STATUTORY INSTRUMENTS

1966 No. 740

EMERGENCY POWERS

The Emergency (No. 2) Regulations 1966

Made - - - -	*22nd June* 1966
Laid before Parliament	*22nd June* 1966
Coming into Operation	*23rd June* 1966

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At the Court at Buckingham Palace, the 22nd day of June, 1966

Present,

The Queen's Most Excellent Majesty in Council

Whereas on the 23rd day of May, 1966, a proclamation of emergency was made under section 1 of the Emergency Powers Act 1920(a), as amended by the Emergency Powers Act 1964(b):

And whereas, by virtue of that section, such a proclamation does not remain in force for more than one month:

And whereas the Emergency Regulations 1966(c) were, in pursuance of section 2 of the said Act of 1920, made on the day aforesaid:

And whereas those Regulations will expire when the said proclamation ceases to be in force:

And whereas a further proclamation of emergency has been made as aforesaid and is now in force:

Now, therefore, Her Majesty, in pursuance of section 2 of the said Act of 1920, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

REGULATION OF PORTS

Control of port traffic

1.—(1) The Minister of Transport may, in the case of any port, give such directions to the port authority or any other person as appear to him to be necessary or expedient for securing that the most advantageous use is made in the public interest of the facilities provided at the port, and such directions may, in particular, make provision for excluding from the port ships of any class or a specified ship and for all or any of the following matters, that is to say :—

(*a*) the berthing and movement of ships ;

(*b*) the use of tugs, lighters and barges ;

(*c*) the loading and unloading of ships and the use of appliances therefor ;

(*d*) the movement and use of vehicles ;

(*e*) the prevention of entry by unauthorised persons ; and

(*f*) in connection with the loading and unloading of ships or the storage and warehousing of goods, the priority that should be given to particular cargoes or to particular operations ;

and such directions shall have effect notwithstanding any lease or appropriation of berths and storage or warehouse accommodation.

(a) 1920 c. 55. (b) 1964 c. 38. (c) S.I. 1966/600 (1966 II, p. 1356).

(2) The Minister of Transport may give directions under the foregoing paragraph requiring goods lying at the port to be removed within such period as may be specified in the directions, and, in default of compliance with those directions and without prejudice to the taking of proceedings in respect of the default, the Minister may remove, or authorise the removal of, the goods to such place, and by such means, as he thinks fit, and the owner or consignee of the goods shall pay to the Minister such reasonable charges in respect of the removal and storage thereof by or on the authority of the Minister as may be agreed or as may, in default of agreement, be determined by arbitration.

(3) All occupiers of public warehouses at or in the neighbourhood of the port shall, if so required by directions given by the Minister of Transport, furnish to the Minister from time to time information of vacant accommodation at their warehouses, and shall, to the extent of the accommodation available, accept for storage any goods removed by or on the authority of the Minister under the last foregoing paragraph:

Provided that the Minister shall, in exercising his power to require the storage of goods removed as aforesaid, have regard to the suitability of the accommodation for storing those goods.

(4) The Minister of Transport may appoint for any port or group of ports a body of persons, to be known as the Port Emergency Committee for the port or, as the case may be, the group, and may authorise that Committee and persons designated by them for the purpose to exercise on his behalf in relation to the port or, as the case may be, each port comprised in the group all or any of his functions under this Regulation, subject however to any general or special instructions of the Minister.

Employment of workers in ports

2.—(1) This Regulation shall apply to any port, or part of a port, specified in a direction given by the Minister of Labour and for the time being in force, but not otherwise.

(2) Notwithstanding anything in the Dock Workers (Regulation of Employment) Scheme, any employer, whether registered under the said scheme or not, may—

(*a*) employ on dock work (within the meaning of the said scheme) any worker who has been allocated to him by the Minister of Transport;

(*b*) employ any worker on dock work approved by the Minister of Transport for the purposes of this Regulation;

and such employment shall not constitute a contravention, either on the part of the employer or of the worker, of any provision of the said scheme.

(3) Where the Minister of Transport gives to an employer notice in writing that this paragraph is to apply to him, all earnings properly due to any worker employed by that employer in the circumstances mentioned in sub-paragraph (*a*) of the foregoing paragraph shall be paid to him by the Minister of Transport as agent of the employer, and the employer shall, in such manner and at such time and place as may be directed by the Minister of Transport,—

(*a*) furnish a statement of the gross wages (including overtime and allowances and without deductions of any kind) due to the worker from the employer and of the period in respect of which they are due; and

(*b*) pay to the Minister the total amount of the gross wages so due, and such further amount, calculated either by way of percentage of the gross wages or otherwise, as the Minister may by notice require as a contribution towards the administrative expenses of the Minister under this Regulation.

