



Civil Defence Act 1939

1939 CHAPTER 31

PART V

PUBLIC UTILITY 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.

Status: This is the original version (as it was originally enacted).

- (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—
- (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.