
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 494

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

PART 2

General

Co-operation and [^{F1}Regional Resilience Partnership]

3.—(1) Scottish Category 1 responders which have functions which are exercisable in a particular [^{F2}co-ordination area] must co operate with each other and with general Category 1 responders which have functions which are exercisable in that area in connection with the performance of their duties under section 2(1).

(2) The co-operation referred to in paragraph (1)—

- (a) may take the form of two or more Scottish Category 1 responders co operating with each other, or one or more Scottish Category 1 responders cooperating with one or more general Category 1 responders; and
- (b) must take the form of all Scottish Category 1 responders which have functions which are exercisable in that [^{F2}co-ordination area] co-operating together in a single group with all general Category 1 responders which have functions which are exercisable in that [^{F2}co-ordination area].

(3) The form of co-operation referred to in paragraph (2)(b) is referred to in these Regulations as the “[^{F1}Regional Resilience Partnership]”.

(4) As part of the [^{F1}Regional Resilience Partnership], Scottish Category 1 responders which have functions which are exercisable in a particular [^{F2}co-ordination area] must make arrangements to hold a meeting at least once every six months; and each Scottish Category 1 responder must, so far as reasonably practicable, attend such a meeting or arrange for it to be effectively represented at that meeting.

(5) Scottish Category 2 responders which have functions which are exercisable in a particular [^{F2}co-ordination area] must co operate with each Scottish and general Category 1 responder which has functions which are exercisable in that area in connection with the performance by that Scottish and general Category 1 responder of its duties under section 2(1);

(6) A Scottish Category 2 responder which has functions which are exercisable in a particular [^{F2}co-ordination area]—

- (a) must, so far as reasonably practicable, attend a meeting of the [^{F1}Regional Resilience Partnership] for that area or arrange to be effectively represented at that meeting, if it is asked to do so by all of those Scottish and general Category 1 responders which have functions which are exercisable in that [^{F2}co-ordination area]; and

- (b) in the case of any other meeting of that [^{F1}Regional Resilience Partnership], must consider whether it is appropriate for it to attend the meeting or to be effectively represented at the meeting.

(7) For the purposes of paragraph (6) and analogous provision in regulations made by a Minister of the Crown under Part 1, the Scottish Category 1 responders which have functions which are exercisable in a [^{F2}co-ordination area] must—

- (a) keep each Scottish and general Category 2 responder which has functions which are exercisable in that area informed of—
- (i) when meetings of the [^{F1}Regional Resilience Partnership] are to take place;
 - (ii) the location of such meetings;
 - (iii) the matters which are likely to be discussed at such meetings;
- (b) make arrangements for a Scottish or general Category 2 responder to attend any such meetings where the Scottish or general Category 2 responder wishes to do so; and
- (c) consider whether a Scottish or general Category 2 responder should be asked to attend such a meeting.

F1 Words in Regulations substituted (1.11.2013) by The Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Amendment Regulations 2013 (S.S.I. 2013/247), **reg. 2(3)**

F2 Words in Regulations substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 (S.S.I. 2013/119), **sch. 1 para. 27(3)**

Commencement Information

I1 [Reg. 3](#) in force at 14.11.2005, see [reg. 1](#)

Co operation with general Category 1 responders

4. A Scottish Category 1 responder or a Scottish Category 2 responder may co operate with a general Category 1 responder in connection with the performance by that general Category 1 responder of a duty under section 2(1).

Commencement Information

I2 [Reg. 4](#) in force at 14.11.2005, see [reg. 1](#)

Joint discharge of functions etc.

5. Each Scottish Category 1 responder may—
- (a) make arrangements with another responder for the performance of a duty of the Scottish Category 1 responder under section 2(1) jointly with that other responder;
 - (b) make arrangements with another responder for that responder to perform such a duty on behalf of the Scottish Category 1 responder.

Commencement Information

I3 [Reg. 5](#) in force at 14.11.2005, see [reg. 1](#)

Identification of Category 1 responder with lead responsibility

6.—(1) If more than one Category 1 responder which has functions which are exercisable in a particular [^{F2}co-ordination area] is subject to a particular duty under section 2(1)(a) to (f) in relation to an emergency or an emergency of a particular kind, paragraph (2) applies.

(2) Where this paragraph applies, the Scottish Category 1 responders referred to in paragraph (1) may co-operate with each other and general Category 1 responders referred to in paragraph (1) for the purpose of identifying which of them will be the Category 1 responder with lead responsibility for performing that duty in relation to that emergency or an emergency of that particular kind in that [^{F2}co-ordination area].

(3) If, pursuant to paragraph (2) and analogous provision in regulations made by a Minister of the Crown under Part 1, one of the Scottish or general Category 1 responders referred to in paragraph (1) is identified as being the Category 1 responder with lead responsibility for performing a duty under section 2(1)(a) to (f) in relation to an emergency or an emergency of a particular kind in a particular [^{F2}co-ordination area], the other Category 1 responders in that [^{F2}co-ordination area] which are subject to that duty in relation to that emergency or an emergency of that particular kind are referred to in these regulations as “non-lead Category 1 responders”.

