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REPUBLIC OF KENYA

**BOMET COUNTY GAZETTE
SUPPLEMENT**

BILLS, 2014

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BOMET COUNTY DISASTER AND EMERGENCY MANAGEMENT BILL 2014

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A Bill for

AN ACT of the County Assembly to provide for the management of disasters and emergencies in Bomet County by effective planning and risk reduction, response and recovery procedures and the promotion of coordination amongst the response agencies, and for related purposes.

ENACTED by the County Assembly of Bomet County as follows:

Part 1 — Preliminary

1. (1) This Act may be cited as the Disaster and Emergency Management Act 2014. Short title and commencement

(2) This Act shall come into force on the date of assent by the Governor.

(3) Notice of commencement of this Act shall be published in Kiswahili and English in at least two newspapers circulating in the County.

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

“Council” means the County Disaster Council;

“Declaration of disaster” means the activation of the disaster response provisions of the County Disaster Management Plan by the Chairperson of the County Disaster Council in accordance with section 19;

“Disaster” means a situation in any part of the County—

- (a) that arises from any happening, whether natural or otherwise, including —
 - (i) any naturally occurring event affecting the whole or any part of The County; or
 - (ii) any fire caused by any means; or
 - (iii) any aspect of the safety of a ship or aircraft in the County; or
 - (iv) any outbreak or spread of disease affecting humans, plants or animals; or

- (v) any event, natural or otherwise, which threatens the supply of water or the quality of water resources in the County; or
- (vi) any other emergency event resulting from systems failure, infrastructure failure or human error; and
- (b) which involves threat or danger to human life or health, or to the environment; and
- (c) which might require response agencies to respond under this Act;

“Disaster Advisory Committee” means the Disaster Advisory Committee constituted under section 6;

“Disaster management” means all activities undertaken in accordance with this Act in disaster preparedness and response, and for recovery from disasters and emergencies;

“Disaster Management Office” means the Disaster Management Office established in accordance with section 7;

“Disaster risk reduction” means all mitigation activities undertaken in accordance with this Act to reduce the risk of hazards to the community and its property;

“Emergency” means a situation—

- (a) which is more serious than a disaster;
- (b) which could result or has resulted in causing widespread human, property or environmental losses throughout The County or in any part of The County; and
- (c) which would require a substantial mobilisation and utilisation of The County’s resources or which would exceed the ability of The County to cope using its own resources;

“County Disaster Council” means the County Disaster Council constituted under section 5;

2.

“County Disaster Management Plan” means the County Disaster Management Plan provided for in section 9;

“County emergency operations centre” means a facility designated under section 8;

“Governor” means the Governor elected under the Constitution or a person acting in that capacity.

“Recovery” means the medium and long term activities undertaken for physical, social, economic and environmental regeneration after a period of emergency;

“Response agencies” mean the agencies referred to in section 11;

“Response agency plans” mean the plans referred to in section 12.

3. This Act binds the County Government of Bomet. Act to bind County Government

4. The objects of this Act are to— Objects

- (a) establish an efficient structure for the management of disasters and emergencies by promoting cooperation amongst agencies with a role in disaster management, and enhancing their capacities to maintain the provision of essential services, including psychosocial services, during periods of disaster and emergency;
- (b) require the preparation and implementation of a County disaster management plan consisting of the response agency plans prepared by the response agencies and other groups and institutions in accordance with the requirements of this Act;

- (c) vest authority in persons and agencies to act during times of disaster and emergency in accordance with the plans approved under this Act, and to require the observance and implementation of directives given and initiatives taken by persons authorised under this Act;
- (d) to otherwise enhance the capacity of the County Government, relevant agencies and the community to effectively manage the impacts of disasters and emergencies and to take all necessary action to prevent or minimise threats to life, health and the environment from natural disasters and other emergencies;
- (e) to implement mechanisms to reduce risks and hazards that may cause, contribute to or exacerbate disaster or emergency situations in the County; and
- (f) to facilitate procedures aimed at implementing recovery activities in the aftermath of disasters and emergencies.

