1954 No. 274

The Civil Defence (Transport) Regulations, 1954

Made - - - - 9*th March*, 1954
Coming into Operation 24*th March*, 1954

Whereas by the Civil Defence (Designation of the Minister of Transport) Order, 1952(a), the Minister of Transport and Civil Aviation has been designated the Minister for certain purposes of the Civil Defence Act, 1948(b), including the purpose of making regulations under section 6 thereof in relation to the taking of measures for securing the continued operation of railway, canal, inland navigation, dock and harbour undertakings:

And whereas a draft of these Regulations has been approved by resolution of each House of Parliament:

Now, therefore, the Minister of Transport and Civil Aviation in exercise of his powers under section 6 of the Civil Defence Act, 1948, and of all other powers him enabling in that behalf and with the consent of the Treasury, hereby makes the following Regulations:—

1.—(1) It shall be the duty of all public utility undertakers carrying on a canal, inland navigation, dock or harbour undertaking whenever so required by a notice in writing served on them by the Minister—

(*a*) to make within the time specified in the notice a report stating what measures they have taken or are taking or proposing to take to secure the due functioning of their undertaking in the event of hostile attack; and

(*b*) to take within the time specified in the notice such measures as may be so specified to secure the due functioning of their undertaking in the event of hostile attack; and

(*c*) in the case of any undertakers carrying on any dock or harbour undertaking, to take within the time specified in the notice such measures as may be so specified to secure that the undertaking is capable of providing services which would not, apart from hostile attack or the danger thereof, be required to be provided by that undertaking.

(2) It shall be the duty of all public utility undertakers carrying on a railway undertaking, whenever so required by a notice in writing served on them by the Minister—

(*a*) to make within the time specified in the notice a report stating what measures they have taken or are taking or proposing to take as respects the execution of works or the provision of accommodation, plant, materials or equipment (including stocks of stores) with a view to providing or maintaining essential railway services in the event of hostile attack; and

(*b*) to take within the time specified in the notice such measures as may be specified therein as respects any such matters.

(3) If any undertakers, when served with a notice under this Regulation requiring them to make such a report as is referred to in paragraph (1) (*a*), or, as the case may be, paragraph (2) (*a*) of this Regulation, fail to make such report within the time specified in the notice, they shall be liable on summary conviction to a fine not exceeding one hundred pounds, and, if the failure in respect of which they are so convicted continues after the conviction, they shall be liable on summary conviction to a fine not exceeding ten pounds for each day on which the failure so continues.

(4) If any undertakers, when served with a notice under this Regulation requiring them to take any such measures as are referred to in paragraphs (1) (*b*) or (*c*), or, as the case may be, paragraph (2) (*b*) of this Regulation,

(a) S.I. 1952/1859 (1952 I, p. 582). (b) 12, 13 & 14 Geo. 6. c. 5.

fail to take such measures within the time specified in the notice, they shall be liable on summary conviction to a fine not exceeding one hundred pounds, and, if the failure in respect of which they are convicted continues after the conviction, to a fine not exceeding fifty pounds for each day on which the failure so continues:

Provided that the court by which any undertakers are convicted of any offence under the said paragraphs may fix a reasonable period from the date of the conviction for compliance by the undertakers with the requirements of the notice, and, where a court has fixed such a period, the said daily penalty shall not be recoverable in respect of any day before the expiration thereof.

2.—(1) There shall be paid out of moneys provided by Parliament towards the approved expenses of public utility undertakers carrying on a canal or inland navigation in taking measures, whether before or after the coming into operation of these Regulations, to secure the due functioning of their undertaking in the event of hostile attack, grants not exceeding 52·75 per cent. of those expenses.

(2) There shall be paid out of moneys provided by Parliament towards the approved expenses of public utility undertakers carrying on a dock or harbour undertaking, whether incurred before or after the coming into operation of these Regulations—

(*a*) In taking measures to ensure the due functioning of their undertaking in the event of hostile attack, grants not exceeding 70 per cent. of those expenses; and

(*b*) in taking measures to secure that the undertaking is capable of providing services which would not, apart from hostile attack or the danger thereof, be required to be provided by the undertaking, grants up to the full amount of those expenses.

(3) For the purposes of this Regulation the expression "approved expenses" means such expenses of a capital nature incurred on such measures as the Minister, acting in accordance with general directions of the Treasury, may approve for the purposes of this Regulation.

3. There shall be paid out of moneys provided by Parliament towards the expenses incurred by public utility undertakers carrying on a railway undertaking in taking measures with a view to providing or maintaining essential railway services in the event of hostile attack, grants up to the full amount of such expenses so incurred as the Minister, acting in accordance with general directions of the Treasury, may approve for the purposes of this Regulation.

4. Sections 36, 37, 39, 40 and subsection (2) of section 41 of the Civil Defence Act, 1939(**a**), except in so far as they relate to the provision of air raid shelters, are hereby repealed in so far as they relate to public utility undertakers as defined in these Regulations.

5.—(1) Section 79 and subsection (20) (in so far as it relates to section 79) and subsection (28) of section 91 of the Civil Defence Act, 1939, are hereby brought again into force in relation to notices, reports or other action under these Regulations.

(2) The following provisions of the Civil Defence Act, 1939 that is to say—

subsections (1) to (3) of section 62 (which empowers public utility undertakers to appropriate land and buildings for purposes of civil defence);

section 76 (rules as to form of reports);

section 77 (penalty for false statements);

section 78 (criminal liability of directors, officers, etc.);

(a) 2 & 3 Geo. 6. c. 31.

section 80 (service of documents);
subsections (3) and (4) of section 83 (financial provisions);
subsection (2) of section 90 (interpretation);

shall apply in relation to notices, reports or other action under these Regulations but as if references therein to the Minister and to public utility undertakers were respectively references to the Minister of Transport and Civil Aviation and to public utility undertakers as defined in these Regulations.

6.—(1) These Regulations shall come into operation on the fifteenth day after the date on which these Regulations are made and may be cited as the Civil Defence (Transport) Regulations, 1954.

(2) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Minister" means the Minister of Transport and Civil Aviation;

"Public utility undertakers" means any persons authorised by any enactment or order to construct, work or carry on any railway, canal, inland navigation, dock or harbour undertaking and includes the British Transport Commission in relation to the railway, canal, inland navigation or dock and harbour parts of their undertaking as the case may be.

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

Given under the Official Seal of the Minister of Transport and Civil Aviation this ninth day of March, 1954.

(L.S.)

Alan Lennox-Boyd,
The Minister of Transport and Civil Aviation.

We consent to the making of these Regulations.

Hendrie D. Oakshott,
Martin Redmayne,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

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

These Regulations make provision for the taking of measures for civil defence purposes for securing the continued operation of railway, canal, inland navigation, dock and harbour undertakings.

The Regulations:—

1. Impose a duty on persons carrying on such undertakings—
   (*a*) to make reports to the Minister of Transport and Civil Aviation as to the measures they have taken or are taking or proposing to take to secure the due functioning of their undertaking in the event of hostile attack;
   (*b*) to take such measures as the Minister may require for securing the due functioning of the undertaking and for ensuring the provision or maintenance of essential services in the event of hostile attack.
2. Provide for grants towards expenses incurred by such persons in taking measures for the above purposes.

(a) 52 & 53 Vict. c. 63.