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STATUTORY INSTRUMENTS

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**2005 No. 2042**

The Civil Contingencies Act 2004  
(Contingency Planning) Regulations 2005

PART 4

Duty to maintain plans

**Procedure for determining whether an emergency has occurred**

**24.**—(1) Every plan maintained by a general Category 1 responder under section 2(1)(c) must include a procedure for determining whether an emergency which is likely seriously to obstruct the general Category 1 responder in the performance of its functions has occurred.

(2) Any plan maintained by a general Category 1 responder under section 2(1)(d) must include a procedure for determining whether –

- (a) an emergency which makes it necessary or desirable for it to take action to prevent the emergency, to reduce, control or mitigate its effects or otherwise in connection with it has occurred; and
  - (b) whether the general Category 1 responder would be able to take that action without changing the deployment of resources or acquiring additional resources.
- (3) The procedure under paragraph (1) or (2) must –
- (a) identify the person who should determine whether an emergency of the kind specified in paragraph (1) or (2) (as appropriate) has occurred or enable that person to be identified;
  - (b) specify the procedure which that person should adopt in taking that decision;
  - (c) specify the persons who should be consulted before such a decision is taken;
  - (d) specify the persons who should be informed once such a decision is taken.