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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations relate to the extent of the duties imposed on certain persons and bodies (referred to as “general Category 1 responders”) listed in Part 1 of Schedule 1 to the Civil Contingencies Act 2004 (“the Act”) under sections 2 and 4 of that Act (duties to assess, and plan for emergencies and duties to provide advice and assistance to business) and the manner in which those duties are to be performed.

Part 2 of these Regulations makes general provisions about the extent and performance of those duties. Regulation 4 requires general Category 1 responders which have functions which are exercisable in a particular area in England or Wales to co-operate with each other. This form of co-operation is referred to as the local resilience forum. In addition, persons and bodies listed in Part 3 of Schedule 1 to the Act (referred to as “general Category 2 responders”) responders may ask to be, or be asked, to participate in the local resilience forum process. Regulation 5 makes similar provision for general Category 1 responders which have functions which are exercisable in Scotland. General responders in Scotland are also required to co-operate with those persons and bodies specified in Part 2 of Schedule 1 to the Act (“Scottish Category 1 responders”). The form of co-operation required under regulation 5 is referred to as the strategic co-ordinating group. Regulation 6 requires general Category 1 responders and general Category 2 responders in Northern Ireland to co-operate with each other. Regulation 7 enables general Category 1 and general Category 2 responders to enter into protocols with each other and with Scottish Category 1 responders and those persons or bodies specified in Part 4 of Schedule 1 to the Act (“Scottish Category 2 responders”) so as to facilitate co-operation. Regulation 8 enables general Category 1 and general Category 2 responders to make arrangements with each other and with Scottish Category 1 and Scottish Category 2 responders for the discharge of the duties of general Category 1 responders under section 2 of the Act jointly or for one responder to perform those duties on behalf of another. Regulations 9 to 11 enable general Category 1 responders to identify one Category 1 responder as having the lead responsibility for performing certain functions under section 2 of the Act in a particular local resilience area. Regulation 12 provides that the duties of general Category 1 responders under section 2 of the Act do not apply to certain emergencies. These are emergencies in relation to which existing legislation already makes provision which is analogous to the Act.

Part 3 of these Regulations relates to the duty of general Category 1 responders under section 2(1)(a) and (b) of the Act to assess the risk of an emergency occurring. Regulation 13 specifies that the duty only applies in relation to an emergency which affects or may affect the area in which the functions of the general Category 1 responder are exercisable. Regulation 14 enables a Minister of the Crown to issue guidance as to the risk of a particular emergency occurring or impact that it would have or an assessment of a particular emergency occurring or the impact of such an emergency. Regulation 14 also enables the Assembly, the Office of the First Minister and Deputy First Minister and the Scottish Ministers to issue such guidance to general Category 1 responders. Regulation 15 requires general Category 1 responders in England and Wales, as part of the local resilience forum, to collaborate with each other in maintaining a register (referred to as the “community risk register”) of the assessment carried out by each of them under section 2. Regulation 16 requires general Category 1 responders in England and Wales to share the community risk register with neighbouring local resilience forums, the Assembly and the Secretary of State. Regulation 17 requires general Category 1 responders in Scotland to collaborate with Scottish Category 1 responders in maintaining a community risk register. Regulation 18 requires general Category 1 responders to provide information about risk to

other general Category 1 responders or Scottish Category 1 responders where the information relates to an emergency which would affect that responder.

Part 4 of these Regulations relates to the duty of Category 1 responders under section 2(1)(c) and (d) of the Act to maintain plans to respond to an emergency. Regulation 19 requires general Category 1 responders to have regard to any assessment of risk carried out by it by virtue of section 2(1)(a) or (b) of the Act. Regulation 20 requires general Category 1 responders to have regard to any relevant arrangements which it maintains under section 2(1)(g) of the Act (arrangements to warn the public and to provide information and advice). Regulation 21 provides that, in performing that duty, general Category 1 responders may maintain a single, generic plan which relates to any emergency to which those duties apply or maintain specific plans to deal with particular emergencies. Regulation 22 requires general Category 1 responders to consider whether it would be appropriate to perform their functions under section 2(1)(d) by way of a plan maintained by more than one Category 1 responder (a “multi-agency plan”). Regulation 23 requires general Category 1 responders to have regard to the activities carried out by certain voluntary organisations. Regulation 24 requires general Category 1 responders to include in the plans maintained by virtue of section 2(1)(c) and (d) of the Act a procedure for determining whether an emergency has occurred. Regulation 25 requires those plans to include arrangements for exercises and training. Regulation 26 requires Category 1 responders to consider whether such plans must be revised when a Minister of the Crown or a devolved administration issues guidance or an assessment under regulation 14.

