

2012 No. 624

CIVIL CONTINGENCIES

**The Civil Contingencies Act 2004 (Contingency Planning)
(Amendment) Regulations 2012**

Made - - - - - *29th February 2012*

Laid before Parliament *6th March 2012*

Coming into force - - - *1st April 2012*

The Minister for the Cabinet Office makes the following Regulations in exercise of the powers conferred by sections 2(3) and (5), 6(1) and 17(6) of the Civil Contingencies Act 2004(a).

He has consulted the Scottish Ministers, the Department of Justice in Northern Ireland, and the Welsh Ministers(b) as required by sections 14(1), 14A(1)(c), and 16(1) of that Act respectively.

These regulations are made with the consent of the Welsh Ministers(d) in so far as required by section 16(2) of that Act.

Citation and commencement

1. These Regulations may be cited as the Civil Contingencies Act 2004 (Contingency Planning) (Amendment) Regulations 2012 and come into force on 1st April 2012.

Amendment of the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005

2. The Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005(e) are amended as follows.

3. In regulation 3(1), in the definition of “local resilience forum” for “4(3)” substitute “4(4)(b)”.

4. For regulation 4 substitute—

“Co-operation and local resilience forums – England and Wales.

4.—(1) Relevant general Category 1 responders must co-operate—

(a) with each other in connection with the performance of their duties under section 2(1); and

(a) 2004 c.36.

(b) The functions of the National Assembly for Wales under section 16(1) of the 2004 Act were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

(c) Section 14A was inserted by S.I. 2010/ 976.

(d) The functions of the National Assembly for Wales under section 16(2) of the 2004 Act were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

(e) S.I. 2005/2042, as amended by S.I. 2006/594, art 2 and S.I. 2011/615.

- (b) with relevant general Category 2 responders in so far as such co-operation relates to or facilitates the performance of the relevant general Category 1 responder's duties under section 2(1).
- (2) Relevant general Category 2 responders must co-operate with each relevant general Category 1 responder in connection with the performance by that relevant general Category 1 responder of its duties under section 2(1).
- (3) Relevant general Category 2 responders must co-operate with each other in so far as such co-operation is necessary to enable each such relevant Category 2 responder to perform its duties under paragraph (2).
- (4) The co-operation referred to in paragraphs (1) to (3) shall take such form as may be agreed between the relevant responders, but must include—
- (a) the provision by all relevant general Category 1 and Category 2 responders of information necessary for the performance of their functions under the Act in accordance with Part 8; and
 - (b) a forum of all relevant general Category 1 and Category 2 responders (referred to in these Regulations as the “local resilience forum”).
- (5) Subject to paragraphs (6), (7) and (8), the arrangements for each local resilience forum shall be agreed by the relevant general Category 1 responders.
- (6) Before agreeing arrangements under paragraph (5), the relevant general Category 1 responders must consult all relevant general Category 2 responders.
- (7) Relevant general Category 1 responders may hold meetings of the local resilience forum and any groups and sub-groups at such times as they may agree and must—
- (a) hold a meeting of the local resilience forum, to which the chief officer of each relevant general Category 1 responder and each relevant general Category 2 responder is invited, at least once every six months (“the Chief Officers Group”);
 - (b) in the local resilience area for London, hold a meeting in respect of each London borough and the City of London at least once every six months (“a borough resilience forum”) to which each general Category 1 responder which exercises functions in the relevant London borough or the City of London is invited.
- (8) A relevant general Category 1 responder—
- (a) must, so far as is reasonably practicable, attend meetings of the Chief Officers Group or be effectively represented at such meetings by another responder; and
 - (b) in all other cases, must consider, in relation to meetings of—
 - (i) the local resilience forum;
 - (ii) other groups or sub-groups of a local resilience forum; or
 - (iii) in London, a relevant borough resilience forum,
 whether it is appropriate for it to attend the meeting or to be effectively represented at the meeting by another responder.
- (9) A relevant general Category 2 responder—
- (a) must, so far as is reasonably practicable, attend or be effectively represented by another responder at meetings of the Chief Officers Group for the local resilience area if it is invited to do so by all the relevant general Category 1 responders; and
 - (b) in the case of any other meetings of a local resilience forum, any groups or sub-groups, or, where the general Category 2 responder exercises functions in London, a borough resilience forum, must consider whether it is appropriate for it to attend the meeting or to be effectively represented at the meeting by another responder.

