



10 November 2004

Dear Colleague,

CIVIL CONTINGENCIES BILL: REPORT STAGE

The Committee Stage of the Civil Contingencies Bill in the House of Lords ended on Thursday 21 October after four days of detailed clause by clause analysis on the floor of the House. This was followed by Report Stage on Tuesday 9 November, which gave Peers an opportunity to debate the Bill as amended in Committee, and propose amendments where they saw fit.

The debate during both stages was wide-ranging, engaging and constructive. Peers probed further on a number of issues that had been prominent at Second Reading. Debate was split evenly between Part 1 (local arrangements for civil protection) and Part 2 (emergency powers).

The only substantive change to the Bill following Committee Stage was a Government amendment to give local authorities – on the advice of a Chief Constable – the power to make road traffic regulation orders for counter-terrorism purposes.

The Government made a number of substantive amendments to both parts of the Bill at Report Stage. In relation to Part 1, the Government amended the Bill to:

- Impose a duty on Category 1 responders to “have regard” to the activities of relevant voluntary organisations when developing emergency plans;
- Extend the scope of clause 4 of the Bill, requiring local authorities to give business continuity advice and assistance to voluntary organisations as well as businesses; and
- Provide that urgent directions made under clauses 7 & 8 can only be given in writing, not orally.

In relation to Part 2, the Government amended the Bill to:

- Expressly protect the role of Parliament and the Courts in scrutinising and challenging the use of emergency regulations; and
- Expressly protect the Human Rights Act against substantive amendment using emergency regulations.



The Government suffered two defeats at Report Stage. Firstly, an Opposition amendment was passed giving the Government powers to require ports, airports and local authorities to require local responders to purchase and deploy equipment designed to identify the presence of CBRN material. Secondly, a minor technical Opposition amendment was passed in relation to the degree of certainty which the maker of urgent directions under Part 1 or emergency regulations under Part 2 must have as to the necessity of taking such action.

The next stage of the Parliamentary process is Third Reading, which is scheduled for Tuesday 16 November. The purpose of Third Reading is to allow the House of Lords to look at the Bill as amended in Committee and Report, and re-affirm its decision at Second Reading to allow the Bill to proceed. We remain on track to gain Royal Assent to the Bill in mid-November.

As always, we would be very pleased to receive any feedback you have on this bulletin. If you have a question or query about any aspect of this letter, please contact the Bill Team at ccbill@cabinet-office.x.gsi.gov.uk.

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