

SCHEDULES

SCHEDULE 1

Part 1

CATEGORY 1 AND 2 RESPONDERS

PART 1

CATEGORY 1 RESPONDERS: GENERAL

Local authorities

- 1 In relation to England—
 - (a) a county council,
 - (b) a district council,
 - (c) a London borough council,
 - (d) the Common Council of the City of London, and
 - (e) the Council of the Isles of Scilly.
- 2 In relation to Wales—
 - (a) a county council, and
 - (b) a county borough council.

Emergency services

- 3 (1) A chief officer of police within the meaning of section 101(1) of the Police Act 1996 (c. 16).
 - (2) The Chief Constable of the Police Service of Northern Ireland.
 - (3) The Chief Constable of the British Transport Police Force.
- 4 A fire and rescue authority within the meaning of section 1 of the Fire and Rescue Services Act 2004 (c. 21).

Health

- 5 A National Health Service trust established under section 5 of the National Health Service and Community Care Act 1990 (c. 19) if, and in so far as, it has the function of providing—
 - (a) ambulance services,
 - (b) hospital accommodation and services in relation to accidents and emergencies, or
 - (c) services in relation to public health in Wales.
- 6 An NHS foundation trust (within the meaning of section 1 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43)) if, and in so far as, it

Status: This is the original version (as it was originally enacted).

has the function of providing hospital accommodation and services in relation to accidents and emergencies.

- 7 A Primary Care Trust established under section 16A of the National Health Service Act 1977 (c. 49).
- 8 A Local Health Board established under section 16BA of the National Health Service Act 1977.
- 9 (1) The Health Protection Agency established by section 1 of the Health Protection Agency Act 2004 (c. 17).
- (2) Until its dissolution consequent upon the coming into force of section 1 of that Act, the Special Health Authority established under section 11 of the National Health Service Act 1977 and known as the Health Protection Agency.
- 10 A port health authority constituted under section 2(4) of the Public Health (Control of Disease) Act 1984 (c. 22).

Miscellaneous

- 11 The Environment Agency.
- 12 The Secretary of State, in so far as his functions include responding to maritime and coastal emergencies (excluding the investigation of accidents).

PART 2

CATEGORY 1 RESPONDERS: SCOTLAND

Local authorities

- 13 A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39).

Emergency services

- 14 A chief constable of a police force maintained under the Police (Scotland) Act 1967 (c. 77).
- 15 (1) A fire authority.
- (2) In sub-paragraph (1) “fire authority” means—
- (a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or
 - (b) a joint board constituted under an administration scheme made by virtue of the Local Government (Scotland) Act 1973 (c. 65) or section 36 of the Fire Services Act 1947 (c. 41).
- 16 The Scottish Ambulance Service Board.

Health

- 17 A Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978 (c. 29).

Miscellaneous

- 18 The Scottish Environment Protection Agency.

PART 3

CATEGORY 2 RESPONDERS: GENERAL

Utilities

- 19 (1) A person holding a licence of a kind specified in sub-paragraph (2) and granted under section 6 of the Electricity Act 1989 (c. 29).
- (2) Those licences are—
- (a) a transmission licence,
 - (b) a distribution licence, and
 - (c) an interconnector licence.
- (3) Expressions used in this paragraph and in the Electricity Act 1989 shall have the same meaning in this paragraph as in that Act.
- 20 (1) A person holding a licence of a kind specified in sub-paragraph (2).
- (2) Those licences are—
- (a) a licence under section 7 of the Gas Act 1986 (c. 44), and
 - (b) a licence under section 7ZA of that Act.
- 21 A water undertaker or sewerage undertaker appointed under section 6 of the Water Industry Act 1991 (c. 56).
- 22 (1) A person who provides a public electronic communications network which makes telephone services available (whether for spoken communication or for the transmission of data).
- (2) In sub-paragraph (1)—
- (a) the reference to provision of a network shall be construed in accordance with section 32(4)(a) and (b) of the Communications Act 2003 (c. 21), and
 - (b) “public electronic communications network” shall have the meaning given by sections 32(1) and 151(1) of that Act.

Transport

- 23 A person who holds a licence under section 8 of the Railways Act 1993 (c. 43) (operation of railway assets) in so far as the licence relates to activity in Great Britain.
- 24 A person who provides services in connection with railways in Great Britain—
- (a) without holding a licence under section 8 of that Act, but
 - (b) in reliance on Council Directive 95/18/EC on the licensing of railway undertakings.
- 25 (1) Transport for London.
- (2) London Underground Limited (being a subsidiary of Transport for London).

