



# Civil Contingencies Act 2004

## 2004 CHAPTER 36

### PART 1

#### LOCAL ARRANGEMENTS FOR CIVIL PROTECTION

##### *General*

## 7 Urgency

- (1) This section applies where—
  - (a) there is an urgent need to make provision of a kind that could be made by an order under section 5(1) or by regulations under section 6(1), but
  - (b) there is insufficient time for the order or regulations to be made.
- (2) The Minister may by direction make provision of a kind that could be made by an order under section 5(1) or by regulations under section 6(1).
- (3) A direction under subsection (2) shall be in writing.
- (4) Where a Minister gives a direction under subsection (2)—
  - (a) he may revoke or vary the direction by further direction,
  - (b) he shall revoke the direction as soon as is reasonably practicable (and he may, if or in so far as he thinks it desirable, re-enact the substance of the direction by way of an order under section 5(1) or by way of regulations under section 6(1)), and
  - (c) the direction shall cease to have effect at the end of the period of 21 days beginning with the day on which it is given (but without prejudice to the power to give a new direction).

[<sup>F1</sup>(4A) In relation to provision of a kind that could be made by the Department of Justice in Northern Ireland by an order under section 5(1) or by regulations under section 6(1), in subsection (2) the reference to the Minister is to be read as a reference to the Department of Justice and subsection (4) is to be read accordingly.]

*Status: Point in time view as at 24/05/2018.*

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- (5) A provision of a direction under subsection (2) shall be treated for all purposes as if it were a provision of an order under section 5(1) or of regulations under section 6(1) [<sup>F2</sup>made by the Minister or the Department of Justice (as the case may be)].

#### Textual Amendments

- F1** S. 7(4A) 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. 100(2)** (with arts. 28-31, Sch. 3 para. 110)
- F2** Words in s. 7(5) 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. 100(3)** (with arts. 28-31, Sch. 3 para. 110)

## 8 Urgency: Scotland

- (1) This section applies where—
- there is an urgent need to make provision of a kind that could be made by an order under section 5(2) or by regulations under section 6(2), but
  - there is insufficient time for the order or regulations to be made.
- (2) The Scottish Ministers may by direction make provision of a kind that could be made by an order under section 5(2) or by regulations under section 6(2).
- (3) A direction under subsection (2) shall be in writing.
- (4) Where the Scottish Ministers give a direction under subsection (2)—
- they may revoke or vary the direction by further direction,
  - they shall revoke the direction as soon as is reasonably practicable (and they may, if or in so far as they think it desirable, re-enact the substance of the direction by way of an order under section 5(2) or by way of regulations under section 6(2)), and
  - the direction shall cease to have effect at the end of the period of 21 days beginning with the day on which it is given (but without prejudice to the power to give a new direction).
- (5) A provision of a direction under subsection (2) shall be treated for all purposes as if it were a provision of an order under section 5(2) or of regulations under section 6(2).

#### Modifications etc. (not altering text)

- C1** S. 8 partly in force; s. 8 not in force at Royal Assent see s. 34; s. 8 in force (S.) at 14.11.2005 by [S.S.I. 2005/493](#), **art. 4**

## [<sup>F3</sup>8A. Urgency: Wales

- (1) This section applies where—
- there is an urgent need to make provision of the kind that could be made by an order under section 5(2A) or by regulations under section 6(2A), but
  - there is insufficient time for the order or regulations to be made.

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- (2) The Welsh Ministers may by direction make provision of the kind that could be made by an order under section 5(2A) or by regulations under section 6(2A).
- (3) A direction under subsection (2) must be in writing.
- (4) Where the Welsh Ministers give a direction under subsection (2)—
  - (a) they may revoke or vary the direction by further direction,
  - (b) they must revoke the direction as soon as is reasonably practicable (and they may, if or in so far as they think it desirable, re-enact the substance of the direction by way of an order under section 5(2A) or by way of regulations under section 6(2A)), and
  - (c) the direction ceases to have effect at the end of the period of 21 days beginning with the day on which it is given (but without prejudice to the power to give a new direction).
- (5) A provision of a direction under subsection (2) is to be treated for all purposes as if it were a provision of an order under section 5(2A) or of regulations under section 6(2A).]

