
STATUTORY INSTRUMENTS

2005 No. 2042

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

PART 7

Advice and assistance to business and voluntary organisations

Interpretation of Part 7

36. In this Part of the Regulations –

- (a) “relevant responder” means a body which is listed in paragraph 1 or 2 of Schedule 1 (local authority in England or Wales);
- (b) “advice and assistance to business” means advice and assistance to the public in connection with the making of arrangements for the continuance of the commercial activities by the public in the event of an emergency; and any reference to “a business” means a member of the public who carries on commercial activities;
- (c) “advice and assistance to voluntary organisations” means advice and assistance to voluntary organisations in connection with the making of arrangements by voluntary organisations for the continuance of their activities in the event of an emergency.

Transitional provision

37. Until 15th May 2006, these Regulations shall have effect as if –

- (a) each reference to performing a duty under section 4(1) were a reference to exercising a power under section 4(1);
- (b) each reference to the duty under section 4(1) were a reference to the power under section 4(1);
- (c) in regulation 39(3)(a), for “must” there were substituted “may”.

Risk assessment

38. In performing its duty under section 4(1) (duty to give advice and assistance to business and voluntary organisations), a relevant responder must take into account any relevant community risk register maintained by virtue of regulation 15.

Extent of the duty under section 4(1) in relation to business

39.—(1) This regulation applies to the duty of a relevant responder under section 4(1) in so far as it relates to advice and assistance to business.

(2) A relevant responder need only give advice and assistance to those businesses which carry on commercial activities in the area in which the functions of the relevant responder are exercisable.

(3) In the course of performing that duty, a relevant responder –

- (a) must, subject to paragraph (2), provide advice and assistance to businesses at large;
- (b) may provide advice and assistance to an individual business; and
- (c) may provide advice and assistance to businesses in connection with –
 - (i) identifying a business continuity consultant who provides advice and assistance to business in the area in which the functions of the relevant responder are exercisable; and
 - (ii) obtaining advice and assistance from such a business continuity consultant.
- (4) In paragraph (3), “business continuity consultant” means a person who –
 - (a) is competent to provide advice and assistance to business; and
 - (b) has experience of so doing.

Extent of the duty under section 4(1) in relation to voluntary organisations

40.—(1) This regulation applies to the duty of a relevant responder under section 4(1) in so far as it relates to advice and assistance to voluntary organisations.

(2) A relevant responder need only provide advice and assistance to those voluntary organisations which it considers appropriate.

(3) A relevant responder may determine the manner in which such advice and assistance is provided, and may in particular –

- (a) provide advice and assistance to voluntary organisations at large;
- (b) provide advice and assistance to an individual voluntary organisation; and
- (c) provide advice and assistance to voluntary organisations in connection with –
 - (i) identifying a business continuity consultant who provides advice and assistance to voluntary organisations in the area in which the functions of the relevant responder are exercisable; and
 - (ii) obtaining advice and assistance from such a business continuity consultant.
- (4) In paragraph (3), “business continuity consultant” means a person who –
 - (a) is competent to provide advice and assistance to voluntary organisations; and
 - (b) has experience of so doing.

(5) In determining whether a voluntary organisation is appropriate for the purposes of paragraph (2), a relevant responder must consider –

- (a) whether the organisation carries on activities in the area in which the functions of the relevant responder are exercisable;
- (b) the nature and extent of activities carried on by the organisation, and in particular the extent to which the organisation carries on activities which contribute to –
 - (i) the prevention of an emergency occurring;
 - (ii) the reduction, control or mitigation of the effects of an emergency;
 - (iii) otherwise taking action in connection with an emergency;
 - (iv) social welfare;
- (c) the number of staff employed by the organisation;
- (d) the turnover of the organisation;
- (e) the nature of the organisation, and in particular whether the nature of the organisation is such that the advice and assistance provided by the relevant responder is likely to improve

the ability of the organisation to continue to carry on its activities in the event of an emergency.

Co-operation, relevant responder with lead responsibility etc.

41.—(1) Relevant responders which have functions which are exercisable in a particular local resilience area must co-operate with each other in connection with the performance of their duty under section 4(1).

(2) General responders (other than relevant responders) which have functions which are exercisable in a particular local resilience area must co-operate with each relevant responder which has functions which are exercisable in that local resilience area in connection with the performance by that relevant responder of its duty under section 4(1).

(3) A relevant responder may –

- (a) perform its duty under section 4(1) jointly with another responder;
- (b) make arrangements with another responder for that responder to perform such a duty on behalf of the relevant responder.

(4) Regulations 9, 10 and 11 apply to relevant responders for the purpose of performing the duty under section 4(1) as if –

- (a) each reference to a Category 1 responder or a general Category 1 responder were a reference to a relevant responder;
- (b) each reference to a relevant civil protection duty were a reference to the duty under section 4(1) in relation to an emergency or an emergency of a particular kind.

Co-operation with Scottish Category 1 responders

42. General responders may co-operate with a Scottish Category 1 responder in connection with the performance by that Scottish Category 1 responder of the duty under section 4(1).

Activities of other responders

43.—(1) In performing its duty under section 4(1), a relevant responder –

- (a) must have regard to any advice and assistance to business or advice and assistance to voluntary organisations provided by other responders which have functions which are exercisable in the area in which the functions of the relevant responder are exercisable; and
- (b) need not perform that duty to the extent that to do so would unnecessarily duplicate that advice and assistance.

(2) For the purposes of paragraph (1), it is immaterial whether the advice and assistance provided by another responder is provided by virtue of section 4(1), a duty under another enactment or otherwise.

Charging

44. Relevant responders may make a charge for advice or assistance provided on request under section 4(1) (including advice and assistance which it is required to provide under regulation 39(3)) but that charge must not exceed the aggregate of –

- (a) the direct costs of providing the advice or assistance; and
- (b) a reasonable share of any costs indirectly related to the provision of the advice or assistance.