Status: This is the original version (as it was originally enacted).

- 26 An airport operator, within the meaning of section 82(1) of the Airports Act 1986 (c. 31), in Great Britain.
- 27 A harbour authority, within the meaning of section 46(1) of the Aviation and Maritime Security Act 1990 (c. 31), in Great Britain.
- 28 The Secretary of State, in so far as his functions relate to matters for which he is responsible by virtue of section 1 of the Highways Act 1980 (c. 66) (highway authorities).

Health and safety

- 29 The Health and Safety Executive.

PART 4

CATEGORY 2 RESPONDERS: SCOTLAND

Utilities

- 30 (1) A person holding a licence of a kind specified in sub-paragraph (2) and granted under the Electricity Act 1989 (c. 29), in so far as the activity under the licence is undertaken in Scotland.
- (2) Those licences are—
- (a) a transmission licence,
 - (b) a distribution licence, and
 - (c) an interconnector licence.
- (3) Expressions used in this paragraph and in the Electricity Act 1989 shall have the same meaning in this paragraph as in that Act.
- 31 (1) A person holding a licence of a kind specified in sub-paragraph (2), in so far as the activity under the licence is undertaken in Scotland.
- (2) Those licences are—
- (a) a licence under section 7 of the Gas Act 1986 (c. 44), and
 - (b) a licence under section 7ZA of that Act.
- 32 Scottish Water, established by section 20 of, and Schedule 3 to, the Water Industry (Scotland) Act 2002 (asp 3).
- 33 (1) A person who provides a public electronic communications network which makes telephone services available (whether for spoken communication or for the transmission of data) in so far as the services are made available in Scotland.
- (2) In sub-paragraph (1)—
- (a) the reference to provision of a network shall be construed in accordance with section 32(4)(a) and (b) of the Communications Act 2003 (c. 21), and
 - (b) “public electronic communications network” shall have the meaning given by sections 32(1) and 151(1) of that Act.

Transport

- 34 A person who holds a licence to operate railway assets under section 8 of the Railways Act 1993 (c. 43) in so far as such operation takes place in Scotland.
- 35 A person who provides services in connection with railways—
(a) without holding a licence under section 8 of that Act, but
(b) in reliance on Council Directive 95/18/EC on the licensing of railway undertakings,
in so far as such services are provided in Scotland.
- 36 An airport operator within the meaning of section 82(1) of the Airports Act 1986 (c. 31) in so far as it has responsibility for the management of an airport in Scotland.
- 37 A harbour authority, within the meaning of section 46(1) of the Aviation and Maritime Security Act 1990 (c. 31) in so far as it has functions in relation to improving, maintaining and managing a harbour in Scotland.

Health

- 38 The Common Services Agency established by section 10 of the National Health Service (Scotland) Act 1978 (c. 29).

SCHEDULE 2

Section 32

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

PART 1

AMENDMENTS AND REPEALS CONSEQUENTIAL ON PART 1

Civil Defence Act 1939 (c. 31)

- 1 The Civil Defence Act 1939 shall cease to have effect.

Civil Defence Act (Northern Ireland) 1939 (c. 15 (N.I.))

- 2 The Civil Defence Act (Northern Ireland) 1939 shall cease to have effect.

Civil Defence Act 1948 (c. 5)

- 3 The Civil Defence Act 1948 shall cease to have effect.

Civil Defence Act (Northern Ireland) 1950 (c. 11 (N.I.))

- 4 The Civil Defence Act (Northern Ireland) 1950 shall cease to have effect.

Defence Contracts Act 1958 (c. 38)

- 5 In section 6(1) of the Defence Contracts Act 1958 (interpretation, &c.), in the definition of “defence materials” omit paragraph (b).

Status: This is the original version (as it was originally enacted).

Public Expenditure and Receipts Act 1968 (c. 14)

- 6 Section 4 of the Public Expenditure and Receipts Act 1968 (compensation to civil defence employees for loss of employment, &c.) shall cease to have effect.

Local Government Act 1972 (c. 70)

- 7 In section 138 of the Local Government Act 1972 (emergency powers)—
- (a) subsection (1A) shall cease to have effect, and
 - (b) in subsection (3) for “subsections (1) and (1A) above” substitute “subsection (1) above”.

