CHAPTER 31.

An Act to make further provision for civil defence and for purposes connected therewith.

[13th July 1939.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

THE MINISTER.

Transfer of functions of Secretary of State. 1 & 2 Geo. 6. c. 6.

1.—(1) His Majesty may by Order in Council transfer all or any of the functions of the Secretary of State under the Air-Raid Precautions Act, 1937 (hereinafter referred to as " the Act of 1937 ") to such other Minister of the Crown as may be specified in the Order, and, as respects any period during which the Order is in force, references in the Act of 1937 to the Secretary of State shall, except as otherwise expressly provided in the Order, be construed as references to the Minister so specified.

(2) In this Act, except in Part VII thereof, the expression " the Minister " means the Minister specified in the Order for the time being in force under subsection (1) of this section, or if no such Order is in force, the Secretary of State.

(3) The Minister may make arrangements for the exercise on his behalf of any of his functions under the

PART I. —*cont.*

Act of 1937 or this Act by any other Minister of the Crown.

(4) Anything done before the commencement of this Act in exercise or purported exercise of any functions conferred or imposed by the Act of 1937 on the Secretary of State shall, if done at his request by any other Minister of the Crown, be as valid and effective for all purposes as if it had been done by the Secretary of State.

PART II.

PUBLIC SHELTERS, &c.

Designation of premises.

2.—(1) Where it appears to the local authority that the whole or any part of a building is or can be made suitable—

(*a*) for use as a public air-raid shelter; or

(*b*) for use, in the event of hostile attack, by the local authority in carrying out any of their civil defence functions,

the local authority may post in the building or part a notice declaring that that building or part may be required for use for public purposes of civil defence.

(2) Where the local authority post such a notice, they shall notify the Minister and take such steps as appear reasonably practicable to bring the contents of the notice to the knowledge of the persons having estates or interests in the building or part of a building, and section fifteen of the Land Charges Act, 1925, (which relates to the registration of local land charges) shall apply in relation to such a notice as if the notice were a local land charge and the notice shall be registered by the proper officer as a local land charge accordingly.

15 & 16 Geo. 5. c. 22.

(3) The local authority may at any time withdraw any such notice as aforesaid by posting a notice to that effect in the building or part of a building, and causing the registration of the notice as a local land charge to be cancelled.

(4) A building or part of a building where a notice under subsection (1) of this section has been posted and has not been withdrawn is in this Act referred to as "designated premises" and references in this Act to the designation of premises shall be construed accordingly.

PART II. —*cont.*

(5) Notwithstanding anything in this section, the local authority shall not, without the prior consent of the appropriate department, designate any premises which either—

(*a*) are occupied by any public utility undertakers for the purposes of their undertaking, or

(*b*) are situate on land over which any public utility undertakers exercise any control under any enactment or order relating to their undertaking.

(6) Where the occupier of any designated premises holds any part of the premises on lease, he shall, immediately he becomes aware of the designation of the premises, serve upon his immediate landlord or, where he holds different parts of the premises under different landlords, on each of his immediate landlords, notice that the premises have been designated under this section and each person upon whom such a notice is served in satisfaction of an obligation imposed by this subsection shall forthwith himself serve a copy of the notice upon his immediate landlord or landlords, if any.

Appeal from designation of premises.

3.—(1) Within fourteen days from the designation of any premises, any person having any estate or interest therein may appeal to the Minister against the designation thereof on the ground—

(*a*) that the whole or any part of the premises is required for use for purposes of public importance and that accordingly it is inexpedient that they should be designated as aforesaid; or

(*b*) that the whole or any part of the premises is required for use as a private air-raid shelter for the persons in the premises or in the building of which they form part.

(2) If on any such appeal the Minister is satisfied as to the truth of the grounds of the appeal, he may, if he thinks fit, order that the designation of the premises shall cease to have effect, or that it shall cease to have effect as respects a specified part of the premises originally designated.

(3) Where a designation so ceases to have effect as respects the whole or any part of any premises, the premises or part shall not again be designated without the leave of the Minister.

PART II. —*cont.*

(4) Nothing in this section applies to the premises mentioned in subsection (5) of the last preceding section.

Execution of works.

4. Where it appears to the local authority expedient for the purpose of making designated premises suitable or more suitable for any of the purposes mentioned in subsection (1) of section two of this Act, or of keeping them suitable for any of those purposes, that works should be executed in those premises, or in the building of which they form part, or in or on any adjacent building or land, they may, if they are unable to secure the execution of those works by agreement, themselves execute those works:

Provided that—

(*a*) the local authority shall not, except with the agreement of all persons concerned, begin any such works as aforesaid until the period has expired for appealing to the Minister against the designation of the premises in question or, if an appeal is brought within that period, until the determination or abandonment of that appeal;

(*b*) before entering (otherwise than with the consent of the occupier) on any premises, building or land for the purpose of executing any works, the local authority shall give to the occupier at least fourteen days' notice in writing of their intention so to do, but any such notice may be given at any time after the designation of the premises.

Designated premises to remain unaltered.

5.—(1) Subject to the provisions of this section, no person shall, without the consent of the local authority,—

(*a*) make any structural alteration in any designated premises; or

(*b*) remove or alter any works executed by, or by arrangement with, the local authority in or on any designated premises, any building of which designated premises form part, or any building or land adjacent to any designated premises:

Provided that, if the local authority refuse their consent or do not give their consent within six weeks from the date on which application is made therefor,

PART II. —*cont.*

the applicant may appeal to a court of quarter sessions, and the court on the hearing of the appeal may authorise any alteration or removal desired by the applicant.

(2) Any person who contravenes the provisions of the preceding subsection shall be liable on summary conviction to a fine not exceeding fifty pounds:

Provided that no person shall be convicted of an offence under this section in relation to any designated premises if he proves that he did not know, and had no reasonable grounds for suspecting, that the premises were designated premises.

(3) Where the court by which a person is convicted of an offence under this section is satisfied that the contravention constituting the offence has rendered the designated premises in question unsuitable, or less suitable, for the public purposes for which they may be required, it may order that the local authority shall be at liberty to charge to the person convicted their reasonable expenses of again rendering the premises as suitable for those purposes as they would have been if the contravention had not taken place, and where such an order is made any such expenses of the local authority shall be recoverable by them from the person convicted as a debt.

Compensation where works are executed.

6.—(1) Where works are executed under the preceding provisions of this Part of this Act in or on any premises, building or land by a local authority, the occupier of the premises, building or land shall be entitled to recover from the local authority compensation for any damage he has sustained by reason of any interference with his use of the premises, building or land during the execution of the works.

(2) Where by reason of the execution aforesaid of any works, the usefulness of any premises, building or land is impaired, the local authority shall by way of compensation pay to the person who from time to time is the occupier of the premises, building or land, periodical sums, payable quarterly in arrear, calculated by reference to the diminution of the annual value of the premises, building or land, as the case may be, ascribable to the said impairment of the usefulness thereof.

(3) Where the designated premises in or in connection with which works were executed as aforesaid

PART II. —*cont.*

cease to be designated premises, the payments provided for by subsection (2) of this section shall cease to be payable, but it shall be the duty of the local authority—

(*a*) to restore, as far as they think practicable, the premises, building or land to the condition in which they would be but for the execution of the works; and

(*b*) if, after the restoration is completed, the premises, building, or land are less in value than they would be if the works had not been executed, to pay to each of the persons having any estate or interest in the premises, building, or land such compensation, if any, in respect of the difference in value as may be reasonable:

Provided that the local authority may include in their notice withdrawing the designation of the premises a statement that to such extent as may be specified in the notice they do not intend to carry out any such restoration as aforesaid, and if such a statement is so included, their obligation to restore shall be correspondingly diminished and their obligations as to compensation shall, as respects the matters specified in the statement, be determined by reference to the state of affairs existing at the date of the withdrawing of the designation.

(4) Where a local authority restore any premises, building or land in accordance with the last foregoing subsection, the occupier of the premises, building or land shall be entitled to recover from the local authority compensation for any damage he has sustained by reason of any interference with his use of the premises, building or land during the execution of the work.

Powers of local authorities to construct underground shelters and other premises required for civil defence purposes.

7.—(1) Subject to the provisions of this section, the local authority may enter on any land, after giving not less than twenty-eight days' notice in writing to the occupier and, if and in so far as it is reasonably practicable so to do, to the persons having the fee simple or a lease of the land or any part thereof, and there construct—

(*a*) an underground air-raid shelter or other underground premises required by the authority for use in the event of hostile attack in carrying out any of their civil defence functions;

(*b*) entrances to, and shafts and other necessary works for ventilating, draining, lighting and heating the shelter or premises.

(2) Where the local authority propose to construct any such underground shelter or premises by virtue of this section in any protected square or in any allotment, common or open space, or in any land held inalienably by the National Trust, the following provisions shall apply—

(*a*) the authority shall, in addition to giving any notice required by the preceding subsection, publish by advertisement in a newspaper circulating in the area of the authority a notice describing the nature of their proposals and specifying the land to which they relate, and naming the place where plans illustrative of their proposals may be inspected at all reasonable hours by any person free of charge;

(*b*) if, within twenty-eight days after the publication of the notice, any notice of objection to the proposals is served on the local authority by any person affected thereby, the authority shall refer the notice of objection to the Minister for his consideration and shall not proceed with the proposals unless the Minister, after holding, if he thinks fit, an inquiry, has approved them, either with or without modification.

(3) The local authority may, in the exercise of their powers under this section, construct a shelter or other premises under any highway:

Provided that, in the case of a highway for the maintenance of which a highway authority is responsible, the local authority shall not exercise those powers without the consent of the highway authority (if it is a different authority) and shall not be required to serve any notices on persons having an estate or interest in the subsoil of the highway.

(4) Any shelter or premises constructed by the local authority under this section, together with the entrances to the shelter or premises and any shafts or other works executed in connection with the shelter or premises, shall, on completion, vest in the authority, and the authority shall be entitled to do anything reasonably necessary for the maintenance of any such shelter, premises, entrances, shafts or works and shall have such powers of entry as are necessary for that purpose.

PART II. —*cont.*

(5) The local authority shall pay to any person having an estate or interest in any land in which works are constructed under this section such compensation, if any, as may be just in respect of any damage caused to him by reason of the construction of the works or of anything done by the authority for the maintenance thereof.

(6) The powers conferred on local authorities by this section shall be exercisable notwithstanding anything in any Act (including a local or private Act) but shall not be exercisable with respect to any land occupied by public utility undertakers or persons carrying on any hydraulic power undertaking for the purposes of their undertaking and, as respects any other land, shall be exercisable subject to the following conditions :—

(*a*) that the local authority shall not interfere with any mains, pipes, apparatus, or works belonging to such undertakers or persons unless they have given to those undertakers or persons not less than fourteen days' notice of their intention so to do nor in any case in which those undertakers or persons intimate in writing to the local authority within fourteen days after the receipt of such notice their intention themselves to carry out any reasonably necessary removal, diversion, or alteration of their mains, pipes, apparatus, or works, and proceed with reasonable dispatch to complete the removal, diversion or alteration;

(*b*) that the local authority shall repay to the undertakers or persons the amount of any expenses reasonably incurred by them in connection with any such removal, diversion, or alteration; and

(*c*) that if the local authority cause any damage to any such mains, pipes, apparatus, or works, they shall repay to the undertakers or persons the amount of the expenses reasonably incurred by them in making good the damage.

(7) In this section the expression " protected square " has the meaning assigned to it by section two of the London Squares Preservation Act, 1931, and the expressions " allotment," " common," and " open space," have the same meanings as in Part II of the Third

21 & 22 Geo. 5. c. xciii.

Schedule to the Town and Country Planning Act, 1932, and the expression "the National Trust," has the same meaning as in section forty of the Finance Act, 1931, as amended by section twenty-seven of the Finance Act, 1936.

22 & 23 Geo. 5. c. 48.
21 & 22 Geo. 5. c. 28.
26 Geo. 5. & 1 Edw. 8. c. 34.

Powers of local authorities to construct underground car-parks suitable for use as air-raid shelters.
15 & 16 Geo. 5. c. 71.
25 & 26 Geo. 5. c. 47.

8.—(1) A local authority who have power under section sixty-eight of the Public Health Act, 1925, or under section twenty of the Restriction of Ribbon Development Act, 1935, to provide parking places may, for the purpose of providing underground parking places suitable also for use as air-raid shelters, exercise the like powers as are exercisable by local authorities under the last preceding section for the purposes therein mentioned, and the last preceding section shall have effect accordingly, subject, however, to the following provisions of this section:

Provided that in exercising their powers under this section the local authority shall, so far as is reasonably consistent with the interests of civil defence, have regard to the amenities of any protected square or land held inalienably by the National Trust.

(2) Any such local authority as aforesaid who are not the local authority for the purposes of this Part of this Act and are not exercising functions under this Part of this Act by virtue of a delegation shall not make any proposal for the exercise of the said powers for the purpose of providing such an underground parking place as aforesaid, without the approval of the local authority for the purposes of this Part of this Act.

(3) Where a local authority propose to exercise the said powers for the purpose of constructing such an underground parking place, they shall, in addition to giving notice to the persons to whom they are required to give notice by subsection (1) of the last preceding section,—

(*a*) give notice in writing to the Minister and the Minister of Transport;

(*b*) publish by advertisement in a newspaper circulating in the area of the authority a notice describing the nature of their proposals and specifying the land to which they relate and naming the place where plans illustrative of their proposals may be inspected at all reasonable hours by any person free of charge.

PART II. —*cont.*

(4) If, within twenty-eight days after the publication of the notice, any notice of objection to the proposals is served on the local authority by any person affected thereby, the authority shall refer the notice of objection to the Minister of Transport for his consideration, and shall not proceed with the proposals unless the Minister of Transport, after holding, if he thinks fit, an inquiry, has approved the proposals either with or without modification.

(5) The local authority shall not, whether or not any such objection or modification as aforesaid has been made, proceed with any proposals under this section unless the Minister, after satisfying himself that the underground parking place proposed to be provided will be suitable for use as an air-raid shelter, and after considering the needs of the locality, the situation and the capacity of the shelter and any other matters appearing to him to be relevant, has approved the proposals.

(6) Subsection (2) of the last preceding section shall not apply in any case where the powers conferred by that section are exercised by virtue of and in accordance with this section.

(7) So much of the expenses of a local authority providing a parking place by virtue of this section as is solely attributable to the rendering of the parking place suitable for use as an air-raid shelter, being expenses incurred with the approval of the Minister, shall be deemed to be expenditure for the purpose of making provision for the protection of persons and property from injury or damage in the event of hostile attack from the air for the purposes of the provisions of the Act of 1937 relating to the approval of expenditure of councils and the payment of grants out of moneys provided by Parliament in respect thereof.

Power of local authorities to construct air-raid shelters in streets.

9.—(1) Subject to the provisions of this section, the local authority may provide a public air-raid shelter on any highway and may for that purpose construct works in or on the highway or land adjoining the highway and affix appliances to any building or wall adjoining the highway.

PART II. —*cont.*

(2) In the case of a highway for the maintenance of which a highway authority other than the local authority is responsible, the local authority shall not exercise their powers under this section without the consent of the highway authority.

(3) At least fourteen days before exercising any powers under this section the local authority shall—

(*a*) serve upon the occupiers of any land or building adjoining the site of the proposed shelter a notice stating their intention to exercise the powers and specifying the general nature of the shelter;

(*b*) affix a similar notice in a prominent position upon or as near as possible to the site of the proposed shelter; and

(*c*) cause a similar notice to be published in a newspaper circulating in the area of the authority.

(4) The local authority shall not, in the exercise of their powers under this section, interfere with any mains, pipes, apparatus or works belonging to public utility undertakers or persons carrying on any hydraulic power undertaking unless they have given to those undertakers or persons not less than fourteen days' notice of their intention so to do nor in any case in which those undertakers or persons intimate in writing to the local authority within fourteen days after the receipt of such notice their intention themselves to carry out any reasonably necessary removal, diversion or alteration of their mains, pipes, apparatus or works and proceed with reasonable dispatch to complete the removal, diversion or alteration, and the local authority shall repay to the undertakers or persons the amount of any expenses reasonably incurred by them in or in connection with any such removal, diversion or alteration; and if the local authority cause any damage to any such mains, pipes, apparatus or works, they shall repay to the undertakers or persons the amount of the expenses reasonably incurred by them in making good the damage.

(5) The local authority shall pay to any persons having an estate or interest in any land or building adjoining the highway on which a shelter is constructed under this section such compensation, if any, as may be just in respect of any depreciation of their property caused by the construction of the shelter.

PART II. —*cont.*

Agreements under Part II between local authority and occupiers of factory premises and owners of commercial buildings.

10.—(1) The local authority may, if a representation is made to them by a factory inspector that air-raid shelter cannot reasonably be provided in factory premises for all or any of the persons working or living therein, agree with the occupier of the premises to provide, on such terms as to payments by the occupier to the local authority as may be specified in the agreement, a public air-raid shelter which will be available for use, in whole or in part, by those persons.

(2) Subsection (1) of this section shall apply in relation to commercial buildings as it applies in relation to factory premises—

(*a*) with the substitution for references to the occupier of references to the owner; and

(*b*) with the substitution for the reference to a factory inspector of a reference to a local authority for the purposes of Part III of this Act, or, if that local authority is identical with the authority providing the shelter, with the omission of the reference to the representation of a factory inspector.

Local authority for purposes of Part II.

11.—(1) Subject to the special provisions of this Act with respect to the administrative county of London, in this Part of this Act the expression " the local authority " means, save as otherwise expressly provided, the council of a county or county borough :

Provided that—

(*a*) in relation to any borough or urban district where a direction has been given under proviso (*b*) to subsection (2) of section one of the Act of 1937 that the council of the borough or district should prepare an air-raid general precautions scheme, the expression " the local authority " means that council;

(*b*) an air-raid general precautions scheme submitted by a county council may provide for the exercise by the council of a county district of any of the functions which would otherwise be functions of the county council under this Part of this Act;

(*c*) in relation to the designation of premises for use in carrying out functions which are or can

PART II. —*cont.*

be conferred or imposed by an air-raid fire precautions scheme, the expression " the local authority " means the fire authority.

(2) So much of subsection (1) of section four of the Act of 1937 as requires the approval of the Secretary of State to the delegation of functions by a county council to the councils of county districts shall not apply in relation to any functions under this Part of this Act.

PART III.

PRIVATE SHELTERS AND TRAINING IN CERTAIN FACTORIES, MINES AND BUILDINGS.

Application of Part III.

12. This Part of this Act, except the provisions thereof relating to the training of employed persons, shall apply only in relation to areas specified in that behalf in an order made by the Minister, and accordingly in this Part of this Act, except in the said provisions, references to factory premises, mines and commercial buildings shall be construed as references to factory premises, mines and commercial buildings (as defined for the general purposes of this Act) which are situate in such an area:

Provided that the Minister may by order declare that any specified factory premises, mine or commercial building shall be treated for the purposes of this Part of this Act as if the premises, mine or building were included in such an area as aforesaid, and while such an order is in force the premises, mine or building shall be so treated accordingly.

Code for occupiers of factories, &c.

13.—(1) For the guidance of occupiers and owners of factory premises, factories, mines and commercial buildings, and other persons concerned, in providing air-raid shelter, the Minister shall issue a code prescribing requirements with which the shelter must comply, and giving advice as to incidental matters and as to methods to be followed in providing the shelter, or, if such a code has been issued before the commencement of this Act, he may by order approve the code for the purposes of this Act; and he may from time to time by order revise any such code by revoking, varying or adding to its provisions.

(2) In this Act the expression " the code " means the said code as for the time being in force, or, in relation to shelter provided before the issue or approval of any

PART III. —*cont.*

such code, the said code as first issued or approved, and the expression "shelter of the approved standard" means air-raid shelter which at least complies with all the requirements prescribed by the code:

Provided that any air-raid shelter provided before the passing of this Act which the Minister is satisfied is substantially equivalent to shelter which complies with all the requirements prescribed by the code shall be deemed for the purposes of this Act to be shelter of the approved standard.

Duty of occupiers of factory premises and owners of mines and commercial buildings to make reports.

