



Tuvalu

METEOROLOGICAL SERVICES ACT

2022 Revised Edition

Cap 30.16



Tuvalu

METEOROLOGICAL SERVICES ACT

Arrangement of Sections

Section	Page
1 Short Title	5
2 Commencement	5
3 Purpose.....	5
4 Interpretation.....	5
5 Establishment.....	10
6 National Authority	10
7 Functions.....	10
8 Appointment of Director.....	11
9 Functions of the Director	11
10 Powers of the Director	12
11 Functions of the Secretary	13
12 Powers of the Secretary	13
13 Functions of the Minister	13
14 Powers of the Minister.....	13
15 Intellectual Property.....	14
16 Ownership.....	14
17 Early warning system.....	14
18 Funds.....	14
19 Appointment of Permanent Representative to the WMO	15
20 Fulfilling Regional and International Obligations	15
21 Obstructing of Meteorological Staff and Property.....	15
22 Unlawful provision of Meteorological Services	16
23 Precautionary principle	16
24 Fees	16
25 Indemnification from liability.....	16
26 Employee’s safety.....	16
27 Complaint Mechanism.....	17
28 Regulations	17



Tuvalu

METEOROLOGICAL SERVICES ACT¹

AN ACT TO ESTABLISH THE DEPARTMENT KNOWN AS THE TUVALU METEOROLOGICAL SERVICE AND OTHER MATTERS CONNECTED AND INCIDENTAL THERETO

Commencement [5 July 2021]

1 Short Title

This Act may be cited as the Meteorological Services Act.

2 Commencement

This Act shall come into force on the date appointed by the Minister by notice.

3 Purpose

The purpose of this Act is to provide for the administration and management of the Tuvalu Meteorological Service Department to ensure efficient and effective provision of meteorological services in Tuvalu which contribute to the preservation of life, property and mitigating the adverse impacts of climate change through timely and advance accurate forecast of atmospheric and oceanic variability.

4 Interpretation

In this Act unless the context otherwise requires -

“**Agreement**” means any agreement either bilateral or multilateral that the department enters for the purpose of implementing this Act.

“**Authority**” means any person or body authorised under this Act to act or implement the Act;

“**Biosphere**” means the layer of the Earth where life exists;

“**Climate**” means the measurement of the mean and variability of relevant quantities of certain variables of the atmosphere over a period of time, ranging from months to thousands or millions of years;

“**Climate Change**” means any change of climate which is attributed directly or indirectly to human activity that alters the hydrosphere, biosphere, cryosphere and lithosphere, and which is in addition to natural climate variability observed over comparable time periods;

“**Climate Variability**” means the variation in the mean state and other statistics such as standard deviations, the occurrence of extremes, etc. of the climate on all spatial and temporal scales beyond that of individual weather events. Variability may be due to natural internal processes within the climate system (internal variability), or to variations in natural or anthropogenic external forcing (external variability);

“**Convention**” means a multilateral agreement that Tuvalu ratifies;

“**Copyrights**” means the exclusive right given to the creator of a creative work to reproduce the work, usually for a limited time;

“**Cryosphere**” means the part of Earth where water is in solid form such as ice sea, lake ice and frozen grounds.

“**Department**” means the Tuvalu Meteorological Service;

“**Director**” means the Director of the Tuvalu Meteorological Service;

“**Early Warning System**” means a set of capacities needed for generating and disseminating timely and meaningful warning information to enable individuals, communities and organizations threatened by a meteorological, an ocean, or a hydrological related event to prepare and to act appropriately and in sufficient time to reduce the risk of harm to human life or damage to property or the environment;

“**Hydrosphere**” means the sum total of all of Earth’s water in any form, whether it’s on the ground as liquid or ice or underwater or in the clouds as water vapour;

“**Hydrological Forecasts**” means a statement of expected hydrological conditions related to a specific time and location;

“**Hydrological Observations**” means a statement of evaluation or measurement of one or more hydrological conditions related to a specific time and location;

