

2005 No.

CIVIL CONTINGENCIES

**The Civil Contingencies Act 2004 (Contingency Planning)
Regulations 2005**

Made - - - - 2005
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Coming into force - -

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SCHEDULE

Local resilience areas in relation to authorities in London

The Minister for the Cabinet Office and the Chancellor of the Duchy of Lancaster, in exercise of the powers conferred upon him by sections 2(3) and (5), 4(2), (4) and (5), 6(1) and (3) and 16(6) of the Civil Contingencies Act 2004^(a) and

(a) having consulted the Scottish Ministers as required to do so under section 14(1) of that Act;

(b) having consulted the National Assembly for Wales as required to do so under section 15(1) of that Act, and

(c) with the consent of the National Assembly for Wales, in so far as required by section 15(2) of that Act,

hereby make the following Regulations:

^(a) 2004 c.[].

PART 1

Introductory

Citation, commencement and extent

1. These Regulations may be cited as the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 and come into force on [].

Northern Ireland

2. Regulations 4(5)(b), (6) and (7), 10, 23 to 28 do not extend to Northern Ireland.

Interpretation

3.—(1) In these Regulations –

“the Act” means the Civil Contingencies Act 2004;

“Category 1 responder” means a person or body listed in Part 1 of Schedule 1;

“Category 2 responder” means –

(a) a body or person listed in paragraph 19 to 25 or 28 of Part 3 of Schedule 1;

(b) a body or person listed in paragraph 26 of Part 3 of Schedule 1 which is a relevant airport operator; and

(c) a body or person listed in paragraph 27 of Part 3 of Schedule 1 which is a relevant harbour authority;

“commencement” means the day on which these Regulations come into force;

“emergency” has the meaning given by section 1(1);

“functions” has the meaning given by section 17(1);

“local resilience area” in relation to each responder means –

(a) if the responder is the Common Council of the City of London, the area specified in relation to it in the Schedule to these Regulations;

(b) in so far as the responder has functions which are exercisable in a London borough, the area specified in relation to that borough in the Schedule to these Regulations;

(c) in so far as the responder has functions which are exercisable in Scotland, [the Scottish police area];

(d) otherwise, the police area in which the responder’s functions are exercisable;

“local resilience forum” has the meaning given by regulation 4(6);

“police area” has the meaning given by the Police Act 1996(a);

“relevant airport operator” means an airport operator, within the meaning of section 82(1) of the Airports Act 1986(b), which is responsible for an airport through which, in the most recent year for which data is available, at least 50,000 passengers or 10,000 tonnes of freight and mail were transported;

“relevant harbour authority” means a harbour authority, within the meaning of section 46(1) of the Aviation and Maritime Security Act 1990(c), which is responsible for a harbour through which the average annual maritime traffic, calculated by reference to the most recent three years for which data is available, is at least 1.5 million tonnes of cargo or 200,000 passengers;

“responder” means a Category 1 responder or a Category 2 responder.

(a) 1996 c.16; see section 1 of that Act.

(b) 1986 c.31.

(c) 1990 c.31.

(2) In these Regulations, unless otherwise specified, any reference to a section, Part or Schedule is a reference to that section or Part of, or Schedule to, the Act.

PART 2

General

Co-operation and local resilience forums

4.—(1) Category 1 responders which have functions which are exercisable in a particular local resilience area must co-operate with each other in connection with the performance of their duties under section 2(1).

(2) Category 1 responders may co-operate with any other responder in connection with the performance of a duty under section 2(1).

(3) Category 2 responders which have functions which are exercisable in a particular local resilience area must co-operate with each Category 1 responder which has functions which are exercisable in that area in connection with the performance by that Category 1 responder of its duties under section 2(1).

(4) Category 2 responders may co-operate with any other Category 1 responder in connection with the performance of a duty of that Category 1 responder under section 2(1).

(5) The co-operation referred to in paragraphs (1) and (3) -

- (a) may take the form of two or more responders co-operating with each other; and
- (b) must take the form of all responders which have functions which are exercisable in a particular local resilience area co-operating together in a single forum.

