SPECIAL ISSUE

Kenya Gazette Supplement No. 9 (Kilifi County Acts No. 15)

NATIONAL COUNCIL FOR LAW REPORTING LIBRARY

REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

KILIFI COUNTY ACTS, 2016

NAIROBI, 15th April, 2016

CONTENT

Act—

PAGE

The Kilifi County Disaster Management Act, 2016 1

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI

THE KILIFI COUNTY DISASTER MANAGEMENT ACT, 2016

No. 15 of 2016

Date of Assent: 7th April, 2016

Date of Commencement: See Section 1

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY

1—Short title.

2—Interpretation.

3—Objects of the Act.

PART II—ESTABLISHMENT AND ADMINISTRATION OF THE DISASTER MANAGEMENT COUNCIL

4—Establishment of County Disaster Council.

5—Membership of the Council.

6—Functions of the Council.

PART III—ESTABLISHMENT AND ADMINISTRATION OF THE DISASTER MANAGEMENT UNIT

7—Establishment of the Unit.

8—Staff of the Unit.

9—Functions of the Unit.

10—Establishment of County Emergency Information Desks.

PART IV— DISASTER MANAGEMENT PLANS

11—County Disaster Management Plan.

12—Approval of plans.

13—Implementation of Plans.

14—Review and amendment of plans.

15—Co-ordination of recovery activities.

PART V—MEASURES BY THE COUNTY GOVERNMENT FOR DISASTER MANAGEMENT

16—County government to take measures.

17—Steps to abate danger.

PART VI—FINANCIAL PROVISIONS

18—Establishment of the County Disaster Management Fund.

19—Allocation of funds for disaster management.

20—Emergency procurement.

PART VII—OFFENCES AND PENALTIES

21—Obstruction.

22—False claim.

23—Misappropriation of money or materials.

24—False alarm.

25—General penalty.

PART VIII—MISCELLANEOUS

26—Power to requisition resources for rescue operations.

27—Compensation.

28—Protection from liability.

29—Entry upon property.

30—Direction for communication of warnings.

31—Regulations.

THE KILIFI COUNTY DISASTER MANAGEMENT ACT, 2016

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

ENACTED by the County Assembly of Kilifi, as follows—

PART I—PRELIMINARY

Short title.

1. This Act may be cited as the Kilifi County Disaster Management Act, 2016 and shall come in to operation with assent by the Governor.

Interpretation.

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

"A person" means an individual or any institution;

"Compensation" means any assistance by the county government that seeks to restore normalcy of life and livelihoods other than relief, rehabilitation and reconstruction after a disaster.

"Council" means the County Disaster Council established under Section 4.

"County Disaster Management Plan" means the County Disaster Management Plan provided for in section 11;

"The Unit" means the County Disaster Management Unit established under section 7 of the Act;

"Disaster" means a situation in any part of the County—

(a) which arises from any happening, whether natural or otherwise, including—

(i) any naturally occurring event negatively affecting the whole or any part of the County;

(ii) any destructive 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;

(v) any event, natural or otherwise, which threatens the supply of water or the quality of water resources in the County;

(vi) any other emergency event resulting from systems failure, infrastructure failure or human error; and

(vii) any event, natural or otherwise, which threatens the availability and quality of food in the County.

(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 management" means a continuous and integrated process of planning, organizing, coordinating and implementing measures which are necessary or expedient for—

(a) prevention of danger or threat of any disaster;

(b) mitigation or reduction of risk of any disaster or its severity or consequences;

(c) capacity-building;

(d) preparedness to deal with any disaster;

(e) prompt response to any threatening disaster situation or disaster;

(f) assessing the severity or magnitude of effects of any disaster;

(g) evacuation, rescue and relief;

(h) rehabilitation, recovery and reconstruction;

"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 sudden and usually unforeseen event that calls for immediate measures to minimize its adverse effects; less 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 mobilization and utilization of The County's resources or which would exceed the ability of the County to cope using its own resources.

