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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 3**

**Duty to assess risk of emergency occurring**

**Kinds of emergency in relation to which risk should be assessed**

**10.** A Scottish Category 1 responder need only perform the duty under section 2(1)(a) (duty to assess risk of emergency occurring) in relation to an emergency which affects or may affect the area in which the functions of the Scottish Category 1 responder are exercisable.

**Guidance and risk assessments issued by Scottish Ministers**

**11.—(1)** The Scottish Ministers may issue to Scottish Category 1 responders (or any class of Scottish Category 1 responders) guidance as to—

- (a) the likelihood of a particular emergency or an emergency of a particular kind occurring;
- (b) the extent to which a particular emergency or an emergency of a particular kind would or might (if it occurred) cause damage to human welfare in a place in the Scotland, the environment of a place in Scotland or the security of the United Kingdom.

(2) The Scottish Ministers may issue to Scottish Category 1 responders (or any class of Scottish Category 1 responders) an assessment of the matters specified in sub-paragraph (a) or (b) of paragraph (1).

(3) In performing its duty under section 2(1)(a), a Scottish Category 1 responder must—

- (a) take into account any guidance issued to it under paragraph (1); and
- (b) adopt any assessment issued to it under paragraph (2).

(4) Any guidance issued under paragraph (1) or assessment issued under paragraph (2) must be in writing.

**Community risk register**

**12.—(1)** As part of the Strategic Co ordinating Group, 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 maintaining a register (“the community risk register”) of the assessment carried out by each Scottish Category 1 responder under section 2(1)(a).

(2) For the purpose of complying with paragraph (1), each Scottish Category 1 responder must, subject to paragraph (3), from time to time inform the other relevant Scottish and general Category 1 responders of the assessment carried out by it under section 2(1)(a).

(3) Paragraph (2) does not apply to the extent that an assessment carried out by a Scottish Category 1 responder contains sensitive information and the Scottish Category 1 responder has reasonable grounds to believe that informing the other relevant Scottish and general Category 1 responders of the assessment would—

(a) in the case of sensitive information of the kind specified by paragraph (1)(a) of regulation 39, adversely affect national security;

(b) in the case of sensitive information of the kind specified by paragraph (1)(b), (c) or (d) of regulation 39, adversely affect the confidentiality of the information.

(4) In performing its duties under section 2(1)(a) and (b), a Scottish Category 1 responder must have regard to any relevant community risk register maintained under this regulation.