(6) The form of co-operation referred to in paragraph (5)(b) is referred to in these Regulations as the “local resilience forum”.

(7) As part of the local resilience forum, responders which have functions which are exercisable in a particular local resilience area must make arrangements to hold a meeting at least once every six months; each responder must, so far as reasonably practicable, attend such a meeting or arrange for it to be effectively represented at that meeting.

Protocols

5.—(1) In order to facilitate co-operation under regulation 4, responders may enter into protocols with each other.

(2) Such protocols may in particular include provisions which relate to –

- (a) the timing of co-operation;
- (b) the form of co-operation;
- (c) contact details for the individuals who are to be involved in the co-operation.

Joint discharge of functions etc.

6. Each Category 1 responder may –

- (a) make arrangements with another responder for the performance of a duty of the Category 1 responder under section 2(1) jointly with that other responder;
- (b) make arrangements with another responder for that responder to perform such a duty on behalf of the Category 1 responder.

Existing emergency planning duties

7. Category 1 responders need not perform a duty under section 2(1) in relation to any emergency which is –

- (a) a major accident, within the meaning of regulation 2(1) of the Control of Major Accident Hazards Regulations 1999(a), resulting from developments in the course of the operation of an establishment to which Part 2 of those Regulations applies;
- (b) a major accident, within the meaning of regulation 2(1) of the Control of Major Accident Hazards Regulations (Northern Ireland) 2000(b), resulting from developments in the course of the operation of an establishment to which Part 2 of those Regulations applies;
- (c) a major accident, within the meaning of regulation 2(1) of the Pipelines Safety Regulations 1996(c), involving a dangerous fluid (within the meaning of those Regulations) which is in, or has been conveyed in, a pipeline to which those Regulations apply;
- (d) a major accident, within the meaning of regulation 2(1) of the Pipelines Safety Regulations (Northern Ireland) 1997(d), involving a dangerous fluid (within the meaning of those Regulations) which is in, or has been conveyed in, a pipeline to which those Regulations apply;
- (e) a radiation emergency, within the meaning of regulation 2 of the Radiation (Emergency Preparedness and Public Information) Regulations 2001(e), which results from work with ionising radiation (within the meaning of those Regulations) to which those Regulations apply; or
- (f) a radiation emergency, within the meaning of regulation 2 of the Radiation (Emergency Preparedness and Public Information) Regulations (Northern Ireland) 2001(f), which results from work with ionising radiation (within the meaning of those Regulations) to which those Regulations apply.

PART 3

Duty to assess risk of emergency occurring

Kinds of emergency in relation to which risk should be assessed

8. A Category 1 responder need only perform the duty under section 2(1)(a) (duty to assess risk of emergency occurring) in relation to an emergency which affects or may affect the geographical area for which the Category 1 responder is responsible.

Guidance and risk assessments issued by Minister

9.—(1) A Minister of the Crown may issue to Category 1 responders (or any class of Category 1 responders) guidance as to the risk of a particular emergency or an emergency of a particular kind occurring.

(2) A Minister of the Crown may issue to Category 1 responders (or any class of Category 1 responders) an assessment of the risk of a particular emergency or an emergency of a particular kind occurring.

(3) In performing its duty under section 2(1)(a), a Category 1 responder must –

- (a) take into account any guidance issued to it under paragraph (1); and
- (b) adopt any assessment issued to it under paragraph (2).

(a) S.I. 1999/743; amended by the Greater London Authority Act 1999 s.328 and S.I. 2002/2469.

(b) S.I. 2000/93.

(c) S.I. 1996/825; amended by the Greater London Authority Act 1999 s.328.

(d) S.I. 1997/193.

(e) S.I. 2001/2975; amended by S.I. 2002/2099 and S.I. 2002/2469.

(f) S.I. 2001/436.

(4) Any guidance issued under paragraph (1) or assessment issued under paragraph (2) must be in writing.

Community risk register

10.—(1) As part of the local resilience forum, Category 1 responders which have functions which are exercisable in a particular local resilience area must collaborate with each other in maintaining a register (“the community risk register”) of the assessment carried out by each Category 1 responder under section 2(1)(a).

