



Civil Contingencies Act 2004

2004 CHAPTER 36

PART 1

LOCAL ARRANGEMENTS FOR CIVIL PROTECTION

Civil protection

5 General measures

- (1) A Minister of the Crown may by order require a person or body listed in Part 1 of Schedule 1 to perform a function of that person or body for the purpose of—
 - (a) preventing the occurrence of an emergency,
 - (b) reducing, controlling or mitigating the effects of an emergency, or
 - (c) taking other action in connection with an emergency.
- (2) The Scottish Ministers may by order require a person or body listed in Part 2 of Schedule 1 to perform a function of that person or body for the purpose of—
 - (a) preventing the occurrence of an emergency,
 - (b) reducing, controlling or mitigating the effects of an emergency, or
 - (c) taking other action in connection with an emergency.
- [^{F1}(2A) The Welsh Ministers may by order require a person or body listed in Part 2A of Schedule 1 to perform a function of that person or body for the purpose of—
 - (a) preventing the occurrence of an emergency,
 - (b) reducing, controlling or mitigating the effects of an emergency, or
 - (c) taking other action in connection with an emergency.]
 - (3) A person or body shall comply with an order under this section.
 - (4) An order under subsection (1) may—
 - (a) require a person or body to consult a specified person or body or class of person or body;

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- (b) permit, require or prohibit collaboration, to such extent and in such manner as may be specified;
 - (c) permit, require or prohibit delegation, to such extent and in such manner as may be specified;
 - (d) permit or require a 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 a person or body listed in Part 1 of the Schedule in connection with a duty under the order;
 - (e) permit or require a person or body listed in Part 1 or 3 of Schedule 1 to provide information in connection with a duty under the order, whether on request or in other specific circumstances to a person or body listed in Part 1 of the Schedule;
 - (f) confer a function on a Minister of the Crown, on the Scottish Ministers, on the National Assembly for Wales, on a Northern Ireland department or on any other specified person or body (and a function conferred may, in particular, be a power or duty to exercise a discretion);
 - (g) make provision which applies generally or only to a specified person or body or only in specified circumstances;
 - (h) make different provision for different persons or bodies or for different circumstances.
- (5) Subsection (4) shall have effect in relation to subsection (2) as it has effect in relation to subsection (1), but as if—
- (a) in paragraphs (d) and (e)—
 - (i) a reference to Part 1 or 3 of Schedule 1 were a reference to Part 2 or 4 of that Schedule, and
 - (ii) a reference to Part 1 of that Schedule were a reference to Part 2 of that Schedule, and
 - (b) in paragraph (f) the references to a Minister of the Crown, to the National Assembly for Wales and to a Northern Ireland department were omitted.
- [^{F2}(5A) Subsection (4) has effect in relation to subsection (2A) as it has effect in relation to subsection (1), but as if—
- (a) in paragraphs (d) and (e)—
 - (i) a reference to Part 1 or 3 of Schedule 1 were a reference to Part 2A or 5 of that Schedule, and
 - (ii) a reference to Part 1 of that Schedule were a reference to Part 2A of that Schedule, and
 - (b) in paragraph (f) the references to a Minister of the Crown, to the Scottish Ministers and to a Northern Ireland department were omitted.]
- [^{F3}(6) 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 perform a function is exercisable by the Department of Justice in Northern Ireland (and not by a Minister of the Crown).
- (7) Subsection (4) has effect in relation to the power of the Department of Justice under subsection (1) as if—
- (a) paragraphs (d) and (e) were omitted;
 - (b) in paragraph (f) for the words from “a Minister of the Crown” to “department” there were substituted a Northern Ireland department.

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- (8) In relation to emergencies that do not fall within section 1(1)(c), a Minister of the Crown has no power by virtue of subsection (4)(d) or (e) to make provision permitting or requiring the Chief Constable (PSNI) to co-operate with, or provide information to, a person or body listed in Part 1 of Schedule 1.]

