STATUTORY INSTRUMENTS

1972 No. 1164

EMERGENCY POWERS

The Emergency (No. 2) Regulations 1972

Made - - - -	3*rd August* 1972
Laid before Parliament	3*rd August* 1972
Coming into Operation	4*th August* 1972

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At the Court at H.M. Yacht Britannia, the 3rd day of August 1972

Present,

The Queen's Most Excellent Majesty in Council

Whereas a proclamation of emergency has this day been made under section 1 of the Emergency Powers Act 1920(**a**), as amended by the Emergency Powers Act 1964(**b**), and that proclamation 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:—

PRELIMINARY

Title and commencement

1.—(1) These Regulations may be cited as the Emergency (No. 2) Regulations 1972.

(2) These Regulations shall come into operation on 4th August 1972.

(**a**) 1920 c. 55. (**b**) 1964 c. 38.

Interpretation

2.—(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;

"hovercraft" has the same meaning as in the Hovercraft Act 1968(**d**);

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

"liquid fuel" means any liquid used as fuel, whether for the propulsion of vehicles or for industrial, domestic or any other purposes;

"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;

"regional water board" has the same meaning as in the Water (Scotland) Act 1967(**f**);

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

"river authority" includes—

(*a*) the Conservators of the River Thames,

(*b*) the Lee Conservancy Catchment Board, and

(*c*) the Isle of Wight River and Water Authority;

"sewerage authority" means an authority which is a sewerage authority for the purposes of Part II of the Public Health Act 1936(**g**), 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

(**a**) 1960 c. 38. (**b**) 1948 c. 67. (**c**) 1947 c. 54. (**d**) 1968 c. 59.
(**e**) 1889 c. 63. (**f**) 1967 c. 78. (**g**) 1936 c. 49.

of sewerage works or sewage disposal services, a development corporation established under the New Towns Act 1946(**a**), the New Towns Act 1965(**b**), or the New Towns (Scotland) Act 1968(**c**), 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 ;

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

" water development board " has the same meaning as in the Water (Scotland) Act 1967.

(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 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.

REGULATION OF PORTS

Control of port traffic

3.—(1) The Secretary of State 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 or removing 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 movement and use of tugs, lighters, barges, floating cranes and elevators and other floating apparatus ;

(*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.

(2) The Secretary of State 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

(a) 1946 c. 68. (b) 1965 c. 59. (c) 1968 c. 16. (d) 1945 c. 42.

respect of the default, the Secretary of State 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 Secretary of State such reasonable charges in respect of the removal and storage thereof by or on the authority of the Secretary of State 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 Secretary of State, furnish to the Secretary of State 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 Secretary of State under the last foregoing paragraph:

Provided that the Secretary of State 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 Secretary of State 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.

(5) Where the Secretary of State appoints a Port Emergency Committee under paragraph (4) of this Regulation, he—

(*a*) may appoint a member of the Committee to be chairman of the Committee, and

(*b*) may give (whether in the instrument of appointment of the Committee or otherwise) any general or special instructions as to the proceedings of the Committee and as to the exercise by the Committee of such of his functions under this Regulation as the Committee are authorised to exercise; and any such Committee, and any person designated by them under that paragraph, shall comply with any instructions of the Secretary of State given under this paragraph.

(6) Paragraphs (1) to (5) of this Regulation shall have effect in relation to hovercraft as they have effect in relation to ships, and any reference in those paragraphs to ships shall be construed accordingly.

Default powers relating to port traffic

4.—(1) Where any directions have been given under paragraph (1) of the foregoing Regulation, other than any such directions as are mentioned in paragraph (2) of that Regulation, and those directions are not complied with within the time specified in the directions or, if no time is so specified, are not complied with within a reasonable time, the Secretary of State may take, or may authorise any other person to take, such steps as the Secretary of State may consider appropriate in the circumstances for effecting anything which would have been effected if the directions had been complied with.

