

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE DISASTER PREPAREDNESS AND
HAZARD MANAGEMENT LAW 2016, LAW 46 OF 2016; TO AMEND
CERTAIN DEFINITIONS; TO ESTABLISH THE NATIONAL DISASTER
FUND AND TO PROVIDE FOR NOTIFICATION OF SUDDEN ONSET
EVENTS; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

**THE DISASTER PREPAREDNESS AND HAZARD MANAGEMENT
(AMENDMENT) BILL, 2018**

MEMORANDUM OF OBJECTS AND REASONS

This Bill amends the Disaster Preparedness and Hazard Management Law, Law 46 of 2016, referred to as the principal Law and makes provision for sudden disasters and provides for incidental and connected purposes.

Clause 1 of the Bill sets out the short title.

Clause 2 of the Bill amends section 2 of the principal Law by amending the definition of the word “Ministry”.

Clause 3 of the Bill inserts a new section into the principal Law, section 4A, which establishes the National Disaster Fund.

Clause 4 of the Bill amends section 6 of the principal Law to provide that the report of the Director is required to include a summary of the manner in which the monies from the National Disaster Fund were utilised.

Clause 5 of the Bill amends section 8 of the principal Law to make provision for changes in the manner in which broadcasts are to be made in times of a national emergency.

Clause 6 of the Bill amends section 14 of the principal Law by substituting the words “the Schedule” with the words “Schedule 1”.

Clause 7 of the Bill amends the Schedule of the principal Law. The clause substitutes references to the Ministry of Home Affairs with references to the Ministry with responsibility for the Department of Hazard Management Cayman Islands and adds the Director of Her Majesty’s Cayman Islands Prison Service to the members of the Council.

Clause 8 inserts a new Schedule, Schedule 2, into the principal Law which details the sources of monies that will comprise the National Disaster Fund.

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(AMENDMENT) BILL, 2018**

ARRANGEMENT OF CLAUSES

1. Short title
2. Amendment of section 2 of the Disaster Preparedness and Hazard Management Law, 2016, Law 46 of 2016 - definitions
3. Insertion of section 4A - establishment of the National Disaster Fund
4. Amendment of section 6 - responsibilities of the Director
5. Amendment of section 8 - National Emergency Notification System
6. Amendment of section 14 - National Hazard Management Executive and Council
7. Amendment of the Schedule - organisation and composition of Management Executive and Management Council
8. Insertion of Schedule 2 - composition of the National Disaster Fund

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A BILL FOR A LAW TO AMEND THE DISASTER PREPAREDNESS AND HAZARD MANAGEMENT LAW 2016, LAW 46 OF 2016; TO AMEND CERTAIN DEFINITIONS; TO ESTABLISH THE NATIONAL DISASTER FUND AND TO PROVIDE FOR NOTIFICATION OF SUDDEN ONSET EVENTS; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Disaster Preparedness and Hazard Management (Amendment) Law, 2018. Short title

2. The Disaster Preparedness and Hazard Management Law, 2016, Law 46 of 2016, in this Law referred to as the “principal Law”, is amended in section 2 in the definition of the word “Ministry” by deleting the words “Home Affairs” and substituting the words “the Department of Hazard Management Cayman Islands”. Amendment of section 2 of the Disaster Preparedness and Hazard Management Law, 2016, Law 46 of 2016 - definitions

3. The principal Law is amended by inserting after section 4 the following section - Insertion of section 4A - establishment of the National Disaster Fund
 - 4A. (1) There is established the National Disaster Fund, into which is to be paid monies from the sources specified in Schedule 2. “Establishment of the National Disaster Fund”

(2) The Cabinet may by Regulation amend Schedule 2 and such Regulations are subject to the negative resolution of the Legislative Assembly.

(3) The National Disaster Fund shall form part of the discretionary reserve of the finances of the core Government under the Public Management and Finance Law (2018 Revision).

(4) Pursuant to this Law, the Management Executive shall advise the Cabinet on the use of the Fund and shall be responsible for the management of monies disbursed from the Fund to carry out any of the activities required to give effect to the purposes of the Fund as directed by the Cabinet.”.

Amendment of section 6 - responsibilities of the Director

4. The principal Law is amended in section 6(3) by inserting after the words “Department’s activities” the words “and the manner in which the monies from the National Disaster Fund were utilised”.

Amendment of section 8 - National Emergency Notification System

5. The principal Law is amended in section 8 as follows -

- (a) in subsection (1) by deleting the words “a broadcasting station under the Information and Communications Technology Authority Law (2011 Revision)” and substituting the words “an ICT network under the Information and Communication Technology Law (2017 Revision)”; and
- (b) by deleting subsection (2) and substituting the following subsections -

“(2) No announcement shall be broadcast on the National Emergency Notification System unless it is in writing and approved and signed by the Governor or the Chairman of the Management Council in consultation with the Director, except in the event of a sudden onset event specified in subsection (2A).

(2A) In the event of a sudden onset event like a tsunami or an earthquake, which requires swift notification to the public, the Director of The Department of Hazard Management Cayman Islands may authorise the broadcast of an emergency announcement and shall notify the Governor or the Chairman of the Management Council of the broadcast as soon as is practicable thereafter.”.

6. The principal Law is amended in section 14 by deleting the words “the Schedule” wherever these words appear and substituting the words “Schedule 1”.
7. The principal Law is amended in the Schedule as follows -
- (a) in the heading by renumbering the Schedule as Schedule 1;
 - (b) in part A, in paragraph 3 as follows -
 - (i) in subparagraph (g) by deleting the words “of Home Affairs” and substituting the words “with responsibility for the Department of Hazard Management Cayman Islands”; and
 - (ii) by inserting after subparagraph (k) the following subparagraph -
“(l) all Ministers of the Cabinet”; and
 - (c) in part B, in paragraph 7 as follows -
 - (i) in subparagraph (b) by deleting the words “of Home Affairs” and substituting the words “with responsibility for the Department of Hazard Management Cayman Islands”;
 - (ii) in subparagraph (n) by deleting the words “Office of Telecommunications” and substituting the words “Department of Public Safety Communications”; and
 - (iii) by inserting after subparagraph (dd) the following subparagraph -
“(ee) Director, Her Majesty’s Cayman Islands Prison Service”.
8. The principal Law is amended by inserting after Schedule 1 the following Schedule -

Amendment of section 14 - National Hazard Management Executive and Council

Amendment of the Schedule - organisation and composition of Management Executive and Management Council

Insertion of Schedule 2 - composition of the National Disaster Fund

“ SCHEDULE 2

Section 4A

NATIONAL DISASTER FUND

The National Disaster Fund is comprised of -

- (a) an annual allotment of a sum which may not be less than four hundred thousand dollars from the general revenues of the Island;
- (b) appropriations from the revenue, borrowings or other funds of the Government in accordance with the Public Management and Finance Law (2018 Revision);
- (c) earnings from interest on or dividends on investment of the fund;
- (d) any surplus in the annual budget allocation of Hazard Management Cayman Islands at year-end; and

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- (e) any contribution or grant by an individual, organisation or government paid to the Government for the benefit of the National Disaster Fund.”.

Passed by the Legislative Assembly the day of , 2018.

Speaker.

Clerk of the Legislative Assembly.