

**Jersey Law 19/1952**

**CIVIL DEFENCE (JERSEY) LAW, 1952.**

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**A LAW** to make provision for civil defence, sanctioned by Order of her Majesty in Council of the

**23rd day of MAY, 1952.**

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*(Registered on the 21st day of June, 1952).*

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**STATES OF JERSEY.**

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The 6th day of March, 1952.

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**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law: -

ARTICLE 1

**DEFINITIONS**

In this Law, unless the context otherwise requires –

“civil defence” does not include the provision or maintenance of a shelter which is used or intended to be used wholly or mainly by naval, military or air forces but, save as aforesaid, includes any measures not amounting to actual combat for affording defence against any form of hostile attack by a foreign power or for depriving any form of hostile attack by a foreign power of the whole or part of its effect, whether the measures are taken before, at or after the time of the attack;

“civil defence forces” and “civil defence services” mean respectively forces and services formed wholly or mainly to meet the needs of civil defence;

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“a civil defence shelter” means any shelter other than a shelter which is used or intended to be used wholly or mainly by naval military or air forces;

“fire services” means the States of Jersey Fire Service and the Airport Fire Brigade;

“paid police force” means the Jersey Paid Police Force constituted under the Paid Police Force (Jersey) Law, 1951;<sup>1</sup>

“regulations” means regulations under Article 8 of this Law;

“a shelter” means any premises, structure or excavation used or intended to be used to provide shelter from any form of hostile attack by a foreign power;

“statutory provision” means a provision, whether of a general or a special nature, contained in, or in any document made or issued under, any enactment, whether of a general or a special nature.

## ARTICLE 2

### **CIVIL DEFENCE FUNCTIONS OF THE DEFENCE COMMITTEE**

(1) It shall be part of the functions of the Defence Committee to take such steps as appear to it from time to time to be necessary or expedient for civil defence purposes, and, in particular, but without prejudice to the generality of the foregoing, such steps as appear to it from time to time to be necessary or expedient in connexion with any of the following matters, that is to say –

- (a) the organization, formation, maintenance, equipment and training of civil defence forces and services;

<sup>1</sup> See now Police Force (Jersey) Law, 1974 (Volume 1973–1974, page 375).

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- (b) the organization, equipment and training for civil defence purposes of the paid police force, fire services and employees of public and parochial authorities employed primarily for purposes other than civil defence purposes;
- (c) the instruction of members of the public in civil defence and their equipment for the purposes of civil defence;
- (d) the provision, storage and maintenance of commodities and things which may be required for civil defence; and
- (e) the provision, construction, maintenance or alteration of premises, structures or excavations, and the doing of any other work, which may be required for civil defence.

(2) The Defence Committee may make arrangements whereby any of its functions under this Article are, to such extent as may be provided by the arrangements, exercised on its behalf by another Committee of the States.

### ARTICLE 3

#### **CIVIL DEFENCE FUNCTIONS OF CONSTABLES OF PARISHES**

(1) The Constable of every parish shall, for civil defence purposes, and, in particular, but without prejudice to the generality of the foregoing, in connexion with the matters specified in sub-paragraphs (a) to (e) of paragraph (1) of Article 2 of this Law, have and perform such functions as may be prescribed by regulations.

- (2) Regulations made for the purposes of this Article –
  - (a) may empower a Constable on whom functions are conferred under this Article to appoint committees (including joint committees) constituted in accordance with the regulations, and to authorize those or other committees to exercise all or any of those functions on his behalf as his agents;

- (b) may empower the Defence Committee, where it is satisfied that a Constable has failed or refused properly to discharge any functions conferred on him under this Article, either itself to discharge those functions in the name and at the expense of the parish or to authorize or require some other authority or person to exercise those functions in the name of the Constable and at the expense of the parish;
- (c) may, on such conditions, if any, as may be prescribed by the regulations, authorize or require things to be done in contravention of, or without compliance with, any statutory provision regulating or restricting the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land; and
- (d) may authorize the employment of personnel, and the provision, construction or maintenance of premises and equipment, in excess of any limits imposed by any statutory provision.