14.—(1) It shall be the duty of every person who is the occupier of any factory premises, the owner of any mine or the owner of any commercial building—

(*a*) not later than three months from the appropriate date to make a report in writing, in the case of factory premises to the factory inspector for the district, in the case of a mine to the mines inspector for the district, and in the case of a commercial building, to the local authority, stating what measures he has taken or is taking or proposing to take to provide air-raid shelter for the persons working or living in the factory premises, working in or about the mine, or working or living in the commercial building, as the case may be;

(*b*) on the completion of any works mentioned in any such report which have not been begun or are still incomplete at the date of the report, to report their completion in writing to the said inspector or local authority, as the case may be.

(2) If any person fails to make a report which he is required to make under the preceding subsection, he shall be liable on summary conviction to a fine not exceeding one hundred pounds, and, if the failure in respect of which he was so convicted continues after the conviction, he shall be liable on summary conviction to a fine not exceeding ten pounds for each day on which the failure so continues:

Provided that no person shall be convicted of an offence under this section in relation to any commercial building if he proves that he did not know, and had no reasonable ground for suspecting, that the building was a commercial building.

PART III. —*cont.*

(3) In this section the expression " the appropriate date " means, in relation to any factory premises, mine or commercial building, whichever of the three following dates is the latest, that is to say—

(*a*) the first issue or approval of a code under the last preceding section;

(*b*) the making of an order applying this Part of this Act to, or to an area containing, the premises, mine or building;

(*c*) the fulfilment of the conditions specified in the definition of " factory premises ", " mine ", or " commercial building ", as the case may be, contained in the provisions of this Act defining those expressions for the general purposes thereof.

Power of occupier or owner to execute works.

15.—(1) Subject to the provisions of this Part of this Act as to appeals and notices, the occupier of any factory premises, the owner of any mine and the owner of any commercial building may execute any works for the purpose of providing shelter of the approved standard in the premises, or, in the case of a mine or commercial building, in any part of the mine or building or on any land appurtenant to the mine or building.

(2) Before commencing any such works, the occupier of any factory premises who is not the owner of the whole of the premises and the owner of any commercial building who is not the occupier of the whole of the building shall serve upon the persons hereinafter mentioned a notice in writing stating his intention to provide shelter of the approved standard, specifying with such particularity as the occupier or owner thinks reasonably necessary the nature and situation of the shelter, and specifying the number of persons that the shelter is to be constructed to accommodate.

(3) The said notice shall, in the case of factory premises, be served on the immediate landlord of the occupier, or, where he holds different parts of the premises under different landlords, on each of his immediate landlords, and, in the case of a commercial building, shall be served on—

(*a*) every lessee of the whole or any part of the building whose lease is immediately derived from the estate or interest of the owner; and

PART III. —*cont.*

(*b*) the occupier of the building, or, where different parts of the building are occupied by different persons, each of those persons.

(4) Where the occupier of factory premises or the owner of a commercial building holds any part of the premises or building on lease, he shall, before commencing any such works, serve upon his immediate landlord, or where he holds different parts of the premises or building under different landlords, on each of his immediate landlords, such a notice as is mentioned in subsection (2) of this section, and each person upon whom such a notice or a copy thereof is served in satisfaction of an obligation imposed by this subsection, shall within seven days from the date of the service of the notice or copy himself serve a copy thereof upon his immediate landlord or landlords, if any:

Provided that, where the occupier of factory premises has, under the said subsection (2) served a copy of a notice on any person, the service of that notice shall be treated as satisfying his obligation under this subsection to serve a notice on that person.

(5) The rights conferred by this section on the occupier of factory premises, the owner of a mine and the owner of a commercial building shall be exercisable by him notwithstanding any limitation on his interest in the premises, mine or building or any agreement or restrictive covenant to the contrary, and notwithstanding, in the case of the owner of a commercial building, that he is not in occupation of the part of the building, or the land affected, and the person who exercises any such right shall not be liable to pay damages for anything done by him which is reasonably necessary for the due exercise of the right.

Power of factory inspector, mines inspector or local authority to require provision of air-raid shelter.

16.—(1) A factory inspector may serve on the occupier of factory premises, a mines inspector may serve on the owner of a mine, and the local authority may serve on the owner of a commercial building (whether or not any report has been made under the preceding provisions of this Part of this Act) a notice in writing requiring him to provide air-raid shelter of the approved standard for all or any of the persons working or living in the factory premises, working in or about the mine, or working or living in the commercial building, as the case may be.

PART III. —*cont.*

(2) Any such notice shall specify with such particularity as the inspector or authority thinks or think reasonably necessary the nature and situation of the shelter, and shall specify the number of persons that the shelter is to be constructed to accommodate.

(3) Any such notice shall also state—

(*a*) that the shelter is to be provided within such time as may be specified in the notice or such longer time as the Minister may allow;

(*b*) that that time will begin to run twenty-eight days after the service of the notice, or, if an appeal is brought against the notice, from the date of the determination or abandonment of the appeal.

(4) An occupier or owner on whom such a notice has been served shall not exercise any power to execute works conferred by the last preceding section except for the purpose of complying with the said requirements.

(5) If any person fails to comply with the requirements of a notice served on him under this section, he shall be liable on summary conviction to a fine not exceeding one hundred pounds and, if the default in respect of which he was so convicted continues after the conviction, he shall be liable on summary conviction to a fine not exceeding fifty pounds for each day on which the default so continues:

Provided that the court by which a person is convicted of an offence may fix a reasonable period from the date of conviction for compliance by the defendant with the requirements of the notice, and, where a court has fixed such a period, the said daily penalty shall not be recoverable in respect of any day before the expiration thereof.

(6) Where a notice is served under this section on the occupier of factory premises who is not the owner of the whole of the premises, he shall, within fourteen days from the date of the service of the notice on him, serve a copy thereof on his immediate landlord, or, where he holds different parts of the premises under different landlords, on each of his immediate landlords.

(7) Where a notice is served under this section on the owner of a commercial building who is not the occupier of the whole of the building, he shall, within fourteen

PART III. —*cont.*

days from the date of the service of the notice on him, serve a copy thereof on—

(*a*) every lessee of the whole or any part of the building whose lease is immediately derived from the estate or interest of the owner; and

(*b*) the occupier of the building or, where different parts of the building are occupied by different persons, each of those persons.

(8) Where a notice is served under this section on the occupier of factory premises or the owner of a commercial building and the occupier or owner holds any part of the premises or building on lease, he shall within fourteen days from the date of the service of the notice on him serve a copy thereof upon his immediate landlord or where he holds different parts of the premises or building under different landlords, on each of his immediate landlords, and each person upon whom a copy of such a notice is served in satisfaction of an obligation imposed by this subsection shall within seven days from the date of the service of the copy on him himself serve a copy upon his immediate landlord or landlords, if any:

Provided that, where the occupier of factory premises has under subsection (6) of this section served a copy of a notice on a person, the service of the copy shall be treated as satisfying his obligation under this subsection to serve a copy on that person.

(9) A notice under this section requiring the provision of air-raid shelter shall be deemed to be complied with if, by an agreement under Part II of this Act between the occupier of the premises or the owner of the building, as the case may be, and the local authority for the purposes of that Part, that shelter is provided in a public air-raid shelter.

Appeals.

17.—(1) Where a notice is served under subsection (2) of section fifteen or subsection (1) of section sixteen of this Act, any person who was served thereunder with the notice or is entitled to any interest which may, under the provisions of this Part of this Act relating to factory premises occupied under short leases, become the subject of a charge in respect of the expenses of the occupier of the premises in providing the shelter to which the notice relates, or is, under the provisions of this Part of this Act relating to increases of rent in the case of

PART III. —*cont.*

certain commercial buildings, liable to an increase of rent in respect of the expenses of the owner of the building in providing the said shelter, may, within the period specified in subsection (4) of this section, appeal to the Minister on the ground that—

(*a*) the proposals or requirements of the notice are not appropriate, or are not those most appropriate to the circumstances of the case; or

(*b*) it is not reasonable to require the provision of any air-raid shelter in the case of the premises, mine or building.

(2) If the Minister allows an appeal on the ground specified in paragraph (*a*) of subsection (1) of this section, he shall vary the terms of the notice in such manner as he thinks fit and if he allows it on the ground specified in paragraph (*b*) thereof, he shall cancel the notice.

(3) Where under either of the last two preceding sections an occupier or owner has served a notice, or is required to serve a copy of a notice served upon him, with respect to air-raid shelter, he shall not begin to execute works for the purpose of providing the shelter to which the notice relates before the expiration of the period specified in subsection (4) of this section, or, if within that period an appeal is brought against the notice, until the determination or abandonment of the appeal.

(4) The period referred to in the preceding provisions of this section shall,—

(*a*) where a notice has been served by a factory inspector, mines inspector or local authority, be twenty-one days from the service of the notice by that inspector or authority;

(*b*) in the case of factory premises where no notice has been served by a factory inspector, be fourteen days from the service of the notice by the occupier;

(*c*) in the case of a commercial building where no notice has been served by the local authority, be fourteen days from the service of the notice by the owner.

Provisions as to factory premises occupied

18.—(1) The provisions of this section shall have effect where the occupier of factory premises who is not the owner of the whole of the premises incurs expenses in executing works in pursuance of a notice served by or

PART III. —*cont.* under short leases.

on him under the preceding provisions of this Part of this Act, being a notice which or, as the case may be, a copy of which, has been duly served on all the persons on whom the occupier is required to serve it by the said provisions, and not being a notice cancelled on appeal.

(2) On the termination, within the period of ten years immediately following the date of the completion of the works, of any tenancy of the whole or any part of the premises, being a tenancy in existence at that date, the interest expectant on the termination of the tenancy shall, unless it is otherwise agreed in connection with the works or after the completion thereof, be charged in favour of the outgoing tenant with a sum which bears to the net ascertained cost of the works, the proportion which so much of the said period as is unexpired at the termination of the tenancy bears to the whole of the period.

(3) In this section, the expression "the net ascertained cost of the works," means such sum as may, within the six months next following the completion of the works, be agreed by all persons entitled to interests which may become subject to such a charge as aforesaid, or as may be decided in proceedings commenced within the said six months, to be the amount of the reasonable expenses incurred in executing the works, as reduced by any grant out of moneys provided by Parliament towards those expenses:

Provided that, in relation to a tenancy not extending to the whole of the premises, the said expression shall be construed as if for the reference to the amount of the said expenses reduced as aforesaid, there were substituted a reference to an amount bearing to that amount (as so reduced) the same proportion that the annual value, at the date of the completion of the works, of the premises comprised in the tenancy bears to the annual value at that date of the whole of the premises.

Where the air-raid shelter which has been provided in pursuance of the notice provides a greater degree of protection or accommodation than is contemplated by the code, no greater expense shall be deemed for the purposes of this subsection to have been reasonably incurred in executing the works for the purpose of providing the shelter than would have been so incurred if that greater degree of protection or accommodation had not been provided.

PART III. —*cont.*

(4) Any charge created by this section on any interest in factory premises shall have priority over all other incumbrances on that interest, except charges created or arising under any enactment authorising a charge for the recovery of expenses incurred by a local authority and charges created under any enactment authorising advances of public money; and any charge created under this section may be registered under section ten of the Land Charges Act, 1925, as a land charge of Class A and the person in whose favour the charge is created shall, for the purpose of enforcing it, have the same powers and remedies under the Law of Property Act, 1925, and otherwise, as he would have if he were a mortgagee by deed having powers of sale and lease, and of appointing a receiver. 15 & 16 Geo. 5. c. 20.

(5) The provisions of this section shall have effect in relation to any tenancy notwithstanding any term thereof requiring the tenant to pay outgoings or any similar term.

(6) Where the occupier of factory premises has become liable to pay any sums to the local authority (for the purposes of Part II of this Act) under an agreement for the provision by that authority of a public air-raid shelter for the use, in whole or in part, of persons working or living in the premises, subsections (2) to (5) of this section shall apply as if those sums were expenses incurred in executing works in pursuance of a notice duly served by the occupier under the preceding provisions of this Part of this Act (not being a notice cancelled on appeal), and as if the date of the conclusion of the agreement were the date of the completion of the works.

Provisions as to commercial buildings when owner does not occupy the whole building.

19.—(1) Where works are, by virtue of this Part of this Act, executed by the owner of a commercial building in any part thereof of which he is not the occupier, the occupier of that part of the building shall be entitled to recover from the owner compensation for any damage he has sustained by reason of any interference with his use of that part of the building during the execution of the works.

Any such compensation shall be charged on the estate or interest of the owner in the building, and any such charge shall have priority over all other encumbrances on that estate or interest, except charges arising under any enactment authorising a charge for the recovery

PART III. —*cont.*

of expenses incurred by a local authority and charges created under any enactment authorising advances of public money, and may be registered under section ten of the Land Charges Act, 1925, as a land charge of Class A, and the person in whose favour the charge is created shall, for the purpose of enforcing it, have the same powers and remedies under the Law of Property Act, 1925, and otherwise, as he would have if he were a mortgagee by deed having powers of sale and lease and of appointing a receiver.

(2) Where the usefulness of any part of a commercial building is impaired by reason of the execution therein of any works by virtue of this Part of this Act by the owner of the building, then, unless it is otherwise agreed in connection with, or after, the provision of the shelter, the rent payable under every lease derived from the estate or interest of the owner, being a lease in existence at the date of the completion of the works and comprising the part of the building the usefulness of which is so impaired, shall be decreased to the extent and for the period specified in the subsequent provisions of this section.

(3) The said decrease shall be at an annual rate equal to the diminution of the annual value of the part of the building ascribable to the impairment, ascertained as at the date of the completion of the works.

(4) Where a notice has been served under the preceding provisions of this Part of this Act by or on the owner of a commercial building who is not the occupier of the whole of the building and the owner has incurred expenses in providing shelter of the approved standard in pursuance of the notice, then, unless the notice has been cancelled on appeal, the rent payable under every lease derived from his estate or interest (being a lease in existence at the date of the completion of the works) shall, unless it is otherwise agreed in connection with, or after, the provision of the shelter, be increased to the extent and for the period specified in the subsequent provisions of this section :

Provided that no increase shall be payable by any person unless the owner has served the notice, or, as the case may be, a copy thereof, on all the persons on whom he is required to serve it by the preceding provisions of this Part of this Act within the time limited by those provisions.

PART III. —*cont.*

(5) The said increase shall be at the annual rate of the total of the two following amounts, that is to say :—

(*a*) one-tenth of the expenses of the owner under the notice;

(*b*) any diminution of the annual value of any part of the building ascribable to an impairment of the usefulness thereof by reason of the execution of the works ascertained as at the date of the completion of the works :

Provided that, in the case of a lease of part of a commercial building, the increase shall be calculated by reference not to the whole of the said total but to an amount bearing thereto the same proportion as the annual value of the part of the building at the date of the completion of the works bears to the annual value of the whole building at that date.

(6) The said increase shall operate in relation to a lease notwithstanding that the rent payable thereunder is decreased under the provisions of subsection (2) of this section, and any such increase and any such decrease shall be set off against each other accordingly.

(7) The rent on which any such increase or decrease as aforesaid operates is all rent payable under the lease in question in respect of any rent period beginning after the date of the completion of the works :

Provided that no increase or decrease shall operate in respect of more than ten years.

In this subsection the expression " rent period " means the quarter or other period in respect of which an instalment of rent becomes payable under the lease in question.

(8) In this section the expression " expenses " in relation to a notice means the expenses reasonably incurred by the owner in providing shelter of the approved standard in pursuance of the notice together with—

(*a*) the amount of any compensation properly paid by the owner under subsection (1) of this section; and

(*b*) where the owner is the occupier of any part of the building in which works were executed for

PART III. —*cont.*

the purpose of providing the shelter, the amount of compensation which he would have been entitled to recover under that subsection from the owner of the building if he himself had not been the owner thereof, and the works had been done by the owner by virtue of the provisions of this Part of this Act.

Where air-raid shelter which has been provided in pursuance of the notice provides a greater degree of protection or accommodation than is contemplated by the code, no greater expense shall be deemed for the purposes of this subsection to have been reasonably incurred in executing the works for the purpose of providing the shelter than would have been so incurred if that greater degree of protection or accommodation had not been provided.

(9) Notwithstanding anything in this section, if any lessee proves that he or his predecessor in title, as the case may be, was not a person on whom the notice or a copy of the notice in question was required to be served by the preceding provisions of this Act and had no reasonable opportunity of appealing to the Minister against the notice and that by reason of his or his said predecessor's inability to appeal he has suffered damage, such reduction shall be made in the amount of the increase of the rent payable under his lease as may be just.

(10) A surety for the payment of any rent which is increased under this section shall not be discharged by reason of the increase but shall not be liable in respect of the increase.

(11) Where an owner claims or could have claimed an increase of rent under this section in respect of any expenses, he shall not be entitled to claim those expenses or any part thereof under any term of a lease requiring the tenant to pay outgoings or any similar term.

(12) Subsections (4), (5), (7), (10) and (11) of this section shall apply in relation to any sums for which the owner of a commercial building becomes liable to a local authority (for the purposes of Part II of this Act) under an agreement for the provision of a public air-raid shelter for the use, in whole or in part, of persons working or living in the building, as if—

(*a*) the owner had provided shelter of the approved standard in pursuance of a notice duly served

by him under the preceding provisions of this Part of this Act (not being a notice cancelled on appeal) and the said sums were expenses under that notice; and

(*b*) the date of the conclusion of the agreement were the date of the completion of the works.

Contributions in respect of works commenced before the passing of this Act.

20.—(1) Where any person having any estate or interest in factory premises or a commercial building or any part thereof has, before the passing of this Act, commenced works for the purpose of providing air-raid shelter of the approved standard for all or any of the persons working or living in the premises or building, he may make a claim to the tribunal by which claims for compensation and increases and decreases of rent are determined under this Act for the payment of contributions by all or any of the persons hereinafter mentioned towards the expenses incurred in providing the shelter, and the said tribunal may order the payment of such contributions by such of the said persons as it considers just.

(2) The persons liable to make contributions under the preceding subsection are persons having an estate in fee simple or a leasehold interest in the factory premises or commercial building, or any part thereof, being an estate or interest in existence at the passing of this Act or at the date of the completion of the works, whichever is the later, and not being an estate or interest in reversion expectant on a lease the unexpired term of which is ten years or more.

(3) The said tribunal in determining a claim under this section—

(*a*) may set aside or vary the terms of any agreement entered into before the passing of this Act to such extent as may be necessary to give effect to its determination;

(*b*) may order that the contributions (if any) shall take the form of increases or decreases of rent, or of lump sum or periodical payments, and, if they take the form of payments, may order that they shall be charged on the interests of the persons liable therefor.

PART III. —*cont.*

(4) In this section, references to the expenses incurred by any person in providing air-raid shelter shall include references to—

(*a*) any sum which he is liable to pay as compensation for interference with the use of any part of the factory premises or commercial building during the execution of the works, or for the impairment of the value of any such part by reason of the execution of the works;

(*b*) if the works are executed in a part of the premises or building occupied by him or impair the value of a part in which he has an estate or interest, such sum as may be just in respect of the interference with the use of that part or, as the case may be, the impairment of its value.

(5) The provisions of this Act relating to the determination of claims for compensation and increases and decreases of rent shall apply in relation to the determination of claims for contributions under this section.

Saving for rights of occupier or owner existing apart from this Part.

21. Nothing in this Part of this Act shall be construed as preventing the occupier of any factory premises, the owner of any mine or the owner of any commercial building from doing anything with a view to providing air-raid shelter which he would have been entitled to do if this Part of this Act had not been enacted, unless the doing thereof is inconsistent with compliance with the requirements of a notice duly served on him under this Part of this Act.

Exchequer grants in respect of provision of air-raid shelter in factory premises, mines, commercial buildings, &c.

22.—(1) Subject to the provisions of this section, there shall be paid out of moneys provided by Parliament to every occupier of factory premises and to every owner of a mine or commercial building who provides or secures the provision of air-raid shelter of the approved standard for all or any of the persons working or living in the factory premises, working in or about the mine, or working or living in the commercial building, as the case may be, a grant equal to the appropriate proportion of so much of the expenses of a capital nature incurred by him in providing or securing the provision of the shelter as the Minister considers reasonable.

