

Convention of Scottish Local Authorities

The Town Clerk and Chief Executive
City of Glasgow District Council
City Chambers
GLASGOW
G2 1DU

16 Moray Place
Edinburgh
EH3 6BL
Telephone No. 031-225 1626/7
Graham H. Speirs M.A. L.L.B.
Secretary & Treasurer

Contact: Mr Murray

Your Reference: PCY/JT

Our Reference: PS/3-M

Date: 14 September 1983

Dear Sir

DRAFT CIVIL DEFENCE (GENERAL LOCAL AUTHORITY FUNCTIONS) (SCOTLAND)
REGULATIONS 1983

I refer to my letter of 20 June 1983 in connection with representations made by Glasgow that the Civil Defence Regulations should be the subject of a major Parliamentary debate. You will have no doubt observed that the circular letter sent to all local authorities by the Convention indicates that there is a possibility of a six hour debate on the four Statutory Instruments.

Yours faithfully



Depute Secretary

Convention of Scottish Local Authorities

16 Moray Place
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Telephone No. 031-225 1626/7
Graham H. Speirs M.A. LL.B.
Secretary & Treasurer

To: Chief Executives
Regional, District and Islands Councils

Contact: Mr Murray

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Date: 14 September 1983

Dear Sir/Madam

CIVIL DEFENCE REGULATIONS

At the request of the Convention Policy Committee I am writing to inform you of the latest position in regard to the draft Civil Defence Regulations. There are two sets of regulations applying to Scotland, namely the Civil Defence (General Local Authority Functions) (Scotland) Regulations 1983 and the Civil Defence (Grant) (Scotland) Amendment Regulations 1983. These Statutory Instruments, together with the two Statutory Instruments applying to England and Wales, are due to be debated in the House of Commons on 26 October and in the House of Lords on 1 November 1983. If passed, the regulations will become effective 28 days after the date of the House of Lords debate. While it is the responsibility of party business managers to agree the allocation of time for the House of Commons debate, it could extend to six hours over all, since each Statutory Instrument may be the subject of a 1½-hour debate.

... As the draft regulations were first considered by the Convention Policy Committee on 14 January 1983, the papers listed in the annex to this letter are enclosed (or should be referred to) in order to bring local authorities up to date with developments since then.

Yours faithfully

G.H. Speirs
Secretary

Annex

- (1) Extract from Minutes of Meeting of the Convention Policy Committee held on 14 January 1983 (copy enclosed)
- (2) Extract from letter dated 26 April 1983 from the Scottish Home and Health Department relating to the draft Civil Defence (Grant) (Scotland) Amendment Regulations (copy enclosed)
- (3) Extract from letter dated 5 May 1983 from the Scottish Home and Health Department (copy enclosed)
- (4) Letter dated 24 May 1983 from Glasgow (this letter accompanied the agenda for the meeting of the Convention Policy Committee held on 2 September 1983 - see Item No 5)
- (5) Draft Civil Defence (General Local Authority Functions) (Scotland) Regulations 1983 (copy enclosed)
- (6) Draft Civil Defence (Grant) (Scotland) Amendment Regulations 1983 (copy enclosed)

CONVENTION OF SCOTTISH LOCAL AUTHORITIES

MINUTES OF MEETING OF CONVENTION POLICY COMMITTEE
HELD ON 14 JANUARY 1983

(Extract)

6. Civil Defence

Under reference to paragraph 18 of the Minutes of Meeting of 26th November 1982 concerning the decision that the consultation paper on civil defence submitted at that time by the Scottish Home and Health Department did not constitute a suitable basis for consultation with the Convention because it lacked sufficient detail, there was submitted a letter dated 15th December 1982 from the Department giving more detailed explanations of the Government's proposals and enclosing for comment the draft Civil Defence (General Local Authority Functions) (Scotland) Regulations 1983.

It was reported that the Department had extended the time within which comments could be made to 7th February 1983, which would allow the Protective Services Committee to consider the matter, but that to date a substantial number of authorities had not had sufficient time to give consideration to the letter and draft Regulations.

Councillor R. G. Young (Strathclyde), seconded by Councillor R. Gray (Glasgow), moved the following motion:—

"The Convention views these Regulations as yet another example of this Government's apparent intention to destroy the reality of local decision-making while maintaining its pretence. Local authorities have and will continue to need a capacity to deal with civil emergencies. The Convention, however—

- (1) is alarmed at the constitutional, ethical (including industrial relations) and financial implications of these Regulations; and
- (2) considers it hypocritical that no provision is even being attempted for shelters for the public on the grounds obviously that such provision would involve expenditure not of the dimension of the present £43 million but of many thousands of millions.

