*These notes refer to the Civil Contingencies Act 2004 (c.36) which received Royal Assent on 18 November 2004*

# CIVIL CONTINGENCIES ACT 2004

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Section 4: Advice and assistance to the public*

22. *Subsection (1)* imposes a duty to give advice and assistance to the public in connection with the making of arrangements for the continuance of commercial activities should an emergency occur. Subsection (1) also requires advice and assistance to be provided as to the continuance of activities of voluntary organisations should an emergency occur. Only Category 1 responders which are local authorities (but not port health authorities) are subject to this duty.

23. *Subsections (2) and (3)* enable a Minister of the Crown and, in relation to local authorities in Scotland, the Scottish Ministers, to make regulations about the extent of the duty and the manner in which it is to be performed. *Subsection (4)* provides that provision of the kind which may be made by regulations under section 2(5) may be made in regulations made under subsection (2) or (3) (with the exclusion of certain provisions which are specific to regulations made under section 2). Subsection (4) also enables the regulations under subsection (2) or (3) to contain provision as to charging. *Subsection (5)* imposes limits on the amount which a local authority may be permitted to charge for advice and assistance provided pursuant to section 4. *Subsections (6) and (7)* enable a Minister of the Crown and, in relation to Scottish local authorities, the Scottish Ministers, to issue guidance about the extent of the duties imposed under subsection (1), the manner in which such duties are to be performed and regulations made under subsection (2) or (3).