Part 2 — Disaster Management Structure

5.(1) A County Disaster Council is established The County Disaster Council
consisting of—

- (a) The Governor as the Chairperson
- (b) The Deputy Governor as the Deputy Chairperson
- (c) The County Executive Officer responsible for Public Safety
- (d) The County Executive Officer responsible for treasury
- (e) The County Executive Officer responsible for health
- (f) The County Executive Officer responsible for environment
- (g) The County Executive Officer responsible for public works

- (h) The County Executive Officer responsible for Agriculture
 - (i) The County Executive responsible for planning
 - (j) The County Director for Disaster preparedness and response
 - (k) The County Commissioner
 - (l) The County Commandant of Police
 - (m) The County Liaison Officer of the Kenya Red Cross Society or representative of any other organization serving as auxiliary to the public authorities in the humanitarian field.
 - (n) At least two representatives of the public, representing both genders duly appointed by the Governor with approval from the County Assembly.
 - (o) At least two persons representing the youth and the disabled duly appointed by the Governor with approval from the County Assembly.
- (2) The County Disaster Council shall have the following functions, responsibilities and powers—
- (a) to review, approve and endorse where appropriate any recommendation or advice given by the Disaster Advisory Committee, and to give directions to County Government departments and agencies to ensure that its decisions are immediately carried out;
 - (b) to require the implementation of the planning requirements provided for in Parts 3 and 4 and to approve the County Disaster Management Plan, and any modifications of the Plan;
 - (c) to oversee the application of the County Disaster Management Plan during any period of a disaster or emergency and give any order or direction necessary for the plan to be implemented;

- (d) to oversee the implementation of risk reduction, preparedness, response and recovery activities by all County Government agencies and other agencies performing roles related to disaster management;
- (e) to discharge any other responsibility or exercise any other power as provided by this Act or the County Disaster Management Plan.

(3) The Deputy Chairperson may exercise the powers of the Chairperson when the Chairperson is unable to exercise those powers. In the absence of both the Chair and Deputy Chair, the members present among themselves shall appoint a Chair.

6. (1) A Disaster Advisory Committee is established and shall consist of heads of relevant County Government departments and other organizations both private and public determined by the relevant County Executive Officer.

The disaster
advisory committee

(2) The appointed members of the Disaster Advisory Committee may nominate a representative to discharge his or her functions as a member of the Disaster Advisory Committee.

(3) The Disaster Advisory Committee shall be chaired by County Director for Disaster preparedness and response who may delegate to any member of the Committee the responsibility for calling and chairing any meeting of the Committee.

(4) The Disaster Advisory Committee may appoint a Deputy Chairperson from among its members who may discharge the responsibilities of the Chairperson.

(5) The Disaster Advisory Committee may establish such committees or working groups as it may consider necessary and may—

- (a) appoint the members of the committees or working groups;

- (b) determine the roles, functions and responsibilities of the committees or working groups which shall be consistent with this Act and the County Disaster Management Plan; and
- (c) impose any requirement on the committees or working groups that is consistent with this Act and the County Disaster Management Plan.

(6) The functions and responsibilities of the Disaster Advisory Committee are to—

- (a) assess and review any approaching disaster or emergency to expedite the giving of advice to the County Disaster Council, and the timely implementation of the County Disaster Management Plan;
- (b) ensure that the planning requirements provided for under Parts 3 and 4 are undertaken in compliance with the provisions of those Parts;
- (c) review and endorse any plan prepared under Part 4 and any draft of the County Disaster Management Plan, or any modification to it, prior to them being submitted to the County Disaster Council;
- (d) endorse proposals made by the County Director for Disaster preparedness and response for undertaking any activity relating to raising the capacity within the County to effectively respond to disasters and emergencies;
- (e) ensure that the County Disaster Management Plan is publicized and that all sectors of the community are made aware of the possible threats arising from disasters and emergencies, and of the need to be prepared to respond to such threats so as to protect human life and health and the environment;
- (f) ensure that a coordinated inter-agency approach is undertaken in relation to all disaster and emergency planning, risk reduction and preparedness, and response and recovery activities;
- (g) implement the decisions of the County Disaster Council and to give proper effect to the provisions of this Act and the County Disaster Management Plan;

