



## SCOTTISH EXECUTIVE

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Fire Service & Emergency Planning Division

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Contact list: see Annex B

19 June 2003

Dear Sir/Madam

You are invited to comment on a proposed Civil Contingencies Bill being put forward by the UK Government in Westminster as part of a UK wide consultation process. The purpose of the Bill is to enhance arrangements for civil protection work at the local level and to modernise the legislative tool the UK Government has available to deal with the more extreme disruptive challenges that we may face.

The consultation paper, the draft Civil Contingencies Bill, Explanatory Notes, and the Partial Regulatory Impact Assessment can be found on the Civil Contingencies Secretariat website at [www.ukresilience.info/ccbill](http://www.ukresilience.info/ccbill). This web site address also contains the Discussion Document 'Emergency Planning Review – The Future of Emergency Planning in England and Wales', published in August 2001.

The proposed legislation will affect both reserved and devolved matters and this covering letter invites comments specifically on Part 2 (Emergency Powers) of the Bill but views on Part 1 (local Responders) will also be welcomed.

Chapter 6 of the consultation paper describes how the proposals in the Bill would apply to Scotland, Wales and Northern Ireland. In particular it explains that the local responder's part of the Bill does not apply to Scotland.

The principle matters covered in this part are devolved and arrangements are already in place which provide for co-ordination within Scotland. We intend to consult separately on legislation for contingency planning within Scotland later this year but we will have regard to the proposals for England and Wales in doing so. It would therefore be of interest to us to receive any comments on the provisions in this part of the Bill as they might apply to Scotland. See also Annex A.



In relation to the Emergency Powers part of the Bill, which would apply to Scotland and deals with reserved matters, the consultation paper explains how the proposals in the Bill take account of the Scottish position. It also indicates that the UK Government is considering whether the devolved administrations might be able to declare an 'emergency' themselves and to make emergency regulations within their own competence. While the paper notes that there are advantages to this approach, it also notes that there are disadvantages. In particular it points out that few emergencies requiring special legislative measures could be dealt with solely under devolved powers, thereby ensuring that the UK Government would have to become involved, replacing the devolved administrations emergency regulations with its own. We share these concerns particularly where there is limited time to act and a need to have absolute clarity about legal competence. The consultation paper also records that discussions with the devolved administrations on this issue are continuing. Key issues to have emerged relate to: (1) where the boundary line would lie between the devolved administration or the UK Government using the powers in Scotland and what would happen in practical terms if the UK Government decided to supersede a proclamation by the devolved administration and introduce its own emergency regulations in the place of those introduced by the devolved administration; (2) the role and lines of accountability of the proposed Scottish 'emergency co-ordinator'; and (3) the scope for working through non-statutory concordats to ensure satisfactory arrangements between the UK Government and devolved administrations. The practical and legal issues raised are still under consideration but you may wish to take them into account in any comments you make on this part of the Bill.

### **Details of consultation**

Comments and views are invited before 11 September 2003.

We are grateful if Scottish recipients respond to the Scottish Executive; other UK addressees are being asked to respond directly to the Cabinet Office. This will allow the devolved aspects of the Bill to be informed by your comments and your responses will also feed into further development of policy for civil protection in Scotland. All responses will also be passed to the Cabinet Office to be considered as part of the full UK consultation.

While the document will have varying relevance to you or your organisation, we would be grateful for such comments as you feel you are able to give. If respondents believe that any other bodies should be included in the consultation or exercise, they should advise Heather Holmes at the address below.

Dr Heather Holmes  
Civil Contingencies Bill (Consultation)  
GW14  
St Andrew's House  
Regent Road  
Edinburgh, EH1 3DG

or

E-mail: [ccbill@scotland.gsi.gov.uk](mailto:ccbill@scotland.gsi.gov.uk)

or

fax: 0131-244-2819

Please include in any response, your name and address, telephone number and e-mail address, if you have one. Please state the organisation you represent, or on whose behalf you are responding.

## Special Note

All responses will be made public unless confidentiality is specifically asked for. However, correspondents should be aware that confidentiality cannot always be guaranteed, for example where a response includes evidence of a serious crime.

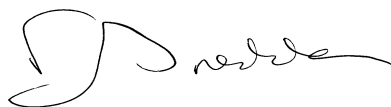
The information you send us may need to be passed to colleagues within Cabinet Office and/or published in a summary of responses to this consultation. We will assume that you are content for us to do this, and that if you are replying by e-mail, your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system unless you specifically include a request to the contrary in the main text of your submission to us.

Concurrent with, and extending beyond, the public consultation period, in line with current Government practice, a Parliamentary Joint Committee formed from members of both the House of Commons and the House of Lords will undertake pre-legislative scrutiny of the proposals contained within this document. Part of the Committee's examination will include consideration of the evidence from the public consultation. The Joint Committee is due to report its findings on or before 31 October 2003.

Comments will also be copied to the Parliamentary Joint Committee on the Civil Contingencies Bill unless your response specifies otherwise.

If you have any telephone queries about the consultation process in Scotland, please call Heather Holmes on 0131-244-2561.

Yours faithfully,



**I A SNEDDEN**  
**Head of Division**

## **Annex A: Questions about arrangements for civil protection in Scotland.**

Q1. Are the structural arrangements that exist in Scotland to deal with civil protection (eg, the Regional Strategic Groups and the Scottish Emergency Co-ordinating Committee) effective? If not, what improvements in these structures or alternative structures would be more effective, and why?

Q2. Are the practices currently undertaken to plan and prepare for an emergency, and to communicate and co-ordinate an emergency response sufficient and satisfactory? If not, what changes would improve these processes?

