

EMERGENCY POWERS (DEFENCE)
THE DEFENCE REGULATIONS, 1939.
(GREAT BRITAIN)

STATUTORY RULES AND ORDERS

1939 No. 927

EMERGENCY POWERS
(DEFENCE)

THE DEFENCE REGULATIONS,
1939



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AT THE COURT AT BUCKINGHAM PALACE

The 25th day of August, 1939

Present

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL

His Majesty, in pursuance of section one of the Emergency Powers (Defence) Act, 1939, and of all other powers enabling him in that behalf, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that the following Regulations shall have effect:—

PART I.

PROVISIONS FOR THE SECURITY OF THE STATE.

Interference with Essential Services.

1.—(1) No person shall—

- (a) do any act calculated falsely to suggest that he or any other person is or is not acting (either generally or in a particular capacity) in the service, or on behalf, of His Majesty or a foreign Government, or as a member of a police force, a special constable, a member of a fire brigade or an auxiliary fireman, or in the service, or on behalf, of an undertaking engaged in the performance of essential services, or
- (b) do, in relation to any property, any act calculated falsely to suggest that the property does or does not belong to, or is or is not in the possession or under the control of, His Majesty, or has or has not been classified, selected or appropriated on behalf of His Majesty for any particular purpose, or
- (c) do any act whereby there are communicated, or likely to be communicated, to the public or to any section thereof any directions, instructions or information falsely purporting to be duly issued or given for purposes connected with the defence of the realm or the securing of the public safety, or
- (d) make any defence signal otherwise than for the purpose for which, or otherwise than in the circumstances in which, the making of that signal is authorised by or on behalf of a Secretary of State or the Admiralty, or do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to result in such a signal being

Misleading
acts and
misrepresentation.

made otherwise than for that purpose or otherwise than in those circumstances, or do any act having reasonable cause to believe that the act is likely to be mistaken for the making of such a signal, or

- (e) do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to mislead any person in the discharge of any lawful functions in connection with the defence of the realm or the securing of the public safety :

Provided that the provisions of sub-paragraph (a) of this paragraph shall not apply to anything done by any servant of His Majesty or constable acting in the course of his duty as such.

(2) In this Regulation the expression "defence signal" means any signal authorised by or on behalf of a Secretary of State or the Admiralty to be used for any purpose connected with the defence of the realm or the securing of the public safety.

Interference with telegraphic communications.

2. No person shall knowingly—

- (a) cause interference with the sending or receiving of communications by means of wireless telegraphy, wireless telephony or wireless television, or
 (b) cause interference with, or intercept, telegraphic or telephonic communications made otherwise than by the said means :

Provided that the preceding provisions of this Regulation shall not apply to anything done by, or with the permission or under the direction of, any servant of His Majesty or constable acting in the course of his duty as such.

Safeguarding Information useful to an Enemy.

General provisions for safeguarding information.

3. Subject to the provisions of this Regulation, no person shall—

- (1) obtain,
 (2) record, communicate to any other person or publish, or
 (3) have in his possession any document containing, or other record whatsoever of,

any information being, or purporting to be, information with respect to any of the following matters, that is to say :—

- (a) the number, description, armament, equipment, disposition, movement or condition of any of His Majesty's forces, vessels or aircraft ;
 (b) any operations or projected operations of any of His Majesty's forces, vessels or aircraft ;
 (c) any measures for the defence or fortification of any place on behalf of His Majesty ;
 (d) the number, description or location of any prisoners of war ;
 (e) munitions of war ;
 (f) any other matter whatsoever information as to which would or might be directly or indirectly useful to an enemy :

Provided that this Regulation shall not apply to anything done by any servant of His Majesty or constable acting in the course of his duty as such, or to anything done for the purpose of the performance of a contract with His Majesty; and a person shall not be guilty of an offence against this Regulation in respect of anything done by him if he proves that it was done under any authority or permission granted by or on behalf of His Majesty, or that the doing of that thing was not likely to prejudice the defence of the realm or the efficient prosecution of war.

4. No person shall communicate or associate with any other person having reasonable cause to believe that that other person is engaged in assisting an enemy: Communi-
cation with
enemy
agents.

Provided that in any proceedings taken by virtue of this Regulation in respect of any particular communication or association, it shall be a defence to prove that the purpose of the communication or association was not prejudicial to the public safety or the defence of the realm.

5.—(1) Subject to any exemptions for which provision may be made by order of a competent authority, no person shall, except under the authority of a written permit granted by or on behalf of a competent authority,— Photo-
graphy, &c.

(a) have a camera with him—

(i) in any such area in the United Kingdom as may be specified by order of a competent authority, being an area in relation to which the restriction of photography appears to that competent authority to be expedient in the interests of the defence of the realm, or

(ii) in any premises in relation to which an order made under Regulation twelve of these Regulations is in force, or any prohibited place within the meaning of the Official Secrets Act, 1911, as amended by the Official Secrets Act, 1920, or

1 & 2
Geo. 5. c. 28.
10 & 11
Geo. 5. c. 75.

(b) make any photograph, sketch, plan or other representation—
(i) of, or of any part of or object in, any such area as aforesaid, or

(ii) of any premises in relation to which an order made under Regulation twelve of these Regulations is in force, or of any prohibited place within the meaning of the Official Secrets Act, 1911, as amended by the Official Secrets Act, 1920, or of any part of or object in any such premises or place, or

(iii) of persons, things or occurrences of any such description as may be specified by order of a competent authority.

(2) A competent authority may make such orders, and any person acting on behalf of a competent authority may give such special directions, as the said authority or person thinks necessary for securing that photographs, sketches, plans and other representations made under the authority of a permit granted in pursuance of paragraph (1) of this Regulation, shall not be published either at all or in any specified manner unless and until they have been submitted to, and approved by, such authority or person as may be specified in the order or directions, as the case may be; and a competent authority, or any person acting on behalf of a competent authority, may, if that authority or person thinks it necessary in the interests of the defence of the realm so to do, retain, or destroy or otherwise dispose of, anything submitted as aforesaid.

(3) The preceding provisions of this Regulation shall not apply to anything done by any servant of His Majesty or constable acting in the course of his duty as such.

(4) For the purposes of this Regulation, the competent authorities shall be a Secretary of State and the Admiralty.

Control of means of Communication.

Signalling.

7. Subject as hereinafter provided no person shall make any signal, either visually or by means of sound, in such circumstances as show that the signal—

(a) is intended to be received by a person on board a vessel at sea or an aircraft in flight, or

(b) is made for a purpose prejudicial to the defence of the realm :

Provided that the preceding provisions of this Regulation shall not restrict the making of any signal by any servant of His Majesty or constable acting in the course of his duty as such, the making of any signal for the purpose only of saving life or of regulating or aiding the navigation, on the water or in the air, of any vessel or aircraft other than a vessel or aircraft being used in the service of a Power at war with His Majesty, or the making of any signal with permission granted by or on behalf of a Secretary of State or the Admiralty.

Wireless telegraphy, &c.

8.—(1) The Postmaster General may by order direct that, subject to any exemptions for which provision may be made by the order, no person shall, except under the authority of a written permit granted by such authority or person as may be specified in the order, have in his possession or under his control—

(a) any such article as may be specified in the order, being an article which is designed for the purpose only of being used for the operation of wireless transmitting apparatus;

(b) any such wireless receiving apparatus as may be specified in the order, being a type of apparatus which is designed to be used also as wireless transmitting apparatus or which appears to the Postmaster General to be readily adaptable for the purpose of being so used :

Provided that nothing in any such order shall restrict the doing of anything by any servant of His Majesty acting in the course of his duty as such, or apply in relation to any apparatus in respect of which there is in force a licence under the Wireless Telegraphy Acts, 1904 to 1926, authorising the use of the apparatus for transmission or in relation to any article forming part of any such apparatus; and in any proceedings taken by virtue of this paragraph against any person by reason of his having in his possession or under his control any article not forming part of any such apparatus, it shall be a defence for him to prove that at the material time he had the article in his possession or under his control for the purpose only of the operation of apparatus in respect of which such a licence was then in force.

(2) The competent authority may by order provide for prohibiting in certain circumstances, and otherwise for regulating, the use of wireless transmitting apparatus; and if any apparatus is used in contravention of an order under this paragraph, then (without prejudice to any proceedings which may be taken against any other person) the occupier of the premises on which the apparatus is situated, or, where the apparatus is on board any vessel or aircraft, the master of the vessel or the pilot of the aircraft, as the case may be, shall each be guilty of an offence against this Regulation :

Provided that, in any proceedings which, by virtue of this paragraph, are taken against any person in respect of the use of any apparatus by some other person in contravention of such an order, it shall be a defence for the defendant to prove that the apparatus was so used without his permission and that he exercised all due diligence to prevent any contravention of the order.

(3) Any person acting on behalf of His Majesty may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under paragraph (2) of this Regulation relating to the ship or aircraft, or, where a contravention of such an order has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the contravention to be effectually taken.

(4) Notwithstanding anything in section two of the Wireless Telegraphy Act, 1904, the Postmaster General in his discretion may refuse to grant a licence under the said section and may revoke at any time a licence granted under that section. 4 Edw 7
c. 24

(5) In subsection (2) of section three of the Wireless Telegraphy Act, 1904, the reference to British ships shall be construed as

including a reference to British aircraft, and in subsection (3) of that section the reference to British ships whilst on the high seas shall be construed as including a reference to British aircraft wherever they may be; and the operation of subsection (4) of that section shall be suspended during the continuance in force of this Regulation.

(6) In this Regulation the expression "the competent authority" means—

- (a) in relation to apparatus on board a sea-going ship or on board a vessel in any tidal water, the Admiralty;
- (b) in relation to apparatus on board any aircraft, the Secretary of State; or
- (c) in relation to any other apparatus, the Postmaster General;

and in this paragraph the expression "tidal water" means any part of the sea (whether in a port or harbour or not), or any part of a river within the ebb and flow of the tide at ordinary spring tides (whether in a port or harbour or not).

Pigeons.

9.—(1) Subject to any exemptions for which provision may be made by order of the Secretary of State, no person shall, except under the authority of a licence granted by or on behalf of the Secretary of State, bring, take or send any live pigeon into or out of the United Kingdom; and where any officer of Customs and Excise finds any live pigeon on any occasion on which it has been brought or sent into the United Kingdom or is being taken or sent out of the United Kingdom, then, unless he is satisfied that the bringing, taking or sending of the pigeon as aforesaid on that occasion is either exempt from the restriction imposed by this paragraph or authorised by such a licence as aforesaid, he may seize the pigeon and may cause it to be liberated, detained, destroyed or otherwise disposed of in accordance with instructions given by or on behalf of the Secretary of State:

Provided that the preceding provisions of this paragraph shall not apply to anything done by any servant of His Majesty acting in the course of his duty as such, and shall not restrict the bringing, taking or sending of pigeons from one part of the United Kingdom to another, from the United Kingdom to the Isle of Man or from the Isle of Man to the United Kingdom.

(2) Subject as hereinafter provided, no person shall, in the United Kingdom,—

- (a) have under his control, or liberate, any racing pigeon or homing pigeon except under the authority of a written permit granted by or on behalf of a chief officer of police,

- (b) knowingly kill, wound or take any such pigeon, or
- (c) remove or tamper with any article attached to such a pigeon, being an article which he has reasonable cause to believe to be a means of identifying the pigeon or of communicating information :

Provided that—

- (i) the preceding provisions of this paragraph shall not apply to anything done by, or with the permission or under the direction of, any servant of His Majesty or constable acting in the course of his duty as such; and
- (ii) nothing in sub-paragraphs (b) and (c) of this paragraph shall apply to anything done in relation to a pigeon by the person entitled to possession thereof or by any person acting on his behalf.

(3) With a view to the enforcement of this Regulation, any constable may liberate any pigeons found by him at any place, and may enter any premises for the purpose of exercising his powers under this paragraph.

(4) Whenever any person in the United Kingdom finds dead or unable to fly a racing pigeon or homing pigeon to which there is attached any article which he has reasonable cause to believe to be a means of identifying the pigeon or of communicating information, he shall forthwith cause the pigeon to be delivered to a member of His Majesty's forces being on duty or to a constable at a police station :

Provided that nothing in this paragraph shall impose any obligation in respect of a pigeon upon any person, or the servant or agent of any person, who is entitled to have that pigeon in his possession or under his control by virtue of a permit granted under paragraph (2) of this Regulation.

(5) This Regulation shall come into operation on such date as the Secretary of State may by order appoint.

10.—(1) Subject to the provisions of this Regulation no person shall, except with permission granted by or on behalf of the Secretary of State, knowingly have in his possession, or knowingly send by post or otherwise to any destination within or outside the United Kingdom,—

Means of
secret com-
munication.

- (a) any instructions for utilising any means of secretly conveying, receiving or recording information,
- (b) any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, or
- (c) any document or other article secretly conveying or recording any information.

(2) Any person who has in his possession any such instructions as are mentioned in sub-paragraph (a) of paragraph (1) of this Regulation, shall, if requested by or on behalf of the Secretary of State so to do, deliver up those instructions to such authority or person as may be specified in the request.

(3) Any person who has in his possession, in contravention of this Regulation, any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, shall, if requested by or on behalf of the Secretary of State so to do, deliver up that substance or article to such authority or person as may be specified in the request.

(4) Nothing in paragraphs (2) and (3) of this Regulation shall be taken to prevent the prosecution of any person in respect of a contravention of paragraph (1) of this Regulation.

(5) In this Regulation the expression "instructions for utilising any means of secretly conveying, receiving or recording information" includes any code or cipher, but paragraph (1) of this Regulation shall not apply—

(a) to the possession of—

(i) any code or cipher the use of which is approved by the Secretary of State, or

(ii) any document conveying or recording information by means of such a code or cipher, being a document which specifies in clear the code or cipher used, or

(b) to the use, in accordance with conditions imposed by or on behalf of the Secretary of State, of any such code or cipher as is mentioned in sub-paragraph (a) of this paragraph,

and shall not restrict the doing of anything by any servant of His Majesty or constable acting in the course of his duty as such.

Postal communications.

11.—(1) The Secretary of State may make provision by order for securing that, subject to any exemptions for which provision may be made by the order, postal packets of any such description as may be specified in the order shall not be despatched by post from the United Kingdom to any destination outside the United Kingdom, except in accordance with the order; and in particular, but without prejudice to the generality of the preceding provisions of this paragraph, any such order may, in relation to any description of postal packets, direct that no postal packet of that description shall be so despatched as aforesaid otherwise than under the authority of a permit granted by such authority or person as may be specified in the order.

(2) The Secretary of State may make provision by order for securing that, subject to any exemptions for which provision may be made by the order, and except in accordance with such conditions as may be contained therein, no document, pictorial representation

or photograph or other article whatsoever recording information shall be sent or conveyed from the United Kingdom to any destination outside the United Kingdom otherwise than by post, or conveyed into the United Kingdom from a place outside the United Kingdom otherwise than by post.

No person shall have any article in his possession for the purpose of sending or conveying it in contravention of an order made under this paragraph.

(3) Any person who, on any occasion, is about to leave the United Kingdom or arrives in the United Kingdom (which person is hereafter in this paragraph referred to as "the traveller") shall, if on that occasion he is requested so to do by the appropriate officer,—

- (a) declare whether or not he has with him any such article as is mentioned in paragraph (2) of this Regulation, and
- (b) produce any such article as aforesaid which he has with him;

and the appropriate officer, and any person acting under his directions, may examine or search any article which the traveller has with him, for the purpose of ascertaining whether he is conveying or has in his possession any article in contravention of paragraph (2) of this Regulation, and, if the appropriate officer has reasonable ground for suspecting that the traveller has any article about his person in contravention of that paragraph, search him, and may seize any article produced as aforesaid or found upon such examination or search as aforesaid, being an article as to which the appropriate officer has reasonable ground for suspecting that it is being sent or conveyed in contravention of the said paragraph or is in the traveller's possession in contravention of that paragraph:

Provided that no female shall be searched in pursuance of this paragraph except by a female.

(4) Where, at any place in the United Kingdom, any person is on any occasion found in circumstances in which it is reasonable to suppose that on that occasion he has communicated, or intends to communicate, at that place with a person about to leave, or arriving in, the United Kingdom, the provisions of paragraph (3) of this Regulation shall apply in relation to the person so found, as they apply in relation to a person about to leave the United Kingdom; and where any person is on any occasion found travelling in the United Kingdom to or from any place in such circumstances as aforesaid, the said provisions shall apply in relation to him as they would apply if, when so found, he had been about to leave the United Kingdom.

(5) Any reference in the last two preceding paragraphs to a person about to leave, or arriving in, the United Kingdom shall be construed

as not including a reference to a person who is about to leave one part of the United Kingdom for the purpose of going to another part thereof or is about to leave the United Kingdom for the purpose of going to the Isle of Man, or who arrives in one part of the United Kingdom from another part thereof or arrives in the United Kingdom from the Isle of Man.