The Convention therefore rejects the Regulations and invites the Government to consider whether it would not be more honest of them to take over the function of civil defence, given that so clearly it is a key element in this Government's defence strategy."

As an amendment, Councillor J. G. Proudfoot (Perth and Kinross), seconded by Councillor The Hon I. R. Hoy (Lothian), moved that only that part of the motion be accepted which read:—

"The Convention therefore rejects the Regulations and invites the Government to consider whether it would not be more honest of them to take over the function of civil defence, given that so clearly it is a key element in this Government's defence strategy."

On a vote being taken by way of a show of hands, the motion was carried by 20 votes to 10 and became the finding of the meeting.

CONVENTION OF SCOTTISH LOCAL AUTHORITIES

LETTER DATED 26 APRIL 1983 FROM SCOTTISH HOME AND HEALTH DEPARTMENT
RELATING TO DRAFT CIVIL DEFENCE (GRANT) (SCOTLAND) AMENDMENT REGULATIONS

(Extract)

It has not been possible until very recently to prepare a version of the Scottish Grant Amendment Regulations. I can, however, confirm that, as they now stand, they will have the effects indicated in my earlier letters, viz the schedule in the 1951 regulations stipulating the expenses which will be fully reimbursed to local authorities will be replaced by a new schedule which will specify for full reimbursement: expenditure on the training and exercising of staff and volunteers; travel, accommodation and subsistence expenses of staff incurred in attending training; out-of-pocket expenses of volunteers attending training; the cost of equipment relating to the training of staff and volunteers; the cost of communications and related equipment. There will also be a minor amendment of a technical nature.

LETTER DATED 5 MAY 1983 FROM SCOTTISH HOME AND HEALTH DEPARTMENT

(Extract)

The General Functions Regulations have been modified in a number of respects. The principal changes are the dropping of provisions requiring all local authority staff to perform civil defence duties and requiring local authorities to plan for the organised evacuation of civilians. There have also been a number of other, minor adjustments. As a result, the main new features of the regulations, compared with the ones they replace, are as follows:

- a. regional and islands area authorities will be required to keep under review and to revise their plans in order to keep them up to date;
- b. they will be required to provide, equip and maintain 2 emergency control centres in their areas (one of which will be a reserve);
- c. they will be required to arrange civil defence training for appropriate numbers of their staff and those of district councils;
- d. they will be required to arrange for appropriate staff to attend centrally arranged training courses or other forms of training;
- e. they will be required to take part in centrally arranged exercises;
- f. they will be required to make arrangements for accepting, training and exercising volunteers;
- g. district councils will be required, at the request of regional councils, (not just the request of the Minister as at present), to assist the regional councils in planning etc;
- h. district councils will be required to establish and maintain an emergency control centre, to arrange staff training, to make their staff available for training by regional councils, to provide staff for centrally arranged training courses and to participate in centrally arranged exercises;
- i. the planning to be done by regional and islands councils will be extended to include planning for -
 - i. the use of suitable buildings etc for public civil defence shelters,
 - ii. the provision of a rescue service,
 - iii. the provision of a service for the distribution, conservation and control of food in the event of attack (this is in the present England/Wales regulations but not in ours),
 - iv./

- iv. the participation of voluntary organisations and volunteers in providing assistance to civil defence services.

All local authorities will also have to comply with any directions given to them by the Secretary of State concerning the performance of their duties under the new regulations.

Approved expenditure by local authorities which will qualify for full reimbursement by central government will be extended to include -

- a. expenditure on the training and exercising of staff and volunteers;
 - b. travel, accommodation and subsistence expenses of staff incurred in attending training;
 - c. out-of-pocket expenses of volunteers attending training; and
 - d. the cost of communications and related equipment.
-

Supersedes draft published on 5 May 1983

Draft Regulations laid before Parliament under section 8(3) of the Civil Defence Act 1948, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

1983 No. (S.)

CIVIL DEFENCE

The Civil Defence (General Local Authority Functions)
(Scotland) Regulations 1983

Laid before Parliament in draft

Made - - - - - 1983

Coming into operation in accordance with Regulation 1(1)

In exercise of the powers conferred upon me by sections 2 and 8 of the Civil Defence Act 1948(a), and of all other powers enabling me in that behalf, I hereby make the following regulations, a draft of which has been laid before Parliament and approved by resolution of each House of Parliament:—

1.—(1) These regulations may be cited as the Civil Defence (General Local Authority Functions) (Scotland) Regulations 1983 and shall come into operation on the twenty-eighth day after the day on which they are made.

