

*These notes refer to the Civil Defence (Grant) Act 2002
(c.5) which received Royal Assent on 26 February 2002*

CIVIL DEFENCE (GRANT) ACT 2002

EXPLANATORY NOTES

INTRODUCTION

1. These explanatory notes relate to the Civil Defence (Grant) Act 2002 which received Royal Assent on 2002. They have been prepared by the Cabinet Office in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require any explanation or comment, none is given.

SUMMARY

3. The Act amends the Civil Defence Act 1948 (“the 1948 Act”) in order to enable grants made to authorities in England and Wales for civil defence purposes to be cash limited.

BACKGROUND

4. A review of the local arrangements for emergency planning is under way, the result of which is likely to be legislation for emergency planning. In the meantime, there is a need to amend the 1948 Act so as to provide a secure legal basis for the reform of grant making procedures.

COMMENTARY ON CLAUSES

5. This Act substitutes section 3 of the 1948 Act in so far as it applies to authorities in England and Wales.
6. New section 3(1) confers a grant making function on the designated Minister, the First Secretary of State.
7. New section 3(2) requires the designated Minister to determine how much civil defence grant will be made available to each authority which has civil defence functions. (These functions are conferred by regulations made under section 2 of the 1948 Act.) The designated Minister is required to publish the amount of grant paid to each authority, the aggregate of all grants, and the criteria by which these amounts have been determined.
8. New section 3(3) allows the designated Minister to use different criteria in relation to different authorities, and to vary individual determinations.
9. New section 3A gives the designated Minister an additional power to pay a discretionary grant to any authority with civil defence functions under section 2 of the 1948 Act.
10. Under new section 3B, the designated Minister will determine when grant is paid and whether any conditions should be applied to the payment of that grant. New section 3B also provides for the recovery of any over-payment of grant.

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11. This Act also makes a consequential amendment in that it removes the reference in section 2(3) of the Civil Protection in Peacetime Act 1986 to regulations and replaces it with reference to the new sections 3 and 3A of the 1948 Act.

COMMENCEMENT

12. This Act came into force on Royal Assent, and will take effect in relation to the financial year ending 31st March 2003 and subsequent financial years.

Hansard References

The following table sets out the dates and Hansard references for each stage of this Act's passage through Parliament.

<i>Stage</i>	<i>Date</i>	<i>Hansard reference</i>
House of Commons		
Introduction	21 June 2001	Vol 370 Col 187
Second Reading	28 November 2001	Vol 375 Col 1013-1063
Committee	11 December 2001	Hansard Standing Committee E
Report and Third Reading	28 January 2002	Vol 379 Col 37-79
House of Lords		
Introduction	29 January 2002	Vol 631 Col 76
Second Reading	14 February 2002	Vol 631 Col 1188-1194
Third Reading	25 February 2002	Vol 631 Col 1230
Royal Assent -26 February 2002		House of Lords Hansard Vol 631 Col 1408
		House of Commons Hansard Vol 380 Col 679