

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 39 OF 2012

The Disaster Management Act, 2010
(Act No. 13 of 2010)

**The Disaster Management (National Disaster
Management Council) Regulations, 2012**

IN EXERCISE of the powers contained in section *eight* of the Disaster Management Act, 2010, the following Regulations are hereby made:

PART I

PRELIMINARY

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| 1. These Regulations may be cited as the Disaster Management (National Disaster Management Council) Regulations, 2012. | Title |
| 2. In these regulations, unless the context otherwise requires—
“Council ” means the National Disaster Management Council established under the Act; and
“ sub-committee ” means a sub-committee of the Council established under regulation 4. | Interpretation |

PART II

PROCEEDINGS OF COUNCIL

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| 3. (1) The Council shall meet for the transaction of business at least once in every three months at such places and times as the Chairperson may determine. | Proceedings
of
Council |
| (2) Upon giving notice of not less than fourteen days, a meeting of the Council may be called by the Chairperson, and shall be called by the Chairperson if not less than one third of the members so request in writing, except that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving a shorter notice. | |
| (3) The quorum at a meeting of the Council shall be one half of the members. | |

- (4) There shall preside at any meeting of the Council—
- (a) the Chairperson;
 - (b) in the absence of the Chairperson, the Vice-Chairperson; and
 - (c) in the absence of both the Chairperson and the Vice-Chairperson, such member as the members present may elect from amongst themselves for the purpose of that meeting.

(5) A decision of the Council on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to a deliberative vote.

(6) The Council may invite any person whose presence is in its opinion desirable to attend and to participate in the deliberations of a meeting of the Council but such person shall have no vote.

(7) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council or by any defect in the appointment of any member or by reason that any person not entitled to do so, took part in the proceedings.

(8) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and every meeting of any sub-committee.

Sub-
committees

4. (1) The Council may, for the purpose of performing its functions, appoint sub-committees and delegate to the sub-committees such of its functions as it thinks fit.

(2) The Council may appoint as members of a sub-committee constituted under sub-regulation(1), persons who are or are not members of the Council and such persons shall hold office for such period as the Council may determine.

(3) Subject to these Regulations, a sub-committee may regulate its own procedure.

Tenure of
office and
vacancy

5. The office of a member becomes vacant if—
- (a) the member dies;
 - (b) the member is adjudged bankrupt;
 - (c) the member becomes mentally or physically incapable of performing the duties of a member of the Council or a sub-committee;

- (d) the member is absent without reasonable excuse from three consecutive meetings of the Council or a sub-committee of which the member has had notice; or
- (e) if the member is convicted of an offence under any other law.

6. (1) A person who is present at a meeting of the Council or a sub-committee at which any matter in which that person or that person's spouse is directly or indirectly interested in a private capacity is the subject of consideration shall, as soon as is practicable after the commencement of the meeting, disclose that interest and shall not take part in any consideration or discussion of, or vote on, any question relating to, that matter.

Disclosure of interest

(2) A disclosure of interest made under this regulation shall be recorded in the minutes of the meeting at which it is made.

7. (1) A person shall not, without the consent in writing given by, or on behalf of, the Council, publish or disclose to any unauthorised person, otherwise than in the course of duties of that person, the contents of any document, communication or information whatsoever, which relates to, or which has come to the knowledge of that person in the course of that person's duties under these Regulations.

Prohibition of publication or disclosure of information to unauthorised persons

(2) A person who contravenes sub-regulation (1) commits an offence and is liable, upon conviction, to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding two years, or to both.

(3) A person who, having any information which to the knowledge of that person has been published or disclosed in contravention of sub-regulation (1), unlawfully publishes or communicates the information to any other person, commits an offence and is liable, upon conviction, to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding two years, or to both.

8. An action or other proceeding shall not lie or be instituted against a member of the Council or a sub-committee for, or in respect of, any act or thing done or omitted to be done in good faith in the exercise or performance, or purported exercise or performance, of any of the powers, functions or duties conferred under these Regulations.

Immunity