- (h) ensure that all response agencies and bodies represented on the Disaster Advisory Committee regularly undertake risk reduction activities;
- (i) ensure that preparedness activities are undertaken as required, including awareness raising, training, simulation exercises, planning and the establishment of facilities and communications;
- (j) co-ordinate recovery activities according to the requirements of Part 4;
- (k) through the chairperson attend and give advice at meetings of the County Disaster Council; and
- (l) implement directions and decisions of the County Disaster Council during a period of a disaster and to co-ordinate response activities and the implementation of the County Disaster Management Plan during disasters and emergencies.

7. (1) A Disaster Management Office shall be established within the County. A County Director of Disaster Preparedness and Response, who shall be a public officer appointed by the County Public Service Board, shall head the Disaster Management Office.

Disaster
management office

(2) The Director may delegate in writing all or any of the powers relating to the management of the Disaster Management Office to another officer of the department, and any such delegation—

- (a) may be made subject to such conditions, exceptions or qualifications as are specified in the written notice of delegation;
- (b) is revocable at will; and
- (c) does not affect the exercise of a power or the performance of a function by the Director.

(4) The staff of the Disaster Management Office shall include:

- (a) such officers as are appointed from time to time to positions within the Disaster Management Office; and
- (b) other officers who may be seconded to the Disaster Management Office from the Police Service, any response agency or any other body both private and public as may be approved from time to time by the Governor, and subject to any terms and conditions agreed to between the Governor and the seconding agency.

(5) The functions and responsibilities of the Disaster Management Office are to—

- (a) assist response agencies and the community generally to identify, implement and participate in disaster risk reduction activities and programmes;
- (b) assist the response agencies and other entities to prepare plans in accordance with Part 4;
- (c) collate the plans prepared under Part 4 and refer them to the Disaster Advisory Committee for review and then to the County Disaster Council for approval;
- (d) provide administrative support to the Disaster Advisory Committee and the County Disaster Council;
- (e) undertake such activities as are necessary to prepare for responses to disasters and emergencies;
- (f) coordinate response activities and the implementation of the County Disaster Management Plan during disasters and emergencies;
- (g) provide facilities and staff for the County Emergency Operations Centres;

- (h) publicize the County Disaster Management Plan and liaise with communities and private industry representatives to raise awareness about disaster planning and the approved processes for responding to disasters and emergencies;
- (i) undertake such activities as are necessary to assist sectors of the community to recover from the effects of disasters and emergencies; and
- (j) implement decisions of the County Disaster Council, the Disaster Advisory Committee, and to give proper effect to the provisions of this Act and the County Disaster Management Plan.

8. On the advice of the Disaster Advisory Committee, the County Disaster Council may endorse one or more facilities to be a County Emergency Operation Centre(s).

County emergency
operation centres

Part 3 — County Disaster Management Planning

9. (1) There shall be a County Disaster Management Plan for the County which shall be prepared, approved and applied in accordance with this Part.

The County Disaster
management plan

(2) The County Disaster Council shall have the responsibility of approving the County Disaster Management Plan and may delegate to the Disaster Advisory Committee the power to approve—

- (a) any modification that is necessary to be made to the Plan from time to time; and
- (b) any of the parts of the Plan that are to be added to it in accordance with this section.

