

Executive Note

The Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005 SSI/2005/494

The above instrument was made in exercise of the powers conferred by section 2(4) and (5), 4(3), (4) and (5), 6(2) and (3), 12, 15(1) and 17(6) of the Civil Contingencies Act 2004 (c.36) and having consulted a Minister of the Crown as required to do so under section 14(2) of that Act. The instrument is subject to negative resolution procedure and is due to come into force on 14 November 2005. The enabling provisions were commenced by the Civil Contingencies Act 2004 (Commencement)(Scotland) Order 2005 which was made on 5th October 2005.

Policy Objectives

The purpose of the instrument is to provide a framework for Scotland's contribution to UK civil protection in the 21st century. It provides regulations that are equivalent to, and complement, regulations made for the UK. The Regulations set out the extent of the duties imposed on responders, the emergency services, health boards, local authorities, Scottish Environment Protection Agency, utilities and other bodies, and the manner in which those duties are to be performed.

The Regulations impose duties on responders to co-operate in Strategic Co-ordinating Groups in each Police force area to provide a consistent approach across Scotland and include a broad range of essential service providers. Responders are required to share information and provision is made for requesting, providing and use of sensitive information. Responders are required to assess the risk of an emergency and, through the Strategic Co-ordinating Group, produce a Community Risk Register for its local area. Risk assessment will provide a basis for planning to continue services and planning to respond to the emergencies identified. Responders must maintain general plans for response to any emergency and may maintain specific plans for particular emergencies. Responders must plan to warn the public and provide information and advice for the public before and during an emergency. Local authorities have duties to provide advice to business and voluntary organisations on business continuity and may provide and charge for additional assistance if requested. This duty will be postponed to commence on 15 May 2006 in line with UK regulations.

The instrument is generally consistent with UK regulations. There are minor policy differences, in particular, the duty on Scottish responders to maintain generic plans that will provide the foundation for other plans is explicit. Scottish responders' duties to publish their risk assessments will satisfy the need to inform other responders of external risks that may have an impact in their own police area. Guidance on Scottish risks will inform local assessment of wide area emergencies.

Consultation

The following bodies have been consulted during the preparation of the instrument:

Association of Chief Police Officers in Scotland (ACPOS)
Chief Fire Officers Association (CFOA)
Emergency Planning Society
Scottish Ambulance Service
Convention of Scottish Local Authorities (COSLA)
Scottish Environment Protection Agency (SEPA)
British Continuity Institute
NHS Greater Glasgow

The following bodies have been consulted on a draft of the instrument:

Police Forces – Chief Constables
Fire Brigades – Firemasters
Ambulance Service – SAS National Emergency Planning Officer
Local Authorities – Chief Executives
Health Boards – Chief Executives
Port and Airport Health Authorities
Scottish Environment Protection Agency (SEPA)
Maritime and Coastguard Agency (MCA)
British Transport Police
Electricity and Gas Suppliers
Telecommunications Suppliers
Scottish Water
Port and Harbour Authorities
Train Operators
Network Rail
Airport Operators
Life-Line Ferry Operators
NHS National Services
The Health and Safety Executive (HSE)
Scottish Enterprise
Military Authorities
British Continuity Institute
Scottish Trades Union Congress (STUC)
Confederation of British Industry (CBI Scotland)
Convention of Scottish Local Authorities (COSLA)
Voluntary Organisations
Audit Scotland
Accounts Commission
HM Inspectorate of Constabulary for Scotland
HM Fire Service Inspectorate
The Chartered Institute of Public Finance and Accountancy (CIPFA)
The Law Society of Scotland
United Kingdom Offshore Operators Association (UKOOA)

160 bodies were consulted directly and meetings were held for each Strategic Co-ordinating Group and a number of professional organisations.

The consultation responses did not suggest a need for significant changes to the draft regulations. Action was taken to address some concerns related to simplification and clarification of duties to share information and provide advice on business continuity, and the practicality of having regard to the needs of vulnerable people which will be addressed in guidance. The changes made were consistent with changes made to UK regulations.

The consultation also included draft guidance on the implementation of the regulations. The guidance has been clarified where necessary and support for risk assessment and the co-ordination of Strategic Co-ordinating Groups' activity has been established.

Financial Effects

The instrument has no financial effects on the Scottish Executive. Consultation on the instrument sought information, however, it identified no financial effects on the bodies affected.

Scottish Executive Justice Department
30 September 2005