



Civil Defence Act 1939

1939 CHAPTER 31

PART VIII

MISCELLANEOUS.

56 Evacuation of civil population.

- (1) It shall be the duty of every local authority, at the request and in accordance with the directions of the Minister—
 - (a) to collect and furnish to him such information as he may require for the purpose of assisting the preparation by His Majesty's Government of plans for the transference of members of the civil population from one area to another in the event of war or the imminence of war, and for the accommodation and maintenance of the persons transferred;
 - (b) to take in advance measures designed to facilitate any such transference or secure the accommodation or maintenance of persons so transferred;
 - (c) to provide, in such premises under their control as are reasonably available for the purpose, for the storage and preservation of such material and equipment acquired by the Minister under this section as the Minister may direct; and
 - (d) to take part in carrying out any such plan.
- (2) Any local authority may, for the purpose of enabling them to comply with any such request or directions as aforesaid, serve on the occupier of any premises a notice requiring him to send to the authority, within such time as may be specified in the notice, such particulars with respect to the premises and to the number of persons resident therein as may be so specified, and any person who fails to comply with the notice shall be liable on summary conviction to a fine not exceeding five pounds.
- (3) The Minister, if it appears to him that, in view of the imminence or existence of an emergency involving the possibility of hostile attack, it is expedient so to do, may make regulations for the purpose of securing accommodation for any persons transferred under any such plan as is mentioned in subsection (1) of this section, and without prejudice to the generality of the preceding words, any such regulations may—

Status: This is the original version (as it was originally enacted).

- (a) provide for occupiers of premises being required to furnish in the premises such accommodation as may be specified in the requirement;
 - (b) declare the circumstances in which, and the extent to which, responsibility shall be assumed by occupiers of premises for the feeding and care of any children accommodated therein under the regulations;
 - (c) authorise the imposition, on summary conviction, of fines not in any case exceeding fifty pounds or imprisonment not exceeding three months, for failure to comply with any requirements imposed by or under the regulations.
- (4) There shall be paid out of moneys provided by Parliament to any local authority grants equal to the total amount of their expenses under this section, being expenses approved for the purposes of this subsection by the Minister, acting in accordance with general directions of the Treasury.
- (5) Any expenses incurred with the consent of the Treasury by the Minister in or in connection with the acquisition or storage on behalf of His Majesty of equipment and other material with a view to the accommodation or maintenance of members of the civil population who may be transferred under any such plan shall be defrayed out of moneys provided by Parliament.
- (6) Subject to the special provisions of this Act with respect to the administrative county of London, in this section the expression " local authority" means the council of a county, county borough or county district.
- (7) Section six of the Act of 1937 is hereby repealed.
- (8) This section shall be deemed to have had effect as from the commencement of the Act of 1937 :

Provided that no person shall be under any liability in respect of anything done or omitted to be done before the passing of this Act which he would not have been under if this Act had not passed.

57 Requisition of premises and vehicles.

- (1) The Minister, if it appears to him that, in view of the imminence of an emergency involving the possibility of hostile attack, it is expedient so to do, may by order declare the provisions of this section to be in operation, and while such an order is in force—
- (a) any local authority may take possession of any premises designated by them under Part II of this Act;
 - (b) the Commissioners of Works may take possession of any premises which in the opinion of the Commissioners should, in order to meet the exigencies of the situation which would arise in the event of hostile attack, be rendered available for use by any Government department or other persons acting on behalf of the Crown in a civil capacity; and
 - (c) any local authority having any civil defence functions may take possession of any vehicle and use it in the discharge of any of those functions:

Provided that possession shall not be taken of any vehicle by virtue of such an order without the previous consent of the chairman of the traffic commissioners for the area in which the vehicle is normally kept, or, if the vehicle is normally kept in the metropolitan traffic area, the traffic commissioner for that area, unless arrangements have been made with the approval of the chairman of the traffic commissioners or the traffic commissioner, as the case may be, between the owner of the vehicle and the

local authority that the vehicle should be available for use as aforesaid by the local authority.

- (2) Where an order has been made under this section, the local authority or the Commissioners of Works, as the case may be, may remove, or require the occupier to remove, any property which is in any premises or vehicle of which possession is intended to be taken under this section, and may take such other steps as may be necessary for putting the premises or vehicle in a condition which will enable them to be used for the purpose intended; and any occupier who refuses to move any property when required to do so by the local authority or Commissioners and any person who obstructs any person acting on behalf of the authority or Commissioners in the exercise of their powers under this section shall be liable on summary conviction to a fine not exceeding one hundred pounds.
- (3) In any case in which a local authority take possession of any premises or vehicle, or the Commissioners of Works take possession of any premises under this section, there shall be paid by that local authority, or, if possession is taken by the Commissioners of Works, out of moneys provided by Parliament, such compensation to such persons as Parliament may hereafter determine.
- (4) Possession shall not be retained by virtue of any order made under this section after the expiration of three months from the date of the making of the order.

