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STATUTORY INSTRUMENTS

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**2005 No. 2042**

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

**PART 2**

**General**

**Co-operation and local resilience forums – England and Wales**

4.—(1) General Category 1 responders which have functions which are exercisable in a particular local resilience area in England or Wales 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 general Category 1 responders co-operating with each other; and
- (b) must take the form of all general Category 1 responders which have functions which are exercisable in 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, general Category 1 responders which have functions which are exercisable in a particular local resilience area in England and Wales must make arrangements to hold a meeting at least once every six months; each general Category 1 responder must, so far as reasonably practicable, attend such a meeting or be effectively represented at that meeting.

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

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

- (a) must, so far as reasonably practicable, attend a meeting of the local resilience forum for that local resilience area or be effectively represented at that meeting if it is invited to do so by all of those general 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 enabling general Category 2 responders to comply with paragraph (6), the general Category 1 responders which have functions which are exercisable in a particular local resilience area in England and Wales must –

- (a) keep each general Category 2 responder which has functions which are exercisable in that local resilience 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 general Category 2 responder to attend any such meetings where the general Category 2 responder wishes to do so; and
- (c) consider whether a general Category 2 responder should be invited to attend such a meeting.

### **Co-operation and strategic co-ordination groups – Scotland**

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

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

- (a) may take the form of one general Category 1 responder co-operating with one or more Category 1 responder; and
- (b) must take the form of general Category 1 responders co-operating with the other Category 1 responders which have functions which are exercisable in that local resilience area in a single forum.

(3) The form of co-operation referred to in paragraph (2)(b) is referred to in these Regulations as the “strategic co-ordinating group”.

(4) As part of the strategic co-ordinating group, general Category 1 responders which have functions which are exercisable in a particular local resilience area in Scotland must make arrangements to hold a meeting with the other Category 1 responders which have functions which are exercisable in that local resilience area at least once every six months; each general Category 1 responder must, so far as reasonably practicable, attend such a meeting or be effectively represented at that meeting.

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

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

- (a) must, so far as reasonably practicable, attend a meeting of the strategic co-ordinating group for that local resilience area or be effectively represented at that meeting if it is invited 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) Paragraph (8) applies for the purposes of –

- (a) enabling general Category 2 responders to comply with paragraph (6); and
- (b) enabling Scottish Category 2 responders to comply with a provision in regulations made by the Scottish Ministers under Part 1 which imposes an obligation on Scottish Category

2 responders which is analogous to that imposed on general Category 2 responders under paragraph (6).

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

- (a) keep each Category 2 responder which has functions which are exercisable in that local resilience area informed of –
  - (i) when meetings of the strategic co-ordinating group 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 invited to attend such a meeting.

### **Co-operation – Northern Ireland**

6.—(1) General Category 1 responders which have functions which are exercisable in Northern Ireland must co-operate with each other in connection with the performance of their duties under section 2(1).

(2) General Category 2 responders which have functions which are exercisable in Northern Ireland must co-operate with each Category 1 responder which has functions which are exercisable in Northern Ireland in connection with the performance by that Category 1 responder of its duties under section 2(1).

### **Protocols**

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

(2) In order to facilitate co-operation under regulation 5 or under a provision in regulations made by the Scottish Ministers under Part 1 which imposes an analogous duty on Scottish Category 1 responders or Scottish Category 2 responders, general 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.**

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

### **Identification of Category 1 responder with lead responsibility**

9.—(1) For the purposes of this regulation and regulations 10 and 11, a “relevant civil protection duty” means the duty under paragraph (a), (b), (c), (d), (e) or (f) of section 2(1) in relation to a particular emergency or an emergency of a particular kind.

(2) Paragraph (3) applies if more than one Category 1 responder which has functions which are exercisable in a particular local resilience area is subject to the same relevant civil protection duty.

(3) If this paragraph applies, a general Category 1 responder which is subject to the relevant civil protection duty may co-operate with another Category 1 responder which has functions which are exercisable in that particular local resilience area and which is subject to the same relevant civil protection duty for the purpose of identifying which of them will be the Category 1 responder with lead responsibility for performing that duty in relation in that local resilience area.

(4) If, pursuant to paragraph (3) or an analogous provision in regulations made by the Scottish Ministers under Part 1, one of the Category 1 responders is identified as being the Category 1 responder with lead responsibility for performing a relevant civil protection duty in a particular local resilience area, the other Category 1 responders in that local resilience area which are subject to that duty are referred to in these Regulations as “non-lead Category 1 responders”.

### **Role of Category 1 responder with lead responsibility**

**10.** If, pursuant to regulation 9 or an analogous provision in regulations made by the Scottish Ministers under Part 1, a general Category 1 responder has been identified as the Category 1 responder with lead responsibility for performing a relevant civil protection duty in a particular local resilience area, that general Category 1 responder must –

- (a) take the lead responsibility in performing that duty in that local resilience area;
- (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 the course of performing the duty;
- (c) ensure that those non-lead 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 non-lead 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**

**11.**—(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 relevant civil protection duty pursuant to regulation 9 or an analogous provision in regulations made by the Scottish Ministers under Part 1.

(2) Where this paragraph applies, a general Category 1 responder which has functions which are exercisable in that local resilience area and which are non-lead Category 1 responders in relation to that duty –

- (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**

**12.** General Category 1 responders need not perform a duty under section 2(1) in relation to an emergency which is –

- (a) a major accident, within the meaning of regulation 2(1) of the Control of Major Accident Hazards Regulations 1999<sup>(1)</sup>, 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<sup>(2)</sup>, 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<sup>(3)</sup>, 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<sup>(4)</sup>, 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<sup>(5)</sup>, 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<sup>(6)</sup>, which results from work with ionising radiation (within the meaning of those Regulations) to which those Regulations apply.

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(1) S.I.1999/743; amended by the Greater London Authority Act 1999 (c. 29) s.328 and S.I. 2002/2469.

(2) S.I. 2000/93.

(3) S.I. 1996/825; amended by the Greater London Authority Act 1999 (c. 29) s.328.

(4) S.I. 1997/193.

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

(6) S.I. 2001/436.