“**Hydrological Property**” means:

- (a) in the case of real property, any installed or erected facility, equipment, instrument and infrastructure on land or in the sea in Tuvalu for the performance of the functions of the Department under this Act or any Regulations made under this Act, or any other Act;

- (b) in the case of personal property, any property subject to copyright protection under this Act; and
- (c) any other acquired property, both real and personal, for and in the use of the Department for the performance of its functions under this Act or any other Act;

“Hydrological Related Event” means the following —

- (a) drought;
- (b) flooding; and
- (c) any other event expected and unexpected hydrological events;

“Hydrological Service” means the collection, analysis and storage of hydrological data and forecasting of unexpected hydrological events including flooding and drought;

“ICAO” means International Civil Aviation Organization

“Intellectual Property” means a work or invention to which one has rights and for which one may apply for a patent, copyright and trademark;

“Lithosphere” means the Earth’s crust and upper part of its mantle;

“Meteorology” means the branch of science concerned with the processes of the atmosphere and its phenomena including weather and climate;

“Meteorological” for the purpose of this Act, means of or pertaining to weather or climate phenomena

“Meteorological Forecast” means a statement of expected meteorological conditions relating to a specific time and location;

“Meteorological Information” means any meteorological observation, analysis, forecast or warning, including any other statement, relating to existing or expected meteorological conditions;

“Meteorological Observation” means a statement of evaluation or measurement of one or more meteorological conditions relating to a specific time and location;

“Meteorological Observation Network” means observation stations including synoptic observation stations and upper air observation stations and meteorological and ocean stations;

“Meteorological Office” means the physical space in which the meteorological, hydrological and ocean services is carried out;

“Meteorological Prediction” means a statement of expected meteorological and ocean conditions relating to a specific time and location;

“Meteorological Property” means:

- (a) in the case of real property, any installed or erected facility, equipment, instrument and infrastructure on land or in the sea in Tuvalu for the

performance of the functions of the Department under this Act or any Regulations made under this Act, or any other Act;

- (b) in the case of personal property, any property subject to copyright protection under this Act; and
- (c) any other acquired property, both real and personal, for and in the use of the Department for the performance of its functions under this Act or any other Act;

“Meteorological Related Event” means the following:

- (a) drought;
- (b) extreme temperature;
- (c) flash flooding;
- (d) fog;
- (e) hail;
- (f) heavy rain;
- (g) strong, gale, storm or hurricane force winds not associated with a tropical system;
- (h) thunderstorm (including lightning);
- (i) tornado;
- (j) tropical system (includes a tropical disturbance, tropical depression or tropical cyclone);
- (k) El Nino; and
- (l) La Nina;

“Meteorological Related Warning” means a statement on observed and expected conditions related to a meteorological related event which requires a response to minimise the risk of harm to life or damage to property or the environment;

“Meteorological Services” means the collection, quality control and analysis of meteorological data and the provision of meteorological forecasts for routine bulletins and for unexpected meteorological related events;

“Meteorological Station” means meteorological observation station including synoptic and upper air observation stations;

“Minister” means the Minister responsible for Meteorological Services;

“Ocean Observation” means a statement of oceanic conditions relating to a specific time and location;

“Ocean Observation Network” means observation stations for ocean;

“Ocean Forecast” means a statement of expected oceanic conditions relating to a specific time and location;

“**Ocean Information**” means any ocean observation, analysis, forecast or warning relating to existing or expected ocean conditions;

“**Ocean Prediction**” means statement of expected ocean conditions related to a specific time and location;

“**Ocean Property**” means:

- (a) in the case of real property, any installed or erected facility, equipment, instrument and infrastructure on land or in the sea in Tuvalu for the performance of the functions of the Department under this Act or any Regulations made under this Act, or any other Act;
- (b) in the case of personal property, any property subject to copyright protection under this Act; and
- (c) any other acquired property, both real and personal, for and in the use of the Department for the performance of its functions under this Act or any other Act;