(10) For the purposes of enabling relevant general Category 2 responders to comply with paragraph (9), the relevant general Category 1 responders must—

- (a) keep each relevant general Category 2 responder informed of—
 - (i) when meetings of the local resilience forum, any groups and sub-groups and, in London, relevant borough resilience forums, are to take place;
 - (ii) the location of such meetings; and
 - (iii) the matters which are likely to be discussed at such meetings; and
- (b) enable each relevant general Category 2 responder to—
 - (i) attend meetings of the Chief Officers Group where it must do so; and
 - (ii) attend any meetings of the local resilience forum, any groups and sub-groups and, in London, relevant borough resilience forums, where the relevant general Category 2 responder wishes to do so.

(11) For the purposes of this regulation—

‘arrangements’ include the structures and administration of the local resilience forum, any groups and sub-groups and, in London, a borough resilience forum, and, subject to paragraph (7)(a), the frequency with which meetings are held;

‘chief officer’ means the chief officer or equivalent person employed by a general responder;

‘relevant general Category 1 responder’ means a general Category 1 responder which has functions which are exercisable in a particular local resilience area in England and Wales;

‘relevant general Category 2 responder’ means a general Category 2 responder which has functions which are exercisable in a particular local resilience area in England and Wales.”

5. In regulation 7, after paragraph (3) insert—

“(4) A protocol which facilitates co-operation under regulation 4 may in particular include provision relating to the performance of a general Category 2 responder’s duty under—

- (a) regulation 4(2) (duty to co-operate);
- (b) regulation 4(9) (duty to attend meetings of local resilience forums); and
- (c) Part 8 (information).

(5) Where a protocol entered into by a general Category 2 responder and all general Category 1 responders which have functions which are exercisable in respect of a particular local resilience area includes any of the provision set out in paragraph (4), the general Category 2 responder’s duties under regulation 4 or 49 as appropriate in respect of that local resilience area shall be varied to the extent specified in the protocol.”

6. In regulation 16(4) for “the Secretary of State” substitute “a Minister of the Crown”.

7. In Part 8 before regulation 45 insert—

“**44A**—(1) Subject to regulations 45 to 53, general responders may disclose information on request to another general responder in connection with the performance by either of a function under the Act which relates to emergencies.

(2) In relation to the Chief Constable of the Police Service of Northern Ireland, “emergencies” means an emergency falling within section 1(1)(c).”

8. In regulation 47, after paragraph (3)(b) insert—

“; and

- (c) the general Category 1 responder or general Category 2 responder which holds the information will not provide or is unable to provide the information without a request under this Regulation.”

9. After regulation 58 insert—

“Part 11

Review

59.—(1) Before the end of the review period, the Minister for the Cabinet Office must—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) lay the report before Parliament.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(3) “Review period” means—

- (a) the period of five years beginning with 1st April 2012; and
- (b) subject to paragraph (4), each successive period of five years.

(4) If a report under this regulation is laid before Parliament before the last day of the review period to which it relates, the following review period is to begin with the day on which the report is laid.”.

Francis Maude
Minister for the Cabinet Office

29th February 2012

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 (“the Principal Regulations”).

Regulation 3 makes a consequential amendment to the definition of “local resilience forum” contained in the Principal Regulations.

Regulation 4 substitutes a new regulation 4 in the Principal Regulations (co-operation and local resilience forums- England and Wales) which requires Category 1 and Category 2 responders which have functions which are exercisable in a particular area in England or Wales to co-operate with each other.

Regulation 5 amends regulation 7 of the Principal Regulations to set out the provision that may be included in protocols which may be entered into by Category 1 and Category 2 responders under the Principal Regulations and which, if included, may enable a protocol to vary a general Category 2 responder’s duties under regulations 4 and 49 of the Principal Regulations.

Regulation 6 amends regulation 16 of the Principal Regulations (sharing of community risk register- England and Wales) to substitute “Minister of the Crown” for “Secretary of State”.

Regulations 7 and 8 amend Part 8 of the Principal Regulations. New regulation 44A clarifies the power of general responders to share information and regulation 47 is amended to add a further condition that a general responder must be satisfied exists when responding to a request for information from another responder made under that regulation.

Regulation 9 inserts a new regulation 59 into the Principal Regulations which requires the Minister for the Cabinet Office to review the operation and effect of the Principal Regulations, including the amendments made by these Regulations, and lay a report before Parliament within five years after these Regulations come into force. Following each review, the Minister will decide whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector will be available on the Cabinet Office Impact Assessments site and the Better Regulations Executive Impact Assessment Library and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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STATUTORY INSTRUMENTS

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