PART III. —*cont.*

(2) Subject to the provisions of this section, there shall be paid out of moneys provided by Parliament to every other person who incurs expenses of a capital nature in providing or securing the provision of air-raid shelter of the approved standard for all or any of the persons employed by him (otherwise than in a building in connection with which a grant is payable under subsection (1) of this section or a building wholly or mainly occupied as a school, college, university, hotel, restaurant, club, place of public entertainment or amusement, hospital or nursing home), a grant equal to the appropriate proportion of so much of those expenses as the Minister considers reasonable:

Provided that nothing in this subsection shall apply to any public utility undertakers.

(3) In this section the expression "the appropriate proportion" means an amount in the pound equal to the standard rate of income tax for the year 1939–40.

(4) No grant shall be paid under this section in respect of expenses incurred in providing or securing the provision of air-raid shelter unless either—

(*a*) the shelter has been provided before the end of September nineteen hundred and thirty-nine; or

(*b*) work on the shelter is then in progress, or preparatory measures are then being taken for the provision of the shelter and (in each case) the Minister is satisfied that the shelter will be provided within a reasonable time thereafter;

and no expenses shall be deemed for the purposes of this section to be reasonable in so far as they exceed such standard as may be prescribed by regulations of the Minister made with the consent of the Treasury, unless they were incurred in circumstances so prescribed.

(5) This section applies in relation to shelter provided before, as well as in relation to shelter provided after, the passing of this Act.

Training of employees.

23.—(1) This section applies to every person who employs more than thirty persons in any factory premises, in or about any mine or in any commercial building.

(2) It shall be the duty of every person to whom this section applies, not later than one month from the

PART III. —*cont.*

date on which this section first applies to him, to make a report in writing, in the case of factory premises, to the factory inspector for the district, in the case of a mine, to the mines inspector for the district, and, in the case of a commercial building, to the local authority, stating what measures he has taken or is taking or proposing to take to secure that all the persons employed by him in the premises, in or about the mine or in the building are trained as respects the routine to be followed in the event of an air-raid and that a suitable proportion of those persons are trained and equipped to give first-aid treatment, to deal with the effects of gas and to fight fires.

(3) A factory inspector may, in the case of factory premises, a mines inspector may, in the case of a mine, and the local authority may, in the case of a commercial building, serve on an employer to whom this section applies a notice in writing requiring him to take such measures in relation to the aforesaid matters as may be specified in the notice, and it shall thereupon be the duty of the employer, subject to the next following subsection, to comply with the requirements of the notice.

(4) Any person upon whom a notice is served as aforesaid may, within fourteen days after receipt of the notice, appeal to the Minister, and the Minister may on any such appeal cancel or vary the notice, and the decision of the Minister shall be final.

(5) If any person to whom this section applies fails to make such a report as aforesaid or to comply with the requirements of such a notice as aforesaid, he shall be liable on summary conviction to a fine not exceeding one hundred pounds, and, if the default in respect of which he was so convicted continues after the conviction, he shall be liable on summary conviction to a fine not exceeding fifty pounds for each day on which the default so continues.

Saving for certain authorities.

24. The provisions of this Part of this Act requiring owners and occupiers to make reports and authorising inspectors and local authorities to serve notices shall not require the making of reports by, or authorise the service of any notice on, any local authority or any police authority as defined in the Police Pensions Act, 1921.

11 & 12 Geo. 5. c. 31.

PART III. —*cont.*

Local authority for purposes of Part III.

25. Subject to the special provisions of this Act with respect to the administrative county of London, in this Part of this Act the expression " local authority " means the council of a county borough or county district:

Provided that, in the last preceding section, it includes, subject as aforesaid, any local authority within the meaning of the Act of 1937.

PART IV.

OTHER PROVISIONS AS TO SHELTER.

Erection of shelters provided by the Crown.

26.—(1) Where the occupier of any premises has been provided on behalf of His Majesty with materials for an air-raid shelter to be erected on the premises, the local authority shall give him advice as to the position in which the shelter should be erected:

Provided that, where the materials are sold to the occupier, the local authority shall not be under any duty to give such advice until requested by the occupier.

(2) Any occupier to whom advice has been given as aforesaid may erect the shelter in accordance therewith, and may for that purpose break up the surface of any land in his occupation whether paved or not, but shall take due care not to damage any drains, sewers, pipes, cables or other works; and the right conferred by this subsection on any occupier may be exercised notwithstanding any agreement or restrictive covenant to the contrary, and notwithstanding any limitation on his interest in the premises, and he shall not be liable to pay damages in respect of any act which is reasonably necessary for the due exercise of the right conferred on him, or, if he has exercised due care, for any damage done by him to drains, sewers, pipes, cables or other works.

(3) The local authority shall in giving any advice under this section exercise such care as is reasonable in the circumstances of the case, but unless they fail to exercise such care, they shall not be under any liability in respect of any damage caused by or in consequence of the erection of a shelter in accordance with advice given by them.

(4) Where any such materials for an air-raid shelter have been provided on behalf of His Majesty without

PART IV. —*cont.*

charge, the local authority may, with the consent of the occupier of the premises, themselves erect the shelter, and the provisions of subsection (2) of this section shall apply in relation to the local authority as they apply in relation to an occupier erecting a shelter in accordance with advice given by the local authority.

(5) For the purposes of this Part of this Act, references to the erection of an air-raid shelter include references to the affixing of the shelter to, or the embedding of the shelter in, any part of the premises and the carrying out of any other works necessary for the proper erection of the shelter.

(6) Public utility undertakers who carry on a gas, water or electricity undertaking shall not, unless they have been guilty of negligence, be liable to pay damages for or in respect of any loss of life or injury or damage to persons or property resulting from damage done by any occupier to any pipe, cable, or other work in the exercise of the powers conferred by subsection (2) of this section:

Provided that nothing in this subsection shall be in derogation of any provision in the Workmen's Compensation Act, 1925.

15 & 16 Geo. 5. c. 84.

(7) This section shall be deemed to have had effect as from the commencement of the Act of 1937.

Affixing of appliances provided by the Crown for strengthening basements.

27.—(1) Where the occupier of any basement has been provided free of charge on behalf of His Majesty with appliances for strengthening it with a view to its use as an air-raid shelter, then, unless the occupier of the basement refuses his consent, it shall be the duty of the local authority—

(*a*) to affix these appliances, and

(*b*) to take such steps as appear desirable in order to provide additional exits from the basement or in order to enable additional exits therefrom to be readily provided;

and for any of the purposes aforesaid they shall have power to execute such works as may be necessary in the basement or elsewhere in the building, including works in any party wall, and for the purpose of providing additional exits or enabling additional exits to be readily provided they shall also have power to execute such works as may be necessary in or under any part of the highway

adjacent to the building, and in or under any land occupied or used in connection with the building, or in connection with the building and other buildings; and they shall not be liable to pay damages in respect of any act which is reasonably necessary for the due exercise of the rights conferred on them by this subsection: PART IV. —*cont.*

Provided that, if the local authority in executing works in or under any part of the highway cause any damage to any mains, pipes, apparatus or works belonging to public utility undertakers or persons carrying on any hydraulic power undertaking, they shall repay to the undertakers or persons the amount of the expenses reasonably incurred by them in making good the damage.

(2) This section shall be deemed to have had effect as from the commencement of the Act of 1937.

Restriction of removal of shelters and appliances.

28.—(1) Any materials for an air-raid shelter or appliances for strengthening a basement provided free of charge on behalf of His Majesty and with the consent of the recipients shall not be removed from the premises for which they were provided without the consent in writing of the local authority.

(2) Any air-raid shelter erected or appliances affixed by the local authority under the preceding provisions of this Part of this Act shall not be removed from its position without the consent in writing of the local authority.

(3) The consent of the local authority under this section may be given absolutely or subject to conditions.

(4) Any person who removes any shelter, materials or appliances in contravention of this section, or contravenes any condition subject to which the consent of the local authority was given to the removal thereof, shall be liable on summary conviction to a fine not exceeding twenty pounds:

Provided that no person shall be convicted under this subsection if he proves that he did not know and had no reasonable grounds for suspecting that the materials or appliances were provided on behalf of His Majesty free of charge or, as the case may be, that the shelter was erected or the appliances were affixed by the local authority.

PART IV. —*cont.*

Loans by local authorities to owners of dwelling-houses.

29.—(1) The local authority may advance money to the owner of any premises comprising a dwelling-house in an area specified by the Minister in an order made under Part III of this Act (not being premises the occupier of which has been provided free of charge, on behalf of His Majesty, with materials for an air-raid shelter) for the purpose of enabling the owner to provide in the premises an air-raid shelter of a permanent character.

(2) Every such advance shall be repaid with interest within such period not exceeding ten years from the date of the advance as may be agreed, and the rate of interest shall be such a rate as may be agreed, not being a rate less than one-quarter per cent. in excess of the rate of interest which, one month before the date on which the terms of the advance are settled, was the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities advanced out of the Local Loans Fund for the purposes of Part V of the Housing Act, 1936.

60 & 61 Vict. c. 51.

26 Geo. 5. & 1 Edw. 8. c. 51.

(3) Any amount due to a local authority by way of repayment of an advance made by them under this section may be recovered summarily as a civil debt, and shall be a charge on the premises in respect of which the advance was made, and the local authority shall, for the purpose of enforcing any such charge, have the same powers and remedies under the Law of Property Act, 1925, and otherwise as they would have if they were mortgagees by deed having powers of sale and lease and of appointing a receiver.

(4) The Public Works Loans Commissioners may, if they think fit, make loans in the manner provided by the Public Works Loans Act, 1875, to any local authority for the purpose of enabling the authority to make advances under this section, and the enactments relating to loans made by the said Commissioners shall apply (so far as applicable) to loans made by virtue of this subsection as they apply to loans made under section nine of the said Act.

38 & 39 Vict. c. 89.

(5) In this section the expression "owner" in relation to any premises, means the person in whom the fee simple is vested, and includes also a lessee of the premises under a lease the unexpired term of which exceeds three years.

PART IV. —*cont.* Provision of air-raid shelter in certain buildings.

30.—(1) The owner of any building or block of buildings to which this section applies shall, if so required by more than one-half in number of the occupiers of the separate parts of the building or block, and in any other case may, prepare a scheme for providing air-raid shelter in or near the building or block for the persons living and working in the building or block.

(2) In this section the expression " building or block of buildings to which this section applies," means a building or block of buildings which is situated in an area specified in an order made by the Minister under Part III of this Act, is wholly or mainly used for residential purposes and is let out in separate parts :

Provided that—

(*a*) so much of any building or block of buildings as consists of, or is comprised in, any factory premises or commercial building shall be disregarded;

(*b*) the said expression does not include any building or block of buildings owned by any local authority;

(*c*) if and so long as arrangements are in existence under which particular classes of persons are provided free of charge on behalf of His Majesty with materials for air-raid shelter, the said expression does not include a building or block of buildings in the case of which the majority of the occupiers of the residential parts fall within those classes,

and any question whether any building or block of buildings is or is not excluded from the operation of this section by virtue of paragraph (*c*) of this proviso shall be referred to the Minister whose decision shall be final.

(3) Any such scheme shall—

(*a*) state the situation and the general nature of the shelter to be provided under the scheme and the number of persons which the shelter is to be constructed to accommodate;

(*b*) state the estimated cost of the provision of the shelter exclusive of compensation;

PART IV. —*cont.*

(*c*) state whether any and if so what compensation is proposed to be paid by the owner to persons having an estate or interest in the premises in which the shelter is to be provided and whether, and if so what, compensation is proposed to be allowed to the owner in respect of his interest in the premises in which the shelter is to be provided;

(*d*) contain a statement of the effect of the subsequent provisions of this section as to increases of rent;

and may contain such other information as appears to the owner to be relevant in connection with the scheme.

(4) The owner shall serve a copy of any such scheme on the occupier of every separate part of the building or block not occupied by the owner thereof.

(5) Unless the occupiers of more than one-half in number of the separate parts of the building or block dissent from the scheme, then the owner shall carry the scheme into effect and, on completion by the owner of the shelter specified by the scheme in accordance with the provisions thereof, the rent payable under every lease derived from the estate or interest of the owner (being a lease in existence at the date of the completion of the shelter) shall, unless it is otherwise agreed in connection with or after the provision of the shelter, be increased to the extent and for the period specified in the subsequent provisions of this section.

(6) The said increase shall be calculated as follows :—

(*a*) there shall first be taken the expenses of the owner in providing the shelter (exclusive of compensation) or the amounts specified in the scheme as the estimate of those expenses, whichever is the less;

(*b*) there shall then be added to the sum ascertained under paragraph (*a*) of this subsection

(i) the amount, if any, proposed by the scheme to be paid by the owner as compensation to persons having an estate or interest in the premises in which the shelter is to be provided or the amount, if any, properly paid by the owner in respect of such compensation, whichever is the less; and

(ii) the amount, if any, proposed by the scheme to be allowed as compensation to the owner in respect of his interest in the premises in which the shelter is to be provided or the amount reasonably allowed to the owner in respect of such compensation, whichever is the less;

(*c*) there shall then be ascertained the proportion which the annual value of the part of the building or block to which the lease in question relates at the date of the completion of the works bears to the annual value of the whole building or block at that date;

(*d*) the proportion so arrived at shall be applied to the sum ascertained under paragraphs (*a*) and (*b*) of this subsection; and

(*e*) the increase in rent shall be at the annual rate of one-eighth of the sum arrived at under paragraph (*d*).

(7) The rent on which the said increase operates is all rent payable under the lease in question in respect of any rent period beginning after the date of the completion of the shelter:

Provided that no increase shall operate for more than ten years.

(8) A surety for the payment of any rent which is increased under this section shall not be discharged by reason of the increase, but shall not be liable in respect of the increase.

(9) Nothing in this section shall be construed as authorising the owner of any building or block of buildings to enter upon any premises or land, or to do any work thereon, if he would not have been entitled to enter or to do that work apart from the provisions of this section.

(10) In this section—

(*a*) the expression "owner" in relation to a building or block of buildings to which this section applies has the same meaning as that expression has in relation to a commercial building; and

(*b*) the expression "separate part" means, in relation to a building or block of buildings, a

PART IV. —*cont.*

part thereof which is in separate occupation, or, if unoccupied, is intended for separate occupation; and

(*c*) the expression " rent period " means, in relation to a lease, the quarter or other period in respect of which an instalment of rent becomes payable thereunder;

and where a part of a building or block of buildings is occupied under a lease of which the unexpired term is less than six months, that person shall be deemed for the purposes of this section to be the occupier of that part who would be the occupier thereof if every such lease thereof had been surrendered.

(11) The provisions of the last preceding section shall apply in relation to the owner of a building or block of buildings who is providing an air-raid shelter of a permanent character under a scheme under this section, as it applies in relation to the owner of any such premises as are mentioned in subsection (1) of that section.

Special provisions as to land used in common by tenants of certain buildings.

31.—(1) If, in the case of any building or block of buildings to which this section applies, there is adjacent thereto any land used in common by the occupiers of the building or block, a request in writing, signed by more than one-half in number of the occupiers of the separate parts of the building or block, that the local authority should utilise that land for the construction or erection of an air-raid shelter shall confer upon the local authority the like rights as respects entry upon the land and the execution of works thereon as they would possess if the request had been and continued to be concurred in by all persons in any way interested in the land.

(2) In this section the expression " building or block of buildings to which this section applies " means a building or block of buildings which is situated in an area specified in an order made by the Minister under Part III of this Act, is wholly or mainly used for residential purposes and is let out in separate parts :

Provided that—

(*a*) so much of any building or block of buildings as consists of, or is comprised in, any factory premises or commercial building shall be disregarded;

PART IV. —*cont.*

(*b*) the said expression does not include any building or block of buildings the owner of which may be required to provide air-raid shelter in accordance with a scheme prepared under the last preceding section.

Execution of works by owner of dwelling-house.

32.—(1) The owner of any dwelling-house may execute any works for the purpose of providing air-raid shelter in the dwelling-house or in or on any land belonging to or occupied with the dwelling-house, notwithstanding any limitation on his interest in the dwelling-house or the said land or any agreement or restrictive covenant to the contrary.

(2) In this section the expression " owner," in relation to any dwelling-house, means the person in whom the fee simple is vested, and includes also a lessee of the dwelling-house under a lease the unexpired term of which exceeds three years.

(3) This section shall be deemed to have come into operation on the commencement of the Act of 1937.

Power to make regulations as to construction, alteration or extension of buildings.

33.—(1) The Minister may, after consultation with such persons having professional or other special qualifications as he thinks fit, make regulations, imposing, in relation to buildings of such classes as may be specified in the regulations—

(*a*) such requirements as to materials and construction as he considers necessary for the purpose of rendering the buildings less vulnerable to air-raids;

(*b*) such requirements as he considers necessary as to the provision of air-raid shelter for the persons using or resorting to the buildings.

(2) Regulations made under this section shall apply to buildings erected after the coming into operation of the regulations and, to such extent as may be specified therein, to buildings in which structural alterations are made, or which are extended, after that date:

Provided that no regulations shall apply to any building on the ground that it is erected, altered or extended after the said date, if plans for the erection, alteration or extension in question were passed by the local authority under the Public Health Act, 1936, or any corresponding enactment in any local Act, before that date.

26 Geo. 5. & 1 Edw. 8. c. 49.

PART IV. —*cont.*

(3) Regulations made under this section may apply generally or in such areas as may be specified in the regulations, and different requirements may be prescribed for different areas and different classes of buildings.

(4) It shall be the duty of the local authority to enforce regulations made under this section, and for that purpose—

(*a*) sections sixty-four to sixty-seven of the Public Health Act, 1936, shall apply to such regulations so far as they relate to areas where building byelaws are in force, as if the regulations were building byelaws and as if the references in the said section sixty-seven to the Minister of Health were references to the Minister;

(*b*) the regulations may, so far as they relate to areas in which a local Act dealing with the construction of buildings is in force, incorporate any of the provisions of any such Act with such modifications as may be necessary;

(*c*) the regulations may include provisions as to the giving of notices and the deposit of plans, sections, specifications and written particulars, and the inspection of work, and the taking of samples of materials to be used in the construction of buildings or in the execution of other works;

(*d*) the regulations may provide for imposing on persons offending against the regulations fines, recoverable on summary conviction, not exceeding twenty pounds and in the case of a continuing offence further fines not exceeding five pounds for each day during which the offence continues after conviction therefor.

(5) Where the local authority consider that the operation of any regulation under this section in force in their area would be unreasonable in relation to any particular case, they may, with the consent of the Minister, relax the requirements of the regulation or dispense with compliance therewith.

(6) Any building byelaws, or any provisions of any such local Act as aforesaid, which are inconsistent with

any regulations made under this section shall, while the regulations are in force, be void to the extent of the inconsistency. PART IV. —*cont.*

(7) In this section the expression "building bye-laws" has the meaning assigned to it by section three hundred and forty-three of the Public Health Act, 1936, and subsection (2) of section ninety of that Act (which relates to the question what constitutes the erection of a building) shall apply for the purposes of this section as it applies for the purposes of Part II of that Act.

(8) This section shall have effect in relation to any electricity generating station as if the references therein to the Minister were references to the Electricity Commissioners, acting with the concurrence of the Minister.

Increase of housing subsidy as respects certain flats. 1 & 2 Geo. 6. c. 16.

34.—(1) In the case of flats to which this section applies, the annual contribution payable under section one of the Housing (Financial Provisions) Act, 1938, by the Minister of Health shall be increased by two pounds in respect of each flat, and the annual contribution payable by the local authority under section six of that Act shall be increased accordingly.

(2) This section applies to flats provided in blocks of flats within the meaning of the Housing (Financial Provisions) Act, 1938, in which air-raid shelter—

(*a*) is provided in order to comply with regulations made under the last preceding section; or

(*b*) is provided (whether before or after the commencement of this Act) with the approval of the Minister of Health.

Provisions as to local authorities for purposes of Part IV.

35.—(1) Subject to the special provisions of this Act with respect to the administrative county of London, in this Part of this Act the expression "local authority" means the council of a county borough or county district.

(2) The council of any county may reimburse to the council of any county district within that county the whole or any part of any expenses incurred by them under the first three sections of this Part of this Act.

PART V.

PUBLIC UTILITY UNDERTAKINGS.

Duty of public utility undertakers to make reports.

