
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 494

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

PART 7

Advice and assistance to business and voluntary organisations

Interpretation of Part 7

30. In this Part of the Regulations—

- (a) “relevant responder” means a body which is listed in paragraph 13 of Schedule 1 (local authorities);
- (b) “advice and assistance to business” means advice and assistance to the public in connection with the making of arrangements for the continuance of the commercial activities by the public in the event of an emergency; and any reference to “a business” means a member of the public who carries on commercial activities; and
- (c) “advice and assistance to voluntary organisations” means advice and assistance to voluntary organisations in connection with the making of arrangements by voluntary organisations for the continuance of their activities in the event of an emergency.

Transitional provision

31. Until 15th May 2006, these Regulations shall have effect as if—

- (a) each reference to performing a duty under section 4(1) were a reference to exercising a power under section 4(1);
- (b) each reference to the duty under section 4(1) were a reference to the power under section 4(1); and
- (c) in regulation 33(3)(a), for “must” there were substituted “may”.

Risk assessment

32. In performing its duty under section 4(1) (duty to give advice and assistance to business and voluntary organisations), a relevant responder must take into account any relevant community risk register maintained by virtue of regulation 12.

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

33.—(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 to business.

(2) A relevant responder need only give advice and assistance to those businesses which carry on commercial activity in the area in which the functions of the relevant responder are exercisable.

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

- (a) must provide advice and assistance to businesses at large;
- (b) may provide advice and assistance to individual businesses; and
- (c) may provide advice and assistance to businesses in connection with—
 - (i) identifying a business continuity consultant who provides advice and assistance to business in the area in which the functions of the relevant responder are exercisable; and
 - (ii) obtaining advice and assistance from such a business continuity consultant.
- (4) In paragraph (3), “business continuity consultant” means a person who—
 - (a) is competent to provide advice and assistance to business; and
 - (b) has experience of so doing.

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

34.—(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 voluntary organisations.

(2) A relevant responder need only provide advice and assistance to those voluntary organisations which it considers appropriate.

(3) A relevant responder may determine the manner in which advice and assistance under section 4(1) is provided to voluntary organisations, and may in particular—

- (a) provide advice and assistance to voluntary organisations at large;
- (b) provide advice and assistance to an individual voluntary organisation; and
- (c) may provide advice and assistance to voluntary organisations in connection with—
 - (i) identifying a business continuity consultant who provides advice and assistance to business in the area in which the functions of the relevant responder are exercisable; and
 - (ii) obtaining advice and assistance from such a business continuity consultant.
- (4) In paragraph (3), “business continuity consultant” means a person who—
 - (a) is competent to provide advice and assistance to voluntary organisations; and
 - (b) has experience of so doing.

(5) In determining whether a voluntary organisation is appropriate for the purposes of paragraph (2), a Scottish 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; and
- (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.

35.—(1) Relevant responders which have functions which are exercisable in a particular police 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 police 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) A relevant responder may—

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

(4) Regulations 6, 7 and 8 apply to relevant responders for the purpose of performing the duty under section 4(1) as if—

- (a) each reference to a Category 1 responder or a general Category 1 responder were a reference to a relevant responder; and
- (b) each reference to a duty under section 2(1)(a) to (f) were a reference to the duty under section 4(1) in relation to an emergency or an emergency of a particular kind.

Cross border co-operation with relevant responders in England and Wales

36. A Scottish Category 1 responder or a Scottish Category 2 responder may co-operate with a body which is listed in paragraph 1 or 2 of Schedule 1 (local authority in England and Wales) in connection with the performance by that body of the duty under section 4(1).

Activities of other responders

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

- (a) must have regard to any advice and assistance to business or advice and assistance to voluntary organisations provided by other responders which have functions which are exercisable in the area in which the functions of the relevant responders are exercisable; and
- (b) need not perform that duty to the extent that to do so would unnecessarily duplicate that advice and assistance.

(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(1), a duty under another enactment or otherwise.

Charging

38. Relevant responders may charge for any advice or assistance (including advice and assistance which it is required to provide under regulation 33(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.