(2) For the purpose of complying with paragraph (1), each Category 1 responder must from time to time inform the other relevant Category 1 responders of the assessment carried out by it under section 2(1)(a), except where paragraph (3) applies.

(3) This paragraph applies to the extent that an assessment carried out by a Category 1 responder contains sensitive information (within the meaning of Part 8 of these Regulations) and the Category 1 responder has reasonable grounds to believe that informing the other relevant Category 1 responders of the assessment would –

- (a) in the case of sensitive information of the kind specified by paragraph (1)(a) of regulation 29, compromise the information;
- (b) in the case of sensitive information of the kind specified by paragraph (1)(b), (c) or (d) of regulation 29, impair the confidentiality of the information.

(4) In performing its duties under section 2(1)(a) and (b), a Category 1 responder must have regard to any relevant community risk register.

PART 4

Duty to plan for response to an emergency

Risk assessment

11. In performing its duty under section 2(1)(c) and (d) (duty to plan to continue to perform functions or to respond, should an emergency occur), a Category 1 responder must have regard to any relevant assessment of risk which it has carried out under section 2(1)(a) or (b).

General and specific plans

12. In performing its duties under section 2(1)(c) and (d), a Category 1 responder –

- (a) must maintain a single plan which relates to any emergency in relation to which a plan is required under those provisions; and
- (b) may in addition maintain plans which relate to a particular emergency or a particular kind of emergency.

Compulsory plans

13. Each Category 1 responder must maintain a plan under section 2(1)(c) and (d) in relation to [].

Procedure for determining whether an emergency has occurred

14.—(1) Any plan maintained by a Category 1 responder by virtue of section 2(1)(c) must include a procedure for determining whether an emergency has occurred which affects the ability of the Category 1 responder to continue to perform its functions.

(2) Any plan maintained by a Category 1 responder by virtue of section 2(1)(d) must include a procedure for determining whether an emergency has occurred which makes it necessary or

desirable for it to perform its functions for the purpose of preventing the emergency, reducing, controlling or mitigating its effects or taking any other action in connection with the emergency.

- (3) The procedure required under paragraph (1) or (2) must—
- (a) identify the person who should determine whether an emergency of the kind specified in paragraph (1) or (2) (as appropriate) has occurred;
 - (b) specify the procedure which that person should adopt in taking that decision;
 - (c) specify the persons who should be consulted before such a decision is taken;
 - (d) specify the persons who should be informed once such a decision is taken.

Training and exercises

15. Every plan maintained by a Category 1 responder by virtue of section 2(1)(c) or (d) must include –

- (a) arrangements for the carrying out of exercises for the purpose of ensuring that the plan is effective;
- (b) arrangements for the provision of training of—
 - (i) an appropriate number of suitable staff of the Category 1 responder,
 - (ii) such other persons as that Category 1 responder considers necessary,for the purposes of carrying out plans maintained under section 2(1)(c) or (d).

Plan revision

16. If a Minister of the Crown issues guidance or an assessment under regulation 9 to a Category 1 responder, that responder must consider whether that guidance or assessment makes it necessary or expedient to add to or modify plans maintained under section 2(1)(c) or (d).

PART 5

Publication of plans and assessments

Alarming the public unnecessarily

17. In performing its duty under section 2(1)(f) (duty to arrange for the publication of assessments and plans), a Category 1 responder must have regard to the need to avoid alarming the public unnecessarily.

Vulnerable persons etc.

18.—(1) In performing its duty under section 2(1)(f), a Category 1 responder must have regard to the need to ensure so far as reasonably practicable that –

- (a) vulnerable persons, and
- (b) persons for whom English is not their first language,

receive and understand the information which is published under section 2(1)(f).

(2) In this regulation, “vulnerable person” means a person who is vulnerable as a result of age, mental illness, physical illness, disability or other reason.

