1953 No. 1777

The Civil Defence (Grant) Regulations, 1953

Made - - - - 3*rd December*, 1953
Coming into Operation 1*st January*, 1954

In exercise of the power conferred upon me by section three of the Civil Defence Act, 1948(a), I hereby, with the consent of the Treasury, make the following Regulations:—

Grants payable to local and police authorities

1. There shall be payable by the designated Minister towards expenses incurred by each local authority and police authority in or in connection with the discharge of their civil defence functions grants to that authority in accordance with the succeeding provisions of these Regulations:

Provided that no such grants shall be payable towards expenses incurred for any purpose by—

(*a*) a police authority, or

(*b*) a local authority in connection with the provision of fire or ambulance services,

which would have been incurred for that purpose if no civil defence functions had been conferred on that authority and which the designated Minister determines are not of an administrative nature.

Rate of grant

2. The grants towards expenses shall amount in the case of the expenses set out in the Schedule hereto to complete reimbursement of those expenses and in all other cases to three-quarters of those expenses.

Approval of expenses

3. Grants shall not be payable towards the following expenses, namely:—

(*a*) any expenses which are incurred without the prior approval of the designated Minister, unless they are expenses either of a class in respect of which, or incurred in circumstances in which, the designated Minister dispenses with the requirement of prior approval;

(*b*) all expenses incurred in or in connection with the purchase of any parcel of land if those expenses exceed the amount which the designated Minister, after consulting the district valuer, determines to be reasonable in respect of that parcel;

(*c*) the excess of any item of expenses (other than expenses referred to in the preceding paragraph) over the amount which the designated Minister determines to be reasonable for that item.

Deductions in respect of receipts and of land or articles no longer required

4.—(1) The designated Minister may deduct from the grants which would otherwise be payable under these Regulations the whole or such part as he determines to be reasonable of any sum being a receipt of the authority

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

in connection with or arising out of the discharge of a civil defence function of the authority for which he is responsible or of any sum which he determines ought to have been so received.

(2) Without prejudice to the generality of the preceding paragraph, the designated Minister may deduct from the grants which would otherwise be payable to any authority under these Regulations such sum as he determines to be reasonable where he determines that—

(*a*) any land or article which has been acquired by the authority with the aid of grant for the purposes of their functions under the Civil Defence Acts, 1937 to 1948 ; or

(*b*) any article with which the authority has been provided free on loan by any government department,

is no longer required in connection with a civil defence function of the authority for which he is responsible and is not required in connection with any other civil defence function of the authority otherwise than for a purpose towards the expenses of which the payment of grant to the authority would be excluded by the proviso to Regulation 1 of these Regulations:

Provided that no deduction shall be made under this paragraph in relation to any article provided free on loan as aforesaid if the article has been surrendered to the designated Minister or to such person as he may direct.

(3) In determining the amount, if any, to be deducted under this Regulation, the designated Minister shall have regard to all the relevant circumstances, including the rates of grant paid to the authority in respect of expenses incurred in the discharge of the relevant civil defence function or in the acquisition of the land or article in question and the extent, if any, to which the payment of such grant was excluded by the proviso to Regulation 1 of these Regulations.

(4) For the purposes of this Regulation, a reference to a sum which is or ought to have been a receipt of an authority includes a reference to a sum which is or ought to have been paid into one account of the authority out of another.

Deductions in respect of avoidable expenses or loss of equipment

5.—(1) The designated Minister may deduct from the grants which would otherwise be payable to any authority under these Regulations such sum as he determines to be reasonable in the circumstances where he determines that suitable action by the authority would have avoided—

(*a*) in whole or in part, expenses incurred by or on behalf of the designated Minister or by the authority in connection with such land as is described in paragraph (2) of this Regulation or in or in connection with the maintenance, repair or replacement of any article so described ; or

(*b*) the loss of any article so described.

(2) The land and articles referred to in the preceding paragraph are—

(*a*) land and articles which have been acquired by the authority with the aid of grant for the purposes of their functions under the Civil Defence Acts, 1937 to 1948 ; and

(*b*) articles with which the authority have been provided free on loan by any government department,

being land and articles required in connection with a civil defence function of the authority for which the designated Minister is responsible.