36.—(1) It shall be the duty of all public utility undertakers, not later than one month from the passing of this Act, to make a report in writing to the appropriate department stating what measures they have taken or are taking or proposing to take to secure that all persons employed by them are trained as respects the routine to be followed in the event of an air-raid and that a suitable proportion of those persons are trained and equipped to give first aid treatment, to deal with the effects of gas, and to fight fires.

(2) Subject to the special provisions of this Part of this Act as to railway undertakings, the appropriate department may serve a notice in writing on any public utility undertakers requiring them to make, in addition to the report required by the preceding subsection, either or both of the following reports in writing, that is to say,—

(*a*) a report stating what measures they have taken or are taking or proposing to take to provide air-raid shelter for the persons employed by them; and

(*b*) a report stating what measures they have taken or are taking or proposing to take to secure the due functioning of their undertaking in the event of hostile attack,

and on receipt of such notice it shall be the duty of the undertakers forthwith to comply with its requirements:

Provided that it shall be the duty of any undertakers who employ persons within an area specified by the Minister in an order made under Part III of this Act to make a report in writing not later than three months from the making of that order stating what measures they have taken or are taking or proposing to take to provide shelter for those persons notwithstanding that no notice has been served upon them under this subsection.

(3) If any undertakers fail to make a report which they are required to make under this section, they shall be liable on summary conviction to a fine not exceeding

PART V. —*cont.*

one hundred pounds, and, if the failure in respect of which they were so convicted continues after the conviction, they shall be liable on summary conviction to a fine not exceeding ten pounds for each day on which the failure so continues.

Power to require measures to be taken.

37.—(1) The appropriate department may serve on any public utility undertakers a notice requiring them, within the time specified in the notice, to take such measures as may be specified in the notice, being measures with respect to any of the matters specified in the last preceding section with respect to which those undertakers have made, or are under an obligation to make, a report in pursuance of that section or could be required to make a report thereunder.

(2) If any undertakers fail to comply with the requirements of a notice served on them under this section, they shall be liable on summary conviction to a fine not exceeding one hundred pounds and, if the failure in respect of which they were so convicted continues after the conviction, they shall be liable on summary conviction to a fine not exceeding fifty pounds for each day on which the failure so continues:

Provided that the court by which any undertakers are convicted of an offence may fix a reasonable period from the date of conviction for compliance by the undertakers with the requirements of the notice, and, where a court has fixed such a period, the said daily penalty shall not be recoverable in respect of any day before the expiration thereof.

General grant in respect of expenses in providing shelter for employees.

38.—(1) Where any public utility undertakers who, under the preceding provisions of this Part of this Act, have made, or are under an obligation to make, a report as to the measures which they have taken or are taking or proposing to take to provide air-raid shelter for persons employed by them or have been served with a notice requiring them to take such measures, have incurred, whether before or after the passing of this Act, expenses of a capital nature in taking measures for that purpose (being measures for the provision of shelter of the approved standard), there shall be paid out of moneys provided by Parliament towards those expenses grants equal to the appropriate proportion of so much of those expenses as the appropriate department considers reasonable:

PART V. —*cont.*

Provided that—

(*a*) no grant shall be payable under this section towards the expense of providing any shelter unless either the shelter has been provided before the end of September nineteen hundred and thirty-nine or work on the shelter is then in progress or preparatory measures are then being taken for the provision of the shelter and (in each case) the appropriate department is satisfied that the shelter will be provided within reasonable time thereafter;

(*b*) no expenses shall be deemed to be reasonable in so far as they exceed such standard as may be prescribed by regulations of the Minister made with the consent of the Treasury unless they were incurred in circumstances so prescribed.

(2) In this section the expression "the appropriate proportion" means an amount in the pound equal to the standard rate of income tax for the year 1939–40.

Grants in respect of measures to secure due functioning of undertakings.

39.—(1) There may be paid out of moneys provided by Parliament towards approved expenses of public utility undertakers in taking measures, whether before or after the passing of this Act, to secure the due functioning of their undertaking in the event of hostile attack, grants not exceeding one-half of those expenses.

(2) In this section the expression "approved expenses" means such expenses of a capital nature, incurred on such measures, as the appropriate department, acting in accordance with general directions of the Treasury, may approve for the purposes of this section.

(3) This section shall not apply in relation to any railway undertaking or electricity undertaking, and, in relation to any dock or harbour undertaking, shall have effect subject to the special provisions of this Part of this Act as to those undertakings.

Provisions as to railway undertakings.

40.—(1) So much of the preceding provisions of this Part of this Act as relates to measures of public utility undertakers to secure the due functioning of their undertaking in the event of hostile attack shall not apply in relation to any railway undertaking, but the following provisions of this section shall have effect in relation to

PART V. —*cont.*

any railway undertaking specified in that behalf in an order of the appropriate department.

(2) The undertakers carrying on any such undertaking may be required by notice in writing from the appropriate department to make a report stating what measures they have taken or are taking or proposing to take as respects—

(*a*) the execution of works or the provision of accommodation, plant, materials or equipment (including stocks of stores) with a view to providing or maintaining essential railway services in the event of hostile attack;

(*b*) the provision for persons employed by them on duties in connection with essential railway services of such special protection or equipment as may be necessary to enable those essential services to be maintained during air-raids,

and the appropriate department may serve on any such undertakers a notice requiring them, within the time specified in the notice to take such measures as may be specified therein as respects any such matters, and the preceding provisions of this Part of this Act with respect to failures to make reports and to comply with notices shall apply in relation to the reports and notices mentioned in this subsection as they apply in relation to the reports and notices mentioned in those provisions.

(3) There may be paid out of moneys provided by Parliament to any such undertakers grants not exceeding such expenses, incurred on such measures (being measures with respect to the matters mentioned in subsection (2) of this section), as the appropriate department, acting in accordance with general directions of the Treasury, may approve for the purposes of this subsection.

(4) If, in the event of war, control of any such undertaking in whole or in part is assumed by His Majesty's Government in the United Kingdom on terms as to compensation under which a net revenue ascertained in accordance with those terms accrues to the undertakers in respect of any control accounting period (as hereinafter defined) which exceeds such amount as may be agreed or determined to represent the corresponding net revenue of the undertakers in respect of a like accounting period before the outbreak of war, the undertakers shall pay to

PART V. —*cont.*

the appropriate department an amount equal to the excess, so however that the total of the amounts so paid by the undertakers shall not exceed—

(*a*) one-half of the total grants made to them under the last preceding subsection; or

(*b*) the amount by which the sum of the net revenues, ascertained as aforesaid, accruing to the undertakers throughout the control accounting periods, exceeds the sum of the corresponding net revenues of the undertakers in respect of the like accounting periods before the outbreak of war.

In this subsection the expression " control accounting period " in relation to an undertaking means in respect of any financial year of that undertaking throughout which such control as aforesaid exists, that financial year, and in respect of any financial year of the undertaking during a part only of which such control as aforesaid exists, that part of that financial year.

Any sum received by the appropriate department under this subsection shall be paid into the Exchequer.

Provisions as to dock and harbour undertakings.

41.—(1) If, on the application of any public utility undertakers who carry on a dock or harbour undertaking the appropriate department so order, the preceding provisions of this Part of this Act relating to the provision of air-raid shelter for persons employed by public utility undertakers, shall apply in relation to the undertakers carrying on the undertaking as if all persons likely to be found during air-raids in the dock or harbour, or any such part thereof as may be specified in the order, were persons employed by the undertakers; and where any such order is made—

(*a*) the order may contain such incidental and consequential provisions as the appropriate department thinks proper, including provisions authorising the undertakers, notwithstanding anything in any contract or in any enactment or order relating to them, to do such of the following things as may be specified in the order, that is to say—

(i) to make such increases in their charges as may be specified in the order;

PART V. —*cont.*

(ii) to recover from such persons or classes of persons using the dock or harbour as may be specified in the order such sums as may be determined by or under the order;

(iii) to borrow such money on such terms as to security and otherwise as may be specified in the order;

(*b*) the provisions of Part III of this Act relating to the provision of air-raid shelter shall not apply in relation to any factories or commercial buildings situate in the dock or harbour or, as the case may be, in the part thereof specified in the order; and

(*c*) no grant shall be payable under Part III of this Act in respect of any expenses incurred in providing or securing the provision of air-raid shelter in the dock or harbour, or, as the case may be, in the part thereof specified in the order.

(2) Without prejudice to the generality of the provisions of this Part of this Act relating to measures for securing the due functioning of an undertaking in the event of hostile attack, the measures which may be specified in a notice served by the appropriate department under this Part of this Act may, in the case of undertakers carrying on a dock or harbour undertaking, include measures designed to secure that the undertaking is capable of providing services which would not, apart from hostile attack or the danger thereof, be required to be provided by that undertaking; and, in relation to any such measures the provisions of this Part of this Act relating to grants shall have effect as if for the reference to one-half of the approved expenses there were substituted a reference to seventeen-twentieths thereof.

(3) There may be paid out of moneys provided by Parliament towards approved expenses incurred, whether before or after the commencement of this Act, by public utility undertakers who carry on a dock or harbour undertaking in taking measures designed to provide facilities, in the event of hostile attack, for the collection of casualties occurring in the dock or harbour or on land adjacent thereto and the treatment thereof in first-aid posts, grants not exceeding one-half of those expenses.

PART V. —*cont.*

In this subsection the expression "approved expenses" means such expenses of a capital nature, incurred on such measures, as the Minister, acting in accordance with general directions of the Treasury, may approve for the purposes of this subsection.

(4) In this section the expressions "dock" and "harbour" mean, in relation to public utility undertakers carrying on a dock or harbour undertaking, the area over which they exercise any control under any enactment or order relating to the undertaking.

Provisions as to electricity undertakings.

42.—(1) The Central Electricity Board shall have, and be deemed always to have had, power, with the approval of the Electricity Commissioners—

(*a*) to acquire, store, insure and maintain stocks of any such plant and equipment (including wires and cables) as is used for the purpose of transmitting, transforming or distributing electricity, with a view to those stocks being made available for temporary use by the Board or any other electricity undertakers in the event of damage consequent upon hostile attack;

(*b*) to make arrangements for the distribution of any such plant and equipment in that event; and

(*c*) to acquire any land, acquire, insure, and maintain any other property, and do any thing, necessary or expedient for any of the purposes aforesaid.

(2) The Central Electricity Board shall defray any approved expenses incurred, whether before or after the passing of this Act, by any other electricity undertakers in taking measures for securing the due functioning of their undertaking in the event of hostile attack, and there may be paid out of moneys provided by Parliament to the Central Electricity Board towards—

(*a*) the expenses incurred by the Board under the preceding provisions of this subsection; and

(*b*) the approved expenses of the Board incurred, whether before or after the passing of this Act, on the measures mentioned in subsection (1) of this section; and

(*c*) the approved expenses of the Board incurred, whether before or after the passing of this

PART V. —*cont.*

Act, on measures to secure the due functioning of their own undertaking in the event of hostile attack;

grants not exceeding one-half of those expenses.

In this subsection the expression "approved expenses" means such expenses of a capital nature, incurred on such measures, as the Electricity Commissioners, acting in accordance with general directions of the Treasury, may approve for the purposes of this subsection.

(3) The provisions of Part I of the First Schedule to this Act shall have effect with respect to the financing of certain expenditure of the Central Electricity Board under this Part of this Act and that Schedule and the distribution of the burden of that expenditure among the various electricity undertakers (including the Central Electricity Board), the provisions of Part II of that Schedule shall have effect with respect to the disposal of the property acquired by the Central Electricity Board under subsection (1) of this section and the provisions of Part III thereof shall have effect with respect to certain related matters.

In the said Schedule, the expression "the principal section" means this section.

PART VI.

OBSCURATION OF LIGHTS AND CAMOUFLAGE.

General duty as to factories, mines and public utility undertakings

43.—(1) It shall be the duty of the occupier of any factory premises, of the owner of any mine and of the persons carrying on any public utility undertaking to take forthwith any necessary measures to secure that in the event of war, throughout any period of darkness—

(*a*) no light is allowed to appear from within any building on the premises, or used for the purposes of the mine or undertaking; and

(*b*) no lights not within a building remain alight, unless they are essential for the conduct of work of national importance, are adequately shaded, are reduced in power and, save where the Minister otherwise directs, are capable of instant extinction at any time:

Provided that this subsection shall not apply to any light exhibited solely in the interests of navigation.

PART VI. —*cont.*

(2) A factory inspector may serve on the occupier of any factory premises, a mines inspector may serve on the owner of any mine and the appropriate department may serve on the persons carrying on any public utility undertaking, a notice in writing requiring the occupier, owner or persons, within the time specified in the notice, to take such measures as may be specified in the notice, being such measures as are mentioned in subsection (1) of this section.

(3) This section does not apply to any of the matters dealt with in the next succeeding section.

Provisions as to processes involving flames or glare.

44.—(1) Where any process carried on in factory premises, in any mine or in the premises of any public utility undertakers, involves the emission of flames or glare not capable of being screened by means which would suffice in the case of ordinary lighting of a building, the Minister, in the case of factory premises or a mine, or the appropriate department, in the case of the premises of public utility undertakers, may serve on the occupier of the factory premises, the owner of the mine or the public utility undertakers, as the case may be, a notice in writing requiring him or them, within the time specified in the notice, to take or complete such measures as may be specified in the notice to secure that in the event of war the flames or glare will either no longer be produced during any period of darkness, or will be wholly or partially screened.

(2) The Minister may serve on the owner of any mine in connection with which there is any accumulation or deposit of refuse which is burning or is liable to spontaneous combustion, a notice in writing requiring him, within the time specified in the notice, to take or complete such measures as may be specified in the notice to secure that in the event of war no flames or glare will be produced during any period of darkness by that accumulation or deposit or that any flames or glare so produced will be wholly or partially screened.

Camouflage.

45. The Minister may serve on the occupier of any factory premises, the owner of any mine or any public utility undertakers a notice in writing requiring him or them, within the time specified in the notice, to take or complete such measures as may be specified in the notice

PART VI. —*cont.*

to secure that the factory premises, the mine or, as the case may be, any of the premises of the undertakers, are or can be made less readily recognisable by aircraft in the event of hostile attack.

Grants under Part VI.

46.—(1) There may be paid out of moneys provided by Parliament, towards the approved expenses of any person on whom a notice has been served under the two last preceding sections in taking the measures specified in the notice, grants not exceeding one-half of those expenses.

(2) In this section "approved expenses" means such expenses of a capital nature as the Minister, or, in the case of measures specified in a notice served by the appropriate department, that department, acting in accordance with general directions of the Treasury, may approve for the purposes of this section.

Penalty for failure to comply with notice.

47. If any persons on whom a notice is served under any of the preceding provisions of this Part of this Act fail to comply with the requirements thereof, they shall be liable on summary conviction to a fine not exceeding one hundred pounds, and, if the failure in respect of which they were so convicted continues after the conviction, they shall be liable on summary conviction to a fine not exceeding fifty pounds for each day on which the offence continues:

Provided that the court by which any persons are convicted under this subsection may fix a reasonable period from the date of the conviction for the compliance by them with the requirements of the notice, and, where the court has fixed such a period, the said daily penalty shall not be recoverable in respect of any day before the expiration thereof.

Saving for provisions of Part V.

48. The proceding provisions of this Part of this Act relating to public utility undertakers shall not be construed as limiting the generality of the provisions of Part V of this Act, but no grant shall be made both under this Part of this Act and that Part of this Act in respect of the same expenses.

Provisions as to practice of dimming lights.

49.—(1) Nothing in any enactment requiring a local authority to cause the whole or any part of their area to be lighted shall render it unlawful for the authority to cause the lights in highways and public places in the

PART VI. —*cont.*

whole or any part of their area to be dimmed or extinguished for the purpose of—

(*a*) training or exercising any persons in respect of air-raid precautions; or

(*b*) testing devices for enabling movement of traffic to continue in unlighted streets.

(2) Nothing in any enactment or in any order or regulation made under any enactment relating to lighting of factory premises, mines, or public utility undertakings shall render it unlawful for the occupier of any factory premises, the owner of any mine, or the persons carrying on any public utility undertaking to cause the lights in the factory premises, mine, or undertaking to be dimmed or extinguished for the purpose of—

(*a*) assisting a local authority in training or exercising any persons in respect of air-raid precautions; or

(*b*) training or exercising persons employed in the factory premises, mine, or public utility undertaking in respect of air-raid precautions.

(3) This section shall be deemed to have had effect as from the commencement of the Act of 1937.

PART VII.

MEASURES TO DEAL WITH CASUALTIES AND DISEASE.

Powers of Minister of Health.

50.—(1) It shall be, and shall be deemed always to have been, part of the functions of the Minister of Health (in this Part of this Act referred to as "the Minister") to make arrangements—

(*a*) to secure that, in the event of war, facilities will be available for the treatment in hospital of casualties occurring in Great Britain from hostile attack;

(*b*) for the training in advance, in nursing, of persons who express their willingness to offer their services in the event of war;

(*c*) for the provision of a bacteriological service for controlling the spread of infectious disease in the event of war.

(2) In order to afford accommodation for the treatment in hospital of such casualties as aforesaid, the

arrangements aforesaid may provide for the removal, in the event of a hostile attack or of the Minister having reason to expect a hostile attack, of sick persons, persons of unsound mind and mental defectives from the place in which they are being treated or maintained, and for their treatment or maintenance, as the case may be, in some other place. PART VII. *cont.*—

(3) For the purpose of any arrangements under this section, the Minister shall have power—

(*a*) to acquire and hold land, erect buildings and execute works;

(*b*) to acquire and hold medical stores and equipment, and do all such things as may appear to him expedient for the storage, preservation and transport of such stores and equipment;

(*c*) to enter into agreements with local authorities, governing bodies of voluntary hospitals and such other persons as he thinks fit.

(4) In relation to the acquisition of land by the Minister under this Part of this Act, the provisions of the Lands Clauses Acts, as amended by the Acquisition of Land (Assessment of Compensation) Act, 1919, are hereby incorporated with this Act, subject to the exceptions and modifications mentioned in the Second Schedule to this Act. 9 & 10 Geo. 5. c. 57.

(5) Any land, stores or equipment held by the Minister under this Part of this Act shall be held on behalf of His Majesty, and the Minister shall, subject to such conditions as may be determined by the Treasury, have power for any purpose to manage, sell, let or exchange any such land (including power to pay or receive money in respect of equality of exchange) and to dispose of any such stores or equipment.

(6) In this Part of this Act the expression "treatment" in relation to a hospital does not include treatment in a first-aid post, and the expression "medical stores and equipment" includes stretchers, ambulances and any other articles which, in the opinion of the Minister, are necessary or expedient for facilitating the treatment in hospital of casualties occurring in Great Britain from hostile attack.

PART VII. —*cont.*
Duties of local authorities.

51. It shall be the duty of the council of every county and county borough—

(*a*) to provide, in such premises under their control as are reasonably available for the purpose, for the storage and preservation of such medical stores and equipment acquired by the Minister under this Part of this Act as the Minister may direct;

(*b*) to execute such works (other than the erection of new buildings) as the Minister may require for the purpose of rendering any premises under the control of the council suitable for a hospital for the treatment of casualties occurring in Great Britain from hostile attack or for the purpose of protecting persons in hospitals under the control of the council from injury in the event of hostile attack;

(*c*) to hold at every hospital under the control of the council specified by the Minister such drugs and other medical stores, beds, mattresses and bedding and other ward equipment as the Minister may direct, so however that the quantity thereof shall not exceed—

(i) in the case of drugs and other medical stores, the quantity ordinarily used in the hospital in the course of a period of four weeks;

(ii) in the case of beds and mattresses, eleven-tenths of the number of beds and mattresses ordinarily kept in the wards;

(iii) in the case of bedding, six-fifths of the quantity of bedding required for the beds ordinarily kept in the wards; and

(iv) in the case of other ward equipment, six-fifths of the quantity thereof ordinarily kept in the wards.

Temporary transfer of officers.

52.—(1) The Minister and the council of any county or county borough may agree that the services of any officer of the council shall be placed at the disposal of the Minister, for such period and on such terms as may be specified in the agreement, for the purpose of assisting

the Minister in the exercise of his powers under this Part of this Act. PART VII. —*cont.*

(2) The service of an officer under the Minister in pursuance of such an agreement shall be deemed to be service under the council for the purpose of the Local Government Superannuation Act, 1937, or of any other Act (including any local Act) relating to the superannuation of any employees of the council, or of any scheme under any of those Acts. 1 Edw. 8. & 1 Geo. 6. c. 68.

