

2005 No.

CIVIL CONTINGENCIES

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

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SCHEDULE

Local resilience areas in to responders in London

The Minister for the Cabinet Office, in exercise of the powers conferred upon her by sections 2(3), (5), 4(2), (4) and (5), 6(1), 12, 15(3) and 17(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 16(1) of that Act, and

(c) with the consent of the National Assembly for Wales, in so far as required by section 16(2) of that Act,

hereby make the following Regulations:

PART 1

Introductory

Citation and commencement

1.—(1) These Regulations may be cited as the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005.

(2) These Regulations come into force on [].

Northern Ireland

2. Regulations 4, 8 to 10, 14 and 35 to 42 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, 20, 21, 22, 24, 25 or 28 of Part 3 of Schedule 1;
- (b) a body or person listed in paragraph 23 of Part 3 of Schedule 1 which is a relevant railway operator;
- (c) a body or person listed in paragraph 26 of Part 3 of Schedule 1 which is a relevant airport operator; and
- (d) a body or person listed in paragraph 27 of Part 3 of Schedule 1 which is a relevant harbour authority;

“community risk register” has the meaning given by regulation 14;

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

^(a) 2004 c.36.

“function” has the meaning given by section 18(1);

“local resilience area” in relation to each responder (other than a responder whose functions are exercisable only in Northern Ireland) 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(3);

“non-lead Category 1 responders” has the meaning given in regulation 8(3);

“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;

“relevant railway operator” means a person who holds a licence under section 8 of the Railways Act 1993 (operation of railway assets) in so far the licence relates to activity in Great Britain and in so far as the licence held is—

(a) a network licence (within the meaning of that Act);

(b) a passenger licence (within the meaning of that Act);

(c) a station licence (within the meaning of that Act); or

(d) a non-passenger licence (meaning a licence authorising a person to be the operator of a train being used on a network for a purpose other than carrying passengers),

except where such a licence is held only for the purpose of carrying out light maintenance activities (within the meaning of that Act);

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

“Scottish police area” means [];

“Scottish Category 1 responder” means a person or body listed in Part 2 of Schedule 1;

“Scottish Category 2 responder” means a person or body listed in Part 4 of Schedule 1;

“sensitive information” has the meaning given by regulation 43;

“voluntary organisation” means a body (other than a public or local authority) whose activities are not carried on for profit.

(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.

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

(b) 1986 c.31.

(c) 1990 c.31.

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) The co-operation referred to in paragraph (1) -

(a) may take the form of two or more Category 1 responders co-operating with each other; and

(b) must take the form of all Category 1 responders which have functions which are exercisable in a that local resilience area co-operating together in a single forum.

(3) The form of co-operation referred to in paragraph (2)(b) is referred to in these Regulations as the “local resilience forum”.

(4) As part of the local resilience forum, Category 1 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 Category 1 responder must, so far as reasonably practicable, attend such a meeting or arrange for it to be effectively represented at that meeting.

(5) 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).

(6) A Category 2 responder which has functions which are exercisable in a particular local resilience area –

(a) must, so far as reasonably practicable, attend a meeting of the local resilience forum for that area or arrange to be effectively represented at that meeting, if it is asked to do so by all of those Category 1 responders which have functions which are exercisable in that local resilience area; and

(b) in the case of any other meeting of that local resilience forum, must consider whether it is appropriate for it to attend the meeting or to be effectively represented at the meeting.

(7) For the purposes of paragraph (6), the Category 1 responders which have functions which are exercisable in a particular local resilience area must –

(a) keep each Category 2 responder which has functions which are exercisable in that area informed of –

(i) when meetings of the local resilience forum are to take place;

(ii) the location of such meetings;

(iii) the matters which are likely to be discussed at such meetings;

(b) make arrangements for a Category 2 responder to attend any such meetings where the Category 2 responder wishes to do so; and

(c) consider whether a Category 2 responder should be asked to attend such a meeting.

Cross border co-operation with Scottish Category 1 responders

5. A Category 1 responder or a Category 2 responder may co-operate with a Scottish Category 1 responder in connection with the performance by that Scottish Category 1 responder of a duty under section 2(1).

Protocols

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

(2) In order to facilitate co-operation under regulation 5, responders may enter into protocols with Scottish Category 1 responders.

(3) 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.

7. Each Category 1 responder may –

- (a) make arrangements with another responder for the performance of a duty of the Category 1 responder under paragraph (a), (b), (d), (e), (f) or (g) of 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.