(3) The County Disaster Management Plan shall consist of the plans prepared and approved in accordance with Part 4 relating to—

- (a) the objectives of the County Disaster Management Plan; and
- (b) a comprehensive risk profile for all parts of the County; and

- (c) arrangements to be implemented aimed at disaster risk reduction; and
 - (d) operational arrangements, including matters related to—
 - (i) preparedness arrangements;
 - (ii) response arrangements;
 - (iii) recovery arrangements; and
 - (iv) the roles, responsibilities and organisation of County Government agencies, non -Governmental organisations and sub-county, ward or village committees; and
 - (e) the procedures for approving and managing assistance sought or offered in responses to any needs arising in the County from disasters and emergencies; and
 - (f) other appropriate financial arrangements to support all aspects of the Plan; and
 - (g) any other aspect of disaster and emergency management which the County Disaster Council considers will achieve the objects of this Act.
- (4) After any approval has been given in accordance with subsection (2), the Director shall—
- (a) ensure that the approved Plan, any approved part of it or any approved modification to it, is published ;
 - (b) arrange for the Governor to certify any publication made under paragraph (a); and
 - (c) circulate the published Plan, part of the Plan or modification of the Plan to all response agencies and any other organisation or person that the Director considers appropriate.

10. (1) Notwithstanding the provisions of any other Act, during any period of emergency the powers conferred on any agency, organisation or person under the County Disaster Management Plan shall be exercisable in accordance with the terms and requirements stated in the County Disaster Management Plan.

Exercising powers under the County disaster management plan

(2) The powers conferred on any agency, organisation or person under the County Disaster Management Plan shall be exercisable for the period of the emergency unless they are rescinded or altered by any Emergency Order under the Constitution of Kenya.

Part 4 — Response Agency and Community Planning

11. (1) The agencies listed in the Schedule are the response agencies for the purposes of this Act.

Response agencies

(2) The Schedule may be amended by regulations.

(3) Where any response agency ceases to exist, it shall be deemed to stop being a response agency, where the agency changes its title or is replaced by a different entity, the entity taking the place of the response agency shall be deemed to be a response agency for the purposes of this Act.

12.(1) Unless exempted under the County Disaster Management Plan or by the County Disaster Council, each response agency shall prepare a response agency plan which shall incorporate the following matters to apply during times of disaster and emergency—

Response agency plan

- (a) arrangements to secure the health, safety and well being of employees; and
- (b) arrangements to continue the provision of services as effectively and efficiently as possible; and
- (c) determination of priorities for the provision of essential services in the event of a lessening of capacity to provide normal service; and

- (d) identification of other agencies and companies with whom cooperative action is required and the means by which such cooperation can be fully achieved; and
- (e) identification of external agencies to undertake the provision of certain essential services in the event that capacity within the County is diminished below operational levels; and
- (f) the need to exercise specific powers to maximise capacity to provide services and to minimise risks to human life and health and to the environment, and the identification of the appropriate person or office-holder to exercise such powers; and
- (g) any other necessary matter identified by the response agency or the Disaster Advisory Committee.

(2) In addition to the response arrangements specified under subsection (1) the response agency plans prepared by the response agencies shall—

- (a) identify the types of disasters or emergencies likely to require a response by the agency and the nature of the anticipated effects of the disasters or emergencies on the agency;
- (b) identify activities and procedures aimed at reducing risks and minimising the impacts of any disaster or emergency on the operations of the agency;
- (c) include an implementation plan in relation to the matters identified pursuant to paragraphs (a) and (b);
- (d) plan for the most speedy possible recovery from the impacts of disasters and emergencies.

(3) Plans prepared under this section shall be submitted to the Disaster Advisory Committee, in accordance with any direction made by the Committee and communicated to the agency by the Director.

(4) Plans submitted under subsection (3) shall be reviewed by the Disaster Advisory Committee to ensure that they comply with the requirements of subsection (1) and are appropriate to be included in the County Disaster Management Plan.

13. (1) All schools and tertiary institutions shall prepare response agency plans in accordance with any requirements imposed by the Disaster Advisory Committee. Plans by educational institutions

(2) The Plans prepared under subsection (1) shall aim to—

- (a) protect the welfare of students and staff during times of disaster or emergency through, inter alia, the provision of shelter, food, drinking water, clothing and other necessities of life; and
- (b) arrange for the safe accommodation of students until their tuition resumes or arrangements can be made for their return to their places of residence; and
- (c) continue or resume teaching as soon as practicable after the disaster or emergency abates; and
- (d) minimise any interruptions to the education offered to students; and
- (e) raise awareness amongst students and staff of the procedures to be undertaken and applied during disasters and emergencies.

