

GUERNSEY STATUTORY INSTRUMENT

ENTITLED

The Civil Contingencies (Contingency Planning) (Bailiwick of Guernsey) Regulations, 2013 *

[CONSOLIDATED TEXT]

NOTE

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* G.S.I. No. 11 of 2013; as amended by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

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The Civil Contingencies (Contingency Planning) (Bailiwick of Guernsey) Regulations, 2013

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Explanatory Note.

(Made on 15th March, 2013.)

The Civil Contingencies (Contingency Planning) (Bailiwick of Guernsey) Regulations, 2013

THE CIVIL CONTINGENCIES AUTHORITY, in exercise of the powers conferred on it by sections 3, 4 and 19 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012^a and all other powers enabling it in that behalf, hereby makes the following Regulations: –

PART 1

DUTY TO ASSESS RISK OF EMERGENCIES OCCURRING

Bailiwick Risk Register.

1. (1) The Authority shall maintain, and update at least once every year, a register, to be called the Bailiwick Risk Register (in these Regulations, "**the Register**"); and for the avoidance of doubt the Authority may amend the Register at any time.

(2) In the Register the Authority shall –

- (a) identify potential emergencies,
- (b) specify which Responder is the lead risk assessor for each potential emergency identified, and
- (c) set out its assessments of the risks of those emergencies occurring, and such other related information as the Authority thinks appropriate.

(3) The Authority shall provide all Responders with electronic access to the Register, and shall alert them when it is updated under paragraph (1) or otherwise amended; but the Register shall not be a public document.

^a Order in Council No. XIV of 2012.

- (4) Paragraph (3) shall not prevent the Authority from –
- (a) providing one or more Part III Persons with a printed copy of, or electronic access to, the Register, on a confidential basis, and
 - (b) publishing from time to time a summary of the Register, or a part or parts thereof, if the conditions in paragraph (5) are satisfied.

(5) Those conditions are that the Authority considers that publication would be in the public interest, and it is satisfied that publication would not –

- (a) adversely affect the security of the Bailiwick,
- (b) adversely affect public safety,
- (c) adversely affect the investigation or detection of crime in the Bailiwick,
- (d) prejudice the commercial interests of any person, or
- (e) cause unnecessary public alarm.

(6) If at any time a Responder identifies a potential emergency that is not on the Register, it must notify the Authority, unless the Responder considers that the chance of the emergency occurring is negligible.

(7) On receipt of a notification under paragraph (6), if the Authority decides not to amend the Register to include a risk assessment of that potential emergency, it shall write to the Responder explaining the reason for its decision, and copy that letter to the [Policy & Resources Committee].

NOTES

In regulation 1, the words in square brackets in paragraph (7) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a) and section 4, with effect from 1st May, 2016.

The functions, rights and liabilities of the Policy Council and of its Minister or Deputy Minister arising under or by virtue of these Regulations were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a) and section 4, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

Duty to review risk assessments in Register.

2. (1) A Responder specified in the Register as the lead risk assessor for a potential emergency must review the risk assessment in the Register relating to that emergency each time the Register is updated under regulation 1(1) or otherwise amended.

(2) On its review of the risk assessment relating to a potential emergency in the Register under paragraph (1), the Responder must, within 14 days of its being alerted under regulation 1 that the Register has been updated or otherwise amended, notify the Authority in writing that it –

- (a) considers that the risk assessment is satisfactory, or
- (b) considers that the risk assessment is unsatisfactory, in which case it must explain to the Authority in writing the reason or reasons for its view, and submit to the Authority a proposed revised risk assessment.

(3) On receipt of a proposed revised risk assessment under paragraph (2)(b), the Authority shall –

- (a) amend the Register by substituting the proposed revised risk assessment for the challenged assessment,
- (b) amend the Register by amending the text of the

challenged assessment to reflect part or parts of the proposed revised risk assessment, or

(c) decline to amend the Register.

(4) If the Authority, on receipt of a proposed revised risk assessment from a Responder under paragraph (2)(b), does not substitute the proposed revised risk assessment for the challenged assessment, it shall write to that Responder within 14 days explaining its decision, and send a copy of that letter to the [Policy & Resources Committee].

NOTES

In regulation 2, the words in square brackets in paragraph (4) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a) and section 4, with effect from 1st May, 2016.

The functions, rights and liabilities of the Policy Council and of its Minister or Deputy Minister arising under or by virtue of these Regulations were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a) and section 4, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

Ongoing duty to assess risk.

3. (1) Without prejudice to regulation 2, each Responder is under an ongoing duty to consider, in the circumstances set out in paragraph (2), whether any risk assessment in the Register in relation to which it is the lead risk assessor is satisfactory.

(2) Those circumstances are –

(a) any time the Responder considers that any relevant factor has changed in a material particular, and

(b) otherwise from time to time, as the Responder considers appropriate in all the circumstances.

(3) If, pursuant to its duty under paragraph (1), a Responder considers that a risk assessment is unsatisfactory, regulation 2(2)(b) shall apply in respect of that Responder and that risk assessment (and for the avoidance of doubt, regulation 2(3) and (4) shall then apply in respect of the Authority).

PART 2
DUTY TO MAINTAIN PLANS

Duty to prepare and maintain business continuity and emergency plans.

4. (1) On or before 1st June of each year, beginning in 2013 –
- (a) each Responder listed in the Schedule to these Regulations must submit to the Authority –
 - (i) a plan prepared for the purpose described in section 3(1)(c) ("**a business continuity plan**") and
 - (ii) a plan prepared for the purpose described in section 3(1)(d) ("**an emergency plan**"), and
 - (b) each Responder not so listed must prepare a business continuity plan, and submit to the Authority such information about that plan, in such form, as may be specified by the States Emergency Planning Officer.

