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.

which would have been incurred by that local authority for that purpose if no such functions had been conferred on that local 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 land if those expenses exceed the amount which the designated Minister after consulting the district valuer determines to be reasonable in respect of that land;

(*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 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 functions 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 local 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 has 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.

Estimates and determination of grant

7.—(1) Every local authority shall submit to the designated Minister at such time and in such form as he may require estimates of their income and expenditure on their civil defence functions for each year.

(2) From the estimates submitted in accordance with the foregoing paragraph of this Regulation the designated Minister shall make an estimate of the grant payable to each local authority for the year in question:

Provided that the inclusion of any item of expenditure for the purpose of calculating the estimated grant shall not have effect as approval of the designated Minister of that item for the purposes of Regulation 2 of these Regulations.

(3) The designated Minister may make to any local authority from time to time during the year in question payments on account of their grant for that year not exceeding ninety per cent. of the estimate of such grant made under the last foregoing paragraph of this Regulation; and after the end of such year the designated Minister may make such further payments on account as he may think fit before the grant due for the year is finally determined.

(4) The amount of any grant payable to each local authority for the year in question shall be finally determined in accordance with the provisions of these Regulations by the designated Minister after examination of such audited financial statements and such books, records, documents and accounts relating thereto as he may require; and, subject to the provisions of Regulation 6 of these Regulations, any balance found after such final determination to be due by or to the designated Minister in account with any local authority shall be paid to or recovered from the authority in such manner as the designated Minister may think fit.

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, including 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*) that proportion of the expenses referred to in the preceding sub-paragraph 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.

Cessation of grants under the Air-Raid Precautions Act, 1937

9. 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

10.—(1) In each mention in these Regulations of action by the designated Minister in relation to a local 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 the Minister 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:—

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

" 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 servitude or right in, to or over land as so defined ;

" fire authority " means a fire authority within the meaning of the Civil Defence (Fire Services) (Scotland) Regulations, 1949(**b**) ;

" police authority " includes a joint police committee ;

" year " in relation to any local authority means the financial year of that local authority.

Citation, commencement and extent

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

(2) These Regulations shall apply to Scotland only.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

3rd December, 1953.

We consent,

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

4th December, 1953.

(**a**) 1 & 2 Geo. 6. c. 6.

(**b**) S.I. 1949/2167; 1949 I, p. 659.

SCHEDULE

Regulation 2.

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 accommodation and maintenance of the persons so transferred;

(*b*) the accommodation and maintenance 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 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 moveable property in their 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, not being 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 shelters which are—

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

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

(*c*) shelters for the pupils and staff of a school or other educational establishment in respect of which grants (other than grants in aid of the managers' contributions under Part IV of the Education (Scotland) Act, 1946(a)), are made by the Secretary of State from the Education (Scotland) Fund.

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.

(a) 9 & 10 Geo. 6. c. 72.

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 in Scotland in connection with their functions under section two of the Civil Defence Act, 1948, 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 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. 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 and Regulation 5 to deductions in respect of avoidable expenditure and loss of equipment. Regulation 6 sets out the circumstances in which grant may be withheld. Regulation 7 makes incidental provisions regarding the payment of grants. Regulation 8 provides for the case where a local authority's functions are exercised on their behalf by another authority or joint committee.

Regulation 9 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.

CLERK OF THE PEACE, SCOTLAND

1953 No. 1776

Act of Sederunt (Fees of Town Clerks and Clerks of the Peace), 1953

For the text of this Instrument, *see* Part II, p. 2299.