14. (1) The Disaster Advisory Committee may require any agency, institution or organization in the County to develop a disaster management plan. Other agencies and organisations to develop plans

(2) A plan developed under subsection (1) may become a part of the County Disaster Management Plan in accordance with the provisions of this Part.

(3) Disaster management plans may also be required from—

- (a) hotel and tourist service operators; and
- (b) commercial and industrial establishments; and

- (c) non-governmental organizations with an identified role to play in relation to disaster and emergency management; and
- (d) villages and other sectors of the community who may liaise with the Disaster Advisory Committee in preparing their plans.

15.(1) Subject to subsection (3), all plans prepared under this Part shall be reviewed and endorsed by the Disaster Advisory Committee prior to being submitted for approval by the County Disaster Council. Approval of plans

(2) All plans approved by the County Disaster Council under subsection (1) shall become part of the County Disaster Management Plan and shall take effect in accordance with the provisions of this Act.

(3) Notwithstanding subsection (1), the County Disaster Management Plan may provide, and the County Disaster Council may decide, that any particular plan or classification of plan required to be prepared under this Part may be approved by the Disaster Advisory Committee, and upon that approval being given, such a plan shall become part of the County Disaster Management Plan in accordance with the provisions of this Part.

16. (1) It is the responsibility of each response agency, educational institution and other agencies or organisations to which section 14 applies to effectively implement their plans. Implementation of plans

(2) The implementation of all plans shall be done in accordance with—

- (a) the provisions of this Act; and
- (b) the provisions of the County Disaster Management Plan; and
- (c) any Emergency Order made by the President of the Republic of Kenya under a state of emergency as provided for in the Constitution.

- (d) any National legislation relating to disaster management.

17. (1) All plans prepared and approved in accordance with this Part shall be reviewed at periods determined by the Disaster Advisory Committee. Review and amendment of plans

(2) The Disaster Advisory Committee shall ensure that the County Disaster Management Plan, and each of its component parts, are reviewed—

- (a) whenever a review is considered necessary by the Disaster Advisory Committee; or
- (b) not later than 3 years after the adoption of the County Disaster Management Plan in accordance with this Act; or
- (c) after each period of emergency.

(3) The Disaster Management Office shall provide assistance to the response agencies, educational institutions and the other agencies and organisations that have approved plans under this Part, to review and amend their respective plans in accordance with this section.

(4) All amendments to any plan arising from the reviews undertaken under this section shall be submitted to the Disaster Advisory Committee for review and endorsement.

(5) The Disaster Advisory Committee shall submit all amended plans to the County Disaster Council for approval.

(6) The County Disaster Management Plan shall be amended in accordance with any approved amendment made in accordance with this section.

Part 5 — Disasters and Emergencies

18. (1) Nothing in this law affects the power of the Head of State to make proclamations of emergency as per the Constitution of Kenya or other relevant national law in the event of any disaster or emergency. Proclamations of emergency

(2) The provisions of this Act are to be read subject to the provisions of the Constitution and all functions, responsibilities and powers provided for under this Act are to be discharged and exercised subject to any exercise of the powers under the Constitution in relation to any natural catastrophe or other emergency.

19. (1) Subject to subsection (2), the Chairperson of the County Disaster Council may issue a declaration of disaster which would activate with immediate effect the disaster response provisions of the County Disaster Management Plan in the event of any disaster. Declaration of disaster

(2) Subject to subsection (3), a declaration or disaster terminates—

- (a) 48 hours after it is made; or
- (b) When a Proclamation of Emergency is made during the currency of the declaration or disaster.

(3) The Chairperson of the County Disaster Council may extend the operation of the declaration for another 48 hour period in circumstances where the disaster has not ceased and circumstances which are beyond the control of any person have prevented the making of Proclamation of Emergency.