PART 6

Warning and provision of information and advice to the public

Emergencies in relation to which duty to warn etc. is to be performed

19. The duty of a Category 1 responder under section 2(1)(g) (duty to maintain arrangements to warn, and provide information and advice, to the public) only applies in relation to an emergency which –

- (a) does or is likely to affect the ability of the Category 1 responder to be able to continue to perform its functions; or
- (b) in relation to which it is, or is likely to be, necessary or desirable for the Category 1 responder to perform its functions for the purpose of –
 - (i) preventing the emergency;
 - (ii) reducing, controlling or mitigating its effects; or
 - (iii) taking other action in connection with it.

General and specific arrangements to warn etc.

20. In performing its duty under section 2(1)(g), a Category 1 responder may –

- (a) maintain arrangements which relate to any emergency in relation to which that duty applies; and
- (b) maintain arrangements which relate to a particular emergency or a particular kind of emergency to which that duty applies.

Alarming the public unnecessarily

21. In performing its duty under section 2(1)(g), a Category 1 responder must have regard to the need to avoid alarming the public unnecessarily.

Vulnerable persons etc.

22.—(1) In performing its duty under section 2(1)(g), a Category 1 responder must have regard to the need to ensure so far as reasonably practicable that –

- (a) vulnerable persons, and
- (b) persons for whom English is not their first language,

receive and understand a warning or advice.

(2) In this regulation, “vulnerable person” means a person who is vulnerable as a result of age, mental illness, physical illness, disability or other reason.

PART 7

Advice and assistance to business

“Relevant responder”

23. In this Part, “relevant responder” means a body which is listed in paragraph 1 or 2 of Schedule 1 (local authority in England or Wales).

Risk assessment

24. In discharging its duty to give advice and assistance to the public under section 4(1) (duty to give advice and assistance to business), a relevant responder must take into account any relevant assessment of the risk of an emergency occurring which it has undertaken under section 2(1)(a) and any relevant community risk register maintained by virtue of regulation 10.

Extent of the duty under section 4(1)

25.—(1) The duty of a relevant responder under section 4(1) only applies in relation to members of the public who are present or resident in the area in which the functions of the responder are exercisable (referred to in this Part as “local members of the public”).

(2) In the course of performing its duty under that section, a relevant responder –

- (a) must give advice and assistance to the local members of the public at large;
- (b) may give advice and assistance to individual local members of the public; and
- (c) may refer local members of public or individual local members of the public to a business continuity consultant.

(3) In paragraph (2), “business continuity consultant” means a person who possesses qualifications and expertise in assisting members of the public in connection with the making of arrangements for the continuance of commercial activities in the event of an emergency.

Transitional provision as to extent of the duty under section 4(1)

26.—(1) For the period of two years beginning on commencement, the duty under section 4(1) only applies in relation to commercial activities carried on by a local member of the public who meets the requirement specified in paragraph (2).

(2) The requirement is that the person exceeds any of the following criteria in the most recent financial year for which information is available –

- (a) his balance sheet total (with the meaning of section 247(5) of the Companies Act 1985) was [6] million euros;
- (b) he employs more than [250] employees;
- (c) [other]

Co-operation etc.

27.—(1) Relevant responders which have functions which are exercisable in a particular local resilience area must co-operate with each other in connection with the performance of their duties under section 4(1).

(2) Each relevant responder may –

- (a) make arrangements with another relevant responder for the performance of its duty under section 4(1) jointly with that other responder;
- (b) make arrangements with another relevant responder for that responder to perform such a duty on behalf of the first relevant responder.

Charging

28. Relevant responders may charge for any advice or assistance provided on request under section 4(1) but that charge must not exceed the aggregate of –

- (a) the direct costs of providing the advice or assistance; and
- (b) a reasonable share of any costs indirectly related to the provision of the advice or assistance.

PART 8

Information

Sensitive information

29.—(1) In this Part of these Regulations, “sensitive information” means information which is not available to the public and which is –

- (a) information the disclosure of which to the public would be contrary to the interests of national security;
- (b) information the disclosure of which to the public would endanger public safety;
- (c) information which relates to the business or other affairs of any person, disclosure of which to the public would significantly harm the legitimate business interests of the person to whom that information relates; or
- (d) information which is personal data, within the meaning of section 1 of the Data Protection Act 1998^(a), disclosure of which to the public would contravene any of the data protection principles or section 10 of that Act (right to prevent processing likely to cause damage or distress).