(2) Without prejudice to the generality of the foregoing paragraph, the steps which may be taken by virtue of this Regulation in respect of any directions shall include entering upon, taking possession of, moving or using any ship, hovercraft or other vessel, apparatus, vehicle, premises or other property to which the directions related by such means as the Secretary of State or other person taking those steps may determine to be appropriate.

(3) Where any steps are taken by virtue of this Regulation in respect of any directions, the person to whom the directions were given shall pay to the Secretary of State or other person taking those steps such reasonable charges in respect of expenses incurred by the Secretary of State or person in taking those steps, or in consequence of having taken them, as may be agreed or as may, in default of agreement, be determined by arbitration.

(4) In Part VIII of the Merchant Shipping Act 1894(a) (liability of shipowners) " owner ", in relation to any ship, shall be construed as including the Secretary of State or other person by whom any steps are taken in relation to the ship by virtue of this Regulation.

In this paragraph " ship " has the same meaning as in Part VIII of that Act.

(5) The provisions of this Regulation shall have effect without prejudice to any power exercisable by virtue of paragraph (2) or paragraph (3) of the foregoing Regulation; and the exercise of any power by virtue of this Regulation in respect of any directions shall be without prejudice to the taking of proceedings in respect of any contravention of, or failure to comply with, the directions.

(6) Paragraphs (4) and (5) of the foregoing Regulation shall have effect in relation to functions under this Regulation as they have effect in relation to functions under that Regulation.

Employment in ports

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

(2) Notwithstanding anything in any dock labour scheme or in section 1 of the Docks and Harbours Act 1966(b) (additional control of employment of dock workers), any employer, whether registered under such a scheme or not, and whether he holds a licence under that Act or not, may at any port—

(*a*) employ on dock work any person whom he has been requested by the Secretary of State to employ on such work;

(*b*) employ any person on any such dock work, or dock work of any such class, as may be approved by the Secretary of State for the purposes of this Regulation;

and such employment shall not constitute a contravention, either on the part of the employer or of the person employed, of any provision of any dock labour scheme or section 1 of that Act.

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

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

(a) 1894 c. 60. (b) 1966 c. 28.

(*b*) pay to the Secretary of State 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 Secretary of State may by notice require as a contribution towards the administrative expenses of the Secretary of State under this Regulation.

(4) If under Regulation 3 of these Regulations the Secretary of State appoints 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; and paragraph (5) of that Regulation shall have effect in relation to functions under this Regulation as it has effect in relation to functions under that Regulation.

(5) Where any person employed by the National Dock Labour Board for the purpose of the administration of a dock labour scheme performs services for the Secretary of State 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 Secretary of State 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 Secretary of State or Committee;

(*b*) the amount of the employer's contribution in respect of that person for that period and in respect of payments of his remuneration for that period; and

(*c*) the amount of any selective employment tax payable by the Board in respect of that person for that period.

(6) The Secretary of State, 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 Secretary of State to be requisite for the proper exercise and performance of his functions under this Regulation, and the Secretary of State 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 Secretary of State for Employment 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 "dock labour scheme" means a scheme for the time being in force under the Dock Workers (Regulation of Employment)

Act 1946(a), "dock work", in relation to a port, means work which is treated for the purposes of a dock labour scheme as dock work at that port, and "the employer's contribution" means the employer's contribution (including any graduated contribution) under the National Insurance Act 1965(b), the National Insurance (Industrial Injuries) Act 1965(c), the National Health Service Contributions Act 1965(d) and section 27 of the Redundancy Payments Act 1965(e).

RELAXATION OF RESTRICTIONS AS TO USE OF ROAD VEHICLES

Goods vehicle licences

6. A goods vehicle with respect to which an operator's licence under Part V of the Transport Act 1968(f) is required, but no such licence 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 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 Secretary of State.

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

7.—(1) Notwithstanding anything in section 127 of the Road Traffic Act 1960(g), 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 Secretary of State.