(6) As respects any goods, being goods consigned from the United Kingdom to a destination outside the United Kingdom or from a place outside the United Kingdom to a destination in the United Kingdom, the appropriate officer, and any person acting under his directions, may examine or search the goods for the purpose of ascertaining whether any article is being sent or conveyed in contravention of paragraph (2) of this Regulation and may seize any article upon examination or search as aforesaid being an article as to which the appropriate officer has reasonable ground for suspecting that it is being sent or conveyed in contravention of the said paragraph.

(7) Where there is declared or produced upon a request made under this Regulation, or discovered upon an examination or search so made, any article which the appropriate officer suspects to record any information, he may take such steps (including the subsection of the article to any process) as may be reasonably necessary for ascertaining whether the article does or does not record that information.

(8) Any reference in this Regulation to a destination outside the United Kingdom or to a place outside the United Kingdom shall be construed as not including a reference to a destination in the Isle of Man or to a place in the Isle of Man.

(9) In this Regulation—

- (a) the expression "postal packets" has the same meaning as in the Post Office Act, 1908;
- (b) the expression "photographs" includes any photographic plates, photographic films or other sensitised articles which have been exposed in a camera, whether they have been developed or not; and
- (c) the expression "the appropriate officer" means any officer of Customs and Excise, any immigration officer, any constable or any person authorised in that behalf by a Secretary of State.

Access to certain Premises and Areas.

12.—(1) If, as respects any premises, it appears to a Secretary of State to be necessary or expedient, in the interests of the defence of the realm or the efficient prosecution of war, or for maintaining

8 Edw. 7.
c. 48.

Protected
places.

supplies and services essential to the life of the community, that special precautions should be taken to prevent the entry of unauthorised persons, he may by order declare those premises to be a protected place for the purposes of these Regulations; and so long as the order is in force, then, subject to any exemptions for which provision may be made by the order, no person shall be in those premises without the permission of such authority or person as may be specified in the order.

Any premises in relation to which an order made under this Regulation is in force are hereafter in these Regulations referred to as "a protected place".

(2) In relation to any premises in the possession or under the control of the Admiralty, paragraph (1) of this Regulation shall have effect as if for the references in that paragraph to a Secretary of State there were substituted references to the Admiralty.

(3) Where, in pursuance of this Regulation, any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the authority by whom the order was made or by, or on behalf of, the authority or person granting the permission; and any constable, any person acting on behalf of His Majesty, and any person authorised in that behalf by the occupier of the premises, may search any person entering, or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him.

(4) If any person is in a protected place in contravention of this Regulation, or, while in such a place, fails to comply with any direction given under this Regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the place by any constable, any person acting on behalf of His Majesty, or any person authorised in that behalf by the occupier of the premises.

(5) The Official Secrets Acts, 1911 and 1920, shall have effect as if in sections one and two of the Official Secrets Act, 1911, and in sections one and three of the Official Secrets Act, 1920, references to a prohibited place included references to a protected place.

(6) Nothing in section three of the Rules Publication Act, 1893, shall apply to any order made under this Regulation; but the authority making any such order shall cause notice of the effect of the order to be given as soon as may be in such manner as that authority thinks necessary for bringing it to the notice of persons in, or in the vicinity of, the premises to which the order relates, and to the notice of any other persons who, in the opinion of the said authority, ought to have notice of the order. 56 & 57
Vict. c. 66.

Protected
areas

13.—(1) Without prejudice to any other of these Regulations, a Secretary of State, if satisfied with respect to any area that it is necessary or expedient, in the interests of the defence of the realm or the efficient prosecution of war, to regulate the entry of persons into that area, may by order declare that area to be a protected area for the purposes of these Regulations; and so long as the order is in force, then, on and after such day as may be specified in the order, and subject to any exemptions for which provision may be made by the order, no person being either an enemy alien or a person who was not at the beginning of that day resident in the said area shall be therein without the permission of such authority or person as may be specified in the order.

Any area in relation to which an order made under this Regulation is in force is hereafter in these Regulations referred to as "a protected area".

(2) If any person is in a protected area in contravention of this Regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the area by or under the directions of any constable or any member of His Majesty's forces on duty in the area.

Byelaws as
respects
certain
places and
areas.

14.—(1) Without prejudice to any other of these Regulations, a Secretary of State or the Admiralty may, as respects—

(a) any protected place or protected area, or

(b) any place in relation to which it appears to the Secretary of State or the Admiralty, as the case may be, to be necessary to take special precautions owing to the presence in that place of members of His Majesty's forces or munitions of war,

make such byelaws regulating the conduct of persons in the said place or area as the authority making the byelaws thinks necessary for the protection of persons and property in that place or area, for safeguarding the discipline and efficiency of members of His Majesty's forces therein, or for facilitating the enforcement therein of these Regulations; and byelaws made under this Regulation as respects any such place as is mentioned in sub-paragraph (b) of this paragraph may make provision for restricting access to that place, and for removing therefrom any person who is therein in contravention of the byelaws.

(2) Nothing in section three of the Rules Publication Act, 1893, shall apply to any byelaws made under this Regulation as respects any protected place or any such place as is mentioned in sub-paragraph (b) of paragraph (1) of this Regulation; but the authority making any such byelaws shall cause notice of the effect of

the byelaws to be given as soon as may be in such manner as that authority thinks necessary for bringing them to the notice of persons in, or in the vicinity of, the place to which the byelaws relate, and to the notice of any other persons who, in the opinion of the said authority, ought to have notice of the byelaws.

15.—(1) No person shall—

(a) trespass on—

- (i) any premises used, or appropriated for use, in His Majesty's service, or
- (ii) any premises used for the purposes of a railway, dock or shipyard, or

(b) unlawfully enter or board any vehicle, vessel or aircraft used or appropriated for use in His Majesty's service;

and if any person is found trespassing on any premises in contravention of this paragraph, or is found on any vehicle, vessel or aircraft on any occasion on which he has entered or boarded it in contravention of this paragraph, then, without prejudice to any proceedings which may be taken against him, he may be removed by the appropriate person from the premises or from the vehicle, vessel or aircraft, as the case may be.

(2) No person shall, for any purpose prejudicial to the public safety or the defence of the realm,—

(a) be in, or in the vicinity of,—

- (i) any premises, vehicle, vessel or aircraft used, or appropriated for use, in His Majesty's service, or
- (ii) any premises used or appropriated for the purpose of the performance of essential services, or

(b) be in the vicinity of a protected place;

and where, in any proceedings taken against a person by virtue of this paragraph, it is proved that at the material time he was present in, or in the vicinity of, the premises, vehicle, vessel, aircraft or place concerned, the prosecution may thereupon adduce such evidence of the character of that person (including evidence of his having been previously convicted of any offence) as tends to show that he was so present for a purpose prejudicial to the public safety or the defence of the realm.

(3) No person loitering in the vicinity of a protected place or of any such premises, vehicle, vessel or aircraft as are or is mentioned in sub-paragraph (a) of the last preceding paragraph shall continue to loiter in that vicinity after being requested by the appropriate person to leave it; and any person trespassing in any such premises as aforesaid may be removed therefrom by the appropriate person.

Trespassing
and
loitering.

(4) In this Regulation the expression "the appropriate person" means—

- (a) any person acting on behalf of His Majesty,
- (b) any constable,
- (c) the person occupying the premises or being in charge of the vehicle, vessel or aircraft, as the case may be, or any person authorised by him.

Control of highways over or near defence works and protected places.

16.—(1) A Secretary of State, if he considers it necessary in the interests of the defence of the realm so to do, may by order provide for the stopping up or diversion of any highway passing through, and for prohibiting or restricting the exercise of any right of way over, or the use of any waterway passing through—

- (a) any premises used or appropriated for use in His Majesty's service, or
- (b) any premises used or appropriated for the performance of any services designated by the Secretary of State for the purposes of this Regulation, being services which appear to him to be essential for the defence of the realm or the efficient prosecution of war or to be essential to the life of the community, or
- (c) land adjoining any such premises as aforesaid, or adjoining any protected place.

(2) In relation to any premises or protected place in the possession or under the control of the Admiralty, paragraph (1) of this Regulation shall have effect as if for the references therein to a Secretary of State there were substituted references to the Admiralty.

Restrictions on Movements and Activities of Persons.

Entering enemy territory.

17.—(1) Subject as hereinafter provided, no person, being either a British subject or a British protected person, shall, without the permission of a Secretary of State or the Admiralty or of a person authorised by a Secretary of State or the Admiralty to grant permissions for the purpose of this Regulation, voluntarily enter any enemy territory or voluntarily go on board any vessel or aircraft being used in the service of a Power at war with His Majesty :

Provided that the preceding provisions of this paragraph shall not apply to anything done by any servant of His Majesty acting in the course of his duty as such.

(2) Any person convicted on indictment of an offence against this Regulation shall be liable to penal servitude for a term not exceeding five years or to a fine not exceeding five hundred pounds or to both such penal servitude and such fine.

(3) A Secretary of State may by order direct that the permission of such authority or person in any part of His Majesty's

dominions (other than the United Kingdom), or in any foreign country or territory in which His Majesty has jurisdiction, as may be specified in the order, shall be treated, for the purpose of paragraph (1) of this Regulation, as if it were such a permission as is mentioned in that paragraph.

(4) In this Regulation the expression "enemy territory" means any area which is under the sovereignty of, or administered by, or for the time being in the occupation of, a Power at war with His Majesty, but does not include any area in the occupation of His Majesty or of a Power allied with His Majesty.

18.—(1) The Secretary of State may make provision by order for securing that, subject to any exemptions for which provision may be made by the order,—

Entering
and leaving
United
Kingdom.

- (a) a British subject shall not, on coming by sea or by air from a place outside the United Kingdom, disembark in the United Kingdom from any vessel or aircraft elsewhere than at a place which is an approved port for the purposes of the Aliens Order, 1920;
- (b) a British subject shall not, for the purpose of proceeding by sea or by air to a destination outside the United Kingdom, embark in the United Kingdom on any vessel or aircraft elsewhere than at such a place as aforesaid;
- (c) a British subject shall not proceed from the United Kingdom to a destination outside it, except with the leave of an immigration officer;

and an order containing such provisions as are authorised by subparagraph (c) of this paragraph may also contain provisions for securing that the leave of an immigration officer shall not be granted for the purposes of the order except to a person producing such permit or document of identity as may be prescribed by or under the order.

(2) The Secretary of State may by order direct that, in relation to British subjects travelling between Great Britain and Northern Ireland, paragraph (1) of this Regulation shall have effect as if for any reference in that paragraph to the United Kingdom there were substituted a reference to Great Britain, to Northern Ireland or to Great Britain or Northern Ireland, according as the order may direct.

19.—(1) Any person authorised by a Secretary of State or the Admiralty to act under this Regulation may, if it appears to that person to be necessary in the interests of the defence of the realm so to do, give, with respect to any particular ship or aircraft at a port or place in the United Kingdom, directions that the ship or aircraft shall not leave the port or place until permitted to do so by such authority or person as may be specified in the directions; and if any ship or aircraft leaves or attempts to leave any port or place in contravention

Stopping of
ships and
aircraft.

of any such directions as aforesaid, the master of the ship or the pilot of the aircraft, as the case may be, shall be guilty of an offence against this Regulation :

Provided that any directions given under this paragraph shall cease to have effect twenty-four hours after the time at which they are given, unless in the meantime they have been confirmed by a Secretary of State or the Admiralty.

(2) Any person acting on behalf of His Majesty may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary to secure compliance with any directions given under this Regulation with respect to the ship or aircraft or, where an offence against this Regulation has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the offence to be effectually taken.

PART II.

PUBLIC SAFETY AND ORDER.

Public Safety.

Evacuation
of areas.

21.—(1) A Secretary of State or the Admiralty, or any person authorised by a Secretary of State or the Admiralty to act under this Regulation, may, if it appears to him or them to be necessary or expedient so to do for the purpose of meeting any actual or apprehended attack by an enemy or of protecting persons and property from the dangers involved in any such attack, make, as respects any area in the United Kingdom, either or both of the following orders, that is to say:—

- (a) an order directing that after such time as may be specified in the order, no person other than a person of such a class as may be so specified shall be in that area without the permission of such authority or person as may be so specified;
- (b) an order directing that any such animals or things in that area as may be specified in the order shall, by such time as may be so specified, be removed from that area or, if they cannot reasonably be so removed before that time, be destroyed or rendered useless so far as practicable, and that after that time no such animals or things shall be brought into the area except under such permission as aforesaid.

(2) An order made under paragraph (1) of this Regulation for the removal of persons or property from any area—

- (a) may prescribe the routes by which persons or property, or any particular classes of persons or property, are to leave or be removed from the area;

- (b) may prescribe different times as the times by or at which different classes of persons or property in the area are to leave or be removed therefrom;
- (c) may prescribe the places to which persons are to proceed on leaving that area in compliance with the order;
- (d) may make different provision in relation to different parts of the area;

and may contain such other incidental and supplementary provisions as appear to the authority or person making the order to be necessary or expedient for the purposes of the order.

(3). In relation to the area, or any part of the area, of a harbour authority the powers exercisable by a Secretary of State or the Admiralty by virtue of paragraphs (1) and (2) of this Regulation shall be exercisable also by the Minister of Transport.

(4) Where an order is made under this Regulation requiring the removal of any animals or things from any area by a specified time, the authority by whom the order was made may, while the order is in force, cause those animals or things, or any of them, to be removed from the area or to be destroyed or rendered useless, if that authority is satisfied that such action is the most effectual means of securing compliance with the order; and if any person or any animal or thing is in any area in contravention of an order made under this Regulation, then (without prejudice to any proceedings which may be taken in respect of the offence) he or it may be removed from that area by, or under the direction of, any constable or any person acting on behalf of His Majesty.

(5) If any order made under this Regulation is contravened or not complied with in the case of any animal or thing, the person in charge thereof shall be guilty of an offence against this Regulation.

(6) This Regulation shall, in its application to Northern Ireland, have effect as if the reference to the Minister of Transport were omitted.

22.—(1) Any person acting under the authority of the Minister of Health or the Commissioners of Works may serve upon the occupier of any premises a written notice (hereinafter referred to as "a billeting notice") requiring the occupier of the premises to furnish therein, while the notice remains in force, such accommodation by way of lodging or food or both, and either with or without attendance, as may be specified in the notice for such persons as may be so specified. Billeting

(2) Where a room in any premises is required by a billeting notice to be devoted exclusively to the accommodation of any person, then, notwithstanding anything in any contract, no other person shall be entitled to occupy the room so long as that requirement is in force.

(3) The Minister of Health and the Commissioners of Works respectively may, to such extent and subject to such restrictions

as they think proper, delegate their functions under paragraph (1) of this Regulation to any specified persons or class of persons.

Any person having power to serve a billeting notice is hereinafter referred to as "a billeting officer".

(4) The occupier of any premises shall, if requested so to do by a billeting officer, furnish to such authority or person as may be specified in the request such information with respect to the accommodation contained in the premises and with respect to the persons living therein as may be so specified.

(5) The price payable in respect of any accommodation furnished in any premises to any person in accordance with a billeting notice shall be such as may be determined by order of the Minister of Health, and shall be paid to the occupier of the premises by that Minister or by such other authority as may be designated by order of that Minister or of the Treasury; and the amount of any sum paid in accordance with this paragraph by that Minister or any other authority in respect of accommodation furnished to any person may be recovered by the Minister or other authority, summarily as a civil debt, from that person or his personal representative or any person liable to maintain him.

(6) A billeting officer may revoke a billeting notice relating to any premises, without prejudice to the service of a further billeting notice relating to those premises; and the Minister of Health or the Commissioners of Works may by order direct that all billeting notices for the time being in force shall cease to have effect, either generally or as respects premises in a particular area.

(7) Where—

(a) a billeting notice is revoked or ceases to have effect under the last preceding paragraph, or

(b) accommodation required by a billeting notice to be provided for any person ceases to be provided,

the occupier of the premises to which the billeting notice relates shall forthwith surrender it to a billeting officer, who shall cancel or amend the notice, as the case may require.

Where any accommodation provided in any premises for any person lodged therein under voluntary arrangements made with a local authority in pursuance of plans prepared by His Majesty's Government for the transference of members of the civil population from one area to another, ceases to be provided, the preceding provisions of this paragraph shall apply as if the accommodation had been provided under a billeting notice, and as if the form issued in pursuance of those plans, stating that the said person has been so lodged, had been a billeting notice relating to those premises.

