
STATUTORY INSTRUMENTS

2005 No. 2042

The Civil Contingencies Act 2004
(Contingency Planning) Regulations 2005

PART 3

Duty to assess risk of emergency occurring

Kinds of emergency in relation to which risk should be assessed

13. A general 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 general Category 1 responder are exercisable.

Guidance and assessments issued by Minister *etc.* as to likelihood and impact

14.—(1) A Minister of the Crown may issue to a general Category 1 responder guidance as to –

- (a) the likelihood of a particular emergency or an emergency of a particular kind occurring; or
- (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 United Kingdom, the environment of a place in the United Kingdom or the security of the United Kingdom.

(2) A Minister of the Crown may issue to a general Category 1 responder an assessment of the matter specified in sub-paragraph (a) or (b) of paragraph (1).

(3) A Minister of the Crown shall consult the Assembly before issuing to a general Category 1 responder which has functions which are exercisable in Wales guidance under paragraph (1) or an assessment under paragraph (2) which relates to the exercise of such functions in Wales.

(4) The Assembly may, with the consent of a Minister of the Crown, issue to a general Category 1 responder which has functions which are exercisable in Wales guidance as to –

- (a) the likelihood of a particular emergency or an emergency of a particular kind occurring; or
- (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 Wales, the environment of a place in Wales or the security of the United Kingdom.

(5) The Assembly may, with the consent of the Minister of the Crown, issue to a general Category 1 responder which has functions which are exercisable in Wales an assessment of the matter specified in sub-paragraph (a) or (b) of paragraph (3).

(6) The Office of the First Minister and Deputy First Minister may issue to a general Category 1 responder which has functions which are exercisable in Northern Ireland guidance as to –

- (a) the likelihood of a particular emergency or an emergency of a particular kind occurring; or
- (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 Northern Ireland, the environment of a place in Northern Ireland or the security of the United Kingdom.

(7) The Office of the First Minister and Deputy First Minister may issue to a general Category 1 responder which has functions which are exercisable in Northern Ireland an assessment of the matter specified in sub-paragraph (a) or (b) of paragraph (5).

(8) The Scottish Ministers may issue to a general Category 1 responder which has functions which are exercisable in Scotland guidance as to –

- (a) the likelihood of a particular emergency or an emergency of a particular kind occurring; or
- (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.

(9) The Scottish Ministers may issue to a general Category 1 responder which has functions which are exercisable in Scotland an assessment of the matter specified in sub-paragraph (a) or (b) of paragraph (7).

(10) In performing its duty under section 2(1)(a), a general Category 1 responder must –

- (a) take into account any guidance issued to it under paragraph (1), (4), (6) or (8); and
- (b) adopt any assessment issued to it under paragraph (2), (5), (7) or (9).

(11) Any guidance issued under paragraph (1), (4), (6) or (8) or assessment issued under paragraph (2), (5), (7) or (9) must be in writing.

Community risk register – England and Wales

15.—(1) As part of the local resilience forum, general Category 1 responders which have functions which are exercisable in a particular local resilience area in England or Wales must co-operate with each other in maintaining a register (“the community risk register”) of the assessments carried out by each general Category 1 responder under section 2(1)(a).

(2) For the purpose of complying with paragraph (1), each general Category 1 responder must, subject to paragraph (3), from time to time inform the other general Category 1 responders which have functions which are exercisable in that local resilience area 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 general Category 1 responder contains sensitive information and the general Category 1 responder has reasonable grounds to believe that informing the other 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 45, adversely affect national security;
- (b) in the case of sensitive information of the kind specified by paragraph (1)(b), (c) or (d) of regulation 45, adversely affect the confidentiality of the information.

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

Sharing of community risk register – England and Wales

16.—(1) A general Category 1 responder which has functions which are exercisable in a particular local resilience area in England or Wales must from time to time provide the Category 1 responders which have functions which are exercisable in any neighbouring local resilience area with a copy of the community risk register which it maintains for that local resilience area under paragraph (1) of regulation 15.

(2) For the purposes of paragraph (2), a local resilience area neighbours another local resilience area if any part of first local resilience area adjoins the second local resilience area.

(3) A general Category 1 responder which has functions which are exercisable in a local resilience area in Wales must from time to time provide the Assembly with a copy of the community risk register which it maintains for that local resilience area under paragraph (1) of regulation 15.

(4) A general Category 1 responder which has functions which are exercisable in a local resilience area in England must from time to time provide the Secretary of State with a copy of the community risk register which it maintains for that local resilience area under paragraph (1) of regulation 15.

Community risk register – Scotland

17.—(1) As part of the strategic co-ordinating group, general Category 1 responders which have functions which are exercisable in a particular local resilience area in Scotland must co-operate with the other Category 1 responders which have functions which are exercisable in that local resilience area in maintaining a register (“the community risk register”) of the assessments carried out by each Category 1 responder under section 2(1)(a).

(2) For the purpose of complying with paragraph (1), each general Category 1 responder must, subject to paragraph (3), from time to time inform the other Category 1 responders which have functions which are exercisable in that local resilience area of the assessments 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 general Category 1 responder contains sensitive information and the general Category 1 responder has reasonable grounds to believe that informing the other Category 1 responders of the assessment would –

- (a) in the case of sensitive information of the kind specified by paragraph (1)(a) of regulation 45, adversely affect national security;
- (b) in the case of sensitive information of the kind specified by paragraph (1)(b), (c) or (d) of regulation 45, adversely affect the confidentiality of the information.

(4) In performing its duties under section 2(1)(a) and (b), a general Category 1 responder which has functions which are exercisable in Scotland must have regard to any relevant community risk register maintained under this regulation.

Provision of information relating to assessment of risk to other responders

18. A general Category 1 responder must consider whether it is appropriate to provide information about the risk of a particular emergency or an emergency of a particular kind occurring to a Category 1 responder which –

- (a) is likely to be seriously obstructed in the performance of its functions if that emergency or an emergency of that particular kind occurred; or
- (b) is likely to consider it necessary or desirable to take action to –
 - (i) prevent that emergency or an emergency of that particular kind;
 - (ii) reduce, control or mitigate the effects of that emergency or an emergency of that particular kind; or
 - (iii) otherwise take action in connection with that emergency or an emergency of that particular kind,

and would be unable to take that action without changing the deployment of resources or acquiring additional resources.