"Fund" means the County Disaster Management Fund established by the County Government under Section 17 of the Act

"Governor" means the Governor elected under the Constitution of Kenya of 2010 or a person acting in that capacity.

"Mitigation" means measures aimed at reducing the risk, impact or effects of a disaster or threatening disaster situation;

"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 working in the county in addressing disaster management at that particular time.

Objects of the Act.

3. The objects of this Act are to—

(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 authorized 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 minimize 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 II—ESTABLISHMENT AND ADMINISTRATION OF THE DISASTER MANAGEMENT COUNCIL

Establishment of the County Disaster Council.

4. There is established a county disaster management council to be known as the County Disaster Council.

Membership of the Council.

5. (1) The County Disaster Council shall consist of—

(a) the Executive Committee Member responsible for Finance and Economic Planning;

(b) the Executive Committee Member responsible for Health;

(c) the Executive Committee Member responsible for Agriculture, Livestock and Veterinary Services;

(d) the Executive Committee Member responsible for Disaster Management as the Chairperson;

(e) the Executive Committee Member responsible for Water, Forestry, Environment and Natural Resources;

(f) the Executive Committee Member responsible for Public Works;

(g) the County Director responsible for Disaster Management who shall be the Secretary;

(h) the County Commissioner;

(i) the County Commander of Police;

(j) the County Liaison Officer of the Kenya Red Cross Society.

(2) The members of the County Disaster Council shall not attract remuneration.

Functions of the Disaster Council.

6. (1) The County Disaster Council shall have the following functions—

(a) to review, approve and endorse where appropriate any recommendation or advice given by the Disaster Management Unit, 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 approve and oversee the application of the County Disaster Management Plan and County Disaster Management Policies during any period of a disaster or emergency and give any order or direction necessary for the plan to be implemented;

(d) to administer and mobilize resources for the County Disaster Management Fund;

(e) to oversee the implementation of disaster risk reduction, preparedness, response and recovery activities by all County Government sectors and agencies performing roles related to disaster management;

(f) to exempt a response agency from being bound by one or any provision of this Act;

(g) to discharge any other responsibility or exercise any other power as provided by this Act or the County Disaster Management Plan; and

(h) To negotiate with the central government and other counties on trans border disasters and emergencies.

(2) In the absence of the Chairperson, the members present among themselves shall appoint a Chair.

PART III—ESTABLISHMENT OF THE DISASTER MANAGEMENT UNIT

Establishment of the Unit.

7. There is established the Disaster Management Unit in the County

Staff of the Unit.

8. The Unit shall be headed by a Director who shall be subject to the direction of the Council and shall be responsible to it for the—

(a) implementation of the decisions of the Council;

(b) day to day management of the affairs of the Unit;

(c) organization and management of the employees of the Unit; and

(d) any other function that may be assigned by the Council.

(2) The County Director of Disaster Management shall be a public officer, appointed by the County Public Service Board.

(3) The other staff of the Unit shall be persons recruited, employed and deployed by the County Public Service Board.

(4) The staff of the Disaster Management Unit shall include—

(a) such officers as are appointed to positions within the Disaster Management Unit; and

(b) other officers who may be seconded to the Disaster Management Unit 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/ the Deputy Governor, and subject to any terms and conditions agreed to between the Governor/ Deputy Governor and the seconding agency.

(5) The Director may delegate in writing all or any of the powers relating to the management of the Disaster Management Unit to another officer of the Unit, 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.

(6) The director shall be the secretary to the Council.

Functions of the Unit.