(2) These regulations shall apply to Scotland only.

2. In these regulations, unless the context otherwise requires—

“area”, in relation to a local authority, means a region, islands area or district, as the case may be;

“region”, “islands area” and “district” have the same meanings as in the Local Government (Scotland) Act 1973(b); and

“relevant regional council”, in relation to a district council, means the council of the region in which the area of the district council is situated.

3. The regulations specified in Schedule 1 to these regulations are hereby revoked.

4.—(1) It shall be the function of every regional council and islands council, for civil defence purposes—

(a) to make, keep under review and revise plans for the matters specified in Schedule 2 to these regulations;

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

(b) 1973 c. 65.

-
- (b) to establish, equip and maintain, in premises at each of two places in the region (not being places in the same district in that region) or islands area, as the case may be, an emergency centre in which to control and co-ordinate action to be taken by them in the event of hostile attack or a threat of hostile attack;
- (c) to arrange for the training of an appropriate number of suitable members—
- (i) of their own staff; and
 - (ii) in the case of a regional council, of the staff of the district council of every district in their area,
- for the purposes of carrying out plans made under sub-paragraph (a) above and discharging the other functions conferred by this regulation;
- (d) to arrange for the attendance at any training course or other form of training in civil defence provided by or on behalf of the designated Minister of any member of their staff who has or is intended to have duties to perform in connection with the discharge of any function conferred by this regulation and who is within a category of persons of any description specified by that Minister as being persons for whom that course or other form of training is provided;
- (e) to take part in any training exercise in civil defence organised by or on behalf of the designated Minister which provides for their participation, whether or not in conjunction with any other local authority;
- (f) to make arrangements for enabling persons to undertake to serve, otherwise than for payment (except by way of reimbursement of expenses), as volunteers with a view to assisting any local authority in the region or islands area, as the case may be, in the performance of the functions conferred on the authority by these regulations; to accept as volunteers persons who undertake to serve as such and are suitable for providing such assistance, and to organise the training and exercising of accepted persons serving as volunteers; and
- (g) at the request of the designated Minister—
- (i) to take such preparatory steps as may be necessary to ensure that plans made under sub-paragraph (a) above can be carried out;
 - (ii) to carry out any of those plans.

(2) When making or revising plans under paragraph (1)(a) above a regional council and islands council shall consult with any regional, islands or district council whose area may be affected by such plans.

5. It shall be the function of every district council, for civil defence purposes—

- (a) at the request of the relevant regional council to furnish such information on such matters as may be specified in the request;

- (b) at the request either of the designated Minister or of the relevant regional council, to assist the relevant regional council in—
- (i) the making and revising of plans under regulation 4(1)(a) above;
 - (ii) the performance of the functions specified in regulation 4(1)(f) above;
 - (iii) the taking of preparatory steps to ensure that plans made under regulation 4(1)(a) above can be carried out; and
 - (iv) the carrying out of any of those plans;
- (c) to establish, equip and maintain, in premises in their area, an emergency centre in which to control and co-ordinate action to be taken by them in the event of hostile attack or a threat of hostile attack;
- (d) to arrange for the training of an appropriate number of suitable members of their staff for the purpose of discharging the functions conferred by this regulation, and to make available to the relevant regional council, for the purpose of training, those members of their staff for whom training is arranged under regulation 4(1)(c) above;
- (e) to arrange for the attendance at any training course or other form of training in civil defence provided by or on behalf of the designated Minister of any member of their staff who has or is intended to have duties to perform in connection with the discharge of any function conferred by this regulation and who is within a category of persons of any description specified by that Minister as being persons for whom that course or other form of training is provided; and
- (f) to take part in any training exercise in civil defence organised by or on behalf of the designated Minister which provides for their participation, whether or not in conjunction with any other local authority.
6. As respects the exercise of any functions conferred on a local authority by these regulations the authority shall comply with any directions given to them by the designated Minister.

One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.

1983.

SCHEDULE 1

Regulation 3

REVOCATIONS

Regulations revoked	References
The Civil Defence (Shelters) (Planning) (Scotland) Regulations 1951.	S.I. 1951/1459.
The Civil Defence (Shelters) (Maintenance) (Scotland) Regulations 1956.	S.I. 1956/464.
The Civil Defence (Planning) (Scotland) Regulations 1975.	S.I. 1975/849.

