

1987 No. 677 (S. 55)

CIVIL DEFENCE

**The Civil Defence (Grant) (Scotland) Amendment
Regulations 1987**

Made - - - - - *31st March 1987*

Coming into force *14th April 1987*

The Secretary of State, in exercise of the powers conferred on him by sections 3 and 8 of the Civil Defence Act 1948(a), and with the consent of the Treasury, hereby makes 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 1987 and shall come into force on the fourteenth day after the day on which they are made.

(2) These Regulations apply to Scotland only.

Interpretation

2. In these Regulations, “the principal Regulations” means the Civil Defence (Grant) (Scotland) Regulations 1953(b).

Amendments to principal regulations

3. For regulation 1 of the principal Regulations there shall be substituted the following regulation:—

“Grants payable to local and police authorities

1.—(1) Subject to paragraph (2) below, there shall be payable by the designated Minister towards the expenses incurred by each local authority and police authority in or in connection with the discharge of their civil defence functions grants to that authority in accordance with the succeeding provisions of these regulations.

(2) No grants shall be payable towards expenses incurred for any purpose by a local authority or police authority which would have been incurred for that purpose if no civil defence functions had been conferred on that authority and which the designated Minister determines are not of an administrative nature.”.

4. In regulation 6 of the principal Regulations, at the end there shall be added—

“(d) that the designated Minister has received from the authority such information, estimates, books, records and other documents relating to the authority’s discharge of their civil defence functions as he has required.”.

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

(b) S.I. 1953/1804, as amended by S.I. 1983/1651.

5. In the Schedule to the principal Regulations (expenses incurred by authorities in or in connection with the discharge of their civil defence functions which are to be completely reimbursed), after paragraph 1 there shall be inserted the following paragraph:-

“1A. Expenses in and in connection with-

- (a) the employment for civil defence purposes of any member of the staff of a local authority or police authority who is employed primarily for such purposes; and
- (b) the use, for the purpose of discharging the civil defence functions of a police authority, of the services of any member of a police force.”.

Effect of regulation 5

6. Regulation 5 shall not have effect in relation to any expenses incurred by a local authority or police authority before 1st April 1987.

New St. Andrew's House, Edinburgh
25th March 1987

Ian Lang
Parliamentary Under Secretary of State,
Scottish Office

We consent,

31st March 1987

Peter Lloyd
Tony Durant
Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Civil Defence (Grant) (Scotland) Regulations 1953 ("the principal Regulations").

Regulation 3 substitutes a new regulation for regulation 1 of the principal Regulations. The substituted regulation differs from its predecessor in two respects. Firstly it includes references to police authorities, not just local authorities, as bodies whose expenses in the discharge of civil defence functions are to be the subject of grant aid. Secondly it substitutes, in place of the previous proviso, a new statement of the circumstances in which grant will not be payable, namely where the authority concerned would have incurred relevant expenses in the exercise of non-civil defence functions.

Regulation 4 amends regulation 6 of the principal Regulations by adding an additional condition, failure to fulfil which may result in withholding of grant. The condition relates to the provision to the designated Minister (the Secretary of State by virtue of the proviso to section 9(2) of the Civil Defence Act 1948 and the absence of any relevant Order in Council under section 9) of such information, records, etc. as he may require in connection with the exercise of the authority's civil defence functions.

Regulation 5 amends the Schedule to the principal Regulations which sets out the expenses which are completely reimbursed by way of grant. (All expenses other than those set out in that Schedule are grant aided to the extent of three-quarters). The amendment secures that the expenses incurred by local and police authorities in employing staff for civil defence purposes and by police authorities in using the services of police officers for the purpose of discharging those authorities' civil defence functions are the subject of complete reimbursement. By virtue of regulation 6, the new provision for complete reimbursement does not have effect in relation to expenses incurred before 1 April 1987.