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**The Gambia Meteorological Authority Bill
(post-validation workshop version)**

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prepared by

NIRAS

a

Bill

to

establish an independent public enterprise governed by a board to be the lead
Authority in The Gambia for the provision meteorological services of an
internationally recognised standard to government, the public and the private
sector.

Be it enacted by.....

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Part I Preliminary

A Bill to establish an independent public enterprise governed by a board to be the lead Authority in The Gambia for the provision meteorological services of an internationally recognised standard to government, the public and the private sector.

1 Short Title

This Act may be cited as The Gambia Meteorological Authority Act 2014

2 Interpretation

(1) In this Act

- (a) “Meteorology” means the study dealing with phenomena of the atmosphere;
- (b) “Authority” means The Gambia Meteorological Authority established under Part II, section 3 of this Act
- (c) “Weather” means the state of the atmosphere measured in the short-term on the scale of minutes to days variation of the atmosphere;
- (d) “Upper air” refers to any level above ten metres from the surface of the earth;
- (e) “Board” means the governing body of the Authority provided for under Part II, section 4
- (f) “Minister” means the Minister responsible for Water Resources;
- (g) “Auditor – General” includes an auditor appointed by the Auditor – General;
- (h) “Conventions” means World Meteorological Organization Convention, the Convention of the International Civil Aviation Organization, the Framework Convention on Climate Change and the Convention to Combat Desertification and Drought;
- (i) “aeronautical services” includes information, direction and any other facilities furnished, issued or provided in connection with meteorological forecasts or data;

Part II Establishment

3 Establishment of an Authority

- (1) There is hereby established an Authority to be known as The Gambia Meteorological Authority or GAMA.
- (2)
 - (a) The Authority shall be the principal body responsible for the establishment, maintenance and operation of equipment and systems for the collection of meteorological information in The Gambia
 - (b) The Authority shall be the principal body responsible for the collection, analysis, archiving, modelling and dissemination of meteorological data, forecasts and warning for The Gambia
- (3) The Authority shall be a body corporate with perpetual succession and a common seal
- (4) The Authority may,
 - (a) sue and be sued in its corporate name;
 - (b) enter into contracts;
 - (c) acquire, hold and dispose of property; and
 - (d) so far as is possible for a body corporate, exercise the rights, powers and

privileges and incur the liabilities and obligations of a natural person of full age and capacity.

- (5) The application of the common seal of the Authority shall be authenticated by the signature of the Chairperson or any other person as authorised by the Board to sign on its behalf, and every document bearing the imprint of the seal of the Board is to be taken to be properly sealed unless the contrary is proved.

4 Establishment of a Board

- (1) There is hereby established a Board to be known as The Gambia Meteorological Authority Board.
- (2) The Board will be responsible for overseeing the implementation and delivery of the functions of the Authority in accordance with the provisions of this Act including *inter alia* management of the Authority, and providing due regard to The Gambia's national, regional and international obligations with respect to meteorological services.

5 Financial Provisions

- (1) The funds of the Authority shall include,
- (a) funds appropriated to it by the National Assembly;
 - (b) loans granted to the Authority;
 - (c) monies accruing by way of licence fees and charges and other fees and charges;
 - (d) any grants and gifts made to the Authority, provided that the terms and conditions attached to a grant or gift are not inconsistent with the functions of the Authority;
 - (e) such programme and research funds as may be agreed by government;
 - (f) monies arising from the provision of commercial services.
- (2) The Authority shall,
- (a) keep proper records and books of accounts of its income and expenditure;
 - (b) prepare a statement of accounts in respect of each financial year;
 - (c) within three months of the end of each financial year submit its statement of accounts to the National Assembly;
 - (d) not later than 31st July of each year, submit to the Minister responsible an estimate of the income and expenditure of the Authority for the next succeeding year.
- (3) The audited accounts of the Authority and the Auditor General's report on those accounts shall form part of the Auditor General's overall annual report to the National Assembly.

Part III The Gambia Meteorological Authority Board

6 Composition and Tenure of the Board

- (1) There is hereby established for the Authority a governing Board which shall comprise,
- (a) a Chairperson;
 - (b) the Permanent Secretary of the Ministry responsible for water and environment;
 - (c) the Permanent Secretary of the Ministry responsible for finance;
 - (d) the Permanent Secretary of the Ministry responsible for civil aviation;
 - (e) the Director General of the Authority;
 - (f) and two other people.

