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 organisation, by the local authorities therein mentioned, of divisions of the Civil Defence Corps. Regulation 3 provides for expenses. Regulation 4 provides for the duties of police in taking part in organising a division of the Corps where the local authority make the arrangements therein described. Regulation 5 provides for the joint organisation of a division of the Corps by more than one local authority.

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(2) SCOTLAND

The Civil Defence (General) (Scotland) Regulations, 1949*

1949 No. 1416 (S. 98)

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

In exercise of the powers conferred by subsection (1) of section two of the Civil Defence Act, 1948(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

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 (hereinafter referred to as a "joint civil defence committee") not more than one-third of the members of which may be persons not being members of any of the constituent authorities thereof.

Provided that a joint police committee, fire area joint committee or joint water board shall not exercise any power conferred on it by this regulation unless it has the consent of all its constituent authorities.

2.—(1) A local authority may authorise any of their committees or any joint committee or board of which they are one of the constituent authorities (whether, in the case of a committee or joint committee, it is appointed under these regulations or not) to exercise all or any of the civil defence functions conferred on them as aforesaid on their behalf as their agent:

Provided that a joint police committee, fire area joint committee, or joint water board shall not give any such authorisation unless it has the consent of all its constituent authorities.

(2) Nothing in this regulation shall permit a local authority to authorise any committee, joint committee, or joint board to exercise any power of levying, or issuing a requisition for, a rate or of borrowing money.

3. 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

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

* These Regulations were approved by resolution of the House of Commons 26th July, 1949, and the House of Lords 14th July, 1949, in accordance with Section 8 (3) of the Civil Defence Act, 1948.

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 or joint committee appointed under 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 question to the finance committee of any local authority.

4. A local authority may with the consent of the designated Minister and shall at his direction authorise any other local authority (not being a joint committee or board which could be so authorised under Regulation 2) to exercise all or any of the civil defence functions conferred on them as aforesaid on their behalf as their agent:

Provided that a joint police committee, fire area joint committee or joint water board shall not, unless so directed by the designated Minister, give any such authorisation unless it has the consent of all its constituent authorities as well as the consent of the designated Minister.

5. 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.

6.—(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.

7. 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.

8. 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.

9.—(1) In these regulations—

the expression "the Act" means the Civil Defence Act, 1948;

the expression "equipment" includes any commodity or thing;

the expression " joint police committee " means a joint police committee constituted by an amalgamation scheme under section one or two of the Police (Scotland) Act, 1946(a), and the expression " constituent authority " in relation thereto shall be construed accordingly ;

the expression " fire area joint committee " means a fire area joint committee constituted by an administration scheme under section thirty-six of the Fire Service Act, 1947(b), and the expression " constituent authority " in relation thereto means a local authority which is one of the fire authorities concerned with that scheme ;

the expression " joint water board " means a joint water board within the meaning of the Water (Scotland) Act, 1946(c), and the expression " constituent authority " in relation thereto means a local authority which is one of the authorities which have combined to constitute the board or which appoint the members thereof ;

the expression " constituent authority " in relation to a joint civil defence committee means a local authority which has joined in appointing that committee.

(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 them, 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 the 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(d), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

10.—(1) These regulations may be cited as the Civil Defence (General) (Scotland) Regulations, 1949.

(2) These regulations shall come into operation on the tenth day of August, 1949, and shall apply to Scotland only.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
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 including joint police committees and the delegation of civil defence functions to them. Regulations 3 and 4 provide for delegation to other local authorities. Regulation 5 contains default powers. Regulation 6 deals with the construction of civil defence works by local authorities and Regulation 7 with the numbers of their civil defence workers and the amount of their civil defence equipment. Regulation 8 deals with the reception and treatment of civil defence equipment by a local authority.

(a) 9 & 10 Geo. 6. c. 71. (b) 10 & 11 Geo. 6. c. 41. (c) 9 & 10 Geo. 6. c. 42. (d) 52 & 53 Vict. c. 63.