SUPPLIED FOR THE PUBLIC SERVICE



CHAPTER 12.

An Act to suspend certain provisions of the Civil Defence Acts, 1937 and 1939. [10th December 1945.]

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 :—

Suspension of obligation to prepare air-raid precaution schemes.

1 & 2 Geo. 6. c. 6.

1.—(1) Notwithstanding anything in section one of the Air-Raid Precautions Act, 1937, no such air-raid precaution scheme as is mentioned in that section shall be prepared or submitted by a local authority until His Majesty by Order in Council directs that this subsection shall cease to have effect.

(2) An Order under this section may apply either to all local authorities or to such local authorities as may be specified by the Order, and either to all matters to which such schemes as aforesaid relate or to such of those matters as may be so specified; and if when such an Order comes into operation any direction given under paragraph (*b*) of the proviso to subsection (2) of the said section one (which provides for substituting borough or urban district councils for county councils) has not been revoked, the Order may revoke the direction.

(3) Any such scheme as aforesaid in force immediately before the passing of this Act shall cease to have effect.

(4) In this section the expression "the Minister" means the Minister specified in the Order for the time being in force under subsection (1) of section one of the Civil Defence Act, 1939, or, if no such Order is in force, the Secretary of State.

2 & 3 Geo. 6. c. 31.

Suspension of certain provisions of Civil Defence Act, 1939.

2.—(1) The operation of the Civil Defence Act, 1939, shall, during the period beginning with the passing of this Act and ending with such date as His Majesty may by Order in Council appoint, be suspended to the extent specified in the Schedule to this Act.

(2) An Order under this section may be made either generally or in relation to any area, and either in relation to all provisions of the Civil Defence Act, 1939, the operation of which is suspended by this Act or in relation to any such provisions; and may make such adaptation of any such provision as to the time within which anything is required or authorised to be done as appears to His Majesty in Council necessary or expedient in consequence of the operation of the provision having been suspended.

Provisions as to Orders in Council.

3.—(1) Any Order in Council made under this Act shall be laid before Parliament as soon as may be after it is made.

(2) If either House of Parliament, within the period of forty days beginning on the day on which any such Order is laid before it, presents an Address to His Majesty praying that the Order be annulled, His Majesty in Council may annul the Order and it shall thereupon cease to have effect, without prejudice, however, to the validity of anything previously done thereunder or to the making of a new Order.

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.

56 & 57 Vict. c. 66.

(3) Section one of the Rules Publication Act, 1893, shall not apply to any Order in Council made under this Act.

Short title and citation.

4. This Act may be cited as the Civil Defence (Suspension of Powers) Act, 1945, and this Act and the Civil Defence Acts, 1937 and 1939, may be cited together as the Civil Defence Acts, 1937 to 1945.

SCHEDULE.

Section 2.

1. The powers conferred by Part II of the Civil Defence Act, 1939, to designate premises for use for public purposes of civil defence, to enter on land, to construct or provide air-raid shelters and other premises and to carry out other work shall not be exercisable during the period of suspension; and any notice designating any premises for use as aforesaid in force immediately before the passing of this Act shall cease to have effect:

Provided that nothing in this paragraph shall affect any power of carrying out work of restoration or maintenance, or any power of entry for the purpose of carrying out such work.

2. No requirement imposed by Part III of the said Act of 1939, and no power conferred by the said Part III to impose any requirement, on the occupier of any factory premises or the owner of any mine or commercial building, or on any employer of persons in any such premises, mine or building, shall apply during the period of suspension, and no power to execute works conferred by the said Part III on any such occupier or owner shall be exercisable during that period.

3. A local authority shall not during the period of suspension be required, or have power, under Part IV of the said Act to carry out any work, or have power to make any advances thereunder, and no owner or occupier shall by virtue of the said Part IV be required, or have power, during that period to prepare any scheme or carry out any works for the purpose of providing air-raid shelter; and the restriction imposed by subsection (2) of section twenty-eight of the said Act on the removal from its position of any shelter or appliance erected or affixed by a local authority shall not apply to a shelter erected or appliance affixed before the beginning of the said period.

4. No requirement imposed by Part V of the said Act, and no power conferred by the said Part V to impose any requirement, on any public utility undertaker shall apply during the period of suspension; no grant shall be paid under the said Part V in respect of measures taken during the period of suspension, and no expenses incurred in taking any such measures shall be defrayed under the said Part V; and the power thereby conferred on the Central Electricity Board shall not be exercisable during that period:

Provided that nothing in this paragraph shall apply to measures taken or approved before the beginning of that period, or to the storage, insurance, maintenance, or disposal of plant, equipment or other property acquired by the said Board before the beginning of that period.

5. No requirement imposed by Part VI of the said Act (which relates to the obscuration of lights and camouflage), and no power conferred by the said Part VI to impose any requirement, shall apply during the period of suspension.

6. Section fifty-six of the said Act (which relates to plans for the transference of members of the civil population from one area to another in the event of war) shall not have effect, during the period of suspension, except in relation to the carrying out of such plans as aforesaid put into operation before the beginning of the said period.

7. No scheme under section fifty-eight of the said Act (which relates to the supply of water for extinguishing fires) shall be submitted during the period of suspension.

8. The powers of compulsory hiring of land conferred by Part VIII of the said Act, and the power of entry and inspection conferred by Part IX thereof, shall not be exercisable during the period of suspension, and the power of borrowing and applying money and of a mortgagee to add money to his security or of a heritable creditor to obtain a charging order conferred by section sixty-six of the said Act shall not be exercisable in relation to anything done during that period.

9. In this Schedule the expression "the period of suspension" means the period mentioned in subsection (1) of section two of this Act; and expressions used in this Schedule and in the said Act of 1939 have the same meanings in this Schedule as in that Act.

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