Civil Protection in Peacetime Act 1986 (c. 22)

- 8 The Civil Protection in Peacetime Act 1986 shall cease to have effect.

Road Traffic Act 1988 (c. 52)

- 9 In section 65A(5) of the Road Traffic Act 1988 (light passenger vehicles and motor cycles not to be sold without EC certificate of conformity) omit paragraph (c).

Metropolitan County Fire and Rescue Authorities

- 10 (1) The bodies established by section 26 of the Local Government Act 1985 (c. 51) and known as metropolitan county fire and civil defence authorities shall be known instead as metropolitan county fire and rescue authorities.
- (2) So far as necessary or appropriate in consequence of sub-paragraph (1), a reference in an enactment, instrument, agreement or other document to a metropolitan county fire and civil defence authority shall be treated as a reference to a metropolitan county fire and rescue authority.
- (3) In the following provisions for “(fire services, civil defence and transport)” substitute “(fire and rescue services and transport)”—
- (a) paragraph 29 of Schedule 1A to the Race Relations Act 1976 (c. 74),
 - (b) sections 21(1)(i), 39(1)(g), 67(3)(k) and 152(2)(i) of the Local Government and Housing Act 1989 (c. 42),
 - (c) section 1(10)(d) of the Local Government (Overseas Assistance) Act 1993 (c. 25),
 - (d) paragraph 19 of Schedule 1 to the Freedom of Information Act 2000 (c. 36), and
 - (e) sections 23(1)(k) and 33(1)(j) of the Local Government Act 2003 (c. 26).

PART 2

AMENDMENTS AND REPEALS CONSEQUENTIAL ON PART 2

Emergency Powers Act 1920 (c. 55)

- 11 The Emergency Powers Act 1920 shall cease to have effect.

Emergency Powers Act (Northern Ireland) 1926 (c. 8)

- 12 The Emergency Powers Act (Northern Ireland) 1926 shall cease to have effect.

Northern Ireland Act 1998 (c. 47)

- 13 In paragraph 14 of Schedule 3 to the Northern Ireland Act 1998 (reserved matters) for “the Emergency Powers Act (Northern Ireland) 1926” substitute “Part 2 of the Civil Contingencies Act 2004”.

PART 3

MINOR AMENDMENTS

Energy Act 1976 (c. 76)

- 14 After sections 1 to 4 of the Energy Act 1976 (powers to control production and supply of fuel, &c.) insert—

“Sections 1 to 4: territorial application

- (1) A power under sections 1 to 4 may be exercised in relation to anything which is wholly or partly situated in, or to activity wholly or partly in—
- (a) the United Kingdom,
 - (b) the territorial sea of the United Kingdom, or
 - (c) an area designated under the Continental Shelf Act 1964 (c. 29).
- (2) Subsection (1) is without prejudice to section 2(2)(b).”

Highways Act 1980 (c. 66)

- 15 (1) At the end of section 90H(2) of the Highways Act 1980 (traffic calming works regulations) add—
- “(d) provide that, in such cases or circumstances as the regulations may specify, works may be constructed or removed only with the consent of a police officer of such class as the regulations may specify.”
- (2) In section 329(1) of that Act (interpretation) for the definition of “traffic calming works” substitute—
- ““traffic calming works”, in relation to a highway, means works affecting the movement of vehicular or other traffic for the purpose of—
- (a) promoting safety (including avoiding or reducing, or reducing the likelihood of, danger connected with terrorism within the meaning of section 1 of the Terrorism Act 2000 (c. 11)), or
 - (b) preserving or improving the environment through which the highway runs;”.

Road Traffic Regulation Act 1984 (c. 27)

- 16 (1) The Road Traffic Regulation Act 1984 shall be amended as follows.
- (2) In Part 2 (traffic regulation: special cases) after section 22B insert—

Status: This is the original version (as it was originally enacted).

“Terrorism

- (1) An order may be made under section 1(1)(a) for the purpose of avoiding or reducing, or reducing the likelihood of, danger connected with terrorism (for which purpose the reference to persons or other traffic using the road shall be treated as including a reference to persons or property on or near the road).
- (2) An order may be made under section 1(1)(b) for the purpose of preventing or reducing damage connected with terrorism.
- (3) An order under section 6 made for a purpose mentioned in section 1(1)(a) or (b) may be made for that purpose as qualified by subsection (1) or (2) above.
- (4) An order may be made under section 14(1)(b) for a purpose relating to danger or damage connected with terrorism.
- (5) A notice may be issued under section 14(2)(b) for a purpose relating to danger or damage connected with terrorism.
- (6) In this section “terrorism” has the meaning given by section 1 of the Terrorism Act 2000 (c. 11).
- (7) In Scotland an order made, or notice issued, by virtue of this section is to be made or issued not by the traffic authority, if the traffic authority is the Scottish Ministers, but by the Secretary of State.
- (8) In Wales an order made, or notice issued, by virtue of this section may be made or issued only with the consent of the Secretary of State if the traffic authority is the National Assembly for Wales.