- (2) There shall be a Secretary to the Board who shall be appointed by the Board from the staff of the Authority.
- (3) In so far as practicable, members shall be chosen from persons who have knowledge or experience relevant to the Authority's functions and include at least one female member.
- (4) The President shall appoint the members specified in 6 (1) on the recommendation and advice of the Minister, and shall determine the terms and conditions of those appointments.
- (5) Except as provided by section 6 (7), a member shall hold office for a term of three years and may be re-appointed for one further term of three years.
- (6) A member may resign from office at any time by a letter addressed to the President.
- (7) Members shall not be removed from office unless-
 - (a) the Minister has advised the President that the member has, without good reason, been absent from at least three consecutive meetings of the Board without the permission of the Minister;
 - (b) a qualified medical practitioner has certified to the President that the member is incapacitated by physical or mental illness to such an extent as to render the member incapable of carrying out his or her functions as a member; or
 - (c) on the grounds of misconduct or incompetence.
- (8) If, for any reason, a member cannot carry out his or her functions as a member for more than six months, the President may appoint another person to carry out those functions until the member is again able to do so.
- (9) A member appointed to fill a vacancy shall hold office for the remainder of the term of the previous member and may be re-appointed for one further term of three years

7 Allowances for Board Members

- (1) The members shall be paid such allowances as are determined by the Minister.
- (2) The Minister shall ensure that all such allowances shall be properly reported in the annual accounts of the Authority

8 Board Meetings

- (1) The Board shall meet at least once during any period of three months in such place and at such times as the Chairperson may determine.
- (2) The Chairperson may, at any time, and shall, if three other members request in writing convene a special meeting of the Board to be held within seven days of the request.
- (3) At a meeting of the Board,
 - (a) the Chairperson shall preside at the meeting of the Board and in the absence of the Chairperson a member of the Board elected by the members present shall from their number shall preside;
 - (b) four members, including the Director General, shall form a quorum;
 - (c) subject to paragraph 8(3)(d) each member has one vote on a matter for deliberation; and
 - (d) a decision of the Board shall be by a simple majority vote, and if there is an equality of votes, the Chairperson or member presiding shall have a casting vote.
- (4) The Board may co-opt any person to act as an adviser at a meeting of the Board but the person shall not vote at the meeting.
- (5) The validity of a proceeding of the Board shall not be affected by a vacancy in the membership of the Board or by any defect in the appointment of a member.

- (6) Minutes of each meeting of the Board shall be kept by the Secretary.
- (7) Except as otherwise provided by this Act, the Board and any of its committees may regulate their own procedures.
- (8) If the office of Director General is vacant or the Director General is for any reason unable to attend a meeting of the Board, the person for the time being carrying out the duties of the Director General shall attend the meeting and may participate in its deliberations.
- (9) If a member has a direct or indirect personal interest in the outcome of the deliberations of the Board in relation to any matter,
 - (a) the member shall disclose the nature of the interest at a meeting of the Board;
 - (b) the disclosure shall be recorded in the minutes of the meeting; and
 - (c) the member shall withdraw from any deliberations of the Board in respect of that matter and not vote on it.
- (10) A Board resolution is valid if,
 - (a) it is signed or assented to by a majority of the members; and
 - (b) reasonable notice of the proposed resolution was given to each member and to the Director General, notwithstanding that it was not passed at a meeting of the Board

9 Functions and Powers of the Board

- (1) The Board shall fulfil the following functions,
 - (a) supervise the management of the affairs of the Authority including adequate systems for the control of its operational and financial functions such that the Authority provides a cost effective service of a high standard;
 - (b) to approve policies, standards, objectives, guidelines, staffing, work and financial plans which are necessary to ensure the efficient delivery and performance of the responsibilities of the Authority and to ensure their implementation by the Director General;
 - (c) to ensure that the Authority performs such functions and services as are assigned to it in order to meet the international meteorological obligations of The Gambia, including those concerning the World Meteorological Organisation and the International Civil Aviation Organisation;
 - (d) ensure that the Director General of the Authority implements approved policies, standards, objectives and guidelines;
 - (e) to determine the job description, functions and terms of employment of the Director General in accordance with the business plan for the Authority;
 - (f) to advise on any question put to it by the Authority.
- (2) The Board shall not delegate any of its functions or powers provided in this Act.

Part IV The Gambia Meteorological Authority

10 Objective of the Authority

- (1) The object of the Authority is to be the lead Authority in the measurement, archiving, analysis and dissemination of meteorological information in The Gambia and to ensure the operation and maintenance of international standards and practices in meteorology in the country. In addition the Authority will establish operate and maintain such equipment and systems as are necessary to meet its functions under this Act.