#### ARTICLE 4

### **GRANT TOWARDS EXPENSES OF PAROCHIAL AUTHORITIES**

Regulations may authorize the payment by the Defence Committee of such grants towards expenses incurred by Constables in or in connexion with the discharge of functions conferred on them under Article 3 of this Law, as may be prescribed by the regulations.

#### ARTICLE 5

### **POWERS AS TO LAND**

(1) Where it appears to the States that any land should be acquired for civil defence purposes, it shall be lawful for the States to acquire such land by compulsory purchase on behalf of the public in

accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law, 1948.<sup>2</sup>

(2) Where, in the discharge of any functions exercisable under this Law, the Defence Committee does any work for the purpose of providing or maintaining a civil defence shelter, it may, if it appears expedient so to do, do that work and provide or maintain the shelter wholly or partly in, under or over any highway:

Provided that –

- (a) the powers conferred by this Article shall be exercisable subject to such restrictions as may be prescribed by regulations; and
- (b) in no event shall the said powers be exercised unless the Defence Committee is satisfied that the shelter will not so obstruct the highway as substantially to diminish the utility of the highway to the public.

(3) Any person duly authorized in that behalf by the Defence Committee or a Constable by whom functions are exercisable under the preceding provisions of this Law shall have a right to enter any land at all reasonable hours for the purpose of inspecting that or any other land with a view to ascertaining whether or not anything ought to be constructed or done thereon or any use made thereof for civil defence purposes:

Provided that a person proposing to exercise a power of entry conferred under this Article –

- (a) shall, if so required, produce evidence of his authority;
- (b) shall not demand admission as of right to any land which is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier or reasonable steps have been taken to give such notice.

<sup>2</sup> See now Compulsory Purchase of Land (Procedure) (Jersey) Law, 1961, as amended (Volumes 1961–1962, page 391, 1963–1965, page 171 and 1970–1972, pages 179 and 315).

- (4) If –
- (a) any person who, in compliance with the provisions of this Article, is admitted into a factory or workplace, discloses, otherwise than in the performance of his duty, to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret; or
  - (b) any person to whom by reason of his official position, any information obtained as aforesaid is disclosed, discloses, otherwise than in the performance of his duty, that information to any person;

he shall be liable to a fine not exceeding one hundred pounds sterling or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

(5) The powers conferred by this Article shall be in addition to and not in derogation of any powers which would apart from this Article be available in relation to any of the functions exercisable under the preceding provisions of this Law.

## ARTICLE 6

### **CIVIL DEFENCE OBLIGATIONS OF POLICE OFFICERS, FIREMEN, ETC. AND OF MEMBERS OF CIVIL DEFENCE FORCES AND SERVICES**

It is hereby declared that members of the paid police force and fire services and, if and so far as provision in that behalf is made by regulations, employees of public and parochial authorities employed primarily for purposes other than civil defence purposes, are, as such, under a duty to comply with requirements as to training for and taking part in any form of civil defence for the time being recognised by the Defence Committee as appropriate to be undertaken by that force and those services and their members respectively or, as the case may be, as appropriate to be undertaken by employees of the class in question

having regard to the nature of the work for which those employees are primarily employed.

## ARTICLE 7

### **EXPENSES**

Any expenses incurred by the Defence Committee in discharging functions exercisable by it under or by virtue of this Law, including any sums required for paying grants or compensation, shall be defrayed out of the General Revenues of the States, and any sums received under or by virtue of this Law shall be credited to the General Revenues of the States.

## ARTICLE 8

### **REGULATIONS**

(1) The States may make regulations for any purpose for which regulations may be made under this Law and generally for the purpose of carrying this Law into effect and any such regulations may, in particular, but without prejudice to the generality of the foregoing –

- (a) make different provision for different cases or classes of case; and
- (b) contain such consequential and incidental provisions as may appear to the States to be necessary or expedient; and
- (c) make different provision in relation to different authorities.

(2) Regulations made under this Article may be amended by subsequent regulations and shall remain in force until repealed.

## ARTICLE 9

### **SHORT TITLE**

This Law may be cited as the Civil Defence (Jersey) Law, 1952.