(4) If the Minister of Transport appoints under the foregoing Regulation a Port Emergency Committee for a port to which this Regulation applies in whole or in part or for a group of ports of which that port is one, he may authorise that Committee to exercise on his behalf in relation to that port all or any of his functions under this Regulation, subject however to any general or special instructions of the Minister.

(5) Where any person employed by the National Dock Labour Board for the purpose of the administration of the scheme aforesaid performs services for the Minister of Transport or a Port Emergency Committee under this Regulation, the performance of those services shall be deemed to have been authorised by the Board as part of his employment, and the Minister shall pay to the Board such sums as may, in default of agreement, be determined by arbitration in respect of—

(*a*) the remuneration and allowances payable to that person by the Board for the period during which that person performs such services for the Minister or Committee ; and

(*b*) the amount of the employer's contribution under the National Insurance Act 1965(**a**) and the National Insurance (Industrial Injuries) Act 1965(**b**) in respect of that person for that period and in respect of payments of his remuneration for that period.

(6) The Minister of Transport and, if any of his functions under this Regulation are delegated to a Port Emergency Committee for a port or for a group of ports, that Committee shall be furnished by the National Dock Labour Board with such office accommodation and equipment as appears to the Minister to be requisite for the proper exercise and performance of his functions under this Regulation, and the Minister shall pay to the Board in respect of the use of that accommodation and equipment such sums as may, in default of agreement, be determined by arbitration.

(7) A direction given by the Minister of Labour with respect to any port under paragraph (1) of this Regulation may be revoked by a subsequent direction given by him, and thereupon this Regulation shall cease to apply to that port, without prejudice to the giving of a new direction in relation thereto:

Provided that the revocation of such a direction with respect to any port or part thereof shall not affect the previous operation of this Regulation in relation to that port or part thereof, or the validity of any action taken thereunder, or any penalty or punishment incurred in respect of any contravention or failure to comply therewith, or any proceeding or remedy in respect of any such punishment or penalty.

(8) In this Regulation " the Dock Workers (Regulation of Employment) Scheme " means the Scheme contained in the Schedule to the Dock Workers (Regulation of Employment) Order 1947(**c**) as amended by the Scheme contained in the Schedule to the Dock Workers (Regulation of Employment) (Amendment) Order 1960(**d**) and the Scheme contained in Schedule 1 to the Dock Workers (Regulation of Employment) (Amendment) Order 1961(**e**), and the reference in paragraph (5) of this Regulation to the employer's contribution under the National Insurance Act 1965 and the National Insurance (Industrial Injuries) Act 1965 shall be construed as including a reference to his national health service contribution.

(**a**) 1965 c. 51. (**b**) 1965 c. 52. (**c**) S.R. & O. 1947/1189 (Rev. VI, p. 63 : 1947 I, p. 535).
(**d**) S.I. 1960/2029 (1960 II, p. 1610). (**e**) S.I. 1961/2107 (1961 III, p. 3837).

RELAXATION OF RESTRICTIONS AS TO USE OF ROAD VEHICLES

Goods vehicle licences

3.—(1) A goods vehicle with respect to which no licence under Part IV of the Road Traffic Act 1960(a) is in force may, notwithstanding anything in that Act, be used on a road for the carriage of goods for hire or reward or for or in connection with any trade or business carried on by any person so long as the use thereof is under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Minister of Transport.

(2) Where a licence granted under Part IV of the Road Traffic Act 1960 is in force with respect to any vehicle, the uses of that vehicle which are authorised by the licence shall, notwithstanding anything in section 166 of that Act or in the terms of the licence, be deemed to extend to any use made of that vehicle under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Minister of Transport, and nothing in any condition of a licence so granted shall apply to any use of any vehicle to which the licence relates so long as that use is under, and in accordance with, any such general or special authority.

Public service vehicle licences, road service licences, &c.

4.—(1) Notwithstanding anything in section 127 of the Road Traffic Act 1960, no public service vehicle licence shall be necessary for the use of a motor vehicle on a road as a stage carriage, an express carriage or a contract carriage so long as the use of the vehicle is under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Minister of Transport.

(2) Notwithstanding anything in section 134 of the Road Traffic Act 1960, a vehicle may be used as a stage carriage or an express carriage otherwise than under a road service licence so long as the use of the vehicle is under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Minister of Transport.

(3) So much of section 101 of the Road Traffic Act 1930(b) as requires the consent of the traffic commissioners for a traffic area constituted for the purposes of Part III of the Road Traffic Act 1960, a dock authority or a harbour authority to the running by a local authority of a public service vehicle on a road shall not apply so long as the running of the vehicle is under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Minister of Transport.