11 Functions of the Authority

- (1) The Authority shall perform the following functions,
 - (a) advise Government on meteorology generally;
 - (b) provide meteorological information, advice, and warning for the benefit of agriculture, civil and military aviation, surface and marine transport, operational hydrology and management of energy and water resources to mitigate the effects of natural disasters such as floods, storms and droughts on socio-economic development and projects.
 - (c) establish, install maintain and monitor such meteorological stations, telecommunication systems, equipment and data storage and management systems as may be required to meet the objectives of the Authority including surface and upper air observational station networks;
 - (d) be the lead authority to approve the establishment of stations for meteorological observations and ensure uniform standards of observation of meteorological phenomena in the country;
 - (e) generate, collect, analyse, process, and make available meteorological data and information nationally and internationally in accordance with rules, practices and procedures established nationally and under international conventions;
 - (f) formulate policies, standards, objectives and guidelines which are necessary to ensure the performance of the functions of the Authority and to actively promote the services of The Gambia Meteorology Authority both nationally and internationally;
 - (g) ensure compliance with conventions and annexes, protocols, quality control mechanisms, certification requirements and any other relevant standards and practices of the World Meteorological Organisation and ICAO;
 - (h) establish and maintain a secure national meteorological database for the purposes of research, analysis, planning and design;
 - (i) issue routine weather forecasts for the safe operation of civil and military aircraft, ocean going vessels and canoes, oil rigs and other socio-economic activities including agriculture;
 - (j) issue meteorological advice and warnings with respect to extreme meteorological events including storms, floods and droughts;
 - (k) conduct studies and investigations into meteorological issues and events as directed by the Board or in the general public interest;
 - (l) Calibrate and develop meteorological equipment for internal use and export;
 - (m) Provide consultancy services in meteorology to the public and private sectors
 - (n) formulate annual and long term budgetary, operational and financial plans for the Authority;
- (2) The Authority shall perform the following additional functions,
 - (a) the Authority shall be participate in and be subject to periodic technical audits and inspections by the national and international bodies for the purpose of maintaining international standards of operation;
 - (b) The Authority shall undertake such activities which are deemed reasonable and part of the agencies plans to assist and address the need for improved in-service and national training of the Meteorological Authority staff and their successors;
 - (c) Participate in local and international training, and research in meteorology and other related fields in co-operation with other relevant national and international institutions and authorities concerned with applied meteorological research;
 - (d) Such other functions as may be approved by the Board.

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Powers of the Authority

- (1) The Authority shall have the following powers

- (a) to establish charges to cover the costs of providing meteorological data and services including such publications which it may produce;
 - (b) With the approval of the Board, to negotiate contracts, including financial terms for the provision of commercial services;
 - (c) to enter into such project relationships with development partners as are of benefit to The Gambia and approved by the Board. These projects may include research, development and testing of equipment and methodologies;
 - (d) to enter into contract or lease to obtain the use of immovable property and construct buildings as reasonably required to fulfil its functions under this Act;
 - (e) To obtain and protect the copyright and intellectual property of any such products, equipment and methodologies that it may develop;
 - (f) to appoint, consult and seek the advice of any person or body (including Ministries or other agency of Government) whether inside or outside The Gambia;
 - (g) the Authority shall not be subject to the direction or control of any person or authority in the performance of its functions or exercise of its powers under this Act and shall act in all matters and at all times impartially;
 - (h) To enter, after giving seven days' written notice to the owner or occupier of any land or premises and perform functions required under this Act for the purpose of installing, repairing, maintaining, removing obstructions, and recording data from any meteorological station or installation;
 - (i) failing to allow entry of the Authority in its pursuance of its work will be an offence under this Act and subject to a fine of XYZ.
- (2)
- (a) the Authority may require any activity that obstructs or hinders the collection, delivery or electronic transmission of meteorological information to be removed or stopped under this Act.
 - (b) the Authority shall provide seven days written notice to the relevant person of its intention to prohibit or remedy any obstruction or hindrance.
 - (c) in circumstances where such obstructions or hindrances have immediate or potentially significant impact upon human safety the Director General of the Authority may by clear written instruction take immediate action to remove such obstructions and hindrances and shall at the same time inform the Chairman of the Board;
 - (d) Any person who prevents the authority in any way from fulfilling its powers under 12(2)(a) shall commit an offence under this Act and be subject to a fine of xxx
- (3)
- With regard to the employees of the Authority the Board shall,
- (a) appoint such properly qualified employees as are necessary for the due discharge of the functions of the Authority on such terms as determined and in accordance with the plans of the Authority as approved under section 9 of this Act;
 - (b) be responsible for the discipline and removal of employees of the Authority;
 - (c) make regulations establishing schemes for pensions, gratuities and other retirement benefits in respect of employees of the Authority.
- (4) The Authority may not delegate any of its powers established under this Act.
- (5) Offices of the Authority

- (a) There shall be established in each regional capital a regional office of the
- (b) Authority. Offices of the Authority shall be provided with the public officers that the Board in consultation with the Public Services Commission shall determine.
- (c) Offices of the Authority shall perform the functions of the Authority in the Region directed by the Board.

