



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;

Changes to legislation: Civil Contingencies Act 2004, Section 5 is up to date with all changes known to be in force on or before 06 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

- (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 cooperate, 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

- I1** 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**

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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\(3\)\(b\)](#)