Identification of Category 1 responder with lead responsibility

8.—(1) If more than one Category 1 responder which has functions which are exercisable in a particular local resilience area is subject to a particular duty under section 2(1) (other than paragraph (c) or (g)) in relation to an emergency or an emergency of a particular kind, paragraph (2) applies.

(2) Where this paragraph applies, the Category 1 responders referred to in paragraph (1) may co-operate with each other for the purpose of identifying which of them will be the Category 1 responder with lead responsibility for performing that duty in relation to that emergency or an emergency of that particular kind in that local resilience area.

(3) If, pursuant to paragraph (2), one of the Category 1 responders referred to in paragraph (1) is identified as being the Category 1 responder with lead responsibility for performing a duty under section 2(1) in relation to an emergency or an emergency of a particular kind in a particular local resilience area, the other Category 1 responders in that local resilience area which are subject to that duty in relation to that emergency or an emergency of that particular kind are referred to in these regulations as “non-lead Category 1 responders”.

Role of Category 1 responder with lead responsibility

9. If, pursuant to regulation 8, a Category 1 responder has been identified as the Category 1 responder with lead responsibility in a particular local resilience area for the performance of a particular duty under section 2(1) (apart from paragraph (c) or (g)) in relation to an emergency or an emergency of a particular kind, that Category 1 responder must -

- (a) take the lead responsibility in performing that duty in that local resilience area in relation to that emergency or an emergency of that particular kind;
- (b) consult the Category 1 responders which –
 - (i) have functions which are exercisable in that local resilience area, and
 - (ii) are non-lead Category 1 responders in relation to that duty in so far as it applies to that emergency or an emergency of that particular kind,in the course of performing that duty;
- (c) ensure that those Category 1 responders are kept informed of how the Category 1 responder with the lead responsibility is performing the duty;

- (d) co-operate with those Category 1 responders (and in particular, co-operate for the purpose of ensuring so far as is reasonably practicable that those Category 1 responders approve of the way in which the Category 1 responder with lead responsibility is performing the duty).

Role of Category 1 responders which do not have lead responsibility

10.—(1) Paragraph (2) applies if a Category 1 responder has been identified as the responder with lead responsibility in a local resilience area for the performance of a particular duty under section 2(1) (apart from paragraph (c) or (g)) in relation to an emergency or an emergency of a particular kind.

(2) Where this paragraph applies, the other Category 1 responders which have functions which are exercisable in that local resilience area and which are non-lead Category 1 responders in relation to that duty in so far as it applies to that emergency or an emergency of that particular kind -

- (a) must co-operate with the Category 1 responder with lead responsibility for performing that duty in connection with the performance of that duty by the Category 1 responder with lead responsibility;
- (b) must provide any information to the Category 1 responder with lead responsibility for performing that duty which it considers will assist that responder in performing that duty (unless the information is sensitive information);
- (c) must assist the Category 1 responder with lead responsibility for performing that duty with any exercises or training that that Category 1 responder wishes to carry out in connection with that duty;
- (d) need not perform that duty to the extent that to do so would unnecessarily duplicate the performance of that duty by the Category 1 responder which has lead responsibility for performing that duty in that local resilience area.

Existing emergency planning duties

11. 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

^(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.

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(a), 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

12. 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 in which the functions of the Category 1 responder are exercisable.

Guidance and assessments issued by Minister as to likelihood and impact

13.—(1) A Minister of the Crown may issue to Category 1 responders or any class of Category 1 responders guidance as to –

- (a) the likelihood of an emergency or an emergency of a particular kind occurring; or
- (b) the extent to which an emergency or an emergency of a particular kind would or might (if it occurred) cause damage to human welfare in a place in the United Kingdom, the environment of a place in the United Kingdom or the security of the United Kingdom.

(2) A Minister of the Crown may issue to Category 1 responders or any class of Category 1 responders an assessment of either of the matters specified in sub-paragraphs (a) and (b) of paragraph (1).

(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).

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

Community risk register

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

(2) For the purpose of complying with paragraph (1), each Category 1 responder must from time to time inform the other Category 1 responders which have functions which are exercisable in that local resilience area of the assessment carried out by it under paragraph (a) of section 2(1), subject to paragraph (3).

(3) Paragraph (2) does not apply to the extent that an assessment carried out by a Category 1 responder contains sensitive information 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 43, compromise the information;

(a) S.I. 2001/436.

- (b) in the case of sensitive information of the kind specified by paragraph (1)(b), (c) or (d) of regulation 43, 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

15. In performing its duty under section 2(1)(c) or (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

16. In performing its duty under section 2(1)(c) or (d), a Category 1 responder—

- (a) may maintain plans which relate to a particular emergency or an emergency of a particular kind; and
- (b) may maintain plans which relate to more than one emergency or more than one kind of emergency.