(8) If any person contravenes or fails to comply with the requirements of a billeting notice or with any of the requirements of this Regulation, he shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(9) For the purposes of hearing complaints in respect of billeting notices there shall be tribunals constituted in accordance with such rules as may be made by the Minister of Health; and any person who is aggrieved by the service upon him of a billeting notice, or by the operation of a billeting notice served upon him, may, subject to, and in accordance with, rules made by the Minister of Health, make a complaint to a tribunal constituted under this paragraph; and upon hearing the complaint the tribunal may cancel or vary the billeting notice as the tribunal thinks fit.

(10) This Regulation shall not authorise the service of a billeting notice requiring the furnishing of accommodation for any person who can lawfully be billeted by virtue of the Naval Billeting, &c., Act, 1914, the Army Act or the Air Force Act.

4 & 5
Geo. 5. c. 70.

(11) Sections two hundred and six to two hundred and nineteen of the Public Health Act, 1936, shall not apply in relation to any children for whom accommodation is for the time being furnished in pursuance of this Regulation or of plans prepared by His Majesty's Government for the transference of members of the civil population from one area to another; but it shall be the duty of the occupier of any premises in which accommodation for any child not accompanied by a person otherwise responsible for his care is so furnished as aforesaid to care for the child to the best of the occupier's ability.

26 Geo. 5 &
1 Edw. 8.
c. 49.

(12) A billeting notice relating to any premises may, if it is not practicable to deliver it to the occupier of the premises, be served by delivering it to any person on the premises.

(13) This Regulation shall, in its application to Scotland, have effect subject to the following modifications:—

- (a) for references to the Minister of Health there shall be substituted references to the Secretary of State;
- (b) paragraph (5) shall have effect as if the word "summarily" were omitted;
- (c) for the reference in paragraph (11) to sections two hundred and six to two hundred and nineteen of the Public Health Act, 1936, there shall be substituted a reference to sections one to eleven of the Children and Young Persons (Scotland) Act, 1937.

1 Edw. 8 &
1 Geo. 6.
c. 37.

(14) This Regulation shall, in its application to Northern Ireland, have effect subject to the following modifications:—

- (a) for references to the Minister of Health there shall be substituted references to the Secretary of State;
- (b) for the reference in paragraph (11) to sections two hundred and six to two hundred and nineteen of the Public Health Act, 1936, there shall be substituted a reference to Part I of the Children Act, 1908, as amended by the Children (Amendment) Act (Northern Ireland), 1931.

8 Edw. 7.
c. 67.

Precautions
in the event
of hostile
attack.

23.—(1) Any person authorised by the Secretary of State to act under this Regulation may direct that any premises or part of any premises may be used for affording protection to persons from war operations; and upon the giving of such notice or signal indicating the imminence of hostile attack as may be specified in the directions, such number of persons as may be so specified may enter those premises or that part of those premises, as the case may be, and remain therein until such notice or signal indicating the cessation of danger from hostile attack as may be so specified is given.

Directions under this paragraph may be given either generally or as respects any particular class of persons.

(2) No person shall—

- (a) wilfully obstruct any person entering or seeking to enter any premises or part of any premises in accordance with paragraph (1) of this Regulation, or
- (b) eject from any premises or part of any premises any person who is entitled to be therein by virtue of that paragraph.

(3) The Secretary of State may, by an order made as respects the United Kingdom or any area therein, prohibit or restrict, or empower a chief officer of police to prohibit or restrict, assemblies of persons and the use of premises or any class of premises as places of public resort, in so far as such prohibition or restriction appears to the Secretary of State or chief officer of police, as the case may be, to be necessary in order to minimise the risk of loss of life or personal injuries being caused in consequence of war operations; and any constable may take such steps, and use such force, as may be reasonably necessary to secure compliance with any order under this paragraph.

Control of
lights and
sounds.

24.—(1) The Secretary of State may by order provide—

- (a) for prohibiting or regulating the display of lights of any such description as may be specified in the order;
- (b) for securing that, in such circumstances as may be specified in the order, indication of the position of such premises and places, and warning of the presence of such vehicles or vessels, as may be specified in the order shall be given by means of such lights as may be prescribed by the order, and for prescribing the manner in which any apparatus used for the purpose of exhibiting such lights is to be constructed, installed and used;
- (c) for prohibiting or regulating the use of roads by any particular class of traffic, so far as appears to the Secretary of State to be necessary for avoiding danger consequent on compliance with any provisions of an order under this Regulation which relate to the lighting of roads or of vehicles on roads;
- (d) for preventing or minimizing the emission of flames, sparks or glare or the making of noise, so far as appears to the Secretary of State to be necessary for the purpose of

preventing either the conveyance of information useful to an enemy or interference with measures taken for the defence of the realm or in the interests of the public safety.

Any such order may be made so as to apply either throughout the United Kingdom or to any area or premises therein, may make different provision as respects different classes of premises, vehicles or vessels, may provide for exempting any premises, vehicles or vessels (either absolutely or conditionally) from the operation of any of the provisions of the order, and may contain such incidental and supplementary provisions as appear to the Secretary of State to be necessary or expedient for the purposes of the order.

(2) If any order made under this Regulation is contravened or not complied with in the case of any premises, vehicle or vessel, any constable and any member of His Majesty's forces may enter the premises or board the vehicle or vessel and take in relation thereto all such steps as may be reasonably necessary for the enforcement of the order, and (without prejudice to any proceedings which may be taken against any other person) the occupier of the premises, the person in charge of the vehicle, or the master of the vessel, as the case may be, shall be guilty of an offence against this Regulation :

Provided that, in any proceedings which, by virtue of this paragraph are taken against any person in respect of a contravention of, or non-compliance with, such an order on the part of another person, it shall be a defence for the defendant to prove that the contravention occurred without his knowledge and that he exercised all due diligence to secure compliance with the order.

(3) Any person authorised by the Secretary of State to act under this Regulation may cause any whistle, siren or other apparatus for making sound which is situated in any premises to be used in such manner as the Secretary of State may determine to be appropriate for indicating the imminence or occurrence of hostile attack, or the cessation of danger therefrom.

25.—(1) Where, as respects any premises, it appears to any officer of police of a rank not lower than that of inspector, or to any person authorised by a Secretary of State or the Admiralty to act under this paragraph, that by reason of the fact—

Danger in premises.

- (a) that substantial damage has occurred on those premises, or
- (b) that works of demolition or construction are being, or are about to be, executed on the premises, or
- (c) that, in consequence of war operations, the premises are contaminated by any lethal gas or other noxious substance, or
- (d) that there is reasonable ground for believing that a source of danger exists on the premises by reason of the presence thereon of unexploded ammunition which has been discharged in the course of war operations,

it is expedient in the interests of the public safety or the defence of the realm so to do, the said officer or person may take, or authorise the taking of, such steps, and give such directions, as he thinks necessary for the purpose of the protection of persons and property in, or in the vicinity of, those premises; and for the avoidance of doubt it is hereby declared that the powers conferred in relation to any premises by the preceding provisions of this Regulation include powers to stop up, and to prohibit or restrict the use of, any highway, to prohibit or restrict the occupation of premises, to enter upon land, and to demolish buildings and structures, so far as may be necessary for the said purpose.

(2) Any person authorised by a Secretary of State or the Admiralty or by a local authority to act under this paragraph may, if satisfied with respect to any chattel that, in consequence of war operations, the chattel is contaminated by any lethal gas or other noxious substance, and that in order to prevent danger to life or health being occasioned thereby it is necessary so to do,—

- (a) cause to be taken in relation to the chattel all such steps as the person so authorised thinks necessary to render it free from the contamination, or
- (b) if he is satisfied that it is not reasonably practicable so to render the chattel free from the contamination, cause the chattel to be destroyed.

Power to cut off supplies of electricity, gas and water.

26. Without prejudice to any powers exercisable apart from this Regulation, the person carrying on any undertaking for the supply of electricity, gas or water may, if satisfied that any premises to which he is obliged to supply electricity, gas or water are unoccupied, cause the supply of electricity, gas or water, as the case may be, to those premises to be cut off until the premises are re-occupied; and any officer or servant employed in connection with the carrying on of such an undertaking may enter any premises for the purpose of exercising the powers conferred by this paragraph on the person carrying on the undertaking:

Provided that, where an entry is made on premises which could not lawfully have been made but for the provisions of this Regulation, the premises shall be left no less secure than they were immediately before they were entered.

Measures for dealing with outbreaks of fire.

27. In the event of any outbreak of fire the person having the charge and control of the operations for the extinction of the fire, and any person authorised by the Secretary of State to act under this Regulation, may take or authorise the taking of such steps, and give such directions, as appear to that person to be necessary for preventing the spread of the fire; and the steps which may be so taken include entering upon land and the destruction or removal of anything in, on or over any land.

28.—(1) Auxiliary firemen shall have the same powers of entry and of taking steps for extinguishing fire or for protecting property, or rescuing persons or property, from fire as are conferred on members of fire brigades by subsection (1) of section fourteen of the Fire Brigades Act, 1938; and accordingly that subsection shall have effect as if the reference therein to any member of a fire brigade which provides local services under that Act being on duty included a reference to any auxiliary fireman being on duty.

Powers and duties of auxiliary firemen.
1 & 2 Geo 6.
c. 72.

Subsection (2) of section fourteen of the Fire Brigades Act, 1938 (which penalises persons who wilfully obstruct or interfere with any member of a fire brigade engaged in the performance of his duty), shall have effect as if the reference in that subsection to any member of a fire brigade included a reference to any auxiliary fireman.

(2) It shall be deemed to be a condition of service of every person who has undertaken to give whole-time service as an auxiliary fireman—

(a) that he shall comply with any orders given to him at any fire by the person having the charge and control of the operations for the extinction of the fire, and

(b) that he may be ordered to serve with his brigade outside the area of the local authority in whose service he is.

(3) This Regulation shall, in its application to Northern Ireland, have effect as if for paragraph (1) there were substituted the following paragraph:—

“(1) Any auxiliary fireman being on duty may enter, and, if necessary, break into, any premises in which a fire has or is reasonably supposed to have broken out, or any premises which it is necessary to enter for the purpose of extinguishing a fire, without the consent of the owner or occupier of the premises, and may do anything he thinks necessary for extinguishing the fire or protecting from fire any such premises or rescuing any person or property therein.

Any person who wilfully obstructs or interferes with any auxiliary fireman engaged in operations for the extinction of a fire or the protection or rescue of any person or property from fire, shall be liable on summary conviction to a fine not exceeding ten pounds”.

29. The Secretary of State, if it appears to him to be necessary or expedient in the interests of the public safety or the defence of the realm so to do, may by order—

Co-ordination of fire brigades.

(a) constitute as a special fire brigades area any area in the United Kingdom specified in the order;

(b) make provision for securing that such fire brigades as may be specified in the order are available for dealing with outbreaks of fire in any part of the said area or, if required,

elsewhere, and for securing that the operations of such fire brigades for the extinction of fires are conducted as efficiently as possible;

- (c) make such provision as the Secretary of State thinks expedient with a view to securing the proper co-operation of fire brigades for the purpose of dealing with outbreaks of fire in any part of the United Kingdom, and in particular, for determining the arrangements to be made for the assistance of one fire brigade by another for that purpose;
- (d) provide for securing that, in such circumstances as may be specified in the order, there shall be made to any fire authority, in respect of services which in pursuance of the order are rendered by the fire brigade of that authority outside its area, and to any other person in respect of services which in pursuance of the order are rendered by any fire brigade maintained by that person, payments of such amounts, and by such persons, as may be determined by or under the order;

and any such order may contain such incidental and supplementary provisions (including provisions for modifying or adapting any Act or regulations relating to fire brigades) as appear to the Secretary of State to be necessary or expedient for the purposes of the order.

**Hospitals
and
ambulances.**

32.—(1) As respects any hospital, the Minister of Health and any person authorised by him to act under this Regulation may give such directions with respect to the management and use of the hospital as that Minister thinks necessary for securing that proper hospital treatment will be readily available for persons in the United Kingdom who may be suffering from any injury, disease or incapacity in consequence of war operations, or who may leave their homes in consequence of, or in apprehension of, attacks by an enemy; and the Minister of Health may by order relax any obligation or limitation which by, or by virtue of, any Act or other instrument determining their functions, is imposed on the persons having the management of the hospital.

(2) With a view to ascertaining whether any directions given under this Regulation in relation to a hospital are complied with, any person authorised in that behalf by the Minister of Health may at any time enter and inspect any premises used for the purposes of the hospital.

(3) Any person concerned in, or employed in connection with, the management of a hospital shall, if requested by or on behalf of the Minister of Health so to do, furnish such information relating to the hospital as that Minister considers it necessary to obtain for the purposes of this Regulation.

(4) Paragraphs (1) to (3) of this Regulation shall apply in relation to any ambulance service, not being a service maintained for the purposes of any police force or fire brigade, as they apply in relation to a hospital.

(5) The Minister of Health, if it appears to him necessary so to do for securing that proper hospital treatment will be readily available for persons in the United Kingdom who may be suffering from any injury, disease or incapacity in consequence of war operations, or who may leave their homes in consequence of, or in apprehension of, attacks by an enemy, may manage any hospital or authorise a person to manage it in accordance with any instructions of the said Minister; and while, by virtue of this paragraph, the Minister of Health or a person so authorised is managing any hospital—

(a) he shall be deemed to be acting as agent of the persons who would otherwise have the management of the hospital, except that those persons shall not have any right to control the management thereof; and

(b) those persons shall not be bound by any obligation or limitation imposed on them by or by virtue of any Act or other instrument determining their functions.

(6) The Minister of Health may make arrangements for securing that proper medical treatment will be available for persons transferred under any such plan as is mentioned in subsection (1) of section fifty-six of the Civil Defence Act, 1939, and for the remuneration by that Minister of persons providing medical treatment under those arrangements. 2 & 3
Geo. 6. c. 31.

In respect of each person for whom medical treatment is available under the said arrangements, a sum calculated at such rate as the said Minister, with the approval of the Treasury, may by order prescribe, shall be payable to that Minister, and may be recovered by him summarily as a civil debt from that person or from his personal representative or any person liable to maintain him.

(7) In this Regulation the expression "hospital" includes—

(a) any sanatorium, convalescent home, or public assistance institution;

(b) any institution within the meaning of the Mental Treatment Act, 1930, or institution, certified house or approved home within the meaning of the Mental Deficiency Act, 1913; and 20 & 21
Geo. 5. c. 23
3 & 4
Geo. 5. c. 28.

(c) any clinic, dispensary, hospital centre or out-patients' department;

and the expression "medical treatment" means such medical attendance and treatment (including the supply of medicines and medical and surgical appliances) as may be provided by way of medical benefit under the National Health Insurance Act, 1936.

(8) This Regulation shall, in its application to Scotland, have effect subject to the following modifications:—

- (a) for references to the Minister of Health there shall be substituted references to the Secretary of State;
- (b) paragraph (6) shall have effect as if the word "summarily" were omitted;
- (c) for sub-paragraph (b) of the last preceding paragraph there shall be substituted the following sub-paragraph—

"(b) any institution, certified house or approved home within the meaning of the Mental Deficiency and Lunacy (Scotland) Act, 1913, or asylum".

3 & 4
Geo. 5. c. 38.

(9) This Regulation shall, in its application to Northern Ireland, have effect subject to the following modifications—

- (a) for references to the Minister of Health there shall be substituted references to the Ministry of Home Affairs;
- (b) for sub-paragraph (b) of paragraph (7) there shall be substituted the following sub-paragraph—

"(b) any public mental hospital or registered institution within the meaning of the Mental Treatment Act (Northern Ireland), 1932".

Transfer of
persons of
unsound
mind and
mental
defectives
under
evacuation
plans.
53 Vict. c. 5.

32A.—(1) Where, in accordance with arrangements made by the Minister of Health under section fifty of the Civil Defence Act, 1939, a person of unsound mind is transferred from any institution within the meaning of the Mental Treatment Act, 1930, in which he is being treated or maintained to another such institution or to an institution within the meaning of the Mental Deficiency Act, 1913, he shall be deemed to have been so transferred by virtue of an order duly made under section fifty-nine of the Lunacy Act, 1890, or an order duly made under section sixty-five of that Act, whichever order would be appropriate in his case:

Provided that a person being detained as a criminal lunatic in the institution from which he is so transferred in accordance with such arrangements as aforesaid, shall be deemed to have been so transferred by virtue of a warrant of the Secretary of State duly issued under section five of the Criminal Lunatics Act, 1884.

47 & 48
Vict. c. 64.