(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 or a permit granted under section 30 of the Transport Act 1968, 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 Secretary of State.

(3) So much of section 101 of the Road Traffic Act 1930(h) as requires the consent of a dock authority or a harbour authority to the running by a local authority of a public service vehicle on a road vested in a dock authority or harbour authority 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 Secretary of State.

(4) Notwithstanding anything in section 23 of the Transport (London) Act 1969(i), a vehicle may be used to provide a London bus service (as defined by subsection (7) of that section) otherwise than in pursuance of an agreement with, or consent granted by, the London Transport Executive, 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 Secretary of State.

(a) 1946 c. 22. (b) 1965 c. 51. (c) 1965 c. 52. (d) 1965 c. 54. (e) 1965 c. 62.
(f) 1968 c. 73. (g) 1960 c. 16. (h) 1930 c. 43. (i) 1969 c. 35.

Other provisions as to road passenger vehicles

8.—(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 Secretary of State.

(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 Secretary of State.

Construction and use regulations

9. Notwithstanding anything in section 40 of the Road Traffic Act 1972(**e**), a person may use on a road, or cause or permit to be so used, a motor vehicle or trailer which does not comply with regulations having effect as if made under the said section 40 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 Secretary of State.

Test and plating certificates

10.—(1) Notwithstanding anything in section 44 of the Road Traffic Act 1972, a person may use on a road, or cause or permit to be so used, a motor vehicle to which that section applies, and in respect of which no test certificate has been issued as therein mentioned, 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 Secretary of State.

(2) Nothing in regulations having effect as if made under section 52(1) of the Road Traffic Act 1972 (which require the production of an effective test certificate or the making of a prescribed declaration on application for a vehicle excise licence for a vehicle) shall apply where the Secretary of State is satisfied that the vehicle is being used, or is to be used, under and in accordance with any general or special authority granted for the purposes of paragraph (1) of this Regulation.

(3) Notwithstanding anything in section 46 of the Road Traffic Act 1972, a person may use on a road, or cause or permit to be so used,—

(*a*) a goods vehicle which is of a class required by regulations under section 45 of that Act to have been submitted for examination for plating, and in respect of which no plating certificate is for the time being in force, or

(a) 1843 c. 86. (b) 1869 c. 115. (c) 1870 c. 78. (d) 1892 c. 55. (e) 1972 c. 20.

(*b*) a goods vehicle which is of a class required by such regulations to have been submitted for a goods vehicle test, and in respect of which no goods vehicle test certificate is for the time being in force,

so long as (in either case) the use of that 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 Secretary of State.

(4) Notwithstanding anything in section 51 of the Road Traffic Act 1972, a person may use a goods vehicle on a road for drawing a trailer, or cause or permit a goods vehicle to be so used, where the plating certificate issued for the goods vehicle does not specify a maximum laden weight for the vehicle together with any trailer which may be drawn by it, so long as the use of the vehicle for drawing the trailer is under, and in accordance with, any general or special authority granted for the purposes of this paragraph by the Secretary of State.

(5) Nothing in regulations having effect as if made under section 52(2) of the Road Traffic Act 1972 (which require the production of an effective goods vehicle test certificate, or a certificate of temporary exemption, or the making of a prescribed declaration, on application for a vehicle excise licence for a vehicle) shall apply where the Secretary of State is satisfied that the vehicle is being used, or is to be used, under and in accordance with any general or special authority granted for the purposes of paragraph (3) of this Regulation.

(6) Section 162(1) of the Road Traffic Act 1972 (which imposes requirements with respect to the production of certain documents) shall not, so far as it relates to the production of a test certificate, a plating certificate or a goods vehicle test certificate, apply in the case of a motor vehicle used under, and in accordance with, any general or special authority granted under this Regulation.

(7) In this Regulation " test certificate " has the meaning assigned to it by section 43(2) of the Road Traffic Act 1972, and " plating certificate " and " goods vehicle test certificate " have the meanings assigned to them by section 45(1) of that Act.