Section 22C: supplemental

- (1) An order may be made by virtue of section 22C only on the recommendation of the chief officer of police for the area to which the order relates.
- (2) The following shall not apply in relation to an order made by virtue of section 22C—
 - (a) section 3,
 - (b) section 6(5),
 - (c) the words in section 14(4) from “but” to the end,
 - (d) section 121B, and
 - (e) paragraph 13(1)(a) of Schedule 9.
- (3) Sections 92 and 94 shall apply in relation to an order under section 14 made by virtue of section 22C as they apply in relation to an order under section 1 or 6.
- (4) An order made by virtue of section 22C, or an authorisation or requirement by virtue of subsection (3) above, may authorise the undertaking of works for the purpose of, or for a purpose ancillary to, another provision of the order, authorisation or requirement.
- (5) An order made by virtue of section 22C may—

Status: This is the original version (as it was originally enacted).

- (a) enable a constable to direct that a provision of the order shall (to such extent as the constable may specify) be commenced, suspended or revived;
 - (b) confer a discretion on a constable;
 - (c) make provision conferring a power on a constable in relation to the placing of structures or signs (which may, in particular, apply a provision of this Act with or without modifications).”
- (3) In section 67 (traffic signs: emergencies &c.) after subsection (1) insert—
- “(1A) In subsection (1)—
- (a) “extraordinary circumstances” includes terrorism or the prospect of terrorism within the meaning of section 1 of the Terrorism Act 2000 (c. 11), and
 - (b) the reference to 7 days shall, in the application of the subsection in connection with terrorism or the prospect of terrorism, be taken as a reference to 28 days;
- but this subsection does not apply to a power under subsection (1) in so far as exercisable by a traffic officer by virtue of section 7 of the Traffic Management Act 2004 (c. 18).”
- (4) In Schedule 9 (reserve powers of Secretary of State, Scottish Ministers and National Assembly for Wales)—
- (a) in paragraph 1, after “sections 1, 6, 9,” insert “14 (in so far as the power under that section is exercisable by virtue of section 22C),”, and—
 - (b) after paragraph 12 insert—
- “12A Article 2 of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (SI 1999/1750) shall not apply to a provision of this Schedule in so far as it relates to the exercise of a power under this Act by virtue of section 22C.
- 12B A power conferred upon the Secretary of State by this Schedule shall, in so far as it relates to the exercise of a power under this Act by virtue of section 22C, be exercisable in relation to Wales by the National Assembly for Wales with the consent of the Secretary of State.”.

Roads (Scotland) Act 1984 (c. 54)

- 17 (1) After section 39B of the Roads (Scotland) Act 1984 (traffic calming works regulations) insert—

“Prescribing of works for anti-terrorism purposes

- (1) Where—
- (a) the construction of any traffic calming works is for the purpose of avoiding or reducing, or reducing the likelihood of, danger connected with terrorism within the meaning of section 1 of the Terrorism Act 2000, and
 - (b) the function of constructing those works would, but for this section, be exercisable by the Scottish Ministers,
- that function shall instead be exercisable by the Secretary of State.

Status: This is the original version (as it was originally enacted).

- (2) The power to make regulations under section 39B of this Act—
- (a) for the purpose of, or in connection with, avoiding or reducing, or reducing the likelihood of, danger connected with terrorism within the meaning of section 1 of the Terrorism Act 2000, and
 - (b) which would, but for this section, be exercisable by the Scottish Ministers,
- shall instead be exercisable by the Secretary of State.
- (3) Regulations under section 39B of this Act may, if they are made by virtue of subsection (2) above, provide that, in such circumstances as the regulations may specify, works may be constructed or removed only with the consent of a police officer of such class as the regulations may specify.”
- (2) In section 40 of that Act (interpretation of sections 36 to 39C) for the definition of “traffic calming works” substitute—
- ““traffic calming works”, in relation to a road, means works affecting the movement of vehicular or other traffic for the purpose of—
- (a) promoting safety (including avoiding or reducing, or reducing the likelihood of, danger connected with terrorism within the meaning of section 1 of the Terrorism Act 2000 (c. 11)), or
 - (b) preserving or improving the environment through which the road runs.”