#### Textual Amendments

- F3** S. 8A inserted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(7)**

## 9 Monitoring by Government

- (1) A Minister of the Crown may require a person or body listed in Part 1 or 3 of Schedule 1—
  - (a) to provide information about action taken by the person or body for the purpose of complying with a duty under this Part, or
  - (b) to explain why the person or body has not taken action for the purpose of complying with a duty under this Part.
- (2) The Scottish Ministers may require a person or body listed in Part 2 or 4 of Schedule 1—
  - (a) to provide information about action taken by the person or body for the purpose of complying with a duty under this Part, or
  - (b) to explain why the person or body has not taken action for the purpose of complying with a duty under this Part.
- [<sup>F4</sup>(2A) The Welsh Ministers may require a person or body listed in Part 2A or 5 of Schedule 1—
  - (a) to provide information about action taken by the person or body for the purpose of complying with a duty under this Part, or
  - (b) to explain why the person or body has not taken action for the purpose of complying with a duty under this Part.]
  - (3) A requirement under [<sup>F5</sup>subsection (1), (2) or (2A)] may specify—
    - (a) a period within which the information or explanation is to be provided;
    - (b) the form in which the information or explanation is to be provided.

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- (4) A person or body shall comply with a requirement under [F6subsection (1), (2) or (2A)]
- [F7(5) In relation to emergencies that do not fall within section 1(1)(c), the power under subsection (1) to require the Chief Constable (PSNI) to provide information or an explanation is exercisable by the Department of Justice in Northern Ireland (and not by a Minister of the Crown).
- (6) If it appears to the Chief Constable (PSNI) that a requirement imposed by virtue of subsection (5) may require the Chief Constable (PSNI) to provide national security information, the Chief Constable (PSNI) may refer the requirement to a Minister of the Crown.
- (7) The Minister may set aside or otherwise modify the requirement as the Minister considers appropriate so that the Chief Constable (PSNI) is not required to provide any information which appears to the Minister to be national security information.
- (8) “National security information” means information the disclosure of which to the public would, or would be likely to, adversely affect national security.]

#### Textual Amendments

- F4** S. 9(2A) inserted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(8)(a)**
- F5** Words in s. 9(3) substituted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(8)(b)**
- F6** Words in s. 9(4) substituted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(8)(c)**
- F7** S. 9(5)-(8) 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. 101(2)** (with arts. 28-31, Sch. 3 para. 110)

#### Commencement Information

- II** S. 9 partly in force; s. 9 not in force at Royal Assent see s. 34; s. 9(1)(3)(4) in force for specified purposes at 14.11.2005 by [S.I. 2005/2040, art. 3\(h\)](#); s. 9(2) in force and s. 9(3)(4) in force for further specified purposes (S.) at 14.11.2005 by [S.S.I. 2005/493, art. 4](#)

## 10 Enforcement

- (1) Any of the following may bring proceedings in the High Court or the Court of Session in respect of a failure by a person or body listed in Part 1 or 3 of Schedule 1 to comply with section 2(1), 3(3), 4(1) or (8), 5(3), 6(6), 9(4)[F8, [F915(7), 15A(8) or 15B(7)]]—
- a Minister of the Crown,
  - a person or body listed in Part 1 of Schedule 1, and
  - a person or body listed in Part 3 of Schedule 1.
- (2) In proceedings under subsection (1) the High Court or the Court of Session may grant any relief, or make any order, that it thinks appropriate.
- [F10(3) In relation to emergencies that do not fall within section 1(1)(c), the power under subsection (1)(a) to bring proceedings in respect of a failure by the Chief Constable (PSNI) is exercisable by the Department of Justice in Northern Ireland (and not by a Minister of the Crown).]

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### Textual Amendments

- F8** Words in s. 10(1) substituted (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. 102(2)** (with arts. 28-31, Sch. 3 para. 110)
- F9** Words in s. 10(1) substituted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(9)**
- F10** S. 10(3) 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. 102(3)** (with arts. 28-31, Sch. 3 para. 110)

## 11 Enforcement: Scotland

- (1) Any of the following may bring proceedings in the Court of Session in respect of a failure by a person or body listed in Part 2 or 4 of Schedule 1 to comply with section 2(1), 3(3), 4(1) or (8), 5(3), 6(6), 9(4) or 15(7)—
- (a) the Scottish Ministers,
  - (b) a person or body listed in Part 2 of Schedule 1, and
  - (c) a person or body listed in Part 4 of Schedule 1.
- (2) In proceedings under subsection (1) the Court of Session may grant any remedy, or make any order, that it thinks appropriate.