58 Special provisions as to supply of water for extinguishing fires.

- (1) Any fire authority to whom this section is applied by order of the Minister may submit to the Minister a scheme for securing that special supplies of water will be available for extinguishing fires caused by hostile attack and any such scheme may for that purpose make provision among other matters for—
 - (a) the laying of mains and pipes for the conveyance of water;
 - (b) the installation on bridges, embankments and other places adjoining any water (not being water contained in a reservoir or other works of any public utility undertakers or persons carrying on any hydraulic power undertaking) pipes or other apparatus for enabling water to be withdrawn;
 - (c) the acquisition of fire floats;
 - (d) the construction of underground tanks.
- (2) The Minister may approve, with or without modifications, any scheme submitted to him under this section, and any such scheme shall, upon being so approved, come into force on such date as may be provided by the scheme as approved; and any such scheme may be amended by a subsequent scheme submitted and approved in like manner as the original scheme.
- (3) There may be paid out of moneys provided by Parliament towards the approved expenses incurred (whether before or after the passing of this Act) by any fire authority grants not exceeding nine-tenths of those expenses:

Provided that no grant shall be made under this subsection in respect of any expenses incurred on any works unless—

- (a) the works are completed before the end of September nineteen hundred and thirty-nine; or
- (b) the works are then in progress or preparatory measures are then being taken for the carrying out thereof and (in each case) the Minister is satisfied that they will be completed within a reasonable time thereafter.

Status: This is the original version (as it was originally enacted).

In this subsection, the expression " approved expenses " means such expenses of a capital nature as the Minister, acting in accordance with general directions of the Treasury, may approve for the purposes of this subsection, being expenses incurred in carrying out measures mentioned in a scheme approved under this section.

- (4) The London County Council may be authorised by a scheme submitted by them under this section to exercise, for the purpose of securing supplies of water for extinguishing fires caused by hostile attack, any powers exercisable under subsection (2) of section twenty-eight of the Public Health (London) Act, 1936, in connection with their sewerage and drainage functions, and if they are so authorised, section thirty of that Act (which confers power to stop up streets) shall apply accordingly.
- (5) Any fire authority (other than the London County Council) may be authorised by a scheme submitted by them under this section or by an order of the Minister to exercise, for the purpose of securing supplies of water as aforesaid, all or any of the powers exercisable by a local authority under the Public Health Act, 1936, for the purpose of providing their district with a supply of water under that Act, other than powers of compulsory purchase.
- (6) Any water undertakers may, by agreement with a fire authority, carry out as agents of the authority any works which the authority are authorised to carry out for the purpose of securing supplies of water as aforesaid, whether under a scheme submitted under this section or otherwise.
- (7) Section five of the Act of 1937 (which confers power to purchase land compulsorily) shall apply for the purposes of any scheme submitted and approved under this section, and where such a scheme provides for the construction of an underground tank the scheme may confer on the fire authority, for the purpose of constructing the tank and installing any pumping plant or other necessary apparatus, the like powers as are conferred on local authorities by Part II of this Act for the purpose of constructing underground air-raid shelters and works connected therewith, and the provisions of that Part relating to the construction and vesting of such shelters and works and to matters connected therewith shall apply accordingly.
- (8) The Minister shall not approve any scheme under this section unless it contains such provisions as he considers necessary for preventing—
 - (a) the contamination of any water supplied by water undertakers; and
 - (b) the use for domestic purposes of any water conveyed in any main or pipe laid under the scheme.

59 Power of Minister of Transport to acquire plant and materials for repair of roads and bridges.

- (1) In accordance with arrangements approved by the Treasury, the Minister of Transport may acquire and hold or make arrangements for the acquisition and holding on his behalf of stocks of plant and materials for the purpose of their being available for the repair of roads and bridges damaged by hostile attack, and may do such things as may appear to him necessary for the storage, preservation and transport of those stocks.
- (2) The Minister of Transport shall, subject to such conditions as may be determined by the Treasury, have power to use or dispose of any plant or materials forming part of any such stocks.

- (3) The expenses of the Minister of Transport under this section shall be defrayed out of moneys provided by Parliament.

