under this Part has been published, the fact that any person is or was included or not included at any time among the persons entitled to the immunities and privileges in question may be conclusively proved by—

(a) producing the *Gazette* containing the list or, as the case may be, the last list taking effect before that time together with the *Gazette*, if any, containing notices of the amendments taking effect before that time; and

(b) showing that the name of that person is or was at that time included or not included in the list.

Provisions as to regulations made under this Part

33. (1) Regulations made under this Part shall be laid as soon as may be practicable before the House of Assembly and if, within the period of 40 days beginning with the day any such regulations are laid before it, the House of Assembly by resolution requests that the regulations be annulled, the Governor in Council may annul the regulations.

(2) Regulations annulled under subsection (1) shall cease to have effect, but without prejudice—

(a) to the validity of anything done under such regulations in the meantime; or

(b) to the making of new regulations.

(3) In reckoning the period of 40 days, no account shall be taken of any time during which the House of Assembly is dissolved or prorogued.

(4) Any such regulations may be varied or revoked by subsequent regulations in like manner.

Transit of personnel, equipment and property in time of disaster emergency

34. Where—

(a) personnel, equipment or property are required to transit from Anguilla to and from another State party to the Agreement as a result of response to or recovery from an emergency disaster in a requesting State; and

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(b) the Governor in Council receives notice of such transit of personnel, equipment or property;

the Governor in Council shall, upon receipt of such notice, cause to be taken such measures as may be necessary to facilitate such transit.

PART 9

PROTECTION AND COMPENSATION

Protection from liability

35. (1) No action or proceeding shall be brought against the Crown or the Director or any agent or servant of the Crown or the Director or against any other person authorised under this Act to recover compensation for any damage to property occasioned by such 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 omitted to be done by him in good faith in the course of carrying out his duties and functions under this Act.

Protection of employment rights

36. (1) A person who during the period of disaster emergency is absent from his usual employment due to duties in connection with the disaster emergency in any capacity whatsoever shall not be liable to dismissal from employment or suffer any loss of salary or leave or benefits that that person may be entitled to under the terms and conditions applicable to his usual employment by reason only and only of his absence on such duties, whether or not his usual employer consented to such absence.

(2) The Director shall certify in writing that the services of any person referred to under subsection (1) are or had been so required for the performance of the tasks related to the disaster emergency.

(3) An employer who fails to comply with subsection (1) commits an offence.

Compensation

37. Where the Director or any public officer or person appointed under this Act suffers any physical injury, or loss of or damage to any personal property in the course of carrying out his duties under this Act or regulations made under this Act, the Director, public officer or person shall be entitled to receive compensation paid out of public funds in respect of the expenses incurred by him or on his behalf in the treatment of any injury and to the extent of his pecuniary loss in respect of the personal property loss or damage.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

PART 10

MISCELLANEOUS

Disaster hazard inspections

38. (1) Where the Magistrate is satisfied, on evidence given 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 authorising the hazard inspector to enter and inspect those premises for hazards.

(2) An order under this section—

(a) may be issued or renewed on application notwithstanding that no notice of the application is given to any person who may be affected thereby; and

(b) shall be carried out during daylight hours unless the order authorises otherwise.

(3) An order issued under this section shall expire not later than 30 days after the date on which it is made, and may be renewed before expiry for one or more periods each of which shall not be for more than 30 days.

(4) The hazard inspector shall prepare a report on the results of any inspection carried out under this section and shall, immediately after the report is completed, furnish a copy of that report to the occupier of the premises.

(5) Where, after carrying out an inspection under this section, the hazard inspector is of the opinion 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 such condition constitutes a violation of any other law in force in Anguilla, he shall send a copy of the report to any Ministry, Government department or other body responsible for the administration of that other law, and notify the occupier of the premises that the report has been sent to the Ministry, Government department or other body in question.

(6) 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.

(7) This Act does not prejudice any right under any other law to take steps to ameliorate the condition of premises considered to pose danger under subsection (5).

Dangers

39. (1) Where the Director or his agent or servant or any other person authorised under this Act identifies any tree, land, building, vehicle, scrap or waste or any other item that by any reason of its condition poses a danger in the event of a disaster to the health or safety of any area, the Director shall issue a notice in writing to the owner or occupant or any other person having a material interest in the property on which the item is located, requesting that specific steps be taken to abate or remove the danger and stating the period for compliance.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(2) A person who is served with a notice under subsection (1) and who fails to comply with the directions of the Director within the period specified therein commits an offence and, in addition to the penalty imposed under section 43 to which he is liable, may be ordered by the Magistrate to pay such costs, if any, incurred by the Director in abating or removing the danger.