SCHEDULE 2

Regulation 4(1)(a)

SUBJECT MATTER OF PLANS

1. Collecting information on the results of hostile attack and distributing such information.
2. Controlling and co-ordinating action necessary as a result of hostile attack.
3. Instructing and advising the public on the effects of hostile attack and on protective measures to be taken against such effects.
4. Utilising such buildings, structures, excavations and other features of land in their area as are suitable for use for the purpose of providing civil defence shelters for the public.
5. Providing and maintaining a service in their area for the rescue of persons from damaged buildings and debris in the event of hostile attack.
6. Providing and maintaining a service in their area for the billeting or temporary accommodation therein and, so far as may be necessary, the maintenance of persons who, owing to hostile attack, are made homeless.
7. Providing and maintaining a service in their area for the prevention of disease, or of the spread of disease, in circumstances arising out of hostile attack, including the provision of facilities for emergency sanitation and the removal and disposal of refuse of any kind.
8. Providing facilities for the disposal of human remains in the event of hostile attack.
9. Providing and maintaining a service in their area for the distribution, conservation and control of food in the event of hostile attack, including emergency feeding services and equipment.
10. Providing and maintaining a service in their area for the urgent repair, replacement, or demolition and clearance, as the case may be, of any property, including land, dwelling houses, or premises providing goods or services, or any road within the meaning of the Roads (Scotland) Act 1970^(a), in circumstances arising out of hostile attack.

(a) 1970 c. 20.

11. Providing and maintaining any other services essential to the life of the community in the event of hostile attack.

12. Securing the participation of voluntary organisations (that is to say bodies whose activities are carried on otherwise than for profit, not being public or local authorities), and other persons volunteering their services, in providing assistance to civil defence services formed in the event of hostile attack or a threat of hostile attack.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make new provision under the Civil Defence Act 1948 for conferring civil defence functions on local authorities in Scotland. They come into operation twenty-eight days after they are made.

Regulation 3 revokes the regulations specified in Schedule 1, which are superseded.

Regulation 4 confers functions on regional councils and islands councils in respect of making plans for the facilities and services set out in Schedule 2; providing and equipping two emergency control centres in their areas; training members of their staffs and, in the case of regional councils, of the staff of every district council in their areas; arranging for the attendance of certain members of their staffs at training courses; participating in civil defence exercises; accepting and training volunteers; and, at the request of the designated Minister, implementing the plans made by them. The regional council and islands council are required, when making plans, to consult other local authorities whose areas may be affected by the plans.

Regulation 5 confers functions on district councils, in respect of supplying information requested for civil defence purposes by the regional council within whose area the district lies; assisting the regional council, when requested, in the discharge of the functions of that council relating to the making and implementation of plans and the acceptance and training of volunteers; providing and equipping an emergency control centre; training members of their staffs and making them available for training by the regional council; arranging for the attendance of members of their staffs at training courses; and participating in civil defence exercises.

Regulation 6 requires the local authorities to exercise their functions in accordance with any directions given by the designated Minister. The designated Minister is a Minister designated by Order in Council under section 9(2) of the 1948 Act or, in so far as no Minister is so designated, the Secretary of State. The Minister of Agriculture, Fisheries and Food is designated by the Civil Defence (Designation of the Minister of Food) Order 1950 (S.I. 1950/1650, as amended by S.I. 1953/879, 1955/555 and 1983/609) for the purposes of certain provisions of the 1948 Act in relation to the control of food.

Supersedes draft published on 5 May 1983

*Draft Regulations laid before Parliament under section 8(3) of the Civil Defence
Act 1948, for approval by resolution of each House of Parliament.*

D R A F T S T A T U T O R Y I N S T R U M E N T S

1983 No. (S.)

CIVIL DEFENCE

The Civil Defence (General Local Authority Functions)
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Defence Act 1948, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1983 No. (S.)

CIVIL DEFENCE

The Civil Defence (Grant) (Scotland) Amendment Regulations
1983

Laid before Parliament in draft

Made 1983

Coming into operation in accordance with Regulation 1(1)

In exercise of the powers conferred upon me by sections 3 and 8 of the Civil
Defence Act 1948 (a), and with the consent of the Treasury, I hereby make
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 1983 and shall come into operation on
the twenty-eighth day after the day on which they are made.

(2) These regulations shall apply to Scotland only.

Interpretation

2. In these regulations a reference to the principal regulations is a
reference to the Civil Defence (Grant) (Scotland) Regulations 1953 (b).

Amendments to principal regulations

3. In regulation 8(1) of the principal regulations (which deals with the
application of those regulations where a local authority's civil defence
functions are exercised on their behalf by another authority) for the words
"exercised on their behalf as their agents" there shall be substituted the word
"discharged" and for the words "paragraph (b) of subsection (2) of section
two of the Act" there shall be substituted the words "section 56 of the Local
Government (Scotland) Act 1973 (c) or any other statutory provision".