Q3. What statutory duties would enhance the capability of organisations that are involved in emergencies to deal with them?

Q4. Which bodies and organisation should be affected by any statutory duties?

Q5. Are there arrangements in the first part of the Bill that could be usefully applied in Scotland? What are they? Would they require modification for a Scottish context?

Specific questions on the Emergency Powers proposals can be found within the consultation document.



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## **Annex B: List of consultees**

Action of Churches Together in Scotland  
Age Concern Scotland  
Alzheimer Scotland - Action on Dementia  
Amey  
Amnesty International  
Associated British Ports  
Association of Chief Police Officers in Scotland  
Association of Scottish Police Superintendents  
BAA Scottish Airports  
BEAR  
Prof P Beaumont, University of Aberdeen  
Black and Ethnic Minority Infrastructure in Scotland  
Prof R Black, University of Edinburgh  
Black and Minority Ethnic Elders Group  
British Airways  
British Energy  
British Nuclear Fuels  
British Petroleum  
British Red Cross - Scotland  
British Telecom  
British Transport Police  
British Waterways - Scotland Area  
Chief and Assistant Chief Fire Officers Association (Scotland)  
CalMac  
Dennis Canavan, MSP  
Capability Scotland  
CBI Scotland  
Central Scotland Racial Equality Council  
Chartered Institute of Bankers in Scotland  
Chemical Industries Association  
Chief Constables  
Citizens Advice Scotland  
Clydeport  
Commission for Racial Equality  
Committee of Scottish Clearing Banks  
Common Services Agency  
Confederation of Passenger Transport  
Confederation of Scotland's Elderly  
COSLA  
Crown Office  
CVS Scotland  
Department of Law, University of Dundee  
Disability Rights Commission  
Drinking Water Quality Regulator  
Dundee Airport  
Edinburgh & Lothians Racial Equality Council  
Electronics Scotland  
Emergency Planning Society - Scotland  
Enable



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Engender  
Equal Opportunities Commission  
Equality Network  
Ethnic Business Forum  
Faculty of Law, University of St Andrews  
Federation of Small Businesses  
Fife Racial Equality Council  
Fire Brigades Emergency Planning Officers  
Fire Brigades Union - Scotland  
Fire Boards  
Forth Ports  
Forum of Private Business (Scotland)  
Freight Transport Association  
General Register Office for Scotland  
Glasgow Prestwick International Airport  
Grampian Racial Equality Council  
H M Chief Inspector of Constabulary  
H M Chief Inspector of Fire Services  
H M Coastguard  
Health and Safety Executive  
Health Board Emergency Planning Officers  
Health Service Commissioner for Scotland  
Help the Aged  
Highland Airways Ltd  
Highlands and Islands Airports Ltd  
Highlands and Islands Enterprise  
Inclusion Scotland  
Institute of Directors  
Law School, Strathclyde University  
Law Society of Scotland  
Local Authority Chief Executives  
Local Authority Emergency Planning Officers  
Locate in Scotland  
Loganair Ltd  
Ms Margo MacDonald, MSP  
Mental Welfare Commission for Scotland  
National Air Traffic Services Ltd  
National Farmers Union - Scotland  
NHS Boards, Chief Executives  
NHS Trusts, Chief Executives  
Network Rail Scottish Zone  
Prof K Norrice, Strathclyde University  
NorthLink  
Northern Lighthouse Board  
Prof A Paterson, University of Strathclyde  
Positive Action in Housing  
Railtrack Scotland  
Road Haulage Association Ltd  
Royal National Institute of the Blind  
Royal National Institute for Deaf People  
Samaritans  
School of Law, University of Aberdeen  
School of Law, University of Edinburgh



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School of Law, University of Glasgow  
Scotland Older People's Advisory Group  
ScotRail  
Scottish Ambulance Service  
Scottish Association for Mental Health  
Scottish Centre for Infection and Environmental Health  
Scottish Chambers of Commerce  
Scottish Civic Forum  
Scottish Conservative & Unionist Party  
Scottish Consumer Council  
Scottish Continuity Group  
Scottish Council for Development and Industry  
Scottish Council on Deafness  
Scottish Council for Voluntary Organisations  
Scottish Disability Equality Forum  
Scottish Enterprise  
Scottish Environmental Protection Agency  
Scottish Financial Enterprise  
Scottish Fire Services College  
Scottish Food and Drink Federation  
Scottish Green Party  
Scottish Gypsy/Traveller Association  
Scottish Human Rights Centre  
Scottish Interfaith Council  
Scottish Labour Party  
Scottish Law Commission  
Scottish Legal Aid Board  
Scottish Liberal Democrats  
Scottish Nationalist Party  
Scottish Pensioners' Forum  
Scottish Police Federation  
Scottish Refugee Council  
Scottish Retail Consortium  
Scottish Senior Citizens Unity Party  
Scottish Socialist Party  
Scottish Society for the Prevention of Cruelty to Animals  
Scottish Trade Union Congress  
Scottish Water  
Scottish Wholesale Association  
Scottish Youth Parliament  
SENSE Scotland  
SOLACE - Scotland  
St Andrews Ambulance Association  
Stena Line  
Tayside Racial Equality Council  
The Institute of Chartered Accountants of Scotland  
The Royal Environmental Health Institute of Scotland  
Ms Jean Turner, MSP  
United Kingdom Atomic Energy Authority  
VisitScotland  
Prof R Wallace, Napier University  
Water Industry Commissioner for Scotland  
West of Scotland Racial Equality Council



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West of Scotland Seniors Forum  
Prof P Wilkinson, University of St Andrews  
Young Scot  
YouthLink Scotland