Withholding of grant

6. The designated Minister may withhold in whole or in part, permanently or for such time as he may determine, grants which would otherwise be payable to any authority under these Regulations, if he determines that any of the following conditions are not fulfilled, namely:—

(*a*) that the civil defence functions of the authority for which he is responsible are and have been efficiently performed;

(*b*) that the authority have complied with any directions issued by the designated Minister with which they are bound to comply under paragraph (*a*) of subsection (2) of section two of the Act;

(*c*) that the authority maintain and have maintained an efficient system of store records in respect of articles required in connection with the civil defence functions of the authority for which he is responsible, being articles with which they have been provided free on loan by any government department or which they have acquired with the aid of grant for the purposes of their functions under the Civil Defence Acts, 1937 to 1948;

(*d*) that the designated Minister has received from the authority, as soon as practicable after the end of each year, a financial statement, in a form approved by him, and containing all necessary information relating to the expenditure and income in respect of that year in connection with the performance of the civil defence functions of the authority for which he is responsible;

(*e*) that any auditor authorised for the purpose by the designated Minister has been afforded all reasonable facilities by the authority, and by any other authority or joint committee who have exercised any of the first-named authority's civil defence functions on their behalf as their agents, for the examination of the financial statement referred to in the preceding paragraph and of any books, records and other documents relating to the performance of the civil defence functions for which the designated Minister is responsible;

(*f*) that the designated Minister has received from the authority such information, estimates, books, records and other documents as he has required.

Time and manner of payment and recovery of excess payments

7.—(1) The payment of any grant to any local authority or police authority in pursuance of these Regulations shall be made at such times and in such manner as the designated Minister may determine, and, pending the final determination of the grant payable to that authority in respect of any year, payments on account of the estimated amount thereof, not exceeding ninety per cent. of the said estimated amount, may be made from time to time during the year and after the end of the year such further payments on account as the designated Minister may think fit may be made before final adjustment.

(2) If the total amount of the payments which have been made to a local authority or police authority under this Regulation in respect of any year exceeds the total amount of the grant payable to that authority under these Regulations in respect of that year, the excess may, without prejudice to any other method of recovery, be deducted from any grant payable in respect of any other year under these Regulations.

(3) The inclusion by the designated Minister of the amount of any expenses in a calculation of the amount of any payment on account shall not be deemed to constitute an approval by the designated Minister, for the purposes of Regulation 3 of these Regulations, of the incurring of any item of those expenses.

Application of Regulations where functions exercised by agent

8.—(1) Where any of the civil defence functions of a local authority (hereafter in this Regulation referred to as "the principal authority") are exercised on their behalf as their agents by another authority or a joint committee (hereafter in this Regulation referred to as "the agent authority") under paragraph (*b*) of subsection (2) of section two of the Act, then these Regulations shall apply, in relation to those functions, subject to the following paragraphs of this Regulation.

(2) For the purposes of these Regulations, the expenses incurred by the principal authority shall be—

(*a*) the expenses incurred by the agent authority, or, as the case may be,

(*b*) the proportion of the expenses incurred by the agent authority for which the principal authority are responsible,

and not the payments made by the principal authority to the agent authority.

(3) For the purposes of paragraph (1) of Regulation 4 of these Regulations there shall be treated as a receipt of, or a sum which ought to have been received by, the principal authority—

(*a*) any sum being a receipt of the agent authority or any sum which the designated Minister determines ought to have been received by that authority, or, as the case may be,

(*b*) the proportionate part of any such sum as is referred to in the preceding sub-paragraph calculated according to the proportion of the expenses of the agent authority for which the principal authority are responsible.

