



MONTSERRAT

CHAPTER 10.11

MONTSERRAT VOLCANO

Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

MONTSERRAT VOLCANO OBSERVATORY ACT

Act 4 of 1999 .. in force 17 August 1999

Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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CHAPTER 10.11

MONTERRAT VOLCANO OBSERVATORY ACT

(Acts 4 of 1999 and 9 of 2011)

AN ACT TO ESTABLISH A BODY CORPORATE TO EXERCISE AN OVERVIEW OF THE VOLCANIC ACTIVITY AND TO MINIMIZE ITS DESTRUCTIVE CONSEQUENCES.

Commencement

[17 August 1999]

Short title

1. This Act may be cited as the Montserrat Volcano Observatory Act.

Interpretation

2. In this Act, unless the context otherwise requires—

“**Director**” means the person so appointed under section 7;

“**volcanic activity**” means all the physical and chemical processes that occur during the formation and evolution of volcanoes in Montserrat.

Establishment of the Montserrat Volcano Observatory

3. (1) There shall be established for the purposes of this Act a body corporate to be called the Montserrat Volcano Observatory (hereinafter referred to as the “**Observatory**”).

(2) The Observatory shall have perpetual succession and shall be entitled to hold and dispose of property to make contracts and to sue and be sued in its corporate name.

Board of Directors

4. (1) The Observatory shall have a Board of Directors of no less than six and no more than nine members of whom at least one shall be a representative of the University of the West Indies.

(2) The Board shall be co-chaired by the Governor and the Premier or their representatives. (*Amended by Act 9 of 2011*)

(3) The Director shall be the Secretary of the Board.

(4) The Governor acting on the advice of Cabinet shall appoint such other members as considered necessary. (*Amended by Act 9 of 2011*)

Responsibilities of the Board

5. (1) The Board of Directors shall be responsible for—

- (a) recommending the appointment of a suitable person to the office of Director;
- (b) the procurement of funding for the work of the Observatory and exploring ways of supplementing the income of the Observatory through commercial ventures; and
- (c) the overall policy and planning of the work to be carried out by the Observatory.

(2) Half the members of the Board shall constitute a quorum.

(3) Decisions of the Board of Directors may be taken by circulating a resolution among them.

(4) The Board of Directors may meet as often as may be necessary to transact their business, but not less than twice a year.

Power to delegate

6. (1) The Board of Directors may delegate authority for dealing with matters concerning the management of the Observatory to a Board of Operations.

(2) The Board of Operations shall be comprised of such persons as the Board of Directors shall from time to time determine.

Appointment of the Director

7. The Governor acting on the advice of Cabinet shall appoint a person to be the Director of the Observatory. *(Amended by Act 9 of 2011)*

Role of the Directors

8. Under the directions of the Board of Directors the Director shall be responsible for—

- (a) reporting on the status of volcanic activity in a regular and timely manner to the appropriate authorities as defined by the Board of Directors;
- (b) the efficient collection and analysis of the data necessary to monitor volcanic activity on Montserrat;
- (c) ensuring that staffing of the Observatory is adequate to maintain an appropriate level of monitoring;
- (d) assigning duties among the scientific and technical staff of the Observatory and assuring the quality of their work;
- (e) taking necessary steps to obtain external expertise as and when required;
- (f) developing and maintaining collaborative links with regional and extra-regional centres of expertise in scientific disciplines relevant to monitoring volcanic activity; and
- (g) assisting in the dissemination to the public of information concerning the status of volcanic activity.

Presentation of annual statement of income and expenditure

9. (1) The Board of Directors shall cause an annual statement of income and expenditure to be prepared within three months of the end of the financial year and which shall be thereupon audited by the Auditor General.

(2) The annual audited statements of account shall be laid before the Legislative Assembly. *(Amended by Act 9 of 2011)*

Regulations

10. The Governor acting on the advice of Cabinet may by order make such regulations, as he may think necessary for carrying out the provisions of this Act. *(Amended by Act 9 of 2011)*

