The Defence Regulations (No. 6) Order, 1950

1950 No. 1187

Made - - - -	21*st July*, 1950
Laid before Parliament	22*nd July*, 1950
Coming into Operation	1*st August*, 1950

At the Court at Buckingham Palace, the 21st day of July, 1950

Present,

The King's Most Excellent Majesty in Council

His Majesty, in pursuance of section three of the Supplies and Services (Transitional Powers) Act, 1945(a), and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows: —

1. At the end of paragraph (5) of Regulation fifty-six A of the Defence (General) Regulations, 1939, there shall be added the words " or

(*d*) which is carried out by a local authority in Great Britain for the purpose of the discharge of any of their functions and the cost of which, or any part of the cost of which, is defrayed out of moneys borrowed by the local authority with the consent of a government department."

and the word " or " at the end of subparagraph (*b*) of that paragraph shall be omitted.

2. At the end of paragraph (8) of the said Regulation fifty-six A there shall be added the following proviso :—

" Provided that where the condition attached to an authorisation or licence granted for the purposes of this Regulation would not have been contravened if the cost of an operation or of any relevant work had not exceeded a particular amount, it shall be a defence for a person charged with a contravention of that condition to prove that at the time when the operation in respect of which he is charged was begun, or the work in respect of which he is charged was carried out, he had reasonable grounds for believing that the said cost would not exceed that amount."

3. At the end of Part I of the Sixth Schedule to the Defence (General) Regulations, 1939, the following paragraphs shall be added: —

" 9. The discharge by a river board of any of their functions.	The Minister of Agriculture and Fisheries.
10. The discharge by a local authority of any of their functions under the Civil Aviation Act, 1949(b).	The Minister of Civil Aviation.
11. The discharge by a local authority of any functions under section 20 of the Town and Country Planning Act, 1944(c) as amended and incorporated with Part IV of the Town and Country Planning Act, 1947(d).	The Minister of Town and Country Planning.

(a) 9 & 10 Geo. 6. c. 10. (b) 12, 13 & 14 Geo. 6. c. 67. (c) 7 & 8 Geo. 6. c. 47.
(d) 10 & 11 Geo. 6. c. 51.

12. The provision of court-houses and other court buildings by local authorities.	The Secretary of State.
13. The provision of allotments by local authorities.	The Minister of Agriculture and Fisheries.
14. The provision of car parks by local authorities.	The Minister of Transport."

4. After paragraph 1 of Part IV of the said Schedule the following paragraph shall be inserted :—

" 2. The discharge by a local authority of any of their functions under the Civil Aviation Act, 1949.	The Minister of Civil Aviation."

5. This Order may be cited as the Defence Regulations (No. 6) Order, 1950, and shall come into operation on the first day of August, nineteen hundred and fifty.

E. C. E. Leadbitter.

EXPLANATORY NOTE

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

1. Article 1 removes from local authorities in Great Britain the obligation to obtain authorisation under Regulation 56A for the carrying out of work for which loan sanction is obtained from a Government Department.

2. Article 2 provides that it shall be a defence for a person charged with the contravention of a condition relating to cost in an authorisation or licence under Regulation 56A to prove that when the work was carried out he had reasonable grounds for believing that the cost specified in the authorisation or licence would not be exceeded.

3. Article 3 places on the appropriate Ministers the responsibility for authorising certain work carried out by local authorities in England and Wales which is at present authorised by the Minister of Health, and also makes the Minister of Agriculture and Fisheries responsible for authorising building work carried out by River Boards.

4. Article 4 places on the Minister of Civil Aviation the responsibility, at present laid on the Secretary of State for Scotland, for authorising work carried out by local authorities in Scotland under the Civil Aviation Act, 1947.