60 Power of Minister as to stocks of building material.

- (1) In accordance with arrangements approved by the Treasury, the Minister may acquire and hold or make arrangements for the acquisition and holding on his behalf of stocks of plant and materials for the purpose of their being available for the repair of buildings damaged by hostile attack and may do such things as may appear to him necessary for the storage, preservation and transport of those stocks.
- (2) The Minister shall, subject to such conditions as may be determined by the Treasury, have power to dispose of any plant or materials forming part of any such stocks.
- (3) The expenses of the Minister under this section shall be defrayed out of moneys provided by Parliament.

61 Power of Minister to make byelaws with respect to land used for experiments with explosives.

The Minister shall—

- (a) as respects any land held on behalf of the Crown and appropriated for the use of the Minister for the purpose of carrying out experiments with explosives; or
- (b) as respects any other land which the Minister has the right to use for the said purpose,

have the same power of making byelaws as is conferred on a Secretary of State as respects land appropriated for a military purpose or, as the case may be, as respects land which he has the right to use for such a purpose, and the provisions of the Military Lands Act, 1892, and the Military Lands Act, 1900, relating to byelaws shall with the necessary modifications apply accordingly.

62 Power of local authorities and public utility undertakers to appropriate lands and buildings for purposes of civil defence.

- (1) Subject to the provisions of this section—
- (a) any local authority having any civil defence functions or any public utility undertakers who have been served with a notice under Part V of this Act may (without any formal appropriation thereof) use any lands or buildings owned by, leased to or under the control of the authority or undertakers for the purpose of discharging any of those functions, or taking measures specified in the notice as the case may be, and
- (b) any local authority (as defined in the Act of 1937) may permit any other local authority having any civil defence functions to use, for the purpose of discharging any of those functions, any lands or buildings owned by, leased to or under the control of the first-mentioned authority,

and the provisions of this subsection shall have effect notwithstanding anything contained in any Act (including a local or private Act) or any trust or covenant or restriction affecting the use of those lands or buildings.

Status: This is the original version (as it was originally enacted).

- (2) The powers conferred by this section shall, after the passing of this Act, only be exercisable with the approval of the Minister and subject to any conditions he may impose in relation to any particular exercise thereof.
- (3) The Minister may at any time give directions to the local authority or, as the case may be, the local authorities or the public utility undertakers that as from any date specified in the direction, any use of any lands or buildings under this section shall cease, and any such directions may require the lands or buildings to be restored, to such extent as may be specified, to their former condition, and it shall be the duty of the local authority or local authorities or public utility undertakers to comply with any such direction.
- (4) In this section the expression " use," in relation to lands owned by or leased to a local authority, includes the erection of buildings and other structures thereon, the making of excavations therein, and the alteration and maintenance of any such buildings, structures or excavations, and, in relation to buildings owned by or leased to an authority, includes the alteration and maintenance of those buildings.
- (5) This section shall be deemed to have had effect as from the commencement of the Act of 1937.

63 Amendment of s. 5 of Act of 1937.

- (1) Where by an order made and confirmed under section five of the Act of 1937 (either as originally enacted or as amended or as applied by any provision of this Act) a local authority are authorised to purchase land compulsorily, then at any time after serving a notice to treat and after giving to the occupier of the land not less than fourteen days' notice, they may enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections eighty-four to ninety of the Land Clauses Consolidation Act, 1845, but subject to the payment of the like compensation for the land for which possession is taken, and interest on compensation awarded, as would have been payable if those provisions had been complied with.
- (2) Notwithstanding anything in the Local Government Act, 1933, an order for the compulsory acquisition of land which is duly submitted under the said section five (either as originally enacted or as so amended or applied as aforesaid) may, if the Minister thinks fit, be confirmed without an inquiry, whether or not there has been an objection.

64 Compulsory hiring of land.

- (1) The council of any county or county borough, the common council of the city of London, and the council of any metropolitan borough or county district may hire compulsorily any land to which this section applies for any of the purposes of the Act of 1937 or of this Act by means of an order made by the council and confirmed by the Minister, and the provisions of the enactments having effect with respect to the compulsory acquisition of land by any such council as aforesaid for the purposes of their civil defence functions (including any such enactments contained in this Act) shall, with such exceptions and subject to such adaptations and modifications as may be prescribed by regulations of the Minister under this section, have effect with respect to the compulsory hiring of land by means of such an order.

- (2) The Minister shall make regulations for the purposes of this section and any such regulations may, in addition to prescribing the matters aforesaid, contain such provisions as the Minister considers necessary or expedient in connection with the making of any such orders or the carrying thereof into effect.
- (3) Land to which this section applies is unoccupied land and land in the occupation of a tenant whose tenancy thereof will expire or can be determined by his landlord (otherwise than for breach of any of the conditions of the tenancy) within a period of three years after the making of an order for the compulsory hiring of that land pursuant to the provisions of subsection (1) of this section.
- (4) Any reference in this section to land includes a reference to any building or part of a building.