Drivers' hours

11.—(1) Nothing in subsections (1) to (6) of section 96 of the Transport Act 1968 (which relate to a driver's permitted hours and periods of duty and rest) shall apply to a driver so long as he is acting under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Secretary of State.

(2) Nothing in regulations under section 98 of the said Act—

(*a*) which concerns the entering of a current record in a driver's record book, or

(*b*) which requires a driver to have such a book in his possession,

shall apply to a driver so long as he is acting under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Secretary of State.

(3) An authority under paragraph (1) or paragraph (2) above may, instead of conferring all of the exemptions specified in the paragraph, confer only such exemptions as are specified in the authority.

Drivers' licences

12.—(1) Notwithstanding anything in section 4 of the Road Traffic Act 1972 or in Part III or Part IV of that Act, a person who holds a valid licence granted under Part III of that Act authorising him to drive a motor car may

drive on a road, and may be employed by another person so to drive, a vehicle to which this Regulation applies, so long as he drives it under, and in accordance with, a general or special authority granted for the purposes of this Regulation by or on behalf of the Secretary of State.

(2) The vehicles to which this Regulation applies are—

(*a*) heavy locomotives ;

(*b*) light locomotives ;

(*c*) motor tractors ;

(*d*) heavy motor cars ; and

(*e*) motor cars so constructed that a trailer may by partial superimposition be attached thereto in such a manner as to cause a substantial part of the weight of the trailer to be borne thereby.

(3) So much of any regulations for the time being in force and having effect as if made under section 119 of the Road Traffic Act 1972 as requires any person, or enables any person to be required, to produce a heavy goods vehicle driver's licence shall not apply in the case of a vehicle driven under, and in accordance with, any general or special authority granted under this Regulation.

(4) In this Regulation " heavy goods vehicle driver's licence " means a licence under Part IV of the Road Traffic Act 1972, and any expression which is defined in section 190 of that Act has the meaning assigned to it by that section.

Excise licences

13.—(1) Notwithstanding anything in the Vehicles (Excise) Act 1971(a), a person may use or keep on a public road a mechanically propelled vehicle without there being in force and fixed to and exhibited on that vehicle a licence issued under that Act for or in respect of the use of that vehicle, so long as the use or keeping 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 Secretary of State.

(2) Where an excise licence issued or having effect under the Vehicles (Excise) Act 1971 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 Secretary of State, and the provisions of section 18 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

14.—(1) Notwithstanding anything in section 143(1) of the Road Traffic Act 1972, 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,—

(a) 1971 c. 10.

(i) is one to which, as respects the period of the emergency, the policy or security is, by arrangement between the Secretary of State 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 Secretary of State ; 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 162(1) and 166(1) of the said Act of 1972 (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.

(2) So much of any regulations having effect as if made by virtue of section 153 of the Road Traffic Act 1972 as, on an application for a vehicle excise licence require the production of a certificate of insurance, or evidence that the necessary security has been given or that the vehicle is exempt from the provisions of section 143 of the said Act, shall not apply where the Secretary of State is satisfied that the vehicle is being used, or is to be used, under, and in accordance with, any general or special authority granted for the purposes of paragraph (1) of this Regulation.

Transport of petroleum-spirit and other substances

15.—(1) Regulations made under section 6 of the Petroleum (Consolidation) Act 1928(**a**) (regulations as to the conveyance of petroleum-spirit by road) shall not have effect in relation to any 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 Secretary of State.

(2) Without prejudice to the foregoing paragraph, regulations made under that section, in so far as they are made for any of the purposes specified in subsection (1)(*d*) of that section, shall not have effect in relation to the loading or unloading of vehicles at any place, so long as that place is used under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Secretary of State.

