CIVIL DEFENCE

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1. GENERAL REGULATIONS

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(1) ENGLAND AND WALES

The Civil Defence (General) Regulations, 1949

1949 No. 1432

Made - - - - 27*th July*, 1949
Coming into Operation 10*th August*, 1949

In exercise of the powers conferred on me by section two of the Civil Defence Act, 1948(a), I hereby make the following Regulations:—

1.—(1) A local authority may for the purpose of any civil defence function conferred on them under section two of the Act—

(*a*) appoint a committee not more than one-third of the members of which may be persons not being members of the authority;

(*b*) join with any other such authority or authorities in appointing a joint committee not more than one-third of the members of which may be persons not being members of any of the appointing authorities.

(2) A local authority may authorise any of their committees or any joint committee of which they are one of the appointors (whether such committee or joint committee is appointed under this Regulation or not) to exercise all or any of the civil defence functions conferred on them as aforesaid on their behalf as their agent but may not under this paragraph authorise any committee or joint committee to exercise any power of levying or issuing a precept for a rate or of borrowing money.

2. Any civil defence function of a local authority conferred on them as aforesaid may, notwithstanding any statutory provision which would otherwise require that function or any question connected therewith to be delegated to or to stand referred to or to be considered or otherwise dealt with by any particular committee or any other authority, be referred to a committee appointed under paragraph (1) of Regulation 1 and, if so referred, shall be excluded from the operation of any such statutory provision:

Provided that nothing in this Regulation shall affect any statutory provision which requires reference of any questions to the Finance Committee of any local authority.

(a) 12, 13 & 14 Geo. 6. c. 5.

3. A local authority may, with the consent of the designated Minister, and shall at his direction, authorise any local or police authority to exercise all or any of the civil defence functions conferred on them as aforesaid on their behalf as their agent.

4. If the designated Minister is satisfied that any local authority has failed or refused properly to discharge any of the civil defence functions conferred on them as aforesaid he may by order either empower himself to discharge those functions in the name and at the expense of that authority or authorise or require some other authority or person to exercise those functions in the name and at the expense of the authority so failing or refusing.

5.—(1) A local authority may for the purpose of any of their civil defence functions after consultation with any relevant authorities and with the consent of the designated Minister do things in contravention of, or without compliance with, any statutory provision which is not contained in the Act or in any regulations made thereunder regulating or restricting the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land.

(2) In this Regulation "relevant authority" means the authority, if any, who would but for this Regulation have had the power of permitting or agreeing to the thing proposed to be done or any part of it or the function of restraining the thing proposed to be done or any part of it.

6. A local authority may not, for the purpose of their civil defence functions, employ persons or provide, construct or maintain premises or equipment in excess of any limits imposed generally or in a particular case by the designated Minister but may, for such a purpose, employ persons and provide, construct or maintain premises and equipment in excess of any limits imposed by any statutory provision other than those imposed by or under the Act.

7. A local authority shall receive any equipment for any civil defence purpose, whether or not that purpose is connected with the civil defence functions of the authority, delivered to them by or on behalf of the designated Minister and maintain, store or, in connection with any of their civil defence functions, utilise it, as the case may be, in compliance with the directions of the designated Minister.

8. The expenses of a county council in performing a civil defence function which has been conferred upon it only as respects part of the county shall be expenses for special county purposes.

9.—(1) In these Regulations—

the expression "the Act" means the Civil Defence Act, 1948(**a**);

the expression "equipment" includes any commodity or thing;

the expression "local authority" means the council of a county, the council of a county borough, the council of a county district, the Common Council of the City of London, the council of a metropolitan borough, the council of the Isles of Scilly and a combined fire authority constituted by a combination scheme under section five or six of the Fire Services Act, 1947(**b**).

(a) 12, 13 & 14 Geo. 6. c. 5. (b) 10 & 11 Geo. 6. c. 41.

(2) In these Regulations a reference to the civil defence functions of a local authority shall be construed as a reference to the civil defence functions for the time being falling to be discharged by that authority and a reference to the designated Minister shall, in relation to any such function, be construed as a reference to such Minister as may for the time being be designated for purposes which include that function by Order in Council under subsection (2) of section nine of the Act and if and in so far as no Minister has been designated for those purposes shall be construed as a reference to the Secretary of State.

(3) The Interpretation Act, 1889(**a**), shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

10.—(1) These Regulations may be cited as the Civil Defence (General) Regulations, 1949, and shall come into operation on the tenth day of August, 1949.

(2) These Regulations shall not apply to Scotland.

J. Chuter Ede,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
27th July, 1949.

EXPLANATORY NOTE

(*This Note is not part of the Regulations, but is intended to indicate their general purport.*)

Regulations 1 and 2 provide for the appointment of committees by local authorities and the delegation of civil defence functions to them. Regulation 3 provides for delegation to other local authorities or police authorities. Regulation 4 contains default powers. Regulation 5 deals with the construction of civil defence works by local authorities and Regulation 6 with the numbers of their civil defence workers and the amount of their civil defence equipment. Regulation 7 deals with the reception and treatment of civil defence equipment by a local authority and Regulation 8 with the expenses of county councils in relation to functions extending over part only of the county.

The Civil Defence Corps Regulations, 1949

1949 No. 1433

Made - - - -	*27th July*, 1949
Coming into Operation	*10th August*, 1949

In exercise of the powers conferred on me by section two of the Civil Defence Act, 1948(**b**), I hereby make the following Regulations:—

1. It shall be the function of every county council, every county borough council, the Common Council of the City of London, every metropolitan borough council, the council of the Isles of Scilly and every county district council specified in the Schedule to these Regulations to organise a division

(a) 52 & 53 Vict. c. 63. (b) 12, 13 & 14 Geo. 6. c. 5.