65 Powers of bodies corporate as to measures against hostile attack.

Any body corporate carrying on in Great Britain any business or undertaking shall, whether they are public utility undertakers or not, have power and be deemed always to have had power, under any enactment, order, charter, memorandum or articles of association or other document regulating their powers and duties, to take any such measures in relation to their business or undertaking as public utility undertakers, or any class of public utility undertakers, are or can be authorised or required to take under any of the provisions of this Act.

66 Extension of borrowing powers of trustees, and c.

- (1) The provision of air-raid shelter shall be deemed to be an improvement authorised by the Settled Land Act, 1925, and mentioned in Part II of the Third Schedule to that Act.
- (2) Any liquidator, trustee in bankruptcy, receiver, committee or other person acting in a fiduciary capacity who is, as such, the occupier of any factory premises, the owner of any mine or the owner of any commercial building or of any building or block of buildings to which section thirty of this Act applies shall, for the purpose of providing air-raid shelter or complying with any obligation imposed on him by or under any of the provisions of this Act, have power (in addition to any other powers enabling him in that behalf)—
 - (a) to utilize any moneys in his hands in his capacity as liquidator, trustee, receiver, committee or otherwise as aforesaid;
 - (b) to raise money by the sale or mortgage of any property vested in him or under his control in that capacity,

and any money reasonably expended by him for the said purpose shall be treated as part of his expenses incurred in that capacity and shall be allowed in account accordingly.

- (3) Where the owner of any commercial building or any such building or block of buildings as aforesaid is a mortgagee, he shall be entitled to add to his security any money reasonably expended by him for the purpose of providing air-raid shelter in connection with the building or block or of complying with any obligation imposed on him by or under this Act as owner of the building or block.

Status: This is the original version (as it was originally enacted).

67 Property in equipment, appliances and material provided by the Crown or local authorities.

- (1) The property in any equipment, appliances or material provided on behalf of His Majesty under the Act of 1937 free of charge shall remain in His Majesty; and the provisions of this subsection shall continue to have effect notwithstanding the affixing of the equipment, appliances or material to any premises.

In paragraph (b) of subsection (1) of section eleven of the Act of 1937 the word " gifts " is hereby repealed.

- (2) Any equipment, appliances or material used in the execution of works executed by a local authority under Part II or Part IV of this Act shall, notwithstanding the affixing thereof to any premises, remain the property of the local authority.
- (3) Any person who, being in possession of any such equipment, appliances or material as is mentioned in any of the preceding provisions of this section (being equipment, appliances or material the property whereof remains in His Majesty or in the local authority), fails to use reasonable care for the preservation thereof shall, without prejudice to any other liability, be liable on summary conviction to a fine not exceeding five pounds.
- (4) If any equipment, appliances or material which have been affixed to any premises are removed therefrom by or on behalf of His Majesty or the local authority, any damage caused by the removal shall be made good.
- (5) This section shall be deemed to have had effect as from the commencement of the Act of 1937 :

Provided that no person shall be under any liability in respect of anything done or omitted to be done before the passing of this Act which he would not have been under if this Act had not passed.

68 Penalty for unauthorised use of uniforms, medals and badges.

Any unauthorised person who uses or wears any uniform, medal, badge or emblem issued by or with the authority of the Minister for the use of persons engaged in any civil defence service, or any uniform, medal, badge or emblem which, by reason of its resemblance to any such uniform, medal, badge or emblem as aforesaid or otherwise, is designed to indicate that the user or wearer is engaged in a civil defence service, shall be liable on summary conviction to a fine not exceeding twenty pounds.

69 Provision of air-raid shelter not to increase valuation for rating.

Section one of the Rating and Valuation (Air-Raid Works) Act, 1938 (which provides for the relief of air-raid protection works from rates) shall, in relation to a hereditament forming part of a building, have effect as if any structural alterations or improvements made in the building or on land appurtenant to the building for the purpose of providing air-raid shelter were structural alterations or improvements to the hereditament, and in ascertaining the value for rating purposes of a hereditament under the principal Act (as defined in the said section one) no regard shall be had to any increase in the rent thereof (whether made by virtue of this Act or not) which is attributable to the provision of air-raid shelter for persons living or working in the hereditament.

70 Enlargement of scope of town planning schemes.

There shall be included among the general objects for which a scheme may be made under the Town and Country Planning Act, 1932, the object of rendering the whole or any part of the area to which the scheme applies less vulnerable to air-raids, and that Act shall have effect accordingly as if the said object were included among the objects enumerated in section one thereof.