(4) Notwithstanding anything in section 16 of the London Passenger Transport Act 1933(c), passengers other than the passengers excepted from the operation of that section may, without the consent of the London Transport Board, be carried within the special area as defined in that Act on a vehicle which is being used as a stage carriage or an express carriage so long as the use of the vehicle is under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Minister of Transport.

(5) Notwithstanding anything in section 17 of the London Passenger Transport Act 1933, passengers other than passengers excepted from the operation of that section may, without the consent of the London Transport Board, be carried within the London Passenger Transport Area as defined

(a) 1960 c. 16. (b) 1930 c. 43. (c) 1933. c. 14.

in that Act on a vehicle which is being used as a stage carriage or an express carriage so long as the use of the vehicle is under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Minister of Transport.

(6) So much of section 141(1) of the Road Traffic Act 1960 as prohibits the use by the London Transport Board of a vehicle as a stage carriage or express carriage on any road within the London special area except on a route approved by the traffic commissioner for the Metropolitan Traffic Area and in accordance with any conditions attached to the approval shall not apply to any use by that Board of any vehicle as a stage carriage or an express carriage on any such road so long as the use of the vehicle is under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Minister of Transport.

Other provisions as to road passenger vehicles

5.—(1) Nothing in section 144 of the Road Traffic Act 1960, in section 10 of the London Hackney Carriages Act 1843(**a**), in section 8 of the Metropolitan Public Carriage Act 1869(**b**), in section 48 of the Tramways Act 1870(**c**) or any rules or regulations thereunder, in Schedule 5 to the Burgh Police (Scotland) Act 1892(**d**) or in any local Act or any regulations or other instrument made or issued under any local Act shall apply so as to prevent any person from driving or acting as conductor of a vehicle although he is not licensed for the purpose so long as he is doing so under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Minister of Transport.

(2) Notwithstanding anything in any enactment (whether public general or local) or in any regulations or other instrument made or issued under any enactment (whether public general or local) or in any condition of any road service licence—

(*a*) passengers may be carried (whether standing or otherwise) on any public service vehicle, tramcar or trolley vehicle without limit of number; and

(*b*) any public service vehicle, tramcar or trolley vehicle may be operated without a conductor's being carried thereon,

so long as the carriage of the passengers or, as the case may be, the operation of the vehicle is under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Minister of Transport.

Construction and use regulations

6. Notwithstanding anything in section 64 or 239 of the Road Traffic Act 1960, a person may use, or cause or permit to be used, on a road a motor vehicle or trailer which does not comply with regulations under the said section 64 so long as the use of the vehicle is under, and in accordance with, a special authority granted for the purposes of this Regulation by or on behalf of the Minister of Transport.

Test certificates

7. Notwithstanding anything in section 66 of the Road Traffic Act 1960, a person may use, or cause or permit to be used, on a road a motor vehicle without a test certificate's having been issued as respects the vehicle so long as the use of the vehicle is under, and in accordance with, any general or special authority granted for the purposes of this Regulation by or on behalf of the Minister of Transport; and section 226(1) of that

(**a**) 1843 c. 86. (**b**) 1869 c. 115. (**c**) 1870 c. 78. (**d**) 1892 c. 55.

Act (which imposes requirements with respect to the production of, amongst other documents, test certificates) shall not, so far as it relates to the production of such a certificate, apply in the case of a motor vehicle driven under, and in accordance with, any such general or special authority.

Drivers' licences

8. Notwithstanding anything in Part II of the Road Traffic Act 1960, a person under the age of twenty-one years who holds a valid licence granted under that Part of that Act authorising him to drive a motor car (as defined by section 253 of that Act) may drive on a road a heavy locomotive, a light locomotive, a motor tractor or a heavy motor car (as respectively so defined) so long as he does so under, and in accordance with, a general or special authority granted for the purposes of this Regulation by or on behalf of the Minister of Transport.

Excise licences

9.—(1) Notwithstanding anything in the Vehicles (Excise) Act 1962(a), no excise licence shall be necessary for the use on a public road of a mechanically propelled vehicle so long as the use of the vehicle is under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Minister of Transport.

(2) Notwithstanding anything in regulations made under section 66(6) of the Road Traffic Act 1960, the council of a county or of a county borough may issue a licence under the Vehicles (Excise) Act 1962 for a vehicle to which that section applies without the production of an effective test certificate (within the meaning of the said subsection (6)) or the making of a prescribed declaration so long as in so doing they are acting under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Minister of Transport.

In relation to Scotland, the references in this paragraph to the council of a county are references to a county council as defined by section 24(5) of the said Act of 1962 (and accordingly include references to the town councils of certain burghs).