F2 Words in [Regulations](#) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Modifications and Savings\) Order 2013 \(S.S.I. 2013/119\)](#), [sch. 1 para. 27\(3\)](#)

Commencement Information

I4 [Reg. 6](#) in force at 14.11.2005, see [reg. 1](#)

Role of Scottish Category 1 responder with lead responsibility

7. If, pursuant to regulation 6, a Scottish Category 1 responder has been identified as the Category 1 responder with lead responsibility in a particular [^{F2}co-ordination area] for the performance of a particular duty under section 2(1)(a) to (f) in relation to an emergency or an emergency of a particular kind, that Scottish Category 1 responder must—

- (a) take the lead responsibility in performing that duty in that [^{F2}co-ordination area] in relation to that emergency or an emergency of that particular kind;
- (b) consult the Scottish and general Category 1 responders which—
 - (i) have functions which are exercisable in that [^{F2}co-ordination area], and
 - (ii) are non-lead Category 1 responders in relation to that duty in so far as it applies to that emergency or an emergency of that particular kind,in the course of performing that duty;
- (c) ensure that those non lead Category 1 responders are kept informed of how the Scottish Category 1 responder with the lead responsibility is performing the duty; and
- (d) co-operate with those non lead Category 1 responders (and in particular, co-operate for the purpose of ensuring so far as is reasonably practicable that those non-lead Category 1 responders approve of the way in which the Scottish Category 1 responder with lead responsibility is performing the duty).

F2 Words in [Regulations](#) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Modifications and Savings\) Order 2013 \(S.S.I. 2013/119\)](#), [sch. 1 para. 27\(3\)](#)

Commencement Information

I5 Reg. 7 in force at 14.11.2005, see [reg. 1](#)

Role of Scottish Category 1 responders which do not have lead responsibility

8.—(1) Paragraph (2) applies if a Scottish Category 1 responder has been identified as the responder with lead responsibility in a [^{F2}co-ordination area] for the performance of a particular duty under section 2(1)(a) to (f) in relation to an emergency or an emergency of a particular kind under regulation 6 or, in the case of a general Category 1 responder, under an analogous provision in regulations made by a Minister of the Crown under Part 1.

(2) Where this paragraph applies, the other Scottish Category 1 responders which have functions which are exercisable in that [^{F2}co-ordination area] and which are non-lead Category 1 responders in relation to that duty in so far as it applies to that emergency or an emergency of that particular kind—

- (a) must co operate with the Scottish or general Category 1 responder with lead responsibility for performing that duty in connection with the performance of the duty by the Scottish or general Category 1 responder with lead responsibility;
- (b) must provide any information to the Scottish or general Category 1 responder with lead responsibility for performing that duty which it considers will assist that responder in performing that duty (unless the information is sensitive information);
- (c) must assist the Scottish or general Category 1 responder with lead responsibility for performing that duty with any exercises or training that that Scottish or general Category 1 responder wishes to carry out in connection with that duty; and
- (d) need not perform that duty to the extent that to do so would unnecessarily duplicate the performance of that duty by the Scottish or general Category 1 responder which has lead responsibility for performing that duty in that [^{F2}co-ordination area].

F2 Words in Regulations substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 (S.S.I. 2013/119), [sch. 1 para. 27\(3\)](#)

Commencement Information

I6 Reg. 8 in force at 14.11.2005, see [reg. 1](#)

Existing emergency planning duties

9. Scottish Category 1 responders need not perform a duty under section 2(1) in relation to any emergency which is—

- (a) a major accident, within the meaning of regulation 2(1) of the Control of Major Accident Hazards Regulations [^{F3}2015], resulting from developments in the course of the operation of an establishment to which Part 2 of those Regulations applies;
- (b) a major accident, within the meaning of regulation 2(1) of the Pipelines Safety Regulations 1996(1), involving a dangerous fluid (within the meaning of those Regulations) which is in, or has been conveyed in, a pipeline to which those Regulations apply; or
- (c) a radiation emergency, within the meaning of regulation 2 of the [^{F4}Radiation (Emergency Preparedness and Public Information) Regulations 2019], which results from work with ionising radiation (within the meaning of those Regulations) to which those Regulations apply.

(1) S.I.1996/825; amended by the Greater London Authority Act 1999 s.328.

- F3** Word in [reg. 9\(a\)](#) substituted (1.6.2015) by [The Control of Major Accident Hazards Regulations 2015](#) (S.I. 2015/483), [reg. 1\(1\)](#), [Sch. 6 para. 1](#) (with [reg. 3\(2\)](#))
- F4** Words in [reg. 9\(c\)](#) substituted (22.5.2019) by [The Radiation \(Emergency Preparedness and Public Information\) Regulations 2019](#) (S.I. 2019/703), [reg. 1\(1\)](#), [Sch. 10 para. 4](#) (with [reg. 3](#))

Commencement Information

- I7** [Reg. 9](#) in force at 14.11.2005, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005, PART 2.