9. The functions and responsibilities of the Disaster Management Unit are to—

(a) formulate the County Disaster Management Policy;

(b) facilitate the formation of the County Disaster Management Plan;

(c) coordinate the response agencies and the community generally to implement and participate in disaster risk reduction activities and programs;

(d) ensure the response agencies and other entities prepare plans in accordance with Part IV;

(e) collate plans prepared by the response agencies, educational institutions and other institutions such as hotels and tourist service operators; commercial and industrial establishments; non-governmental organizations with an identified role to play in relation to disaster and emergency management; villages; and public, private and social institutions, in accordance with Part 4 and refer them to the County Disaster Council for approval;

(f) provide administrative support to the County Disaster Council;

(g) undertake such activities as are necessary to prepare for responses to disasters and emergencies;

(h) co-ordinate response activities and the implementation of the County Disaster Management Plan during disasters and emergencies;

(i) provide facilities and staff for the Emergency Information Desk;

(j) 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;

(k) undertake such activities as provided for in the County Disaster Management Plan and in this Act necessary to assist sectors of the community to reduce risks, respond to disasters and recover from the effects of disasters and emergencies;

(l) support the establishment and coordinate operations of the sub county, ward and village disaster committees; and

(m)undertake and facilitate stakeholder/ investors forums in the all the sub counties quarterly and/or when a situation demands;

(n) support research, disaster monitoring, early warning systems and structures including preparedness for emerging threats/ disasters;

(o) report to the County Disaster Council Chairperson on the state of disasters in the county;

(p) advice the County Disaster Council on disaster risk reduction strategies for the county government to undertake;

(q) implement decisions of the County Disaster Council, the Unit, and to give proper effect to the provisions of this Act and the County Disaster Management Plan; and

(r) co-ordinate alcohol, drugs and substance abuse programmes in the county.

PART IV— DISASTER MANAGEMENT PLANS

County Disaster Management Plan.

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

(2) The County Disaster Council shall have the responsibility of approving the County Disaster Management Plan and may delegate to the Disaster Unit 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 by response agencies and institutions mentioned in Section 9 (e), and shall be duly approved and relate to—

(a) the objectives of the County Disaster Management Plan;

(b) a comprehensive risk profile for all parts of the County; and

(c) arrangements to be implemented aimed at disaster risk reduction;

(d) operational arrangements, including matters related to—

(i) preparedness arrangements;

(ii) response arrangements;

(iii) recovery arrangements; and

(iv) the roles, responsibilities and organization of National/County Government sectors, auxiliary agencies, Non-Governmental organizations and sub-county, ward or village committees;

(e) the procedures for approving and managing assistance sought or offered in responses to any needs arising in the County from disasters and emergencies;

(f) other appropriate financial arrangements to support all aspects of the Plan;

(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 or any other person delegated by 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 organization or person that the Director considers appropriate.

Approval of Plans.

11. (1) Subject to subsection (3), all plans prepared under this Part shall be reviewed and endorsed by the Disaster Management Unit prior to being submitted for approval by the County Disaster Council.

(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 Council, 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.

Implementation of Plan

12. (1) When an emergency exists or is imminent or a disaster has occurred or is imminent, the Unit or other persons designated in the plan may cause the plan to be implemented.

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

(3) During any period of a declaration of disaster, the County Disaster Council may determine that only some of the powers conferred on any of the agencies, organizations or persons under this Act may be exercised, as the situation requires

Review and amendment of Plans.

13. (1) All plans prepared and approved in accordance with this Part shall be reviewed at periods determined by the Council or the Unit.

(2) The Disaster Management Unit 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 Management Unit;

(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 Unit shall provide assistance to the response agencies, educational institutions and the other agencies and organizations whose plans have been approved 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 Management Unit for endorsement and forwarded to the Council for approval.

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

Co-ordination of recovery activities.

14. (1) The Unit has the responsibility of coordinating recovery activities in the aftermath of any disaster or emergency.

(2) The Unit shall undertake its responsibilities under subsection (1) in accordance with any directions given from time to time by the County Disaster Council.

PART V—MEASURES BY THE COUNTY GOVERNMENT FOR DISASTER MANAGEMENT

County Government to take measures.

15. (1) Subject to the provisions of this Act, the County Government may take all such measures as it considers necessary or expedient for the purpose of disaster management.