(4) A declaration of disaster may apply to the whole or any part of the County—

20. (1) The Disaster Advisory Committee has responsibility for coordinating recovery activities in the aftermath of any disaster or emergency. Coordination of recovery activities

(2) The Disaster Advisory Committee shall undertake its responsibilities under subsection (1)—

- (a) in accordance with any directions given from time to time by the County Disaster Council; and
- (b) Under the leadership of a lead agency as appointed by the Governor in relevant regulations developed under this Act.

Part 6 — Regulatory Powers and Offences

21. Subject to any operational direction given by the Governor, during any period of emergency, Security officers have the power to— Powers of the security officers

- (a) give necessary and reasonable directions to any person who is considered to be at risk or to be placing other persons at risk;
- (b) take reasonable steps to secure compliance with any direction given under paragraph (a), including the use of reasonable force to remove a person to safety and ensure the continuity of that persons safety;
- (c) take any reasonable steps necessary to protect property threatened during the emergency events;
- (d) require any person to leave or to refrain from entering any area declared by the Governor, or any officer authorised by the Governor, to be an area in which risk to human life or health exist; and
- (e) do anything authorised by the County Disaster Management Plan.

22.(1) A person who—

- (a) interferes with the operation of any County Emergency Operations Centre; Offences
- (b) interferes with any equipment at a County Emergency Operations Centre so as to affect the operational capacity of the centre;
- (c) hinders the work of any person lawfully discharging any function or responsibility at a County Emergency Operations Centre, Commits an offence and is liable to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding 1 year, or both.

(2) A person who—

- (a) hinders or obstructs any police officer in the performance of his or her duty during a period of emergency; or
- (b) fails to comply with any direction given by a police officer under section 21; or
- (c) hinders or obstructs any other person authorised to exercise any power in accordance with the County Disaster Management Plan during a period of emergency; or
- (d) fails to comply with any lawful direction given by any person authorised to exercise any power in accordance with the County Disaster Management Plan during a period of emergency, Commits an offence and is liable to a fine not exceeding three hundred thousand shillings or to a term of imprisonment not exceeding 1 year, or both.

Part 7 — Financial Provisions

23. The county government shall establish the County Disaster Management Fund, which shall be administered by the County Director for Disaster Management. Disaster management fund

(2) The County Disaster Management Fund shall be financed from the following sources, namely—

- (a) such monies appropriated from the County Revenue
- (b) such monies or assets as may accrue to the Directorate in the course of the exercise of its powers or the performance of its functions under this Act;
- (c) grants made by the national government or other county governments; and
- (c) loans, aid or donations from national or international agencies; and
- (d) all monies from any other source provided or donated or lent to the Directorate.

(3) The County Disaster Management Fund shall be used towards meeting the expenses for emergency preparedness, response, mitigation, relief and reconstruction in the county after a disaster.

24. The county government shall, in their annual budgets, make provisions for funds for the purposes of carrying out the activities and programmes set out in its Plan. Provisions for fund

25. (1) Where, by reason of any impending disaster, the County Disaster Council is satisfied that immediate procurement of provisions or materials or the immediate application of resources are necessary for rescue or relief, the concerned department may procure the provisions or materials directly. Immediate procure-
ment of provisions or
materials

(2) The procurement referred to in subsection (1) shall comply with the laws relating to public procurement.

26. (1) Before the commencement of each financial year, the County Disaster Council shall cause to be prepared estimates of the revenue and expenditure of the Directorate for that year. Annual estimates of
revenue and expen-
diture

(2) The annual estimates shall make provision for all the estimated expenditure of the Directorate for the financial year concerned and, in particular, shall provide for the —

- (a) funding of training, research and development of activities of the Directorate;
- (b) funding of education, training and capacity building on disaster management in the county; and
- (c) such other matters as the Directorate may consider fit.

(3) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate and shall be submitted to the executive committee member for transmission to and tabling in the County Assembly.

(4) Expenditure of the Directorate shall not be incurred except in accordance with the annual estimates approved under subsection (3).