Part 5 of these Regulations relates to the duty of general Category 1 responders under section 2(1)(f) of the Act to publish in part the assessments made and plans maintained under section 2(1)(a) to (d) of the Act. Regulation 27 requires general Category 1 responders to have regard to the importance of not alarming the public unnecessarily.

Part 6 of these Regulations relates to the duty of general Category 1 responders under section 2(1)(g) of the Act to maintain arrangements to warn and provide advice to the public in the event of an emergency. Regulation 28 provides that general Category 1 responders must have regard to the plans they maintain by virtue of section 2(1)(d). Regulation 29 provides that general Category 1 responders may maintain general arrangements to warn and provide advice to the public or specific arrangements or arrangements which relate to a particular emergency. Regulation 30 requires general Category 1 responders to have regard to the importance of not alarming the public unnecessarily. Regulation 31 requires general Category 1 responders to exercise their arrangements and to train their staff in operating those arrangements. Regulations 32 to 34 require general Category 1 responders to identify or have arrangements to identify the Category 1 responder with lead responsibility for warning, informing and advising the public. Regulation 35 requires responders to have regard to the warnings, information and advice provided to the public and by other responders, the Meteorological Office, the Secretary of State and the Food Standards Agency and provides that Category 1 responders need not duplicate that effort.

Part 7 of these Regulations relates to the duty of certain general Category 1 responders (referred to as “relevant responders”) under section 4(1) of the Act to give advice and assistance to the public in connection with the making of arrangements for the continuance of commercial activities by the public or the carrying on by voluntary organisations of their activities in the event of an emergency. Regulation 37 makes transitional provision in connection with this duty. Regulation 38 requires relevant responders to take into account any relevant community risk register maintained under regulation 15. Regulation 39 specifies the scope of the duty in relation to those who carry on commercial activities. It provides that the duty only applies to members of the public who carry on commercial activities in the area in which the functions of the responder are exercisable. It also provides that relevant responders must provide advice and assistance to those members of the public at large, and may in addition provide advice and assistance to individual members of the public or assist them in identifying, and obtaining advice from, a business continuity consultant. Regulation 40 specifies the scope of the duty in relation to voluntary organisations. It provides that relevant responders must determine which voluntary organisations should receive advice and

assistance, having had regard to the factors listed in this regulation. Regulation 41 requires relevant responders which have functions which are exercisable in a particular area to co-operate with each other. Relevant responders may make arrangements with each other for the discharge of their duties under section 4 of the Act jointly or for one relevant responder to perform those duties on behalf of another. Regulation 42 relates to cross-border co-operation between relevant responders in Scotland and in the rest of the United Kingdom. Regulation 43 requires relevant responders to have regard to the advice and assistance of this kind provided by other responders and provides that relevant responders need not unnecessarily duplicate that advice or assistance. Regulation 44 enables relevant responders to charge for any advice or assistance provided on request. Such charge may not exceed the costs of the provision of that advice or assistance (taking in to account the indirect costs).

Part 8 relates to information. Regulation 45 defines “sensitive information”. Regulation 46 makes provision in relation to Ministerial certificates in connection with national security. Regulations 47 to 50 enable general Category 1 responders, general Category 2 responders, Scottish Category 1 responders and Scottish Category 2 responders to seek information from general Category 1 or Category 2 responders in connection with their duties under section 2(1)(a) to (d) or 4 of the Act or other functions which relate to emergencies. Regulation 51 provides that Category 1 responders must not publish or disclose sensitive information obtained or created by virtue of the Act or these Regulations unless certain conditions are satisfied. Regulation 52 limits the use that can be made of sensitive information which has been obtained under these Regulations. Regulation 53 imposes requirements on responders as to storage and handling of sensitive information obtained under these Regulations. Regulation 54 makes a connected amendment to the Health and Safety at Work Act 1974.

Part 9 relates to the performance of these functions in London. Regulation 55 requires the London Fire and Emergency Planning Authority (a fire and rescue authority) to take the lead responsibility for maintaining community risk registers in London and, at the request of any other Category 1 responder which is a local authority and which has functions which are exercisable in London, to assist with exercises and training. Regulation 56 requires other Category 1 responders which have functions which are exercisable in London to co-operate with the London Fire and Emergency Planning Authority in connection with the performance by it of its functions under regulation 55.

Part 10 relates to the performance of the duties under the Act in Northern Ireland. Regulation 57 requires general Category 1 responders to have regard to the activities of certain other bodies in Northern Ireland which are involved in civil protection. Regulation 58 enables general Category 1 responders to exercise their functions under the Act jointly with such a body or to make arrangements for such a body to perform such a function on its behalf.