### Modifications etc. (not altering text)

- C2** S. 11 partly in force; s. 11 not in force at Royal Assent see s. 34; s. 11 in force (S.) at 14.11.2005 by [S.S.I. 2005/493](#), **art. 4**

## [<sup>F11</sup>11A. Enforcement: Wales

- (1) Any of the following may bring proceedings in the High Court in respect of a failure by a person or body listed in Part 2A or 5 of Schedule 1 to comply with section 2(1), 3(3), 4(1) or (8), 5(3), 6(6), 9(4) or 15B(7)—
- (a) the Welsh Ministers,
  - (b) a person or body listed in Part 2A of Schedule 1, and
  - (c) a person or body listed in Part 5 of Schedule 1.
- (2) In proceedings under subsection (1) the High Court may grant any relief, or make any order, that it thinks appropriate.]

### Textual Amendments

- F11** S. 11A inserted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(10)**

## 12 Provision of information

Regulations or an order under this Part may, if addressing the provision or disclosure of information, make provision about—

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- (a) timing;
- (b) the form in which information is provided;
- (c) the use to which information may be put;
- (d) storage of information;
- (e) disposal of information.

### [<sup>F12</sup>12A Northern Ireland: provision or disclosure of national security information

- (1) A Minister of the Crown may, for the purposes mentioned in subsection (2), make regulations addressing the provision or disclosure of national security information.
- (2) Regulations under this section are to apply for the purposes of any regulations or order made by the Department of Justice in Northern Ireland under this Part; and any regulations or order made by the Department has effect subject to regulations under this section.
- (3) “National security information” means information the disclosure of which to the public would, or would be likely to, adversely affect national security.
- (4) Regulations under this section may (in particular)—
  - (a) provide that national security information is not to be provided or disclosed, or is to be provided or disclosed only in specified circumstances or in a specified way, despite any provision of regulations or an order made by the Department of Justice;
  - (b) provide that a certificate signed by a Minister of the Crown certifying that the disclosure of information to the public would, or would be likely to, adversely affect national security is conclusive evidence of that fact;
  - (c) provide that such a certificate may identify the information to which it applies by means of a general description and may be expressed to apply to information within that description that comes into existence after the certificate is made;
  - (d) confer other functions on a Minister of the Crown or any other specified person or body (and a function conferred may, in particular, be a power or duty to exercise a discretion).]

#### Textual Amendments

**F12** S. 12A 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. 103** (with arts. 28-31, Sch. 3 para. 110)

### 13 Amendment of lists of responders

- (1) A Minister of the Crown may by order amend Schedule 1 so as to—
  - (a) add an entry to Part 1 or 3;
  - (b) remove an entry from Part 1 or 3;
  - (c) move an entry from Part 1 to Part 3 or vice versa.
- (2) The Scottish Ministers may by order amend Schedule 1 so as to—
  - (a) add an entry to Part 2 or 4;
  - (b) remove an entry from Part 2 or 4;

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(c) move an entry from Part 2 to Part 4 or vice versa.

[<sup>F13</sup>(2A) The Welsh Ministers may by order amend Schedule 1 so as to—

- (a) add an entry for a devolved Welsh authority to Part 2A or 5;
- (b) remove an entry from Part 2A or 5;
- (c) move an entry from Part 2A to Part 5 or vice versa.

(2B) In subsection (2A) “devolved Welsh authority” has the meaning given in section 157A of the Government of Wales Act 2006.]

(3) An order under [<sup>F14</sup>subsection (1), (2) or (2A)] —

- (a) may add, remove or move an entry either generally or only in relation to specified functions of a person or body, and
- (b) may make incidental, transitional or consequential provision (which may include provision amending this Act or another enactment).

[<sup>F15</sup>(4) In relation to emergencies that do not fall within section 1(1)(c), the power under subsection (1) to make provision 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).]

#### Textual Amendments

- F13** S. 13(2A)(2B) inserted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(11)(a)**
- F14** Words in s. 13(3) substituted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(11)(b)**
- F15** S. 13(4) 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. 104(2)** (with arts. 28-31, Sch. 3 para. 110)

#### Commencement Information

- I2** S. 13 partly in force; s. 13 not in force at Royal Assent see s. 34; s. 13(1)(3) in force for specified purposes at 22.7.2005 by [S.I. 2005/2040](#), **art. 2(e)**; s. 13(2) in force and s. 13(3) in force for specified purposes (S.) at 6.10.2005 by [S.S.I. 2005/493](#), **art. 3(i)(j)**

## 14 Scotland: consultation

- (1) A Minister of the Crown shall consult the Scottish Ministers before making regulations or an order under this Part in relation to a person or body if or in so far as the person or body exercises functions in relation to Scotland.
- (2) The Scottish Ministers shall consult a Minister of the Crown before making regulations or an order under this Part.

