

Chapter 10 Scotland

Revision to *Emergency Preparedness*

Chapter 10 (Scotland) of *Emergency Preparedness*, Revised Version

Summary

- Part 1 of the Act applies to Scotland, with the powers it sets out residing with Scottish Ministers if they relate to devolved matters. While civil protection in Scotland is largely a devolved matter and therefore the responsibility of the Scottish Executive, certain responders in Scotland operate in reserved areas, with Regulations and guidance issued by UK Ministers ([paragraphs 10.1-10.4](#))

WHAT THE ACT AND THE REGULATIONS REQUIRE

- 10.1. The Act applies to a range of bodies in Scotland. However, responsibility for making Regulations and guidance on how responders in Scotland perform their duties under the Act is split between the Scottish Ministers and Ministers of the Crown. While the majority of responders exercise functions which fall within devolved competence (and so are subject to Regulations and guidance made by the Scottish Ministers), there are three responders which exercise functions that are largely reserved on a UK-wide basis. These bodies are subject to this guidance and to the Regulations made by a Minister of the Crown. These bodies are:
- o the Maritime and Coastguard Agency (included as a Category 1 responder);
 - o the British Transport Police (included as a Category 1 responder); and
 - o the Health and Safety Executive (included as a Category 2 responder).

Additionally, three industries among the Category 2 responders are reserved matters:

- o gas distributors;
- o electricity distributors; and
- o telecommunications companies.

It is for Ministers of the Crown to issue guidance and Regulations to the companies concerned.

- 10.2. The Regulations and this guidance apply to these Category 1 and 2 responders in much the same way as they apply to Category 1 and 2 responders elsewhere in the UK. The Regulations require these Category 1 and 2 responders to co-operate with other Category 1 and 2 responders in Scotland in the performance of their duties under the Act in much the same way as they are required to co-operate with other Category 1 and 2 responders in England and Wales. In particular, the Regulations require these Category 1 and 2 responders in Scotland to participate in Strategic Co-ordinating Groups (the equivalent of English and Welsh Local Resilience Forums (LRFs) and related activities, including compilation of a Community Risk Register.
- 10.3. Chapters 2 to 8 explain in more detail how each duty under the Act is to be performed by Category 1 and 2 responders in Scotland that fall outside devolved competence.
- 10.4. Regulations and guidance made by the Scottish Ministers detail how Scottish Category 1 and 2 responders, exercising functions within the devolved competence in Scotland, should perform their duties under the Act.

- 10.5. In an emergency affecting Scotland, the lead Government department will be a UK Government department or the Scottish Government depending upon whether it primarily relates to a reserved or devolved matter. Where the emergency involves reserved functions the Scottish Government is very likely to be involved as well since there will almost certainly be consequences in devolved matters.
- 10.6. The Scottish Government or Scotland Office, depending on the subject matter, are represented on the key committees and forums within central government relating to civil protection at both official and Ministerial levels. They work closely with relevant UK departments to ensure Scottish needs are catered for in UK planning and in policy development.
- 10.7. The Scottish Government and UK departments act to ensure that they are aware of, and can play a complementary part in, the response to emergencies that affect Scotland.
- 10.8. *Preparing Scotland* brings together, in one place, statutory guidance on the implementation of the Regulations, non-statutory guidance on good practice, and the integration of national and local planning for emergencies in respect of devolved functions. It is published at www.scotland.gov.uk/Publications/2007/06/12094636/1

Scottish bodies over which Scottish Ministers have regulation-making powers in relation to devolved matters:

Category 1

- o local authorities
- o police authorities (excluding the British Transport Police)
- o fire authorities
- o Scottish Ambulance Service
- o Scottish health boards
- o Scottish Environmental Protection Agency

Category 2

- o Scottish Water
- o Common Services Agency of the NHS Scotland
- o railway companies
- o airport operators
- o harbour authorities

The following Category 1 and 2 responders exercise reserved functions in Scotland and regulations are therefore made by UK Ministers

- o Health and Safety Executive
- o Maritime and Coastguard Agency
- o British Transport Police

The following Category 2 companies operate in reserved areas and regulations are therefore made by UK Ministers

- o gas distributors
- o electricity distributors
- o telecommunications companies