(2) In relation to a person of unsound mind who, in accordance with such arrangements as aforesaid, is transferred from any mental hospital in which he is being treated or maintained to an institution within the meaning of the Mental Deficiency Act, 1913, that institution shall be deemed to be a mental hospital to which he might lawfully be transferred by virtue of an order under section fifty-nine or section sixty-five of the Lunacy Act, 1890, or a warrant under section five of the Criminal Lunatics Act, 1884, as the case may be: and anything which, under the Lunacy and Mental Treatment Acts, 1890 to 1930, or the Criminal Lunatics Act, 1884, would, if the institution to which he is so transferred were such a mental hospital

as aforesaid, be required or authorised to be done in relation to him by the persons having the management or control of, or employed for the purposes of, the mental hospital shall or may, as the case may be, be done by the persons having the management or control of, or employed for the purposes of, the said institution.

(3) In relation to any person being treated as a temporary patient, paragraphs (1) and (2) of this Regulation shall have effect as if for any reference in those paragraphs to section fifty-nine of the Lunacy Act, 1890, or to section sixty-five of that Act there were substituted a reference to the rules made under section three hundred and thirty-eight of that Act as extended by section fifteen of the Mental Treatment Act, 1930, applying the said section fifty-nine or the said section sixty-five, as the case may be, to that person.

(4) Where, in accordance with such arrangements as aforesaid, a mental defective is transferred from any institution within the meaning of the Mental Deficiency Act, 1913, in which he is being treated or maintained, to another such institution, he shall be deemed to have been so transferred in accordance with regulations duly made under section forty-one of the said Act.

(5) Where, in accordance with such arrangements as aforesaid, a mental defective is transferred from any institution within the meaning of the Mental Deficiency Act, 1913, in which he is being treated or maintained, to a mental hospital, he shall be deemed to have been so transferred in accordance with regulations duly made under section forty-one of the said Act, and the mental hospital shall be deemed to be an institution for his transfer to which provision might lawfully be made by such regulations; and anything which, under the Mental Deficiency Acts, 1913 to 1938, would, if the mental hospital were such an institution as is last mentioned, be required or authorised to be done in relation to him by the persons having the management or control of, or employed for the purposes of the institution, shall or may, as the case may be, be done by the persons having the management or control of, or employed for the purposes of, the said mental hospital.

(6) In this Regulation the expression "mental hospital" has the meaning assigned to that expression by section three hundred and forty-one of the Lunacy Act, 1890, as amended by section twenty of the Mental Treatment Act, 1930.

(7) In the application of this Regulation to Scotland—

(a) for any reference to a person of unsound mind there shall be substituted a reference to a lunatic; for any reference to a mental hospital or to an institution within the meaning of the Mental Treatment Act, 1930, there shall be substituted a reference to an asylum; for references to the Mental Deficiency Act, 1913, and to section forty-one thereof there shall be substituted respectively references to the Mental Deficiency and Lunacy (Scotland) Act, 1913, and to

section thirty-one thereof; for any reference to an order made under section fifty-nine or under section sixty-five of the Lunacy Act, 1890, there shall be substituted a reference to an order made under section ninety-one of the Lunacy (Scotland) Act, 1857; for references to the Lunacy and Mental Treatment Acts, 1890 to 1930, there shall be substituted references to the Lunacy (Scotland) Acts, 1857 to 1919; for any reference to the Mental Deficiency Acts, 1913 to 1938, there shall be substituted a reference to the Mental Deficiency and Lunacy (Scotland) Act, 1913; for any reference to a warrant under section five of the Criminal Lunatics Act, 1884, there shall be substituted a reference to an order under section four of the Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871;

(b) for the proviso to paragraph (1) the following proviso shall be substituted:—

“ Provided that a person being detained, in pursuance of an order under section four of the Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871, in the institution from which he is so transferred in accordance with such arrangements as aforesaid, shall be deemed to have been so transferred in pursuance of an order under the said section ”;

(c) paragraphs (3) and (6) shall not apply.

Explosives,
ammunition and
firearms.

34.—(1) A Secretary of State may by an order made as respects any specified area in the United Kingdom provide, subject to any exemptions for which provision may be made by the order, for prohibiting (either absolutely or conditionally) the keeping in that area of any explosive, any ammunition or any firearm or component part of a firearm; and such an order may be made either with respect to all explosives, ammunition, firearms or component parts of firearms, or with respect to any class of explosives, ammunition, firearms or component parts of firearms.

(2) Every person who, in any such area in the United Kingdom as may be specified by order of a Secretary of State, not being an area in relation to which an order made under paragraph (1) of this Regulation is in force, keeps any explosive, any ammunition or any firearms or component parts of firearms, shall comply with such directions for securing the safe custody thereof as may be given by the chief officer of police for the district in which the explosive, ammunition, firearms or component parts is or are situate, and any such directions may require the removal of the explosive, ammunition, firearms or component parts to such place in the first-mentioned area as may be specified in the directions.

If any directions given under this paragraph by a chief officer of police are not complied with, then (without prejudice to any proceedings which may be taken in respect of the offence) the said

officer may cause the articles to which the directions relate to be dealt with in such manner as may be necessary for securing compliance with the directions.

35.—(1) If, as respects any premises in the United Kingdom used for producing, treating, handling or keeping any articles or substances, a Secretary of State is satisfied that precautions should be taken against special risks arising from the nature of the articles or substances, he may by order make such provision as appears to him to be necessary or expedient for protecting persons and property in, or in the vicinity of, such premises against any such risks as aforesaid; and any such order may authorise the searching of persons entering, or seeking to enter, or being within, any premises to which the order applies.

Manu-
facture and
transport of
dangerous
articles.

(2) A Secretary of State may by order make, in relation to the conveyance on vehicles or vessels of any description of articles or substances specified in the order, such provision as appears to him to be necessary or expedient for protecting persons and property against any special risks arising, in connection with such conveyance, by reason of the nature of those articles or substances.

(3) In relation to any premises in the possession or under the control of the Admiralty, and in relation to any vehicle or vessel in the possession of the Admiralty, paragraphs (1) and (2) of this Regulation shall have effect as if for the references in those paragraphs to a Secretary of State there were substituted references to the Admiralty.

36.—(1) Subject to the provisions of this Regulation, no vessel situated wholly or partly above ground and having a capacity of more than five hundred gallons shall, in any premises, be used for keeping any liquid to which this Regulation applies, unless the vessel is surrounded by a wall, embankment or excavation so constructed and situated as to prevent, so far as reasonably practicable, the escape of the liquid by reason of damage done to the vessel in consequence of war operations; and if any vessel is used in contravention of this paragraph, the occupier of the premises in which the vessel is situated shall be guilty of an offence against this Regulation.

Precautions
to be taken
in connec-
tion with
the storage
of certain
liquids.

(2) Paragraph (1) of this Regulation shall not apply to any vessel in relation to which measures approved for the purposes of this Regulation by a Secretary of State, the Admiralty or the Board of Trade have been taken; and the Secretary of State, if satisfied that owing to special circumstances he can properly do so, may by order direct that the said paragraph shall not apply in relation to any such premises, vessels or liquids, or class of premises, vessels or liquids as may be specified in the order.

(3) The liquids to which this Regulation applies are—

(a) such liquids as give off an inflammable vapour at a temperature of less than one hundred and fifty degrees Fahrenheit; and

(b) such other liquids as may from time to time be specified by order of the Secretary of State.

(4) In this Regulation the expression "vessel" includes any chamber, tank or vat.

Exercise of certain powers by Minister for purposes of Civil Defence Act, 1939.

38. The powers conferred on a Secretary of State by any of the preceding Regulations contained in this Part of these Regulations, except Regulations thirty-four and thirty-five, may, in relation to Great Britain, be exercised also by the Minister for the purposes of the Civil Defence Act, 1939.

Public Order.

Assistance of one police force by another.

39.—(1) Notwithstanding any restriction or limitation imposed by or under any Act, the duty of chief officers of police shall include the duty to carry into effect such general or special instructions as may from time to time be given to them by or on behalf of the Secretary of State for the purpose of securing that proper arrangements are made for the assistance of one police force by another.

(2) Without prejudice to the generality of the powers conferred by the preceding paragraph, instructions under that paragraph may in particular determine all or any of the following matters:—

- (a) the number of constables to be transferred on any occasion from one police force to another;
- (b) the circumstances in which constables transferred by virtue of such instructions are to rejoin the force with which they were serving immediately before being so transferred; and
- (c) the persons under whose orders constables so transferred to any police force are to act while serving with that force.

(3) Where, by virtue of instructions under paragraph (1) of this Regulation, any constables are transferred to any police force, then—

- (a) notwithstanding that they have not been sworn or made any declaration as members of that force, they shall be deemed for all purposes to be members of that force, and shall have powers, duties and privileges accordingly; and
- (b) the authority to whose police force the constables are so transferred shall be liable to make to the authority from whose police force the constables are so transferred the like payments as they would have been liable to make if the constables, at the time of the transfer, had been added to the first mentioned police force in pursuance of an agreement between the said police authorities in the form of the general agreement as to mutual aid under section twenty-five of the Police Act, 1890.

53 & 54
Vict. c. 45.

(4) This Regulation shall, in its application to Scotland, have effect as if for the reference to the general agreement as to mutual aid under section twenty-five of the Police Act, 1890, there were substituted a reference to the agreement between police authorities in

Scotland as to mutual aid which came into force on the first day of September, nineteen hundred and thirty-three.

(5) This Regulation shall not extend to Northern Ireland.

40A. The declaration required to be made by any person appointed to serve as a constable of the Metropolitan Police Force may be made before any justice of the peace.

Making of declarations by persons appointed to serve as metropolitan police constables.

PART III.

SHIPS AND AIRCRAFT.

43.—(1) The Admiralty may by order make provision as to the places in or to which vessels may be or go, and generally for regulating the movements, navigation, pilotage, anchorage, mooring, berthing and lighting of vessels, and any order made under this Regulation is hereafter in these Regulations referred to as "a navigation order".

General control of navigation.

(2) If, in the case of any vessel, a navigation order is contravened or not complied with, the master of the vessel shall be guilty of an offence against this Regulation.

(3) Any person acting on behalf of His Majesty may, in relation to any vessel, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this Regulation relating to the vessel, or, where an offence against this Regulation has occurred in the case of the vessel, for enabling proceedings in respect of the offence to be effectually taken.

(4) The preceding provisions of this Regulation shall apply in relation to seaplanes on the surface of the water as those provisions apply in relation to vessels, and seaplanes taking off from, or alighting on, the water shall be deemed, for the purposes of this Regulation, to be on the surface of the water while in contact therewith.

44.—(1) Except under permission granted by or on behalf of the Admiralty—

Control of lighthouses, &c.

(a) no light, buoy, beacon or other apparatus used in the United Kingdom for the purpose of aiding navigation in or on the water, or being under the control of a general lighthouse authority under the Merchant Shipping Act, 1894, shall be discontinued, altered or removed; and

57 & 58
Vict. c. 60.

(b) no variation shall be made in the mode of exhibiting or operating any such light, buoy, beacon or other apparatus.

(2) The Admiralty, and any person acting on their behalf, may, if it appears to them or him to be necessary in the interests of the

public safety or the defence of the realm so to do, give directions for prohibiting or restricting the exhibition or operation of, or requiring the removal, alteration or concealment of, or the making of any variation in the mode of exhibiting or operating, any such light, buoy, beacon or other apparatus as aforesaid.

(8) If this Regulation, or any direction given under this Regulation, is contravened or not complied with in the case of any light, buoy, beacon or other apparatus, the person responsible for the maintenance of the light, buoy, beacon or apparatus, as the case may be, shall be guilty of an offence against this Regulation; and, in the case of a failure to comply with any such direction as aforesaid requiring the removal, alteration or concealment of any light, buoy, beacon or other apparatus, the Admiralty may (without prejudice to any proceedings which may be taken in respect of the offence) cause to be done all such work as may be necessary for securing compliance with the direction.

Measures
for safety of
British
ships.

45.—(1) Subject as hereinafter provided, the Admiralty may, if it appears to them to be necessary or expedient for the safety of British ships and of persons on board such ships so to do, make provision by order—

- (a) for securing that any British ship to which the order applies shall not, except under permission granted by or on behalf of the Admiralty, proceed to sea from any port (whether within or outside the United Kingdom) unless such requirements in respect of the alteration of the structure or external appearance of the ship, and in respect of the equipping of the ship with any particular apparatus, contrivance or appliance, as may be contained in the order have been complied with;
- (b) for securing the proper maintenance and efficient use of any apparatus, contrivance or appliance with which any such ship is equipped in pursuance of the order;
- (c) for any incidental and supplementary matters for which it appears to the Admiralty to be necessary or expedient for the purposes of the order to provide;

and an order under this Regulation may be made so as to apply either to a particular British ship or to British ships of a particular class, and so as to apply to any such ship or ships either wherever it or they may be or while in such waters, or engaged on such voyages, as may be specified in the order, but shall not apply to any Dominion ship.

(2) If any ship proceeds or attempts to proceed to sea in contravention of an order made under this Regulation, the master of the ship and the person having the management thereof shall each be guilty of an offence against this Regulation.

(3) Any person acting on behalf of His Majesty may, in relation to any ship, take such steps, and use such force, as may appear to

that person to be reasonably necessary for securing compliance with any order under this Regulation relating to the ship, or, where an offence against this Regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken.

46.—(1) Without prejudice to any navigation order, the Board of Trade, with a view to securing that British ships are used in such manner only as the Board consider expedient in the interests of the defence of the realm or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community, may by order provide that a British ship to which the order applies shall not proceed to sea from any port (whether within or outside the United Kingdom) except under the authority of a licence granted by such authority or person as may be specified in the order; and any such order may contain provisions whereby a licence under the order may be granted subject to such limitations and conditions as the authority or person granting the licence thinks fit to impose with respect to—

Control of
trade by
sea.

- (a) the trades in which the ship may be engaged, and the voyages which may be undertaken by the ship;
- (b) the class of cargoes or passengers which may be carried in the ship; and
- (c) the hiring of the ship and the terms upon which cargoes or passengers may be carried in the ship;

and may also contain such provisions with respect to incidental and supplementary matters as appear to the Board of Trade to be necessary or expedient for the purposes of the order.

Any provisions of an order under this paragraph may be framed so as to apply to any specified class of British ships, and so as to apply to any such ships either wherever they may be or while in such waters, or engaged in such trades or on such voyages, as may be specified in the order, but nothing in such an order shall apply to any Dominion ship.

(2) Without prejudice to any of the provisions of the preceding paragraph, the Board of Trade, with a view to regulating the use of ships in the coasting trade, may by order provide that no ship shall proceed to sea from a port in the United Kingdom on a voyage to any other such port or to a port in the Isle of Man or in the Channel Islands, except under the authority of a licence granted by such authority or person as may be specified in the order.

(3) Without prejudice to any navigation order or to the preceding provisions of this Regulation, any person acting on behalf of the Board of Trade, or any such authority or person as may be designated by the Board for the purposes of this paragraph, may give such directions with respect to any particular ship—

- (a) for determining the port in the United Kingdom to which the ship may go, or the position within any such port at which the ship may lie, and

(b) for determining the class of goods or passengers which may be put off or taken on board the ship at any particular port in the United Kingdom,

as the Board or the said authority or person, as the case may be, considers necessary or expedient in the interests of the defence of the realm or the efficient prosecution of war or for maintaining supplies and services essential to the life of the community.

(4) If any ship proceeds or attempts to proceed to sea in contravention of an order made under this Regulation, or if otherwise there is any contravention of such an order in the case of a ship, the master of the ship and the person having the management thereof shall each be guilty of an offence against this Regulation.

(5) Any person acting on behalf of His Majesty may, in relation to any ship, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this Regulation relating to the ship, or, where an offence against this Regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken.

Transfer
and registry
of British
ships.

47.—(1) It shall be unlawful, except under the authority of the Board of Trade, to transfer or mortgage, or to transfer any mortgage of, any British ship other than a Dominion ship or any share in such a British ship; and if any person purports to effect any transfer or mortgage which is unlawful by virtue of this paragraph, then, in addition to the transfer or mortgage being void, he shall be guilty of an offence against this Regulation.

(2) Notwithstanding anything in section fifty-three of the Merchant Shipping Act, 1894, an application made (whether before or after the coming into force of this Regulation) for the transfer of the registry of a British ship from a port in the United Kingdom to a port outside the United Kingdom shall not be granted except with the approval of the Board of Trade.

6 Edw. 7.
c. 48.

(3) Nothing in section forty-eight of the Merchant Shipping Act, 1894, as amended by section fifty-three of the Merchant Shipping Act, 1906, shall apply in relation to any alterations of a British ship registered under the first-mentioned Act, which, in pursuance of directions given by or on behalf of the Board of Trade, are made on any occasion for the purpose only of providing in the ship additional space or accommodation for cargo, stores, passengers or crew, provided that such particulars of the alterations as may be prescribed by the Board of Trade are, within such time after the completion of the alterations as may be so prescribed, endorsed on the ship's certificate of registry by a registrar of British ships.