53.—(1) All expenses incurred by the Minister with the consent of the Treasury for the purpose of any such arrangements or in carrying out any such agreement as is mentioned in the preceding provisions of this Part of this Act shall be defrayed out of moneys provided by Parliament. Financial provisions.

(2) In respect of each period of twelve months ending with the thirty-first day of March, there shall be payable out of moneys provided by Parliament, to the council of any county or county borough who execute works in that period for the purpose of rendering any premises under the control of the council suitable for a hospital for the treatment of casualties occurring in Great Britain from hostile attack or for the purpose of protecting persons in hospitals under the control of the council from injury in the event of hostile attack, a grant of whichever is the greater of the following two amounts, namely—

(*a*) seven-tenths of the approved expenses incurred by the council in that period in the execution of those works; or

(*b*) the amount by which such expenses exceed one-tenth of the produce of a rate of one penny in the pound levied in the area of the council for that period.

This subsection shall have effect with respect to the period ending with the thirty-first day of March nineteen hundred and thirty-nine and all subsequent periods.

(3) For the purpose of this section, the amount of the produce of a rate of one penny in the pound for any period shall be ascertained in the manner required by paragraph 3 of the Schedule to the Act of 1937, and the expression "approved expenses" means such expenses

PART VII. —*cont.*

of a capital nature, incurred in the execution of such works, as the Minister, acting in accordance with general directions of the Treasury, may approve for the purposes of this section.

Powers conferred by this Part to be in substitution for powers under Act of 1937.

54.—(1) The powers conferred upon the Secretary of State under the Act of 1937 shall cease to be exercisable in so far as similar powers are exercisable by the Minister under this Part of this Act.

(2) Subject to the provisions of this subsection, no air-raid precautions scheme shall make provision for the treatment in hospital of casualties occurring in Great Britain from hostile attack or the training in advance of persons in nursing, and any such scheme in force at the commencement of this Act shall cease to have effect in so far as it makes such provision :

Provided that every local authority who, whether under an air-raid precautions scheme or otherwise, make provision for treatment of casualties in first-aid posts shall cause a suitable number of persons who are to serve in the posts to be trained in nursing under the arrangements made under the preceding provisions of this Part of this Act by the Minister, and shall make such payments in respect of the training of those persons and comply with such other terms as the Minister may direct.

(3) Approval shall not be given under the Act of 1937 to any expenditure of the local authority incurred under this Part of this Act or otherwise incurred in connection with any of the matters for which, under the last preceding subsection provision cannot validly be made in an air-raid precautions scheme :

Provided that this subsection shall not apply to any such payments as are mentioned in the proviso to subsection (2) of this section.

Provisions as to combination of councils.

55.—(1) So much of this Part of this Act as confers powers or imposes duties on the councils of counties or county boroughs shall be construed as conferring the like powers and imposing the like duties on any combination of councils existing for the purpose of the provision or maintenance of hospitals, being a combination which includes one or more such councils as aforesaid.

PART VII. —*cont.*

(2) Where any such combination as aforesaid includes the council of any county district, no part of the expenses of exercising any powers or performing any such duties as aforesaid shall be borne by the council of the county district and the share borne by any councils of counties or county boroughs included in the combination shall be rateably increased accordingly.

(3) No sums shall be paid to any such combination out of moneys provided by Parliament under the provisions of this Part of this Act relating to grants out of such moneys, but so much of any expenses incurred by any such combination (being approved expenses within the meaning of the said provisions) as is borne by the council of any county or county borough shall be taken into account in computing the grant to be made to that council under those provisions.

PART VIII.

MISCELLANEOUS.

Evacuation of civil population.

56.—(1) It shall be the duty of every local authority, at the request and in accordance with the directions of the Minister—

(*a*) to collect and furnish to him such information as he may require for the purpose of assisting the preparation by His Majesty's Government of plans for the transference of members of the civil population from one area to another in the event of war or the imminence of war, and for the accommodation and maintenance of the persons transferred;

(*b*) to take in advance measures designed to facilitate any such transference or secure the accommodation or maintenance of persons so transferred;

(*c*) to provide, in such premises under their control as are reasonably available for the purpose, for the storage and preservation of such material and equipment acquired by the Minister under this section as the Minister may direct; and

(*d*) to take part in carrying out any such plan.

PART VIII —*cont.*

(2) Any local authority may, for the purpose of enabling them to comply with any such request or directions as aforesaid, serve on the occupier of any premises a notice requiring him to send to the authority, within such time as may be specified in the notice, such particulars with respect to the premises and to the number of persons resident therein as may be so specified, and any person who fails to comply with the notice shall be liable on summary conviction to a fine not exceeding five pounds.

(3) The Minister, if it appears to him that, in view of the imminence or existence of an emergency involving the possibility of hostile attack, it is expedient so to do, may make regulations for the purpose of securing accommodation for any persons transferred under any such plan as is mentioned in subsection (1) of this section, and without prejudice to the generality of the preceding words, any such regulations may—

(*a*) provide for occupiers of premises being required to furnish in the premises such accommodation as may be specified in the requirement;

(*b*) declare the circumstances in which, and the extent to which, responsibility shall be assumed by occupiers of premises for the feeding and care of any children accommodated therein under the regulations;

(*c*) authorise the imposition, on summary conviction, of fines not in any case exceeding fifty pounds or imprisonment not exceeding three months, for failure to comply with any requirements imposed by or under the regulations.

(4) There shall be paid out of moneys provided by Parliament to any local authority grants equal to the total amount of their expenses under this section, being expenses approved for the purposes of this subsection by the Minister, acting in accordance with general directions of the Treasury.

(5) Any expenses incurred with the consent of the Treasury by the Minister in or in connection with the acquisition or storage on behalf of His Majesty of equipment and other material with a view to the accommodation or maintenance of members of the civil population

who may be transferred under any such plan shall be defrayed out of moneys provided by Parliament. PART VIII. —*cont.*

(6) Subject to the special provisions of this Act with respect to the administrative county of London, in this section the expression "local authority" means the council of a county, county borough or county district.

(7) Section six of the Act of 1937 is hereby repealed.

(8) This section shall be deemed to have had effect as from the commencement of the Act of 1937:

Provided that no person shall be under any liability in respect of anything done or omitted to be done before the passing of this Act which he would not have been under if this Act had not passed.

Requisition of premises and vehicles.

57.—(1) The Minister, if it appears to him that, in view of the imminence of an emergency involving the possibility of hostile attack, it is expedient so to do, may by order declare the provisions of this section to be in operation, and while such an order is in force—

(*a*) any local authority may take possession of any premises designated by them under Part II of this Act;

(*b*) the Commissioners of Works may take possession of any premises which in the opinion of the Commissioners should, in order to meet the exigencies of the situation which would arise in the event of hostile attack, be rendered available for use by any Government department or other persons acting on behalf of the Crown in a civil capacity; and

(*c*) any local authority having any civil defence functions may take possession of any vehicle and use it in the discharge of any of those functions:

Provided that possession shall not be taken of any vehicle by virtue of such an order without the previous consent of the chairman of the traffic commissioners for the area in which the vehicle is normally kept, or, if the vehicle is normally kept in the metropolitan traffic area,

PART VIII. —*cont.*

the traffic commissioner for that area, unless arrangements have been made with the approval of the chairman of the traffic commissioners or the traffic commissioner, as the case may be, between the owner of the vehicle and the local authority that the vehicle should be available for use as aforesaid by the local authority.

(2) Where an order has been made under this section, the local authority or the Commissioners of Works, as the case may be, may remove, or require the occupier to remove, any property which is in any premises or vehicle of which possession is intended to be taken under this section, and may take such other steps as may be necessary for putting the premises or vehicle in a condition which will enable them to be used for the purpose intended; and any occupier who refuses to move any property when required to do so by the local authority or Commissioners and any person who obstructs any person acting on behalf of the authority or Commissioners in the exercise of their powers under this section shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(3) In any case in which a local authority take possession of any premises or vehicle, or the Commissioners of Works take possession of any premises under this section, there shall be paid by that local authority, or, if possession is taken by the Commissioners of Works, out of moneys provided by Parliament, such compensation to such persons as Parliament may hereafter determine.

(4) Possession shall not be retained by virtue of any order made under this section after the expiration of three months from the date of the making of the order.

Special provisions as to supply of water for extinguishing fires.

58.—(1) Any fire authority to whom this section is applied by order of the Minister may submit to the Minister a scheme for securing that special supplies of water will be available for extinguishing fires caused by hostile attack and any such scheme may for that purpose make provision among other matters for—

(*a*) the laying of mains and pipes for the conveyance of water;

(*b*) the installation on bridges, embankments and other places adjoining any water (not being water contained in a reservoir or other works of any public utility undertakers or persons

carrying on any hydraulic power undertaking) pipes or other apparatus for enabling water to be withdrawn; PART VIII. —*cont.*

(*c*) the acquisition of fire floats;

(*d*) the construction of underground tanks.

(2) The Minister may approve, with or without modifications, any scheme submitted to him under this section, and any such scheme shall, upon being so approved, come into force on such date as may be provided by the scheme as approved; and any such scheme may be amended by a subsequent scheme submitted and approved in like manner as the original scheme.

(3) There may be paid out of moneys provided by Parliament towards the approved expenses incurred (whether before or after the passing of this Act) by any fire authority grants not exceeding nine-tenths of those expenses:

Provided that no grant shall be made under this subsection in respect of any expenses incurred on any works unless—

(*a*) the works are completed before the end of September nineteen hundred and thirty-nine; or

(*b*) the works are then in progress or preparatory measures are then being taken for the carrying out thereof and (in each case) the Minister is satisfied that they will be completed within a reasonable time thereafter.

In this subsection, the expression "approved expenses" means such expenses of a capital nature as the Minister, acting in accordance with general directions of the Treasury, may approve for the purposes of this subsection, being expenses incurred in carrying out measures mentioned in a scheme approved under this section.

(4) The London County Council may be authorised by a scheme submitted by them under this section to exercise, for the purpose of securing supplies of water for extinguishing fires caused by hostile attack, any powers exercisable under subsection (2) of section twenty-eight

PART VIII. —*cont.*
26 Geo. 5. & 1 Edw. 8. c. 50.

of the Public Health (London) Act, 1936, in connection with their sewerage and drainage functions, and if they are so authorised, section thirty of that Act (which confers power to stop up streets) shall apply accordingly.

(5) Any fire authority (other than the London County Council) may be authorised by a scheme submitted by them under this section or by an order of the Minister to exercise, for the purpose of securing supplies of water as aforesaid, all or any of the powers exercisable by a local authority under the Public Health Act, 1936, for the purpose of providing their district with a supply of water under that Act, other than powers of compulsory purchase.

(6) Any water undertakers may, by agreement with a fire authority, carry out as agents of the authority any works which the authority are authorised to carry out for the purpose of securing supplies of water as aforesaid, whether under a scheme submitted under this section or otherwise.

(7) Section five of the Act of 1937 (which confers power to purchase land compulsorily) shall apply for the purposes of any scheme submitted and approved under this section, and where such a scheme provides for the construction of an underground tank the scheme may confer on the fire authority, for the purpose of constructing the tank and installing any pumping plant or other necessary apparatus, the like powers as are conferred on local authorities by Part II of this Act for the purpose of constructing underground air-raid shelters and works connected therewith, and the provisions of that Part relating to the construction and vesting of such shelters and works and to matters connected therewith shall apply accordingly.

(8) The Minister shall not approve any scheme under this section unless it contains such provisions as he considers necessary for preventing—

(*a*) the contamination of any water supplied by water undertakers; and

(*b*) the use for domestic purposes of any water conveyed in any main or pipe laid under the scheme.

PART VIII. —*cont.*

Power of Minister of Transport to acquire plant and materials for repair of roads and bridges.

59.—(1) In accordance with arrangements approved by the Treasury, the Minister of Transport may acquire and hold or make arrangements for the acquisition and holding on his behalf of stocks of plant and materials for the purpose of their being available for the repair of roads and bridges damaged by hostile attack, and may do such things as may appear to him necessary for the storage, preservation and transport of those stocks.

(2) The Minister of Transport shall, subject to such conditions as may be determined by the Treasury, have power to use or dispose of any plant or materials forming part of any such stocks.

(3) The expenses of the Minister of Transport under this section shall be defrayed out of moneys provided by Parliament.

Power of Minister as to stocks of building material.

60.—(1) In accordance with arrangements approved by the Treasury, the Minister may acquire and hold or make arrangements for the acquisition and holding on his behalf of stocks of plant and materials for the purpose of their being available for the repair of buildings damaged by hostile attack and may do such things as may appear to him necessary for the storage, preservation and transport of those stocks.

(2) The Minister shall, subject to such conditions as may be determined by the Treasury, have power to dispose of any plant or materials forming part of any such stocks.

(3) The expenses of the Minister under this section shall be defrayed out of moneys provided by Parliament.

Power of Minister to make bye-laws with respect to land used for experiments with explosives.

61. The Minister shall—

(*a*) as respects any land held on behalf of the Crown and appropriated for the use of the Minister for the purpose of carrying out experiments with explosives; or

(*b*) as respects any other land which the Minister has the right to use for the said purpose,

have the same power of making byelaws as is conferred on a Secretary of State as respects land appropriated for a military purpose or, as the case may be, as respects land which he has the right to use for such a purpose, and the provisions of the Military Lands Act, 1892, and the

55 & 56 Vict. c. 43.

PART VIII. —*cont.*

63 & 64 Vict. c. 56.

Military Lands Act, 1900, relating to byelaws shall with the necessary modifications apply accordingly.

Power of local authorities and public utility undertakers to appropriate lands and buildings for purposes of civil defence.

62.—(1) Subject to the provisions of this section—

(*a*) any local authority having any civil defence functions or any public utility undertakers who have been served with a notice under Part V of this Act may (without any formal appropriation thereof) use any lands or buildings owned by, leased to or under the control of the authority or undertakers for the purpose of discharging any of those functions, or taking measures specified in the notice as the case may be, and

(*b*) any local authority (as defined in the Act of 1937) may permit any other local authority having any civil defence functions to use, for the purpose of discharging any of those functions, any lands or buildings owned by, leased to or under the control of the first-mentioned authority,

and the provisions of this subsection shall have effect notwithstanding anything contained in any Act (including a local or private Act) or any trust or covenant or restriction affecting the use of those lands or buildings.

(2) The powers conferred by this section shall, after the passing of this Act, only be exercisable with the approval of the Minister and subject to any conditions he may impose in relation to any particular exercise thereof.

(3) The Minister may at any time give directions to the local authority or, as the case may be, the local authorities or the public utility undertakers that as from any date specified in the direction, any use of any lands or buildings under this section shall cease, and any such directions may require the lands or buildings to be restored, to such extent as may be specified, to their former condition, and it shall be the duty of the local authority or local authorities or public utility undertakers to comply with any such direction.

(4) In this section the expression "use," in relation to lands owned by or leased to a local authority, includes the erection of buildings and other structures thereon, the making of excavations therein, and the alteration and

maintenance of any such buildings, structures or excavations, and, in relation to buildings owned by or leased to an authority, includes the alteration and maintenance of those buildings. PART VIII. —*cont.*

(5) This section shall be deemed to have had effect as from the commencement of the Act of 1937.

Amendment of s. 5 of Act of 1937.

63.—(1) Where by an order made and confirmed under section five of the Act of 1937 (either as originally enacted or as amended or as applied by any provision of this Act) a local authority are authorised to purchase land compulsorily, then at any time after serving a notice to treat and after giving to the occupier of the land not less than fourteen days' notice, they may enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections eighty-four to ninety of the Land Clauses Consolidation Act, 1845, but subject to the payment of the like compensation for the land for which possession is taken, and interest on compensation awarded, as would have been payable if those provisions had been complied with.

8 & 9 Vict. c. 18.

(2) Notwithstanding anything in the Local Government Act, 1933, an order for the compulsory acquisition of land which is duly submitted under the said section five (either as originally enacted or as so amended or applied as aforesaid) may, if the Minister thinks fit, be confirmed without an inquiry, whether or not there has been an objection.

23 & 24 Geo. 5. c. 51.

Compulsory hiring of land.

64.—(1) The council of any county or county borough, the common council of the city of London, and the council of any metropolitan borough or county district may hire compulsorily any land to which this section applies for any of the purposes of the Act of 1937 or of this Act by means of an order made by the council and confirmed by the Minister, and the provisions of the enactments having effect with respect to the compulsory acquisition of land by any such council as aforesaid for the purposes of their civil defence functions (including any such enactments contained in this Act) shall, with such exceptions and subject to such adaptations and modifications as may be prescribed by regulations of the Minister under this section, have effect with respect to the compulsory hiring of land by means of such an order.

PART VIII. —*cont.*

(2) The Minister shall make regulations for the purposes of this section and any such regulations may, in addition to prescribing the matters aforesaid, contain such provisions as the Minister considers necessary or expedient in connection with the making of any such orders or the carrying thereof into effect.

(3) Land to which this section applies is unoccupied land and land in the occupation of a tenant whose tenancy thereof will expire or can be determined by his landlord (otherwise than for breach of any of the conditions of the tenancy) within a period of three years after the making of an order for the compulsory hiring of that land pursuant to the provisions of subsection (1) of this section.

(4) Any reference in this section to land includes a reference to any building or part of a building.

Powers of bodies corporate as to measures against hostile attack.

65. Any body corporate carrying on in Great Britain any business or undertaking shall, whether they are public utility undertakers or not, have power and be deemed always to have had power, under any enactment, order, charter, memorandum or articles of association or other document regulating their powers and duties, to take any such measures in relation to their business or undertaking as public utility undertakers, or any class of public utility undertakers, are or can be authorised or required to take under any of the provisions of this Act.

Extension of borrowing powers of trustees, &c. 15 & 16 Geo. 5. c. 18.

66.—(1) The provision of air-raid shelter shall be deemed to be an improvement authorised by the Settled Land Act, 1925, and mentioned in Part II of the Third Schedule to that Act.

(2) Any liquidator, trustee in bankruptcy, receiver, committee or other person acting in a fiduciary capacity who is, as such, the occupier of any factory premises, the owner of any mine or the owner of any commercial building or of any building or block of buildings to which section thirty of this Act applies shall, for the purpose of providing air-raid shelter or complying with any obligation imposed on him by or under any of the provisions of this Act, have power (in addition to any other powers enabling him in that behalf)—

(*a*) to utilize any moneys in his hands in his capacity as liquidator, trustee, receiver, committee or otherwise as aforesaid;

(*b*) to raise money by the sale or mortgage of any property vested in him or under his control in that capacity, PART VIII. —*cont.*

and any money reasonably expended by him for the said purpose shall be treated as part of his expenses incurred in that capacity and shall be allowed in account accordingly.

(3) Where the owner of any commercial building or any such building or block of buildings as aforesaid is a mortgagee, he shall be entitled to add to his security any money reasonably expended by him for the purpose of providing air-raid shelter in connection with the building or block or of complying with any obligation imposed on him by or under this Act as owner of the building or block.

Property in equipment, appliances and material provided by the Crown or local authorities.

67.—(1) The property in any equipment, appliances or material provided on behalf of His Majesty under the Act of 1937 free of charge shall remain in His Majesty; and the provisions of this subsection shall continue to have effect notwithstanding the affixing of the equipment, appliances or material to any premises.

In paragraph (*b*) of subsection (1) of section eleven of the Act of 1937 the word " gifts " is hereby repealed.

(2) Any equipment, appliances or material used in the execution of works executed by a local authority under Part II or Part IV of this Act shall, notwithstanding the affixing thereof to any premises, remain the property of the local authority.

(3) Any person who, being in possession of any such equipment, appliances or material as is mentioned in any of the preceding provisions of this section (being equipment, appliances or material the property whereof remains in His Majesty or in the local authority), fails to use reasonable care for the preservation thereof shall, without prejudice to any other liability, be liable on summary conviction to a fine not exceeding five pounds.

(4) If any equipment, appliances or material which have been affixed to any premises are removed therefrom by or on behalf of His Majesty or the local authority, any damage caused by the removal shall be made good.