(2) The Authority may at any time on or after 1st June, 2013 require a Responder not listed in the Schedule to submit to the Authority that Responder's business continuity plan.

(3) A Responder required to prepare an emergency plan under paragraph (1)(a) must, before so doing, consult such persons or bodies as he or it thinks appropriate in relation to the contents of that plan, and must identify those consultees in the plan.

(4) A business continuity plan and an emergency plan must contain provision in respect of the carrying out of exercises and the training of staff, and an emergency plan must set out such arrangements of the type described in section 3(1)(f) as the Responder thinks appropriate.

(5) If, on receipt of a Responder's business continuity plan or emergency plan, the Authority considers that it is unsatisfactory, the Authority shall, as soon as reasonably practicable –

- (a) notify the Responder of that fact and explain why it so considers, and
- (b) require the Responder to submit to the Authority a revised plan within such period, greater than 14 days, as it specifies.

(6) Each Responder is under an ongoing duty to consider whether its business continuity plan and, if relevant, its emergency plan, are satisfactory in the circumstances described in regulation 3(2).

(7) If, pursuant to its duty under paragraph (6), the Responder considers that a plan is no longer satisfactory, it must submit a revised plan to the Authority.

(8) The Authority may at any time require a Responder to amend an existing plan within such period, greater than 14 days, as it specifies, if it considers that the plan is no longer satisfactory.

Plans not public documents.

5. (1) Business continuity plans and emergency plans shall not be public documents.

(2) Paragraph (1) shall not prevent the relevant Responder, or the Authority, from publishing from time to time a summary of a plan, or a part or parts thereof, if –

Consolidated text

- (a) the conditions in regulation 1(5) are satisfied in relation to that publication, and
- (b) if publication is by the Authority, the relevant Responder has consented to it in writing.

(3) In paragraph (2)(b), "**the relevant Responder**" means, in relation to a plan, the Responder to which the plan relates.

PART 3
DUTY TO CO-OPERATE

Duty to co-operate.

6. (1) A Responder may request one or more Responders or Part III Persons to provide specified information or otherwise co-operate with that Responder for the purpose of fulfilling a duty under these regulations.

(2) Subject to paragraph (3), a Responder or Part III Person who receives a request under paragraph (1) must comply with it within a reasonable period.

(3) If a Responder or Part III Person has reasonable grounds for considering that a request made under this regulation is disproportionate, or that complying with it would risk substantial prejudice to the commercial interests of any person or body, including the person or body to whom the request has been made, that Responder or Part III Person may refuse to comply with it; in which case the requesting Responder may notify the Authority of that refusal.

PART 4
GENERAL PROVISIONS

Interpretation.

7. (1) In these Regulations, unless the context requires otherwise –

"enactment" means any Law, Ordinance or subordinate legislation,

"Part III Person" means a body or person listed in Part III of Schedule 2 to the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 (**"the Law"**),

"Responder" means a body or person listed in Part I or II of Schedule 2 to the Law, and

"subordinate legislation" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect,

and other expressions have the same meanings as in the Law.

(2) The Interpretation (Guernsey) Law, 1948^b applies to the interpretation of these Regulations throughout the Bailiwick.

(3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation and commencement.

8. These Regulations may be cited as the Civil Contingencies (Contingency Planning) (Bailiwick of Guernsey) Regulations, 2013, and shall come into force on the 1st April, 2013.

^b Ordres en Conseil Vol. XIII, p. 355.

SCHEDULE Regulation 4(1), (2)
RESPONDERS WHICH MUST SUBMIT AN EMERGENCY PLAN

Chief Officer of Police
Chief Fire Officer
Chief Ambulance Officer, the St. John Ambulance & Rescue Service (Guernsey Ambulance and Rescue Service)
States of Guernsey [Committee for Health & Social Care]
Alderney Harbourmaster
Sark Harbourmaster
States of Guernsey [Committee for Economic Development]
States of Guernsey [Committee for Home Affairs]
States of Guernsey [Committee for the Environment & Infrastructure]

NOTES

In the Schedule,

the words "Committee for Health & Social Care" in the first pair of square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5 and section 4, with effect from 1st May, 2016;

the words "Committee for Economic Development" in the second pair of square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 1(a) and section 4, with effect from 1st May, 2016;

the words "Committee for Home Affairs" in the third pair of square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a) and section 4, with effect from 1st May, 2016;

the words "Committee for the Environment & Infrastructure" in the fourth pair of square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 12(a) and section 4, with effect from 1st May, 2016.

The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of these Regulations were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5 and section 4, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

The functions, rights and liabilities of the Commerce and Employment

Department and of its Minister or Deputy Minister arising under or by virtue of these Regulations were transferred to and vested in, respectively, the Committee for Economic Development and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(a) and section 4, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of these Regulations were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a) and section 4, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

The functions, rights and liabilities of the Public Services Department and of its Minister or Deputy Minister arising under or by virtue of these Regulations were transferred to and vested in, respectively, the Committee for the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 12(a) and section 4, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

EXPLANATORY NOTE

*(This note is not part of the Regulations)***

These Regulations are made under Part 2 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 ("**the Law**"), and place duties relating to business continuity and emergency planning on the Civil Contingencies Authority and those persons listed in Schedule 2 to the Law.

** The text of this Explanatory Note is as it was when the Statutory Instrument was first made – that is to say that the Explanatory Note has not been updated to take account of any changes made by subsequent amending Statutory Instruments with their own Explanatory Notes.