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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 493 (C.26)**

**CIVIL CONTINGENCIES**

**The Civil Contingencies Act 2004  
(Commencement) (Scotland) Order 2005**

*Made - - - - 5th October 2005*

The Scottish Ministers, in exercise of the powers conferred by section 34(2) and (3) of the Civil Contingencies Act 2004<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation**

1. This Order may be cited as the Civil Contingencies Act 2004 (Commencement) (Scotland) Order 2005.

**Interpretation**

2. In this Order “the Act” means the Civil Contingencies Act 2004.

**Provisions coming into force on 6th October 2005**

3. The following provisions of the Act shall come into force on 6th October 2005:–
- (a) section 2(4) and (6);
  - (b) section 2(5) in so far as this provision relates to section 2(4) or (6);
  - (c) section 3(2);
  - (d) section 3(4) and (5) in so far as these provisions relate to section 3(2);
  - (e) section 4(3) and (7);
  - (f) section 4(4) and (5) in so far as these provisions relate to section 4(3) or (7);
  - (g) section 6(2) and (5);
  - (h) section 6(3) in so far as this provision relates to section 6(2) or (5);
  - (i) section 13(2);
  - (j) section 13(3) in so far as this provision relates to section 13(2);
  - (k) section 14(2);

- (l) section 17(3) and (5); and
- (m) section 17(1) and (6) in so far as these provisions relate to section 17(3) or (5).

**Provisions coming into force on 14th November 2005**

4. The following provisions of the Act shall come into force on 14th November 2005:—
- (a) section 1(4) in so far as it relates to the Scottish Ministers;
  - (b) section 2(1) and (2) in so far as these provisions relate to section 2(4) or (6);
  - (c) section 3(3) in so far as this provision relates to sections 2(4) or 3(2);
  - (d) section 4(1) in so far as this provision relates to section 4(3) or (7) and only for the purpose of permitting a body specified in paragraph 13 of Schedule 1 to the Act to provide advice and assistance of the kind specified in section 4(1);
  - (e) section 4(8) in so far as this provision relates to section 4(3) or (7);
  - (f) section 5(2) and (5);
  - (g) section 5(3) and (4) in so far as these provisions relate to section 5(2) or (5);
  - (h) section 6(6) in so far as this provision relates to section 6(2) or (5);
  - (i) section 8;
  - (j) section 9(2);
  - (k) section 9(3) and (4) in so far as these provisions relate to section 9(2); and
  - (l) section 11.

**Provision coming into force on 15th May 2006**

5. Section 4(1) of the Act in so far as this provision relates to section 4(3) or (7) shall come into force on 15th May 2006 to the extent not already in force.

St Andrew's House, Edinburgh  
5th October 2005

*HUGH HENRY*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force the remaining provisions of Part 1 of the Civil Contingencies Act 2004 (“the Act”).

Article 3 brings various provisions into force on 6th October 2005 to enable the Scottish Ministers to make and lay regulations to come into force on the 14th November 2005.

Article 4 commences various provisions of Part 1 of the Act on 14th November 2005 to coincide with the regulations which will come into force on that date. Section 4(1) of the Act is commenced on this date only for the purpose of permitting local authorities to provide advice and assistance to the public in relation to business continuity.

Article 5 commences in full the duty imposed by section 4(1) of the Act on the 15th May 2006.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I.No.</i>
Section 1 (except section 1(4) in so far as it relates to the Scottish Ministers)	14th November 2005	S.I. <a href="#">2005/2040</a>
Section 2(1) and (2) (except in so far as they relate to section 2(4) or (6))	14th November 2005	S.I. <a href="#">2005/2040</a>
Section 2(3) and (5) (except in so far as they relate to section 2(4) or (6))	22nd July 2005	S.I. <a href="#">2005/2040</a>
Section 3(1), (3), (4) and (5) (except in so far as they relate to section 3(2))	14th November 2005	S.I. <a href="#">2005/2040</a>
Section 4(2), (4) and (5) (except in so far as they relate to section 4(3) or (7))	22nd July 2005 (only for the purpose of permitting a body specified in paragraph 1 or 2 of Schedule 1 to the Act to provide advice and assistance of the kind specified in section 4(1))	S.I. <a href="#">2005/2040</a>
Section 4(1)(6) and (8) (except in so far as they relate to section 4(3) or (7))	14th November 2005 (only for the purpose of permitting a body specified in paragraph 1 or 2 of Schedule 1 to the Act to provide advice and assistance of the kind specified in section 4(1))	S.I. <a href="#">2005/2040</a>

