

THE DISASTERS MANAGEMENT ACT NO. 2 OF 2003

ARRANGEMENT OF SECTIONS

SECTION **TITLE**

PART I
PRELIMINARY PROVISIONS

1. Short title and commencement.
2. Interpretation.

PART II
THE DISASTER RELIEF CO-ORDINATION COMMISSION

3. Establishment of the Commission.
4. Executive Secretary of the Commission.
5. Functions of the Commission.
6. Power of the Commission.
7. Custody of Information.

PART III
DISASTER RELIEF CO-ORDINATION COMMITTEES

8. National Committee.
9. Functions of the National Committee.
10. Meeting of the National Committee.
11. The Executive Committee.
12. A Regional Disaster Committee.
13. Composition of a Regional Committee.
14. Duties of a Regional Committee.
15. Meetings of a Regional Committee.

PART IV
DECLARATION AND OPERATION IN DISASTER AREAS

16. Declaration of disaster areas.
17. Operations in disaster area.
18. Power of the Minister during a disaster.

PART V
PROCEDURE FOR PREVENTING PEOPLE

19. Evacuation of people from a disaster area.
20. Procedure of preventing people.

PART VI
NATIONAL EMERGENCY CO-ORDINATION PLAN

21. National Plan for co-ordination and disaster prevention.

**PART VII
NATIONAL DISASTER RELIEF FUND**

- 22. Establishment of the Fund.
- 23. Purpose of the Fund.
- 24. Accounts and audit.
- 25. Offences relating to officials/staff.

**PART VIII
OFFENCES AND PENALTIES**

- 26. Offences relating to disclosure of information.
- 27. False compensation claim.
- 28. Wrong warning.
- 29. Money from fines.
- 30. Embezzlement of monies of the Fund.

**PART IX
GENERAL PROVISIONS**

- 31. Failure to perform required duties.
- 32. Responsibility of a Regional Commissioner.
- 33. Compensation.
- 34. Payment of expenses.
- 35. Regulations.

ACT NO. 2 OF 2003

I ASSENT

**{ AMANI ABEID KARUME }
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL**

9th June, 2006

**AN ACT TO PROVIDE FOR A SYSTEM FOR THE ANTICIPATION,
CO-ORDINATION AND CONTROL OF DISASTROUS SITUATIONS
AND MATTERS INCIDENTAL THERETO**

ENACTED by the House of Representatives of Zanzibar.

**PART I
PRELIMINARY**

1. This Act may be cited as the Disasters Management Act, 2003 and shall come into operation immediately upon being assented to by the President.

2. In this Act, unless the content requires otherwise:-

"Chief Minister" means the Chief Minister of the Revolutionary Government of Zanzibar;

"Commission" means the Disaster Co-ordination Commission established under section 3 of this Act;

"disaster" means an occurrence or series of occurrences, natural or man-made, causing a catastrophic situation whereby the day-to-day patterns of life are widely and suddenly disrupted and people are plunged into helplessness and suffering and as a result need to be provided with protection, food, clothing, shelter, medical and social care and other necessities of life;

"disaster area" means any area in which there occurs a disaster for which it is declared to be such an area under section 16 of this Act; disaster prevention" means any measure designed to prevent natural phenomenon from causing or resulting in disaster;

"disaster preparedness" means the state of being able to anticipate a disaster and undertake timely measure designed to minimize the loss of life, property and environment and to organize and facilitate effective emergency relief operations in time of disaster;

"Fund" means the national fund for relief assistance in various activities during the disaster;

"Government" means the Revolutionary Government of Zanzibar;

"man-made disaster" means a disaster arising from the act of human being causing a catastrophic situation which includes civil disturbances, riot and war, oil spills, influx or refugees, industrial accidents and all kind of transport accidents;

"Minister" means the Minister responsible for matter regarding the co-ordination of relief during disaster;

"natural disaster" means a disaster arising from the interaction of natural phenomenon without the help or planned by man, and includes such occurrences as earthquakes, hurricanes, floods, droughts, fire or epidemics;

"Plan" means the National Plan which identify various action plan of controlling disaster;

"President" means President of Zanzibar and Chairman of the Revolutionary Council;

"Regional Committee" means a Regional Committee for the co-ordination of various activities in the region and control of disastrous situations and the organization of relief from disaster;

"Technical subcommittee" means any technical subcommittee which may be established to assist in the prevention and controlling of the disaster.

PART II THE DISASTER RELIEF CO-ORDINATION COMMISSION

3. There is hereby established a disaster relief co-ordination commission which shall be known as the Disaster Co-ordination Commission or by the acronym "DCCOM".