(2) Without prejudice to the generality of subsection (1), the measures which the County Government may take includes measures with respect to all or any of the following matters, namely—

(a) co-ordination of actions of the departments and divisions of the county government, and non-governmental organizations in relation to disaster management;

(b) co-operation and assistance to any other person, as requested by them or otherwise considered appropriate by it;

(c) establishment of institutions for research, training and developmental programmes in the field of disaster management; and

(d) such other matters as it considers necessary or expedient for the purpose of securing effective implementation of the provisions of this Act.

(3) The county government may extend such support to other counties affected by a major disaster as it may consider appropriate.

Steps to abate danger.

16. (1) Where the Unit identifies premises as likely to pose a danger in the event of a disaster, it shall—

(a) certify that, in writing, to the owner or occupant of the property; and

(b) give the owner specific instructions as to the steps to take to abate or remove the danger within four weeks of the receipt of the notice.

(2) upon failure to comply with the requirements after notice, the Unit shall take the necessary steps to give effect to the notice including entry by its employees or agents upon the premises after due notice to the owner or occupant of the premises.

(3) A person who is served with a notice under subsection (1) and who does not take all the steps as directed by the Unit in the notice to abate or remove the potential danger within four weeks from the date of receipt of the notice, commits an offence and in addition to any penalty imposed under section 25 shall be made to pay any expenses which the Unit incurs to abate or remove the danger.

(4) An employee or an agent of the Unit exercising a function under this section must properly identify themselves to the occupant or owner of the property on which the danger was identified, by the production of their badge, tag or other identification device provided by the Unit.

PART VI—FINANCIAL PROVISIONS

Establishment of the County Disaster Management Fund.

17. (1) The County Government shall establish the County Disaster Management Fund, which shall be administered by an officer appointed by the County executive Committee Member for finance and economic planning and administer the Fund in accordance with the Public Finance Management Act, 2012.

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

(a) at least 12% (percent) of the annual County Revenue

(b) such monies or assets as may accrue to the Unit 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;

(d) loans, aid or donations from national or international agencies; and

(e) all monies from any other source provided or donated or lent to the Unit.

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

Allocation of funds for disaster management.

18. (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 Unit for that year.

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

(a) funding of training, research and development of activities of the Unit;

(b) funding of education, training and capacity building on disaster management in the county; and

(c) such other matters as the Unit 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 Unit shall not be incurred except in accordance with the annual estimates approved under subsection (3).

(5) The County Government shall, in the annual budget, make provisions for funds for the purposes of carrying out the activities and programs set out in this Act.

Emergency procurement.

19. (1) Where, by reason of any impending disaster, the 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 or authority may use direct procurement.

(2) The direct procurement referred to in subsection (1) shall—

(a) comply with the regulations as outlined in the Public Procurement and Disposals Act, Chapter 412A, Laws of Kenya.

PART VII—OFFENCES AND PENALTIES

Obstruction.

20. (1) A person who obstructs the Unit or any person in the performance of an action authorized by this Act or who contravenes or fails to comply with—

(a) a provision of this Act or any regulation; or

(b) a direction, order or requirement made pursuant to this Act or the regulations;

commits an offence and is liable to—

(i) in the case of an individual, to a fine not exceeding five hundred thousand shillings or to imprisonment of not more than six months or to both; or

(ii) in the case of a corporation, to a fine not exceeding Kenya shillings five million.

False claim.

21. A person who—

(a) knowingly, makes a claim which they know or has reason to believe to be false for obtaining any relief items, material and financial assistance, or other services related to rehabilitation, reconstruction and recovery after a disaster; or

(b) forwards or presents false claims or other benefits consequent to disaster from any officer of the county government;

commits an offence and is liable, on conviction, to a fine not exceeding Kenya shillings one hundred thousand or imprisonment of not more than one year, or to both.

Misappropriation of money or materials.

22. A person who is entrusted or is a custodian of monies or materials meant for providing relief to disaster victims shall be committing an offence and will be liable to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding 2 years, or both, if he/she—

(a) solicits or receives money fraudulently on behalf of disaster victims or activities;

(b) uses money meant for disasters activities other than those prescribed under this Act;

(c) trades or disposes of relief items or materials for disaster victims or interventions;

(d) destroys relief items or materials; or

(e) in part or wilfully compels any other person to do so.

