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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 494**

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

**PART 2**

**General**

**Co-operation and Strategic Co-ordinating Group**

**3.—**(1) Scottish Category 1 responders which have functions which are exercisable in a particular police area must co operate with each other and with general Category 1 responders which have functions which are exercisable in that area 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 Scottish Category 1 responders co operating with each other, or one or more Scottish Category 1 responders cooperating with one or more general Category 1 responders; and
- (b) must take the form of all Scottish Category 1 responders which have functions which are exercisable in that police area co-operating together in a single group with all general Category 1 responders which have functions which are exercisable in that police area.

(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, Scottish Category 1 responders which have functions which are exercisable in a particular police area must make arrangements to hold a meeting at least once every six months; and each Scottish 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) Scottish Category 2 responders which have functions which are exercisable in a particular police area must co operate with each Scottish and general Category 1 responder which has functions which are exercisable in that area in connection with the performance by that Scottish and general Category 1 responder of its duties under section 2(1);

(6) A Scottish Category 2 responder which has functions which are exercisable in a particular police area—

- (a) must, so far as reasonably practicable, attend a meeting of the Strategic Co ordinating Group for that area or arrange to be effectively represented at that meeting, if it is asked to do so by all of those Scottish and general Category 1 responders which have functions which are exercisable in that police area; and
- (b) in the case of any other meeting of that Strategic Co ordinating Group, 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) and analogous provision in regulations made by a Minister of the Crown under Part 1, the Scottish Category 1 responders which have functions which are exercisable in a police area must—

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

#### **Co operation with general Category 1 responders**

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

#### **Joint discharge of functions etc.**

5. Each Scottish Category 1 responder may—
- (a) make arrangements with another responder for the performance of a duty of the Scottish 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 Scottish Category 1 responder.

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

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

(2) Where this paragraph applies, the Scottish Category 1 responders referred to in paragraph (1) may co-operate with each other and general Category 1 responders referred to in paragraph (1) 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 police area.

(3) If, pursuant to paragraph (2) and analogous provision in regulations made by a Minister of the Crown under Part 1, one of the Scottish or general 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)(a) to (f) in relation to an emergency or an emergency of a particular kind in a particular police area, the other Category 1 responders in that police 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 Scottish Category 1 responder with lead responsibility**

7. If, pursuant to regulation 6, a Scottish Category 1 responder has been identified as the Category 1 responder with lead responsibility in a particular police area for the performance of a particular

duty under section 2(1)(a) to (f) in relation to an emergency or an emergency of a particular kind, that Scottish Category 1 responder must—

- (a) take the lead responsibility in performing that duty in that police area in relation to that emergency or an emergency of that particular kind;
- (b) consult the Scottish and general Category 1 responders which—
  - (i) have functions which are exercisable in that police 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 non lead Category 1 responders are kept informed of how the Scottish Category 1 responder with the lead responsibility is performing the duty; and
- (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 non-lead Category 1 responders approve of the way in which the Scottish Category 1 responder with lead responsibility is performing the duty).

#### **Role of Scottish Category 1 responders which do not have lead responsibility**

8.—(1) Paragraph (2) applies if a Scottish Category 1 responder has been identified as the responder with lead responsibility in a police area for the performance of a particular duty under section 2(1)(a) to (f) in relation to an emergency or an emergency of a particular kind under regulation 6 or, in the case of a general Category 1 responder, under an analogous provision in regulations made by a Minister of the Crown under Part 1.

(2) Where this paragraph applies, the other Scottish Category 1 responders which have functions which are exercisable in that police 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 Scottish or general Category 1 responder with lead responsibility for performing that duty in connection with the performance of the duty by the Scottish or general Category 1 responder with lead responsibility;
- (b) must provide any information to the Scottish or general 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 Scottish or general Category 1 responder with lead responsibility for performing that duty with any exercises or training that that Scottish or general Category 1 responder wishes to carry out in connection with that duty; and
- (d) need not perform that duty to the extent that to do so would unnecessarily duplicate the performance of that duty by the Scottish or general Category 1 responder which has lead responsibility for performing that duty in that police area.

#### **Existing emergency planning duties**

9. Scottish 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(1), resulting from developments in the course of the operation of an establishment to which Part 2 of those Regulations applies;

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

- (b) a major accident, within the meaning of regulation 2(1) of the Pipelines Safety Regulations 1996<sup>(2)</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; or
- (c) a radiation emergency, within the meaning of regulation 2 of the Radiation (Emergency Preparedness and Public Information) Regulations 2001<sup>(3)</sup>, which results from work with ionising radiation (within the meaning of those Regulations) to which those Regulations apply.

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<sup>(2)</sup> S.I. 1996/825; amended by the Greater London Authority Act 1999 s.328.

<sup>(3)</sup> S.I. 2001/2975; amended by S.I. 2002/2099 and S.I. 2002/2469.