13 (1) Responsibilities of the Director General

The Director General shall,

- (a) be the Chief Executive Officer of the Authority and be responsible for the day-to-day administration and shall ensure the implementation of the decisions of the Board;
- (b) ensure that properly qualified staff are appointed to the Authority;
- (c) be the Permanent Representative(PR) of The Gambia with the World Meteorological Organization in accordance with the provisions of Regulation 6 of the World Meteorological Organization, Basic Document No. 15;
- (d) produce annual and long term plans and budgets for the work of the Authority;
- (e) ensure adequate systems are in place for the control of operational and financial functions such that the Authority provides a cost effective service of a high standard and ensure that proper records of the Agencies activities and finances are kept;
- (f) engage by following appropriate procedures the services of such experts and consultants as approved in work plans to fulfil the functions of the Authority;
- (g) have such other responsibilities as established by the Board and formalised by contract with the Director General.
- (h) The Director-General may delegate the functions of the office of Director General to an officer of the Authority but is not relieved of ultimate responsibility for the performance of the delegated function.

14 (1) Provision of Services by the Authority

All services to be provided by the Authority to either the public or private sectors shall first be approved by the Board and agreed in writing through a Contract, Customer Service Agreement, Letter of Agreement or Memorandum of Understanding which will specify *inter alia*,

- (a) the precise technical nature of the service to be provided, specifying parameters, units and timescales;
- (b) the timing for the delivery of the service;
- (c) the payment of fees, rates and other costs together with a schedule of payment and timing in an agreed currency;
- (d) a dispute resolution provision.

Part V Miscellaneous Provisions

15 (1) Making Regulations

The Minister with the advice of the Board may make regulations to give effect to the provisions of this Act, *inter alia*,

- (a) to prescribe guidelines for climatic requirement for sectoral activities;
- (b) for the establishment of meteorological stations;
- (c) for matters in which fees are payable;
- (d) for provision of aeronautical services;
- (e) to provide uniform standard in the observation of meteorological phenomena;

(f) generally for the achievement of the purposes of this Act

16 (1) Offences

(2) *Note here that offences are created by this Act at 12(1)(i) and 12(2)(d)*

Vandalism: Any person who deliberately damages, vandalises or impairs the functioning of meteorological stations, equipment or any physical structure necessary under this Act shall commit an offence under this Act.

17 (1) Fines

Note here as are required in relation to 12(1)(i) and 12(2)(d)- whilst this Act establishes the fine as a penalty – its value is best placed as a schedule to the Act or under a regulation.

18 (1) Confidentiality

A member of the Board, the Director General or any other officer or employee of the Authority shall

(a) Subject to any existing law, treat as confidential any information obtained in the exercise of powers or the performance of duties under this Act;

(2) (b) Not disclose any information except when required to do so by a court, under any enactment, or other circumstances determined by the Board.

Any person who acts contrary to 18 (1) (a) (b) shall, in the case of an officer or employee of the Authority be subject to disciplinary action, and in the case of a member of the Board be liable to be removed from the Board.

19 (1) Indemnity

(2) *[Note example text below reflects provisions in the South Africa and the Ghana Meteorological Acts]*

A member of the Board, the Director-General or any officer or employee of the Authority shall be indemnified out of the assets of the Authority against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Director-General, officer or employee of the Authority.

Neither The Gambia Meteorological Authority nor any other person acting on its behalf is liable for any damage, loss or injury caused by any act performed or omitted in good faith, in the course of exercising a power or performing a function assigned by or under this Act.

20 Taxation

The Authority is exempt from the payment of tax on an income accruing from investments made by the Board for the Authority.

21 (1) Repeals and Transitional Provisions

(2)

(3)

22 Review of this Act

The Minister shall instruct a review of this Act five years after its assent. The review shall examine progress in meeting the purposes of the Act, examine human resource and financial issues associated with its implementation and shall, identify any unintended outcomes. The review will make

recommendations concerning the strategy for continued implementation of the Act, recommend any modifications to the Act and recommend any additions to the Act