(3) Where an excise licence issued under the Vehicles (Excise) Act 1962 is in force with respect to any mechanically propelled vehicle, the uses of that vehicle which are authorised by the licence shall be deemed to extend to any use made of the vehicle under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Minister of Transport, and the provisions of section 10 of that Act shall not apply to any use of any vehicle in respect of which such a licence is in force so long as that use of that vehicle is under, and in accordance with, any such general or special authority.

Third-party insurance

10. Notwithstanding anything in section 201(1) of the Road Traffic Act 1960, a person may use, or cause or permit another person to use, a motor vehicle on a road without there being in force in relation to the use thereof by that person or that other person, as the case may be, a policy of insurance or security in respect of third-party risks issued or given for the purposes of Part VI of that Act so long as—

(*a*) there is in force in relation to some other use of the vehicle a policy of insurance or security issued or given for those purposes and the use of the vehicle by that person or that other person, as the case may be,—

(i) is one to which, as respects the period of the emergency, the policy or security is, by arrangement between the Minister of Transport

(a) 1962 c. 13.

and the issuer or giver of the policy or security or some person acting on his behalf, treated as also relating; and

(ii) is under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Minister of Transport; or

(*b*) the use of the vehicle by that person or that other person, as the case may be, is under, and in accordance with, any such general or special authority and there is in force in relation to the use of the vehicle such an agreement to insure or make good failures to discharge liability in respect of third-party risks as may be specified in the authority;

and sections 226(1) and 230(1) of the said Act of 1960 (which impose requirements with respect to the furnishing of the names and addresses of the driver and the owner of a motor vehicle and to the production of certificates of insurance or security) shall not, so far as they relate to the production of such certificates, apply in the case of a motor vehicle driven under, and in accordance with, any such general or special authority.

RELAXATION OF OBLIGATIONS AND RESTRICTIONS AS TO PUBLIC SERVICES AND FACILITIES

Transport services and facilities

11. The British Railways Board and the London Transport Board may respectively, to such extent as appears to them to be necessary or expedient for providing or maintaining railway services and facilities in a manner best calculated to promote the public interest, disregard any obligation imposed by or under any enactment—

(*a*) to carry goods or passengers or to provide transport services or facilities;

(*b*) to employ or provide a person for any particular purpose or to perform any particular duty; or

(*c*) to keep gates on a level crossing over a public road closed across the road;

so long as, in so doing, they are acting under, and in accordance with, any general or special authority granted for the purposes of this Regulation by or on behalf of the Minister of Transport.

Postal and telegraphic services

12.—(1) The Postmaster General may refuse to transmit by post—

(*a*) postal packets of such descriptions as he thinks fit;

(*b*) postal packets sent by or addressed to any such person or class of persons as he thinks fit;

(*c*) postal packets of such descriptions as he thinks fit which are addressed to a destination outside such area as he may from time to time fix in relation to the office of despatch of the packets in question.

(2) Any postal packet found in the post which the Postmaster General is entitled under the foregoing paragraph to refuse to transmit shall be dealt with or disposed of in such manner as the Postmaster General thinks fit.

(3) The Postmaster General may, in such cases or classes of cases as he thinks fit, but subject to any exceptions which appear to him requisite, refuse, postpone, or cease to provide for the transmission of, telegraphic or telephonic messages.

Electricity and gas supply

13. Any Electricity Board or Area Gas Board may, to such extent as appears to them to be necessary or expedient for maintaining or making the best use of supplies of electricity or gas available for distribution or for conserving and making the best use of supplies of fuel available for the generation of electricity or the manufacture of gas, disregard or fall short in discharging any obligation imposed by or under any enactment—

(*a*) to give or continue to give supplies of electricity or gas ; or

(*b*) to supply electricity or gas in accordance with standards prescribed by or under the enactment in question ,

so long as, in so doing, they are acting under, and in accordance with, any general or special authority granted for the purposes of this Regulation, except in the case of the Scottish Electricity Boards, by or on behalf of the Minister of Power and, in the case of the Scottish Electricity Boards, by or on behalf of the Secretary of State.

Water supply

14.—(1) Any statutory water undertakers or local water authority may, for the purpose of maintaining supplies of water in any locality, disregard any restriction imposed by or under any enactment with respect to the taking of water from any specified source or any obligation so imposed with respect to the discharge of compensation water, and may for that purpose take water from any source, so long as, in either case, in so doing, they are acting under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Minister of Housing and Local Government or the Secretary of State.

(2) Any statutory water undertakers or local water authority may, to such extent as appears to them to be necessary or expedient for conserving and making the best use of supplies of water in any locality, disregard or fall short in discharging any obligation imposed by or under any enactment with respect to the provision by them of supplies of water (including, in particular, but without prejudice to the generality of the foregoing words, any obligation with respect to the filtration or other treatment of water or the pressure at which water is to be supplied) so long as, in so doing, they are acting under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Minister of Housing and Local Government or the Secretary of State.

