

CIVIL CONTINGENCIES ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 22: Scope of emergency regulations

47. *Subsection (1)* provides that emergency regulations may make any provision which the person making the regulations is satisfied is appropriate for the purpose of dealing with an aspect or effect of the emergency.
48. *Subsection (2)* specifies certain purposes for which provision may be included in emergency regulations. This list is not exhaustive. In broad terms, the particular purposes specified in subsection (2) reflect the definition of “emergency” in section 19. For example, an event or situation which causes or may cause serious human illness in the United Kingdom may be an emergency under section 19. Provision may be included in emergency regulations for the purpose of treating human illness (paragraph (b)). In addition, provision may be made for the purpose of protecting or restoring the activities of banks or other financial institutions (paragraph (h)), protecting or restoring activities of Parliament or any of the devolved legislatures (paragraph k)) or protecting or restoring the performance of public functions (paragraph (l)). Disruption of these activities does not necessarily constitute an emergency.
49. *Subsection (3)* specifies provisions which may be included in emergency regulations. The list is not exhaustive. In particular, emergency regulations may confer functions on a Minister of the Crown or the devolved administrations, provide for the requisition or confiscation of property (with or without compensation), create criminal offences related to the failure to comply with a provision of the regulations (or a direction or order under the regulations) and disapply or modify an enactment.
50. *Subsection (5)* provides that the maker of the emergency regulations must have regard to the importance of ensuring that Parliament, the High Court and the Court of Session are able to conduct proceedings in connection with the regulations or action taken under the regulations.