

CIVIL CONTINGENCIES ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: Meaning of “emergency”

13. *Subsection (1)* defines “emergency” for the purposes of Part 1. Events such as a terrorist attack, disruption of fuel supplies, contamination of land with a chemical matter and an epidemic could satisfy the definition, should they reach the required level of seriousness.
14. *Subsections (2) and (3)* specify exhaustively the kinds of event or situation which may threaten damage to human welfare or the environment. In order to satisfy the definition of “emergency”, the event or situation must also threaten *serious* damage to human welfare in, or the environment of, *a place in the United Kingdom*. This definition differs from the definition of “emergency” for the purposes of Part 2 of the Act in that, for the purposes of Part 2, the situation must threaten serious damage to human welfare in, or the environment of, the United Kingdom or in a Part or region (rather than a place in the United Kingdom).
15. *Subsection (4)* enables a Minister of the Crown (or, in Scotland, the Scottish Ministers) to provide by order that a particular event or situation (or class of event or situation) is to be treated as falling within (or outside) the definition of emergency. This subsection also enables a Minister of the Crown to amend the list of events or situations which may threaten damage to human welfare by providing that in so far as an event or situation involves or causes disruption of a specified supply, system, facility or service, it is (or is not) to be treated as threatening damage to human welfare. This power is designed to ensure that should a new supply, system, facility or service become so essential that the civil protection duties of Category 1 responders should apply in relation to disruption of that supply, system, facility or service, the Act can be amended accordingly. Any orders under subsection (4) are subject to the affirmative procedure.