Sewerage and sewage disposal

15. Any sewerage authority may, for the purpose of effectively draining their district and dealing with the contents of their sewers, disregard any prohibition or restriction imposed by or under any enactment or rule of law with respect to the discharge of foul or surface water into any natural or artificial stream, watercourse, canal, pond or lake, so long as, in so doing, they are acting under, and in accordance with, any general or special authority granted for the purposes of this Regulation by or on behalf of the Minister of Housing and Local Government or the Secretary of State.

REGULATION OF CONSUMPTION AND DISTRIBUTION

Supply, &c., of solid and liquid fuel, electricity and gas

16. The Minister of Power may by order provide for regulating or prohibiting the supply or acquisition, or the consumption (whether for domestic or industrial purposes or for any other purposes whatsoever), of solid or liquid fuel, or the supply, or the consumption (whether for domestic or industrial purposes or for any other purposes whatsoever), of electricity or gas.

Distribution of fuel

17.—(1) The Minister of Power may give to any person carrying on business as a refiner or supplier of liquid fuel or as a supplier of solid fuel directions as to the persons to whom he is to supply any such fuel as may be specified in the directions; and any such directions may in particular require any liquid or solid fuel to be supplied to such persons as may be specified in the directions in accordance with such requirements as may be so specified or may, to such extent as may be specified in the directions, prohibit the supply of liquid or solid fuel to persons so specified.

(2) Where any fuel is supplied to any person in pursuance of a direction under this Regulation, that person shall pay such price in respect thereof as may be reasonable.

(3) The foregoing provisions of this Regulation shall apply in relation to any person carrying on a trade or business (otherwise than as a supplier of fuel) for the purposes of which he is in possession of a stock of solid fuel, as if, in respect of that fuel, he were carrying on business as such a supplier; and any directions to such a person under this Regulation may include directions prohibiting the consumption of such fuel by him:

Provided that in relation to any such person any reference in this Regulation to supply shall be construed as a reference to delivery at the place where the fuel is kept.

Maximum food prices

18. The Minister of Agriculture, Fisheries and Food may by order provide for regulating, to such extent and in such manner as may be specified in the order, the maximum prices which may be charged for such foods as may be so specified.

Distribution of food and animal feeding stuffs

19.—(1) The Minister of Agriculture, Fisheries and Food may give to any person carrying on business as a supplier of food or animal feeding stuffs directions as to the persons to whom he is to supply any such food or animal feeding stuffs as may be specified in the directions; and any such directions may in particular require any food or animal feeding stuffs to be supplied to such persons as may be specified in the directions in accordance with such requirements as may be so specified or may, to such extent as may be specified in the directions, prohibit the supply of food or animal feeding stuffs to persons so specified.

(2) Where anything is supplied to any person in pursuance of directions under this Regulation, that person shall pay such price in respect thereof as may be reasonable.

Road transport

20.—(1) The Minister of Transport may give to any person carrying on business as a carrier of goods by road for hire or reward directions as to the goods which are to be carried by him; and any such directions may in particular require any essential goods to be carried for such persons, from and to such places, and in accordance with such requirements, as may be specified in the directions or may, to such extent as may be so specified, prohibit the carriage of goods for persons, or from or to places, so specified.

(2) Where any goods are carried for any person in pursuance of directions under this Regulation, that person shall pay such charge in respect of the carriage as may be reasonable.

(3) The powers of the Minister of Transport under this Regulation shall also be exercisable by such persons, being either servants of the Crown or

persons acting on behalf of Her Majesty, as may be authorised in that behalf by that Minister.

(4) The foregoing provisions of this Regulation shall apply in relation to any person carrying on a trade or business (otherwise than as a carrier of goods by road for hire or reward) for or in connection with which he uses any goods vehicles, as if, in respect of those vehicles, he were carrying on business as such a carrier of goods; and any directions to such a person under this Regulation may include directions prohibiting the carriage of goods in the course of his own trade or business.

Air transport

21.—(1) The Minister of Aviation may give to any person providing air transport services (being a person whose sole or principal place of business is in Great Britain) directions as to the passengers or cargo which are to be carried by him; and any such directions may in particular—

(*a*) require any passengers engaged in the performance of essential services to be carried from and to such places, and in accordance with such requirements, as may be specified in the directions or may, to such extent as may be so specified, prohibit the carriage of passengers from or to places so specified;

(*b*) require any essential goods to be carried for such persons, from and to such places, and in accordance with such requirements, as may be so specified or may, to such extent as may be so specified, prohibit the carriage of goods for persons, or from or to, places so specified.