(5) This section shall be deemed to have had effect as from the commencement of the Act of 1937:

PART VIII. —*cont.*

Provided that no person shall be under any liability in respect of anything done or omitted to be done before the passing of this Act which he would not have been under if this Act had not passed.

Penalty for unauthorised use of uniforms, medals and badges.

68. Any unauthorised person who uses or wears any uniform, medal, badge or emblem issued by or with the authority of the Minister for the use of persons engaged in any civil defence service, or any uniform, medal, badge or emblem which, by reason of its resemblance to any such uniform, medal, badge or emblem as aforesaid or otherwise, is designed to indicate that the user or wearer is engaged in a civil defence service, shall be liable on summary conviction to a fine not exceeding twenty pounds.

Provision of air-raid shelter not to increase valuation for rating. 1 & 2 Geo. 6. c. 65.

69. Section one of the Rating and Valuation (Air-Raid Works) Act, 1938 (which provides for the relief of air-raid protection works from rates) shall, in relation to a hereditament forming part of a building, have effect as if any structural alterations or improvements made in the building or on land appurtenant to the building for the purpose of providing air-raid shelter were structural alterations or improvements to the hereditament, and in ascertaining the value for rating purposes of a hereditament under the principal Act (as defined in the said section one) no regard shall be had to any increase in the rent thereof (whether made by virtue of this Act or not) which is attributable to the provision of air-raid shelter for persons living or working in the hereditament.

Enlargement of scope of town planning schemes.

70. There shall be included among the general objects for which a scheme may be made under the Town and Country Planning Act, 1932, the object of rendering the whole or any part of the area to which the scheme applies less vulnerable to air-raids, and that Act shall have effect accordingly as if the said object were included among the objects enumerated in section one thereof.

Compensation in the event of injury to persons engaged in

71.—(1) This section applies to personal injuries sustained in the course—

(*a*) of being trained or exercised or of training or exercising others, in respect of air-raid precautions; or

(*b*) of being trained in nursing in pursuance of arrangements made by the Minister of Health under Part VII of this Act; or

(*c*) of acting in a voluntary capacity on behalf of a local authority in the exercise of their civil defence functions,

being injuries sustained in time of peace by such persons and in such circumstances as may be specified in a scheme made under subsection (2) of this section.

PART VIII. —*cont.* air-raid precautions activities.

(2) A scheme made by the Treasury may provide for the payment out of moneys provided by Parliament to or to the dependants of persons who suffer injuries to which this section applies of such periodical or lump sums as may be specified in the scheme.

(3) A scheme under subsection (2) of this section may be revoked or varied by a subsequent scheme made thereunder.

(4) Where any injury to which this section applies is sustained by any person, no compensation or damages shall be payable in respect of that injury, whether under any Act or at common law, by the employer of the injured person, by any person (including a local authority) who has any responsibility in connection with the training or exercising of the injured person, or by any person who is being trained or exercised together with the injured person.

(5) In this section the expression " personal injury " includes any personal injury resulting in death.

Directions to local authorities to discharge functions with respect to air-raid precautions.

72.—(1) The Minister may direct any local authority charged under the Act of 1937 with the duty of preparing an air-raid precautions scheme to discharge such functions, with respect to any matter which could be included in such a scheme made by that authority, as may be specified in the direction, whether or not a scheme providing for that matter has been made.

(2) The council of any county may with the consent of the Minister, and shall when so required by him, direct the council of any county district in that county to discharge such functions, with respect to any matter which could be included in an air-raid general precautions scheme made by the county council, as may be specified in the direction, whether or not a scheme providing for that matter has been made.

PART VIII. —*cont.*

(3) If the council of a county fail to give any direction which the Minister has required them to give under the last preceding subsection, the Minister may give the direction himself.

(4) It shall be the duty of a local authority who receive a direction under this section to discharge the functions specified in the direction.

(5) Where the expenses incurred by the council of a county district in discharging functions specified in a direction given to them by the county council are not repaid to the district council by the county council, the county council shall repay to the district council any amount raised by the county council in the district in respect of the cost of similar functions discharged by the county council in other parts of the county.

Any question that may arise between a county council and a district council under this subsection shall be determined by the Minister.

Power to transfer functions of defaulting authority.

73.—(1) If the Minister is satisfied after holding a local inquiry that any local authority have failed to discharge any functions which they are required to discharge by or under this Act or the Act of 1937, he may, in lieu of enforcing the discharge of those functions by mandamus or otherwise—

(*a*) if the defaulting authority are the council of a county district, make an order transferring the functions to the county council;

(*b*) in any case, make an order transferring the functions to himself.

(2) The provisions of sections three hundred and twenty-three, three hundred and twenty-four and three hundred and twenty-five of the Public Health Act, 1936, (which relate to the exercise of default powers) shall apply to orders under this section as they apply to the orders mentioned in those sections, subject to the following adaptations, that is to say :—

(*a*) the references to a council shall include references to the London County Council, the common council of the city of London and the council of a metropolitan borough;

(*b*) for the references to the Minister of Health there shall be substituted references to the Minister.

(3) The provisions of subsections (2), (3), (4) and (5) of section two hundred and ninety of the Local Government Act, 1933, shall apply to any inquiry held under this section as they apply to local inquiries held under that section with the substitution for the references to the department of references to the Minister. PART VIII. —*cont.*

(4) Where any order has been made under this section transferring the functions of a defaulting authority to the Minister or the council of any county, the Minister or the said council may agree with the defaulting or any other local authority that the services of any officer of that authority shall be placed at the disposal of the Minister or county council for such period not exceeding the duration of the order and on such terms as may be specified in the agreement for the purposes of assisting the Minister or the county council to discharge those functions.

(5) The service of an officer under the Minister in pursuance of any such agreement shall be deemed to be service under the authority with whom the agreement is made for the purpose of the Local Government Superannuation Act, 1937, or of any other Act (including any local Act) relating to the superannuation of any employees of the authority, or of any scheme under any of those Acts.

(6) Any expenses paid by or recovered from a defaulting authority by virtue of the application of the provisions of the said sections three hundred and twenty-three or three hundred and twenty-four, shall not be approved under the Act of 1937 so as to be approved expenditure incurred by that authority for the purposes of that Act.

(7) In relation to the functions of a local authority under Part VII of this Act, the references in this section to the Minister shall be construed as references to the Minister of Health and paragraph (*b*) of subsection (2) shall not apply.

PART IX.

SUPPLEMENTAL.

Determination of claims to compensation and increases of rent.

74.—(1) Any question whether any, and if so what, compensation is payable under any of the provisions of this Act providing for payment of compensation, or what is the net ascertained cost of works for the purposes of the provisions of Part III of this Act relating to

PART IX. —*cont.*

factory premises occupied on short leases or whether any and if so what increases or decreases of rent are to be made under the provisions of Part III or Part IV of this Act relating to increases and decreases of rents, shall be referred to and determined by such one or more of the official arbitrators appointed for the purposes of the Acquisition of Land (Assessment of Compensation) Act, 1919, as may be selected by the Reference Committee under that Act.

(2) The said Reference Committee may make rules with respect to the references of questions under this section and, with the consent of the Treasury, may prescribe the fees to be paid in connection with any proceedings for the determination of any such question.

(3) Subject to any such rules, the arbitrator shall before deciding any question as to any of the matters aforesaid direct such inquiries, if any, to be made and such notices, if any, whether by way of advertisement or otherwise, to be given to such of the persons who appear to be affected by the decision of the question, as he may think fit, and his decision upon any such question shall be binding on all persons whether or not those persons are parties to the proceedings or have been served with notices.

(4) Subject to the preceding provisions of this section, the official arbitrator by whom any question which may be referred under this section is determined, shall have the like powers with respect to procedure (including the hearing of claims and objections together) costs and the statement of special cases, as he has under the Acquisition of Land (Assessment of Compensation) Act, 1919.

(5) Additional members of the panel of official arbitrators for England and Wales may, with the assent of the Treasury, be appointed to deal only with cases arising under this Act, and in relation to persons so appointed subsection (3) of section one of the Acquisition of Land (Assessment of Compensation) Act, 1919, (which provides that official arbitrators shall hold office for a term certain and shall not engage in private practice) shall not apply.

(6) This section shall not apply to any compensation payable in respect of the compulsory acquisition or compulsory hiring of any land or in respect of personal injuries.

PART IX. —*cont.* Supplementary provisions as to appeals to Minister.

75.—(1) The Minister may make rules as respects the appeals to him for which provision is made by this Act—

(*a*) specifying the manner in which the appeals are to be brought;

(*b*) authorising persons to be appointed, in all or any specified class of cases, to inquire into the matters raised by any such appeal and to report thereon to the Minister;

(*c*) authorising any person so appointed to take evidence on oath and for that purpose to administer oaths, and to require the attendance of witnesses and the production of documents, and authorising the punishment on summary conviction of persons who fail to comply with any such requirement;

(*d*) making provision as to the costs incurred on any such appeal;

(*e*) otherwise regulating the procedure to be followed in connection with the investigation and determination of such appeals.

(2) If in any particular case the Minister considers it just so to do, he may by order extend the time limited by any provision of this Act for the bringing of an appeal to such extent, and on such terms, if any, as he thinks fit.

Rules as to form of reports.

76. The Minister may by rules require that reports under this Act of such classes as may be specified in the rules shall be made in such form and include such particulars and information as may be so specified and, in relation to any report of a class to which rules so made apply, any obligation imposed by this Act to make a report shall be construed as an obligation to make a report in that form and including those particulars and that information.

Penalty for false statements.

77. Any person who in any report made by him under this Act, or in reply to any notice served on him under the provisions of this Act relating to the evacuation of civil population, or with a view to securing that he or any other person is included in any plan for the transference under the said provisions of members of the

PART IX. —*cont.*

civil population, makes any statement which he knows to be false shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

Criminal liability of directors, officers, &c.

78. Where an offence punishable under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate or, if the body corporate is a local authority, any member or officer of that authority, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Power of factory inspectors and local authorities to enter premises and penalty for obstruction.

79.—(1) Any factory inspector or mines inspector and any person duly authorised in that behalf by the Minister, the appropriate department, or a local authority having any civil defence functions shall, on producing some duly authenticated document showing his authority, have a right to enter any premises at all reasonable hours for the purpose of—

(*a*) ascertaining whether there is or has been, on or in connection with the premises, any contravention of or failure to comply with the provisions of this Act or of any notice given or regulation made thereunder which it is the duty of the inspector, Minister, appropriate department or authority, as the case may be, to enforce;

(*b*) ascertaining whether or not circumstances exist which would authorise or require any action to be taken under this Act;

(*c*) otherwise facilitating the performance by the inspector, Minister, appropriate department or authority, as the case may be, of his or their civil defence functions.

(2) The provisions of subsections (2), (3), (4) and (5) of section two hundred and eighty-seven of the Public Health Act, 1936, shall apply for the purposes of this section as they apply for the purposes of that Act as if for the words in the said subsection (2) " authorise the council by any authorised officer " there were substituted

PART IX. —*cont.*

the words " authorise the Minister, appropriate depart- " ment, or local authority by any authorised officer or, " as the case may be, authorise the factory inspector " or mines inspector " and as if after the words " authorised officer " in the said subsection (3) there were inserted the words " or inspector."

(3) Any person who wilfully obstructs any inspector or any person duly authorised by the Minister, the appropriate department, or a local authority in the exercise of any right conferred by or by virtue of this section shall be liable on summary conviction to a fine not exceeding five pounds.

Service of documents.

80. Any document which is required or authorised by or under this Act to be given to or served on any person may be given or served either—

(*a*) by delivering it to that person; or

(*b*) by leaving it or sending it in a prepaid letter addressed to him at his last known residence or his last known place of business; or

(*c*) in the case of a document to be given to or served on the occupier of any premises, by addressing it to the person concerned by the description of " occupier " of the premises to which it relates and delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

Exemption of certain works from building byelaws, &c.

81.—(1) No requirements or restrictions imposed by or under any enactment, as to the erection, placing or making of buildings, erections or excavations or the reconstruction of or alterations to buildings or the construction, formation or laying out of means of access to or from any road, or as to the submission of plans and specifications, or the giving of notices, to a local authority shall apply in relation to any works executed—

(*a*) by a local authority under any of the powers conferred by this Act;

(*b*) by any person on advice given by the local authority in accordance with any provision of this Act specifically requiring such advice to be given;

PART IX. —*cont.*

(*c*) by any person on advice given specifically to him by a Government department, whether given before or after the passing of this Act, for the purpose of providing air-raid shelter or rendering any building less vulnerable to hostile attack; or

(*d*) by any person in pursuance of any notice under Part VI of this Act given to him by the Minister or the appropriate department.

(2) The Minister may make regulations exempting from any such requirements or restrictions as aforesaid such classes of works, executed for the purpose of providing air-raid shelter, as may be specified in the regulations, not being works to which subsection (1) of this section applies.

(3) For the purposes of any enactment regulating the erection of new buildings or the extension of buildings by reference to the position of other buildings, no account shall be taken of any building, erection or excavation exempted by or under this section from the operation of that enactment.

Covenants to repair and reinstate not to apply to works executed under this Act.

82. Nothing in any covenant or agreement requiring any person to keep specified premises in, or to restore specified premises to, a particular condition shall authorise or compel any person to interfere with any works executed on those premises under this Act, or subject him to any liability if he does not do so.

Financial provisions.

83.—(1) Any administrative expenses of any Government department under or attributable to this Act shall be defrayed out of moneys provided by Parliament.

1 Edw. 8. & 1 Geo. 6. c. 13.

(2) For the purposes of section one of the Defence Loans Act, 1937, the expression "defence services" shall include any service certified by the Treasury to be a service the whole or part of the expenses of which are authorised by this Act or the Act of 1937 to be defrayed out of moneys provided by Parliament.

(3) All grants payable under this Act out of moneys provided by Parliament shall be paid at such times and in such manner and subject to such conditions as to accounts, certificates and audit as the Minister, or in the case of grants made under Part VII of this Act, the Minister of Health, may, with the approval of the Treasury, determine.

PART IX. —*cont.*

(4) Any such grant as aforesaid may be made subject to any other conditions so determined, and in particular subject to conditions as to the ownership of any property purchased out of the grant and as to the maintenance and disposal of any such property :

Provided that nothing in this subsection shall affect the provisions of Part II of the First Schedule to this Act.

(5) Without prejudice to the special provisions of Part VII of this Act prohibiting the approval under the Act of 1937 of certain expenditure of local authorities, approval shall not be given under that Act to any expenditure of a local authority if a grant out of moneys provided by Parliament is given or might have been given to that authority under any provision of this Act in respect of that expenditure.

Special provisions as to London.

84. Any reference in this Act to a local authority or fire authority shall, in relation to any part of the administrative county of London, be construed as a reference to such one or more of the following authorities, that is to say, the London County Council, the common council of the City, the council of any metropolitan borough, the district surveyor, and the respective overseers of the Inner Temple and the Middle Temple, as may be specified in that behalf by an order of the Minister; and any such order may provide, in relation to any such authority or authorities, that they shall act, in relation to particular matters, in consultation with any other such authority or authorities.

Consultation with joint committees under Act of 1937.

85. Where, by virtue of an order made under subsection (2) of section four of the Act of 1937 the functions of a council in preparing and submitting air-raid precautions schemes or under any air-raid precautions scheme for the time being in force are, as respects the area specified in the order, exercised by a joint committee, the council shall, before exercising in that area any function under Parts II, III, IV or VIII of this Act, consult with the joint committee.

Exercise of powers of Board of Trade.

86. Anything required or authorised by or under this Act to be done by, to or before the Board of Trade, may be done by, to or before the President of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.

PART IX. —*cont.*

Saving for telegraphic lines. 41 & 42 Vict. c. 76.

87. Section six of the Telegraph Act, 1878 (which empowers the Postmaster-General to establish telegraphic lines on certain undertakings) shall apply to underground air-raid shelters, premises and parking places, and works connected therewith, constructed by a local authority under Part II of this Act, as it applies to the undertakings mentioned in the said section six, and section seven of the said Act (which makes provision as to work done in the execution of certain undertakings which involves alteration in telegraphic lines) shall apply to any work authorised or required to be done under this Act as it applies to work done in the execution of such an undertaking as is mentioned in the said section seven.

Provisions as to orders, regulations, &c.

88.—(1) Any Order in Council or order made under this Act may be revoked or varied by a subsequent Order in Council or order and any notice served under Part III, Part IV or Part VI of this Act, may be withdrawn by a subsequent notice served on the same person and in the same manner.

(2) Any Order in Council or regulation made under this Act, any order made under Part III of this Act (except an order relating to specified factory premises, a specified mine or a specified commercial building) or under the provisions of this Act providing for the requisition of premises and vehicles or relating to local authorities in London and any scheme made by the Treasury under this Act shall, as soon as may be after it is made, be laid before Parliament.

(3) If either House of Parliament, within the period of forty days beginning with the day on which any such Order in Council, regulation, order, or scheme as aforesaid is laid before it, resolves that the Order in Council, regulation, order, or scheme be annulled, it shall thereupon become void, without prejudice, however, to the validity of anything previously done thereunder or to the making of a new Order in Council, regulation, order, or scheme.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

(4) Section one of the Rules Publication Act, 1893, shall not apply to any Order in Council, order, or scheme made under this Act. 56 & 57 Vict. c. 66.

Definitions of "factory", "factory premises", "mine" and "commercial building" and interpretation of references to persons working and persons employed. 1 Edw. 8. & 1 Geo. 6. c. 67.

89.—(1) In this Act the expression "factory" means a factory within the meaning of section one hundred and fifty-one of the Factories Act, 1937:

Provided that—

(*a*) the said expression does not include any premises in the occupation of the Crown;

(*b*) the said expression does not include any factory entirely situate in a building not wholly occupied by the occupier of the factory;

(*c*) where part of a factory is situate in a building not wholly occupied by the occupier of the factory, that part shall be deemed for the purposes of this Act not to form part of the factory.

(2) Where there is a factory in which more than fifty persons work—

(*a*) the factory; and

(*b*) the remainder of any building in which the factory or any part thereof is situate; and

(*c*) any land contiguous to the factory which is in the occupation of the occupier of the factory and any buildings on that land,

shall together be deemed to constitute factory premises for the purposes of this Act:

Provided that—

(*a*) no building wholly or mainly occupied as a hotel or restaurant (other than a restaurant carried on for the use of persons working in the factory) shall be deemed to form part of any factory premises;

(*b*) no mine shall be included in any factory premises except in accordance with the provisions of subsection (4) of this section;

(*c*) no premises which are wholly occupied by public utility undertakers for the purposes of their undertaking shall be deemed to be factory premises for the purposes of this Act.

PART IX. —*cont.*

(3) In this Act the expression "mine" means—

1 & 2 Geo. 5. c. 50.

(*a*) a mine within the meaning of the Coal Mines Act, 1911; or

35 & 36 Vict. c. 77. 10 & 11 Geo. 5. c. 50.

(*b*) a mine within the meaning of the Metalliferous Mines Regulation Act, 1872 (as amended by section nineteen of the Mining Industry Act, 1920); or

57 & 58 Vict. c. 42.

(*c*) a quarry within the meaning of the Quarries Act, 1894, as amended by section one hundred and fifty-eight of the Factories Act, 1937,

being in any case a mine or quarry in or about which more than fifty persons work, and not being a mine or quarry which by virtue of the next following subsection, forms part of factory premises.

(4) Where any factory premises are contiguous to a mine and are occupied by the owner of the mine, then—

(*a*) if the number of persons working in or about the mine exceeds the number of persons working in the factory comprised in the factory premises, the factory premises shall be deemed to form part of the mine for the purposes of this Act;

(*b*) if the number of persons working in the factory exceeds the number of persons working in or about the mine, the mine shall be deemed to form part of the factory premises for the purposes of this Act.

(5) In this Act the expression "commercial building" means a building in which more than fifty persons work, not being—

(*a*) a building wholly or mainly occupied as a school, college, university, hotel, restaurant, club, place of public entertainment or amusement, hospital or nursing home; or

(*b*) a building wholly occupied by public utility undertakers for the purposes of their undertaking:

Provided that—

(i) no building which forms part of any factory premises or mine shall be deemed to be a commercial building; and

PART IX. —*cont.*

(ii) any residential part of a building (that is to say, any part which is used, or, so far as unoccupied, intended for use, for residential purposes) shall, if it is provided with a means of normal egress from the building which is not available to occupants of the non-residential part of the building, be disregarded for all the purposes of the provisions of this Act relating to commercial buildings.

