



# Civil Defence Act 1939

## 1939 CHAPTER 31

### PART V

#### PUBLIC UTILITY UNDERTAKINGS.

#### **36 Duty of public utility undertakers to make reports.**

- (1) It shall be the duty of all public utility undertakers, not later than one month from the passing of this Act, to make a report in writing to the appropriate department stating what measures they have taken or are taking or proposing to take to secure that all persons employed by them are trained as respects the routine to be followed in the event of an air-raid and that a suitable proportion of those persons are trained and equipped to give first aid treatment, to deal with the effects of gas, and to fight fires.
- (2) Subject to the special provisions of this Part of this Act as to railway undertakings, the appropriate department may serve a notice in writing on any public utility undertakers requiring them to make, in addition to the report required by the preceding subsection, either or both of the following reports in writing, that is to say,—
  - (a) a report stating what measures they have taken or are taking or proposing to take to provide air-raid shelter for the persons employed by them; and
  - (b) a report stating what measures they have taken or are taking or proposing to take to secure the due functioning of their undertaking in the event of hostile attack,

and on receipt of such notice it shall be the duty of the undertakers forthwith to comply with its requirements :

Provided that it shall be the duty of any undertakers who employ persons within an area specified by the Minister in an order made under Part III of this Act to make a report in writing not later than three months from the making of that order stating what measures they have taken or are taking or proposing to take to provide shelter for those persons notwithstanding that no notice has been served upon them under this subsection.

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- (3) If any undertakers fail to make a report which they are required to make under this section, they shall be liable on summary conviction to a fine not exceeding one hundred pounds, and, if the failure in respect of which they were so convicted continues after the conviction, they shall be liable on summary conviction to a fine not exceeding ten pounds for each day on which the failure so continues.

**37 Power to require measures to be taken.**

- (1) The appropriate department may serve on any public utility undertakers a notice requiring them, within the time specified in the notice, to take such measures as may be specified in the notice, being measures with respect to any of the matters specified in the last preceding section with respect to which those undertakers have made, or are under an obligation to make, a report in pursuance of that section or could be required to make a report thereunder.
- (2) If any undertakers fail to comply with the requirements of a notice served on them under this section, they shall be liable on summary conviction to a fine not exceeding one hundred pounds and, if the failure in respect of which they were so convicted continues after the conviction, they shall be liable on summary conviction to a fine not exceeding fifty pounds for each day on which the failure so continues :

Provided that the court by which any undertakers are convicted of an offence may fix a reasonable period from the date of conviction for compliance by the undertakers with the requirements of the notice, and, where a court has fixed such a period, the said daily penalty shall not be recoverable in respect of any day before the expiration thereof.

**38 General grant in respect of expenses in providing shelter for employees.**

- (1) Where any public utility undertakers who, under the preceding provisions of this Part of this Act, have made, or are under an obligation to make, a report as to the measures which they have taken or are taking or proposing to take to provide air-raid shelter for persons employed by them or have been served with a notice requiring them to take such, measures, have incurred, whether before or after the passing of this Act, expenses of a capital nature in taking measures for that purpose (being measures for the provision of shelter of the approved standard), there shall be paid out of moneys provided by Parliament towards those expenses grants equal to the appropriate proportion of so much of those expenses as the appropriate department considers reasonable:

Provided that—

- (a) no grant shall be payable under this section towards the expense of providing any shelter unless either the shelter has been provided before the end of September nineteen hundred and thirty-nine or work on the shelter is then in progress or preparatory measures are then being taken for the provision of the shelter and (in each case) the appropriate department is satisfied that the shelter will be provided within reasonable time thereafter;
- (b) no expenses shall be deemed to be reasonable in so far as they exceed such standard as may be prescribed by regulations of the Minister made with the consent of the Treasury unless they were incurred in circumstances so prescribed.
- (2) In this section the expression " the appropriate proportion " means an amount in the pound equal to the standard rate of income tax for the year 1939-40.

### **39 Grants in respect of measures to secure due functioning of undertakings.**

- (1) There may be paid out of moneys provided by Parliament towards approved expenses of public utility undertakers in taking measures, whether before or after the passing of this Act, to secure the due functioning of their undertaking in the event of hostile attack, grants not exceeding one-half of those expenses.
- (2) In this section the expression " approved expenses" means such expenses of a capital nature, incurred on such measures, as the appropriate department, acting in accordance with general directions of the Treasury, may approve for the purposes of this section.
- (3) This section shall not apply in relation to any railway undertaking or electricity undertaking, and, in relation to any dock or harbour undertaking, shall have effect subject to the special provisions of this Part of this Act as to those undertakings.

