



Civil Defence Act 1939

1939 CHAPTER 31

PART IX

SUPPLEMENTAL.

90 Other provisions as to interpretation.

(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" Air-raid shelter " means protection, otherwise than by war-like means or by any article of apparel, from hostile attack from the air, and " an air-raid shelter " means any premises, structure or excavation used or intended to be used to provide air-raid shelter;

" Annual value " means, in relation to any premises, the rent at which it is estimated that the premises might reasonably be expected to let from year to year if the tenant undertook to pay the usual tenant's rates and taxes and if the landlord undertook to bear the costs of the repairs and insurance and the other expenses, if any, necessary to maintain the premises in a state to command that rent, such adjustments being made as appear necessary to eliminate any appreciation due to the fact that the premises are or can be made suitable for use in the event of hostile attack and any depreciation due to the fact that the premises are likely to be required for use in that event:

Provided that, in the case of a building (including a commercial building) or block of buildings let out in parts each of which is separately valued for rating purposes or consists of two or more parts so valued, the annual value of every part so valued (except any part which has depreciated in value by reason of the execution therein under this Act of works for the provision of air-raid shelter) shall be taken for the purposes of the provisions of this Act relating to increases of rent, to be—

- (a) where the rateable value and the net annual value of that part are the same, the rateable value appearing at the material date in the valuation list;

Status: This is the original version (as it was originally enacted).

(b) where they are different, the net annual value of that part appearing at the material date in the valuation list,

and the annual value of the whole building or of any part thereof comprising a number of parts which are separately valued for rating purposes, shall be taken for the purposes of the said provisions to be the sum of all the annual values of all the parts or, as the case may be, the parts so comprised:

" Appropriate department " means—

- (a) in relation to any railway, canal, inland navigation, dock or harbour undertaking, the Minister of Transport;
- (b) in relation to any gas undertaking, the Board of Trade;
- (c) in relation to any electricity undertaking, the Electricity Commissioners; and
- (d) in relation to any water undertaking, the Minister of Health;

" Civil defence functions " means any functions conferred or imposed by or under the Act of 1937 or this Act;

" Diminution in the annual value " means, in relation to the impairment of the usefulness of any premises by reason of the execution of works, the amount by which the annual value of the premises is less than it would be if the works had not been executed;

" Electricity undertakers " means undertakers within the meaning of the Electricity (Supply) Acts, 1882 to 1936;

" Factory inspector " means any inspector appointed under the Factories Act, 1937;

" Fire authority " means, subject to the special provisions of this Act with respect to the administrative county of London, the council of a county borough or county district ;

" Land, " in any provision of this Act relating to the acquisition of land, includes any interest in land and any easement or right in, to, or over land ;

" Lease " includes an agreement for a lease, if the term to be covered by the lease has begun, and any tenancy, but does not include a mortgage, and the expression " lessee " shall be construed accordingly;

" Mines inspector " means an inspector appointed under the Coal Mines Act, 1911;

" Occupier, " in relation to any unoccupied land, premises, building or part of a building, means the person entitled to the possession thereof;

" Owner, " in relation to factory premises or a commercial building, means—

- (a) where there is no lease of the whole of the premises or building the unexpired term of which is ten years or more, the person in whom the fee simple of the premises or building is vested; or
- (b) where there is such a lease, the person in whom the term created by that lease is vested or, if there are two or more such leases, the person in whom is vested that one of those leases on which all the others are reversionary,

and, in relation to a mine, has the same meaning as in the Coal Mines Act, 1911, the Metalliferous Mines Regulation Act, 1872, or the Quarries Act, 1894, as the case may be :

Provided that, where the estate or interest of any person who under the preceding provisions of this definition would be the owner of any commercial

building is the subject of a mortgage, and either the mortgagee is in possession or the rents and profits are being received by a receiver appointed by or on the application of the mortgagee, that estate or interest shall be deemed for the purposes of this definition to be vested in the mortgagee;

" Public air-raid shelter " includes a shelter provided by a local authority, in pursuance of an agreement made under Part II of this Act with the occupier of factory premises or the owner of a commercial building, for the use, in whole or in part, of persons living or working in the factory premises or commercial building;

" Public utility undertakers " means any persons authorised by any enactment or order to construct, work or carry on any railway, canal, inland navigation, dock, harbour, gas, electricity or water undertaking, and also includes persons who, though not authorised by any enactment or order (other than the Public Health Act, 1875, or the Public Health Act, 1936) to do so, are engaged in supplying gas or water to the public, and for that purpose make use of pipes or mains laid in any highway; and " public utility undertaking " shall be construed accordingly.

- (2) Any premises occupied, or persons employed, by public utility undertakers who carry on a railway undertaking, shall be deemed, for the purposes of this Act, to be occupied or employed for the purposes of their railway undertaking, unless the occupation or employment is wholly or mainly for the purposes of some harbour, dock or canal undertaking carried on by those undertakers.