48.—(1) The power of the Secretary of State under section seven of the Air Navigation Act, 1920, as amended by the Air Navigation Act, 1936, to regulate or prohibit by order the navigation of aircraft shall be exercisable in relation to the navigation of British aircraft, other than Dominion aircraft, over any area outside the United Kingdom, as it is exercisable in relation to the navigation of aircraft over the United Kingdom, and the said section shall have effect as if it enabled the Secretary of State to make, in an order under that section, such provision with respect to incidental and supplementary matters as appears to him to be necessary or expedient for the purposes of the order.

Amend-
ments of
Air Naviga-
tion Act,
1920.
10 & 11
Geo. 5. c. 80
26 Geo. 5 &
1 Edw. 8
c. 44.

(2) In addition to the provisions authorised by subsection (2) of section seven of the Air Navigation Act, 1920, as amended by the Air Navigation Act, 1936, an order under that section may, for the purpose of securing compliance with the order, contain provisions authorising any commissioned officer in His Majesty's forces, or any person acting under the orders of any such officer, to fire at any aircraft that flies or attempts to fly in contravention of the order.

(3) Section twelve of the Air Navigation Act, 1920, (which section, as amended by the Air Navigation Act, 1936, confers on the Secretary of State powers with respect to the investigation of any accident arising out of or in the course of air navigation and occurring in or over the United Kingdom) shall apply in relation to any case where an aircraft lands or alights in the United Kingdom elsewhere than at a place lawfully appropriated and used for the landing or alighting of aircraft, as that section applies in relation to such an accident as aforesaid, and accordingly in paragraph (c) of subsection (2) of that section the reference to aircraft to which an accident has occurred shall be construed as including a reference to aircraft which have landed or alighted as aforesaid.

(4) Subsection (1) of section fourteen of the Air Navigation Act, 1920, (which enables a person alleged to be guilty of an offence under that Act or under any Order in Council or regulations made thereunder to be tried in any place where he is for the time being) shall extend to offences under any order made under section seven of that Act, and accordingly the said subsection shall have effect as if there were therein inserted after the words "Order in Council" the word "order":

PART IV.

ESSENTIAL SUPPLIES AND WORK.

General Provisions.

49.—(1) For the purposes of any of the Regulations contained in this Part of these Regulations, not being a Regulation which otherwise specially provides, any of the following Ministers or authorities

Competent
authorities
for purposes
of Part IV

shall be a competent authority, that is to say, a Secretary of State, the Admiralty, the Board of Trade, the Minister of Agriculture and Fisheries, the Minister of Health, the Minister of Transport, the Minister of Supply, the Minister for the purposes of the Civil Defence Act, 1939, the Postmaster General and the Commissioners of Works.

(2) In respect of such matters as the Board of Trade may determine, the powers of the Board under this Part of these Regulations shall, subject to the directions of the Board, be exercised, in relation to Great Britain, through the Secretary for Mines.

(8) This Regulation shall, in its application to Scotland, have effect as if the references to the Minister of Agriculture and Fisheries and the Minister of Health were omitted.

(4) This Regulation shall, in its application to Northern Ireland, have effect as if the references to the Minister of Agriculture and Fisheries, the Minister of Health, the Minister of Transport and the Minister for the purposes of the Civil Defence Act, 1939, were omitted.

Power to do
work on
land.

50.—(1) Any member of His Majesty's forces acting in the course of his duty as such, and any person authorised by a competent authority to act under this Regulation, may, for any purpose connected with the defence of the realm, the prosecution of war, the securing of the public safety or the maintenance of supplies and services essential to the life of the community, do any work on any land or place anything in, on or over any land.

(2) A competent authority, if it appears to that authority to be necessary or expedient so to do in the interests of the public safety, the defence of the realm, the efficient prosecution of war or the maintenance of supplies and services essential to the life of the community, may by order provide for prohibiting or restricting the doing on any particular land of any such work as may be specified in the order.

(3) No person (other than a constable or a servant of His Majesty acting in the course of his duty as such) shall, except with permission granted by or on behalf of a competent authority, remove, alter or tamper with any work done, or thing placed, in, on or over any land in pursuance of this Regulation.

(4) For the purpose of this Regulation, the doing of work shall, in relation to any land, be deemed to include the demolition, pulling down, destruction or rendering useless of anything placed in, on or over that land, the maintenance of any work or thing in, on or over the land, and the removal from the land of anything so placed, demolished or pulled down in pursuance of this Regulation.

5 & 6 Vict.
c. 94.

(5) The operation of so much of section sixteen of the Defence Act, 1842, as authorises any person to enter on, survey and mark out,

or to cause to be surveyed and marked out, any lands, buildings or other hereditaments or easements shall, except as respects things done before the date of the coming into force of this Regulation, be suspended during the continuance in force of this Regulation.

The reference in the preceding provisions of this paragraph to section sixteen of the Defence Act, 1842, shall be construed as including a reference to that section as applied by the Air Force (Application of Enactments) (No. 1) Order, 1918.

51.—(1) A competent authority, if it appears to that authority to be necessary or expedient so to do in the interests of the public safety, the defence of the realm or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community, may take possession of any land, and may give such directions as appear to the competent authority to be necessary or expedient in connection with the taking of possession of that land.

Taking
possession
of land.

(2) While any land is in the possession of a competent authority by virtue of this Regulation, the land may, notwithstanding any restriction imposed on the use thereof (whether by any Act or other instrument or otherwise), be used by, or under the authority of, the competent authority for such purpose, and in such manner, as that authority thinks expedient in the interests of the public safety, the defence of the realm or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community; and the competent authority, so far as appears to it to be necessary or expedient in connection with the taking of possession or use of the land in pursuance of this Regulation,—

(a) may do, or authorise persons using the land as aforesaid to do, in relation to the land, anything which any person having an interest in the land would be entitled to do by virtue of that interest, and

(b) may by order provide for prohibiting or restricting the exercise of rights of way over the land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(3) The owner or occupier of any land shall, if requested by or on behalf of a competent authority so to do, furnish to such authority or person as may be specified in the request such information in his possession relating to the land (being information which may reasonably be demanded of him in connection with the execution of this Regulation) as may be so specified.

(4) The operation of section nineteen of the Defence Act, 1842, as amended by any subsequent enactment, shall, except as respects things done before the date of the coming into force of this Regulation, be suspended during the continuance in force of this Regulation.

The reference in the preceding provisions of this paragraph to section nineteen of the Defence Act, 1842, shall be construed as including a reference to that section as applied by the Air Force (Application of Enactments) (No. 1) Order, 1918.

(5) A competent authority may, to such extent and subject to such restrictions as it thinks proper, delegate all or any of its functions under paragraphs (1) to (3) of this Regulation to any specified persons or class of persons.

Use of land
for purposes
of H.M.
forces.

52.—(1) Without prejudice to any other of these Regulations, a Secretary of State or the Admiralty may by order authorise, subject to any restrictions and conditions imposed by the order, the use of any land specified therein for military purposes, for air force purposes or for any of the purposes of His Majesty's navy, as the case may be, during such period as may be specified in the order; and any such order may, so far as appears to the authority making the order to be necessary or expedient for the purposes thereof, provide—

- (a) for entitling persons using any land in pursuance of the order to do such acts in relation to that land as may be specified in the order, and
- (b) for prohibiting or restricting the exercise of rights of way over that land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(2) During the continuance in force of this Regulation the operation of the following provisions of the Military Lands Acts, 1892 to 1908, shall be suspended, that is to say, the proviso to subsection (1) of section fourteen, section sixteen, and subsection (1) of section seventeen, of the Military Lands Act, 1892, the proviso to subsection (2) of section two of the Military Lands Act, 1900, and subsection (3) of the said section two.

55 & 56
Vict. c. 43.
63 & 64
Vict. c. 56.

(3) In relation to any land which, by virtue of an order made under this Regulation or in consequence of possession of the land having been taken under this Part of these Regulations, is used for any military or air force purpose or for any purpose of His Majesty's navy, the power of the Secretary of State or the Admiralty to make byelaws under the Military Lands Acts, 1892 to 1908, as amended by this Regulation, shall be exercisable as if the land were vested in the Secretary of State or the Admiralty, as the case may be, and appropriated for that purpose.

(4) In this Regulation the expressions "military purposes" and "air force purposes" have the meanings respectively assigned to those expressions by section twenty-three of the Military Lands Act, 1892, and by that section as applied by the Air Force (Application of Enactments) (No. 1) Order, 1918.

53.—(1) Subject as hereinafter provided, a competent authority, if it appears to that authority to be necessary or expedient so to do in the interests of the public safety, the defence of the realm or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community, may requisition—

Requisition-
ing of
property
other than
land.

(a) any chattel in the United Kingdom (including any vessel or aircraft and anything on board a vessel or aircraft), and

(b) any British ship or aircraft or anything on board a British ship or aircraft, wherever the ship or aircraft may be;

and may give such directions as appear to the competent authority to be necessary or expedient in connection with the requisition:

Provided that the preceding provisions of this Regulation shall not authorise the requisitioning of any Dominion ship or aircraft or of anything on board such a ship or aircraft.

(2) Where a competent authority requisitions any property under this Regulation, the competent authority may use or deal with, or authorise the use of or dealing with, the property for such purpose and in such manner as the competent authority thinks expedient in the interests of the public safety, the defence of the realm or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community, and may hold, or sell or otherwise dispose of, the property as if the competent authority were the owner thereof.

(3) Without prejudice to the powers conferred by paragraphs (1) and (2) of this Regulation, the Board of Trade may by order require the owners of, and the persons having power to dispose of, chattels of any description specified in the order, being chattels situate outside the United Kingdom, to comply with such directions as may be given by or on behalf of the Board for the purpose of securing that the ownership of such chattels or the right to dispose thereof is transferred to the Board.

(4) A competent authority, if it appears to that authority to be necessary for the effectual exercise of its powers under paragraph (1) of this Regulation so to do, may, by order made as respects the whole of the United Kingdom or any part thereof,—

(a) direct that no person who, at the time when the order takes effect, has in his possession or under his control, at any premises in the area to which the order relates, any such articles as may be described in the order, shall remove the articles, or cause or permit them to be removed, from the premises until the removal of the articles therefrom is permitted by such authority or person as may be specified in the order;

(b) require the owner or occupier of any premises in the said area to send to such authority or person as may be

specified in the order a written declaration stating or estimating whether or not, on such date as may be specified in the order, any such articles as aforesaid were or will be on the premises, and, if so, the number or quantity of those articles which was or will be on the premises on that date, according as the order may direct.

(5) A competent authority may, to such extent and subject to such restrictions as it thinks proper, delegate all or any of its functions under paragraphs (1) and (2) of this Regulation to any specified persons or class of persons.

(6) The powers conferred by the preceding provisions of this Regulation shall not be exercisable in relation to any of the following things, that is to say, currency, gold, securities or negotiable instruments.

(7) Any reference in this Regulation to articles shall be construed as including a reference to substances, vehicles, vessels or animals.

Special powers as to ships and aircraft.

54.—(1) Subject as hereinafter provided, the competent authority may require any space or accommodation in a British ship or aircraft to be placed at the disposal of the competent authority, and may give such directions as appear to the competent authority to be necessary or expedient in connection with any such requirement; and if any directions given under this paragraph with respect to any vessel or aircraft are contravened or not complied with, the master of the vessel or the pilot of the aircraft, as the case may be, and the person having the management thereof, shall each be guilty of an offence against this Regulation :

Provided that the preceding provisions of this Regulation shall not authorise the doing of anything in relation to a Dominion ship or aircraft.

(2) Where, in respect of any ship or aircraft, there subsists between a person to whom this paragraph applies and any other person a charter-party or other contract under which the first-mentioned person is entitled to possession of the ship or aircraft, or has the right to have any articles carried in the ship or aircraft or to use any space or accommodation in the ship or aircraft, the competent authority may serve on the first-mentioned person, in any manner appearing to the competent authority to be convenient, a notice stating that on such date as may be specified in the notice his rights and liabilities under the contract will be transferred to the competent authority; and in that event the contract shall, as regards any rights exercisable, or liabilities incurred, on or after the said date, have effect (subject to the provisions of the next following paragraph) as if the competent authority were a party to the contract instead of the person on whom the notice was served, and as if for any reference in the contract to that person there were substituted a reference to the competent authority.

The persons to whom this paragraph applies are—

- (a) every British subject not being resident in a Dominion, and
- (b) every corporation incorporated under the law of—
 - (i) any part of the United Kingdom,
 - (ii) the Isle of Man or any of the Channel Islands,
 - (iii) any colony or British protectorate administered by His Majesty's Government in the United Kingdom, or
 - (iv) any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom,

or incorporated under British law as in force in any other country being a foreign country in which for the time being His Majesty has jurisdiction.

(3) The competent authority may at any time cancel a notice served under paragraph (2) of this Regulation in respect of a contract, and thereupon the said paragraph shall, unless and until a further notice is served thereunder in respect of that contract, cease to operate in relation to the contract as regards any rights exercisable, or liabilities incurred, on or after the date on which the cancellation takes effect.

Notice of any such cancellation shall be given as soon as may be by the competent authority in such manner as that authority thinks best for informing the person concerned.

(4) The competent authority may, to such extent and subject to such restrictions as it thinks proper, delegate all or any of its functions under paragraphs (1) to (3) of this Regulation to any specified persons or class of persons.

(5) In this Regulation the expression "the competent authority" means in relation to any ship, the Board of Trade or in relation to any aircraft, the Secretary of State.

55.—(1) A competent authority, so far as appears to that authority to be necessary in the interests of the defence of the realm or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community, may by order provide—

General control of industry.

- (a) for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, use or consumption of articles of any description, and, in particular, for controlling the prices at which such articles may be sold;
- (b) for regulating the carrying on of any undertaking engaged in essential work, and, in particular, for controlling the charges which may be made by the undertakers in respect of the doing of any work by them;

- (c) for requiring persons carrying on any undertaking to keep such books, accounts and records relating to the undertaking as may be prescribed by or under the order;
- (d) for requiring persons carrying on, or employed in connection with, any undertaking to produce to such authority or person as may be specified in the order any books, accounts or other documents relating to the undertaking; and for requiring such persons to furnish to such authority or person as may be specified in the order, such estimates, returns or other information relating to the undertaking as may be specified in the order or demanded thereunder;
- (e) for any incidental and supplementary matters for which the competent authority thinks it expedient for the purposes of the order to provide, including, in particular, the entering and inspection of premises to which the order relates with a view to securing compliance with the order;

and also make such provision as the competent authority thinks necessary or expedient for facilitating the introduction and operation of a scheme of control under this Regulation; and an order under this Regulation may prohibit the doing of anything regulated by the order except under the authority of a licence granted by such authority or person as may be specified in the order, and may be made so as to apply either to persons or undertakings generally or to any particular person or undertaking or class of persons or undertakings, and either to the whole or to any part of any undertaking, and so as to have effect either generally or in any particular area.

(2) Any competent authority being an authority which has power to amend or revoke, or to approve the amendment of, a scheme made under any Act for regulating the production, marketing or distribution of any articles, may by order amend or revoke that scheme or suspend the operation thereof in whole or in part, if it appears to the authority to be necessary so to do in the interests of the defence of the realm or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community.

(3) Where the right to make charges in connection with the carrying on of any undertaking with respect to which an order may be made under this Regulation is limited by law, any order so made in relation to that undertaking may authorise the undertakers to make in that connection charges in excess of, or in addition to, those which they would otherwise be authorised to make.

(4) A competent authority, if it appears to that authority to be necessary so to do in the interests of the public safety, the defence of the realm or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community, may carry on the whole or any part of any existing undertaking, or authorise a person to carry on the whole or any part of any existing undertaking, in accordance with any instructions of the competen

authority; and while by virtue of this paragraph a competent authority or a person so authorised is carrying on the whole or any part of an undertaking,—

- (a) the said authority or person shall be deemed to be acting as the agent of the undertakers, except that the undertakers shall not have any right to control the carrying on of the undertaking or part of the undertaking; and
- (b) the undertakers shall not be bound, or, as the case may be, shall not in respect of such matters as may be specified by order of the competent authority, be bound, by any obligation or limitation imposed on the undertakers by or by virtue of any Act or other instrument determining their functions.

(5) For the purposes of this Regulation, any of the following Ministers and authorities shall be deemed to be a competent authority, that is to say, a Secretary of State, the Admiralty, the Board of Trade, the Minister of Agriculture and Fisheries, the Minister of Health, the Minister of Transport, the Minister of Supply and the Postmaster General.

(6) In this Regulation—

- (a) the expression “essential work” means work appearing to the competent authority to be essential for the defence of the realm or the efficient prosecution of war or to be essential to the life of the community; and
- (b) the expression “undertaking” means any public utility undertaking or any undertaking by way of any trade or business, and the expression “undertakers” shall be construed accordingly;

and any reference in this Regulation to articles shall be construed as including a reference to substances, vehicles, vessels or animals and also as including a reference to electricity.