(2) No air service licence shall be required for a flight undertaken for the purpose of complying with directions given under this Regulation.

(3) Where, in pursuance of directions given under this Regulation, any passenger is carried or any goods are carried for a person, he shall pay such charge in respect of the carriage as may be reasonable.

(4) The powers of the Minister of Aviation under this Regulation shall also be exercisable by such persons, being either servants of the Crown or persons acting on behalf of Her Majesty, as may be authorised in that behalf by that Minister.

Home trade shipping

22.—(1) The Minister of Transport may give to the person having the management of any ship to which this Regulation applies directions prohibiting that ship from proceeding to sea from any port in Great Britain except upon such voyages, or subject to such conditions as to the cargoes or classes of cargoes which may be carried in the ship, as may be specified in the directions.

(2) This Regulation applies to any home trade ship as defined by section 742 of the Merchant Shipping Act 1894(a), being a ship registered in the United Kingdom, the Channel Islands or the Isle of Man.

Requisitioning of chattels

23.—(1) A competent authority, if it appears to that authority to be necessary or expedient so to do for any of the purposes specified in section 2(1) of the Emergency Powers Act 1920, may requisition any chattel in Great Britain (including any vessel or aircraft or anything on board a vessel or aircraft and including also any detachable part of any vehicle or aircraft) and may give such directions as appear to the competent authority to be necessary or expedient in connection with the requisition.

(a) 1894 c. 60.

(2) Where a competent authority requisitions any chattel under this Regulation, the competent authority may use or deal with, or authorise the use of, or dealing with, the chattel for such purpose and in such manner as the competent authority thinks expedient for any of the purposes specified in the said subsection (1) and may hold, or sell or otherwise dispose of, the chattel as if the competent authority were the owner thereof and as if the chattel were free from any mortgage, pledge, lien or other similar obligation.

(3) The powers conferred by the foregoing provisions of this Regulation on a competent authority shall also be exercisable by such persons, being either servants of the Crown or persons acting on behalf of Her Majesty, as may be authorised in that behalf by the competent authority.

(4) Where a chattel is requisitioned under this Regulation, the competent authority shall pay to the owner of the chattel and to any other person interested in the chattel who suffers damage owing to the requisition such compensation as may be agreed or as may, in default of agreement, be determined by arbitration to be just having regard to all the circumstances of the particular case, so, however, that in assessing the compensation no account shall be taken of any appreciation of the value of the chattel due to the emergency.

(5) For the purposes of this Regulation, any of the following Ministers and authorities shall be a competent authority, that is to say, a Secretary of State, the Board of Trade, the Minister of Power, the Minister of Transport, the Minister of Aviation, the Minister of Agriculture, Fisheries and Food, the Postmaster General, the Minister of Public Building and Works and, as respects England and Wales only, the Minister of Health and the Minister of Housing and Local Government.

Taking possession of land

24.—(1) A competent authority, if it appears to that authority to be necessary or expedient so to do for any of the purposes specified in section 2(1) of the Emergency Powers Act 1920, may take possession of any land in Great Britain, and may give such directions as appear to the competent authority to be necessary or expedient in connection with the taking possession of that land.

(2) While any land is in the possession of a competent authority by virtue of this Regulation, the land may, notwithstanding any restriction imposed on the use thereof (whether by any Act or other instrument or otherwise), be used by, or under the authority of, the competent authority for such purpose, and in such manner, as that authority thinks expedient for any of the purposes specified in the said subsection (1).

(3) Without prejudice to the last foregoing paragraph, a competent authority may, so far as appears to it to be necessary or expedient in connection with the taking of possession of any land in pursuance of this Regulation, or with the use of any land in the possession of the authority by virtue of this Regulation, do, or authorise persons using the land under the authority of the competent authority to do, in relation to the land, anything which any person having an interest in the land would be entitled to do by virtue of that interest.

(4) In respect of land of which possession is taken under this Regulation, the competent authority shall pay to the person who would otherwise be entitled to possession of the land, and to any other person having an estate or interest in the land who suffers damage by reason of the taking of possession or of anything done in relation to the land while in the possession of the competent authority, such compensation as may be agreed or as may,

in default of agreement, be determined by arbitration to be just having regard to all the circumstances of the particular case.

(5) For the purposes of this Regulation a Secretary of State and the Minister of Public Building and Works shall be competent authorities.

BILLETING

Billeting

25. During the continuance in force of this Regulation, the Naval Billeting, &c. Act 1914(a) shall have effect as if the proclamation of emergency under the Emergency Powers Act 1920 were a proclamation calling out all or any of the men of the naval reserves in case of war or emergency.