#### Commencement Information

- I3** S. 14 partly in force; s. 14 not in force at Royal Assent see s. 34; s. 14(1) in force at 14.11.2005 by [S.I. 2005/2040](#), **art. 3(j)**; s. 14(2) in force (S.) at 6.10.2005 by [S.S.I. 2005/493](#), **art. 3(k)**

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#### [<sup>F16</sup>14A Northern Ireland: consultation

- (1) A Minister of the Crown must consult the Department of Justice in Northern Ireland before making regulations or an order under this Part in relation to the Chief Constable (PSNI).
- (2) The Department of Justice must consult a Minister of the Crown before making regulations or an order under this Part.]

##### Textual Amendments

**F16** S. 14A 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. 105** (with arts. 28-31, Sch. 3 para. 110)

#### [<sup>F17</sup>14B. Wales: consultation

- (1) A Minister of the Crown must consult the Welsh Ministers before making regulations or an order under this Part in relation to a person or body if or in so far as the person or body exercises functions in relation to Wales.
- (2) The Welsh Ministers must consult a Minister of the Crown before making regulations or an order under this Part.]

##### Textual Amendments

**F17** S. 14B inserted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(12)**

### 15 Scotland: cross-border collaboration

- (1) Where a person or body listed in [<sup>F18</sup>Part 1 or 2A] of Schedule 1 has a duty under section 2 or 4, the Scottish Ministers may make regulations—
  - (a) permitting or requiring a person or body listed in Part 2 or 4 of that Schedule to co-operate, to such extent and in such manner as may be specified, with the person or body listed in [<sup>F18</sup>Part 1 or 2A] of that Schedule in connection with the performance of the duty;
  - (b) permitting or requiring a person or body listed in Part 2 or 4 of that Schedule to provide information, either on request or in other specified circumstances, to the person or body listed in [<sup>F18</sup>Part 1 or 2A] of that Schedule in connection with the performance of the duty.
- (2) The Scottish Ministers may issue guidance about a matter addressed in regulations under subsection (1).
- (3) Where a person or body listed in Part 2 of Schedule 1 has a duty under section 2 or 4, a Minister of the Crown may make regulations—
  - (a) permitting or requiring a person or body listed in Part 1 or 3 of that Schedule to co-operate, to such extent and in such manner as may be specified, with the person or body listed in Part 2 of that Schedule in connection with the performance of the duty;



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- (b) permitting or requiring a person or body listed in Part 1 or 3 of that Schedule to provide information, either on request or in other specified circumstances, to the person or body listed in Part 2 of that Schedule in connection with the performance of the duty.
- (4) A Minister of the Crown may issue guidance about a matter addressed in regulations under subsection (3).
- (5) If [<sup>F19</sup>an order is made] under [<sup>F20</sup>section 5(1) or (2A)] imposing a duty on a person or body listed in [<sup>F21</sup>Part 1 or 2A] of Schedule 1, the Scottish Ministers may make an order—
  - (a) permitting or requiring a person or body listed in Part 2 or 4 of that Schedule to co-operate, to such extent and in such manner as may be specified, with the person or body listed in [<sup>F21</sup>Part 1 or 2A] of that Schedule in connection with the duty;
  - (b) permitting or requiring a person or body listed in Part 2 or 4 of that Schedule to provide information, either on request or in other specified circumstances, to the person or body listed in [<sup>F21</sup>Part 1 or 2A] of that Schedule in connection with the duty.
- (6) If the Scottish Ministers make an order under section 5(2) imposing a duty on a person or body listed in Part 2 of Schedule 1, a Minister of the Crown may make an order—
  - (a) permitting or requiring a person or body listed in Part 1 or 3 of that Schedule to co-operate, to such extent and in such manner as may be specified, with the person or body listed in Part 2 of that Schedule in connection with the duty;
  - (b) permitting or requiring a person or body listed in Part 1 or 3 of that Schedule to provide information, either on request or in other specified circumstances, to the person or body listed in Part 2 of that Schedule in connection with the duty.
- (7) A person or body shall—
  - (a) comply with regulations or an order under this section, and
  - (b) have regard to guidance under this section.
- (8) In this Act, except where the contrary intention appears—
  - (a) a reference to an order under section 5(1) includes a reference to an order under subsection (6) above, and
  - (b) a reference to an order under section 5(2) includes a reference to an order under subsection (5) above.