(4) For the purposes of paragraph (2) of Regulation 4 and of Regulation 5 of these Regulations, any land or article which has been acquired for the purposes of functions exercised as aforesaid under the said paragraph (*b*) shall be treated as having been acquired by the principal authority and any article which has been provided free on loan by any government department for the purposes of those functions shall be treated as if it were an article with which the principal authority had been so provided, so, however, that where the principal authority are responsible for a proportion only of the expenses of the agent authority the designated Minister shall have regard to that proportion in determining the sum, if any, to be deducted for the purposes of paragraph (2) of Regulation 4 and of Regulation 5 of these Regulations.

Application of Regulations to water undertakers not being local authorities

9. These Regulations shall apply to statutory water undertakers as defined in section one of the Water Act, 1948(**a**), not being local authorities, as if those undertakers were a local authority, subject to the following modifications, that is to say:—

(*a*) as if in paragraph (*b*) of Regulation 6 of these Regulations for the words "under paragraph (*a*) of subsection (2) of section two of the Act" there were substituted the words "by virtue of regulations made under subsection (2) of section six of the Act (which contains certain powers to revive and amend provisions of the Civil Defence Acts, 1937 and 1939(**b**), and to substitute comparable provisions therefor)"; and

(*b*) as if the expression "civil defence functions" were defined in paragraph (3) of Regulation 11 of these Regulations as meaning functions in accordance with regulations made under subsection (2) of section six of the Act.

(**a**) 11 & 12 Geo. 6. c. 22. (**b**) 1 & 2 Geo. 6. c. 6 and 2 & 3 Geo. 6. c. 31.

Cessation of grants under Air-Raid Precautions Act, 1937

10. No grant shall be made under section eight of the Air-Raid Precautions Act, 1937(**a**), towards any expenditure incurred after the thirty-first day of December, 1953.

Interpretation

11.—(1) In each mention in these Regulations of action by the designated Minister in relation to a local authority or police authority the reference to the designated Minister is a reference to the Minister who at the time the action falls to be taken is designated by Order in Council under subsection (2) of section nine of the Act for purposes which include the civil defence function of the authority in respect of which the action falls to be taken and where no Minister is then so designated is a reference to the Secretary of State.

(2) In these Regulations a reference to the civil defence functions of an authority for which the designated Minister is responsible is, in the case of a designated Minister other than the Secretary of State, a reference to all the civil defence functions of that authority included in the purposes for which he is designated by Order in Council under subsection (2) of section nine of the Act, or, in the case of the Secretary of State, is a reference to all the civil defence functions of that authority for which no other designated Minister is responsible.

(3) In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" civil defence functions " means functions conferred by regulations made under section two of the Act ;

" land " includes buildings and any interest in land as so defined and any easement or right in, to or over land as so defined and any reference to a parcel of land is to be construed accordingly ;

" local authority " does not include a river board established under the River Boards Act, 1948(**b**), or the Lee Conservancy Catchment Board or a drainage board constituted or to be treated as having been constituted under the Land Drainage Act, 1930(**c**) ;

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

" year " means the period of twelve months ending on the thirty-first day of March.

Citation, commencement and extent

12.—(1) These Regulations may be cited as the Civil Defence (Grant) Regulations, 1953, and shall come into operation on the first day of January, 1954.

(2) These Regulations shall not apply to Scotland.

David Maxwell Fyfe,
One of Her Majesty's Principal Secretaries of State.

1st December, 1953.

We consent,

T. G. D. Galbraith,
Hendrie D. Oakshott,
Two of the Lords Commissioners of Her Majesty's Treasury.

3rd December, 1953.

(**a**) 1 & 2 Geo. 6. c. 6. (**b**) 11 & 12 Geo. 6. c. 32. (**c**) 20 & 21 Geo. 5. c. 44.

Regulation 2. SCHEDULE

EXPENSES TO BE COMPLETELY REIMBURSED

1. Expenses in connection with the making of preparations for—

(*a*) the transference of members of the civil population from one area to another and the care of the persons so transferred ;

(*b*) the billeting or rehousing of persons who, owing to hostile action or a threat of hostile action, are made homeless or leave their homes, or are refugees or persons repatriated from abroad ;

(*c*) the temporary accommodation and maintenance of such persons as are described in sub-paragraph (*b*) of this paragraph until they can return to their homes or can be billeted or otherwise rehoused ;

(*d*) the provision of emergency feeding services.

