
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 494

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

PART 4

Duty to maintain plans

Risk assessment

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

Arrangements to warn, inform and advise the public

14. In performing its duty under section 2(1)(d), a Scottish Category 1 responder must have regard to any relevant arrangements which it maintains under section 2(1)(g) (arrangements to warn the public, and to provide information and advice to the public, if an emergency is likely to occur or has occurred).

General and specific plans

- 15.** In performing its duties under section 2(1)(c) and (d), a Scottish Category 1 responder—
- (a) may maintain plans which relate to a particular emergency or a particular kind of emergency; and
 - (b) must maintain plans which relate to more than one emergency or more than one kind of emergency.

Multi-agency plans

- 16.—(1)** Scottish Category 1 responders which have—
- (a) functions which are exercisable in relation to a particular police 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 Scottish Category 1 responder acting jointly.

Voluntary organisations

17.—(1) 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 Scottish 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 Scottish Category 1 responder are exercisable; and
- (b) which are relevant in an emergency.

(2) For the purposes of paragraph (1), voluntary organisations 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

18.—(1) Any plan maintained by a Scottish Category 1 responder by virtue of section 2(1)(c) must include a procedure for determining whether an emergency has occurred which is likely to seriously obstruct the Scottish Category 1 responder in the performance of its functions.

(2) Any plan maintained by a Scottish Category 1 responder by virtue of section 2(1)(d) must include a procedure for determining whether—

- (a) an emergency has occurred which makes it necessary or desirable for it to take action to prevent the emergency, to reduce, control or mitigate its effects or otherwise in connection with it; and
 - (b) it would be able to take that action without changing the deployment of resources or acquiring additional resources.
- (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 or enable that person to be identified;
 - (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; and
 - (d) specify the persons who should be informed once such a decision is taken.

Training and exercises

19. Every plan maintained by a Scottish Category 1 responder by virtue of section 2(1)(c) or (d) must include arrangements for—

- (a) the carrying out of exercises for the purpose of ensuring that the plan is effective; and
- (b) the provision of training of—
 - (i) an appropriate number of suitable staff of the Scottish Category 1 responder; and
 - (ii) such other persons as that Scottish 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

20. If the Scottish Ministers issue guidance or an assessment under regulation 11 to a Scottish Category 1 responder, that responder must consider whether that guidance or assessment makes it necessary or expedient to add to or modify plans maintained under section 2(1)(c) or (d).