

CIVIL CONTINGENCIES ACT 2004

EXPLANATORY NOTES

SUMMARY AND BACKGROUND

Part 1: local arrangements for civil protection

3. Previous legislation relating to civil protection at the local level (the Civil Defence Act 1948 and its Northern Ireland counterpart, the Civil Defence Act (Northern Ireland) 1950) related solely to “civil defence”. “Civil defence” was defined as measures, other than actual combat, for affording defence against a hostile attack by a foreign power. The focus on civil defence reflected the concerns which were current when the legislation was enacted.
4. The previous legislation also relates to local authorities, police authorities and certain fire authorities only.
5. The Act repeals in their entirety the Civil Defence Act 1948 and the Civil Defence Act (Northern Ireland) 1950. Part 1 of the Act creates a new concept of an “emergency”. This term is broadly defined. It includes events which would have engaged the existing civil defence legislation (war or attack by a foreign power). It also includes terrorism which poses a threat of serious damage to the security of the United Kingdom and events which threaten serious damage to human welfare in a place in the United Kingdom or to the environment of a place in the United Kingdom.
6. The Act imposes a series of duties on local bodies in England and Wales, Scotland and Northern Ireland (to be known as “Category 1 responders”). These duties include the duty to assess the risk of an emergency occurring and to maintain plans for the purposes of responding to an emergency. The range of Category 1 responders is broader than the range of local bodies which were subject to the previous legislation. It includes certain bodies with functions which relate to health, the Environment Agency and the Secretary of State, in so far as his functions relate to responding to maritime and coastal emergencies.
7. The Act also provides the mechanism to impose duties on other local bodies (to be known as “Category 2 responders”) to co-operate with, and to provide information to, Category 1 responders in connection with their civil protection duties.
8. **Part 1** of the Act also enables a Minister of the Crown (or, for certain purposes in Scotland, the Scottish Ministers) to require a Category 1 responder to perform a function for the purposes of preventing an emergency, reducing, controlling or mitigating the effects of an emergency or taking other action in connection with an emergency.