

Chapter 10

Scotland

Summary

- Part 1 of the Act applies to Scotland, with the powers it sets out residing with Scottish Ministers in line with the devolution settlement. While civil protection in Scotland is largely a devolved matter and therefore the responsibility of the Scottish Executive, certain responders in Scotland are subject to Part 1 of the Act, the Regulations and guidance issued by UK Ministers – the Health and Safety Executive, the Maritime and Coastguard Agency and the British Transport Police (paragraphs 10.1–10.4).
- Overall responsibility for civil protection policy in Scotland sits with the Civil Contingencies Division (CCD) of the Scottish Executive Justice Department (paragraphs 10.10–10.12).
- The Scottish Emergencies Co-ordinating Committee (SECC), chaired by the Scottish Executive, determines a national strategy for the development of civil protection. At the local level, a number of constabulary area-based strategic co-ordinating groups determine the strategy for response and recovery (paragraphs 10.13–10.15).
- Under the civil contingencies framework, Scottish Executive Departments, like their UK counterparts, operate on the ‘lead government department’ principle during an emergency. In non-devolved areas the Scottish Executive works closely with the UK Government to ensure that Scottish needs are catered for (paragraphs 10.5–10.9).

What the Act and the Regulations require in Scotland

10.1 The Act applies to a range of bodies in Scotland. However, responsibility for making regulations and guidance as to how responders in Scotland perform their duties under the Act is split between the Scottish Ministers and Ministers of the Crown. While the majority of responders exercise functions which fall within devolved competence (and so are subject to Regulations and guidance made by the Scottish Ministers), there are three responders which exercise functions that are largely reserved on a UK-wide basis. These bodies are subject to this guidance and to the Regulations made by a Minister of the Crown. These bodies are:

- the Maritime and Coastguard Agency (included as a Category 1 responder);
- the British Transport Police (included as a Category 1 responder); and
- the Health and Safety Executive (included as a Category 2 responder).

10.2 The Regulations and this guidance apply to these Category 1 and Category 2 responders in much the same way as they apply to Category 1 and Category 2 responders in England, Wales and Northern Ireland. The Regulations require these Category 1 and Category 2 responders to co-operate with other Category 1 and Category 2 responders in Scotland in the performance of their duties under the Act in much the same way as they are required to co-operate with other Category 1 and Category 2 responders in England and Wales. In particular, the Regulations require these Category 1 and Category 2 responders in Scotland to participate in strategic co-ordinating groups (the equivalent of Local Resilience Forums (LRFs) in Scotland) and related activities, including compilation of a Community Risk Register.

10.3 Chapters 2 to 8 explain in more detail how each duty under the Act is to be performed by Category 1 and Category 2 responders in Scotland that fall outside devolved competence.

10.4 Regulations and guidance made by the Scottish Ministers detail how Scottish Category 1 responders and Scottish Category 2 responders (ie those responders in Scotland that are within devolved

competence) should perform their duties under the Act. Those Regulations will also detail how those Scottish Category 1 responders and Scottish Category 2 responders should co-operate with the three Category 1 and Category 2 responders in Scotland that fall outside devolved competence.

Scottish Civil Contingencies Framework

10.5 The Scottish Executive departments are designated as leads on relevant issues in line with the 'lead department' principle. Within the Scottish Executive, responsibilities held in normal times remain in times of emergency. The lead Scottish Executive department, as at the UK level, is the department with day-to-day policy responsibility for the particular subject in question. That means that the Scottish Executive Health Department will lead on emergencies involving public health and the Scottish Executive Environment and Rural Affairs Department will deal with flooding.

10.6 The roles and responsibilities of lead departments in Scotland are broadly similar to those of UK-level departments. Details of Scottish Executive lead departments can be found at <http://www.ukresilience.info/lead.htm>

10.7 In an emergency affecting Scotland, the Scottish Executive will be involved because of its territorial role, irrespective of the reserved–devolved divide. It will co-ordinate local activity in support of the nominated lead UK department. The Scottish Executive departments and divisions which shadow the functions of UK departments act to ensure that they are aware of, and can play a complementary part in, these departments' responses to emergencies that affect Scotland.

10.8 The Scottish Executive or Scotland Office, depending on the subject matter, are represented on the key committees and forums within central government relating to civil protection at both official and Ministerial levels. They work closely with UK departments to ensure Scottish needs are catered for in UK planning and in policy development.

10.9 The Scottish and UK departments act to ensure that they are aware of, and can play a complementary part in, responses to emergencies that affect Scotland.

The Civil Contingencies Division

10.10 Overall responsibility for civil protection policy in Scotland sits with the Civil Contingencies Division (CCD) of the Scottish Executive Justice Department. It promotes and co-ordinates civil protection efforts across the Executive in a role similar to that of the Civil Contingencies Secretariat at the UK level.

10.11 When an emergency affects a range of Scottish Executive departments, the lead role may be exercised by the CCD's Emergency Management Unit until such time as a lead department is appointed.

10.12 The CCD is also responsible for the Scottish Executive Emergency Room (SEER), a facility available for communication, information processing and the co-ordination of the central government emergency response led by the Scottish Executive. SEER comprises an Emergency Action Team of senior civil servants from Scottish Executive Departments whose role is to co-ordinate activity and brief Ministers, and an Emergency Support Team that gathers and processes information from a variety of sources.

Scottish Emergencies Co-ordinating Committee

10.13 At the national level the Scottish Executive chairs the Scottish Emergencies Co-ordinating Committee (SECC), which ensures that steps are taken to respond to the changing risk environment and determines the national strategy for the development of civil protection. The membership of the SECC can be adjusted according to circumstances, but it includes Scottish Executive departments, emergency services, local authorities and the armed forces.

10.14 The SECC may meet at a time of emergency to advise on development of the national strategy.

The sub-Scotland level

10.15 Eight strategic co-ordinating groups based on police force areas and chaired by the Chief Constable or local authority Chief Executive promote effective planning for all types of incidents in their area. Planning involves risk assessment, making generic

Scottish bodies over which Scottish Ministers will have regulation-making powers

Category 1

- Local authorities
- Police authorities (excluding the British Transport Police)
- Fire authorities
- The Scottish Ambulance Service
- Scottish health boards
- The Scottish Environmental Protection Agency

Category 2

- Scottish Water
- The Common Services Agency of the NHS Scotland
- Gas distributors
- Electricity distributors
- Telecommunications companies
- Railway companies
- Airport operators
- Harbour authorities

The following Category 1 and 2 responders have functions in Scotland but are governed by the Regulations made by UK Ministers:

- Health and Safety Executive
- Maritime and Coastguard Agency
- British Transport Police

and, if necessary, specific emergency plans, engaging with the community, training, testing, exercising and reviewing. All groups have experience of dealing with emergencies of different types. At a time of emergency, the groups determine the strategy for local response and recovery. The groups have links with the SECC in preparation, and with SEER in response.