Multi-agency plans

17.—(1) Category 1 responders which have –

- (a) functions which are exercisable in a particular local resilience area; and
- (b) a duty under section 2(1)(d) in relation to an emergency or an emergency of a particular kind,

must consider whether it would be appropriate to perform that duty in relation to that emergency or an emergency of that particular kind by way of a multi-agency plan.

(2) In paragraph (1), a “multi-agency plan” means a plan maintained by more than one Category 1 responder acting jointly.

Voluntary organisations

18.—(1) In performing its duty under section 2(1)(c) or (d) (business continuity planning and emergency planning), a Category 1 responder must have regard to the activities of voluntary organisations which carry on activities –

- (a) in the area in which the functions of that Category 1 responder are exercisable; and
- (b) which are relevant in an emergency.

(2) For the purposes of paragraph (1), voluntary organisation carry on activities which are relevant in an emergency if they carry on activities for the purpose of –

- (a) preventing an emergency;
- (b) reducing, controlling or mitigating the effects of an emergency; or
- (c) taking other action in connection with an emergency.

(3) For the purposes of paragraph (2), it is immaterial if the voluntary organisation also carries on activities for other purposes.

Procedure for determining whether an emergency has occurred

19.—(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

20. 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 ensuring that those persons can carry out plans maintained by virtue of section 2(1)(c) or (d) effectively.

Plan revision

21. If a Minister of the Crown issues guidance or an assessment under regulation 13 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 by virtue of section 2(1)(c) or (d).

Vulnerable persons

22.—(1) In performing its duty under section 2(1)(d), a Category 1 responder must have regard to the particular needs of individuals who are present or resident in the area in which the functions of the Category 1 responder are exercisable and whom the Category 1 responder knows or has reason to know are vulnerable.

(2) For the purposes of paragraph (1), a person is vulnerable if he is –

- (a) under the age of 16;
- (b) inhibited in his physical movement, whether by reason of age, illness (including mental illness), disability, pregnancy or other reason; or
- (c) deaf, blind, visually impaired or hearing-impaired.

Delegation etc. of duty under section 2(1)(c)

23. Notwithstanding any provision of any enactment, a Category 1 responder may not –

- (a) make arrangements with another responder for the performance of a duty of the Category 1 responder under section 2(1)(c) jointly with that other responder; or

- (b) make arrangements with another responder for that responder to perform such a duty on behalf of the Category 1 responder.

PART 5

Publication of plans and assessments

Alarming the public unnecessarily

24. 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 importance of not alarming the public unnecessarily.

Vulnerable persons etc.

25.—(1) In performing its duty under section 2(1)(f), a Category 1 responder must have regard to –

- (a) the particular need of individuals –
 - (i) who are present or resident in the area in which the functions of the Category 1 responder are exercisable; and
 - (ii) whom the responder knows or has reason to know are vulnerable; to receive the assessment or plan; and
 - (b) any difficulties which individuals who are present or resident in that area may have in receiving and understanding the plans and assessments, whether by reason of being vulnerable, not speaking English as a first language or otherwise.
- (2) For the purposes of paragraph (1), a person is vulnerable if he is –
- (a) under the age of 16;
 - (b) inhibited in his physical movement, whether by reason of age, illness (including mental illness), disability, pregnancy or other reason; or
 - (c) deaf, blind, visually impaired or hearing-impaired.

PART 6

Arrangements for warning and provision of information and advice to the public

Duty to have regard to emergency plans

26. In performing its duty under section 2(1)(g) (duty to maintain arrangements to warn, inform and advise the public in the event of an emergency), a Category 1 responder must have regard to the plans it maintains by virtue of section 2(1)(c) and (d).

General and specific arrangements to warn etc.

27. In performing its duty under section 2(1)(g), a Category 1 responder–
- (a) may maintain arrangements which relate to any emergency in relation to which that duty applies; and
 - (b) may maintain arrangements which relate to a particular emergency or an emergency of a particular kind to which that duty applies.

Alarming the public unnecessarily

28. In performing its duty under section 2(1)(g), a Category 1 responder must have regard to the importance of not alarming the public unnecessarily.

Vulnerable persons etc.