OFFENCES

Sabotage

26.—(1) No person shall do any act with intent to impair the efficiency or impede the working or movement of any vessel, aircraft, vehicle, machinery, apparatus or other thing used or intended to be used in the performance of essential services, or to impair the usefulness of any works, structure or premises used or intended to be used as aforesaid.

(2) The foregoing provisions of this Regulation shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to the public or to any person, to do, as they apply in relation to the doing of any act by a person.

Trespassing and loitering

27.—(1) No person shall trespass on, or on premises in the vicinity of, any premises used or appropriated for the purposes of essential services; and if any person is found trespassing on any premises in contravention of this paragraph, then, without prejudice to any proceedings which may be taken against him, he may be removed by the appropriate person from the premises.

(2) No person shall, for any purpose prejudicial to the public safety, be in, or in the vicinity of, any premises used or appropriated for the purposes of essential services; and where, in any proceedings taken against a person by virtue of this paragraph, it is proved that at the material time he was present in, or in the vicinity of, the premises concerned, the prosecution may thereupon adduce such evidence of the character of that person (including evidence of his having been previously convicted of any offence) as tends to show that he was so present for a purpose prejudicial to the public safety.

(3) No person loitering in the vicinity of any premises used or appropriated for the purposes of essential services shall continue to loiter in that vicinity after being requested by the appropriate person to leave it.

(4) In this Regulation the expression "the appropriate person" means—

(*a*) any person acting on behalf of Her Majesty,

(*b*) any constable,

(*c*) the occupier of the premises or any person authorised by the occupier.

Interference with Her Majesty's forces, constables and other persons performing essential services

28.—(1) No person shall do any act having reasonable cause to believe that it would be likely to endanger the safety of any member of Her Majesty's forces or of any constable or of any person who is charged with

(a) 1914 c. 70.

the exercise or performance of any power or duty under any of these Regulations or is performing essential services.

(2) No person shall—

(*a*) wilfully obstruct any person acting in the course of his duty as a constable, or exercising or performing any power or duty under any of these Regulations, or performing essential services; or

(*b*) do any act having reasonable cause to believe that it would be likely to prevent any person from, or mislead or interfere with any person in, performing his duty as a constable, or exercising or performing any power or duty under any of these Regulations, or performing essential services.

Inducing persons to withhold services

29. No person shall—

(*a*) do any act calculated to induce any member of Her Majesty's forces or constable to withhold his services or commit breaches of discipline; or

(*b*) with intent to contravene, or to aid, abet, counsel or procure a contravention of, paragraph (*a*) of this Regulation, have in his possession or under his control any document of such a nature that the dissemination of copies thereof among members of Her Majesty's forces or constables would constitute such a contravention.

SUPPLEMENTAL

Power to arrest without warrant

30. Any constable may arrest without warrant any person whom he has reasonable ground for suspecting to have committed an offence against any of these Regulations.

Attempts to commit offences and assisting offenders

31.—(1) Without prejudice to the operation of section 8 of the Accessories and Abettors Act 1861(a) and section 35 of the Magistrates' Courts Act 1952(b), any person who attempts to commit, conspires with any other person to commit, or does any act preparatory to the commission of, an offence against any of these Regulations shall be guilty of an offence against that Regulation.

(2) Any person who, knowing or having reasonable cause to believe that another person is guilty of an offence against any of these Regulations, gives that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for the said offence shall be guilty of an offence against that Regulation.

(3) This Regulation shall, in its application to Scotland, have effect as if, for the references to section 8 of the Accessories and Abettors Act 1861 and section 35 of the Magistrates' Courts Act 1952, there were substituted respectively references to section 61 of the Criminal Procedure (Scotland) Act 1887(c) and section 2 of the Summary Jurisdiction (Scotland) Act 1954(d).

Penalties and place of trial

32.—(1) If any person contravenes or fails to comply with any of these Regulations or any order made, direction given or requirement imposed under any of these Regulations, he shall be guilty of an offence against that

(a) 1861 c. 94. (b) 1952 c. 55. (c) 1887 c. 35. (d) 1954 c. 48.

Regulation; and a person guilty of an offence against any of these Regulations shall, on summary conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding £100, or to both:

Provided that a person shall not be guilty of an offence against any of these Regulations by reason only of his taking part in, or peacefully persuading any other person or persons to take part in, a strike.

(2) Proceedings in respect of an offence alleged to have been committed by a person against any of these Regulations may be taken before the appropriate court in Great Britain having jurisdiction in the place where that person is for the time being.

Arbitrations

33. An arbitration under these Regulations shall, unless otherwise agreed, be the arbitration, in England and Wales, of a single arbitrator to be appointed by the Lord Chancellor and, in Scotland, of a single arbiter to be appointed by the Lord President of the Court of Session.

