



Advice on recording powers used during a transition period

Factsheet: This factsheet provides advice on recording powers used during a transition period to assist with the reporting requirement under section 94P of the Civil Defence Emergency Management Act 2002 (the Act).

A way to ensure the exercise of powers can be easily recorded for reporting is to have a centralised spreadsheet or document that is regularly updated (e.g. weekly) that sets out:

- the power(s) exercised under Part 5A of the Act;
- the person who exercised the power(s) (these include persons who have delegated authority from a Recovery Manager to exercise the powers);
- the reasons for the exercise of that power(s).

In addition, while it is not required by the Act, it may be useful to include:

- a broad description of the key elements considered in relation to the test for exercising powers under section 94G(3) of the Act.

Appendix One sets out an example table that could form the basis for a central record of the use powers.

Appendix one: Template for a spreadsheet or document to record powers exercised during a transition period

Powers exercised during the [national/local] transition period relating to [*describe emergency*].

Reporting Requirements – Explanation of powers used					Broad summary of factors in relation to tests for exercise of powers – in the opinion of the Recovery Manager		
Number of times power exercised	Power used (specify section of the Act and broad description of power)	Date	By Whom	Reason for use	In the public interest	Necessary or desirable to ensure a timely and effective recovery	Proportionate in the circumstances
12	<i>e.g. section 94N power to require an engineering assessment</i>	<i>e.g 1 March 2017</i>	<i>By [specify name and title] e.g. T Smith Building Control Manager, [specify territorial authority], who the Local Recovery Manager delegated powers to under [xxxe.g 30A(3)]</i>	<i>To determine if there has been structural damage to buildings after the [specify] earthquake</i>	<i>Important to check buildings are safe to occupy</i>	<i>Power is necessary as some building owners are not commissioning engineering assessments or providing them to the Recovery Manager.</i>	<i>The exercise of the power is considered proportionate in the circumstance. An Engineering panel assessed which buildings may be at risk and only those where there are significant concerns that there is a risk of injury or a risk to the safety of life are required to be assessed.</i>