29.—(1) In performing its duty under section 2(1)(g), a Category 1 responder must have regard to-

- (a) the particular need of individuals-
 - (i) who are present or resident in the area in which the functions of the Category 1 responder are exercisable, and
 - (ii) whom the responder knows or has reason to know are vulnerable, to receive the warning, information or advice; and
 - (b) any difficulties which individuals who are present or resident in that area may have in receiving and understanding the warning, information and advice, whether by reason of being vulnerable, not speaking English as a first language or otherwise.
- (2) For the purposes of paragraph (1), a person is vulnerable if he is –
- (a) under the age of 16;
 - (b) inhibited in his physical movement, whether by reason of age, illness (including mental illness), disability, pregnancy or other reason; or
 - (c) deaf, blind, visually impaired or hearing-impaired.

Training and exercises

30. The arrangements maintained by a Category 1 responder under section 2(1)(g) must include arrangements for –

- (a) the carrying out of exercises for the purpose of ensuring that the arrangements are effective; and
- (b) 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 purpose of ensuring that the arrangements can be implemented effectively.

Identification of Category 1 responder with lead responsibility for warning, informing and advising

31.—(1) If more than one Category 1 responder which has functions which are exercisable in a particular local resilience area is subject to a duty under section 2(1)(g) in relation to an emergency or an emergency of a particular kind, paragraph (2) applies.

(2) Where this paragraph applies, the Category 1 responders referred to in paragraph (1) must co-operate with each other for the purpose of identifying which of them will be the Category 1 responder with lead responsibility for warning the public and for providing information and advice to the public if an emergency or an emergency of a particular kind is likely to occur or has occurred in that local resilience area.

(3) In performing their duty under paragraph (2), Category 1 responders –

- (a) may identify a particular Category 1 responder as the Category 1 responder with lead responsibility for warning the public and providing information and advice to the public in relation to an emergency or an emergency of a particular kind before that emergency or an emergency of that kind is likely to occur or has occurred;

- (b) may adopt a procedure by virtue of which the Category 1 responder with lead responsibility for warning the public and providing information and advice to the public may be identified when an emergency or an emergency of a particular kind is likely to occur or has occurred; and
- (c) may adopt a procedure by virtue of which the Category 1 responder with lead responsibility for warning the public and providing information and advice to the public (whether identified by virtue of arrangements of the kind specified in sub-paragraph (a) or (b)) may be changed when an emergency is likely to occur or has occurred.

Arrangements to be maintained by Category 1 responder with lead responsibility

32.—(1) The arrangements maintained under section 2(1)(g) by a Category 1 responder which is, pursuant to regulation 31, identified as the Category 1 responder with lead responsibility for warning the public and providing advice and information in a particular local resilience area if an emergency or an emergency of a particular kind is likely to occur or has occurred, must ensure so far as reasonably practicable that if a such an emergency is likely to occur or occurs—

- (a) it is able to contact the other Category 1 responders which have functions which are exercisable in that local resilience area and which are subject to a duty under section 2(1)(g) in relation to that emergency or an emergency of that particular kind;
- (b) it informs those Category 1 responders of the actions it is taking, and action that it proposes to take, to warn the public and to provide information and advice to the public;
- (c) it is able to collaborate with those responders in warning the public and providing information and advice to the public.

(2) Paragraph (1) also applies to a Category 1 responder which is likely to be identified as the Category 1 responder with lead responsibility for warning the public and providing advice and information to the public in a particular local resilience area if an emergency or an emergency of a particular kind is likely to occur or has occurred by virtue of procedures adopted pursuant to regulation 31(2)(b) or (c),

Arrangements to be maintained by other Category 1 responders

33. The arrangements maintained by a Category 1 responder under section 2(1)(g) in relation to an emergency or an emergency of a particular kind in relation to which it is not the Category 1 responder with lead responsibility for warning the public and providing advice and information must provide for that Category 1 responder -

- (a) to consult the Category 1 responder with lead responsibility for warning the public and providing advice and information to the public in that local resilience area in relation to that emergency or an emergency of that particular kind on a regular basis;
- (b) to inform the Category 1 responder referred to in paragraph (b) of the actions that it is taking and action that it proposes to take to warn the public, and to provide information and advice to the public.

Advice etc. provided by other responders and the Meteorological Office

34.—(1) In performing its duty under section 2(1)(g), Category 1 responders -

- (a) must have regard to the arrangements maintained by other Category 1 responders, Category 2 responders and the Meteorological Office to warn the public, and to provide information and advice to the public, if an emergency is likely to occur or has occurred;
- (b) need not maintain arrangements to warn the public, and to provide information and advice to the public which would unnecessarily duplicate the warning, information and advice provided by those persons.