“**Ocean Related Event**” means the following:

- (a) damaging swells;
- (b) extreme ocean temperature;
- (c) extreme tide;
- (d) sea flooding and coastal inundation;
- (e) sea level rise;
- (f) storm surge; and
- (g) tsunami;

“**Ocean Related Warning**” means a statement on observed and expected conditions related to an ocean related event which requires a response to minimise the risk of harm to life or damage to property or the environment;

“**Ocean Services**” means the development and supply of ocean information by the Department, by or through any means prescribed under this Act, including those services derived from its functions under this Act;

“**Related Services**” means services related to meteorological, ocean and hydrological services which are included under the purposes of this Act;

“**Secretary**” means the permanent secretary responsible for meteorological services;

“**WMO**” means the World Meteorological Organization.

PART 1 - ESTABLISHMENT AND AUTHORITY OF THE TUVALU METEOROLOGICAL SERVICE

5 Establishment

This Act establishes the Tuvalu Meteorological Services.

6 National Authority

The Department shall be the sole designated national authority for the provision of official meteorological and ocean forecast, prediction, information, warning and related services or any provide by any Regulation made under this Act.

PART 2 - FUNCTIONS OF THE DEPARTMENT

7 Functions

- (1) The Department shall have the following functions:
 - (a) Observe, take, record, disseminate and store meteorological, ocean and hydrological observations and other observations required for the purpose of meteorological, ocean and hydrological information, forecast, prediction, warning and service under this Act;
 - (b) Provide meteorological, ocean and hydrological forecasts and prediction;
 - (c) Provide meteorological, ocean and hydrological related warnings;
 - (d) Supply meteorological, ocean and hydrological information and services;
 - (e) Promote the use and application of meteorological, ocean and hydrological information, forecast, prediction, warning and services;
 - (f) Promote the advancement of meteorological, ocean and hydrological science by research, investigation or by any other means;
 - (g) Design, maintain and develop meteorological, ocean and hydrological observation networks;
 - (h) Provide meteorological, ocean and hydrological advisory services;
 - (i) Develop, provide and facilitate trainings and instructions for persons whose duties and responsibilities concern matters relevant to meteorological, ocean and hydrological services and related events;
 - (j) Co-operate with the authority administering the meteorological, ocean and hydrological services of any other country;
 - (k) Promote the understanding, recognition and use of verified traditional practices and knowledge, related to meteorological, ocean and

- hydrological related events and services, through the observation of indicators occurring in nature, and by other means;
- (l) Ensure compliance with the conventions and any other relevant standards and recommended practices of WMO and ICAO, as appropriate;
 - (m) Monitor meteorological, ocean and hydrological threats and appropriately advise the National Disaster Committee or any other relevant bodies;
 - (n) Monitor Tuvalu's climate, including climate variability and climate change;
 - (o) Aid ships in navigation by the provision of routine marine forecasts and non-routine advisories during severe meteorological and ocean events;
 - (p) Establish core divisions within the Department for the purpose of implementing this Act;
 - (q) Provide public awareness on meteorological, ocean and hydrological information and services;
 - (r) Exchange of meteorological, ocean and hydrological data when requested by Meteorological Services of other jurisdictions, in accordance with the Convention of the World Meteorological Organization (WMO) 1950;
 - (s) The department may co-operate or enter into agreements or contracts with any person, institution, government or administration for purpose of this Act;
 - (t) Enter into Agreement necessary to the implementation of this Act as directed by the Minister from time to time with legal clearance from the Attorney-General; and
 - (u) Such other functions as are conferred on the Department by any other Act.
- (2) The Department shall perform its functions under this Act and other relevant Acts in the public interest generally and in accordance with the Precautionary Principle under section 23.

PART 3 - ADMINISTRATION

8 Appointment of Director

The Department shall be managed by a Director appointed as a public officer under the Public Service Act.