(7) This Regulation shall, in its application to Scotland, have effect as if the references to the Minister of Agriculture and Fisheries and the Minister of Health were omitted.

(8) This Regulation shall, in its application to Northern Ireland, have effect as if the references to the Minister of Agriculture and Fisheries, the Minister of Health and the Minister of Transport were omitted.

56.—(1) As respects any public utility undertaking, the competent authority, and any person authorised by the competent authority to act under this Regulation, may give directions for securing that the undertaking is carried on in such manner as the competent authority thinks proper in the interests of the public safety, the defence of the realm or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community; and the competent authority may by order relax

Public
utility
under-
takings.

any obligation or limitation imposed on the undertakers by, or by virtue of, any Act or other instrument determining their functions, and in particular may authorise the undertakers to make, in connection with the carrying on of the undertaking, charges in excess of, or in addition to, those which they would otherwise be authorised to make.

For the avoidance of doubt it is hereby declared that this paragraph authorises the giving of such directions as aforesaid in relation to any undertaking, notwithstanding that the undertaking is being carried on under the last preceding Regulation by a person authorised in that behalf by the competent authority.

(2) With a view to ascertaining whether any directions given under this Regulation with respect to a public utility undertaking are complied with, any person authorised in that behalf by the competent authority may at any time enter and inspect any premises used or appropriated for the purposes of the undertaking.

(3) Any person concerned in the management, or employed in connection with the carrying on, of a public utility undertaking shall, if requested by or on behalf of the competent authority so to do, produce or furnish to such authority or person as may be specified in the request such books or other documents, or, as the case may be, such estimates, returns, accounts or other information, being documents or information in his possession relating to the undertaking, as may be so specified.

(4) In this Regulation the expression "the competent authority" means—

(a) in relation to any undertaking for the supply of electricity or any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour or pier undertaking, the Minister of Transport;

(b) in relation to any undertaking for the supply of water, any sewerage or sewage disposal undertaking or any undertaking for the collection and disposal of refuse, the Minister of Health;

(c) in relation to the undertaking of a drainage authority, the Minister of Agriculture and Fisheries; or

(d) in relation to any other undertaking, the Board of Trade, or if His Majesty in Council designates, for the purposes of this Regulation, any Minister or authority in respect of such an undertaking, that Minister or authority.

(5) This Regulation shall, in its application to Scotland, have effect as if for the reference to the Minister of Health there were substituted a reference to the Secretary of State, and as if subparagraph (c) of paragraph (4) were omitted.

(6) This Regulation shall, in its application to Northern Ireland, have effect as if for references to the Minister of Transport, the Minister of Health and the Minister of Agriculture and Fisheries there were substituted references to the Secretary of State.

57. The Minister or other authority by whom any stocks of commodities are held under section two of the Essential Commodities Reserves Act, 1938, or any such persons as may be authorised in that behalf by that Minister or authority or specified in an order made for the purposes of this Regulation by that Minister or authority, may make and carry out arrangements whereby those stocks are used and disposed of in such manner as that Minister or authority thinks expedient in the interests of the defence of the Realm or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community.

Disposal of reserves of essential commodities created under 1 & 2 Geo. 6. c. 51.

58.—(1) Where—

- (a) the draft of a licence for the establishment of a factory or magazine for gunpowder or other explosives is, in pursuance of section six of the Explosives Act, 1875, submitted to the Secretary of State by the applicant for the licence, or
- (b) an application for an amending licence for the making of any alteration in such a factory or magazine is made to the Secretary of State in pursuance of section twelve of the said Act,

Licensing of explosives factories. 38 & 39 Vict. c. 17.

the Secretary of State may, instead of taking any other steps which he is required by the said Act to take in respect of the application, grant the licence or amending licence, as the case may be, subject to such conditions, if any, as he thinks proper, and any licence granted under this Regulation shall have effect for the purposes of the said Act, as if it had been duly granted under section eight or section twelve, as the case may be, of that Act.

(2) This Regulation shall, in its application to Northern Ireland, have effect as if for references to the Secretary of State there were substituted references to the Ministry of Home Affairs.

Agriculture and Fisheries.

61.—(1) The Minister of Agriculture and Fisheries may by order direct that any land which, at the time when the order comes into force, is agricultural land shall not thereafter be used otherwise than as agricultural land except with permission granted by or on behalf of the Minister; and an order under this Regulation may be made so as to apply either generally or to any particular area:

Preservation of agricultural land.

Provided that nothing in an order under this paragraph shall restrict the use of any land on behalf of His Majesty.

(2) If any person trespasses on any agricultural land in the United Kingdom of any description specified in an order of the Minister of Agriculture and Fisheries for the time being in force, that person shall, subject as hereinafter provided, be guilty of an offence against this Regulation and liable on summary conviction to a fine not exceeding fifty pounds:

Provided that no person shall be liable to any penalty under this paragraph unless it is proved that, at the material time, notices warning trespassers of their liability under this paragraph were posted on or near the boundary of the land in question, so as to be easily seen and read by members of the public.

(8) This Regulation shall, in its application to Scotland and to Northern Ireland, have effect as if for the references to the Minister of Agriculture and Fisheries there were substituted references to the Secretary of State.

Control of
cultivation,
and
termination
of agricul-
tural
tenancies.

62.—(1) The Minister of Agriculture and Fisheries may, in relation to any agricultural land, give such directions with respect to the cultivation, management or use of that land as he thinks necessary or expedient for the purpose of increasing or maintaining the production in the United Kingdom of articles essential to the life of the community; and if any directions given under this paragraph in relation to any land are contravened or not complied with, then (without prejudice to any proceedings which may be taken in respect of the offence) the said Minister, in a case where the land is held by a tenant, may, by notice in writing served on the tenant and on the landlord, terminate the tenancy on such date as may be specified in the notice.

(2) Where, by virtue of this Part of these Regulations, possession is at any time taken of any land which is an agricultural holding, the Minister of Agriculture and Fisheries, if it appears to him that at that time the tenant of the holding is not or was not cultivating it according to the rules of good husbandry, may, by notice in writing served on the tenant and on the landlord, terminate the tenancy on such date as may be specified in the notice.

The power conferred on the Minister of Agriculture and Fisheries by this paragraph shall be in addition to, and not in derogation of, the powers conferred on him by paragraph (1) of this Regulation.

(3) For the avoidance of doubt it is hereby declared that the termination of a tenancy of any agricultural holding by reason of a notice given under this Regulation is to be treated as the termination of the tenancy for the purposes of the Agricultural Holdings Act, 1929 (without any implication, however, that the notice is to be treated as a notice to quit, or notice to terminate the tenancy, given by the landlord), and that the provisions of the said Act which determine the respective rights of the landlord and the tenant of such a holding upon the termination of the tenancy of the holding, or upon the quitting thereof by the tenant, (except the provisions of sections twelve to fourteen of the said Act) apply accordingly.

(4) Where, by virtue of this Part of these Regulations, possession of any agricultural land is taken by any person, sections one to eight

f the Agricultural Holdings Act, 1923, shall apply in relation thereto as if—

- (a) at the beginning of the period for which possession of the land is retained by virtue of this Part of these Regulations, the said person had become entitled to possession thereof as a tenant under a contract of tenancy made at the beginning of that period for the duration thereof, and
- (b) the end of that period were the termination of the tenancy.

(5) In this Regulation the expression "agricultural holding" means a holding as defined by section fifty-seven of the Agricultural Holdings Act, 1923, and the expression "rules of good husbandry" has the meaning assigned to that expression by the said section.

(6) This Regulation shall, in its application to Scotland, have effect subject to the following modifications:—

- (a) for references to the Minister of Agriculture and Fisheries there shall be substituted references to the Secretary of State;
- (b) for references to the Agricultural Holdings Act, 1923, and to section fifty-seven thereof, there shall be substituted respectively references to the Agricultural Holdings 13 & 14 (Scotland) Act, 1923, and to section forty-nine thereof; Geo. 5. c. 10. and
- (c) in paragraph (4) for the words "a contract of tenancy made" there shall be substituted the words "a lease entered into".

(7) This Regulation shall, in its application to Northern Ireland, have effect subject to the following modifications:—

- (a) for the references to the Minister of Agriculture and Fisheries there shall be substituted references to the Secretary of State; and
- (b) paragraphs (2) to (5) shall not apply.

63.—(1) If it appears to the Minister of Agriculture and Fisheries to be necessary or expedient so to do—

- (a) for the purpose of preventing or minimising injury to crops or trees, or wastage of pasturage, by birds, hares, rabbits, deer, vermin or pests, or
- (b) for the purpose of increasing the supply of food in the United Kingdom,

he may by order authorise persons at any time to enter upon any land specified in the order, and to take thereon such steps as may be specified in the order for the purpose of killing or taking hares, rabbits, deer or any specified class of birds, vermin or pests; and an order under this Regulation may contain such provisions with respect to the keeping or disposal of birds or other animals taken or killed in pursuance of the order, and such other incidental and supplementary provisions, as appear to the Minister to be necessary or expedient for the purposes of the order.

Killing of rabbits, &c., and game.

(2) Paragraph (1) of this Regulation shall apply in relation to the taking, keeping or disposal of birds' eggs as it applies in relation to the taking, keeping or disposal of birds.

(8) This Regulation shall, in its application to Scotland and to Northern Ireland, have effect as if for the references to the Minister of Agriculture and Fisheries there were substituted references to the Secretary of State.

Control of fisheries.

64.—(1) The Minister of Agriculture and Fisheries may, as respects any several fishery, give such directions with respect to the cultivation, management and use of the fishery as he thinks necessary or expedient for the purpose of increasing or maintaining the supply of fish in the United Kingdom.

(2) The said Minister may, so far as he thinks necessary or expedient for the purpose aforesaid, by order—

- (a) authorise the taking of fish at any times and by any means specified in the order, and the possession, sale, purchase, or exposure or consignment for sale, of fish at any time so specified;
- (b) prohibit or regulate the taking of fish of any description at any time specified in the order, or by any means so specified;
- (c) authorise persons to kill or take at any time specified in the order any such birds, or the eggs of any such birds, as may be specified in the order, being birds which, in the opinion of the Minister, are injurious or likely to be injurious to fisheries, and to enter on land for that purpose;
- (d) provide for requiring persons taking fish to make returns with respect thereto in such form and manner, at such times, and to such authority or person, as may be prescribed by or in accordance with the order.

(3) An order under this Regulation may be made so as to apply either generally or to a particular area.

(4) This Regulation shall, in its application to Scotland and to Northern Ireland, have effect as if for the references to the Minister of Agriculture and Fisheries there were substituted references to the Secretary of State.

Suspension of fishing rights.

65.—(1) The Minister of Agriculture and Fisheries, so far as appears to him to be necessary or expedient for the purpose of increasing or maintaining the supply of fish in the United Kingdom, may by order vest in himself and any persons licensed by him for the purpose of this Regulation the exclusive right of taking fish in such waters as may be specified in the order; and in any waters to which such an order relates no person other than the Minister or a person so licensed shall take, kill or injure any fish.

(2) This Regulation shall, in its application to Scotland and to Northern Ireland, have effect as if for the references to the Minister of Agriculture and Fisheries there were substituted references to the Secretary of State.

66.—(1) The Minister of Agriculture and Fisheries may by order provide for delegating, to such extent and subject to such restrictions as may be specified in the order, to any person or body of persons appointed or approved by him all or any of his functions under the last five preceding Regulations; and any such order may contain such provisions as the Minister thinks proper with respect to the procedure of any body to whom functions are so delegated and with respect to other incidental and supplementary matters.

Delegation
of functions
of Minister
of Agri-
culture.

(2) This Regulation shall, in its application to Scotland and to Northern Ireland, have effect as if for references to the Minister of Agriculture and Fisheries there were substituted references to the Secretary of State.

67.—(1) For the purposes of the Agricultural Returns Act, 1925, agricultural land shall be deemed to include land used wholly or mainly for the purpose of breeding or keeping poultry.

Agri-
cultural
returns.
15 & 16
Geo. 5. c. 39.

(2) Notwithstanding anything in subsection (2) of section one of the Agricultural Returns Act, 1925, any returns made under that Act may be used in any manner which the Minister of Agriculture and Fisheries or the Secretary of State, as the case may be, thinks necessary or expedient in the interests of the defence of the realm or the efficient prosecution of war, or in connection with the maintenance of the supply of food in the United Kingdom.

68.—(1) Without prejudice to their powers under any other of these Regulations, the Board of Trade may by order provide for regulating and restricting the felling of trees, and the sale of growing trees for felling, and in particular for controlling the prices at which growing trees may be sold for felling.

Felling and
sale of trees.

(2) Any such order may be made so as to apply either to trees generally or to any specified description of trees, and so as to have effect either throughout the United Kingdom or in any particular area therein, may make different provision in relation to different descriptions of trees, and may prohibit the doing of anything regulated by the order except under the authority of a licence granted by such authority or person as may be specified in the order.

(3) Any person authorised by the Board of Trade may—

- (a) take such steps, whether by marking or otherwise, as the Board consider necessary for identifying any trees to which such an order as aforesaid or any licence thereunder relates; and
- (b) if it appears to the Board to be necessary so to do for maintaining supplies essential to the life of the community, cause any growing trees to be felled.

Transport.

Special provisions as to taking control of railways.

69.—(1) The Minister of Transport may by order take control of such railway undertakings as may be specified in the order; and an order made under this Regulation in relation to any railway undertaking shall operate as a requirement—

- (a) that any property from time to time held by the undertakers for the purposes of the undertaking (other than currency, gold, securities or negotiable instruments) shall be placed at the disposal of the Minister in accordance with any directions which may be given by him or on his behalf while the order is in force; and
- (b) that the undertaking shall be carried on in accordance with any directions which may be so given while the order is in force.

(2) Any reference in the preceding paragraph to a railway undertaking shall be construed as including a reference to any undertaking carried on by the person by whom the railway undertaking is carried on; and any reference in this Regulation to an undertaking shall be construed as including a reference to part of an undertaking.

Traffic on highways.

70.—(1) Without prejudice to any other of these Regulations, the Minister of Transport may by order provide for the regulation of traffic on highways, and, without prejudice to the generality of the power aforesaid, any such order may in particular provide—

- (a) for determining the routes to be followed by any particular class of vehicles proceeding on highways, either generally or in such circumstances as may be determined by or in accordance with the order;
- (b) for prohibiting or regulating the use of vehicles or any class of vehicles on highways or the use by vehicles of specified roads or classes of roads, either generally or in such circumstances as may be so specified;

and may be made so as to apply either generally or to any specified area, and may make different provision for different parts of the area to which the order applies.

(2) This Regulation shall, in its application to Northern Ireland, have effect as if for the reference to the Minister of Transport there were substituted a reference to the Secretary of State.

Maintenance of highways.

71.—(1) Where any person is under a duty to improve or maintain a highway, the Minister of Transport may give such directions with respect to the manner in which that duty is to be performed as he thinks necessary in the interests of the defence of the realm, the public safety or the efficient prosecution of war.

The preceding provisions of this paragraph shall apply in relation to any bridge over or under a highway, and to any tunnel in the course of a highway, as they apply in relation to a highway.

(2) If any directions given under this Regulation are not complied with by the person to whom they are given, then (without prejudice to any proceedings which may be taken in respect of the offence) the Minister of Transport may cause to be done all such work as may be necessary for securing compliance with the directions.

(3) A local highway authority, if authorised in that behalf by the Minister of Transport, may do on his behalf any work which he is authorised to cause to be done under paragraph (2) of this Regulation.

(4) For the purposes of this Regulation in its application to Scotland the expression "local highway authority" means the county or town council responsible for the maintenance and management of the roads in the area in which is situated the highway with respect to which directions have been given under this Regulation.

(5) This Regulation shall, in its application to Northern Ireland, have effect subject to the following modifications:—

- (a) for references to the Minister of Transport there shall be substituted references to the Secretary of State; and
- (b) the expression "local highway authority" means a local authority by whom roads or streets are maintainable.

72.—(1) In any proceedings which, by virtue of subsection (1) of section four, or section seventy-seven, of the Road Traffic Act, 1930, or by virtue of subsection (1) of section thirty-one of the Road Traffic Act, 1934, may be taken in respect of the driving of any vehicle by a person not licensed for the purpose, it shall be a defence for the defendant to prove that at the material time the vehicle was being driven under an authority granted generally or specially for the purposes of this paragraph by or on behalf of the Minister of Transport.

