



# Civil Contingencies Act 2004

## 2004 CHAPTER 36

### PART 2

#### EMERGENCY POWERS

#### **22 Scope of emergency regulations**

- (1) Emergency regulations may make any provision which the person making the regulations is satisfied is appropriate for the purpose of preventing, controlling or mitigating an aspect or effect of the emergency in respect of which the regulations are made.
- (2) In particular, emergency regulations may make any provision which the person making the regulations is satisfied is appropriate for the purpose of—
  - (a) protecting human life, health or safety,
  - (b) treating human illness or injury,
  - (c) protecting or restoring property,
  - (d) protecting or restoring a supply of money, food, water, energy or fuel,
  - (e) protecting or restoring a system of communication,
  - (f) protecting or restoring facilities for transport,
  - (g) protecting or restoring the provision of services relating to health,
  - (h) protecting or restoring the activities of banks or other financial institutions,
  - (i) preventing, containing or reducing the contamination of land, water or air,
  - (j) preventing, reducing or mitigating the effects of disruption or destruction of plant life or animal life,
  - (k) protecting or restoring activities of Parliament, of the Scottish Parliament, of the Northern Ireland Assembly or of the National Assembly for Wales, or
  - (l) protecting or restoring the performance of public functions.
- (3) Emergency regulations may make provision of any kind that could be made by Act of Parliament or by the exercise of the Royal Prerogative; in particular, regulations may—

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*Status: This is the original version (as it was originally enacted).*

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- (a) confer a function on a Minister of the Crown, on the Scottish Ministers, on the National Assembly for Wales, on a Northern Ireland department, on a coordinator appointed under section 24 or on any other specified person (and a function conferred may, in particular, be—
    - (i) a power, or duty, to exercise a discretion;
    - (ii) a power to give directions or orders, whether written or oral;
  - (b) provide for or enable the requisition or confiscation of property (with or without compensation);
  - (c) provide for or enable the destruction of property, animal life or plant life (with or without compensation);
  - (d) prohibit, or enable the prohibition of, movement to or from a specified place;
  - (e) require, or enable the requirement of, movement to or from a specified place;
  - (f) prohibit, or enable the prohibition of, assemblies of specified kinds, at specified places or at specified times;
  - (g) prohibit, or enable the prohibition of, travel at specified times;
  - (h) prohibit, or enable the prohibition of, other specified activities;
  - (i) create an offence of—
    - (i) failing to comply with a provision of the regulations;
    - (ii) failing to comply with a direction or order given or made under the regulations;
    - (iii) obstructing a person in the performance of a function under or by virtue of the regulations;
  - (j) disapply or modify an enactment or a provision made under or by virtue of an enactment;
  - (k) require a person or body to act in performance of a function (whether the function is conferred by the regulations or otherwise and whether or not the regulations also make provision for remuneration or compensation);
  - (l) enable the Defence Council to authorise the deployment of Her Majesty's armed forces;
  - (m) make provision (which may include conferring powers in relation to property) for facilitating any deployment of Her Majesty's armed forces;
  - (n) confer jurisdiction on a court or tribunal (which may include a tribunal established by the regulations);
  - (o) make provision which has effect in relation to, or to anything done in—
    - (i) an area of the territorial sea,
    - (ii) an area within British fishery limits, or
    - (iii) an area of the continental shelf;
  - (p) make provision which applies generally or only in specified circumstances or for a specified purpose;
  - (q) make different provision for different circumstances or purposes.
- (4) In subsection (3) “specified” means specified by, or to be specified in accordance with, the regulations.
- (5) A person making 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—
- (a) the regulations, or
  - (b) action taken under the regulations.