(2) For the purposes of paragraph (1), it is immaterial whether the other Category 1 responder, the Category 2 responder or the Meteorological Office maintain the arrangements by virtue of section 2(1)(g), a duty under another enactment or otherwise.

PART 7

Advice and assistance to business and voluntary organisations

“Relevant responder”

35. 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

36. In performing its duty under section 4(1) (duty to give advice and assistance to those carrying on commercial activities and voluntary organisations), a relevant responder must take into account any relevant community risk register maintained by virtue of regulation 14.

Extent of the duty under section 4(1) in relation to commercial activities

37.—(1) This regulation applies to the duty of a relevant responder under section 4(1) in so far as it relates to advice and assistance provided to members of the public who are carrying on commercial activities.

(2) That duty only applies in relation to such members of the public who carry on commercial activities who are present or resident in the area in which the functions of the relevant responder are exercisable (referred to in this Part as “businesses which are local to the responder”).

(3) In the course of performing that duty, a relevant responder –

- (a) must provide advice and assistance to businesses which are local to the responder at large;
- (b) may provide advice and assistance to individual businesses which are local to the responder; and
- (c) may refer businesses which are local to the responder or individual businesses which are local to the responder to a business continuity consultant.

(4) In paragraph (3), “business continuity consultant” means a person who –

- (a) is competent to provide advice and assistance to members of the public in connection with the making of arrangements for the continuance of commercial activities in the event of an emergency; and
- (b) has experience of so doing.

Extent of the duty under section 4(1) in relation to voluntary organisations

38.—(1) This regulation applies to the duty of a relevant responder under section 4(1) in so far as it relates to advice and assistance provided to the public in connection with the making of arrangements for the continuance of the activities of voluntary organisations.

(2) A relevant responder need only perform that duty in relation to those voluntary organisations which it considers appropriate.

(3) A relevant responder may determine the manner in which such advice and assistance is provided, and may in particular –

- (a) provide advice and assistance to voluntary organisations at large;
- (b) provide advice and assistance to individual voluntary organisations; and
- (c) refer voluntary organisations or individual voluntary organisations to a business continuity consultant (within the meaning of regulation 37(4)).

(4) In determining whether a voluntary organisation is appropriate for the purposes of paragraph (2), a Category 1 responder must consider –

- (a) whether the organisation carries on activities in the area in which the functions of the relevant responder are exercisable;
- (b) the nature and extent of activities carried on by the organisation, and in particular the extent to which the organisation carries on activities which contribute to -
 - (i) the prevention of an emergency occurring;
 - (ii) the reduction, control or mitigation of the effects of an emergency;
 - (iii) otherwise taking action in connection with an emergency;
 - (iv) social welfare;
- (c) the number of staff employed by the organisation;
- (d) the turnover of the organisation;
- (e) the nature of the organisation, and in particular whether the nature of the organisation is such that the advice and assistance provided by the relevant responder is likely to improve the ability of the organisation to continue to carry on its activities in the event of an emergency.

Co-operation, relevant responder with lead responsibility etc.

39.—(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) The other responders which have functions which are exercisable in that local resilience area must co-operate with those relevant responder in connection with the performance by that relevant responder of its duties under section 4(1).

(3) Each relevant responder may –

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

(4) Regulation 8 applies to relevant responders which have functions which are exercisable in a particular local resilience in relation to their duty under section 4(1) as it applies to Category 1 responders which have functions which are exercisable in a particular local resilience area and which are subject to a particular duty under section 2(1) (other than paragraph (c) or (g)) in relation to an emergency or an emergency of a particular kind.

(5) If, pursuant to paragraph (4), a relevant responder is identified as the relevant responder with lead responsibility in a local resilience area for performing the duty under section 4(1) in relation to an emergency or an emergency of a particular kind, regulations 9 and 10 apply as if –

- (a) any reference to the Category 1 responder with lead responsibility for performing a duty under section 2(1) was a reference to the relevant responder with lead responsibility for performing a duty section 4(1); and
- (b) any reference to a non-lead Category 1 responder in relation to an emergency or an emergency of a particular kind was a reference to the relevant responders in a local resilience area which do not have lead responsibility for performing the duty under section 4(1) in relation to that emergency or an emergency of that particular kind.

Cross border co-operation with Scottish Category 1 responders

40. A Category 1 responder or a Category 2 responder may co-operate with a Scottish Category 1 responder in connection with the performance by that Scottish Category 1 responder of the duty under section 4(1).