4.(1) The Principal Secretary of the Ministry responsible for matter regarding the co-ordination of relief during disaster shall be the Executive Secretary of the Commission and shall be responsible to the Minister for the discharge of its functions under this Act.

(2) The Commission shall have another staff not more than ten who shall assist the Executive Secretary as the Minister may deem fit.

(3) The Executive Secretary may, with the prior approval of the Minister, co-opt such other persons as it may deem necessary or desirable for the purposes of the securing the efficient and effective discharge by the Commission of its functions under this Act.

5. The Commission shall discharge the following functions:-

- (a) to co-ordinate all disaster relief operations and preparedness measures subject to the direction of the National Committee;
- (b) to be a secretariat of the National Committee, and secure the execution of any decision of Government arising from the advice or recommendations of that National Committee;
- (c) to solicit resources from inside and outside the country which can assist in various activities for relief co-ordination and disaster prevention;
- (d) to prepare sketches or drawings of areas which are likely to happen a disaster and to analyse the possible action to be taken for prevention;
- (e) to ensure that disaster Regional Committees are well functional as prescribed;
- (f) to organize training of different level of administration together with the institutions dealing with the disaster for the purposes of preparedness during the disaster;
- (g) to ensure that every region has a centre of communication which shall have the leading role during the disaster;

- (h) to formulate and recommend for establishment by the National Committee the scope of the disaster prevention plans and the basic policies designed to govern them.
- (i) to arrange for and carry out the dissemination, on behalf of the National Committee of information for the public concerning disaster operations, preparedness and prevention activities and measures;
 - (j) to carry out or co-ordinate all research relevant to its functions for the purposes of advising the National Committee on measures necessary for disaster prevention;
 - (k) to seek and collect current data on disaster prevention measures and recommend suitable measures to the National Committee for implementation;
 - (l) to keep and maintain a directory showing the names, postal and telephone addresses of the heads of all departments of Government, Regional Commissioner, United Nations and other international organizations and voluntary agencies;
 - (m) to keep records showing the locations of all firefighting stations and units in the country;
 - (n) to keep records showing the location of all schools and other institutions of learning within the country, together with the names and addresses of their respective heads;
 - (o) to keep records or register showing:-
 - (i) the location and size of buildings which could be used as emergency shelters or hospitals in the event a disaster occurs;
 - (ii) the location, size and other statistical data relating to all airports including length, tonnage limitation, communication and elevation;
 - (iii) the location, size and other statistical data relating to all seaports in the country, including their depth, tonnage, capacity, storage facilities, types of cranes available and their loading and unloading capacities;
 - (iv) the location of and storage capacities of all key warehouses in the country;
 - (p) to work together with the Department of Land and Zanzibar Municipal Council or Town Council on the matters relating to town planning to avoid unplanned buildings;
 - (q) to do all other matters or things relevant to relief operations and co-ordination during or after a disaster.

6. The Commission shall have the following powers-

- (a) to establish subcommittees and to provide its functions and working plans and making follow up of its implementation;
- (b) to seek and collect various information from any government department, or other institutions, non-governmental organization, authority person or body of persons for the purposes of disaster relief planning operation or prevention;

- (c) subject to the National Committee, the Commission shall have powers to hold, acquire or use any land or building temporarily for the purposes of implementation of various activities relating to disaster operations;
- (d) to consult with the Minister responsible for construction to stop or avoid any kind of construction which can obstruct or affect the efforts of disaster prevention;
- (e) to engage any person or institution in its implementation of its functions, decision or direction given by the National Committee or the Minister.

7.(1) The Commission shall keep and maintain records of all information collected and may be dealt with or disposed of in such manner and such purposes as the Minister may direct.

(2) All information furnished to the Commission shall be treated as confidential, and the Minister shall have power to direct any information to be disposed of or to be given to the general public.

PART III DISASTER RELIEF CO-ORDINATION COMMITTEES

8.(1) There is hereby established a National Committee which shall be composed of the following members:-

- (a) the Chief Minister - Chairman;
- (b) Minister of State, Chief Minister's Office - Vice Chairman;
- (c) Minister of State, President's Office, Regional Administration and Special Departments;
- (d) Minister of Finance and Economic Affairs;
- (e) Minister of Health and Social Welfare;
- (f) Minister of Communication and Transport;
- (g) Minister of Agriculture;
- (h) Minister of Water, Construction, Energy and Land;
- (i) Attorney General of Zanzibar;
- (j) Chairman of the Committee of Social Welfare of the House of Representatives;
- (k) All Regional Commissioners of Zanzibar;
- (l) The Executive Secretary of the Commission - Secretary.