Modifica-
tion of
enactments
relating to
road
vehicles and
drivers
thereof.
20 & 21
Geo. 5. c. 43.
24 & 25
Geo. 5. c. 50

(2) If it appears to the Minister of Transport that, in the interests of the defence of the realm or the efficient prosecution of war, it is no longer expedient to require compliance with the statutory provisions relating to the granting of public service vehicle licences or road service licences under Part IV of the Road Traffic Act, 1930, or to the granting of licences for the purposes of Part I of the Road and Rail Traffic Act, 1933, he may by order direct that in any proceedings which may be taken in respect of the use of a vehicle on any occasion in contravention of section sixty-seven or section seventy-two of the Road Traffic Act, 1930, or section one of the Road and Rail Traffic Act, 1933, as the case may be, it shall be a defence to prove that the vehicle was on that occasion being used under an authority granted generally or specially for the purposes of this paragraph by or on behalf of the Minister of Transport.

23 & 24
Geo. 5. c. 53.

(3) The operation of subsection (3) of section sixty-two of the Road Traffic Act, 1930, as amended by section twenty-seven of the Road and Rail Traffic Act, 1933 (which subsection provides that an order under the said section sixty-two for varying the number or limits of traffic areas shall be of no effect unless and until it has been approved

by a resolution of each House of Parliament) shall be suspended during the continuance in force of this Regulation.

(4) The Minister of Transport may by order direct that section nineteen of the Road Traffic Act, 1930, as amended by section thirty-one of the Road and Rail Traffic Act, 1933, shall not apply in relation to the driving of motor vehicles used for the purposes of any such work as may be specified in the order, being work which appears to the said Minister to be essential for the defence of the realm or the efficient prosecution of war or to be essential to the life of the community; and any such order may be made so as to apply either to all motor vehicles so used or to any specified class of motor vehicles so used, and may, in relation to drivers of vehicles to which the order applies, impose such restrictions and obligations with respect to hours of work and hours for rest as the Minister thinks proper.

10 & 11
Geo. 5. c. 18.
10 & 11
Geo. 5. c. 72.

(5) Nothing in section thirteen of the Finance Act, 1920, or in section five of the Roads Act, 1920, shall apply in relation to any vehicle being used for the purposes of His Majesty's service or any services designated for the purposes of this paragraph by the Minister of Transport, being services which appear to him to be essential for the defence of the realm or the efficient prosecution of war or to be essential to the life of the community, if and so long as there is exhibited on the vehicle, in accordance with directions given by the said Minister, a certificate that the vehicle is being so used in a case of emergency.

(6) This Regulation shall not extend to Northern Ireland.

Modification
of enact-
ments of
Parliament
of Northern
Ireland
relating to
road
vehicles and
drivers
thereof.

73.—(1) In any proceedings which, by virtue of subsection (1) of section three or subsection (1) of section twelve of the Motor Vehicles (Traffic and Regulation) Act (Northern Ireland), 1926 (in this Regulation referred to as "the Act of 1926"), are taken in respect of the driving of any vehicle by a person not licensed for the purpose, it shall be a defence for the defendant to prove that at the material time the vehicle was being driven under an authority granted generally or specially for the purposes of this paragraph by or on behalf of the Secretary of State.

(2) If it appears to the Secretary of State that, in the interests of the defence of the realm or the efficient prosecution of war, it is no longer expedient to require compliance with the statutory provisions relating to the granting of public service vehicle licences under Part II of the Act of 1926, or to the granting of licences for the purposes of Part III of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1934, he may by order direct that in any proceedings which may be taken in respect of the use of a vehicle on any occasion in contravention of section eleven of the Act of 1926 (as amended by section six of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1929, or section twenty-four of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1934, as the case

may be) it shall be a defence to prove that the vehicle was on that occasion being used under an authority granted generally or specially for the purposes of this paragraph by or on behalf of the Secretary of State.

(3) The Secretary of State may by order direct that section fourteen of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1934, shall not apply in relation to the driving of motor vehicles used for the purposes of any such work as may be specified in the order, being work which appears to the Secretary of State to be essential for the defence of the realm or the efficient prosecution of war or to be essential to the life of the community; and any such order may be made so as to apply either to all motor vehicles so used or to any specified class of motor vehicles so used, and may, in relation to drivers of vehicles to which the order applies, impose such restrictions and obligations with respect to hours of work and hours for rest as the Secretary of State thinks proper.

(4) Nothing in section thirteen of the Finance Act, 1920, or in section five of the Roads Act, 1920, shall apply in relation to any vehicle being used for the purposes of His Majesty's service or any services designated for the purposes of this paragraph by the Secretary of State, being services which appear to him to be essential for the defence of the realm or the efficient prosecution of war or to be essential to the life of the community, if and so long as there is exhibited on the vehicle, in accordance with directions given by the Secretary of State, a certificate that the vehicle is being so used in a case of emergency.

(5) This Regulation shall extend to Northern Ireland only.

74.—(1) Without prejudice to any navigation order, a competent authority, if it appears to that authority to be necessary or expedient so to do in the interests of the public safety, the defence of the realm or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community, may make provision by order—

Control of
traffic at
ports.

(a) for prohibiting or restricting the shipping or unshipping of articles or persons, or any specified class of articles or persons, at any port in the United Kingdom;

(b) generally for regulating, facilitating or expediting the traffic at any such port;

and an order under this Regulation may contain such incidental and supplementary provisions as appear to the competent authority to be necessary or expedient for the purposes of the order.

(2) The reference in the preceding provisions of this Regulation to shipping or unshipping shall be construed as including a reference to embarking on or putting on board of seaplanes or disembarking or unloading from seaplanes.

(3) For the purposes of this Regulation, the competent authorities shall be the Board of Trade and the Minister of Transport.

(4) This Regulation shall, in its application to Northern Ireland, have effect as if for the reference to the Minister of Transport there were substituted a reference to the Secretary of State.

Congestion
of traffic at
ports and
on railways.

75.—(1) Any person authorised by a competent authority to act under this Regulation may, if it appears to him to be necessary so to do for the purpose of preventing or avoiding any undue congestion of traffic at any port or railway premises, cause to be removed from the port or premises, and to be kept at such place in the United Kingdom as he thinks proper, any goods at the port or on the premises which are not removed therefrom with reasonable dispatch by or on behalf of the consignee. .

(2) For the purposes of this Regulation, the competent authorities shall be the Board of Trade and the Minister of Transport.

(3) This Regulation shall, in its application to Northern Ireland, have effect as if for the reference to the Minister of Transport there were substituted a reference to the Secretary of State.

Handling
and
conveyance
of ammuni-
tion, &c.,
in ports.

76.—(1) The Minister of Transport may by order make such provision as appears to him to be required in the interests of safety for regulating the shipping, unshipping, handling, storage and conveyance of ammunition, explosives and inflammable substances in the area of any harbour authority in the United Kingdom; and an order under this paragraph may abrogate or modify any restriction imposed by or under any Act in relation to the shipping, unshipping, handling, storage or conveyance of ammunition, explosives or inflammable substances in any such area.

Any such order as aforesaid may be made so as to apply either to the areas of all harbour authorities in the United Kingdom or to the area of any particular harbour authority therein.

(2) Nothing in any restriction imposed by or under any Act in relation to the area of any harbour authority in the United Kingdom shall apply—

- (a) to the shipping, unshipping, handling, storage or conveyance in the service of His Majesty or under instructions given on behalf of His Majesty of ammunition, explosives or inflammable substances, or
- (b) to the conveyance of ammunition, explosives or inflammable substances in any vessel for purposes of defence.

(3) Any reference in this Regulation to shipping or to unshipping shall be construed as including a reference to putting on board of seaplanes or to unloading from seaplanes, as the case may be.

(4) This Regulation shall, in its application to Northern Ireland, have effect as if for the reference to the Minister of Transport there were substituted a reference to the Secretary of State.

Supplementary Provisions.

77.—(1) A competent authority, if it considers it desirable for the **Inquiries.** exercise of any of its powers under this Part of these Regulations that an inquiry should be held into any particular matter, may direct the holding of an inquiry into that matter by such person and at such place as the authority may determine.

(2) For the purposes of any inquiry held in pursuance of this Regulation, the person appointed to hold the inquiry may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined :

Provided that no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him.

(3) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under this Regulation, or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he may be required to produce for the purpose of such an inquiry, shall be guilty of an offence against this Regulation.

78.—(1) Notwithstanding any restriction imposed by any of the following Regulations, a prosecution in respect of an offence against any Regulation contained in this Part of these Regulations may be instituted by or on behalf of a competent authority for the purposes of that Regulation or by any such authority or person as may be specified by an order of a competent authority for the purposes of that Regulation. **Institution of proceedings under Part IV.**

(2) In relation to any Regulation contained in this Part of these Regulations which specifically entrusts functions under the Regulation to a Secretary of State or other Minister or to the Admiralty or the Board of Trade, paragraph (1) of this Regulation shall have effect as if in that paragraph for the words " a competent authority for the purposes of that Regulation," in each place where those words occur, there were substituted a reference to that Secretary of State or other Minister or to the Admiralty or the Board of Trade, as the case may be.

(3) This Regulation shall not extend to Scotland.

PART V.

GENERAL AND SUPPLEMENTARY PROVISIONS.

General Provisions.

Affixing of notices.

81. Any constable, and any person acting on behalf of His Majesty or a local authority, may, for any purpose connected with the defence of the realm, the prosecution of war, the securing of the public safety, or the maintenance of supplies and services essential to the life of the community, affix any notice to, or cause any notice to be displayed on, any premises, vehicle or vessel, and may, for the purpose of exercising any power conferred by the preceding provisions of this Regulation, enter any premises at any time; and where any constable or person acting on behalf of His Majesty or a local authority affixes a notice, or causes a notice to be displayed, in pursuance of this Regulation, no person other than a constable, a person acting on behalf of His Majesty or a person acting on behalf of that local authority, as the case may be, shall remove, alter, deface or obliterate the notice.

False statements.

82. If, in furnishing any information for the purposes of any of these Regulations, any person makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence against that Regulation.

Obstruction.

83. No person shall wilfully obstruct any servant of His Majesty acting in the course of his duty as such, or any person exercising any powers, or performing any duties, conferred or imposed on him by or under any of these Regulations, or otherwise discharging any lawful functions in connection with the defence of the realm or the securing of the public safety.

Restrictions on disclosing information.

84. No person who obtains any information by virtue of these Regulations shall, otherwise than in connection with the execution of these Regulations or of an order, rule or byelaw made under these Regulations, disclose that information except with permission granted by, or on behalf of, a Minister of the Crown.

Administrative Provisions.

Entry upon, and inspection of, land.

85.—(1) Any member of His Majesty's forces acting in the course of his duty as such, and any person authorised by a competent authority to act under this Regulation,—

- (a) may enter on any land for the purpose of exercising any of the powers conferred in relation to that land by any of these Regulations;

- (b) may enter and inspect any land for the purpose of determining whether, and, if so, in what manner, any of those powers are to be exercised in relation to the land; and
- (c) may, for any purpose connected with the defence of the realm, the prosecution of war, the securing of the public safety or the maintenance of supplies and services essential to the life of the community, pass (with or without animals or vehicles) over any land.

(2) A competent authority may, to such extent and subject to such restrictions as it thinks proper, delegate its functions under paragraph (1) of this Regulation to any specified persons or class of persons.

(3) In this Regulation the expression "competent authority" means a competent authority for the purposes of Part IV of these Regulations.

86.—(1) Where, by any enactment, any office, registry, record or other thing is required to be or to be kept in, or any act is required to be done at, or any document is required to be sent to, any specified place, the competent authority, if it appears to that authority to be necessary or expedient for the defence of the realm or the efficient prosecution of war so to do, may by order provide for the removal of that office, registry, record or other thing to, or the keeping thereof in, or the doing of that act at, or the sending of that document to, such place as may be specified in the order, and make any such adaptations and modifications of any enactment as appear to the said authority to be desirable for the purposes of the order. Removal of offices, &c.

(2) References in this Regulation to any enactment shall be construed as including references to any proclamation, Order in Council, order, rule, regulation or byelaw made in pursuance of any Act; and in this Regulation the expression "the competent authority" means the Treasury or such authority as the Treasury may designate for the purposes of this Regulation.

87.—(1) Any person claiming to be the holder of any permit, licence, certificate or written permission granted or issued for the purposes of any of these Regulations shall, on demand made in that behalf by any constable or by any person acting on behalf of His Majesty, produce the permit, licence, certificate or permission, as the case may be, to the person making the demand. Permits, licences, &c.

(2) If, with intent to deceive, any person alters or uses, or lends to, or allows to be used by any other person, a permit, licence, certificate or written permission granted or issued for the purposes of any of these Regulations, or makes or has in his possession any document so closely resembling such a permit, licence, certificate or permission as to be calculated to deceive, he shall be guilty of an offence against this Regulation.

(8) Any permit, licence or permission granted for the purposes of any of these Regulations may be revoked at any time by the authority or person empowered to grant it.

Fees for permits, licences, &c.

88.—(1) There may be charged in respect of the grant, renewal or issue of any permit, licence, certificate or other document for the purposes of any of these Regulations, such fee, not exceeding five pounds, as the Secretary of State or other Minister concerned with the administration of the Regulation or order may, with the approval of the Treasury, by order determine.

(2) The reference in paragraph (1) of this Regulation to a Minister shall be construed as including a reference to the Admiralty and to the Board of Trade.

Use of force in entering premises.

89. Where, by virtue of any of these Regulations, a person has any power to enter premises, he may use such force as is reasonably necessary for the purpose of exercising that power.

Offences and Legal Proceedings.

Attempts to commit offences, and assisting offenders.
11 & 12
Vict. c. 43.
24 & 25
Vict. c. 94.

90.—(1) Without prejudice to the operation of section five of the Summary Jurisdiction Act, 1848, and section eight of the Accessories and Abettors Act, 1861, any person who attempts to commit, or does any act preparatory to the commission of, an offence against any of these Regulations, shall be guilty of an offence against that Regulation.

(2) No person, knowing or having reasonable cause to believe that another person is guilty of an offence against any of these Regulations, shall give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for the said offence.

50 & 51
Vict. c. 35.
8 Edw. 7.
c. 65.

(3) This Regulation shall, in its application to Scotland, have effect as if for the references to section five of the Summary Jurisdiction Act, 1848, and section eight of the Accessories and Abettors Act, 1861, there were substituted respectively references to section sixty-one of the Criminal Procedure (Scotland) Act, 1887, and section five of the Summary Jurisdiction (Scotland) Act, 1908.

14 & 15
Vict. c. 93.

(4) This Regulation shall, in its application to Northern Ireland, have effect as if for the reference to section five of the Summary Jurisdiction Act, 1848, there were substituted a reference to section twenty-two of the Petty Sessions (Ireland) Act, 1851.

Offences by corporations.

91. Where a person convicted of an offence against any of these Regulations is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

92. If any person contravenes or fails to comply with any of these Regulations, or any order, rule or byelaw made under any of these Regulations, or any direction given or requirement imposed under any of these Regulations or under any order, rule or byelaw made under any of these Regulations, he shall be guilty of an offence against that Regulation; and, subject to any special provisions contained in these Regulations, a person guilty of an offence against any of these Regulations shall—

- (a) on summary conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine, or
- (b) on conviction on indictment, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine.

93.—(1) Without prejudice to any special provisions contained in these Regulations, no prosecution in respect of an offence against any of these Regulations shall be instituted otherwise than either by a constable or by, or with the consent of, the Director of Public Prosecutions: Legal proceedings.

Provided that the preceding provisions of this paragraph shall not—

- (a) prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remanding, in custody or on bail, of any person charged with such an offence, notwithstanding that the consent of the Director of Public Prosecutions to the institution of a prosecution for the offence has not been obtained, or
- (b) be taken to restrict the institution of any proceedings under the Naval Discipline Act, the Army Act or the Air Force Act.

(2) Any proceedings under the Summary Jurisdiction Acts which may be taken against a person in respect of an offence to which this Part of these Regulations applies committed by him outside the United Kingdom may, notwithstanding anything to the contrary in those Acts, be commenced at any time not later than six months from the date on which he first lands in the United Kingdom after having committed the offence.

For the purpose of this paragraph, a person entering Northern Ireland by land shall be deemed thereby to land in the United Kingdom.

(3) Proceedings in respect of an offence alleged to have been committed by a person against any of these Regulations may be taken

before the appropriate court in the United Kingdom having jurisdiction in the place where that person is for the time being.

(4) Paragraph (1) of this Regulation shall not extend to Scotland.

Disposal of
articles in
possession
of executive
authorities.

94.—(1) Any article coming into the possession of an executive authority (whether in consequence of the seizure of the article under any of these Regulations or otherwise) which the authority has reasonable ground for believing to be evidence of the commission of an offence to which this Part of these Regulations applies, may be retained for a period of one month or, if within that period there are commenced proceedings in respect of such an offence in which the article is, or can properly be, adduced in evidence, or proceedings under the following provisions of this Regulation in respect of the article, until the final determination of those proceedings; and any article retained by virtue of this Regulation is hereafter in this Regulation referred to as "a retained article".

