



Civil Defence Act 1939

1939 CHAPTER 31

PART IV

OTHER PROVISIONS AS TO SHELTER.

30 Provision of air-raid shelter in certain buildings.

- (1) The owner of any building or block of buildings to which this section applies shall, if so required by more than one-half in number of the occupiers of the separate parts of the building or block, and in any other case may, prepare a scheme for providing air-raid shelter in or near the building or block for the persons living and working in the building or block.
- (2) In this section the expression " building or block of buildings to which this section applies," means a building or block of buildings which is situated in an area specified in an order made by the Minister under Part III of this Act, is wholly or mainly used for residential purposes and is let out in separate parts :

Provided that—

- (a) so much of any building or block of buildings as consists of, or is comprised in, any factory premises or commercial building shall be disregarded;
- (b) the said expression does not include any building or block of buildings owned by any local authority;
- (c) if and so long as arrangements are in existence under which particular classes of persons are provided free of charge on behalf of His Majesty with materials for air-raid shelter, the said expression does not include a building or block of buildings in the case of which the majority of the occupiers of the residential parts fall within those classes,

and any question whether any building or block of buildings is or is not excluded from the operation of this section by virtue of paragraph (c) of this proviso shall be referred to the Minister whose decision shall be final.

- (3) Any such scheme shall—

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- (a) state the situation and the general nature of the shelter to be provided under the scheme and the number of persons which the shelter is to be constructed to accommodate;
 - (b) state the estimated cost of the provision of the shelter exclusive of compensation;
 - (c) state whether any and if so what compensation is proposed to be paid by the owner to persons having an estate or interest in the premises in which the shelter is to be provided and whether, and if so what, compensation is proposed to be allowed to the owner in respect of his interest in the premises in which the shelter is to be provided.;
 - (d) contain a statement of the effect of the subsequent provisions of this section as to increases of rent;
- and may contain such other information as appears to the owner to be relevant in connection with the scheme.
- (4) The owner shall serve a copy of any such scheme on the occupier of every separate part of the building or block not occupied by the owner thereof.
- (5) Unless the occupiers of more than one-half in number of the separate parts of the building or block dissent from the scheme, then the owner shall carry the scheme into effect and, on completion by the owner of the shelter specified by the scheme in accordance with the provisions thereof, the rent payable under every lease derived from the estate or interest of the owner (being a lease in existence at the date of the completion of the shelter) shall, unless it is otherwise agreed in connection with or after the provision of the shelter, be increased to the extent and for the period specified in the subsequent provisions of this section.
- (6) The said increase shall be calculated as follows :—
- (a) there shall first be taken the expenses of the owner in providing the shelter (exclusive of compensation) or the amounts specified in the scheme as the estimate of those expenses, whichever is the less;
 - (b) there shall then be added to the sum ascertained under paragraph (a) of this subsection
 - (i) the amount, if any, proposed by the scheme to be paid by the owner as compensation to persons having an estate or interest in the premises in which the shelter is to be provided or the amount, if any, properly paid by the owner in respect of such compensation, whichever is the less; and
 - (ii) the amount, if any, proposed by the scheme to be allowed as compensation to the owner in respect of his interest in the premises in which the shelter is to be provided or the amount reasonably allowed to the owner in respect of such compensation, whichever is the less;
 - (c) there shall then be ascertained the proportion which the annual value of the part of the building or block to which the lease in question relates at the date of the completion of the works bears to the annual value of the whole building or block at that date;
 - (d) the proportion so arrived at shall be applied to the sum ascertained under paragraphs (a) and (b) of this subsection; and
 - (e) the increase in rent shall be at the annual rate of one-eighth of the sum arrived at under paragraph (d).

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- (7) The rent on which the said increase operates is all rent payable under the lease in question in respect of any rent period beginning after the date of the completion of the shelter:

Provided that no increase shall operate for more than ten years.

- (8) A surety for the payment of any rent which is increased under this section shall not be discharged by reason of the increase, but shall not be liable in respect of the increase.
- (9) Nothing in this section shall be construed as authorising the owner of any building or block of buildings to enter upon any premises or land, or to do any work thereon, if he would, not have been entitled to enter or to do that work apart from the provisions of this section.

- (10) In this section—

- (a) the expression "owner" in relation to a building or block of buildings to which this section applies has the same meaning as that expression has in relation to a commercial building; and
- (b) the expression "separate part" means, in relation to a building or block of buildings, a part thereof which, is in separate occupation, or, if unoccupied, is intended for separate occupation; and
- (c) the expression "rent period" means, in relation to a lease, the quarter or other period in respect of which an instalment of rent becomes payable thereunder;

and where a part of a building or block of buildings is occupied under a lease of which the unexpired term is less than six months, -that person shall be deemed for the purposes of this section to be the occupier of that part who would be the occupier thereof if every such lease thereof had been surrendered.

- (11) The provisions of the last preceding section shall apply in relation to the owner of a building or block of buildings who is providing an air-raid shelter of a permanent character under a scheme under this section, as it applies in relation to the owner of any such premises as are mentioned in subsection (1) of that section.