Textual Amendments

- F1** S. 5(2A) inserted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(5)(a)**
- F2** S. 5(5A) inserted (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **41(5)(b)**
- F3** S. 5(6)-(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. 98(2)** (with arts. 28-31, Sch. 3 para. 110)

Commencement Information

- II** S. 5 partly in force; s. 5 not in force at Royal Assent see s. 34; s. 5(1)(3)(4) in force for specified purposes at 14.11.2005 by [S.I. 2005/2040](#), **art. 3(e)**; s. 5(2)(5) in force and s. 5(3)(4) in force for further specified purposes (S.) at 14.11.2005 by [S.S.I. 2005/493](#), **art. 4**

6 Disclosure of information

- (1) A Minister of the Crown may make regulations requiring or permitting one person or body listed in Part 1 or 3 of Schedule 1 (“the provider”) to disclose information on request to another person or body listed in any Part of that Schedule (“the recipient”).
- (2) The Scottish Ministers may make regulations requiring or permitting one person or body listed in Part 2 or 4 of Schedule 1 (“the provider”) to disclose information on request to another person or body listed in any Part of that Schedule (“the recipient”).
- [^{F4}(2A) The Welsh Ministers may make regulations requiring or permitting one person or body listed in Part 2A or 5 of Schedule 1 (“the provider”) to disclose information on request to another person or body listed in any Part of that Schedule (“the recipient”).]
- (3) Regulations under [^{F5}subsection (1), (2) or (2A)] may be made only in connection with a function of the provider or of the recipient which relates to emergencies.
- (4) A Minister of the Crown may issue guidance to a person or body about the performance of functions under regulations made under subsection (1).
- (5) The Scottish Ministers may issue guidance to a person or body about the performance of functions under regulations made under subsection (2).
- [^{F6}(5A) The Welsh Ministers may issue guidance to a person or body about the performance of functions under regulations made under subsection (2A).]
- (6) A person or body shall—
- comply with regulations under [^{F7}subsection (1), (2) or (2A)] , and
 - have regard to guidance under [^{F8}subsection (4), (5) or (5A)] .
- [^{F9}(7) In relation to emergencies that do not fall within section 1(1)(c), the following powers are exercisable by the Department of Justice in Northern Ireland (and not by a Minister of the Crown)—

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- (a) the power under subsection (1) to make regulations requiring or permitting the Chief Constable (PSNI) to disclose information to another person or body listed in any Part of Schedule 1;
- (b) the power under subsection (4) to issue guidance to the Chief Constable (PSNI).]

Textual Amendments

- F4** S. 6(2A) inserted (24.5.2018) by The Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644), arts. 1(1), **41(6)(a)**
- F5** Words in s. 6(3) substituted (24.5.2018) by The Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644), arts. 1(1), **41(6)(b)**
- F6** S. 6(5A) inserted (24.5.2018) by The Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644), arts. 1(1), **41(6)(c)**
- F7** Words in s. 6(6)(a) substituted (24.5.2018) by The Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644), arts. 1(1), **41(6)(d)**
- F8** Words in s. 6(6)(b) substituted (24.5.2018) by The Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644), arts. 1(1), **41(6)(e)**
- F9** S. 6(7) 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. 99(2)** (with arts. 28-31, Sch. 3 para. 110)

Commencement Information

- I2** S. 6 partly in force; s. 6 not in force at Royal Assent see s. 34; s. 6(1) in force for specified purposes at 22.7.2005 and s. 6(3)(4)(6) in force for specified purposes at 14.11.2005 by S.I. 2005/2040, **arts. 2(c), 3(f)**; s. 6(2)(5) in force and s. 6(3) in force for specified purposes (S.) at 6.10.2005 and s. 6(6) in force for specified purposes (S.) at 14.11.2005 by S.S.I. 2005/493, **arts. 3(g)(h), 4(h)**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 11A inserted by [2006 c. 16 Sch. 11 para. 174](#) (Sch. 11 para. 174 repealed (12.1.2010) without ever being in force by 2009 c. 23, Sch. 22 Pt. 8; S.I. 2009/3345, art. 2, Sch. para 27(d))
- Sch. 1 para. 19(2)(d) and word inserted by [2023 c. 52 Sch. 17 para. 15\(2\)\(b\)](#)
- Sch. 1 para. 30(2)(d) and word inserted by [2023 c. 52 Sch. 17 para. 15\(3\)\(b\)](#)