(6) In relation to the provisions of Part III of this Act relating to the training of employed persons, this section shall have effect as if for the words " fifty persons," wherever they occur therein, there were substituted the words " thirty persons."

(7) For the purposes of this Act the number of persons who work in a factory, factory premises, or commercial building shall be taken to be the greatest number of persons who are present in the factory, factory premises or building, as the case may be, at any one time in a normal day, being persons who carry on business in the factory, factory premises or building or are employed by persons carrying on business therein :

Provided that—

(*a*) regard shall not be had to any temporary increase occasioned by a change of shifts;

(*b*) in the case of any factory, factory premises or commercial building where there are outdoor workers, regard shall not be had to more than twenty-five per cent. of their total number.

In this subsection, the expression " outdoor workers " means persons who, on a normal day, work in the factory, factory premises or commercial building, as the case may be, for not more than one hour.

(8) For the purposes of this Act, the number of persons who work in or about a mine shall be deemed to be a number ascertained as follows, that is to say—

(*a*) by having regard to all the people employed in or about the mine and ascertaining how many of them are from time to time simultaneously present in or about the mine otherwise than below the surface, and

PART IX. —*cont.*

(*b*) if the numbers so ascertained fluctuate, by ascertaining the highest figure below which throughout any consecutive period of fifteen minutes the numbers do not fall.

(9) References in this Act to persons employed do not include references to persons employed as domestic servants or to persons otherwise employed in or for the purposes of so much of a building as is used for residential purposes :

Provided that this subsection shall not be construed as affecting the meaning of the word " employer " in the provisions of this Act relating to compensation for personal injuries.

Other provisions as to interpretation.

90.—(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" Air-raid shelter " means protection, otherwise than by war-like means or by any article of apparel, from hostile attack from the air, and " an air-raid shelter " means any premises, structure or excavation used or intended to be used to provide air-raid shelter;

" Annual value " means, in relation to any premises, the rent at which it is estimated that the premises might reasonably be expected to let from year to year if the tenant undertook to pay the usual tenant's rates and taxes and if the landlord undertook to bear the costs of the repairs and insurance and the other expenses, if any, necessary to maintain the premises in a state to command that rent, such adjustments being made as appear necessary to eliminate any appreciation due to the fact that the premises are or can be made suitable for use in the event of hostile attack and any depreciation due to the fact that the premises are likely to be required for use in that event:

Provided that, in the case of a building (including a commercial building) or block of buildings let out in parts each of which is separately valued for rating purposes or consists of two or more parts so valued, the annual value of every part so valued (except any part which has depreciated

in value by reason of the execution therein under this Act of works for the provision of air-raid shelter) shall be taken for the purposes of the provisions of this Act relating to increases of rent, to be—

(*a*) where the rateable value and the net annual value of that part are the same, the rateable value appearing at the material date in the valuation list;

(*b*) where they are different, the net annual value of that part appearing at the material date in the valuation list,

and the annual value of the whole building or of any part thereof comprising a number of parts which are separately valued for rating purposes, shall be taken for the purposes of the said provisions to be the sum of all the annual values of all the parts or, as the case may be, the parts so comprised;

" Appropriate department " means—

(*a*) in relation to any railway, canal, inland navigation, dock or harbour undertaking, the Minister of Transport;

(*b*) in relation to any gas undertaking, the Board of Trade;

(*c*) in relation to any electricity undertaking, the Electricity Commissioners; and

(*d*) in relation to any water undertaking, the Minister of Health;

" Civil defence functions " means any functions conferred or imposed by or under the Act of 1937 or this Act;

" Diminution in the annual value " means, in relation to the impairment of the usefulness of any premises by reason of the execution of works, the amount by which the annual value of the premises is less than it would be if the works had not been executed;

" Electricity undertakers " means undertakers within the meaning of the Electricity (Supply) Acts, 1882 to 1936;

" Factory inspector " means any inspector appointed under the Factories Act, 1937;

PART IX. —*cont.*

"Fire authority" means, subject to the special provisions of this Act with respect to the administrative county of London, the council of a county borough or county district;

"Land," in any provision of this Act relating to the acquisition of land, includes any interest in land and any easement or right in, to, or over land;

"Lease" includes an agreement for a lease, if the term to be covered by the lease has begun, and any tenancy, but does not include a mortgage, and the expression "lessee" shall be construed accordingly;

"Mines inspector" means an inspector appointed under the Coal Mines Act, 1911;

"Occupier," in relation to any unoccupied land, premises, building or part of a building, means the person entitled to the possession thereof;

"Owner," in relation to factory premises or a commercial building, means—

(*a*) where there is no lease of the whole of the premises or building the unexpired term of which is ten years or more, the person in whom the fee simple of the premises or building is vested; or

(*b*) where there is such a lease, the person in whom the term created by that lease is vested or, if there are two or more such leases, the person in whom is vested that one of those leases on which all the others are reversionary,

and, in relation to a mine, has the same meaning as in the Coal Mines Act, 1911, the Metalliferous Mines Regulation Act, 1872, or the Quarries Act, 1894, as the case may be:

Provided that, where the estate or interest of any person who under the preceding provisions of this definition would be the owner of any commercial building is the subject of a mortgage, and either the mortgagee is in possession or the rents and profits are being received by a receiver appointed by or on the application of the

PART IX. —*cont.*

mortgagee, that estate or interest shall be deemed for the purposes of this definition to be vested in the mortgagee;

"Public air-raid shelter" includes a shelter provided by a local authority, in pursuance of an agreement made under Part II of this Act with the occupier of factory premises or the owner of a commercial building, for the use, in whole or in part, of persons living or working in the factory premises or commercial building;

"Public utility undertakers" means any persons authorised by any enactment or order to construct, work or carry on any railway, canal, inland navigation, dock, harbour, gas, electricity or water undertaking, and also includes persons who, though not authorised by any enactment or order (other than the Public Health Act, 1875, or the Public Health Act, 1936) to do so, are engaged in supplying gas or water to the public, and for that purpose make use of pipes or mains laid in any highway; and "public utility undertaking" shall be construed accordingly. 38 & 39 Vict. c. 55.

(2) Any premises occupied, or persons employed, by public utility undertakers who carry on a railway undertaking, shall be deemed, for the purposes of this Act, to be occupied or employed for the purposes of their railway undertaking, unless the occupation or employment is wholly or mainly for the purposes of some harbour, dock or canal undertaking carried on by those undertakers.

Application to Scotland.

91.—(1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.

(2) (*a*) For section eleven there shall be substituted the following section:—

"11.—(1) In this Part of this Act the expression 'local authority' means county or town council.

(2) The town council of a small burgh shall before exercising any function under this Part of this Act consult with the council of the county within which such burgh is situated".

PART IX. —*cont.*

(*b*) For section twenty-five there shall be substituted the following section:—

"25. In this Part of this Act the expression 'local authority' means the council of a county or the town council of a large burgh, and for the purposes of this Part of this Act a small burgh shall be included in the county in which it is situated:

Provided that in the last preceding section the said expression includes any local authority within the meaning of the Local Authorities Loans (Scotland) Act, 1891."

54 & 55 Vict. c. 34.

(*c*) For section thirty-five there shall be substituted the following section:—

"35. In this Part of this Act the expression 'local authority' means county or town council".

(*d*) In Part VII of this Act for any reference to a "county borough" there shall be substituted a reference to a large burgh and for the purposes of any provision of Part VII whereby powers are conferred and duties imposed on the councils of counties and of certain burghs only a small burgh shall be included in the county in which it is situated.

(*e*) In section fifty-six for subsection (6) there shall be substituted the following subsection:—

"(6) In this section the expression 'local authority' means county or town council".

(*f*) In Part III and Part VII of this Act, any reference to a county or the council thereof shall in the case of the counties of—

(i) Perth and Kinross; and

(ii) Moray and Nairn,

be construed as a reference to the combined county and the joint county council.

(3) "Fee simple" means the estate or interest of the proprietor of the *dominium utile*; "covenant" means agreement or stipulation and "restrictive covenant" shall be construed accordingly and shall include a real burden *ad factum praestandum*; "large burgh" and "small burgh" have the like meanings as in the Local Government (Scotland) Act, 1929; "arbitrator" means arbiter; "easement" means servitude; "sell" includes feu;

19 & 20 Geo. 5. c. 25.

PART IX. —*cont.*

" leasehold interest " means the interest of the lessee in premises subject to a lease; references to an estate or interest in reversion expectant on a lease shall be construed as references to the interest of the landlord in property subject to a lease; references to every lease derived from the estate or interest of an owner shall be construed as references to every lease granted by an owner and every sub-lease of the whole or any part of the premises subject to such lease; " mortgage " means a heritable security and " mortgagee " means the creditor in a heritable security; and " defendant " means person accused.

(4) Section two shall have effect as if—

(*a*) in subsection (2) for the words from " and section fifteen " to the end of the subsection there were substituted the words—" and a " certificate in the prescribed form of the " posting of a notice designating premises " under this section shall be registered by the " local authority in the appropriate register " of sasines, and upon such registration " shall be binding on any person subsequently " acquiring the premises or any estate or " interest therein. A certificate in the pre- " scribed form of the posting of a notice with- " drawing such notice as aforesaid shall be " similarly registered. In this subsection " the expression 'prescribed' means pre- " scribed by the Secretary of State "; and

(*b*) in subsection (3) the words " and causing the " registration of the notice as a local land " charge to be cancelled " were omitted.

(5) In section five for any reference to a court of quarter sessions there shall be substituted a reference to the sheriff having jurisdiction in the place where the premises are situated.

(6) In section eight for any reference to section sixty-eight of the Public Health Act, 1925, there shall be substituted a reference to section one hundred and twenty of the Road Traffic Act, 1930.

20 & 21 Geo. 5. c. 43.

(7) In subsection (1) of section seventeen for the words " become the subject of a charge " there shall be substituted the words " be charged and burdened by

PART IX. —*cont.*

" means of a charging order or in respect of which he " may become liable to pay an increase of rent."

(8) In section eighteen—

(*a*) for subsection (2) there shall be substituted the following subsection:—

" (2) On the termination, within the period of ten years immediately following the date of the completion of the works, of any tenancy of the whole or any part of the premises, being a tenancy in existence at that date, the outgoing tenant shall, unless it is otherwise agreed in connection with the works or after the completion thereof, be entitled to recover from the proprietor of the premises a sum which bears to the net ascertained cost of the works the proportion which so much of the said period as is unexpired at the termination of the tenancy bears to the whole of the period.

Where under this section any sum has been paid by the proprietor of the premises to an outgoing tenant, the rent payable under every lease of the premises granted by the proprietor and every sub-lease of the whole or any part of the premises subject to such lease, being a lease or sub-lease in existence at the date of the completion of the works, shall, unless it is otherwise agreed in connection with or after the making of such payment, be increased at the annual rate of one-tenth of the net ascertained cost of the works. Such increase shall operate on all rent payable under the lease or sub-lease in question during so much only of the period of ten years aforesaid as is unexpired at the date on which the said payment to the outgoing tenant becomes due.

In this subsection the expression 'proprietor' includes any person who under the Lands Clauses Acts would be enabled to sell and convey the premises to the promoters of an undertaking";

(*b*) in subsection (3), for the words "entitled to interests which may become subject to such a charge as aforesaid," there shall be substituted the words "who may by virtue of the foregoing provisions of this section become liable to make payment of any sum or of an increase of rent"; and PART IX. —*cont.*

(*c*) for subsection (4) there shall be substituted the following subsection:—

"(4) It shall be competent for the Minister to make, on the application of the outgoing tenant, a charging order in his favour charging and burdening the premises with an annuity to repay the sum due to him under subsection (2) of this section in like manner as a local authority may make a charging order in favour of an owner under section twenty-one of the Housing (Scotland) Act, 1925, and the provisions of sections twenty-one and twenty-two of that Act shall apply accordingly subject to the following and any other necessary modifications— 15 & 16 Geo. 5. c. 15.

(i) the annuity charged shall be such sum and payable for such number of years as the Minister may fix; and

(ii) for any reference to the Department of Health for Scotland there shall be substituted a reference to the Minister."

(9) In subsection (1) of section nineteen the words from "Any such compensation" to the end of the subsection shall be omitted.

(10) In subsection (3) of section twenty the words from "and if they take," to the end of the subsection shall be omitted.

(11) Part III of this Act shall have effect as if, after section twenty-four there were inserted the following section:—

"Special provisions as to buildings in divided ownership.

24A.—(1) For the purposes of section ten and of this Part of this Act, any reference to a building shall, in the case of a building in which separate storeys or parts belong to different owners, be construed as a reference to the whole building so far as

PART IX. —*cont.*

it is under the same roof and is enclosed within the same gables and walls and any reference to the owner of a building shall, in the case of such a building as aforesaid, be construed as a reference to the owners of the several storeys or parts of such building jointly and severally.

(2) Where works have been executed by virtue of this Part of this Act in a part of such a building as aforesaid, of which part the owner is himself the occupier, the owners of the building shall, unless it is otherwise agreed in connection with the works or after the completion thereof, pay to the owner of that part annually for ten years a sum equal to the diminution of the annual value of that part of the building ascribable to the impairment of the usefulness thereof by reason of the execution of the works ascertained as at the date of the completion of the works. Such sums shall be payable on the day six months after the completion of the works and annually thereafter.

Where such sums are payable, subsection (5) of section nineteen shall have effect as if the word 'two' were omitted, and the following paragraph added—

'(*c*) any annual sum payable under subsection (2) of section twenty-four A of this Act.'

(3) The owner of each part of such a building as aforesaid shall contribute towards the expenses of the owners under the notice (as defined in subsection (8) of section nineteen of this Act, with the addition of the sums (if any) payable under the last foregoing subsection), a sum bearing to the total expenditure the same proportion as the annual value of his part of the building at the date of the completion of the works bears to the annual value of the whole building at that date.

(4) Where the owner of a part of such a building as aforesaid, who has become liable under the foregoing provisions of this section to contribute towards the expenses of the owners of the building is not the occupier of the whole of that part, the rent payable under every lease

granted by the owner and every sub-lease of the whole or any part of the premises subject to such lease (being a lease or sub-lease in existence at the date of the completion of the works) shall be increased or decreased in like manner and subject to the like conditions as rents are increased or decreased under section nineteen of this Act. PART IX. —*cont.*

(5) Where a notice has been served in pursuance of section sixteen of this Act on the owners of such a building as aforesaid, any one of such owners may, in default of agreement among them as to the execution of the works in pursuance of the notice, himself execute the works, and for the purpose of so doing shall have the like powers and immunities as are conferred by this Part of this Act on the owners jointly and severally, and the expenditure incurred by him in so doing shall for the purpose of this section be deemed to be expenses of the owners.

(6) Any question arising between the owners of such a building as aforesaid as to their respective rights or liabilities arising out of this section shall, in default of agreement, be determined in like manner as any question as to the payment of compensation to which section seventy-four of this Act applies is determined."

(12) In section twenty-nine for subsection (3) there shall be substituted the following subsection :—

"(3) Any amount due to a local authority by way of repayment of an advance made by them under this section may be recovered as a civil debt; and it shall be competent for the local authority to make in favour of themselves a charging order charging and burdening the premises in respect of which the advance was made with an annuity to repay the advance in like manner as they may make a charging order in favour of themselves in respect of expenses incurred in the execution of works under section fifteen of the Housing (Scotland) Act, 1930; and the provisions of subsection (1) of section eleven of the Housing (Agricultural Population) (Scotland) Act, 1938, shall apply to a charging order made in pursuance of this subsection subject to 20 & 21 Geo. 5. c. 40. 1 & 2 Geo. 6. c. 38.

PART IX. —*cont.*

the following and any other necessary modifications, that is to say—

The annuity charged shall be such sum as the Department of Health for Scotland having regard to the rate of interest agreed under subsection (2) of this section in respect of the advance may fix, and shall be payable over such term of years as will enable the amount due to be repaid within ten years from the date on which the advance was made."

(13) In section thirty-one any reference to a building or block of buildings let out in separate parts shall include a reference to a building or block of buildings in which separate parts belong to different owners.

(14) In section thirty-three—

(*a*) subsection (2) shall have effect as if for the words "by the local authority under the "Public Health Act, 1936, or any corre- "sponding enactment in any local Act before "that date" there were substituted the words "before that date by the county council "or the dean of guild court or the body "performing the functions of a dean of guild "court to whom the plans were submitted "in pursuance of any enactment or byelaw "or of the common law";

(*b*) for subsection (4) there shall be substituted the following subsection—

"(4) (*a*) Where in pursuance of any enactment or byelaw requiring plans to be submitted to a county council, application is made to such a council for the approval of plans for the erection, alteration or extension of a building to which regulations made under this section apply, then, unless the council are satisfied that the erection, alteration or extension, as the case may be, of such building and the materials used therein will comply with such regulations, they shall refuse their approval to such plans.

If any person shall erect, alter or extend any such building without the approval of the county council, or shall

PART IX. —*cont.*

erect, alter or extend any such building or use therein any material otherwise than in conformity with such regulations, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds, and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefor; and where any person is convicted of such an offence, the court may order that he shall within such time as the court may specify either pull down or remove the building or part thereof in respect of which the offence has been committed, or, if he so elects, effect such alterations thereto as may be necessary to make it comply with the regulations, or may order that the building shall not be occupied or used until such alterations have been effected thereto as may be necessary to make it comply with the regulations.

If a person fails to comply within the specified time with an order of a court under this paragraph requiring him to pull down or remove a building or part thereof or to effect alterations thereto, the county council may themselves execute the work in question and may recover from him the expenses reasonably incurred by them in so doing.

(*b*) A dean of guild court or any body performing the functions of a dean of guild court shall require as a condition of their approval of the plans for the erection, alteration or extension of a building to which regulations made under this section apply, that such erection, alteration or extension, as the case may be, and the material used therein shall comply with such regulations";

(*c*) in subsection (5) for the reference to the local authority there shall be substituted a reference

PART IX. —*cont.*

to the county council or to the dean of guild court or the body performing the functions of a dean of guild court; and

(*d*) for subsection (7) there shall be substituted the following subsection:—

"(7) In this section, the expression 'building byelaws' means any statutory enactments, byelaws, rules and regulations or other provisions under whatever authority made relating to the erection, alteration or extension of buildings or to the obtaining of the authority of the county council, or of the dean of guild court, or of any body performing the functions of a dean of guild court, for the erection, alteration or extension of buildings, and subsection (2) of section ninety of the Public Health Act, 1936 (which relates to the question of what constitutes the erection of a building) shall apply for the purposes of this section as it applies for the purposes of Part II of that Act, notwithstanding that that Act does not apply to Scotland."

(15) For section thirty-four there shall be substituted the following section:—

2 & 3 Geo. 6. c. 3.

34.—(1) In the case of houses to which this section applies, section one of the Housing (Financial Provisions) (Scotland) Act, 1938, shall have effect as if for the sums of ten pounds ten shillings, eleven pounds fifteen shillings and thirteen pounds referred to in subsection (2) there were substituted respectively the sums of twelve pounds thirteen shillings, thirteen pounds eighteen shillings and fifteen pounds three shillings, and section five of the said Act shall have effect as if for the sums of four pounds ten shillings, four pounds fifteen shillings and five pounds referred to in subsection (3) there were substituted respectively the sums of five pounds seven shillings, five pounds twelve shillings and five pounds seventeen shillings.

(2) This section applies to houses provided in tenements within the meaning of the Housing

(Financial Provisions) (Scotland) Act, 1938, in which air-raid shelter— PART IX. —*cont.*

(*a*) is provided in order to comply with regulations made under the last preceding section, or

(*b*) is provided (whether before or after the commencement of this Act) with the approval of the Department of Health for Scotland."

(16) For references to the Minister of Health there shall be substituted references to the Department of Health for Scotland.

