

STATUTORY INSTRUMENTS

1983 No. 1651 (S.158)

CIVIL DEFENCE

**The Civil Defence (Grant) (Scotland) Amendment Regulations
1983***Laid before Parliament in draft**Made - - - - 3rd November 1983**Coming into operation in accordance with Regulation 1(1)*

In exercise of the powers conferred upon me by sections 3 and 8 of the Civil Defence Act 1948 (a), and with the consent of the Treasury, I hereby make the following regulations, a draft of which has been laid before Parliament and approved by resolution of each House of Parliament:—

Citation, commencement and extent

1.—(1) These regulations may be cited as the Civil Defence (Grant) (Scotland) Amendment Regulations 1983 and shall come into operation on the twenty-eighth day after the day on which they are made.

(2) These regulations shall apply to Scotland only.

Interpretation

2. In these regulations a reference to the principal regulations is a reference to the Civil Defence (Grant) (Scotland) Regulations 1953 (b).

Amendments to principal regulations

3. In regulation 8(1) of the principal regulations (which deals with the application of those regulations where a local authority's civil defence functions are exercised on their behalf by another authority) for the words "exercised on their behalf as their agents" there shall be substituted the word "discharged" and for the words "paragraph (b) of subsection (2) of section two of the Act" there shall be substituted the words "section 56 of the Local Government (Scotland) Act 1973 (c) or any other statutory provision".

4. For the Schedule to the principal regulations (which sets out the expenses incurred by local authorities in or in connection with the discharge of their civil defence functions which are to be completely reimbursed) there shall be substituted the Schedule set out in the Schedule to these regulations.

(a) 1948 c.5 (12, 13 & 14 Geo. 6).

(b) S.I. 1953/1804.

(c) 1973 c.65.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

3rd November 1983.

We consent,

Ian B. Lang,
D. J. F. Hunt,
Two of the Lords Commissioners of
Her Majesty's Treasury.

3rd November 1983.

Regulation 4

SCHEDULE

Schedule substituted for Schedule to the principal regulations

Regulation 2

SCHEDULE

EXPENSES TO BE COMPLETELY REIMBURSED

1. Expenses, which the designated Minister determines are not of an administrative nature, in or in connection with the purchase, hiring, installation, maintenance or use of communications equipment provided for use in connection with the control and co-ordination of action to be taken in the event of hostile attack or a threat of hostile attack.

2. Expenses relating to training for civil defence purposes—

(a) of providing such training for members of the staff of a local authority and constables and special constables of a police force maintained under the Police (Scotland) Act 1967 (a); and

(b) of taking part in training exercises organised by or on behalf of the designated Minister,

other than expenses consisting of payments of salary or other remuneration to members of the staff of a local authority or constables of a police force maintained under the Police (Scotland) Act 1967.

3. Expenses consisting of payments made in respect of the travelling, accommodation and subsistence expenses incurred by members of the staff of a local authority and constables and special constables of a police force maintained under the Police (Scotland) Act 1967 in attending training courses or other forms of training in civil defence provided by or on behalf of the designated Minister.

4. Expenses consisting of payments made for the reimbursement of reasonable expenditure incurred by persons serving as volunteers in taking part in any form of training in civil defence organised by a local authority, or by or on behalf of the designated Minister, to the extent that such expenditure would not have been incurred by those persons if they had not been taking part in that training.

5. Expenses, not included in the preceding paragraphs of this Schedule, which the designated Minister determines are capital expenses and not of an administrative nature, in connection with the provision of any article other than an article—

(a) which is intended to form part of any permanent or semi-permanent works including, but without prejudice to the generality of the foregoing, any article which when in use is analogous to a landlord's fixture; or

(b) which is to be used for equipping an office.

(a) 1967 c.77, amended by the Local Government (Scotland) Act 1973, section 146.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Civil Defence (Grant) (Scotland) Regulations 1953 and extend to Scotland only. They come into operation twenty-eight days after they are made.

Regulation 3 amends regulation 8(1) of the 1953 Regulations to substitute a reference to section 56 of the Local Government (Scotland) Act 1973, as being the provision under which a local authority may now arrange for the discharge of its functions by another local authority or a joint committee, and to any other statutory provision which allows such an arrangement, for the reference to section 2(2)(b) of the Civil Defence Act 1948, which was repealed by the Act of 1973.

Regulation 4 substitutes a new Schedule for the Schedule to the 1953 Regulations, which sets out the expenses incurred by local authorities in the discharge of their civil defence functions which are completely reimbursed by way of grant. All expenses so incurred other than those set out in the Schedule are grant aided to the extent of three quarters of the expenses.

The new Schedule includes items of expenditure incurred by the authorities in respect of the provision of communications equipment for use in connection with action to be taken by them for civil defence purposes (paragraph 1); the provision of training for local authority staff, constables and special constables, and participation in training exercises, excluding expenditure on salaries and other remuneration paid to members of their staffs and constables (paragraph 2); the attendance of members of those staffs, constables and special constables at training courses (paragraph 3); and the reimbursement of expenses incurred by volunteers in taking part in training (paragraph 4). The remaining item of expenditure relating to the provision of other articles (paragraph 5) is the only item retained from the replaced Schedule.

By virtue of the provisions of regulation 10 of the amended regulations a reference in the Schedule to the designated Minister is a reference to a Minister for the time being designated by Order in Council under section 9(2) of the Civil Defence Act 1948 for the purpose of the relevant civil defence function or, where no Minister is so designated, the Secretary of State. The Minister of Agriculture, Fisheries and Food is designated by the Civil Defence (Designation of the Minister of Food) Order 1950 (S.I. 1950/1650, as amended by S.I. 1953/879, 1955/555 and 1983/609) for the purposes of certain provisions of the 1948 Act in relation to the control of food.

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