Activities of other responders

41.—(1) In performing its duty under section 4(1), a relevant responder –

- (a) must have regard to any advice and assistance provided by other responders to businesses who are local to it in connection with the making of arrangements for the continuance of commercial activities by the public in the event of an emergency;
- (b) must have regard to any advice and assistance provided by other responders to voluntary organisations which carry on activities in the area in which the functions of the responder are exercisable; and
- (c) need not perform that duty to the extent that to do so would unnecessarily duplicate the advice and assistance provided by other responders of the kind specified in sub-paragraph (a) or (b).

(2) For the purposes of paragraph (1), it is immaterial whether the advice and assistance provided by another responder is provided by virtue of section 4, a duty under another enactment or otherwise.

Charging

42. Relevant responders may charge for any advice or assistance (including advice and assistance which it is required to provide under regulation 37(3)(a)) 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

43.—(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.

(a) 1998 c.29.

(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

44.—(1) A Category 1 responder or a Scottish 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) or section 4(1).

(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) or section 4(1).

(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 43, could compromise the information;
- (b) in the case of sensitive information of the kind specified by paragraph (1)(b), (c) or (d) of regulation 43, 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.

(11) Paragraph (12) applies if the receiving responder is a public authority (within the meaning of the Environmental Information Regulations 2004^(a)) and to the extent that the information requested is environmental information to which those Regulations apply.

(12) Where this paragraph applies -

- (a) paragraphs (7) and (9) apply only to the extent that the request may be refused under regulation 5(3) (personal data) or 12 (exceptions to the duty to disclose environmental information) of those Regulations;
- (b) to the extent that paragraphs (3), (4) and (6) conflict with regulation 5, 6, 7 or 9 of those Regulations (which relate to the time table for dealing with a request of environmental information, form and format of information, extension of time and advice and assistance to applicants), those paragraphs do not apply to the request;
- (c) notwithstanding regulation 8 of those Regulations (charging), the receiving responder may not make a charge for supplying the environmental information requested.

Information sharing for the purposes of other civil protection duties

45.—(1) Any responder, Scottish Category 1 responder or Scottish Category 2 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 43, could compromise the information;
- (b) in the case of sensitive information of the kind specified by paragraph (1)(b), (c) or (d) of regulation 43, 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) S.I. 2004/[?].

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

(11) Paragraph (12) applies if the receiving responder is a public authority (within the meaning of the Environmental Information Regulations 2004 and to the extent that the information requested is environmental information to which those Regulations apply).

(12) Where this paragraph applies -

- (a) paragraphs (7) and (9) apply only to the extent that the request may be refused under regulation 5(3) (personal data) or 12 (exceptions to the duty to disclose environmental information) of those Regulations;
- (b) to the extent that paragraphs (3), (4) and (6) conflict with regulation 5, 6, 7 or 9 of those Regulations (which relate to the time table for dealing with a request of environmental information, form and format of information, extension of time and advice and assistance to applicants), those paragraphs do not apply to the request;
- (c) notwithstanding regulation 8 of those Regulations (charging), the receiving responder may not make a charge for supplying the environmental information requested.

Disclosure or publication of sensitive information

46.—(1) Except where required to do so under regulation 14, 44 and 45 or under the Environmental Information Regulations 2004, a responder must not publish or disclose to any person any sensitive information which –

- (a) it has received under or by virtue of any provision of these Regulations;
- (b) it has received under or by virtue of any regulations made by the Scottish Ministers under section 6(2) or 15(1);
- (c) it has created in discharging its duties under the Act, these Regulations or any regulations of the kind mentioned in sub-paragraph (b)

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 43 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 regulation 43, 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 43 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 43;
- (b) the information is not sensitive information of the kind specified by paragraph (1)(a) or (b) of regulation 43;
- (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).

(8) Paragraph (1) is not to be taken as prohibiting disclosure of information for the purposes of section 44 of the Freedom of Information Act 2000^(a) and information to which paragraph (1) is not to be treated as exempt information by virtue of that section (though that information may be exempt information for the purposes of that Act by virtue of another provision of that Act).

Use of sensitive information

47.—(1) Subject to paragraph (3), sensitive information which a Category 1 responder has received –

- (a) under or by virtue of any provision of these Regulations (except regulation 45);
- (b) under or by virtue of any regulations made by the Scottish Ministers under section 15(1);

may only be used by that responder for the purpose of performing a duty under section 2(1) or 4(1) of these Regulations.

(2) Subject to paragraph (3), sensitive information which a Category 1 responder has received –

- (a) under or by virtue of regulation 45;
- (b) under or by virtue of any regulations made by the Scottish Ministers under section 6(2);

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 43, 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 regulation 43, 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) 2000 c.36.