(17) For any reference to the Local Government Superannuation Act, 1937, there shall be substituted a reference to the Local Government Superannuation (Scotland) Act, 1937, and for any reference to the Town and Country Planning Act, 1932, there shall be substituted a reference to the Town and Country Planning (Scotland) Act, 1932. 1 Edw. 8. & 1 Geo. 6. c. 69. 22 & 23 Geo. 5. c. 49.

(18) In section fifty-three—

(*a*) for references to the thirty-first day of March there shall be substituted references to the fifteenth day of May. In the case of a council whose financial year ends on a day other than the fifteenth day of May, this subsection shall have effect with the substitution of that other day for the fifteenth day of May; and

(*b*) for references to the produce of a rate of one penny in the pound and to paragraph 3 of the Schedule to the Act of 1937 there shall be substituted respectively references to the produce of a rate of four-fifths of one penny in the pound and to the paragraph directed by subsection (8) of section thirteen of the Act of 1937 to be substituted for sub-paragraph (*b*) of paragraph 3 of the said Schedule.

(19) In section fifty-five subsection (2) shall be omitted.

(20) In subsection (4) of section twenty-eight, in section fifty-six, in subsection (3) of section sixty-seven, in section sixty-eight and in subsection (3) of section

PART IX. —*cont.*

seventy-nine, for the words "on summary conviction" there shall be substituted the words "on conviction by a court of summary jurisdiction."

(21) In section fifty-eight for references to the Public Health Act, 1936, and to section five of the Act of 1937 there shall be substituted respectively references to the Public Health (Scotland) Act, 1897, the Burgh Police (Scotland) Acts, 1892 to 1903, or the corresponding provisions of any local Act, and to subsection (9) of section thirteen of the Act of 1937.

60 & 61 Vict. c. 38.

(22) In section sixty-three for references to section five of the Act of 1937 and to the Local Government Act, 1933, there shall be substituted respectively references to subsection (9) of section thirteen of the Act of 1937 and to the enactments therein referred to, and for the reference to sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, there shall be substituted a reference to sections eighty-three to eighty-eight of the Lands Clauses Consolidation (Scotland) Act, 1845.

8 & 9 Vict. c. 19.

(23) In section sixty-four for any reference to a county borough, there shall be sustituted a reference to a burgh.

(24) In section sixty-six for subsection (3) there shall be substituted the following subsection :—

"(3) Where a heritable creditor in possession is for the purposes of this Act the owner of any commercial building or any such building or block of buildings as aforesaid, it shall be competent for the local authority to make, on his application, a charging order in his favour charging and burdening the building or block of buildings with an annuity to repay to him any money reasonably expended by him for the purpose of providing air-raid shelter in connection with the building or block or complying with any obligation imposed on him by or under this Act as owner of the building or block in like manner as they may make a charging order in favour of an owner under section twenty-one of the Housing (Scotland) Act, 1925, and the provisions of sections twenty-one and twenty-two of that Act shall

apply accordingly subject to the following and any other necessary modifications :— PART IX. —*cont.*

An annuity constituted a charge by a charging order made under this subsection shall rank pari passu with the heritable security in virtue of which the heritable creditor is in possession of the building or block."

(25) For section sixty-nine there shall be substituted the following section :—

"69. Section one of the Rating and Valuation (Air-Raid Works) (Scotland) Act, 1938, (which provides for relief from rates in respect of air-raid protection works in Scotland) shall, in relation to any lands and heritages forming part of a building, have effect as if any structural alterations or improvements made in the building or on land occupied or used with the building for the purpose of providing air-raid shelter were structural alterations or improvements to the lands and heritages, and in estimating the yearly rent or value of any lands and heritages for the purposes of valuation and rating no regard shall be had to any increase in the rent thereof (whether made by virtue of this Act or not) which is attributable to the provision of air-raid shelter for persons living or working in the lands and heritages." 1 & 2 Geo. 6. c. 19.

(26) In section seventy-two for references to a county district there shall be substituted references to a small burgh, and for any reference to any amount raised by the county council in the district there shall be substituted a reference to any sum paid over by the council of the small burgh to the county council in pursuance of a requisition.

(27) In section seventy-three for references to a county district and to "mandamus" there shall be substituted respectively references to a small burgh and to proceedings under section ninety-one of the Court of Session Act, 1868, and for subsections (2), (3), (6) and (7) there shall be substituted respectively the following subsections :— 31 & 32 Vict. c. 100.

"(2) (*a*) Where any functions of the council of a small burgh are transferred by an order under this

PART IX. —*cont.*

section to a county council, the expenses incurred by the county council in discharging those functions shall be a debt due from the council of the small burgh to the county council and shall be defrayed as part of the expenses of the council of the small burgh in the execution of this Act or the Act of 1937, and that council shall have the like power of raising the money required as they have of raising money for defraying expenses incurred directly by them. The county council shall keep separate accounts of all receipts and expenditure in respect of the transferred functions.

(*b*) Where by an order under this section the Minister has transferred to himself any functions of a defaulting authority, any expenses incurred by him in discharging those functions shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the Minister shall on demand be paid by the authority to the Minister, and shall be recoverable by him as a debt due to the Crown; and that authority shall have the like power of raising the money required as they have of raising money for defraying expenses incurred directly by them.

(*c*) Any order made by the Minister under this section may be varied or revoked by a subsequent order made by the Minister, but without prejudice to the validity of anything previously done under the order, and when any order is so revoked, the Minister may either by the revoking order or by a supplementary order make such provision as appears to him desirable with respect to the transfer, vesting, and discharge of any property, debts, or liabilities acquired or incurred by the county council or by him in discharging any of the functions to which the order so revoked related."

"(3) Where in pursuance of this section a local inquiry is held in Scotland, subsections (2), (3), (4) and (5) of section two hundred and ninety of the Local Government Act, 1933, shall apply to such inquiry in like manner as if that Act applied

23 & 24 Geo. 5. c. 51.

PART IX. —*cont.*

to Scotland, subject however, to the following modifications—

(*a*) for references to the department and to a summons there shall be substituted references to the Minister and to an order; and

(*b*) in subsection (4) the word 'summarily', and in subsection (5) the words from 'and every such order' to the end of the subsection shall be omitted."

"(6) Any expenses paid by or recovered from a defaulting authority by virtue of subsection (2) of this section shall not be approved under the Act of 1937 so as to be approved expenditure incurred by that authority for the purposes of that Act."

"(7) In relation to the functions of a local authority under Part VII of this Act, the references in this section to the Minister shall be construed as references to the Department of Health for Scotland."

(28) Subsection (2) of section seventy-nine shall apply in like manner as if section two hundred and eighty-seven of the Public Health Act, 1936, applied to Scotland. 26 Geo. 5. & 1 Edw. 8. c. 49.

(29) In section eighty-one any reference to requirements or restrictions imposed by or under any enactment as to the matters specified in that section shall include a reference to any requirement imposed by or under any enactment or by virtue of the common law as to the presentation of a petition to a dean of guild court or any body exercising the functions of a dean of guild court.

(30) In section ninety—

(*a*) in the definition of "annual value" any reference to a building or block of buildings let out in parts shall include a reference to a building or block of buildings in which separate parts belong to different owners, and "valuation list" means valuation roll;

(*b*) for the definition of "fire authority" there shall be substituted the following definition—

"'Fire authority' means county or town council"; and

PART IX. —*cont.*

(*c*) in the definition of "owner" for paragraph (*b*) there shall be substituted the following paragraph:—

"(*b*) where there is such a lease, the tenant thereunder or, if there are two or more such leases, the tenant under the latest in date thereof."

(31) Any grants payable under the Act of 1937 towards approved expenditure incurred under this Act by the council of a small burgh shall, notwithstanding anything in subsection (2) of section thirteen of the Act of 1937, be payable direct to that council.

(32) Any expenditure incurred by a county or town council for the purposes of this Act shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the council may determine.

(33) A county or town council shall have power to borrow for any purpose of this Act to which capital is properly applicable, and the provisions of section twenty-three of the Local Government (Scotland) Act, 1929, shall apply to the power hereby conferred. Any sums borrowed in pursuance of this subsection shall be repaid within such period as in the case of sums borrowed by them as electricity undertakers, the Electricity Commissioners, and in any other case the Secretary of State, may fix.

19 & 20 Geo. 5. c. 25.

(34) Where by virtue of the Rating Exemptions (Scotland) Act, 1874, or of the corresponding provisions of any local Act, any exemption from payment of local rates is enjoyed in respect of any lands and heritages, such exemption shall not cease by reason only of their being used for any of the purposes of the Act of 1937 or of this Act, if such use is granted gratuitously or subject only to a reasonable payment in respect of cleaning, heating, lighting, or other services, and no profit is derived from such payment.

37 & 38 Vict. c. 20.

(35) In the Second Schedule—

(*a*) for paragraph 1 the following paragraph shall be substituted:—

"1. The following sections of the Lands Clauses Consolidation (Scotland) Act, 1845, shall not be incorporated in this Act,

PART IX. —*cont.*

namely, sections fifteen, sixteen, one hundred and sixteen, one hundred and twenty to one hundred and twenty-seven, one hundred and forty-two, and one hundred and forty-three";

(*b*) for references to sections eighty-four to ninety, and to section ninety-two of the Lands Clauses Consolidation Act, 1845, there shall be substituted respectively references to sections eighty-three to eighty-eight, and to section ninety of the Lands Clauses Consolidation (Scotland) Act, 1845; and

(*c*) paragraph 5 shall not apply.

Provisions as to Northern Ireland.

92.—(1) The provisions of this Act, other than the provisions of this section, shall not extend to Northern Ireland.

(2) It is hereby declared that the Parliament of Northern Ireland has power to make laws for purposes similar to the purposes of the provisions of this Act which do not extend to Northern Ireland.

(3) There may be paid out of moneys provided by Parliament to the Government of Northern Ireland, grants towards the expenses incurred by that Government for the purposes of civil defence, of such amounts as the Treasury may determine, so, however, that not more than seven hundred and fifty thousand pounds in all shall be paid under this subsection during the four financial years ending with the thirty-first day of March nineteen hundred and forty-three, and not more than fifty thousand pounds shall be paid under this subsection in any subsequent financial year.

Short title and citation.

93. This Act may be cited as the Civil Defence Act, 1939, and the Act of 1937 and this Act may be cited together as the Civil Defence Acts, 1937 and 1939.

SCHEDULES.

FIRST SCHEDULE.

Section 42.

PART I.

FINANCING OF CERTAIN EXPENDITURE OF CENTRAL ELECTRICITY BOARD AND DISTRIBUTION OF BURDEN THEREOF AMONG ELECTRICITY UNDERTAKERS.

1. There shall be established a fund under the control of the Central Electricity Board (hereafter in this Schedule referred to as " the fund ").

2. There shall be paid into the fund—

(*a*) all grants paid to the Board out of moneys provided by Parliament;

(*b*) subject to the provisions of Part II of this Schedule, all sums received by the Board on the sale or disposal of plant, equipment or property acquired by the Board under the principal section; and

(*c*) any sums received by the Board under or by virtue of the following provisions of this Part of this Schedule.

3.—(1) For the purpose of defraying any expenses in respect of which a grant is payable under the principal section out of moneys provided by Parliament, and of providing a working balance for the fund, the Central Electricity Board may, with the consent of the Electricity Commissioners and in accordance with regulations made by the Minister of Transport with the approval of the Treasury, borrow money in such manner, and subject to such provisions with respect to the repayment thereof and with respect to reborrowing for the purpose of paying off a loan previously raised, as may be prescribed by the regulations; and the regulations may empower the Board to borrow temporarily from banks or otherwise, and may apply with or without modifications any enactment relating to borrowing by any local authority:

Provided that except with the consent of the Treasury the Board shall not have power to borrow under this paragraph, otherwise than for the purpose of paying off loans previously raised thereunder, more than the aggregate of amounts sufficient to raise one million five hundred thousand pounds.

1ST SCH. —*cont.*

(2) The Board shall not have power under section twenty-seven of the Electricity (Supply) Act, 1926, to borrow for any of the purposes for which they may borrow under this paragraph. 16 & 17 Geo. 5. c. 51

(3) The Board may, for the purpose of raising money which they are authorised to borrow under this paragraph, create and issue stock.

(4) Any stock created under this paragraph by the Board shall be issued, transferred, dealt with and redeemed in accordance with regulations made by the Minister of Transport with the approval of the Treasury; and any such regulations may apply for the purposes of this paragraph, with or without modifications, any provisions of the Local Loans Act, 1875, or of any enactment relating to stock issued by a local authority. 38 & 39 Vict. c. 83.

(5) The principal and interest of any sums borrowed by the Board under this paragraph (including any stock and the interest thereon) shall be charged upon so much of the payments which under paragraph 5 of this Part of this Schedule the Commissioners are required to make to the Board as represents the sums required for interest and sinking fund charges.

4. There shall be paid out of the fund—

(*a*) all expenses incurred by the Board in respect of which a grant is payable under the principal section out of moneys provided by Parliament;

(*b*) all other expenses incurred by the Central Electricity Board under subsection (1) of the principal section;

(*c*) all payments falling to be made by the Board in respect of the principal and interest of any loan raised by the Board under the last preceding paragraph; and

(*d*) all expenses incurred by the Board in administering the fund.

5.—(1) The Electricity Commissioners shall pay to the Board—

(*a*) the sums required to meet the interest and sinking fund charges in respect of any loans raised by the Board under paragraph 3 of this Schedule; and

(*b*) the amount of any expenses incurred by the Board under subsection (1) of the principal section (not being expenses of a capital nature) and in administering the fund, in so far as the expenses are not defrayed out of the working balance of the fund raised by borrowing,

and the payments which the Commissioners are required by this paragraph to make in any financial year shall be treated as part of their expenses but shall be shown as a separate item in their accounts and in their demand notes for contributions towards their expenses :

1ST SCH. —*cont.*

Provided that the apportionment of the expenses of the Commissioners by way of such payments as aforesaid shall, instead of being made in accordance with section seven of the Electricity (Supply) Act, 1922, be made on the basis of revenue received from the sale of electricity, other than electricity sold in bulk to authorised undertakers.

12 & 13 Geo. 5. c. 46.

9 & 10 Geo. 5. c. 100.

(2) Subsection (1) of section twenty-nine of the Electricity Supply Act, 1919 (which requires the Electricity Commissioners at the beginning of each financial year to prepare an estimate of their receipts and expenditure during the year) shall have effect as if it enabled the Commissioners, in respect of any financial year, to prepare, and submit for approval by the Minister of Transport, supplementary estimates of the expenses of the Commissioners in making such payments; and the reference in subsection (2) of that section to the estimated expenses of the Commissioners shall be construed as including a reference to the expenses shown in any such supplementary estimate as aforesaid.

6.—(1) The Central Electricity Board shall, as soon as may be after the beginning of the first accounting period, and not later than one month before the beginning of each subsequent accounting period, prepare and submit to the Electricity Commissioners, in such form as they may determine, an estimate of the payments and expenses of the Board for that accounting period which will fall to be defrayed by the Commissioners, and may subsequently prepare and submit in like manner supplementary estimates of such expenses as aforesaid, and the Commissioners may approve the estimates with or without modifications.

(2) The Board shall not incur any such expenses as aforesaid for any accounting period, except in accordance with the estimates for that period previously approved under this paragraph by the Commissioners:

Provided that the Commissioners may in special circumstances authorise the Board to incur expenses otherwise than in accordance with the said estimates.

(3) In this paragraph the expression "accounting period" means—

(*a*) the period beginning with the day on which this Act is passed and ending with the thirty-first day of March nineteen hundred and forty;

(*b*) the financial year ending with the thirty-first day of March nineteen hundred and forty-one or any subsequent financial year.

PART II.

DISPOSAL OF PROPERTY ACQUIRED BY CENTRAL ELECTRICITY BOARD UNDER SUBSECTION (1) OF THE PRINCIPAL SECTION.

Section 83.

1. Any plant, equipment or other property acquired by the Central Electricity Board under subsection (1) of the principal section which in the opinion of the Board is no longer needed for the purpose for which it was acquired, or ought to be replaced, may, with the approval of the Electricity Commissioners, be sold or otherwise disposed of by the Board.

2.—(1) Where it appears to the Minister that all the plant, equipment and property acquired by the Board as aforesaid can, without prejudice to the public interest, be disposed of, he may authorise the Board to dispose of it, and the proceeds shall be applied in the following manner :—

(*a*) a sum equal to one-half of the expenses of the Board incurred under subsection (1) of the principal section, other than capital expenses, and of the expenses of the Board in administering the fund shall be applied, in the manner specified in sub-paragraph (2) of this paragraph, in repaying debt;

(*b*) such sum as, together with the sum mentioned in the preceding sub-paragraph, will amount to one-half of the said proceeds shall be paid to the Electricity Commissioners and shall be paid by them into the Exchequer;

(*c*) the remainder of the said proceeds shall be applied, in the manner specified in sub-paragraph (2) of this paragraph, in repaying debt.

(2) The sums directed by sub-paragraph (1) of this paragraph to be applied in repaying debt shall be applied in repaying any amount outstanding of the moneys borrowed by the Central Electricity Board under Part I of this Schedule, and, in so far as they exceed the amount so outstanding, in repaying moneys borrowed under the Electricity (Supply) Act, 1926, for the purpose mentioned in subsection (2) of section nine of that Act.

PART III.

MISCELLANEOUS PROVISIONS.

1. Where it is material to ascertain—

(*a*) for the purposes of section seven of the Electricity (Supply) Act, 1926, the cost of production of electricity by the owners of a selected station;

1ST SCH. —*cont.*

(*b*) for the purposes of any such agreement as is referred to in subsection (3) or subsection (4) of the said section seven, the amount of any payment to be made by the Central Electricity Board to the owners of a selected station, or to the Board by the owners of a selected station;

(*c*) for the purposes of section thirteen of the said Act, the cost which owners of a selected station would have incurred, if that Act had not been passed, in themselves generating the like quantity of electricity to that taken from the Board; or

25 & 26 Geo. 5. c. 3.

(*d*) for the purposes of any such agreement as is mentioned in section one of the Electricity (Supply) Act, 1935, between the Central Electricity Board and any electricity undertakers, the amount payable in respect of the operation of any generating station in pursuance of the agreement,

no account shall be taken of any expenses incurred by the Board or any other electricity undertakers in taking measures which they are or could be required to take under any provision of this Act, or of any sums paid under Part I of this Schedule by electricity undertakers to the Electricity Commissioners.

2. No account shall be taken of the transactions of the fund in estimating for the purposes of rating the net annual value of hereditaments, or the yearly rent or value of lands and heritages in Scotland, occupied by the Central Electricity Board for the purposes of their undertaking.

Section 50.

SECOND SCHEDULE.

MODIFICATIONS OF LANDS CLAUSES ACTS.

8 & 9 Vict. c. 18.

1. The following sections of the Lands Clauses (Consolidation) Act, 1845, shall not be incorporated in this Act, namely, sections sixteen, seventeen, one hundred and twenty-three, one hundred and twenty-seven to one hundred and thirty-three, one hundred and fifty and one hundred and fifty-one.

2. In the construction of this Act and the Lands Clauses Acts, this Act shall be deemed to be the special Act, and the Minister of Health shall be deemed to be the promoter of the undertaking.

2ND SCH. —*cont.*

3. At any time after notice to treat has been served, the Minister of Health may, notwithstanding anything in sections eighty-four to ninety of the Lands Clauses (Consolidation) Act, 1845, after giving not less than fourteen days', or in the case of a dwelling-house not less than twenty-eight days', notice to the owner, lessee or occupier of the land, enter on and take possession of the land specified in the notice, subject however to the payment of the like compensation and interest thereon as would have been payable under those sections.

4. Section ninety-two of the Lands Clauses (Consolidation) Act, 1845, shall not be incorporated with this Act, but no person shall be required to sell part only of any house or building, if he is willing and able to sell the whole of the house or building, unless the arbitrator determines that such part of the house or building as is proposed to be taken can be taken without material detriment to the house or building; and if the arbitrator so determines he may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the person interested shall be required to sell to the Minister of Health that part of the house or building.

5. Where any land compulsorily acquired is land belonging to an ecclesiastical benefice, any sums agreed upon or awarded for the purchase of the land or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice:

Provided that this paragraph shall not apply to any sum authorised to be deposited in the name of the Accountant-General of the Supreme Court by virtue of section seventy-six of the Lands Clauses (Consolidation) Act, 1845.

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