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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 6**

Arrangements for warning and provision of information and advice to the public

**Duty to have regard to emergency plans**

**22.** In performing its duty under section 2(1)(g) (duty to maintain arrangements to warn, inform and advise the public in the event of an emergency), a Scottish Category 1 responder must have regard to any relevant plan it maintains by virtue of section 2(1)(d).

**Commencement Information**

**I1** [Reg. 22](#) in force at 14.11.2005, see [reg. 1](#)

**General and specific arrangements to warn etc.**

**23.** In performing its duty under section 2(1)(g), a Scottish Category 1 responder may—

- (a) maintain arrangements which relate to any emergency; and
- (b) maintain arrangements which relate to a particular emergency or an emergency of a particular kind.

**Commencement Information**

**I2** [Reg. 23](#) in force at 14.11.2005, see [reg. 1](#)

**Alarming the public unnecessarily**

**24.** In performing its duty under section 2(1)(g), a Scottish Category 1 responder must have regard to the importance of not alarming the public unnecessarily.

**Commencement Information**

**I3** [Reg. 24](#) in force at 14.11.2005, see [reg. 1](#)

**Training and exercises**

**25.** The arrangements maintained by a Scottish Category 1 responder under section 2(1)(g) must include arrangements for—

- (a) the carrying out of exercises for the purpose of ensuring that the arrangements are effective; and
- (b) the provision of training of—
  - (i) an appropriate number of suitable staff of the Scottish Category 1 responder; and
  - (ii) such other persons as that Scottish Category 1 responder considers necessary, for the purpose of ensuring that the arrangements can be implemented effectively.

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**Commencement Information**

**I4** [Reg. 25](#) in force at 14.11.2005, see [reg. 1](#)

**Identification of Category 1 responder with lead responsibility for warning, informing and advising**

**26.**—(1) If more than one Category 1 responder which has functions which are exercisable in a particular [<sup>F1</sup>co-ordination area] is subject to a duty under section 2(1)(g) 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) must co-operate with each other and any general Category responders referred to in paragraph (1) for the purpose of identifying which of them will be the Category 1 responder with lead responsibility for warning the public and for providing information and advice to the public if an emergency or an emergency of a particular kind is likely to occur or has occurred in that [<sup>F1</sup>co-ordination area].

(3) In performing their duty under paragraph (2), Scottish Category 1 responders—

- (a) may identify a particular Category 1 responder as the Category 1 responder with lead responsibility for warning the public and providing information and advice to the public in relation to an emergency or an emergency of a particular kind before that emergency or an emergency of that kind is likely to occur or has occurred;
- (b) may adopt a procedure by virtue of which the Category 1 responder with lead responsibility for warning the public and providing information and advice to the public may be identified when an emergency, or an emergency of a particular kind, is likely to occur or has occurred; and
- (c) may adopt a procedure by virtue of which the identity of the Category 1 responder with lead responsibility for warning the public and providing information and advice to the public (whether identified by virtue of arrangements of the kind specified in sub paragraph (a) or (b)) may be changed when an emergency is likely to occur or has occurred.

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**F1** 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\(3\)](#)

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**Commencement Information**

**I5** [Reg. 26](#) in force at 14.11.2005, see [reg. 1](#)

**Arrangements to be maintained by Scottish Category 1 responder with lead responsibility**

**27.**—(1) The arrangements maintained under section 2(1)(g) by a Scottish Category 1 responder which is, pursuant to regulation 26 or any analogous provision of regulations made by the Minister of the Crown under Part 1, identified as the Category 1 responder with lead responsibility for warning the public and providing advice and information to the public in a particular [<sup>F1</sup>co-ordination area]

if an emergency or an emergency of a particular kind is likely to occur or has occurred, must ensure so far as reasonably practicable that if such an emergency is likely to occur or occurs that Scottish Category 1 responder—

- (a) is able to contact the other Scottish and general Category 1 responders which have functions which are exercisable in that [F1co-ordination area] and which are subject to a duty under section 2(1)(g) in relation to that emergency or an emergency of that particular kind;
- (b) informs those Scottish and general Category 1 responders of the actions it is taking, and action that it proposes to take, to warn the public and to provide information and advice to the public;
- (c) is able to collaborate with those responders in warning the public and providing information and advice to the public.

(2) Paragraph (1) also applies to a Scottish Category 1 responder which is likely to be identified as the Category 1 responder with lead responsibility for warning the public and providing advice and information to the public in a particular [F1co-ordination area] if an emergency or an emergency of a particular kind is likely to occur or has occurred by virtue of procedures adopted pursuant to regulation 26(2) and (3)(b) or (c).

**F1** 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. 27](#) in force at 14.11.2005, see [reg. 1](#)

**Arrangements to be maintained by other Scottish Category 1 responders**

**28.** The arrangements maintained by a Scottish Category 1 responder under section 2(1)(g) in relation to an emergency or an emergency of a particular kind in relation to which it is not the Category 1 responder with lead responsibility for warning the public and providing advice and information to the public must provide for that Scottish Category 1 responder—

- (a) to consult the Scottish or general Category 1 responder with lead responsibility for warning the public and providing advice and information to the public in that [F1co-ordination area] in relation to that emergency or an emergency of that particular kind on a regular basis; and
- (b) to inform the Scottish or general Category 1 responder referred to in paragraph (a) of the actions that it is taking and action that it proposes to take to warn the public, and to provide information and advice to the public.

**F1** 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**

**I7** [Reg. 28](#) in force at 14.11.2005, see [reg. 1](#)

**Advice etc. provided by other responders and other bodies**

**29.—(1)** In performing its duty under section 2(1)(g), Scottish Category 1 responders—

- (a) must have regard to the arrangements maintained by each of the following persons to warn the public, and to provide information and advice to the public, if an emergency is likely to occur or has occurred—

- (i) other Category 1 responders;
  - (ii) Category 2 responders;
  - (iii) the Meteorological Office;
  - (iv) Scottish Ministers;
  - (v) the Secretary of State;
  - (vi) the [<sup>F2</sup>Food Standards Scotland]; and
- (b) need not maintain arrangements to warn the public, and to provide information and advice to the public which would unnecessarily duplicate the warning, information and advice provided by those persons under those arrangements.
- (2) For the purposes of paragraph (1), it is immaterial whether the person specified in paragraph (1)(a) maintains the arrangements by virtue of section 2(1)(g), a duty under another enactment or otherwise.

**F2** Words in [reg. 29\(1\)\(vi\)](#) substituted (1.4.2015) by [The Food \(Scotland\) Act 2015 \(Consequential and Transitional Provisions\) Order 2015 \(S.S.I. 2015/100\)](#), arts. 1(2), 2, [sch. para. 12](#)

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**Commencement Information**

**I8** [Reg. 29](#) 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 6.