False alarm.

23. (1) A person who uses—

(a) print media;

(b) electronic media; or

(c) traditional methods of communication;

to spread or circulate a false alarm or warning on a disaster, or its severity or magnitude, leading to panic in part or whole county other than routine drills commits an offence and is liable to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding 1 year, or both.

General penalty.

24. A person who commits an offence under this Act for which no penalty is prescribed is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a period not exceeding one year, or to both.

PART VIII—MISCELLANEOUS PROVISIONS

Power to requisition resources for rescue operations.

25. (1) Where it appears to the Unit that—

(a) any resources with the county government or any authority or person, are needed for the purpose of a prompt response;

(b) any building or building materials or land or premises to demolish any building or other structure, as the case may be, is needed or likely to be needed for the purpose of rescue operations;

(c) any vehicle including bulldozers, tractors, motor vehicles, carts, carriages, boats and other means of transport by air, land or water is needed or is likely to be needed for the purposes of transport of resources from disaster affected areas or transport of resources to the affected area or transport in connection with rescue, rehabilitation or reconstruction; or

(d) directions are required to be issued to any person to abstain from a certain act or to take certain order with regard to certain property in their possession or under their management;

the Unit may, by order in writing, requisition such resources or premises or vehicle, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in this connection.

(2) The owners of premises, resources or vehicles affected by orders issued under paragraphs (b), (c), and (d) in subsection 1, shall be entitled to claim reasonable compensation as admissible under any other county or national law for the time being in force.

(3) Where a person is aggrieved by the amount of compensation awarded under subsection (2)—

(a) the person may within 14 days write to the Chair of the County Disaster Council; or

(b) the person may within thirty days appeal to the Resident Magistrates Court failure of response as per sub-section 3 (a).

Compensation.

26. (1) Where by reason of a disaster which results in a substantial loss of life or human suffering or damage to, and destruction of property or a large scale migration of the

affected people consequent to the disaster, the affected people shall be assisted where there is loss of life or property, in addition to relief, rehabilitation, or settlement activities.

(2) The amount of compensation shall be determined by the County Government.

Protection from liability.

27. No action or proceeding may be brought against any person acting under the authority of this Act, including an agent, for anything done, or not done, or for any neglect—

(a) in the performance or intended performance of a duty under this Act; or

(b) in the exercise or intended exercise of a power under this Act; unless the person was acting in bad faith.

Entry upon property.

28. (1) A person, in the course of implementing an emergency management plan pursuant to this Act or the regulations may, at any time, enter any property.

(2) The Unit, with authorization from the Council, may give direction to any authority or person in control of any audio or audio-visual media or such other means of communication as may be available to carry any warning or advisories regarding any threatening disaster situation or disaster, and the said media or means of communication must comply with such direction.

Direction for communication of warnings.

29. The Unit, with authorization from the Council, may give direction to any authority or person in control of any audio or audio-visual media or such other means of communication as may be available to carry any warning or advisories regarding—

(a) emergency situations;

(b) any threatening disaster situation; or

(c) any disaster;

and the said media or means of communication must comply with such direction.

Regulations.

30. The Executive Member may make regulations on—

(a) emergency planning for the continuity of functions

of departments, boards, commissions, corporations and other agencies of the county;

(b) the vesting of special powers and duties in various departments and agencies of the county for the purposes of emergency planning and the implementation of emergency management plans;

(c) the recognition of the professional, trade or other qualifications of persons sent to the county by another jurisdiction under an agreement entered into during a state of emergency;

(d) the emergency planning, evaluation, and level of preparedness required of the county sub units;

(e) emergency planning, evaluation and reporting for non-governmental entities;

(f) the establishment, operation, liability and responsibilities of ground search and rescue organizations; and

(g) any matter that the executive member considers necessary for the administration of this Act.