



# Civil Defence Act 1939

## 1939 CHAPTER 31

### PART IV

#### OTHER PROVISIONS AS TO SHELTER.

#### **33 Power to make regulations as to construction, alteration or extension of buildings.**

- (1) The Minister may, after consultation with such persons having professional or other special qualifications as he thinks fit, make regulations, imposing, in relation to buildings of such classes as may be specified in the regulations—
  - (a) such requirements as to materials and construction as he considers necessary for the purpose of rendering the buildings less vulnerable to air-raids;
  - (b) such requirements as he considers necessary as to the provision of air-raid shelter for the persons using or resorting to the buildings.

- (2) Regulations made under this section shall apply to buildings erected after the coming into operation of the regulations and, to such extent as may be specified therein, to buildings in which structural alterations are made, or which are extended, after that date:

Provided that no regulations shall apply to any building on the ground that it is erected, altered or extended after the said date, if plans for the erection, alteration or extension in question were passed by the local authority under the Public Health Act, 1936, or any corresponding enactment in any local Act, before that date.

- (3) Regulations made under this section may apply generally or in such areas as may be specified in the regulations, and different requirements may be prescribed for different areas and different classes of buildings.
- (4) It shall be the duty of the local authority to enforce regulations made under this section, and for that purpose—
  - (a) sections sixty-four to sixty-seven of the Public Health Act, 1936, shall apply to such regulations so far as they relate to areas where building byelaws are in force, as if the regulations were building byelaws and as if the references

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- in the said section sixty-seven to the Minister of Health were references to the Minister;
- (b) the regulations may, so far as they relate to areas in which a local Act dealing with the construction of buildings is in force, incorporate any of the provisions of any such Act with such modifications as may be necessary;
  - (c) the regulations may include provisions as to the giving of notices and the deposit of plans, sections, specifications and written particulars, and the inspection of work, and the taking of samples of materials to be used in the construction of buildings or in the execution of other works;
  - (d) the regulations may provide for imposing on persons offending against the regulations fines, recoverable on summary conviction, not exceeding twenty pounds and in the case of a continuing offence further fines not exceeding five pounds for each day during which the offence continues after conviction therefor.
- (5) Where the local authority consider that the operation of any regulation under this section in force in their area would be unreasonable in relation to any particular case, they may, with the consent of the Minister, relax the requirements of the regulation or dispense with compliance therewith.
- (6) Any building byelaws, or any provisions of any such local Act as aforesaid, which are inconsistent with any regulations made under this section shall, while the regulations are in force, be void to the extent of the inconsistency.
- (7) In this section the expression " building byelaws " has the meaning assigned to it by section three hundred and forty-three of the Public Health Act, 1936, and subsection (2) of section ninety of that Act (which relates to the question what constitutes the erection of a building) shall apply for the purposes of this section as it applies for the purposes of Part II of that Act.
- (8) This section shall have effect in relation to any electricity generating station as if the references therein to the Minister were references to the Electricity Commissioners, acting with the concurrence of the Minister.