(2) A certificate signed by a Minister of the Crown certifying that disclosure of information to the public would be contrary to the interests of national security is conclusive evidence of that fact.

(3) A certificate under paragraph (2) may be given in relation to specific information or to information of a specified kind and may be expressed to have prospective effect.

(4) A document purporting to be a certificate under paragraph (2) shall be received in evidence and deemed to be such a certificate unless the contrary is proved.

(5) A document which purports to be certified by or on behalf of a Minister of the Crown as a true copy of a certificate issued by that Minister under paragraph (2) shall in any legal proceedings be evidence (or in Scotland, sufficient evidence) of that certificate.

(6) The power conferred by paragraph (2) on a Minister of the Crown shall not be exercisable except by a Minister who is a member of the Cabinet or by the Attorney General, the Advocate General for Scotland or the Attorney General for Northern Ireland.

Information sharing for the purposes of civil protection duties under the Act

30.—(1) A Category 1 responder (“the requesting responder”) may, by notice in writing, require any other responder (“the receiving responder”) to provide specified information or information of a specified description.

(2) Subject to paragraphs (7) and (9), the receiving responder must comply with that request.

(3) The information must be provided –

- (a) before the end of such reasonable period as may be specified by the requesting responder; and
- (b) at such place as may be reasonably specified by that responder.

(4) The requesting responder may require any information provided under this regulation to be provided in such form as it may reasonably require.

(5) This regulation only applies to such information as the requesting responder reasonably requires in connection with the performance of a duty under section 2(1)(a) to (d).

(6) Any request made under paragraph (1) must include reasons as to why the requesting responder requires the information in connection with the performance of a duty under section 2(1)(a) to (d).

^(a) 1998 c.29.

(7) If a receiving responder has received a request under paragraph (1) which relates to sensitive information and that responder has reasonable grounds to believe that complying with the request would –

- (a) in the case of sensitive information of the kind specified by paragraph (1)(a) of regulation 29, could compromise the information;
- (b) in the case of sensitive information of the kind specified by paragraph (1)(b), (c) or (d) of regulation 29, impair the confidentiality of the sensitive information,

the receiving responder must not comply with the request, to the extent that the request relates to sensitive information.

(8) If a responder refuses to comply with a request under paragraph (1) in the circumstances specified in paragraph (7)(b), it must give its reasons for holding the belief specified in paragraph (7)(b) to the requesting responder.

(9) To the extent that a request under paragraph (1) relates to sensitive information which has been directly or indirectly supplied to the receiving responder by any of the bodies specified in paragraph (10), the receiving responder must not comply with the request unless that body has given its consent to the provision of the information to the requesting responder; such consent may contain conditions.

(10) The bodies specified by this paragraph are –

- (a) the Security Service;
- (b) the Secret Intelligence Service;
- (c) the Government Communications Headquarters;
- (d) the National Criminal Intelligence Service.

Information sharing for the purposes of other civil protection duties

31.—(1) Any responder (“the requesting responder”) may, by notice in writing, require any other responder (“the receiving responder”) to provide specified information or information of a specified description.

(2) Subject to paragraphs (7) and (9), the receiving responder must comply with that request.

(3) The information must be provided –

- (a) before the end of such reasonable period as may be specified by the requesting responder; and
- (b) at such place as may be reasonably specified by that responder.

(4) The requesting responder may require any information provided under this regulation to be provided in such form as it may reasonably require.

(5) This regulation only applies to such information as the requesting responder reasonably requires in connection with the performance of a function which relates to an emergency.

(6) Any request made under paragraph (1) must include reasons as to why the requesting responder requires the information in connection with the performance of its function and the way in which that function relates to an emergency.

(7) If a responder which has received a request under paragraph (1) which relates to sensitive information and that responder has reasonable grounds to believe that complying with the request would –

- (a) in the case of sensitive information of the kind specified by paragraph (1)(a) of regulation 29, could compromise the information;
- (b) in the case of sensitive information of the kind specified by paragraph (1)(b), (c) or (d) of regulation 29, impair the confidentiality of the sensitive information,

the responder must not comply with the request, to the extent that the request relates to sensitive information.

