



Civil Contingencies Act 2004

2004 CHAPTER 36

PART 2

EMERGENCY POWERS

21 Conditions for making emergency regulations

- (1) This section specifies the conditions mentioned in section 20.
- (2) The first condition is that an emergency has occurred, is occurring or is about to occur.
- (3) The second condition is that it is necessary to make provision for the purpose of preventing, controlling or mitigating an aspect or effect of the emergency.
- (4) The third condition is that the need for provision referred to in subsection (3) is urgent.
- (5) For the purpose of subsection (3) provision which is the same as an enactment (“the existing legislation”) is necessary if, in particular—
 - (a) the existing legislation cannot be relied upon without the risk of serious delay,
 - (b) it is not possible without the risk of serious delay to ascertain whether the existing legislation can be relied upon, or
 - (c) the existing legislation might be insufficiently effective.
- (6) For the purpose of subsection (3) provision which could be made under an enactment other than section 20 (“the existing legislation”) is necessary if, in particular—
 - (a) the provision cannot be made under the existing legislation without the risk of serious delay,
 - (b) it is not possible without the risk of serious delay to ascertain whether the provision can be made under the existing legislation, or
 - (c) the provision might be insufficiently effective if made under the existing legislation.

Changes to legislation:

Civil Contingencies Act 2004, Section 21 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

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- Sch. 1 para. 11A inserted by [2006 c. 16 Sch. 11 para. 174](#) (Sch. 11 para. 174 repealed (12.1.2010) without ever being in force by 2009 c. 23, Sch. 22 Pt. 8; S.I. 2009/3345, art. 2, Sch.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