



# Civil Defence Act 1939

## 1939 CHAPTER 31

### PART VII

#### MEASURES TO DEAL WITH CASUALTIES AND DISEASE.

#### **50 Powers of Minister of Health.**

- (1) It shall be, and shall be deemed always to have been, part of the functions of the Minister of Health (in this Part of this Act referred to as " the Minister ") to make arrangements—
  - (a) to secure that, in the event of war, facilities will be available for the treatment in hospital of casualties occurring in Great Britain from hostile attack;
  - (b) for the training in advance, in nursing, of persons who express their willingness to offer their services in the event of war;
  - (c) for the provision of a bacteriological service for controlling the spread of infectious disease in the event of war.
- (2) In order to afford accommodation for the treatment in hospital of such casualties as aforesaid, the arrangements aforesaid may provide for the removal, in the event of a hostile attack or of the Minister having reason to expect a hostile attack, of sick persons, persons of unsound mind and mental defectives from the place in which they are being treated or maintained, and for their treatment or maintenance, as the case may be, in some other place.
- (3) For the purpose of any arrangements under this section, the Minister shall have power—
  - (a) to acquire and hold land, erect buildings and execute works;
  - (b) to acquire and hold medical stores and equipment, and do all such things as may appear to him expedient for the storage, preservation and transport of such stores and equipment;
  - (c) to enter into agreements with local authorities, governing bodies of voluntary hospitals and such other persons as he thinks fit.

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- (4) In relation to the acquisition of land by the Minister under this Part of this Act, the provisions of the Lands Clauses Acts, as amended by the Acquisition of Land (Assessment of Compensation) Act, 1919, are hereby incorporated with this Act, subject to the exceptions and modifications mentioned in the Second Schedule to this Act.
- (5) Any land, stores or equipment held by the Minister under this Part of this Act shall be held on behalf of His Majesty, and the Minister shall, subject to such conditions as may be determined by the Treasury, have power for any purpose to manage, sell, let or exchange any such land (including power to pay or receive money in respect of equality of exchange) and to dispose of any such stores or equipment.
- (6) In this Part of this Act the expression " treatment " in relation to a hospital does not include treatment in a first-aid post, and the expression " medical stores and equipment" includes stretchers, ambulances and any other articles which, in the opinion of the Minister, are necessary or expedient for facilitating the treatment in hospital of casualties occurring in Great Britain from hostile attack.

## **51 Duties of local authorities.**

It shall be the duty of the council of every county and county borough—

- (a) to provide, in such premises under their control as are reasonably available for the purpose, for the storage and preservation of such medical stores and equipment acquired by the Minister under this Part of this Act as the Minister may direct;
- (b) to execute such works (other than the erection of new buildings) as the Minister may require for the purpose of rendering any premises under the control of the council suitable for a hospital for the treatment of casualties occurring in Great Britain from hostile attack or for the purpose of protecting persons in hospitals under the control of the council from injury in the event of hostile attack;
- (c) to hold at every hospital under the control of the council specified by the Minister such drugs and other medical stores, beds, mattresses and bedding and other ward equipment as the Minister may direct, so however that the quantity thereof shall not exceed—
  - (i) in the case of drugs and other medical stores, the quantity ordinarily used in the hospital in the course of a period of four weeks;
  - (ii) in the case of beds and mattresses, eleven-tenths of the number of beds and mattresses ordinarily kept in the wards;
  - (iii) in the case of bedding, six-fifths of the quantity of bedding required for the beds ordinarily kept in the wards; and
  - (iv) in the case of other ward equipment, six-fifths of the quantity thereof ordinarily kept in the wards.

## **52 Temporary transfer of officers.**

- (1) The Minister and the council of any county or county borough may agree that the services of any officer of the council shall be placed at the disposal of the Minister, for such period and on such terms as may be specified in the agreement, for the purpose of assisting the Minister in the exercise of his powers under this Part of this Act.

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- (2) The service of an officer under the Minister in pursuance of such an agreement shall be deemed to be service under the council for the purpose of the Local Government Superannuation Act, 1937, or of any other Act (including any local Act) relating to the superannuation of any employees of the council, or of any scheme under any of those Acts.

### **53 Financial provisions.**

- (1) All expenses incurred by the Minister with the consent of the Treasury for the purpose of any such arrangements or in carrying out any such agreement as is mentioned in the preceding provisions of this Part of this Act shall be defrayed out of moneys provided by Parliament.
- (2) In respect of each period of twelve months ending with the thirty-first day of March, there shall be payable out of moneys provided by Parliament, to the council of any county or county borough who execute works in that period for the purpose of rendering any premises under the control of the council suitable for a hospital for the treatment of casualties occurring in Great Britain from hostile attack or for the purpose of protecting persons in hospitals under the control of the council from injury in the event of hostile attack, a grant of whichever is the greater of the following two amounts, namely—
- (a) seven-tenths of the approved expenses incurred by the council in that period in the execution of those works; or
  - (b) the amount by which such expenses exceed one-tenth of the produce of a rate of one penny in the pound levied in the area of the council for that period.

This subsection shall have effect with respect to the period ending with the thirty-first day of March nineteen hundred and thirty-nine and all subsequent periods.

- (3) For the purpose of this section, the amount of the produce of a rate of one penny in the pound for any period shall be ascertained in the manner required by paragraph 3 of the Schedule to the Act of 1937, and the expression " approved expenses " means such expenses of a capital nature, incurred in the execution of such works, as the Minister, acting in accordance with general directions of the Treasury, may approve for the purposes of this section.

### **54 Powers conferred by this Part to be in substitution for powers under Act of 1937.**

- (1) The powers conferred upon the Secretary of State under the Act of 1937 shall cease to be exercisable in so far as similar powers are exercisable by the Minister under this Part of this Act.
- (2) Subject to the provisions of this subsection, no air-raid precautions scheme shall make provision for the treatment in hospital of casualties occurring in Great Britain from hostile attack or the training in advance of persons in nursing, and any such scheme in force at the commencement of this Act shall cease to have effect in so far as it makes such provision :

Provided that every local authority who, whether under an air-raid precautions scheme or otherwise, make provision for treatment of casualties in first-aid posts shall cause a suitable number of persons who are to serve in the posts to be trained in nursing under the arrangements made under the preceding provisions of this Part of this Act by the

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Minister, and shall make such payments in respect of the training of those persons and comply with such other terms as the Minister may direct.

- (3) Approval shall not be given under the Act of 1937 to any expenditure of the local authority incurred under this Part of this Act or otherwise incurred in connection with any of the matters for which, under the last preceding subsection provision cannot validly be made in an air-raid precautions scheme :

Provided that this subsection shall not apply to any such payments as are mentioned in the proviso to subsection (2) of this section.

## **55 Provisions as to combination of councils.**

- (1) So much of this Part of this Act as confers powers or imposes duties on the councils of counties or county boroughs shall be construed as conferring the like powers and imposing the like duties on any combination of councils existing for the purpose of the provision or maintenance of hospitals, being a combination which includes one or more such councils as aforesaid.
- (2) Where any such combination as aforesaid includes the council of any county district, no part of the expenses of exercising any powers or performing any such duties as aforesaid shall be borne by the council of the county district and the share borne by any councils of counties or county boroughs included in the combination shall be rateably increased accordingly.
- (3) No sums shall be paid to any such combination out of moneys provided by Parliament under the provisions of this Part of this Act relating to grants out of such moneys, but so much of any expenses incurred by any such combination (being approved expenses within the meaning of the said provisions) as is borne by the council of any county or county borough shall be taken into account in computing the grant to be made to that council under those provisions.