



National Operational Guidance

Section Devolution



NFCC
National Fire
Chiefs Council

Developed and maintained by the NFCC



Contents

Devolution 3



Devolution

The Act applies to the whole of the UK and reflects the various devolution settlements.

Part 1 – Local arrangements for civil protection

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. More information can be found [here](#).

In Wales, UK ministers will make legislation and issue guidance in relation to responders in Wales. However, the Act requires UK ministers to obtain the consent of the Welsh Government before taking action in relation to a responder in Wales which falls within devolved competence.

In Northern Ireland, the fire and rescue service is not designated as a Category 1 responder and so Part 1 does not apply to Northern Ireland in the same way as it applies in the rest of the UK. It does apply to certain bodies in Northern Ireland who exercise non-devolved functions (e.g. the Maritime and Coastguard Agency and the Police Service of Northern Ireland). In addition, the Northern Ireland Administration has developed the [Northern Ireland Civil Contingencies Framework](#), which ensures that responders falling within transferred competence act in line with the duties set out in the Act.

Part 2 – Emergency powers

Emergency powers are a reserved matter. They focus on the use of special legislative measures that might be necessary to deal with the effects of the most serious emergencies. However, Part 2 ensures the governments and devolved administrations will be consulted wherever possible if emergency powers are to be used in their territory. It allows emergency powers to be used in Scotland, Wales or Northern Ireland alone for the first time, though the use of emergency powers remains with Westminster.

Concordats setting out in more detail how these arrangements will work in practice have been agreed with Welsh and Scottish ministers. The signed concordats can be viewed on the governments and devolved administrations' websites as well as on the UK Resilience site, Resilience Direct.

[Concordat between the UK government and the Scottish ministers](#)

[Concordat between the UK government and the Welsh ministers](#)

The Act is supported by two sets of guidance:

- [Emergency Preparedness](#): statutory guidance dealing with the pre-emergency planning phase
- [Emergency Response and Recovery](#): non-statutory guidance describing the multi-agency framework for responding to, and recovering from, emergencies in the UK

Table 1 Legislation matrix

Legislation/arrangements	England	Northern Ireland	Wales	Scotland
Civil Contingencies Act 2004	Yes	Yes (for PSNI and MCA) The Northern Ireland Civil Contingencies Framework 2011 applies to the fire and rescue service	Yes	Yes Schedule 1 Specifically Part 2 - Category 1 Responders: Scotland and Part 4 - Category 1 and 2 Responders: Scotland
Emergency preparedness guidance	Yes	Yes (specifically Chapter 12)	Yes (specifically Chapter 11)	Yes (specifically Chapter 10)
Emergency response and recovery Guidance	Yes	Yes	Yes	No
Preparing Scotland Guidance	No	No	No	Yes



Legislation/arrangements	England	Northern Ireland	Wales	Scotland
National co-ordination and Advisory Framework	Yes	Yes	Yes	Scottish Fire and Rescue Service and The Chief Fire Officers Association Memorandum of understanding
Government arrangements	Resilience and Emergencies Division	Northern Ireland Central Crisis Management Arrangements	Welsh Government Liaison Team	Scottish Government Resilience Response