2. Expenses, which the designated Minister determines are not of an administrative nature, in connection with the making of preparations for—

(*a*) the provision of services in connection with the demolition and clearance of property damaged by hostile action, works of repair consequent thereon and incidental matters ;

(*b*) the prevention or mitigation of loss or damage to movable property in the homes of persons who are made homeless by hostile action or of persons whose homes after they have left them on account of hostile action or a threat of hostile action are damaged by hostile action ;

(*c*) the repair of premises which by reason of war damage become unfit for use, being dwelling-houses or premises providing goods or services essential to the life of the community, other than factories, workshops, or warehouses ;

(*d*) the use of additional supplies of water necessary or desirable in a war emergency other than for use in case of fire.

3. Expenses, which the designated Minister determines are not of an administrative nature, of hiring apparatus for operating simultaneously from one point more than one siren for the purpose of warning the public of hostile attack.

4. Expenses, which the designated Minister determines are capital expenses and not of an administrative nature, in connection with the provision of civil defence shelter which is—

(*a*) public shelter, that is to say, shelter for the public at large (whether or not priority of admission is accorded to ticket holders or in other ways) ;

(*b*) residential shelter, that is to say, shelter for specific persons in or near their homes ; or

(*c*) shelter for the pupils and staff of a school or other educational establishment in respect of which grants are made by the Minister of Education under the Education Acts, 1944 to 1953.

5. Expenses, not included in the preceding paragraphs of this Schedule, which the designated Minister determines are capital expenses and not of an administrative nature, in connection with the provision of any article other than an article—

(*a*) which is intended to form part of any permanent or semi-permanent works including, but without prejudice to the generality of the foregoing, any article which when in use is analogous to a landlord's fixture ;

(*b*) which is to be used for equipping an office.

6. Notwithstanding anything in the preceding paragraphs of this Schedule, the expenses therein set out do not include the expenses of providing members of the Civil Defence Corps and of fire brigades with uniform.

EXPLANATORY NOTE

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

These Regulations provide that the approved expenses of local authorities and police authorities in connection with their functions under section 2 of the Civil Defence Act, 1948, and of statutory water undertakers (other than local authorities) in connection with civil defence functions exercisable by them by virtue of section 6 of that Act shall be grant-aided by the Ministers responsible for the particular functions concerned.

Regulation 1 contains the general provision for the payment of civil defence grants to local and police authorities. Regulation 2 provides that the rate of grant in the case of such expenses as are mentioned in the Schedule to the Regulations shall be one hundred per cent. and in the case of any other expenses seventy-five per cent. of those expenses. Regulation 3 relates to the approval of expenditure by the responsible Ministers, Regulation 4 to deductions from grants in respect of receipts arising out of the discharge of civil defence functions or in respect of land or articles no longer required in connection with those functions, Regulation 5 to deductions in respect of avoidable expenditure and loss of equipment, Regulation 6 to the circumstances in which grant may be withheld and Regulation 7 to the time and manner of payment and recovery of excess payments. Regulation 8 provides for the case where a local authority's civil defence functions are exercised on their behalf by another authority or a joint committee. Regulation 9 applies the Regulations, with appropriate adaptations, to those statutory water undertakers who are not local authorities and do not therefore fall within Regulation 1.

Regulation 10 provides that no grants shall be payable under the Air-Raid Precautions Act, 1937, in respect of expenditure incurred after the coming into force of the Regulations.

1953 No. 1804 (S. 120)

The Civil Defence (Grant) (Scotland) Regulations, 1953

Made - - - -	*4th December*, 1953
Coming into Operation	*1st January*, 1954

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

Grants payable to local authorities

1. There shall be payable by the designated Minister towards expenses incurred by each local authority in or in connection with the discharge of their civil defence functions grants to that authority in accordance with the succeeding provisions of these Regulations:

Provided that no grants shall be payable towards expenses incurred by a local authority for any purpose in or in connection with the discharge of civil defence functions conferred upon a police authority or a fire authority

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