#### Textual Amendments

- F18** Words in s. 15(1) substituted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), [41\(13\)\(a\)](#)
- F19** Words in s. 15(5) substituted (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. 106\(2\)](#) (with arts. 28-31, Sch. 3 para. 110)
- F20** Words in s. 15(5) substituted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), [41\(13\)\(b\)\(i\)](#)
- F21** Words in s. 15(5) substituted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), [41\(13\)\(b\)\(ii\)](#)

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## **[<sup>F22</sup>15A Northern Ireland: cross-border collaboration**

- (1) In relation to emergencies that do not fall within section 1(1)(c)—
  - (a) the power under [<sup>F23</sup>section 15(3) or (6), or section 15B(3) or (6)] to make regulations or an order permitting or requiring the Chief Constable (PSNI) to co-operate with, or provide information to, a person or body listed in [<sup>F24</sup>Part 2 or 2A] of Schedule 1 is exercisable by the Department of Justice in Northern Ireland (and not by a Minister of the Crown);
  - (b) the power under [<sup>F25</sup>section 15(4) or 15B(4)] to issue guidance is exercisable by the Department of Justice (and not by a Minister of the Crown) in relation to regulations made by the Department.
- (2) Where the Chief Constable (PSNI) has a duty under section 2, a Minister of the Crown may, in relation to emergencies that do not fall within section 1(1)(c), make regulations—
  - (a) permitting or requiring another 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 the Chief Constable (PSNI) in connection with the performance of the duty;
  - (b) permitting or requiring another person or body listed in Part 1 or 3 of Schedule 1 to provide information, either on request or in other specified circumstances, to the Chief Constable (PSNI) in connection with the performance of the duty.
- (3) A Minister of the Crown may issue guidance about a matter addressed in regulations under subsection (2).
- (4) If the Department of Justice in Northern Ireland makes an order under section 5(1) imposing a duty on the Chief Constable (PSNI), a Minister of the Crown may make an order—
  - (a) permitting or requiring another 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 the Chief Constable (PSNI) in connection with the duty;
  - (b) permitting or requiring another person or body listed in Part 1 or 3 of Schedule 1 to provide information, either on request or in other specified circumstances, to the Chief Constable (PSNI) in connection with the duty.
- (5) Where a person or body listed in Part 1 of Schedule 1 (other than the Chief Constable (PSNI)) has a duty under section 2 or 4, the Department of Justice in Northern Ireland may, in relation to emergencies that do not fall within section 1(1)(c), make regulations—
  - (a) permitting or requiring the Chief Constable (PSNI) (if listed in Part 1 or 3 of Schedule 1) to co-operate, to such extent and in such manner as may be specified, with the person or body listed in Part 1 of Schedule 1 in connection with the performance of the duty;
  - (b) permitting or requiring the Chief Constable (PSNI) (if listed in Part 1 or 3 of Schedule 1) to provide information, either on request or in other specified circumstances, to the person or body listed in Part 1 of Schedule 1 in connection with the performance of the duty.
- (6) The Department of Justice in Northern Ireland may issue guidance about a matter addressed in regulations under subsection (5).

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- (7) If a Minister of the Crown makes an order under section 5(1) imposing a duty on a person or body listed in Part 1 of Schedule 1, the Department of Justice in Northern Ireland may, in relation to emergencies that do not fall within section 1(1)(c), make an order—
- (a) permitting or requiring the Chief Constable (PSNI) (if listed in Part 1 or 3 of Schedule 1) to co-operate, to such extent and in such manner as may be specified, with the person or body listed in Part 1 of Schedule 1 in connection with the duty;
  - (b) permitting or requiring the Chief Constable (PSNI) (if listed in Part 1 or 3 of Schedule 1) to provide information, either on request or in other specified circumstances, to the person or body listed in Part 1 of Schedule 1 in connection with the duty.
- (8) A person or body must comply with regulations or an order under this section and must have regard to guidance under this section.
- (9) In this Act, except where the contrary intention appears, a reference to an order under section 5(1) includes a reference to an order under subsection (4) or (7) above.]