Provisions as to orders and directions

34.—(1) Any power conferred by these Regulations to make an order includes power to revoke or vary the order by a subsequent order.

(2) Any power conferred by these Regulations to give directions to a person carrying on any business may be exercised by means of an order applicable to all persons carrying on that business or to all such persons of any class or description specified in the order.

Interpretation

35.—(1) In these Regulations, except so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"air service licence" and "air transport service" have the same meanings as in the Civil Aviation (Licensing) Act 1960(**a**);

"animal feeding stuffs" includes any substance used in the composition or preparation of animal feeding stuffs;

"Area Gas Board" means an Area Board within the meaning of the Gas Act 1948(**b**);

"chattel", in relation to Scotland, means corporeal moveable;

"district", in relation to a sewerage authority, includes any area in which the authority exercise functions with respect to the reception of foul or surface water into their sewers;

"Electricity Board" has the same meaning as in the Electricity Act 1947(**c**);

"essential goods" means food, water, fuel and other necessities;

"essential services" means services essential to the life of the community;

"food" includes any substance used in the composition or preparation of food;

"land" includes (without prejudice to any of the provisions of section 3 of the Interpretation Act 1889(**d**)) parts of houses or buildings;

"liquid fuel" includes (without prejudice to the generality of that expression) diesel oil and any other liquid commonly used for the propulsion of vehicles;

"local water authority" means a local water authority for the purposes of the Water (Scotland) Act 1946(**e**);

(a) 1960 c. 38. (b) 1948 c. 67. (c) 1947 c. 54. (d) 1889 c. 63. (e) 1946 c. 42.

"port" includes any dock, harbour, pier, quay, wharf, mooring, anchorage or other similar place;

"port authority" means the authority or person having the control or management of a port;

"postal packet" has the same meaning as in the Post Office Act 1953(a);

"requisition" means, in relation to any chattel, take possession of the chattel or require the chattel to be placed at the disposal of the requisitioning authority;

"Scottish Electricity Boards" has the same meaning as in the Electricity Reorganisation (Scotland) Act 1954(b);

"sewerage authority" means an authority which is a sewerage authority for the purposes of Part II of the Public Health Act 1936(c), the Common Council of the City of London, the council of a county in Scotland, the town council of a burgh, any combination of such county or town councils constituted for the purposes of the provision of sewerage works or sewage disposal services, a development corporation established under the New Towns Act 1946(d) or the New Towns Act 1965(e) and the Commission for the New Towns;

"solid fuel" means coal, anthracite and coke and other manufactured fuel of which coal or anthracite is the principal constituent (being fuel produced by a process involving carbonisation);

"statutory water undertakers" has the same meaning as in the provisions of the Water Act 1945(f) other than Part II of that Act.

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

(3) Any reference in these Regulations to the doing of any act shall, unless the context otherwise requires, be construed as including a reference to the making of any statement.

(4) Any reference in these Regulations to any enactment shall, without prejudice to any specific provision in that behalf, be construed as a reference thereto as amended or extended, and as including a reference thereto as applied, by or under any other enactment.

(5) Any reference in any document which is, or is to be construed as, a reference to these Regulations or to any of them shall, unless the contrary intention appears, be construed as a reference to these Regulations or to that Regulation as amended by any subsequent Regulations made under the Emergency Powers Act 1920.

(6) Anything required or authorised by or under these Regulations to be done by or to the Board of Trade may be done by or to the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.

Savings

36.—(1) In so far as any direction, authority, instruction or notice given, order or appointment made or other thing done under the Emergency Regulations 1966 could have been given, made or done under a corresponding provision of these Regulations, it shall not be invalidated by the expiry of those Regulations, but shall have effect as if it had been given, made or done under that corresponding provision.

(a) 1953 c. 36. (b) 1954 c. 60. (c) 1936 c. 49. (d) 1946 c. 68. (e) 1965 c. 59. (f) 1945 c. 42.

(2) Any document referring to a provision of the Emergency Regulations 1966 shall, so far as is necessary for preserving the effect thereof, be construed as referring or as including a reference to the corresponding provision of these Regulations.

Title and commencement

37.—(1) These Regulations may be cited as the Emergency (No. 2) Regulations 1966.

(2) These Regulations shall come into operation on 23rd June 1966.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations replace the Emergency Regulations 1966, which expire on the proclamation of the state of emergency, made on 23rd May 1966, ceasing to have effect. Under the Emergency Powers Act 1920 such a proclamation does not remain in force for more than a month.

The present Regulations reproduce the provisions contained in the expiring Regulations. The only additional provisions are those contained in Regulation 21, which empowers the Minister of Aviation to give directions to persons providing air transport services as to the passenger and cargo which are to be carried by them, and Regulation 36, which contains saving provisions.