Personal identification device

40. (1) The Director shall provide himself and his agent or servant or any person authorised under this Act and each hazard inspector with a distinctive badge, tag or other personal identification device which may conveniently be carried while engaged in the performance of their duties under this Act.

(2) A hazard inspector who exercises a power under this Act shall identify himself as a hazard inspector to any person in control of the premises to be inspected at the time of an inspection under section 38, by the production of his hazard inspector's badge, tag or other personal identification device provided under subsection (1) and shall explain the purpose of the inspection.

(3) The Director or his agent or servant or any person authorised under this Act, in exercising a function under section 39, shall identify himself to the owner, occupant or other person having a material interest in the property on which the danger stands by producing his badge, tag or other identification device and explain the purpose of his mission.

Regulations

41. (1) The Governor in Council may make regulations for carrying out or giving better effect to this Act.

(2) Without prejudice to the generality of subsection (1), the Governor in Council may make regulations and rules—

(a) prescribing the procedures for holding public consultations under this Act;

(b) prescribing rules of procedure for the National Committee and such other committees established under this Act and to determine the payment of reasonable compensation for the use of private property requisitioned by the Director;

(c) prescribing the limits of suitability of premises which may be listed for use as shelters during a threatened disaster alert under section 26 or in the event or aftermath of a disaster emergency;

(d) prescribing that notice of the availability of a report under subsection 38(4) may be given by advertisement in the *Gazette* and at least one newspaper published or in general circulation in Anguilla where attempts to identify or find the occupier, for the purpose of providing the report under that subsection or notify its contents under subsection 38(5) have not succeeded after one month or such longer period as may be prescribed;

(e) specifying the periods which shall apply in relation to threatened disaster alerts of the kinds set out in Schedule 2;

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(f) respecting the implementation of special area precautionary plans under the provisions of this Act.

(3) Without prejudice to the generality of subsection (1), the Governor in Council may make by-laws—

(a) in respect of listed premises not in Crown occupation on the recommendation of the owners or, as the case may be, the occupiers of such premises;

(b) conferring enforcement powers on shelter manager and shelter officers for the purpose of keeping order in shelters;

(c) subject to the advice of the National Committee, conferring authority on the Director—

(i) to prescribe the requisition of transport, whether public service or private vehicle, and private lands, buildings and other premises for the purposes of this Act and to determine the payment of reasonable compensation for the use of private property requisitioned by the Director,

(ii) to direct the assistance of identified relief agencies and bodies including statutory boards, volunteer forces and similar entities,

(iii) to regulate the use of any listed premises by persons taking shelter therein during the period when such premises are in use as shelters,

(iv) to issue national guidelines and codes to such Ministries, Government departments, government agencies, groups, organisations, businesses and other entities concerning the preparation, management, mitigation, recovery of and responses to disasters,

(v) to co-ordinate inter-agency disaster plans;

(d) subject to the advice of the National Committee, conferring authority on the Director and on his agents, servants or other authorised persons to enter on or pass through or over any private lands or other premises for any action in connection with duties under this Act.

(4) During any threatened disaster alert or disaster emergency, regulations, rules and by-laws made under this Act other than regulations made pursuant to paragraph (2)(e) respecting the implementation of a special area precautionary plans may be published either—

(a) by announcement in any television or wireless transmission media licensed under the Telecommunications Act for transmission and reception in Anguilla; or

(b) by notice affixed to or posted on the outside of the Magistrate's Court and every police station located in the area of Anguilla to which the regulations apply.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(5) Publication under subsection (4) 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.

(6) The means of authentication of regulations published under subsection (4) shall, unless otherwise prescribed by regulations published in the *Gazette*—

(a) in the case of media announcements under paragraph (4)(a), be the voice of the Governor, the Premier, a Permanent Secretary, the Director or a Head of a Government department;

(U.K. S.I. 2019 No. 852, s.13(a))

(b) in the case of affixed or posted notices under paragraph (4)(b), be the actual or facsimile signature of the Governor, the Premier, a Permanent Secretary, the Director or a Head of a Government department.

(U.K. S.I. 2019 No. 852, s.13(a))

(7) Regulations, rules and by-laws made under this section shall be subject to negative resolution in the House of Assembly.

Assaulting or obstructing the Director or a hazard inspector, etc.