(2) The National Committee may co-opt such other persons as it may deem necessary or desirable for the purposes of securing the efficient and effective discharge by the National Committee of its functions, except that such persons shall have no right to vote.

9.(1) The National Committee shall be responsible generally for over-seeing and co-ordinating the activities of the government designed to secure the effective prevention of disasters and the preparedness and operation of affairs in the event of a disaster.

(2) Without prejudice to the generality of subsection (1) of this section, it shall be the responsibility of the National Committee to -

- (a) advise the President on all matters relating to the disaster;
- (b) make sure that the Government being able to anticipate a disaster, and disaster preparedness;
- (c) ensure that all staff are able physically and technically and all important equipment are available to minimize the seriousness of the disaster;
- (d) ensure that all kinds of disaster and their impacts to the community are known;
- (e) make sure that adequate preparation are taken by institutions dealing with disaster to enable them to give their assistance on various matters during a disaster;
- (f) give directions to the Commission which intended to co-ordinate well activities of controlling a disaster;
- (g) make sure that the executive committee and other institution dealing with disaster are well equipped with knowledge and instruments and are able to deal with disaster at any time.

10.(1) the meetings of the National Committee shall be convened 24 hours by the Chairman after he has been notified by the Executive Secretary on the disaster event at the place and time determined.

(2) When the Chairman and Vice Chairman are both absent then the Executive Secretary shall convene the meeting and the National Committee shall elect one of their members to preside on that meeting.

(3) All decision of the National Committee shall be determined by the majority votes of the members present.

(4) The National Committee shall keep and maintain minutes of its meetings and such minutes shall be confirmed by the Chairman.

(5) The next meeting can proceed without confirming the previous minutes if the Chairman thinks that the disaster situation is so urgent.

11.(1) The executive committees shall be formed in all sectors dealing with various matters of disaster prevention.

(2) Sectors which shall form such committees are health, agriculture, communication, Fire Brigade, Defence and Security Forces and any other sector which the Minister deems necessary.

(3) Such committees shall be presided by the Minister responsible of that sector and its structure shall be set by the Commission.

(4) The committee shall have the duty to direct control of a disaster and may co-opt any person in order to save the lives of people and their properties and to minimize the effects of a disaster.

12. There is hereby established in every region a Regional Committee which shall be responsible to oversee and supervise all regional programmes and considers their implementation and to give advice to the Minister on any programme which, on the opinion of the committee, may cause a disaster.

13. A Regional Committee shall have the following members -

- (a) a Regional Commissioner - Chairman;
- (b) all District Commissioners within that region;
- (c) the Director of Municipal or Secretary of the Town Council;
- (d) the Secretaries of the District Councils within that region;
- (e) Regional Medical Officer;
- (f) Regional Police Commander;
- (g) Regional Security Officer
- (h) a Regional Administrative Officer - Secretary.

14.(1) A Regional Committee shall have the following duties:-

- (a) to supervise the implementations of programmes which deal with a disaster prevention prepared by the Commission;
- (b) to work together with the Commission in order to know the kinds of disaster and the people who might be affected in the region;
- (c) to ensure that sectors concerned in the region are implementing the activities relating to a disaster specified in the disaster action plan;
- (d) to work together with non governmental organizations within the region in the preparedness, prevention and minimizing the impact of disaster;
- (e) to ensure the carrying out of the responsibilities of the region as directed by the Commission;
- (f) to review all national plans and other plans in order not to affect the region and the nation;
- (g) to encourage the society in the development of various activities within the region which can assist in minimizing the disaster;
- (h) to do any other activity relating to a disaster which the Minister or the Regional Committee may think necessary.

(2) In the exercise of any function relating to a disaster in the region, the information on the execution shall be given by the Regional Commissioner before any person or institution starts its implementation.

15.(1) A Regional Committee shall conduct its meetings within the region once in every month.

(2) The meeting shall be convened by the Chairman and shall be valid if half of all its members are present.

(3) All meetings shall be presided by the Chairman and in his absence members shall elect one among its members to preside that meeting.

(4) Any person may be co-opted in any meeting if it deems necessary but such person shall have no right to vote.

(5) All decisions of the meeting of the Regional Committee shall be determined by a simple majority of members.

(6) A Regional Committee shall keep and maintain minutes of its meetings and such minutes shall be confirmed in the next meeting and shall be signed by the Chairman.