9 Functions of the Director

- (1) The Director shall have the following functions: -

- (a) Effectively and efficiently manage and oversee the Department and the performance of its functions under this Act;
 - (b) Supervise and control the collection, preservation and dissemination of meteorological, ocean and hydrological data, information and records;
 - (c) Establish appropriate quality management systems for the provision of accurate meteorological, ocean and hydrological information and services in accordance with this Act;
 - (d) Arrange with any person or persons, including an organization, institution or authority, to collect, take, record, quality control and disseminate, and provide safe storage for meteorological, ocean and hydrological information;
 - (e) Recommend the establishment of meteorological offices and observing stations as necessary for the purpose of meteorological, ocean and hydrological services, following consultation with the Minister;
 - (f) Arrange for training of any person or persons of the Department to carry out any meteorological, ocean and hydrological services required under this Act;
 - (g) Formulate policies, plans and procedures for the implementation of this Act;
 - (h) Develop cost recovery measures and arrangements as necessary for the maintenance and updating of equipment used by the Department;
 - (i) Provide annual work plan and budget proposal for the Department;
 - (j) Provide an annual report for the Department;
 - (k) Report and advise the Secretary on matters related to the functions of the Department under the Act; and
 - (l) Perform such other functions as conferred by any other Act relating to the functions and services of the Department.
- (2) The Director, in consultation with the Minister may from time to time delegate any or some of his or her functions in (1) to any other fit and proper person or persons for the implementation of the services.

10 Powers of the Director

- (1) The Director shall be subject to such directions as may be given by the Minister on matters of policy and shall be responsible for the exercise of all powers and discharge of all functions imposed by this Act or any enactment.
- (2) In the case of a meteorological or ocean related event that threatens to endanger or is likely to endanger life, property, or the environment, the Director shall issue a warning to the Public as soon as possible and notify the responsible authorities of such a warning.

11 Functions of the Secretary

The Secretary shall have the following functions:

- (a) to make appropriate allocation of financial or other resources to enable the Department performs its functions under this Act or any other Act; and
- (b) perform any other function relating to the functions of the Department conferred upon the Secretary by the Minister or any other Act relating to the functions of the Department, subject to the provisions of this Act.

12 Powers of the Secretary

The Secretary shall exercise the following powers in accordance with the provisions of this Act:

- (a) authorise the allocation of financial and all other resources that are necessary for the Department to perform its function under this Act;
- (b) respond to meteorological and ocean related events as advised by the Director from time to time;
- (c) provide appropriate support to the Department, upon a request from the Director, from time to time; and
- (d) subject to the approval of the Minister, delegate to the Director as necessary, any functions or powers of the Secretary under this Act.

13 Functions of the Minister

The Minister shall have the following functions -

- (a) be responsible for the general administration of this Act in accordance with the provisions of this Act; and
- (b) perform any other functions as conferred upon the Minister by this Act, or any other Act relating to the Department.

14 Powers of the Minister

The Minister shall have the power under this Act to direct the Secretary or the Director on any matter which the Minister may from time to time consider necessary for the performance of his functions under this Act or any other Act.

PART 4 - OWNERSHIP AND PROTECTION OF METEOROLOGICAL DATA

15 Intellectual Property

Subject to any intellectual or copyright laws in Tuvalu, the Department shall have the copyright over all meteorological, ocean and hydrological related data collected, generated and archived, including all published works by the Department or any person authorized by the Department to use meteorological, ocean and hydrological data.

16 Ownership

The Government on behalf of the people of Tuvalu shall have ownership of all meteorological, oceans and hydrological property of the Department.

