



# Civil Defence Act 1939

## 1939 CHAPTER 31

### PART V

#### PUBLIC UTILITY UNDERTAKINGS.

#### **41 Provisions as to dock and harbour undertakings.**

- (1) If, on the application of any public utility undertakers who carry on a dock or harbour undertaking the appropriate department so order, the preceding provisions of this Part of this Act relating to the provision of air-raid shelter for persons employed by public utility undertakers, shall apply in relation to the undertakers carrying on the undertaking as if all persons likely to be found during air-raids in the dock or harbour, or any such part thereof as may be specified in the order, were persons employed by the undertakers; and where any such order is made—
- (a) the order may contain such incidental and consequential provisions as the appropriate department thinks proper, including provisions authorising the undertakers, notwithstanding anything in any contract or in any enactment or order relating to them, to do such of the following things as may be specified in the order, that is to say—
    - (i) to make such increases in their charges as may be specified in the order;
    - (ii) to recover from such persons or classes of persons using the dock or harbour as may be specified in the order such sums as may be determined by or under the order;
    - (iii) to borrow such money on such terms as to security and otherwise as may be specified in the order;
  - (b) the provisions of Part III of this Act relating to the provision of air-raid shelter shall not apply in relation to any factories or commercial buildings situate in the dock or harbour or, as the case may be, in the part thereof specified in the order; and
  - (c) no grant shall be payable under Part III of this Act in respect of any expenses incurred in providing or securing the provision of air-raid shelter in the dock or harbour, or, as the case may be, in the part thereof specified in the order.

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*Status: This is the original version (as it was originally enacted).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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- (2) Without prejudice to the generality of the provisions of this Part of this Act relating to measures for securing the due functioning of an undertaking in the event of hostile attack, the measures which may be specified in a notice served by the appropriate department under this Part of this Act may, in the case of undertakers carrying on a dock or harbour undertaking, include measures designed to secure that the undertaking is capable of providing services which would not, apart from hostile attack or the danger thereof, be required to be provided by that undertaking; and, in relation to any such measures the provisions of this Part of this Act relating to grants shall have effect as if for the reference to one-half of the approved expenses there were substituted a reference to seventeen-twentieths thereof.
- (3) There may be paid out of moneys provided by Parliament towards approved expenses incurred, whether before or after the commencement of this Act, by public utility undertakers who carry on a dock or harbour undertaking in taking measures designed to provide facilities, in the event of hostile attack, for the collection of casualties occurring in the dock or harbour or on land adjacent thereto and the treatment thereof in first-aid posts, grants not exceeding one-half of those expenses.

In this subsection the expression " approved expenses " means such expenses of a capital nature, incurred on such measures, as the Minister, acting in accordance with general directions of the Treasury, may approve for the purposes of this subsection.

- (4) In this section the expressions " dock " and " harbour " mean, in relation to public utility undertakers carrying on a dock or harbour undertaking, the area over which they exercise any control under any enactment or order relating to the undertaking.