(7) Any emergency meeting shall be convened by the Chairman and any number of members shall constitute a quorum.

PART IV DECLARATION AND OPERATION IN DISASTER AREAS

16.(1) When the Commission is satisfied that an emergency situation aggregating to a disaster exists in any area in Zanzibar it shall cause information regarding that situation to be promptly brought to the attention of the Minister who shall inform the Chairman of the National Committee who shall inform the President accordingly and advise him of the view of the National Committee.

(2) The President upon receipt of such information and advice he may direct the Minister if he considers necessary that the Emergency Operation Plan be applied to the situation in that area by notice published in the gazette as well as in any other media.

(3) The President may declare the area in which the emergence situation exists to be a disaster area and the public shall not be allowed to use that area until other directives be given.

17.(1) Upon the declaration of any area as a disaster area, the Commission shall as soon as possible cause such measures under the Emergency Operation Plan as may be appropriate to be taken in respect of that area in order to minimize the impact.

(2) The Commission shall provide for procedural activation and operation of the Emergency Operation Plan in the affected areas.

(3) The Commission shall propose to the Minister, as may be appropriate, the following measures to be taken to:-

- (a) provide and distribute disaster relief through subcommittee which may be established;
- (b) evacuate people from that area and allocate them to the temporary area;
- (c) ensure that transport are available and be used when they needed;
- (d) control the movement of people and property in the disaster area;

- (e) give information to the public from time to time through media on the efforts taken in the disaster area.

18. In addition to the powers given under this Act, the Minister shall have the extra powers and authority as follows -

- (a) to consult with relevant leaders when using any buildings, equipment and services needed in the disaster relief operation given by the government, non-governmental organizations or private sectors;
- (b) to deploy civil servants in the various operations of disaster;
- (c) to ensure that reserve of food, equipment and other necessary matters are provided by the government;
- (d) to make sure that all the time the country has enough equipment of preventing disaster together with experts of operating them.

PART V PROCEDURE FOR PREVENTING PEOPLE

19. During emergency and disaster, every person shall be required to leave a disaster area and no person shall be allowed to enter any transport in that area except for the disaster operations.

20.(1) The Commission in consultation with various institutions shall prepare plan which shall set out procedure for preventing people which shall be used by the local governments, as part of plan of preparedness, minimizing the impact and disaster prevention.

(2) As part of public awareness, the Commission in cooperation with the regional committees shall prepare the following:-

- (a) awareness programmes and articles for the general public;
- (b) provide training to the public which intended to prevent them from disaster and give them immediate measures to be taken during a disaster in their houses and living areas;
- (c) promote the awareness of public on how to deal with accident events not to transform into a disaster;
- (d) provide adequate measures of dealing with emergency situation which is not a disaster.

PART VI NATIONAL EMERGENCY OPERATION PLAN

21.(1) The Commission shall prepare the National Emergency Operation Plan for co-ordination and disaster prevention which shall be submitted to the various government organs before its commencement for consideration.

(2) The National Emergency Operation Plan shall identify all measures needed to anticipate, understand, preparedness and prevention of a disaster.

(3) The National Emergency Operation Plan shall include the following:-

- (a) capacity and ability of the Commission and other institutions which shall take part in various prevention measures;

- (b) responsibility of every participant;
- (c) powers of every participant during emergency;
- (d) method of co-ordination;
- (e) institution involved in the Plan;
- (f) management and operation of disaster relief;
- (g) training and research for those involved in various activities of disaster;
- (h) procedure of working;
- (i) method of communication;
- (j) early warning system;
- (k) mobilization of resources during a disaster;
- (l) management and evaluation of various activities;
- (m) review of various activities of disaster prevention and other sector plans in order to conform with the current situation.

(4) The National Emergency Operation Plan prepared shall be included in the National Development Plan of every year and shall have directives to every sector regarding the duties and responsibilities at the time of disaster.

PART VII NATIONAL DISASTER RELIEF FUND

22.(1) There is hereby established a disaster relief fund which shall be known as the National Disaster Relief Fund or by acronym "NDRF" which shall be managed by the Executive Secretary of the Commission.

(2) The resources of the fund shall consist of:-

- (a) any money voted to it by the House of Representatives for that purpose;
- (b) any monies made by way of donations or grants made within and outside Zanzibar;
- (c) subscriptions by the public;
- (d) any monies as a result of fines imposed as penalties under this Act.