42. (1) Any person who assaults, obstructs, threatens or abuses an authorised officer in the execution of his duty, in relation to the functions of the authorised officer under any provision of this Act or any regulations, rules or by-laws made under this Act, commits an offence.

(2) For the purposes of this section "authorised officer" means the Director, a hazard inspector, shelter manager, shelter officer or police officer.

Penalties

43. (1) Any person who commits an offence under this Act or any regulations, rules or by-laws made under this Act shall be liable on summary conviction to a fine of $5,000 or to imprisonment for a term of 2 years or to 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 regulations, rules or by-laws which, at the time of the act charged as an offence, had been published only in the manner permitted by section 41(4), for the person charged to show to the satisfaction of the Magistrate that he did not see or hear an announcement or see a notice or learn from credible sources that the act for which he is charged constitutes an offence.

Power to institute proceedings

44. Where an offence is committed under this Act, the information against a person accused of committing the offence may be laid by the Director or a police officer.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Application of the Emergency Powers Act

45. The Emergency Powers Act shall, with the necessary modifications and changes as may be made, be read as one with this Act.

Act binds the Crown

46. This Act binds the Crown.

Citation

47. This Act may be cited as the Disaster Management Act, Revised Statutes of Anguilla, Chapter D27.

_____

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

SCHEDULE 1

(Sections 15(3) and 18(1))

PUBLIC CONSULTATION PROCEDURE

1. Where a public consultation is to be held under the provisions of this Act, the Governor shall by instrument in writing appoint a person to hold such public consultation.

2. The name of every person appointed to hold any such public consultation shall be published in the *Gazette*.

3. Notice of the date appointed by the Governor for the holding of a public consultation under this Act shall be published in 3 issues of the *Gazette* and of at least one newspaper published or in general circulation in Anguilla, the first such notice being not less than 2 weeks before the date so appointed.

4. The Director shall appear or be represented at every such public consultation.

5. The person appointed under section 1 of this Schedule may, for the purposes of sections 15(4) and 18(2), discharge the functions under this Schedule simultaneously with those relating to any public consultation which that person may have been appointed to hold under any other Act.

———————

SCHEDULE 2

(Sections 26 and 41(2)(e))

DISASTERS AND THREATS OF DISASTERS

A. With Defined Geographic Areas of Risk

Coastal Flooding / Storm Surges

Civil Disorders – (Riots, Public Convergence)

Communication Failures

Critical Fuel Shortages

Hazardous Materials Incidents

Landslides or Slope Failures

Mass Casualty

Pipeline Accidents

Rainfall Flooding

Terrorism or Sabotage

Transportation Accidents (Aircrash, Marine Incidents)

Tsunamis or Tidal Waves

Utility Disruptions

Volcanic Eruptions

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

B. Without Defined Geographic Areas of Risk

Air Pollution

Animal Disease Outbreaks, Infestations or Blights

Building, Dwelling or Vessel Fires

Cyber Crimes

Droughts

Earthquakes

Extreme Heat

Hurricanes or Tropical Storms

Oil Spills, Environmental Emergency

Public Health Emergency

Severe Storms

Water Spouts or Tornadoes

Wildfires

SCHEDULE 3

(Sections 30(2) and 31(1))

DIPLOMATIC IMMUNITIES AND PRIVILEGES

PART 1

IMMUNITIES AND PRIVILEGES RESPECTING
REPRESENTATIVES AND STAFF OF THE AGENCY

1. Immunity from suit and legal process with respect to acts performed by the representatives and staff of the Agency in the exercise of their functions except to the extent that the Agency waives this immunity expressly in any particular case.

2. Exemption from taxes of the salaries and other emoluments paid or any other form of payment made by the Agency to its staff and persons performing missions for it.

3. Exemptions from immigration restrictions, alien registration requirements and national service obligations.

4. Like privileges as regards exchange restrictions and travelling facilities as are accorded by Anguilla to the representatives, officials and employees of comparable rank of other States parties to the Agreement.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

PART 2

IMMUNITIES AND PRIVILEGES RESPECTING
SENDING STATES AND THEIR PERSONNEL

1. Immunity of personnel from arrest, detention and legal process including criminal, civil and administrative jurisdiction with respect to acts or omissions in the performance of the functions of the personnel, except to the extent that the country which the person represents or, as the case may be, the Agency waives this immunity expressly in any particular case.

2. Like personal exemption from taxes, duties or other charges, in respect of the performance of their functions in rendering assistance as are accorded by Anguilla to diplomatic personnel in accordance with international law.

3. Exemption from immigration restrictions, alien registration requirements and national service obligations.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai