



Government of Saint Lucia

Volume 3: Declaring a Disaster in Saint Lucia

*Document of the Saint Lucia National Emergency Management Plan
Rev: May 24, 2005 / March 6, 2010*

*Based on the Laws of Saint Lucia and
Framed by the Model Guidelines for National Disaster Relief Policy
Produced by the Caribbean Disaster Emergency Response Agency / Coordinating Unit - 1997*



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SECTION 1: STEPS TO A DECELERATION

Adopted by CDEIRA Council of Ministers - 1998

Step 1 - Establish Nature of Impact

1. Execute Rapid Assessment
2. Determine Nature and Extent of Impact on Critical Facilities and Economic Activities
3. If limited in extent and magnitude - Declare a Disaster Area
4. If limited in extent and magnitude - Declare a Special Enforcement Area
5. If extensive in geographical area and impact - Declare a National Disaster
6. If overwhelming in geographical area and impact - Declare a State of Emergency

Step 2 - Making A Declaration

A statement of Declaration should include:

1. Nature of Hazard and Time of Impact
2. Scale and Magnitude of Damages
3. Actions undertaken by Government and Partners
4. Priority Areas of Assistance
5. Mechanisms for offering assistance in Cash or Kind

Step 3 - Consequences and Consequential Actions

1. Confirm and consolidate Event Management Mechanisms
2. Emphasize decision making mechanisms
3. Establish a Recovery Planning Team immediately
4. Collaborate with Caribbean Disaster Emergency Management Agency/Coordinating Unit (CDEMA/CU)
5. Advise Overseas Consulates and Missions of information at Steps 1 and 2
6. Activate Donations Management and Relief Distribution Protocols

SECTION 2: STATUTORY AUTHORITY

- Disaster Management Act No. 30 of 2006
- Water and Sewerage Act No. 14 of 2005
- Physical Planning and Development Act No. 29 of 2001
- Emergency Powers (Disasters) Act No. 5 of 1995
- The Saint Lucia Constitution Order 1978
- Health Practitioners Act - 16.11 of the Revised Laws of Saint Lucia
- Forest, Soil and Water Ordinance Act No. 6 of 1946

SECTION 3: RESPONSE SCENARIOS AND ORDER OF PRECEDENCE

A National Security Incident with no Humanitarian Response

Law and Order type incidents, Terrorism and other incidents which do not impact on civilians, mass gathering facilities, other locations where VIPs are located and which do not require a response by Civilian Authorities will be controlled and responded to by the Joint Operations Command Centre [JOCC] in accordance with the National Security Plan which will take precedence

A National Security Incident which requires a Humanitarian Response

This type of incident will be controlled by the JOCC with the NEOC in support of the humanitarian operations. The NEOC will be required to maintain a Liaison Officer within the JOCC for coordination purposes. The National Disaster Management Plan will be activated in support of the National/Regional Security Plan.

A Natural or Technological Disaster (Earthquake, Flood, Major Fire)

The impact of a hazard which results in a national disaster will be controlled by and responded to by the NEOC in accordance with the National Disaster Management Plan, which will take precedence.

A Natural or Technological Disaster that compromises National Security

In this type of scenario, the JOCC will control the situation, whilst allowing the Director NEMO to deal with the humanitarian matters.

SECTION 4: CONDITIONS FOR DECELERATION

Scenario 1	If limited in extent and magnitude
Decision	Declare a Disaster <u>Area</u>
Authority	<p><u>Physical Planning and Development Act No. 29 of 2001</u></p> <p>S35. (3) Where and area is declared to be a disaster area by the Minister, the Head of Physical Planning and Development Division may, with the approval of the Minister, in the interest of the safety of persons, give notice of the intention to demolish buildings and may demolish such buildings subject to the payment of adequate compensation, in accordance with Part V, to the owners.</p>

Scenario 2	If limited in extent and magnitude
Decision	Declare a <u>Protected Forest</u>
Authority	<p><u>Forest, Soil and Water Ordinance Act No. 6 of 1946</u></p> <p>S21. It shall be lawful for the Minister by Order from time to time to declare any lands other than Crown Lands to be a Protected Forest whenever in his opinion this appears to be necessary for any of the following purposes:-</p> <ul style="list-style-type: none"> (a) For the protection against storms, winds, rolling stones, floods and landslides; (b) For the prevention of soil erosion and landslip, of the formation of the ravine and torrents, and of the deposit of mud, stones and sand upon agricultural land; (e) for the maintenance of water supplies in springs, rivers, canals and reservoirs; (f) For the protection of roads, bridges, railways, and other lines of communications; and (g) For the preservation of health.

Scenario 3	If limited in extent and magnitude
Decision	Declare a <u>Water Related Emergency</u>
Authority	<p><u>Water and Sewerage Act No. 14 of 2005</u></p> <p>10.—(1) Whereas on the advices of the Agency, the Minister is satisfied that by reason of an exceptional shortage of rain, or contamination of water, a serious deficiency of supplies of water exists or is threatened, the Minister shall forthwith, by Order published in the <i>Gazette</i>, in at least two newspapers in general weekly circulation in Saint Lucia and by any other media declare a water-related emergency and may –</p> <ul style="list-style-type: none"> (a) permit the taking of water from any source specified in the Order; (b) prohibit or limit the use of water for any purpose specified in the Order; (c) prohibit or limit the taking by any person of water from a source specified in the Order if the Minister is satisfied that the taking of water from that source depletes or otherwise affects the supplied available to the public; (d) prohibit any activity which may cause the contamination of the water; and (e) cater for any other matter as appears to the Minister to be expedient to meet the water-related emergency. <p>(2) An Order made under sub-section (1) shall be revoked b the Minister by Order published in the <i>Gazette</i>, in at least two newspapers in general weekly circulation in Saint Lucia and by any other media, as soon as practicable after the deficiency or threatened deficiency has been made good or removed.</p> <p>(3) A person who contravenes a provision of an Order made pursuant to sub-section (1) (b), (c) or (d) commits an offence and upon summary conviction is liable to a fine of not less than three thousand dollars or to imprisonment for a term of not less than six months or to both and to a further fine of not less than fifty dollars for each day during which the breach continues.</p>

Scenario 4	If limited in extent and magnitude
Decision	Declare a <u>Special Enforcement Area</u>
Authority	<p><u>Physical Planning and Development Act No. 29 of 2001</u></p> <p>43.—(1) Notwithstanding anything contained in the provision of this Act the Ministry may, for the purpose of preventing squatting or other forms of unauthorized development, by Order published in the <i>Gazette</i>, declare any area to be a special enforcement area.</p> <p>(2) Without prejudice to the provisions of section 51, where an area is declared to be a special enforcement area under subsection (1) the Head of the Physical Planning and Development Division may upon service of a notice on the owner or occupier of the land, not less than fourteen days before the intended action, remove, demolish or alter any development where such development has commenced without the written permission of the Head of the Physical Planning and Development Division and where the Head of the Physical Planning and Development Division is satisfied that permission would not have been granted for that development.</p>

Scenario 5	If extensive in geographical area and impact
Decision	Declare a <u>National Disaster</u>
Authority	<p><u>Disaster Management Act No. 30 of 2006</u></p> <p>Declaration of disaster</p> <p>18. After consultation with the Director the Minister may, in the form prescribed in Form 2 of the First Schedule, issue a notice of a declaration of disaster where a hazard of a kind in column 1 of the Second Schedule has struck Saint Lucia or a part of Saint Lucia.</p>

Scenario 6	If overwhelming in geographical area and impact
Decision	Declare a <u>State of Emergency</u>
Authority	<p><u>Disaster Management Act No. 30 of 2006</u></p> <p>“declaration of state of emergency” means a declaration of state of emergency made by the Governor General pursuant to section 17 of the Constitution of Saint Lucia 1978, Cap. 1.01 and the Emergency Powers (Disaster) Act, Cap. 14.07;</p> <p style="text-align: center;">FULL TEXT BELOW</p>

STATUTORY INSTRUMENTS

1978 No. 1901

SAINT LUCIA

The Saint Lucia Constitution Order 1978

Made: 20th December 1978

Coming into Operation: 22nd February 1979

At the Court at Buckingham Palace, the 20th day of December 1978

Present,

The Queen's Most Excellent Majesty in Council

17.- (1) The Governor-General may, by proclamation which shall be published in the Official Gazette, declare that a state of emergency exists for the purposes of this Chapter.

(2) A proclamation under this section shall not be effective unless it contains a declaration that the Governor-General is satisfied-

- a. that a public emergency has arisen as a result of the imminence of a state of war between Saint Lucia and a foreign state;
- b. that a public emergency has arisen as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence or of infectious disease, or other calamity whether similar to the foregoing or not; or
- c. that action has been taken, or is immediately threatened, by any person, of such a nature and on so extensive a scale, as to be likely to endanger the public safety or to deprive the community or any substantial portion of the community of supplies or services essential to life.

(3) Every declaration of emergency shall lapse-

- a. in the case of a declaration made when Parliament is sitting, at the expiration of a period of seven days beginning with the date of publication of the declaration; and

- b. in any other case, at the expiration of a period of twenty-one days beginning with the date of publication of the declaration, unless it has in the meantime been approved by resolutions of the Senate and the House.

(4) A declaration of emergency may at any time be revoked by the Governor-General by proclamation which shall be published in the Official Gazette.

(5) A declaration of emergency that has been approved by resolutions of the Senate and the House in pursuance of subsection (3) of this section shall remain in force so long as both those resolutions remain in force and no longer.

(6) A resolution of the Senate or the House passed for the purposes of this section shall remain in force for twelve months or such shorter period as may be specified therein: Provided that any such resolution may be extended from time to time by a further such resolution, each extension not exceeding twelve months from the date of the resolution effecting the extension; and any such resolution may be revoked at any time by a further resolution.

(7) A resolution of the House for the purposes of subsection (3) of this section and a resolution of the House extending any such resolution shall not be passed in the House unless it is supported by the votes of majority of all the members of the House.

(8) Any provision of this section that a declaration of emergency shall lapse or cease to be in force at any particular time is without prejudice to the making of a further such declaration whether before or after that time.

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