SCHEDULE 3

Section 32

REPEALS AND REVOCATIONS

<i>Short title and chapter</i>	<i>Repeal or revocation</i>
The Emergency Powers Act 1920 (c. 55).	The whole Act.
The Emergency Powers Act (Northern Ireland) 1926 (c. 8).	The whole Act.
The Air-Raid Precautions Act (Northern Ireland) 1938 (c. 26 (N.I.)).	The whole Act.
The Civil Defence Act 1939 (c. 31).	The whole Act.
The Civil Defence Act (Northern Ireland) 1939 (c. 15 (N.I.)).	The whole Act.
The Civil Defence Act 1948 (c. 5).	The whole Act.
The Civil Defence Act (Northern Ireland) 1950 (c. 11 (N.I.)).	The whole Act.
The Criminal Justice Act (Northern Ireland) 1953 (c. 14 (N.I.)).	In Schedule 2, the entry relating to the Civil Defence Act (Northern Ireland) 1950.
The Civil Defence (Armed Forces) Act 1954 (c. 66).	The whole Act.

Status: This is the original version (as it was originally enacted).

<i>Short title and chapter</i>	<i>Repeal or revocation</i>
The Defence Contracts Act 1958 (c. 38).	In section 6(1), in the definition of “defence materials”, paragraph (b).
The Town and Country Planning (Scotland) Act 1959 (c. 70).	In paragraph 2 of Schedule 4, the entry relating to the Civil Defence Act 1948.
The Emergency Powers Act 1964 (c. 38).	Section 1.
The Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.)).	In Schedule 1, the entry relating to the Civil Defence Act (Northern Ireland) 1939.
The Emergency Powers (Amendment) Act (Northern Ireland) 1964 (c. 34 (N.I.)).	The whole Act.
The Police (Scotland) Act 1967 (c. 77).	In Schedule 4, the entry relating to the Civil Defence Act 1948.
The Public Expenditure and Receipts Act 1968 (c. 14).	Section 4.
The Land Charges Act 1972 (c. 61).	In Schedule 2, paragraph 1(f).
The Local Government Act 1972 (c. 70).	Section 138(1A).
The Drainage (Northern Ireland) Order 1973 (S.I. 1973/69 (N.I. 1)).	In Schedule 8, paragraphs 3 and 4.
The Statute Law (Repeals) Act 1976 (c. 16).	In Schedule 2, in Part II, the entry relating to the Civil Defence Act 1939.
The Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)).	Article 31G(5)(c).
The Civil Aviation Act 1982 (c. 16).	In Schedule 2, paragraph 2.
The Criminal Justice Act 1982 (c. 48).	Section 41.
The Police and Criminal Evidence Act 1984 (c. 60).	In Schedule 2, the entry relating to section 2 of the Emergency Powers Act 1920.
The Fines and Penalties (Northern Ireland) Order 1984 (S.I. 1984/703 (N.I. 3)).	Article 12.
The Civil Protection in Peacetime Act 1986 (c. 22).	The whole Act.
The Road Traffic Act 1988 (c. 52).	Section 65A(5)(c).
The Water Act 1989 (c. 15).	In Schedule 25, paragraph 1(4).
The Electricity Act 1989 (c. 29).	In Schedule 16, paragraph 1(3) and paragraph 4.
The Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).	In Schedule 2, the entry relating to the Emergency Powers Act (Northern Ireland) 1926.
The Local Government Finance Act 1992 (c. 14).	In Schedule 13, paragraph 6.
The Local Government etc. (Scotland) Act 1994 (c. 39).	In Schedule 13, paragraph 24.

Status: This is the original version (as it was originally enacted).

<i>Short title and chapter</i>	<i>Repeal or revocation</i>
The Gas Act 1995 (c. 45).	In Schedule 4, paragraph 2(5).
The Police Act 1997 (c. 50).	In Schedule 9, paragraphs 2 and 17.
The Greater London Authority Act 1999 (c. 29).	Section 330.
The Transport Act 2000 (c. 38).	In Schedule 5, paragraph 3.
The Civil Defence (Grant) Act 2002 (c. 5).	The whole Act.