23. The Fund shall be used for the following purposes:-

- (a) training and research of various matters relating to disaster;
- (b) procurement of land, equipment, materials and other facilities and establishment of temporary buildings during the disaster;
- (c) payment of expenses incurred by the Commission in the exercise of its functions;
- (d) payment of expenses incurred by the Commission during the establishment of the Fund;
- (e) payment of any other activity which the National Committee deems necessary for the prevention of the disaster and related matters.

24.(1) The Commission shall keep and maintain proper accounts and shall give annual report specifying the following:-

- (a) revenue and expenditure;
- (b) assets and liabilities of the Commission up to the last day of financial year;

which shall be audited by the Controller and Auditor General.

(2) The Commission annual report and a financial year statement of accounts together with audit report shall be submitted to the Minister before the Budget Session of the House of Representatives.

(3) The Minister shall submit an annual report of the Commission to the Chairman of the National Committee for his consideration and directions.

(4) The annual report of the Commission shall be submitted before the House of Representatives in the Budget Session through the Ministry responsible for disaster management.

PART VIII OFFENCES AND PENALTIES

25.(1) Any person who:-

- (a) refuses to perform any duties without reasonable cause; or
- (b) exercises any un authorized function;
- (c) fails to exercise any of his functions;
under this Act, commits an offence and shall be liable on conviction to a fine of five hundred thousand shillings or imprisonment for a term of two years or both such fine and imprisonment.

(2) Any person who restrains any authorised person to perform his duties under this Act, commits an offence and shall be liable on conviction to a fine of five hundred thousand shillings or imprisonment for a term of one year or both such fine and imprisonment.

26.(1) Any person, Department, Institution, Authority or organization which refuses to furnish any information required by the Commission relating to a disaster, commits an offence and shall be liable on conviction to a fine of fifty thousand shillings or imprisonment for a term of three months and shall be ordered to release that information immediately or both such fine and imprisonment.

(2) Any employee of the Commission who discloses to any person except for the purposes of the performance of his duties or exercise of his powers under this Act, commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding three months.

27. Any person who gives false information or misleading information relating to his claim on compensation, commits an offence and on conviction is liable to a fine of two million shillings or imprisonment for a term of two years or both such fine and imprisonment.

28. Any person who gives wrong warning or wrong information which disturbed or caused any inconveniences or damage to a person, institution or government, commits an offence and on conviction is liable to a fine of five million shillings or imprisonment for a term of five years or both such fine and imprisonment.

29. All monies arise from fine imposed under this Act shall be submitted to the National Disaster Relief Fund.

30. Any person who misuses any money or any thing for relief purposes for any purposes other than disaster commits an offence and on conviction is liable to a fine of three million shillings or imprisonment for a term of three years.

PART IX GENERAL PROVISIONS

31.(1) Any person or institution which fails to perform its duties given to him or it under this Act, shall be required to give statement in writing to the Minister giving reasons of his or its failure not more than twenty four hours from the time he or it is required to perform that duty.

(2) If the Minister is not satisfied with that statement, a disciplinary action shall be taken in accordance with this Act.

32. A Regional Commissioner shall have the responsibility of making sure that the National disaster relief Plan is fully implemented in his region.

33.(1) A compensation shall be paid to any owner or person whose land or property is taken by the Commission for disaster purposes, after proper evaluation being made.

(2) A compensation shall be paid for any damage caused to any land or property during the disaster.

(3) Any owner or person whose land or property is taken by the Commission in accordance with this Act, and is not satisfied with the amount of compensation paid to him, may appeal to the appropriate court.

(4) There shall be no compensation paid for any land, building or property which is not lawfully acquired or no proper evidence produced.

34. Any person employed by the Commission during the disaster, shall be paid allowances or expenses incurred from:-

- (a) various operations of the disaster in accordance with the agreement with the Commission;
- (b) land or property acquired for the purposes of disaster.

35.(1) The Minister may, after consultation with the commission, make regulations for the purposes of better giving effect to the purposes and provisions of this Act.

(2) Without prejudice to the generality of the power conferred by subsection (1) of this section, the Minister may make regulations:-

- (a) providing for the better performance of the duties of the Commission;
- (b) providing the functions of various committees including the National Committee;
- (c) prescribing the centres of operation of the committees, before, during and after a disaster;
- (d) providing for the further development of the national disaster relief Plan;
- (e) regarding any other matter which is necessary or desirable for the purposes of the better giving effect to the purposes and provisions of this Act.

Passed in the House of Representatives on the 17th day of January, 2003.

{ KHAMIS JUMA CHANDE }
CLERK OF THE HOUSE OF REPRESENTATIVES