(3) In this Regulation any reference to section 6 of the Petroleum (Consolidation) Act 1928 shall be construed as including a reference to that section as read with section 19 of that Act (which confers power to apply the Act to substances other than petroleum-spirit) and any Order in Council made thereunder which is for the time being in force, and any reference in this Regulation to regulations under section 6 of that Act shall be construed accordingly.

PUBLIC SERVICES AND FACILITIES

Transport services and facilities

16. The British Railways Board and the London Transport Executive 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

(a) 1928 c. 32.

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 Secretary of State.

Electricity supply

17.—(1) Any Electricity 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 available for distribution or for conserving and making the best use of supplies of fuel or power available for the generation of electricity, disregard or fall short in discharging any obligation imposed by or under any enactment, or any contractual obligation—

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

(*b*) to supply electricity in accordance with standards prescribed by or under the enactment or contract 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 by or on behalf of the Secretary of State.

(2) If and so far as it appears to the Secretary of State necessary or expedient for maintaining or making the best use of supplies of electricity available for distribution—

(*a*) he may give to the person carrying on business at, or appearing to be in charge of, or occupying, any premises, directions for regulating or prohibiting consumption of electricity on the premises ; and

(*b*) he may take, or authorise any person acting on his behalf to take, such steps as appear appropriate to cut off any supply of electricity.

(3) Without prejudice to the generality of the provisions of Regulation 40(2) below, the power of giving directions conferred by paragraph (2)(*a*) above may be exercised by means of an order—

(*a*) applicable to premises of any class or description specified in the order, or premises used for purposes of any class or description specified in the order, or

(*b*) where previous directions have been given otherwise than by order, applicable to the persons or premises as respects which the previous directions had effect, or such of them as may be specified in the order.

(4) If any person, without authority duly given by or on behalf of the Secretary of State, reconnects a supply cut off in pursuance of this Regulation, he shall be guilty of an offence against this Regulation.

(5) The Secretary of State may authorise any person acting on his behalf to enter any premises, if necessary by force, for the purpose—

(*a*) of ascertaining whether there has been any contravention of a direction under this Regulation, or

(*b*) of cutting off any supply of electricity in pursuance of this Regulation, or of ascertaining whether it remains duly cut off.

(6) The provisions of this Regulation are without prejudice to the generality of Regulation 21 below (regulation of consumption and supply of electricity and other products).

(7) The powers of the Secretary of State under paragraph (2) of 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 the Secretary of State.

Gas supply

18.—(1) The Gas Council or any Area Gas Board may, to such extent as appears to them to be necessary or expedient—

(*a*) for maintaining or making the best use of supplies of gas available for distribution ; or

(*b*) for conserving and making the best use of supplies of fuel or other material available for the manufacture of gas ; or

(*c*) for preserving public safety ;

disregard or fall short in discharging any obligation imposed by or under any enactment, or any contractual obligation—

(i) to give or continue to give supplies of gas ; or

(ii) to supply gas in accordance with standards prescribed by or under the enactment or contract 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 paragraph by or on behalf of the Secretary of State.

(2) If and so far as it appears to the Secretary of State necessary or expedient for any of the purposes set out in sub-paragraphs (*a*), (*b*) and (*c*) of paragraph (1) above—

(*a*) he may give to the person carrying on business at, or appearing to be in charge of, or occupying, any premises, directions for regulating or prohibiting the consumption of gas on the premises ; and

(*b*) he may take, or authorise any person acting on his behalf to take, such steps as appear appropriate to cut off any supply, or means of supply, of gas by disconnecting any service pipe or by any other means.

(3) If any person, without authority duly given by or on behalf of the Secretary of State, reconnects a supply, or means of supply, cut off in pursuance of this Regulation, he shall be guilty of an offence against this Regulation.

(4) The Secretary of State may authorise any person acting on his behalf to enter any premises, if necessary by force, for the purpose—

(*a*) of ascertaining whether there has been any contravention of a direction under this Regulation,

(*b*) of cutting off any supply, or means of supply, of gas in pursuance of this Regulation, or of ascertaining whether it remains duly cut off, or

(*c*) of inspecting, examining or testing any plant or equipment for the supply or consumption of gas with a view to ensuring the preservation of public safety.

