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STATUTORY INSTRUMENTS

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**2005 No. 2042**

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

**PART 4**

**Duty to maintain plans**

**Risk assessment**

**19.** In performing its duty under section 2(1)(c) or (d) (duty to maintain business continuity plans and emergency plans), a general Category 1 responder must have regard to any relevant assessment which it has carried out under section 2(1)(a) or (b).

**Arrangements to warn, inform and advise the public**

**20.** In performing its duty under section 2(1)(d), a general Category 1 responder must have regard to any relevant arrangements which it maintains under section 2(1)(g) (arrangements to warn the public, and to provide information and advice to the public, if an emergency is likely to occur or has occurred).

**Generic and specific plans**

- 21.** In performing its duty under section 2(1)(c) or (d), a general Category 1 responder –
- (a) may maintain plans which relate to a particular emergency or an emergency of a particular kind; and
  - (b) may maintain plans which relate to more than one emergency or more than one kind of emergency.

**Multi-agency emergency plans**

**22.—**(1) Paragraph (2) applies to a general Category 1 responder if it has a duty under section 2(1)(d) in relation to a particular emergency or an emergency of a particular kind, and another Category 1 responder has –

- (a) a duty under section 2(1)(d) in relation to that emergency or an emergency of that kind; and
- (b) functions which are exercisable in a local resilience area in which the functions of the general Category 1 responder are exercisable.

(2) Where this paragraph applies, the general Category 1 responder must consider whether it would be appropriate to perform the duty under section 2(1)(d) in relation to that emergency or an emergency of that kind by collaborating with that other Category 1 responder in maintaining a multi-agency plan.

(3) In paragraph (2), a “multi-agency plan” means a plan maintained by more than one Category 1 responder acting jointly.

**Voluntary organisations**

**23.**—(1) In performing its duty under section 2(1)(c) or (d), a general Category 1 responder must have regard to the activities of voluntary organisations which carry on activities –

- (a) in the area in which the functions of that general Category 1 responder are exercisable; and
- (b) which are relevant in an emergency.

(2) For the purposes of paragraph (1), a voluntary organisation carries on activities which are relevant in an emergency if it carries on activities for the purpose of –

- (a) preventing an emergency;
- (b) reducing, controlling or mitigating the effects of an emergency; or
- (c) taking other action in connection with an emergency.

(3) For the purposes of paragraph (2), it is immaterial if the voluntary organisation also carries on activities for other purposes.

**Procedure for determining whether an emergency has occurred**

**24.**—(1) Every plan maintained by a general Category 1 responder under section 2(1)(c) must include a procedure for determining whether an emergency which is likely seriously to obstruct the general Category 1 responder in the performance of its functions has occurred.

(2) Any plan maintained by a general Category 1 responder under section 2(1)(d) must include a procedure for determining whether –

- (a) an emergency which makes it necessary or desirable for it to take action to prevent the emergency, to reduce, control or mitigate its effects or otherwise in connection with it has occurred; and
  - (b) whether the general Category 1 responder would be able to take that action without changing the deployment of resources or acquiring additional resources.
- (3) The procedure under paragraph (1) or (2) must –
- (a) identify the person who should determine whether an emergency of the kind specified in paragraph (1) or (2) (as appropriate) has occurred or enable that person to be identified;
  - (b) specify the procedure which that person should adopt in taking that decision;
  - (c) specify the persons who should be consulted before such a decision is taken;
  - (d) specify the persons who should be informed once such a decision is taken.

**Training and exercises**

**25.** Every plan maintained by a general Category 1 responder under section 2(1)(c) or (d) must include provision for –

- (a) the carrying out of exercises for the purpose of ensuring that the plan is effective;
- (b) the provision of training of –
  - (i) an appropriate number of suitable staff of the general Category 1 responder; and
  - (ii) such other persons as that general Category 1 responder considers appropriate,for the purposes of ensuring that the plan is effective.

**Plan revision**

**26.** If a Minister of the Crown, the Assembly, the Office of the First Minister and the Deputy First Minister or the Scottish Ministers issues guidance or an assessment under regulation 14 to

a general Category 1 responder, that general Category 1 responder must consider whether that guidance or assessment makes it necessary or expedient to add to or to modify plans maintained under section 2(1)(c) or (d).