(8) If a responder refuses to comply with a request under paragraph (1) in the circumstances specified in paragraph (7)(b), it must give its reasons for holding the belief specified in paragraph (7)(b) to the requesting responder.

(9) To the extent that a request under paragraph (1) relates to sensitive information which has been directly or indirectly supplied to the receiving responder by any of the bodies specified in paragraph (10), the receiving responder must not comply with the request unless that body has given its consent to the provision of the information to the requesting responder; such consent may include conditions.

(10) The bodies specified by this paragraph are –

- (a) the Security Service;
- (b) the Secret Intelligence Service;
- (c) the Government Communications Headquarters;
- (d) the National Criminal Intelligence Service.

Disclosure or publication of sensitive information

32.—(1) In the course of performing its duties under section 2(1) or section 4 or these Regulations (other than regulation 10, 30 and 31) or any other function which relates to an emergency, a responder must not publish or disclose to any person any sensitive information which it has received under or by virtue of any provision of these Regulations or which it has created in discharging its duties under the Act or these Regulations unless paragraph (2) or (7) applies.

(2) This paragraph applies, subject to paragraph (3), if consent for the publication or disclosure has been given by –

- (a) in relation to sensitive information of the kind specified by paragraph (1)(a) or (b) of regulation 29 the originator of the information or (if different) a Minister of the Crown;
- (b) in relation to sensitive information of the kind specified by paragraph (1)(c) or (d) of that regulation, the person to whom the information relates.

(3) Paragraph (2) does not apply to information of the kind specified by paragraph (1)(a) of regulation 29 if a Minister of the Crown has issued a certificate in writing indicating that publication or disclosure of the information would be contrary to the interests of national security.

(4) Consent under paragraph (2) may be given in relation to specific information or to information of a specified kind and may include conditions.

(5) In paragraph (2), “originator of the information” means –

- (a) if the information has been directly or indirectly supplied to the responder by one of the bodies specified in paragraph (6), that body;
- (b) if sub-paragraph (a) does not apply, the information takes the form of a document and that document has been created by a public authority, that public authority;
- (c) otherwise, the person who supplied the information to the responder.

(6) The bodies specified by this paragraph are –

- (a) the Security Service;
- (b) the Secret Intelligence Service;
- (c) the Government Communications Headquarters;
- (d) the National Criminal Intelligence Service.

(7) This paragraph applies if –

- (a) the information is sensitive information of the kind specified by paragraph (1)(c) or (d) of regulation 29;
- (b) the information is not sensitive information of the kind specified by paragraph (1)(a) or (b) of regulation 29;

- (c) the responder is satisfied that the public interest in publishing or disclosing the information outweighs the legitimate interests of the person to whom that information relates; and
- (d) the responder has informed the person to whom the sensitive information relates of its intention to publish or disclose the information and its reasons for being satisfied of the matter specified in sub-paragraph (c).

Use of sensitive information

33.—(1) Subject to paragraph (3), sensitive information obtained by a Category 1 responder under or by virtue of any provision of these Regulations (other than regulation 31) may only be used by that responder for the purpose of performing a duty under section 2(1) or 4(1) or these Regulations.

(2) Subject to paragraph (3), sensitive information obtained by a responder under regulation 31 may only be used by that responder for the purpose of performing the function for which, or in connection with which, the information was requested.

(3) Sensitive information may be used for purposes other than those specified in paragraph (1) or (2) if consent for such use is given by –

- (a) in relation to sensitive information of the kind specified by paragraph (1)(a) or (b) of regulation 29, the originator or (if different) a Minister of the Crown;
- (b) in relation to sensitive information of the kind specified by paragraph (1)(c) or (d) of that regulation, the person to whom the information relates.

(4) Consent under paragraph (3) may be given in relation to specific information or to information of a specified kind and may include conditions.

(5) In paragraph (3), “originator of the information” means –

- (a) if the information has been directly or indirectly supplied to the responder by one of the bodies specified in paragraph (6), that body;
- (b) if sub-paragraph (a) does not apply, the information takes the form of a document and that document has been created by a public authority, that public authority;
- (c) otherwise, the person who supplied the information to the responder.