*Status:* This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I.No.</i>
Section 4(1), (2), (4), (5), (6) and (8) (except in so far as they relate to section 4(3) or (7))	15th May 2006 (to the extent not already in force)	S.I. <a href="#">2005/2040</a>
Section 5(1), (3) and (4) (except in so far as they relate to section 5(2) or (5))	14th November 2005	S.I. <a href="#">2005/2040</a>
Section 6(1) (except in so far as it relates to section 6(2) or (5))	22nd July 2005	S.I. <a href="#">2005/2040</a>
Section 6(3), (4) and (6) (except in so far as it relates to section 6(2) or (5))	14th November 2005	S.I. <a href="#">2005/2040</a>
Section 7	14th November 2005	S.I. <a href="#">2005/2040</a>
Section 9(1), (3) and (4) (except in so far as they relate to section 9(2))	14th November 2005	S.I. <a href="#">2005/2040</a>
Section 10	14th November 2005	S.I. <a href="#">2005/2040</a>
Section 12	22nd July 2005	S.I. <a href="#">2005/2040</a>
Section 13(1) and (3) (except in so far as they relate to section 13(2))	22nd July 2005	S.I. <a href="#">2005/2040</a>
Section 14(1)	14th November 2005	S.I. <a href="#">2005/2040</a>
Section 15	22nd July 2005	S.I. <a href="#">2005/2040</a>
Section 16	14th November 2005	S.I. <a href="#">2005/2040</a>
Section 17(1), (2) and (4) (except in so far as they relate to section 17(3) or (5))	14th November 2005	S.I. <a href="#">2005/2040</a>
Section 17(6) (except in so far as it relates to section 17(3) or (5))	22nd July 2005	S.I. <a href="#">2005/2040</a>
Section 18	14th November 2005	S.I. <a href="#">2005/2040</a>
Sections 19 to 31	10th December 2004	S.I. <a href="#">2004/3281</a>
Section 32 (partially)	10th December 2004 (for certain purposes)	S.I. <a href="#">2004/3281</a>
	19th January 2005 (for certain purposes)	S.I. <a href="#">2005/772</a>
	1st April 2005 (for certain purposes)	S.I. <a href="#">2005/2040</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I.No.</i>
	14th November 2005 (for certain purposes)	
Section 33	14th November 2005	S.I. <a href="#">2005/2040</a>
Schedule 1	14th November 2005	S.I. <a href="#">2005/2040</a>
Paragraphs 1, 2, 4, 5, 6, 7, 8 and 9 of Schedule 2	14th November 2005	S.I. <a href="#">2005/2040</a>
Paragraph 3 of Schedule 2	1st April 2005 (for certain purposes)	S.I. <a href="#">2005/772</a>
Paragraph 10 of Schedule 2	1st April 2005	S.I. <a href="#">2005/772</a>
Part 2 of Schedule 2	10th December 2004	S.I. <a href="#">2004/3281</a>
Part 3 of Schedule 2	19th January 2005	S.I. <a href="#">2004/3281</a>
Schedule 3 (partially)	10th December 2004 (for certain purposes)	S.I. <a href="#">2004/3281</a>
	19th January 2005 (for certain purposes)	S.I. <a href="#">2005/772</a>
	1st April 2005 (for certain purposes)	S.I. <a href="#">2005/2040</a>
	14th November 2005 (for certain purposes)	