PART 5 - DISSEMINATION OF METEOROLOGICAL AND OCEAN INFORMATION AND WARNINGS

17 Early warning system

- (1) The Director shall, after consultation with the Minister and Secretary, make arrangements to enable the Department to inform the public in a timely manner on meteorological, ocean and hydrological prediction and maintain an appropriate early warning system in Tuvalu.
- (2) The Director shall communicate early warnings and issue free publication of weather forecast with the appropriate authorities.
- (3) The Director shall provide accurate and timely updates to the responsible authorities when national emergency is declared due to a meteorological or hydrological or ocean related event.
- (4) The Department may be provided with a vehicle appropriate for the delivery of forecasts to the media and key governmental institutions, as required.

PART 6 - FUNDS

18 Funds

- (1) The funds of the Department consist of —
 - (a) any money appropriated for the Department, as specified in an annual national budget approved by Parliament;

- (b) fees and charges prescribed by regulations under this Act; and
 - (c) any other funds received from Government or others.
- (2) All accounts of the Department must be audited annually by the Auditor General.

PART 7 - REGIONAL AND INTERNATIONAL OBLIGATIONS

19 Appointment of Permanent Representative to the WMO

The Director shall be deemed to be the permanent representative of Tuvalu to the WMO, unless the Minister decides otherwise.

20 Fulfilling Regional and International Obligations

- (1) The Minister shall in consultation with the Secretary and the Director, advise the Cabinet to comply with regional and international obligations, to which the Tuvalu has agreed to be a party to, appropriately.
- (2) The Minister shall make decisions in consultation with the Secretary and Director, on technical matters, in respect of any matter under subsection (1).

PART 8 - OFFENCES

21 Obstructing of Meteorological Staff and Property

- (1) Any person, including an organization or a body corporate, who —
 - (a) hinders or obstructs any staff of the Department or any person authorized under this Act in the performance and execution of their duty; or
 - (b) acts or attempts to act in such a way contrary to this Act or any Regulations made under this Act; or
 - (c) unlawfully moves, removes, interferes or tampers, trespass or damages any meteorological property, commits an offence under this Act.
- (2) Any person including an organization or a body corporate, convicted of an offence under subsection (1) shall be liable—
 - (a) in respect of subsection(1)(a) and (1)(b), to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years, or both; or
 - (b) in respect of subsection (1)(c), to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years, or both.

22 Unlawful provision of Meteorological Services

Any person, including an organization or a body corporate who promotes, develops, manages, controls or provides a meteorological, ocean or hydrological services to any other person without authorization of the Department commits an offence and is liable upon conviction-

- (a) in the case of a natural person, a fine not exceeding \$2,000 or imprisonment for a term not exceeding 3 years or to both; or
- (b) in the case of a body corporate or unincorporated, a fine not exceeding \$10,000 or imprisonment for a term not exceeding 5 years, or both.

PART 9 - MISCELLANEOUS**23 Precautionary principle**

Any person, including any authority exercising any power or performing any function under this Act, shall take into account the precautionary principle in the exercise of such power or the performance of such function to reduce the risk of harm to human life, or damage to property or the environment.

24 Fees

The Minister may, by regulations, prescribe fees and charges for forecasts, information, advisories, publications or any other matter provided for under this Act.

25 Indemnification from liability

The Department is not liable for any damage, loss or injury sustained or alleged to have been sustained by any person, business or investor as a result of reliance by the person, business or investor on any meteorological, ocean or hydrological information provided by the Department.

26 Employee's safety

- (1) Employee safety shall be of paramount importance at all times and in particular, during meteorological, ocean and hydrological threats.
- (2) The Minister may, by regulations, prescribed safety standards and procedures for all staff of the Tuvalu Meteorological Service.

27 Complaint Mechanism

- (1) Any person with a complaint against the provision of the services by the Tuvalu Meteorological Service shall put it in writing and address it to the Director of the Meteorological Service.
- (2) Upon receiving such complain, the Director shall either reply in writing or invite the complainant and discuss the matter in person. The Director shall be the public face of the Service in relation to public complains.

28 Regulations

The Minister may make regulations to give effect to the provisions of this Act.

ENDNOTES

¹ Act 1 of 2021

Commencement 5 July 2021