(6) The bodies specified by this paragraph are –

- (a) the Security Service;
- (b) the Secret Intelligence Service;
- (c) the Government Communications Headquarters;
- (d) the National Criminal Intelligence Service.

(7) In this regulation, “use” does not include publication and disclosure.

Security of sensitive information

34.—(1) This regulation applies to sensitive information obtained by a responder under or by virtue of any provision of these Regulations or which the responder has created in discharging its duties under the Act or these Regulations.

(2) Each responder must have in place arrangements for ensuring that –

- (a) sensitive information of the kind specified by paragraph (1)(a) of regulation 29 is not compromised; and
- (b) the confidential nature of sensitive information of the kind specified by paragraph (1)(b), (c) or (d) of regulation 29 is not impaired.

(3) The arrangements specified by paragraph (2) must include arrangements for ensuring that –

- (a) sensitive information is clearly identifiable as such;

- (b) in the case of sensitive information obtained under regulation 30, only those persons who—
 - (i) are involved in the performance of a duty under section 2(1) or 4(1), and
 - (ii) as a result, need to have access to sensitive information,
 have access to sensitive information;
- (c) in the case of any other sensitive information, only those persons who –
 - (i) are involved in the performance of the function for which, or in connection with which, the information was requested, and
 - (ii) as a result, need to have access to sensitive information,
 have access to the sensitive information;
- (d) sensitive information is stored in a secure manner;
- (e) sensitive information is transferred (including transferral by electronic means) in a secure manner.

[Date]

[signature]

Minister for the Cabinet Office

SCHEDULE

Regulation 3(1)

Local resilience areas in relation to authorities in London

<i>Authority</i>	<i>Local resilience area</i>
Barking and Dagenham	X Group
Barnet	X Group
Bexley	X Group
Bromley	X Group
Brent	X Group
Camden	X Group
The Common Council of the City of London	X Group
Croydon	X Group
Ealing	X Group
Enfield	X Group
Greenwich	X Group
Hackney	X Group
Hammersmith and Fulham	X Group
Haringey	X Group
Harrow	X Group
Havering	X Group
Hillingdon	X Group
Hounslow	X Group
Islington	X Group
Kensington and Chelsea	X Group
Kingston upon Thames	X Group
Lambeth	X Group

Lewisham	X Group
Merton	X Group
Newham	X Group
Redbridge	X Group
Richmond upon Thames	X Group
Southwark	X Group
Sutton	X Group
Tower Hamlets	X Group
Waltham Forest	X Group
Wandsworth	X Group
Westminster	X Group

In this Schedule –

“A Group” means the area comprising of the following London boroughs –

“B Group” means the area comprising of the following London boroughs –

[Etc.]

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to the extent of the duties imposed on certain bodies (referred to as “Category 1 responders”) listed in Part 1 of Schedule 1 to the Civil Contingencies Act 2004 (“the Act”) under sections 2 and 4 of that Act (duties to assess, and plan for emergencies and duties to provide advice and assistance to business) and the manner in which those duties are to be performed.

Part 2 of these Regulations makes general provisions about the extent and performance of those duties. Regulation 4 requires Category 1 responders and bodies listed in Part 1 of Schedule 1 to the Act (referred to as “Category 2 responders”) which have functions which are exercisable in a particular area to co-operate with each other. This form of co-operation is referred to as the local resilience forum. In addition, responders may co-operate with other responders. Regulation 5 enables responders to enter into protocols with each other so as to facilitate co-operation. Regulation 6 enables responders to make arrangements with each other for the discharge of the duties of Category 1 responders under section 2 of the Act jointly or for one responder to perform those duties on behalf of another. Regulation 7 provides that the duties under section 2 of the Act do not apply to certain emergencies. These are emergencies in relation to which existing legislation already makes provision which is analogous to the Act.