#### Textual Amendments

- F22** S. 15A 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. 107** (with arts. 28-31, Sch. 3 para. 110)
- F23** Words in s. 15A(1)(a) substituted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(14)(a)(i)**
- F24** Words in s. 15A(1)(a) substituted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(14)(a)(ii)**
- F25** Words in s. 15A(1)(b) substituted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(14)(b)**

#### [<sup>F26</sup>15B. Wales: cross-border collaboration

- (1) Where a person or body listed in Part 1 or 2 of Schedule 1 has a duty under section 2 or 4, the Welsh Ministers may make regulations—
- (a) permitting or requiring a person or body listed in Part 2A or 5 of that Schedule to co-operate, to such extent and in such manner as may be specified, with the person or body listed in Part 1 or 2 of that Schedule in connection with the performance of the duty;
  - (b) permitting or requiring a person or body listed in Part 2A or 5 of that Schedule to provide information, either on request or in other specified circumstances, to the person or body listed in Part 1 or 2 of that Schedule in connection with the performance of the duty.
- (2) The Welsh Ministers may issue guidance about a matter addressed in regulations under subsection (1).
- (3) Where a person or body listed in Part 2A of Schedule 1 has a duty under section 2 or 4, a Minister of the Crown may make regulations—
- (a) permitting or requiring a person or body listed in Part 1 or 3 of that Schedule to co-operate, to such extent and in such manner as may be specified, with

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- the person or body listed in Part 2A of that Schedule in connection with the performance of the duty;
- (b) permitting or requiring a person or body listed in Part 1 or 3 of that Schedule to provide information, either on request or in other specified circumstances, to the person or body listed in Part 2A of that Schedule in connection with the performance of the duty.
- (4) A Minister of the Crown may issue guidance about a matter addressed in regulations under subsection (3).
- (5) If an order is made under section 5(1) or (2) imposing a duty on a person or body listed in Part 1 or 2 of Schedule 1, the Welsh Ministers may make an order—
- (a) permitting or requiring a person or body listed in Part 2A or 5 of that Schedule to co-operate, to such extent and in such manner as may be specified, with the person or body listed in Part 1 or 2 of that Schedule in connection with the duty;
- (b) permitting or requiring a person or body listed in Part 2A or 5 of that Schedule to provide information, either on request or in other specified circumstances, to the person or body listed in Part 1 or 2 of that Schedule in connection with the duty.
- (6) If the Welsh Ministers make an order under section 5(2A) imposing a duty on a person or body listed in Part 2A of Schedule 1, a Minister of the Crown may make an order—
- (a) permitting or requiring a person or body listed in Part 1 or 3 of that Schedule to co-operate, to such extent and in such manner as may be specified, with the person or body listed in Part 2A of that Schedule in connection with the duty;
- (b) permitting or requiring a person or body listed in Part 1 or 3 of that Schedule to provide information, either on request or in other specified circumstances, to the person or body listed in Part 2A of that Schedule in connection with the duty.
- (7) A person or body must—
- (a) comply with regulations or an order under this section, and
- (b) have regard to guidance under this section.
- (8) In this Act, except where the contrary intention appears—
- (a) a reference to an order under section 5(1) includes a reference to an order under subsection (6) above; and
- (b) a reference to an order under section 5(2A) includes a reference to an order under subsection (5) above.]

#### Textual Amendments

**F26** S. 15B inserted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(15)**

## 16 National Assembly for Wales

<sup>F27</sup>(1) .....

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- (2) A Minister of the Crown may not without the consent of the National Assembly for Wales take action of a kind specified in subsection (3) that relates wholly or partly to a person or body specified in subsection (4).
- (3) The actions referred to in subsection (2) are—
  - (a) making regulations under section 2(3), 4(2) or 6(1),
  - (b) making an order under section 5(1),
  - (c) issuing guidance under section 3(1), 4(6) or 6(4),
  - (d) giving a direction under section 7,
  - (e) bringing proceedings under section 10, and
  - (f) making an order under section 13.
- (4) The persons and bodies referred to in subsection (2) are—
  - <sup>F28</sup>(a) .....
  - (b) a person or body specified in [<sup>F29</sup>paragraph 9 or 10 of Schedule 1], if and in so far as the person or body has functions in relation to Wales.

