1953 No. 973

The Defence Regulations (No. 5) Order, 1953

Made - - - -	19*th June*, 1953
Laid before Parliament	22*nd June*, 1953
Coming into Operation	1*st July*, 1953

At the Court at Windsor Castle, the 19th day of June, 1953

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section three of the Supplies and Services (Transitional Powers) Act, 1945(**a**), as extended by the Supplies and Services (Extended Purposes) Act, 1947(**b**), and the Supplies and Services (Defence Purposes) Act, 1951(**c**), and continued in force by the Supplies and Services (Continuance) Order, 1952(**d**), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The Defence (Recovery of Fines) Regulations, 1942, are hereby revoked.

2. The following Regulations of the Defence (General) Regulations, 1939, are hereby revoked, namely:—

Number of Regulation	*Subject Matter*
55D	Sale of controlled articles taken in execution.
55E	Sale of controlled articles in execution of diligence in Scotland.
77	Inquiries.
93AA	Saving for s.2 of the Larceny Act, 1916.
94	Disposal of articles in possession of executive authorities.
96	Entrusting of functions to statutory bodies.
103	Application to Isles of Scilly.

3. At the end of paragraph (1) of Regulation fifty-one A of the said Regulations of 1939 (which provides that the powers conferred by Regulation fifty-one of those Regulations shall be exercisable by a competent authority for the purpose of working any minerals in Great Britain) there shall be added the words " and for that purpose shall include a power to that authority by order to provide for the temporary stopping up of any highway other than a trunk road or a road classified by the Minister of Transport under the Ministry of Transport Act, 1919 ".

4. Regulation fifty-one B of the said Regulations of 1939 (which authorises, for the purpose of mining or quarrying operations carried on by or by the authority of a competent authority, the withdrawal of support from any land subject to an obligation to pay compensation for, or to make good, damage resulting therefrom) is hereby revoked, but this revocation shall not affect the operation of that Regulation as respects any obligation to pay compensation for, or to make good, damage occurring (whether before or on or after the date of the coming into operation of this Order) by reason of the withdrawal of support before that date or any claim to compensation for damage so occurring.

(**a**) 9 & 10 Geo. 6. c. 10.
(**b**) 10 & 11 Geo. 6. c. 55.
(**c**) 14 & 15 Geo. 6. c. 25.
(**d**) S.I. 1952/2094; 1952 III, p. 3006.

5. The following provisions of Regulation fifty-four B of the said Regulations of 1939 are hereby revoked, namely:—

(*a*) paragraph (1A) (which empowers a competent authority to give to a local authority instructions as to the performance of functions which the local authority are directed to perform under paragraph (1) of that Regulation);

(*b*) paragraph (2) (which empowers a local authority, for the purpose of carrying out any directions or instructions given to them under that Regulation, to enter on land and exercise the powers conferred by Regulation fifty of the said Regulations); and

(*c*) paragraph (3) (which empowers a competent authority to delegate its functions under the said Regulation fifty-four B).

6. The following provisions and words in Regulation fifty-five of the said Regulations of 1939 are hereby revoked, namely:—

(*a*) paragraph (1B) (which penalizes persons who steal controlled articles within the meaning of that Regulation or receive such articles knowing them to have been stolen);

(*b*) in paragraph (1D) (which imposes special penalties for offences against the said paragraph (1B) and certain other offences), the words "(1B) or";

(*c*) in paragraph (6), the definition of "controlled article"; and

(*d*) in paragraph (7), sub-paragraph (*b*) (which modifies the said paragraph (1B) for the purposes of the application of the Regulation to Scotland).

7. Sub-paragraphs (*b*) and (*c*) of paragraph (9) of Regulation fifty-five AB of the said Regulations of 1939 (which apply for the purposes of that Regulation the provisions of Regulations fifty-five D and fifty-five E of the said Regulations and the provisions of the Defence (Recovery of Fines) Regulations, 1942) are hereby revoked.

8.—(1) The following provisions of Regulation fifty-six of the said Regulations of 1939 are hereby revoked, namely:—

(*a*) paragraph (1) (which empowers a competent authority to give directions with respect to the manner in which a public utility undertaking is to be carried on);

(*b*) paragraph (2) (which empowers a person authorised in that behalf by a competent authority to enter premises used or appropriated for the purposes of a public utility undertaking with a view to ascertaining whether directions given under that Regulation are complied with); and

(*c*) paragraph (3) (which requires persons concerned in the management, or employed in connection with the carrying on, of a public utility undertaking, if requested so to do by a competent authority, to produce or furnish to that authority documents or information relating to the undertaking).

(2) For sub-paragraphs (*b*) to (*d*) of paragraph (4) of the said Regulation fifty-six (which define the expression "the competent authority" in relation to public utility undertakings of different classes), there shall be substituted the following sub-paragraphs:—

"(*b*) in relation to any undertaking for the supply of water, the Minister of Housing and Local Government; and

(*c*) in relation to any other undertaking, such Minister or authority as the Treasury may designate for the purposes of this Regulation";

and accordingly, in paragraph (5) of that Regulation (which specifies the modifications subject to which that Regulation has effect in its application to Scotland) the words "and as if sub-paragarph (*c*) of paragraph (4) were omitted" are hereby revoked.

(3) The said Regulation fifty-six shall cease to apply to Northern Ireland, and accordingly, for paragraph (6) thereof (which specified the modifications subject to which that Regulation has effect in its application to Northern Ireland) there shall be substituted the following paragraph:—

"(6) This Regulation shall not extend to Northern Ireland".

9. The following provisions of Regulation fifty-six A of the said Regulations of 1939 (which relates to the control of building operations) are hereby revoked, namely:—

(*a*) paragraph (6F) (which empowers the court before which a person is convicted of an offence against that Regulation to recommend the Minister of Works to exercise the powers conferred on him by paragraph (5) of Regulation fifty-six AB of the said Regulations); and

(*b*) paragraph (10) (which empowers the said Minister by order to prohibit the redecoration of buildings at more frequent intervals than may be allowed by the order).

10. The following words and provision in Regulation fifty-six AB of the said Regulations of 1939 (which relates to the control of building and civil engineering contracting undertakings) are hereby revoked, namely:—

(*a*) in paragraph (4), the words "Save as provided by the next succeeding paragraph"; and

(*b*) paragraph (5) (which empowers the Minister of Works, upon a recommendation made under paragraph (6F) of Regulation fifty-six A of the said Regulations, to refuse to issue to a person a certificate of registration under the said Regulation fifty-six AB or to revoke, or suspend the operation of, such a certificate in force as respects a person).

11. Sub-paragraph (*d*) of paragraph (1) of Regulation fifty-eight AA of the said Regulations of 1939 (which includes amongst the matters for which the Minister of Labour and National Service may by order make provision under that paragraph the recording of departures from any rule, practice or custom in respect of the employment, non-employment, conditions of employment, hours of work or working conditions of any persons) is hereby revoked.

12. In paragraph (3) of Regulation one hundred and one of the said Regulations of 1939 (which regulation specifies the general modifications subject to which the said Regulations have effect in their application to Scotland), the words "and the expression 'summons' means 'order'" are hereby revoked.

13.—(1) This Order may be cited as the Defence Regulations (No. 5) Order, 1953.

(2) This Order shall come into operation on the first day of July, nineteen hundred and fifty-three.

W. G. Agnew.