



Civil Contingencies Act 2004

2004 CHAPTER 36

PART 2

EMERGENCY POWERS

23 Limitations of emergency regulations

- (1) Emergency regulations may make provision only if and in so far as the person making the regulations is satisfied—
 - (a) that the provision 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, and
 - (b) that the effect of the provision is in due proportion to that aspect or effect of the emergency.
- (2) Emergency regulations must specify the Parts of the United Kingdom or regions in relation to which the regulations have effect.
- (3) Emergency regulations may not—
 - (a) require a person, or enable a person to be required, to provide military service, or
 - (b) prohibit or enable the prohibition of participation in, or any activity in connection with, a strike or other industrial action.
- (4) Emergency regulations may not—
 - (a) create an offence other than one of the kind described in section 22(3)(i),
 - (b) create an offence other than one which is triable only before a magistrates' court or, in Scotland, before a sheriff under summary procedure,
 - (c) create an offence which is punishable—
 - (i) with imprisonment for a period exceeding three months, or
 - (ii) with a fine exceeding level 5 on the standard scale, or
 - (d) alter procedure in relation to criminal proceedings.
- (5) Emergency regulations may not amend—

Changes to legislation: *Civil Contingencies Act 2004, Section 23 is up to date with all changes known to be in force on or before 16 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. (See end of Document for details) View outstanding changes*

- (a) this Part of this Act, or
- (b) the Human Rights Act 1998 (c. 42).

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- Sch. 1 para. 11A inserted by [2006 c. 16 Sch. 11 para. 174](#) (Sch. 11 para. 174 repealed (12.1.2010) without ever being in force by 2009 c. 23, Sch. 22 Pt. 8; S.I. 2009/3345, art. 2, Sch.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