#### Textual Amendments

- F27** S. 16(1) omitted (24.5.2018) by virtue of [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(16)(a)**
- F28** S. 16(4)(a) omitted (24.5.2018) by virtue of [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(16)(b)**
- F29** Words in s. 16(4)(b) substituted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(16)(c)**

## 17 Regulations and orders

- (1) Regulations and orders under this Part shall be made [<sup>F30</sup>by a Minister of the Crown [<sup>F31</sup>, the Scottish Ministers or the Welsh Ministers]] by statutory instrument.
- [<sup>F32</sup>(1A) Any power of the Department of Justice in Northern Ireland under this Part to make regulations or an order is exercisable by statutory rule for the purposes of the <sup>M1</sup>Statutory Rules (Northern Ireland) Order 1979.]
- (2) An order under section 1(4), 5(1) or 13(1) may not be made by a Minister of the Crown unless a draft has been laid before and approved by resolution of each House of Parliament.
- (3) An order under section 1(4), 5(2) or 13(2) may not be made by the Scottish Ministers unless a draft has been laid before and approved by resolution of the Scottish Parliament.
- [<sup>F33</sup>(3ZA) An order under section 5(2A) or 13(2A) may not be made by the Welsh Ministers unless a draft has been laid before and approved by a resolution of the National Assembly for Wales.]
- [<sup>F34</sup>(3A) An order under section 1(4), 5(1) or 13(1) may not be made by the Department of Justice in Northern Ireland unless a draft has been laid before and approved by resolution of the Northern Ireland Assembly.]

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- (3B) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (3A) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.]
- (4) Regulations made by a Minister of the Crown under this Part shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Regulations made by the Scottish Ministers under this Part shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.
- [<sup>F35</sup>(5ZA) Regulations made by the Welsh Ministers under this Part are subject to annulment in pursuance of a resolution of the National Assembly for Wales.]
- [<sup>F36</sup>(5A) Regulations made by the Department of Justice in Northern Ireland under this Part are subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).]
- (6) Regulations or an order under this Part—
- (a) may make provision which applies generally or only in specified circumstances or for a specified purpose,
  - (b) may make different provision for different circumstances or purposes, and
  - (c) may make incidental, consequential or transitional provision.

#### Textual Amendments

- F30** Words in s. 17(1) 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. 108(2)** (with arts. 28-31, Sch. 3 para. 110)
- F31** Words in s. 17(1) substituted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(17)(a)**
- F32** S. 17(1A) 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. 108(3)** (with arts. 28-31, Sch. 3 para. 110)
- F33** S. 17(3ZA) inserted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(17)(b)**
- F34** S. 17(3A)(3B) 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. 108(4)** (with arts. 28-31, Sch. 3 para. 110)
- F35** S. 17(5ZA) inserted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(17)(c)**
- F36** S. 17(5A) 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. 108(5)** (with arts. 28-31, Sch. 3 para. 110)

#### Commencement Information

- I4** S. 17 partly in force; s. 17 not in force at Royal Assent see s. 34; s. 17(6) in force for specified purposes at 22.7.2005 and s. 17(1)(2)(4) in force for specified purposes at 14.11.2005 by [S.I. 2005/2040, arts. 2\(g\), 3\(l\)](#); s. 17(3)(5) in force and s. 17(1)(6) in force for specified purposes (S.) at 6.10.2005 by [S.S.I. 2005/493, art. 3\(l\)\(m\)](#)

#### Marginal Citations

- M1** [S.I. 1979/1573 \(N.I. 12\)](#).

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## 18 Interpretation, &c.

(1) In this Part—

“enactment” includes—

- (a) an Act of the Scottish Parliament,
- (b) Northern Ireland legislation, and
- (c) an instrument made under an Act of the Scottish Parliament or under Northern Ireland legislation (as well as an instrument made under an Act),

[<sup>F37</sup>“Chief Constable (PSNI)” means the Chief Constable of the Police Service of Northern Ireland,]

“function” means any power or duty whether conferred by virtue of an enactment or otherwise,

“terrorism” has the meaning given by section 1 of the Terrorism Act 2000 (c. 11), and

“war” includes armed conflict.

(2) In this Part a reference to the United Kingdom includes a reference to the territorial sea of the United Kingdom.

(3) Except in a case of contradiction, nothing in or done under this Part shall impliedly repeal or revoke a provision of or made under another enactment.

### Textual Amendments

**F37** Words in s. 18(1) 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. 109** (with arts. 28-31, Sch. 3 para. 110)

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