- (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

- 48.**—(1) This regulation applies to sensitive information –
- (a) obtained by a responder under or by virtue of any provision of these Regulations;
 - (b) obtained under or by virtue of any regulations made by the Scottish Ministers under section 6(2) or 15(1); or
 - (c) has been created by a responder in discharging its duties under the Act, these Regulations or regulations made by the Scottish Ministers.
- (2) Each responder must have in place arrangements for ensuring that –
- (a) sensitive information of the kind specified by paragraph (1)(a) of regulation 43 is not compromised; and
 - (b) the confidential nature of sensitive information of the kind specified by paragraph (1)(b), (c) or (d) of regulation 43 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 44, 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.

Health and Safety at Work etc Act 1974

- 49.**—(1) Section 28(2) of the Health and Safety at Work etc Act 1974^(a) (“the 1974 Act”) (restrictions on disclosure of information) does not apply to the disclosure of information by the Health and Safety Executive to another responder if the disclosure is made –
- (a) in connection with the performance of a duty under section 2(1) or 4(1);
 - (b) in connection with a function of that responder which relates to emergencies pursuant to a request made by that responder under regulation 45; or
 - (c) in connection with a function of the Health and Safety Executive which relates to emergencies pursuant to a request made by that responder under regulation 44.

^(a) 1974 c.37.

(2) For the purposes of paragraph (1)(a), it is immaterial whether the disclosure is made pursuant to a request under regulation 44.

(3) In paragraph (1), the reference to the Health and Safety Executive includes a reference to an officer of the Executive.

PART 9

London

Role of London Fire and Emergency Planning Authority

50.—(1) In London, it shall be the function of London Fire and Emergency Planning Authority to—

- (a) take the lead responsibility for ensuring that a community risk register is maintained in each local resilience area in London;
- (b) on behalf of all relevant Category 1 responders which have functions which are exercisable in London, take the lead responsibility for performing the duty under section 2(1)(c) (planning for emergencies) in relation to any pan-London emergency;
- (c) at the request of any relevant Category 1 responder which has functions which are exercisable in London, assist that responder in -
 - (i) carrying out exercises for the purpose of ensuring that a plan maintained by that relevant Category 1 responder by virtue of section 2(1)(c) or (d) in relation to a pan-London emergency is effective;
 - (ii) the provision of training to staff of that Category 1 responder or other persons for the purposes of ensuring that those persons can carry out a plan maintained by that relevant Category 1 responder by virtue of section 2(1)(c) or (d) in relation to a pan-London emergency.

(2) In this regulation –

- (a) “pan-London emergency” means an emergency which threatens serious damage to -
 - (i) human welfare in London; or
 - (ii) the environment of London;
- (b) “relevant Category 1 responder” means any Category 1 responder which is specified in paragraph 1 of Schedule 1 (local authorities).

(3) Subsections (2) and (3) of section 1 apply for the purposes of paragraph (2).

Role of other Category 1 responders in London

51. Category 1 responders which have functions which are exercisable in London, other than the London Fire and Emergency Planning Authority, shall co-operate with the London Fire and Emergency Planning Authority in connection with the performance by that Authority of its functions under regulation 50.

[Date]

[signature]

Minister for the Cabinet Office

SCHEDULE

Regulation 3(1)

Local resilience areas in to responders in London

<i>Borough</i>	<i>Local resilience area</i>
Barking and Dagenham	North East Group
Barnet	North Group
Bexley	South East Group
Bromley	South East Group
Brent	North West Group
Camden	North Group
The Common Council of the City of London	North Group
Croydon	South East Group
Ealing	North West Group
Enfield	North Group
Greenwich	South East Group
Hackney	North East Group
Hammersmith and Fulham	North West Group
Haringey	North Group
Harrow	North West Group
Havering	North East Group
Hillingdon	North West Group
Hounslow	North West Group
Islington	North Group
Kensington and Chelsea	North West Group
Kingston upon Thames	South West Group
Lambeth	South West Group
Lewisham	South East Group
Merton	South West Group
Newham	North East Group
Redbridge	North East Group
Richmond upon Thames	South West Group
Southwark	South East Group
Sutton	South East Group
Tower Hamlets	North East Group
Waltham Forest	North East Group
Wandsworth	South West Group
Westminster	North Group