4. For the Schedule to the principal regulations (which sets out the
expenses incurred by local authorities in or in connection with the discharge
of their civil defence functions which are to be completely reimbursed) there
shall be substituted the Schedule set out in the Schedule to these regulations.

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

(b) S.I. 1953/1804.

(c) 1973 c.65.

1983.

One of Her Majesty's Principal
Secretaries of State.

We consent,

1983.

Two of the Lords Commissioners of
Her Majesty's Treasury.

SCHEDULE

Regulation 4

Schedule substituted for Schedule to the principal regulations

Regulation 2

SCHEDULE

EXPENSES TO BE COMPLETELY REIMBURSED

1. Expenses, which the designated Minister determines are not of an administrative nature, in or in connection with the purchase, hiring, installation, maintenance or use of communications equipment provided for use in connection with the control and co-ordination of action to be taken in the event of hostile attack or a threat of hostile attack.
2. Expenses relating to training for civil defence purposes—
 - (a) of providing such training for members of the staff of a local authority and constables and special constables of a police force maintained under the Police (Scotland) Act 1967(a); and
 - (b) of taking part in training exercises organised by or on behalf of the designated Minister,other than expenses consisting of payments of salary or other remuneration to members of the staff of a local authority or constables of a police force maintained under the Police (Scotland) Act 1967.
3. Expenses consisting of payments made in respect of the travelling, accommodation and subsistence expenses incurred by members of the staff of a local authority and constables and special constables of a police force maintained under the Police (Scotland) Act 1967 in attending training courses or other forms of training in civil defence provided by or on behalf of the designated Minister.
4. Expenses consisting of payments made for the reimbursement of reasonable expenditure incurred by persons serving as volunteers in taking part in any form of training in civil defence organised by a local authority, or by or on behalf of the designated Minister, to the extent that such expenditure would not have been incurred by those persons if they had not been taking part in that training.
5. Expenses, not included in the preceding paragraphs of this Schedule, which the designated Minister determines are capital expenses and not of an administrative nature, in connection with the provision of any article other than an article—
 - (a) which is intended to form part of any permanent or semi-permanent works including, but without prejudice to the generality of the foregoing, any article which when in use is analogous to a landlord's fixture; or
 - (b) which is to be used for equipping an office.

(a) 1967 c.77, amended by the Local Government (Scotland) Act 1973 (c.65), section 146.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Civil Defence (Grant) (Scotland) Regulations 1953 and extend to Scotland only. They come into operation twenty-eight days after they are made.

Regulation 3 amends regulation 8(1) of the 1953 Regulations to substitute a reference to section 56 of the Local Government (Scotland) Act 1973, as being the provision under which a local authority may now arrange for the discharge of its functions by another local authority or a joint committee, and to any other statutory provision which allows such an arrangement, for the reference to section 2(2)(b) of the Civil Defence Act 1948, which was repealed by the Act of 1973.

Regulation 4 substitutes a new Schedule for the Schedule to the 1953 Regulations, which sets out the expenses incurred by local authorities in the discharge of their civil defence functions which are completely reimbursed by way of grant. All expenses so incurred other than those set out in the Schedule are grant aided to the extent of three quarters of the expenses.

The new Schedule includes items of expenditure incurred by the authorities in respect of the provision of communications equipment for use in connection with action to be taken by them for civil defence purposes (paragraph 1); the provision of training for local authority staff, constables and special constables, and participation in training exercises, excluding expenditure on salaries and other remuneration paid to members of their staffs and constables (paragraph 2); the attendance of members of those staffs, constables and special constables at training courses (paragraph 3); and the reimbursement of expenses incurred by volunteers in taking part in training (paragraph 4). The remaining item of expenditure relating to the provision of other articles (paragraph 5) is the only item retained from the replaced Schedule.

By virtue of the provisions of regulation 10 of the amended regulations a reference in the Schedule to the designated Minister is a reference to a Minister for the time being designated by Order in Council under section 9(2) of the Civil Defence Act 1948 for the purpose of the relevant civil defence function or, where no Minister is so designated, the Secretary of State. The Minister of Agriculture, Fisheries and Food is designated by the Civil Defence (Designation of the Minister of Food) Order 1950 (S.I. 1950/1650, as amended by S.I. 1953/879, 1955/555 and 1983/609) for the purposes of certain provisions of the 1948 Act in relation to the control of food.