(5) The provisions of this Regulation are without prejudice to the generality of Regulation 21 below (regulation of consumption and supply of gas and other products).

(6) The powers of the Secretary of State under this Regulation, other than his powers under paragraph (1), 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 Secretary of State.

Water supply and resources

19.—(1) Any statutory water undertakers, regional water board or water development board may, for the purpose of maintaining supplies of water

in any locality, disregard any restriction imposed by or under any enactment or rule of law with respect to the taking of water from any 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 Secretary of State.

(2) Any statutory water undertakers, regional water board or water development board 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 or rule of law 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 Secretary of State.

(3) In the exercise of their new functions under the Water Resources Act 1963(a), any river authority may, for the purpose of maintaining supplies of water in any locality, disregard any restriction or obligation imposed by or under any enactment or rule of law with respect to—

(*a*) the taking or impounding of water from any source,

(*b*) the discharge of water into any inland water or underground strata, or

(*c*) in connection with their functions, the construction or alteration of any works,

and may for that purpose take or impound water from any source, or discharge water into any inland water or underground strata ; but the powers conferred by this paragraph shall only be exercisable so long as in exercising them the authority 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 Secretary of State.

Sewerage and sewage disposal

20. 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 Secretary of State.

CONSUMPTION AND SUPPLY

Supply, &c., of fuel, refinery products, electricity and gas

21. The Secretary of State 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 refinery products, or the supply or the consumption (whether for domestic or industrial purposes or for any other purposes whatsoever) of electricity or gas.

Directions as to solid or liquid fuel or refinery products

22.—(1) The Secretary of State—

(*a*) may give to any person carrying on business as a supplier of liquid

(a) 1963 c. 38.

fuel or as a supplier of solid fuel directions as to the supply by him of any such solid or liquid fuel as may be specified in the directions, and

(*b*) may give to any person carrying on business as a refiner of liquid fuel directions as to the production of any liquid fuel, or other refinery products, or as to the use, disposal or supply of any refinery products, including those forming part of any stock held by him for the purposes of his business.

(2) Directions under paragraph (1) of this Regulation may in particular—

(*a*) require any fuel or refinery product to be supplied, in accordance with such requirements as may be specified in the directions, to such persons as may be so specified, or

(*b*) prohibit or restrict the supply of any fuel or refinery product to persons so specified, or to persons other than those to be supplied in accordance with the directions,

and directions may be given under paragraph (1)(*b*) of this Regulation for securing that the liquid fuel produced is, or is to any extent, of a description specified in the direction.

(3) Where any fuel or refinery product 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.

(4) 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 prices for food and animal feeding stuffs

23. 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 or animal feeding stuffs as may be so specified.

Distribution of food and animal feeding stuffs

24.—(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.

Supply of medicines

25.—(1) The restrictions and prohibitions imposed by or under the following provisions of the Medicines Act 1968(**a**), that is to say—

(*a*) Part II (licences and certificates relating to medicinal products),

(**a**) 1968 c. 67.

(*b*) Part III (dealings with medicinal products), and

(*c*) Part V (containers, packages and identification of medicinal products),

shall not apply to a person so long as he is acting under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Secretary of State, or the Minister of Agriculture, Fisheries and Food.

(2) Nothing in any regulations made, or having effect, under the Medicines Act 1971(a) shall require the payment of a fee on an application made under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Secretary of State, or the Minister of Agriculture, Fisheries and Food.

(3) An authority under paragraph (1) above may, instead of conferring exemptions from all the restrictions and prohibitions specified in the paragraph, confer only such exemptions as are specified in the authority.

REGULATION OF TRANSPORT SERVICES

Transport of goods by road or rail

26.—(1) The Secretary of State may give to any person carrying on business as a carrier of goods by road or by rail 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 in pursuance of directions given under this Regulation any goods are carried for the benefit of any person, that person shall pay such charge in respect of the carriage as may be reasonable.