27. (1) The Directorate shall cause to be kept proper books and records of account of the income, expenditure, assets and liabilities. Books and records of accounts

(2) Within a period of three months after the end of each financial year, the Council must submit to the Auditor-General the accounts of the Directorate in respect of that year together with—

- (a) a statement of the income and expenditure of the Directorate during that year; and
- (b) a statement of the assets and liabilities of the Directorate on the last day of that financial year.

(3) The annual accounts of the Directorate must be prepared, audited and reported upon in accordance with the provisions of Articles 226 and 229 of the Constitution and the law relating to public audit.

28. The financial year of the Directorate shall be the period of twelve months ending on the thirtieth June in each year. Financial year

Part 8 — Miscellaneous

29. A person exercising a function or power under this Act or the County Disaster Management Plan does not incur civil or criminal liability for an act or omission done honestly, in good faith and without negligence for this Act or plan. Indemnity

30. The Governor acting on the advice of County Executive Committee may make regulations prescribing matters: Regulations

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

SCHEDULE

Response Agencies

County Government Department responsible for Agriculture, Environment and Fisheries

County Government Department responsible for Commerce, Industry and Labour

County Government Department responsible for Communication and Information Technology

County Government Department responsible for Finance

County Government Department responsible for Health

County Government Department responsible for Justice and Courts Administration

County Government Department responsible for Women, Community and Social Development

County Government Department responsible for Transport and Infrastructure

The Kenya Police Service

Kenya Power and Lighting Company

The Airport Authority

County Government Department responsible for Fire and Emergency Services Authority

The Ports Authority

St. Johns Ambulance Services

The Kenya Red Cross Society

The Scouts and Girl guide associations

MEMORANDUM OF OBJECTS AND REASONS

The main object of this Bill is to establish the structures for the management of disasters and emergencies by promoting cooperation amongst agencies with a role in disaster management, and enhancing their capacities to maintain the provision of essential services, including psychological services, during periods of disaster and emergency.

PART I of the Bill sets out the preliminary matters including the commencement date and the definition of various terms used in the Bill.

PART II of the Bill establishes the Disaster Management structure to be administered by the Officer Administering the Fund under the direction of the County Management Committee.

PART III of the Bill establishes the County Disaster Management Plan which shall be approved by the County Disaster Council or may delegate the power for approval to the Disaster Advisory Committee for implementation. This Part provides for the powers and roles of the council or the committee as the case may be and what the plan consist off.

PART IV of the Bill provides for the response agency and community planning which have been listed in the schedule in the Act. The Part outlines how each response agency shall prepare a response agency plan during times of disaster and emergency. The plan also provides for other institutions to develop a disaster management plan which shall be reviewed and endorsed by the Disaster Advisory Committee before being submitted for approval by the County Disaster Council.

PART V of the Bill provides for the declaration of a disaster by the chair of the County Disaster Council which would activate with immediate effect the disaster response provisions of the County Disaster Management Plan in the occurrence of any disaster. The part outlines responsibility for coordinating recovery activities in the aftermath of any disaster or emergency.

PART VI of the Bill provides for the powers bestowed to the security officers in times of disaster and offences and penalties.

PART VII of the Bill creates the disaster management fund which shall be administered by the County Director for Disaster Management. The part also

outlines sources of the County Disaster Management Fund. The part also provides for immediate procurement of provisions or materials or immediate application of resources necessary for rescue relief to be procured by the concerned department upon satisfaction by the County Disaster Council.

The part also provides that proper books and records of account of the income, expenditure, assets and liabilities be kept.

PART VIII of the Bill provides for miscellaneous clauses which provides civil and criminal liability to any person exercising a function or power in good faith and without negligence under this Act or the County Disaster Management Plan. The enactment of this bill will occasion very little additional expenditure of public funds which can be provided for within the budget estimates.

DATED 29th APRIL, 2014

HON. SAMWEL BOR,
Chairperson

Committee on Energy, Environment, Water and Natural Resources