



CabinetOffice

**Government Response to the Public
Consultation on the Fit with Other Legislation
under the Civil Contingencies Act 2004**

Introduction

1. Since the Civil Contingencies Act 2004 came into force, reports on major national incidents (e.g. Lord Newton's report into the Buncefield Oil Fire, Sir Michael Pitt's report into the 2007 floods) have highlighted a number of concerns about how the Act interfaces with other civil protection legislation. The Civil Contingencies Act 2004 Enhancement Programme (CCAEP) was established to review the Act, its Regulations and Statutory Guidance (*Emergency Preparedness*) to ensure they remain fit for purpose, and part of this review has been the specific project examining the Act's 'Fit with Other Legislation'.
2. At the beginning of 2009, stakeholders from across industry (Category 1 and Category 2 responders and lead government departments) were invited to join a task and finish group with the remit to identify common concerns on the interface between the CCA and other civil protection legislation. In addition, bilateral discussions took place with a range of stakeholders (e.g. Nuclear Industry, local government emergency planning managers, the Department for Culture Media and Sport).
3. The clear message from the discussions was that obtaining better integration would be best achieved by guidance rather than legislative changes to the CCA, and new draft guidance on *Better Fit with Other Legislation* was produced in November 2009. This guidance aimed "to ensure consistency across planning and response arrangements established by the CCA and other legislation, including Control of Major Accident Hazards Regulations (COMAH), Radiation (Emergency Preparedness and Public Information) Regulations (REPPiR), and Pipelines Safety Regulations (PSR). It also sought to address a number of related recommendations arising from the Buncefield investigation and Sir Michael Pitt's review into the floods of 2007." Specifically:
 - How CCA duties interface with the site specific legislation concerned with industrial emergency planning and safety at sports grounds and events;
 - CCA duties relating to Warning and Informing the Public, extendibility of plans, and Command and Control; and
 - Category 1 and 2 responder compliance with the Human Rights Act 1998, Corporate Manslaughter and Corporate Homicide Act 2007,

Health and Safety at Work Act 1974 and the Working Time Regulations 1998 when managing major incidents.

4. The consultation was announced on the CCS Gateway and made available on the CCS website. It drew responses from 31 stakeholders, details as below. The respondees were largely content, with a substantial majority agreeing with the guidance policies.

Table 1: Responses to the consultation by CCA category

CCA Category	Class	Number
Category 1 responders	Environment Agency	1
	Fire and Rescue Services	2
	Local Authority	8
	NHS	4
	Police Forces	4
Category 2 responders	Telecommunication companies	2
	Transport organisations	1
Other	Associations	2
	Devolved Administrations	1
	Local Resilience Forums	6

The detailed list of respondents is shown in Annex A.

Table 2: Responses to the Consultation

No.	Question	Content %	Not content %	No opinion %
1	Are you content with the description of the interface between CCA and Control of Major Accident Hazards Regulations, 1999 (COMAH)?	78	16	6

2	Are you content with the description of the interface between CCA and Radiation Emergency Preparedness & Public Information Regulations, 2001 (REPPIR)?	81	13	6
3	Are you content with the description of the interface between CCA and Pipeline Safety Regulations 1996 (PSR)?	80	10	10
4	Are you content with the description of the interface between CCA, and Safety of Sports Grounds Act, 1975 (Guide to Safety Sports Grounds)?	84	6	10
5	Are you content with the description of the interface between CCA and the Event Safety Planning (Event Safety Guide and Health and Safety at Work Act, 1974)?	84	6	10
6	Do you think that the guidance adequately addresses the three main issues which have emerged during the review of the CCA and other relevant legislation: (a) Extendibility of Plans; (b) Warning and Informing; (c) Command and Control	74	20	6
7	Do you think that the framework for extending nuclear emergency plans can be used for extending emergency plans produced under the COMAH and PSR regulations as well as plans produced under the Event Safety Guide and Safety at Sports Ground Act, 1975?	74	16	10
8	Is it sufficient to describe in guidance the need to extend warning and informing beyond Public Information Zones (PIZ), Detailed Emergency Planning Zones (DEPZs), sports grounds and event sites?	65	25	10