(3) The powers of the Secretary of State 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 the Secretary of State.

(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.

Transport of passengers by road or rail

27.—(1) The Secretary of State may give to any person carrying on the business of operating public service vehicles directions as to the passengers who are to be carried, or the road services which are to be provided, by him ; and any such directions may in particular require persons to be carried from and to places specified in the directions or may, to such extent as may be so specified, prohibit the carriage of persons from or to places so specified and may also specify requirements in accordance with which passengers are to be carried or, as the case may be, road services are to be provided.

(2) The Secretary of State may give to any person carrying on business as a carrier of passengers by rail directions as to the passengers who are

(a) 1971 c. 69.

to be carried by him, and any such directions may in particular require persons to be carried from and to places specified in the directions or may, to such extent as may be so specified, prohibit the carriage of persons from or to places so specified.

(3) Where in pursuance of directions given under this Regulation any passengers are carried for the benefit of any other person otherwise than at separate fares, that person shall pay such charge in respect of the carriage as may be reasonable.

(4) The powers of the Secretary of State 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 the Secretary of State.

(5) The reference in this Regulation to public service vehicles shall be construed in accordance with sections 117 and 118 of the Road Traffic Act 1960.

Air transport

28.—(1) The Secretary of State 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 in particular—

(*a*) may require any persons 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*) may 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, he (or, if he is carried for the benefit of any other person, that person) shall pay such charge in respect of the carriage as may be reasonable ; and where in pursuance of any such directions any goods are carried for the benefit of any person, that person shall pay such charge in respect of the carriage as may be reasonable.

(4) The powers of the Secretary of State 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 the Secretary of State.

Transport by sea

29.—(1) The Secretary of State may give to any person having the management of a ship to which this Regulation applies (being a person in Great Britain or a person whose sole or principal place of business is in Great Britain) 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, or as to the passengers who may be so carried, as may be specified in the directions.

(2) This Regulation applies to any ship registered in the United Kingdom, the Channel Islands or the Isle of Man.

(3) The powers of the Secretary of State 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 the Secretary of State.

REQUISITIONING OF CHATTELS AND TAKING POSSESSION OF LAND

Requisitioning of chattels

30.—(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 vehicle, vessel or aircraft or anything on board a vehicle, 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.

(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 section 2(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 Minister of Agriculture, Fisheries and Food and the Minister of Posts and Telecommunications.

Taking possession of land

31.—(1) A Secretary of State, if it appears to him 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 him to be necessary or expedient in connection with the taking of possession of that land.

(2) While any land is in the possession of a Secretary of State 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 Secretary of State for such purpose, and in such manner, as he thinks expedient for any of the purposes specified in the said section 2(1).

(3) Without prejudice to the last foregoing paragraph, a Secretary of State may, so far as appears to him 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 Secretary of State by virtue of this Regulation, do, or authorise persons using the land under the authority of the Secretary of State 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 Secretary of State 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 Secretary of State, 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.

OFFENCES

Sabotage

32.—(1) No person shall do any act with intent to impair the efficiency or impede the working or movement of any vessel, aircraft, hovercraft, 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

33.—(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

34.—(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 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

35. 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

36. Where a constable, with reasonable cause, suspects that an offence against any of these Regulations has been committed, he may arrest without warrant anyone whom he, with reasonable cause, suspects to be guilty of the offence.

Attempts to commit offences and assisting offenders

37.—(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 a reference to any rule of law relating to art and part guilt.

(**a**) 1861 c. 94. (**b**) 1952 c. 55.

Penalties and place of trial

38.—(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 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

39. 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

40.—(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 of giving directions conferred by any provision of these Regulations may be exercised by means of an order applicable to all persons to whom directions may be given under that provision, or to such of them as fall within any class or description specified in the order.

W. G. Agnew.

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