



Civil Contingencies Act 2004

2004 CHAPTER 36

PART 1

LOCAL ARRANGEMENTS FOR CIVIL PROTECTION

Contingency planning

2 Duty to assess, plan and advise

- (1) A person or body listed in Part 1 or 2 of Schedule 1 shall—
- (a) from time to time assess the risk of an emergency occurring,
 - (b) from time to time assess the risk of an emergency making it necessary or expedient for the person or body to perform any of his or its functions,
 - (c) maintain plans for the purpose of ensuring, so far as is reasonably practicable, that if an emergency occurs the person or body is able to continue to perform his or its functions,
 - (d) maintain plans for the purpose of ensuring that if an emergency occurs or is likely to occur the person or body is able to perform his or its functions so far as necessary or desirable for the purpose of—
 - (i) preventing the emergency,
 - (ii) reducing, controlling or mitigating its effects, or
 - (iii) taking other action in connection with it,
 - (e) consider whether an assessment carried out under paragraph (a) or (b) makes it necessary or expedient for the person or body to add to or modify plans maintained under paragraph (c) or (d),
 - (f) arrange for the publication of all or part of assessments made and plans maintained under paragraphs (a) to (d) in so far as publication is necessary or desirable for the purpose of—
 - (i) preventing an emergency,
 - (ii) reducing, controlling or mitigating the effects of an emergency, or
 - (iii) enabling other action to be taken in connection with an emergency,and

Status: Point in time view as at 12/04/2010. This version of this provision has been superseded.

Changes to legislation: Civil Contingencies Act 2004, Section 2 is up to date with all changes known to be in force on or before 06 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (g) maintain arrangements to warn the public, and to provide information and advice to the public, if an emergency is likely to occur or has occurred.
- (2) In relation to a person or body listed in Part 1 or 2 of Schedule 1 a duty in subsection (1) applies in relation to an emergency only if—
 - (a) the emergency would be likely seriously to obstruct the person or body in the performance of his or its functions, or
 - (b) it is likely that the person or body—
 - (i) would consider it necessary or desirable to take action to prevent the emergency, to reduce, control or mitigate its effects or otherwise in connection with it, and
 - (ii) would be unable to take that action without changing the deployment of resources or acquiring additional resources.
- (3) A Minister of the Crown may, in relation to a person or body listed in Part 1 of Schedule 1, make regulations about—
 - (a) the extent of a duty under subsection (1) (subject to subsection (2));
 - (b) the manner in which a duty under subsection (1) is to be performed.
- (4) The Scottish Ministers may, in relation to a person or body listed in Part 2 of Schedule 1, make regulations about—
 - (a) the extent of a duty under subsection (1) (subject to subsection (2));
 - (b) the manner in which a duty under subsection (1) is to be performed.
- (5) Regulations under subsection (3) may, in particular—
 - (a) make provision about the kind of emergency in relation to which a specified person or body is or is not to perform a duty under subsection (1);
 - (b) permit or require a person or body not to perform a duty under subsection (1) in specified circumstances or in relation to specified matters;
 - (c) make provision as to the timing of performance of a duty under subsection (1);
 - (d) require a person or body to consult a specified person or body or class of person or body before or in the course of performing a duty under subsection (1);
 - (e) permit or require a county council to perform a duty under subsection (1) on behalf of a district council within the area of the county council;
 - (f) permit, require or prohibit collaboration, to such extent and in such manner as may be specified, by persons or bodies in the performance of a duty under subsection (1);
 - (g) permit, require or prohibit delegation, to such extent and in such manner as may be specified, of the performance of a duty under subsection (1);
 - (h) permit or require a person or body listed in Part 1 or 3 of Schedule 1 to co-operate, to such extent and in such manner as may be specified, with a person or body listed in Part 1 of the Schedule in connection with the performance of a duty under subsection (1);
 - (i) permit or require a person or body listed in Part 1 or 3 of Schedule 1 to provide information, either on request or in other specified circumstances, to a person or body listed in Part 1 of the Schedule in connection with the performance of a duty under subsection (1);
 - (j) permit or require a person or body to perform (wholly or partly) a duty under subsection (1)(a) or (b) having regard to, or by adopting or relying on, work undertaken by another specified person or body;

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- (k) permit or require a person or body, in maintaining a plan under subsection (1)(c) or (d), to have regard to the activities of bodies (other than public or local authorities) whose activities are not carried on for profit;
 - (l) make provision about the extent of, and the degree of detail to be contained in, a plan maintained under subsection (1)(c) or (d);
 - (m) require a plan to include provision for the carrying out of exercises;
 - (n) require a plan to include provision for the training of staff or other persons;
 - (o) permit a person or body to make arrangements with another person or body, as part of planning undertaken under subsection (1)(c) or (d), for the performance of a function on behalf of the first person or body;
 - (p) confer a function on a Minister of the Crown, on the Scottish Ministers, on the National Assembly for Wales, on a Northern Ireland department or on any other specified person or body (and a function conferred may, in particular, be a power or duty to exercise a discretion);
 - (q) make provision which has effect despite other provision made by or by virtue of an enactment;
 - (r) make provision which applies generally or only to a specified person or body or only in specified circumstances;
 - (s) make different provision for different persons or bodies or for different circumstances.
- (6) Subsection (5) shall have effect in relation to subsection (4) as it has effect in relation to subsection (3), but as if—
- (a) paragraph (e) were omitted,
 - (b) in paragraphs (h) and (i)—
 - (i) a reference to Part 1 or 3 of Schedule 1 were a reference to Part 2 or 4 of that Schedule, and
 - (ii) a reference to Part 1 of that Schedule were a reference to Part 2 of that Schedule, and
 - (c) in paragraph (p) the references to a Minister of the Crown, to the National Assembly for Wales and to a Northern Ireland department were omitted.
- [^{F1}(7) In relation to emergencies that do not fall within section 1(1)(c), the power under subsection (3) to make regulations in relation to the Chief Constable (PSNI) is exercisable by the Department of Justice in Northern Ireland (and not by a Minister of the Crown).
- (8) Subsection (5) has effect in relation to the power of the Department of Justice under subsection (3) as if—
- (a) paragraphs (e), (h) and (i) were omitted;
 - (b) in paragraph (p) for the words from “a Minister of the Crown” to “department” there were substituted a Northern Ireland department.
- (9) In relation to emergencies that do not fall within section 1(1)(c), a Minister of the Crown has no power by virtue of subsection (5)(h) or (i) to make provision permitting or requiring the Chief Constable (PSNI) to co-operate with, or provide information to, a person or body listed in Part 1 of Schedule 1.]

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Textual Amendments

- F1** S. 2(7)-(9) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 96(2)** (with arts. 28-31, Sch. 3 para. 110)
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Commencement Information

- I1** S. 2 partly in force; s. 2 not in force at Royal Assent see s. 34; s. 2(3)(5) in force for specified purposes at 22.7.2005 and s. 2(1)(2) in force for specified purposes at 14.11.2005 by S.I. 2005/2040, **arts. 2(a), 3(b)**; s. 2(4)(6) in force and s. 2(5) in force for specified purposes (S.) at 6.10.2005 and s. 2(1)(2) in force for further specified purposes (S.) at 14.11.2005 by S.S.I. 2005/493, **arts. 3(a)(b), 4(a)(b)**

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