71 Compensation in the event of injury to persons engaged in air-raid precautions activities.

- (1) This section applies to personal injuries sustained in the course—
 - (a) of being trained or exercised or of training or exercising others, in respect of air-raid precautions; or
 - (b) of being trained in nursing in pursuance of arrangements made by the Minister of Health under Part VII of this Act; or
 - (c) of acting in a voluntary capacity on behalf of a local authority in the exercise of their civil defence functions,being injuries sustained in time of peace by such persons and in such circumstances as may be specified in a scheme made under subsection (2) of this section.
- (2) A scheme made by the Treasury may provide for the payment out of moneys provided by Parliament to or to the dependants of persons who suffer injuries to which this section applies of such periodical or lump sums as may be specified in the scheme.
- (3) A scheme under subsection (2) of this section may be revoked or varied by a subsequent scheme made thereunder.
- (4) Where any injury to which this section applies is sustained by any person, no compensation or damages shall be payable in respect of that injury, whether under any Act or at common law, by the employer of the injured person, by any person (including a local authority) who has any responsibility in connection with the training or exercising of the injured person, or by any person who is being trained or exercised together with the injured person.
- (5) In this section the expression " personal injury " includes any personal injury resulting in death.

72 Directions to local authorities to discharge functions with respect to air-raid precautions.

- (1) The Minister may direct any local authority charged under the Act of 1937 with the duty of preparing an air-raid precautions scheme to discharge such functions, with respect to any matter which could be included in such a scheme made by that authority, as may be specified in the direction, whether or not a scheme providing for that matter has been made.
- (2) The council of any county may with the consent of the Minister, and shall when so required by him, direct the council of any county district in that county to discharge such functions, with respect to any matter which could be included in an air-raid general precautions scheme made by the county council, as may be specified in the direction, whether or not a scheme providing for that matter has been made.

Status: This is the original version (as it was originally enacted).

- (3) If the council of a county fail to give any direction which the Minister has required them to give under the last preceding subsection, the Minister may give the direction himself.
- (4) It shall be the duty of a local authority who receive a direction under this section to discharge the functions specified in the direction.
- (5) Where the expenses incurred by the council of a county district in discharging functions specified in a direction given to them by the county council are not repaid to the district council by the county council, the county council shall repay to the district council any amount raised by the county council in the district in respect of the cost of similar functions discharged by the county council in other parts of the

Any question that may arise between a county council and a district council under this subsection shall be determined by the Minister.

73 Power to transfer functions of defaulting authority.

- (1) If the Minister is satisfied after holding a local inquiry that any local authority have failed to discharge any functions which they are required to discharge by or under this Act or the Act of 1937, he may, in lieu of enforcing the discharge of those functions by mandamus or otherwise—
 - (a) if the defaulting authority are the council of a county district, make an order transferring the functions to the county council;
 - (b) in any case, make an order transferring the functions to himself.
- (2) The provisions of sections three hundred and twenty-three, three hundred and twenty-four and three hundred and twenty-five of the Public Health Act, 1936, (which relate to the exercise of default powers) shall apply to orders under this section as they apply to the orders mentioned in those sections, subject to the following adaptations, that is to say :—
 - (a) the references to a council shall include references to the London County Council, the common council of the city of London and the council of a metropolitan borough;
 - (b) for the references to the Minister of Health there shall be substituted references to the Minister.
- (3) The provisions of subsections (2), (3), (4) and (5) of section two hundred and ninety of the Local Government Act, 1933, shall apply to any inquiry held under this section as they apply to local inquiries held under that section with the substitution for the references to the department of references to the Minister.
- (4) Where any order has been made under this section transferring the functions of a defaulting authority to the Minister or the council of any county, the Minister or the said council may agree with the defaulting or any other local authority that the services of any officer of that authority shall be placed at the disposal of the Minister or county council for such period not exceeding the duration of the order and on such terms as may be specified in the agreement for the purposes of assisting the Minister or the county council to discharge those functions.
- (5) The service of an officer under the Minister in pursuance of any such agreement shall be deemed to be service under the authority with whom the agreement is made 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 authority, or of any scheme under any of those Acts.

- (6) Any expenses paid by or recovered from a defaulting authority by virtue of the application of the provisions of the said sections three hundred and twenty-three or three hundred and twenty-four, shall not be approved under the Act of 1937 so as to be approved expenditure incurred by that authority for the purposes of that Act.
- (7) In relation to the functions of a local authority under Part VII of this Act, the references in this section to the Minister shall be construed as references to the Minister of Health and paragraph (b) of subsection (2) shall not apply.