Part 3 of these Regulations relates to the duty of Category 1 responders under section 2(1)(a) and (b) of the Act to assess the risk of an emergency occurring. Regulation 8 specifies that the duty only applies in relation to an emergency which affects or may affect the geographical area for which the Category 1 responder is responsible. Regulation 9 enables a Minister of the Crown to issue guidance as to the risk of a particular emergency occurring or an assessment of a particular emergency occurring. Regulation 10 requires Category 1 responders, as part of the local resilience forum, to collaborate with each other in maintaining a register (referred to as the “community risk register”) of the assessment carried out by each of them under section 2.

Part 4 of these Regulations relates to the duty of Category 1 responders under section 2(1)(c) and (d) of the Act to maintain plans to respond to an emergency. Regulation 11 requires Category 1 responders to have regard to any assessment of risk carried out by it under section 2(1)(a) or (b) of the Act. Regulation 12 requires Category 1 responders to maintain a single, general plan which relates to any emergency to which those duties apply. Category 1 responders may in addition maintain specific plans. Regulation 13 requires Category 1 responders to maintain plans for []. Regulation 14 requires Category 1 responders to include in the plans maintained under section 2(1)(c) and (d) of the Act a procedure for determining whether an emergency has occurred. Regulation 15 requires those plans to include arrangements for exercises and training. Regulation 16 requires Category 1 responders to consider whether such plans must be revised when a Minister of the Crown issues guidance or an assessment under regulation 9.

Part 5 of these Regulations relates to the duty of Category 1 responders under section 2(1)(f) of the Act to publish in part the assessments made and plans maintained under section 2(1)(a) to (d) of the Act. Regulation 17 requires Category 1 responders to have regard to the need to avoid alarming the public unnecessarily. Regulation 18 requires Category 1 responders to ensure so far as reasonably practicable that vulnerable persons or those for whom English is not their first language receive and understand such information.

Part 6 of these Regulations relates to the duty of Category 1 responders under section 2(1)(g) of the Act to maintain arrangements to warn and provide advice to the public in the event of an emergency. Regulation 19 specifies the emergencies to which the duty applies. Regulation 20 provides that Category 1 responders may maintain general arrangements to warn and provide advice to the public or specific arrangements. Regulation 21 requires Category 1 responders to have regard to the need to avoid alarming the public unnecessarily. Regulation 22 requires Category 1 responders to ensure so far as reasonably practicable that vulnerable persons or those for whom English is not their first language receive and understand such warnings and advice.

Part 7 of these Regulations relates to the duty of certain Category 1 responders (referred to as “relevant responders”) under section 4(1) of the Act to give advice and assistance to the public in connection with the making of arrangements for the continuance of commercial activities by the public in the event of an emergency. Regulation 24 requires relevant responders to take into account any assessment of risk made by it under section 2(1)(a) of the Act. Regulation 25 specifies that the duty only applies to members of the public who are resident or present in the area in which the functions of the responder are exercisable. Regulation 26 makes transitional provision as to the scope of the duty in the period of two years, beginning with the day on which these Regulations come into force. Regulation 27 requires relevant responders which have functions which are exercisable in a particular area to co-operate with each other. Relevant responders may make arrangements with each other for the discharge of their duties under section 4 of the Act jointly or for one relevant responder to perform those duties on behalf of another. Regulation 28 enables relevant responders to charge for any advice or assistance provided on request. Such charge may not exceed the costs of the provision of that advice or assistance (taking in to account the indirect costs).

Part 8 relates to information. Regulation 29 defines “sensitive information”. Regulation 30 enables Category 1 responders to require any other responder to provide information which it reasonably requires in connection with the performance of its functions under section 2(1)(a) to (d) of the Act. A responder may refuse to comply with such a requirement in certain circumstances. Regulation 31 enables any responder to require another responder to provide information which it reasonably requires in connection with the performance of a function which relates to an emergency. A responder may refuse to comply with such a requirement in certain circumstances. Regulation 32 provides that Category 1 responders must not publish or disclose to the public sensitive information obtained or created by virtue of the Act or these Regulations unless certain conditions are satisfied. Regulation 33 limits the use that can be made of sensitive information which has been obtained under these Regulations. Regulation 34 imposes

requirements on responders as to storage and handling of sensitive information obtained under these Regulations.