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 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, bodies listed in Part 3 of Schedule 1 to the Act (referred to as “Category 2 responders”) responders may ask to be, or be asked, to participate in the local resilience forum process. Regulation 5 enables Category 1 and Category 2 responders to co-operate with Scottish Category 1 responders (those bodies listed in Part 2 of Schedule 1 to the Act). Regulation 6 enables responders to enter into protocols with each other so as to facilitate co-operation. Regulation 7 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. Regulations 8 to 10 enable Category 1 responders to identify one Category 1 responder as having the lead responsibility for performing certain functions under section 2 of the Act in a particular local resilience area. Regulation 11 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 12 specifies that the duty only applies in relation to an emergency which affects or may affect the geographical area in which the functions of the Category 1 responder are exercisable. Regulation 13 enables a Minister of the Crown to issue guidance as to the risk of a particular emergency occurring or impact that it would have or an assessment of a particular emergency occurring or the impact of such an emergency. Regulation 14 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 15 requires Category 1 responders to have regard to any assessment of risk carried out by it by virtue of section 2(1)(a) or (b) of the Act. Regulation 16 provides that, in performing that duty, Category 1 responders may maintain a single, general plan which relates to any emergency to which those duties apply or maintain specific plans to deal with particular emergencies. Regulation 17 requires responders to consider whether it would be appropriate to perform its functions under section 2(1)(d) by way of a plan maintained by more than one Category 1 responder (a “multi-agency plan”). Regulation 18 requires Category 1 responders to have regard to the activities carried out by certain voluntary organisations. Regulation 19 requires Category 1 responders to include in the plans maintained by virtue of section 2(1)(c) and (d) of the Act a procedure for determining whether an emergency has occurred. Regulation 20 requires those plans to include arrangements for exercises and training. Regulation 21 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 13. Regulation 22 requires responders to have regard to the needs of vulnerable persons. Regulation 23 provides that responders may not delegate their functions under section 2(1)(c) to any other person.

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 24 requires Category 1 responders to have regard to the importance of not alarming the public unnecessarily. Regulation 25 requires Category 1 responders to have regard to the need of vulnerable persons to receive the risk assessments and plans and any difficulties which other persons may have in receiving and understanding the assessments and plans.

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 26 provides that Category 1 responders must have regard to the plans it

maintains by virtue of section 2(1)(c) and (d). Regulation 27 provides that Category 1 responders may maintain general arrangements to warn and provide advice to the public or specific arrangements. Regulation 28 requires Category 1 responders to have regard to the importance of not alarming the public unnecessarily. Regulation 29 requires Category 1 responders to have regard to the need of vulnerable persons to receive the risk assessments and plans and any difficulties which other persons may have in receiving and understanding the assessments and plans. Regulation 30 requires Category 1 responders to exercise their arrangements and to train their staff in operating those arrangements. Regulations 31 to 33 require Category 1 responders to identify or have arrangements to identify the Category 1 responder with lead responsibility for warning, informing and advising the public. Regulation 34 requires responders to have regard to the warnings, information and advice provided to the public and by other Category 1 responders and the Meteorological Office and provides that Category 1 responders need not duplicate that effort.

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 or the carrying on by voluntary organisations of their activities in the event of an emergency. Regulation 36 requires relevant responders to take into account any relevant community risk register maintained under regulation 14. Regulation 37 specifies the scope of the duty in relation to commercial activities. It provides 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. It also provides that relevant responders must provide advice and assistance to those members of the public at large, and may in addition provide advice and assistance to individual members of the public or refer them to a business continuity consultant. Regulation 38 specifies the scope of the duty in relation to voluntary organisations. It provides that relevant responders must determine which voluntary organisations should receive advice and assistance, having had regard to the factors listed in this regulation. Regulation 39 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 40 relates to cross-border co-operation between relevant responders in Scotland and in the rest of the United Kingdom. Regulation 41 requires relevant responders to have regard to the advice and assistance provided of this kind by other responders and provides that relevant responders need not unnecessarily duplicate that advice or assistance. Regulation 42 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 43 defines “sensitive information”. Regulation 44 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 45 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 46 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 47 limits the use that can be made of sensitive information which has been obtained under these Regulations. Regulation 48 imposes requirements on responders as to storage and handling of sensitive information obtained under these Regulations. Regulation 49 makes a connected amendment to the Health and Safety at Work Act 1974.

Part 9 relates to the performance of these functions in London. Regulation 50 requires the London Fire and Emergency Planning Authority (a fire and rescue authority) to take the lead responsibility for maintaining community risk registers in London and, at the request of any other Category 1

responder which is a local authority and which has functions which are exercisable in London, to assist with exercises and training. Regulation 51 requires other Category 1 responders which have functions which are exercisable in London to co-operate with the London Fire and Emergency Planning Authority in connection with the performance by it of its functions under regulation 50.