(2) Where proceedings are taken in respect of an offence to which this Part of these Regulations applies, being proceedings in which a retained article is, or can properly be, adduced in evidence, the court by or before which the alleged offender is tried may make an order—

- (a) authorising the destruction or disposal of the article, or
- (b) authorising the further retention of the article until such date as may be specified in the order;

and any such order authorising the destruction of a document may be made so as to extend to all copies of that document which at the time of the making of the order are in, or which subsequently come into, the possession of an executive authority in any part of the United Kingdom.

(3) Without prejudice to the operation of paragraph (2) of this Regulation, a court of summary jurisdiction, upon complaint made in respect of a retained article by an executive authority, may, after giving to the person (if any) claiming, or appearing to the court, to be the owner of the article an opportunity of being heard, make such an order in respect of the article as is authorised by paragraph (2) of this Regulation.

(4) A court shall not make an order under this Regulation unless the court is satisfied that it is necessary so to do in the interests of the public safety, the defence of the realm or the efficient prosecution of war.

(5) Where an order is made under this Regulation authorising the further retention of an article, paragraph (1) of this Regulation shall, in relation to that article, have effect as if the period first mentioned in that paragraph were a period ending on the date until which the article is authorised by the order to be retained; and the making by a court of such an order in respect of any article

shall not be taken to preclude that or any other court from subsequently exercising, in relation to that article, any jurisdiction conferred on the court by paragraph (2) or paragraph (3) of this Regulation, or by section one of the Police (Property) Act, 1897, as applied by this Regulation. 60 & 61
Vict. c. 30.

(6) Where, in the course of any proceedings for an offence, an order is made under paragraph (2) of this Regulation, the court hearing any appeal in the matter of those proceedings may vary or annul the order.

(7) Where an order is made under paragraph (3) of this Regulation, any person aggrieved by the order who appeared on the hearing of the application in relation to which the order is made may appeal against the order to a court of quarter sessions, and for the purposes of this paragraph and of the enactments relating to such an appeal, a refusal to make an order shall be deemed to be an order.

(8) Where an order is made under this Regulation authorising the destruction or disposal of an article, the article shall not be destroyed or disposed of, as the case may be, until the final determination of the proceedings in which the order is made.

(9) Subject to the preceding provisions of this Regulation, the Police (Property) Act, 1897, shall apply to any article coming into the possession of an executive authority which the authority has reasonable ground for believing to be evidence of the commission of an offence to which this Part of these Regulations applies, as that Act applies to property coming into the possession of the police in the circumstances mentioned in section one of that Act, and, in relation to any such article, shall have effect as if the reference in subsection (1) of that section to an officer of police included a reference to an executive authority (whether a constable or not).

(10) For the purposes of this Regulation, any proceedings shall be deemed not to have been finally determined so long as there is pending any appeal in the matter of the proceedings, and an appeal in that matter shall be deemed to be pending during the ordinary time within which such an appeal may be lodged, and if such an appeal is duly lodged, the appeal shall be deemed to be pending until it is decided or withdrawn.

(11) For the purposes of this Regulation, any authority, constable or other person whatsoever having functions in connection with the execution of these Regulations shall be deemed to be an executive authority.

(12) Nothing in this Regulation shall affect the operation of the enactments relating to customs, or be taken to prejudice any right to retain or dispose of property which may exist in law apart from the provisions of this Regulation.

(13) This Regulation shall, in its application to Scotland, have effect subject to the following modifications:—

- (a) in paragraph (5) for the words "section one of the Police (Property) Act, 1897, as applied by this Regulation" there shall be substituted the words "paragraph (9) of this Regulation"; and
- (b) for paragraph (9) there shall be substituted the following paragraph—

"(9) Subject to the preceding provisions of this Regulation and to the provisions of any enactment conferring powers dealing with offenders, any article which has come into the possession of an executive authority under this Regulation shall be returned to the owner, or, if the owner cannot be ascertained shall be disposed of in such manner as the sheriff, on a summary application made to him, may direct".

Supplementary Provisions.

Recovery of expenses.

95. Where any work is done in the exercise of powers conferred by any of these Regulations, then, if and so far as the work was work which, apart from the provisions of these Regulations, some person was under a duty to do or might have been required to do, but which he had failed without reasonable excuse to do, the amount of any expenses reasonably incurred in connection with the doing of the said work shall be a debt due from that person to the Crown.

Entrusting of functions to statutory bodies.

96. A provision made in, or a direction or determination given or made in pursuance of, any of these Regulations or any order under these Regulations, and purporting to confer or impose on any person or class of persons any powers or duties for the purposes of the Regulation or of the order, shall not be taken to be invalid or of no effect by reason only that that person or class of persons is, or consists of or comprises, a body or bodies constituted by or under an Act; and any such body to whom any functions are entrusted under or by virtue of these Regulations shall have power to discharge those functions, notwithstanding any limitation or restriction which, apart from these Regulations, is imposed by any Act or other instrument determining the functions of that body.

Service of notices.

97. Without prejudice to any special provisions contained in these Regulations or in any order, rule or byelaw made thereunder, a notice to be served on any person for the purposes of any of these Regulations or any order, rule or byelaw made thereunder may be served by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

98. Any power conferred by any of these Regulations to make any order, rule or byelaw shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order, rule or byelaw.

Revocation and variation of orders, &c.

99.—(1) Anything required or authorised by or under these Regulations to be done by, to or before the Board of Trade, may be done by, to or before the President of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President.

Exercise of powers of Board of Trade, Attorney General and chief officers of police.

(2) The functions of the Attorney General under any of these Regulations may, in the event of a vacancy in the office or in the event of the Attorney General being unable to act owing to illness or absence, be exercised by the Solicitor General.

(3) The powers conferred by or under these Regulations on any chief officer of police may, in the event of a vacancy in the office or in the event of the chief officer of police being unable to act owing to illness or absence, be exercised by the person duly authorised in accordance with directions given under subsection (4) of section nine of the Public Order Act, 1936, to exercise on behalf of the chief officer of police the powers conferred on him by that Act.

(4) This Regulation shall, in its application to Northern Ireland, have effect subject to the modification that any authority or directions required for the purposes of the last preceding paragraph shall be given in accordance with the provisions of the Constabulary Acts (Northern Ireland), 1922 to 1934.

100.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpretation.

“ agricultural land ” means any land used as arable, meadow or pasture ground only, land used for a plantation or a wood or for the growth of saleable underwood, land exceeding one-quarter of an acre used for the purpose of poultry farming, market gardens, nursery grounds, orchards or allotments, including allotment gardens within the meaning of the Allotments Act, 1922, but does not include land occupied together with a house as a park or pleasure grounds or as a garden other than a market allotment garden, or land kept or preserved mainly or exclusively for purposes of sport or recreation, or land used as a race-course;

12 & 13
Geo. 5. c. 51.

“ aircraft ” has the same meaning as in any Order in Council for the time being in force under Part I of the Air Navigation Act, 1920;

“ ammunition ” means ammunition for any firearm, and includes grenades, bombs and other like missiles, whether capable of use with a firearm or not, and prohibited ammunition within the meaning of the Firearms Act, 1937;

1 Edw. 8. &
1 Geo. 6.
c. 12.

"British aircraft" means an aircraft registered in any part of His Majesty's dominions, in any British protectorate or in any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by the Government of any part of His Majesty's dominions;

"chief officer of police" has the same meaning as in the Police Pensions Act, 1921;

11 & 12
Geo. 5. c. 81.
22 Geo. 5.
c. 4.

"Dominion" means any Dominion within the meaning of the Statute of Westminster, 1931, except Newfoundland, and includes any territory administered by His Majesty's Government in a Dominion;

"Dominion ship or aircraft" means a British ship or aircraft registered in a Dominion, not being a ship or aircraft which is for the time being placed at the disposal of, or chartered by or on behalf of, His Majesty's Government in the United Kingdom, and "Dominion ship" and "Dominion aircraft" shall be construed accordingly;

20 & 21
Geo. 5. c. 44.

"drainage authority" has the same meaning as in the Land Drainage Act, 1930;

"enemy" means the enemy in any war in which His Majesty may be engaged;

"enemy alien" means a person who, not being either a British subject or a British protected person, possesses the nationality of a State at war with His Majesty;

"essential services" means services essential for the defence of the realm or the prosecution of war or essential to the life of the community;

"explosive" has the same meaning as in the Explosives Act, 1875;

"firearm" means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, and includes any prohibited weapon within the meaning of the Firearms Act, 1937, whether it is such a lethal weapon as aforesaid or not;

"fire authority" means a fire authority within the meaning of the Fire Brigades Act, 1938, and includes the London County Council;

"fire brigade" means any fire brigade other than one the purpose of which is to provide fire services exclusively for the person by whom it is maintained;

"fish" includes shell-fish;

18 & 19
Geo. 5. c. 32.

"harbour authority" has the same meaning as in the Petroleum (Consolidation) Act, 1928;

"immigration officer" means an immigration officer for the purposes of the Aliens Order, 1920;

52 & 53
Vict. c. 63.

"land" includes (without prejudice to any of the provisions of section three of the Interpretation Act, 1889) land covered with water, and parts of houses or buildings;

“local authority” means the Common Council of the City of London, the council of a metropolitan borough, or the council of a county, county borough or county district;

“offence to which this Part of these Regulations applies” means—

- (a) treason, in so far as it consists in adhering to the King's enemies, giving them aid and comfort;
- (b) an offence of trading with the enemy;
- (c) an offence under any of the provisions of the Official Secrets Acts, 1911 and 1920;
- (d) an offence against any of these Regulations;
- (e) an offence against any Order in Council or order made under Part I or section seven of the Air Navigation Act, 1920, as amended by the Air Navigation Act, 1936, or an offence under section twelve of the Air Navigation Act, 1920, as amended by these Regulations;
- (f) an offence under the Unlawful Drilling Act, 1819;
- (g) attempting or conspiring to commit, or aiding, abetting, counselling or procuring the commission of, or being accessory to, any of the offences specified in paragraphs (a) to (f) of this definition;

“port” includes any dock, harbour, pier, quay, wharf or similar place;

“prisoner of war” means a prisoner of war in the power of His Majesty;

“public utility undertaking” means any of the following undertakings the carrying on of which is authorised by any Act (whether public general or local) or by any order made under, or confirmed by, an Act, that is to say:—

- (a) any undertaking for the supply of electricity, gas or water;
- (b) any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking;
- (c) any sewerage or sewage disposal undertaking, or any undertaking for the collection or disposal of refuse;
- (d) any undertaking of a drainage authority;

and includes any such undertaking as aforesaid which is carried on by a local authority;

“requisition” means, in relation to any property, take possession of the property or require the property to be placed at the disposal of the requisitioning authority;

“seaplane” includes a flying boat and any other aircraft designed to manœuvre on the water;

“ship” and “vessel” have respectively the same meanings as in the Merchant Shipping Act, 1894;

“tenant” and “landlord” have respectively the same meanings as in the Agricultural Holdings Act, 1923.

"war" means any war in which His Majesty may be engaged;

"wireless transmitting apparatus" means apparatus for making communications by means of wireless telegraphy, wireless telephony or wireless television, and "wireless receiving apparatus" means apparatus for receiving communications or information made or given by the said means.

(2) Any reference in these Regulations to the master of a vessel or the pilot of an aircraft shall be construed as including a reference to the person for the time being in charge of the vessel or aircraft, as the case may be.

(3) Where, under any of these Regulations, any person has power to authorise other persons to act under that Regulation, the power may be exercised so as to confer the authority either on particular persons or on a specified class of persons.

(4) Any reference to the making, sending or receiving of communications which is made in any of the provisions of these Regulations relating to wireless telegraphy, wireless telephony or wireless television shall be construed as including a reference to the giving of warning or information or, as the case may be, to the receiving of warning or information.

(5) For the avoidance of doubt it is hereby declared that nothing in any custom of the country affects the exercise, in relation to agricultural land, of powers which by virtue of any of these Regulations are exercisable with respect to the taking of possession, or the use or disposal, of property.

(6) The Interpretation Act, 1889, shall apply to the interpretation of these Regulations, and of any orders, rules or byelaws made thereunder, as it applies to the interpretation of an Act of Parliament, and for the purposes of section thirty-eight of the said Act, these Regulations and such orders, rules and byelaws as aforesaid shall be deemed to be Acts of Parliament.

(7) Any reference in any document to these Regulations or to any of them shall, unless the contrary intention appears, be construed as a reference to these Regulations or to that Regulation, as amended by any subsequent Regulations made under the Emergency Powers (Defence) Act, 1939.

Application
to Scotland.

101. These Regulations shall apply to Scotland subject to the following modifications:—

(1) For references to a court of summary jurisdiction, there shall be substituted references to the sheriff, and any reference to a justice of the peace shall include a reference to the sheriff:

(2) References to appeal to quarter sessions shall not apply:

(8) The expression "mayor" shall mean "provost," the expression "chattel" shall mean corporeal moveable, the expression "defendant" means "person accused," and the expression "summons" means "order":

(4) The expression "agricultural land" means any land used, or capable of being used, as arable, meadow or pasture ground, land used for a plantation or a wood or for the growth of saleable underwood, land exceeding one quarter of an acre used for the purpose of poultry farming, market gardens, nursery grounds, orchards or allotments, including allotment gardens within the meaning of the Allotments (Scotland) Act, 1922, but does not include land occupied together with a house as a park or pleasure grounds or as a garden other than a market or allotment garden:

12 & 13
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(5) In the last preceding Regulation—

(a) references to a drainage authority shall be omitted;

(b) for the definition of "local authority" there shall be substituted the following definition:—

"'local authority' means any county, town or district council";

(c) in the definition of "tenant" and "landlord" for the reference to the Agricultural Holdings Act, 1923, there shall be substituted a reference to the Agricultural Holdings (Scotland) Act, 1923.

102. In the application of these Regulations to Northern Ireland the following modifications shall have effect:—

Application
to Northern
Ireland.

(1) References to the Attorney General and the Director of Public Prosecutions shall be construed as references to the Attorney General for Northern Ireland, or, in a case in which the Attorney General for Northern Ireland is unable to act, to the deputy appointed under section two of the Office of Attorney General Act (Northern Ireland), 1923, to act as Attorney General for Northern Ireland;

(2) References to the Summary Jurisdiction Acts shall be construed as references to the Petty Sessions (Ireland) Act, 1851, and any Act amending that Act, whether past or future; and the expression "summary conviction" means conviction subject to and in accordance with the Petty Sessions (Ireland) Act, 1851, and any Act amending that Act, whether past or future;

(3) References to quarter sessions or a court of quarter sessions and to a court of summary jurisdiction shall respectively be construed as references to a court of quarter sessions, and to a court of summary jurisdiction, as constituted in accordance with the provisions of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935;

(4) References to a justice of the peace shall be construed as references to a resident magistrate within the meaning of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935;

(5) The expressions "chief officer of police" and "police area" mean, respectively, the county inspector of the Royal Ulster Constabulary for any district for which such a county inspector is appointed and any such district as aforesaid; and references to the rank of superintendent of police or of inspector of police shall be construed as a reference to the rank of district inspector of the said Constabulary;

(6) The expression "drainage authority" means a county council acting as a drainage authority under the Drainage Acts (Northern Ireland), 1925 to 1935;

(7) Paragraph (5) of the last but one preceding Regulation, and the definitions of the expressions "tenant" and "landlord" in that Regulation shall not apply;

(8) The expression "fire authority" means a local authority by whom a fire brigade is maintained;

(9) The expression "harbour authority" has the same meaning as in the Petroleum (Consolidation) Act (Northern Ireland), 1929;

(10) The expression "Act" includes an Act of the Parliament of Northern Ireland, and references to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

Application
to Isles of
Scilly.

103. These Regulations shall, in their application to the Isles of Scilly, have effect as if—

- (a) for any reference to a local authority there were substituted a reference to the Council of the Isles of Scilly, and
- (b) for any reference to a chief officer of police there were substituted a reference to the chairman of the joint police committee of the Isles.

Special
provisions
as to India,
Burma and
Southern
Rhodesia.

104. For the purposes of these Regulations—

- (a) any British subject resident in India, Burma or Southern Rhodesia shall be treated as if he were a British subject resident in a Dominion; and
- (b) any British ship or aircraft registered in India, Burma or Southern Rhodesia, not being a ship or aircraft which is for the time being placed at the disposal of, or chartered by or on behalf of, His Majesty's Government in the United Kingdom, shall be treated as if it were a Dominion ship or aircraft.

Short title.

105. These Regulations may be cited as the Defence Regulations, 1939.

E. C. E. Leadbitter.