9	Do you agree that the impact on the wider community of an incident occurring at a sports ground or event should be reflected in the risk assessment and subsequently the Community Risk Register?	84	6	10
10	Is it sufficient for the 'generic considerations' section to focus on a) Human Rights Act 1998; b) Corporate Manslaughter and Corporate Homicide Act 2007; c) Health and Safety at Work Act, 1974; and d) Working Time Regulations, 1998.	91	3	6

Summary

- Between 65%-91% of responses were positive for all questions.
- Many responders felt that information provided in a number of areas was accurate but too brief and that further detail would be helpful.
- Concern was also expressed at the limited scope of the other legislation included in the consultation document. Specifically, omission of legislation covering water, gas, electricity, telecommunications and Critical National Infrastructure was highlighted.

Detailed Responses

Interface between CCA and other legislation

- 78-84% of respondents said they thought the description of the interface between CCA and other legislation was satisfactory and accurate. However, they also thought it was too brief and that a description/summary of the other regulations would be useful for those not familiar with them.
- In particular, the guidance issued by HSE for the Radiation Emergency Preparedness & Public Information Regulations, 2001 (REPPPIR) should be

referenced as well as the legislation, as should the Nuclear Emergency Planning Liaison Group (NEPLG) consolidated guidance, as this legislation/guidance underpins nuclear planning.

- Respondents also expressed a wish that the CCAEP should consider the fit between the CCA and the Reservoirs Act 1975; Counter terrorism legislation; Energy Act (Carbon Capture and Storage) 2008; and the Nuclear Installations Act 1965 which are listed but not referred to.
- One respondent noted that a link between The Communication Act (2003), and the CCA and guidance on this would be useful.

The Guidance and: Extendibility of Plans; Warning and Informing; Command and Control

- 74% were content with the current guidance, but others felt that more detailed explanations would be needed. It was also suggested that the funding stream to support these additional activities must be clearly identified. The addition of case study examples of best practice was also suggested.
- Extendibility of Plans: 74% agreed that the framework for extending nuclear emergency plans could be used for extending emergency plans produced under the COMAH and PSR regulations as well as plans produced under the Event Safety Guide and Safety at Sports Ground Act, 1975. However, clarification of this complex area has been requested.
- Warning and Informing (incl extension of Public Information Zones): Although 74% stated they were content with the current guidance, other responders felt there were complex issues which were not addressed. Only 65% of responders (the lowest number in the survey) were content with the current guidance on the need to extend warning and informing beyond Public Information Zones (PIZ), Detailed Emergency Planning Zones (DEPZs), sports grounds and event sites. Those not content felt that further detail was required on how this could be done, particularly to avoid individuals interpreting the framework differently. They also felt it was an opportunity to achieve standardisation.

- Command and Control: Responders agreed the requirement for one Command and Control structure but felt that more detailed guidance was needed as it was sometimes not fully understood across the agencies.

Generic considerations

- 91% of responders agreed that it is sufficient for the 'generic considerations' section to focus on: Human Rights Act 1998; Corporate Manslaughter and Corporate Homicide Act 2007; Health and Safety at Work Act, 1974; and Working Time Regulations, 1998.
- One respondent suggested that clarification of the implication of these Acts for civil contingencies activities would be useful. Suggested additions were the Data Protection Act 1998 and Freedom of Information Act 2000.

List of Respondents

Bassetlaw PCT
British Telecom
Cheshire LRF
Cleveland LRF
Cumbria Fire & Rescue Service
Dudley MDC
Environment Agency
Gateshead Council
Gloucestershire LRF
HSE
Institute of Civil Protection and Emergency Management
Lancashire County Council
Leicester and Rutland LRF
Leicestershire Constabulary
NHS North East
NI Executive
North West Ambulance NHS Trust
Northumberland Fire and Rescue
Northumbria Police
Nottinghamshire NHS
Nottinghamshire Police
South Tyneside MBC
Suffolk LRF
Swansea Council
Swindon Borough Council
Telford and Wrekin Council
Thames Valley Police
Transport for London
Vodafone
West Midlands Branch EPS