### **40 Provisions as to railway undertakings.**

- (1) So much of the preceding provisions of this Part of this Act as relates to measures of public utility undertakers to secure the due functioning of their undertaking in the event of hostile attack shall not apply in relation to any railway undertaking, but the following provisions of this section shall have effect in relation to any railway undertaking specified in that behalf in an order of the appropriate department.
- (2) The undertakers carrying on any such undertaking may be required by notice in writing from the appropriate department to make a report stating what measures they have taken or are taking or proposing to take as respects—
  - (a) the execution of works or the provision of accommodation, plant, materials or equipment (including stocks of stores) with a view to providing or maintaining essential railway services in the event of hostile attack;
  - (b) the provision for persons employed by them on duties in connection with essential railway services of such special protection or equipment as may be necessary to enable those essential services to be maintained during air-raids,and the appropriate department may serve on any such undertakers a notice requiring them, within the time specified in the notice to take such measures as may be specified therein as respects any such matters, and the preceding provisions of this Part of this Act with respect to failures to make reports and to comply with notices shall apply in relation to the reports and notices mentioned in this subsection as they apply in relation to the reports and notices mentioned in those provisions.
- (3) There may be paid out of moneys provided by Parliament to any such undertakers grants not exceeding such expenses, incurred on such measures (being measures with respect to the matters mentioned in subsection (2) of this section), as the appropriate department, acting in accordance with general directions of the Treasury, may approve for the purposes of this subsection.
- (4) If, in the event of war, control of any such undertaking in whole or in part is assumed by His Majesty's Government in the United Kingdom on terms as to compensation under which a net revenue ascertained in accordance with those terms accrues to the undertakers in respect of any control accounting period (as hereinafter defined) which exceeds such amount as may be agreed or determined to represent the corresponding net revenue of the undertakers in respect of a like accounting period before the outbreak of war, the undertakers shall pay to the appropriate department an amount equal to the excess, so however that the total of the amounts so paid by the undertakers shall not exceed—

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- (a) one-half of the total grants made to them under the last preceding subsection; or
- (b) the amount by which the sum of the net revenues, ascertained as aforesaid, accruing to the undertakers throughout the control accounting periods, exceeds the sum of the corresponding net revenues of the undertakers in respect of the like accounting periods before the outbreak of war.

In this subsection the expression " control accounting period " in relation to an undertaking means in respect of any financial year of that undertaking throughout which such control as aforesaid exists, that financial year, and in respect of any financial year of the undertaking during a part only of which such control as aforesaid exists, that part of that financial year.

Any sum received by the appropriate department under this subsection shall be paid into the Exchequer.

#### **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.
- (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.

#### **42 Provisions as to electricity undertakings.**

- (1) The Central Electricity Board shall have, and be deemed always to have had, power, with the approval of the Electricity Commissioners—

- (a) to acquire, store, insure and maintain stocks of any such plant and equipment (including wires and cables) as is used for the purpose of transmitting, transforming or distributing electricity, with a view to those stocks being made available for temporary use by the Board or any other electricity undertakers in the event of damage consequent upon hostile attack;
- (b) to make arrangements for the distribution of any such plant and equipment in that event; and
- (c) to acquire any land, acquire, insure, and maintain any other property, and do any thing, necessary or expedient for any of the purposes aforesaid.

- (2) The Central Electricity Board shall defray any approved expenses incurred, whether before or after the passing of this Act, by any other electricity undertakers in taking measures for securing the due functioning of their undertaking in the event of hostile attack, and there may be paid out of moneys provided by Parliament to the Central Electricity Board towards—

- (a) the expenses incurred by the Board under the preceding provisions of this subsection; and
- (b) the approved expenses of the Board incurred, whether before or after the passing of this Act, on the measures mentioned in subsection (1) of this section; and
- (c) the approved expenses of the Board incurred, whether before or after the passing of this Act, on measures to secure the due functioning of their own undertaking in the event of hostile attack;

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 Electricity Commissioners, acting in accordance with general directions of the Treasury, may approve for the purposes of this subsection.

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- (3) The provisions of Part I of the First Schedule to this Act shall have effect with respect to the financing of certain expenditure of the Central Electricity Board under this Part of this Act and that Schedule and the distribution of the burden of that expenditure among the various electricity undertakers (including the Central Electricity Board), the provisions of Part II of that Schedule shall have effect with respect to the disposal of the property acquired by the Central Electricity Board under subsection (1) of this section and the provisions of Part III thereof shall have effect with respect to certain related matters. In the said Schedule, the expression " the principal section " means this section.