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ÉIRE.

STATUTORY RULES AND ORDERS.

1940. No. 83.

AIR RAID PRECAUTIONS ACT, 1939 (GRANTS UNDER
SECTION 58) REGULATIONS, 1940.



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AIR RAID PRECAUTIONS ACT, 1939 (GRANTS UNDER SECTION 58) REGULATIONS, 1940.

I, SEÁN MOYLAN, Parliamentary Secretary to the Minister for Defence, in exercise of the powers conferred on the Minister for Defence by Section 58 of the Air-raid Precautions Act, 1939 (No. 21 of 1939), and delegated to me under Section 6 of the Emergency Powers Act, 1939 (No. 28 of 1939), and of every and any other power me in this behalf enabling, do hereby, with the consent of the Minister for Finance testified by his signature hereto, make the following regulations, that is to say:—

1. These Regulations may be cited as the Air-raid Precautions Act, 1939 (Grants under Section 58) Regulations, 1940.

2. In these Regulations—

the expression “the Act” means the Air-raid Precautions Act, 1939 (No. 21 of 1939);

the expression “the Minister” means the Minister for Defence;

the expression “instructions as to standards of air-raid shelters” means any instructions, as to the standards of air-raid shelters, issued by the Minister which are for the time being in force.

3. In these Regulations the expression the “appointed standard,” when used in relation to expenses incurred by a person (hereinafter referred to as the employer) in providing or securing the provision of air-raid shelter for persons employed by the employer in any premises, shall be construed in accordance with the following provisions, that is to say:—

(1) if—

(a) one shelter only is constructed by the employer in or on such premises, and

(b) the numerical capacity of such shelter does not exceed the normal number of employees,

the appointed standard shall be the result obtained by multiplying the appropriate amount in respect of such shelter by a number equal to the numerical capacity of such shelter;

(2) if—

(a) one shelter only is constructed by the employer in or on such premises, and

(b) the numerical capacity of such shelter exceeds the normal number of employees,

the appointed standard shall be the result obtained by multiplying the appropriate amount in respect of such shelter by a number equal to the normal number of employees.

(3) if—

- (a) two or more shelters are constructed by the employer in or on such premises, and
- (b) the sum of the numerical capacities of such shelters does not exceed the normal number of employees,

the appointed standard shall be the sum of the results obtained by multiplying the appropriate amount in respect of each shelter by a number equal to the numerical capacity of such shelter ;

(4) if—

- (a) two or more shelters are constructed by the employer in or on such premises, and
- (b) all such shelters are Type A shelters only or Type B shelters only, and
- (c) the sum of the numerical capacities of such shelters exceeds the normal number of employees,

the appointed standard shall be the result obtained by multiplying the appropriate amount in respect of such shelters by a number equal to the normal number of employees ;

(5) if—

- (a) two or more shelters are constructed by the employer in or on such premises, and
- (b) one or more but not all of such shelters are Type B shelters, and
- (c) the sum of the numerical capacities of all the shelters exceeds the normal number of employees,

the appointed standard shall be—

- (i) in case the numerical capacity of the Type A shelters is less than the normal number of employees, the sum of the following—

- (I) the result obtained by multiplying £7 by a number equal to the numerical capacity of the Type A shelters, and

- (II) the result obtained by multiplying £3 10s. by a number equal to the difference between the numerical capacity of the Type A shelters and the normal number of employees,

- (ii) in case the numerical capacity of the Type A shelters is equal to or exceeds the normal number of employees, the result obtained by multiplying £7 by a number equal to the normal number of employees ;

(6) in this Regulation—

the expression “the numerical capacity” when used in relation to a shelter means the number of persons (such number being determined by reference to the requirements respecting

space as set out in instructions as to standards of air-raid shelters) which such shelter is capable of accommodating ;

the expression " the normal number of employees " means the number of persons who are certified by a public auditor, appointed for the purposes of the Industrial and Provident Societies Act, 1893, to be normally employed by the employer on or about such premises and who are persons employed within the meaning of Section 58 of the Act,

the expression " Type A shelter " means a shelter constructed in, under or abutting upon a building,

the expression " Type B shelter " means a shelter which is not a Type A shelter,

the expression " the appropriate amount " means—

- (i) in relation to a Type A shelter, £7,
- (ii) in relation to a Type B shelter, £3 10s. 0d.

4. Subject to the provisions of Regulation 5 of these Regulations, no expenses incurred in providing or securing the provision of air-raid shelter shall be deemed, for the purposes of Section 58 of the Act, to be reasonable in so far as they exceed the appointed standard.

5. Expenses incurred in providing or securing the provision of air-raid shelter may, for the purposes of Section 58 of the Act, be regarded as reasonable notwithstanding that they are in excess of the appointed standard, if the Minister is satisfied that they were so incurred in one or other of the following sets of circumstances, and the Minister for Finance consents to such excess expenditure being regarded as reasonable—

(a) that, by reason of the existence of some special difficulty arising from or connected with the nature or structure of the building in or in connection with which the air-raid shelter is provided, or the purpose for which such building is normally used, or the site or the nature of the soil on which that building is erected or on or in which the shelter is constructed, or by reason of some difficulty of an unforeseen character encountered in the course of constructing the shelter, air-raid shelter which at least complies with all the requirements set out in the instructions as to standards of air-raid shelters and of the type provided, could not reasonably have been provided for the normal number of persons (being persons employed within the meaning of Section 58 of the Act) employed by the person who incurs the aforesaid expenses without incurring such excess expense ;

(b) that shelter has been specially provided for the accommodation of casualties or of persons engaged in Air-Raid Precautions Services, and the Minister is satisfied that in all the circumstances of the case the provision of that shelter is reasonable ;

- (c) that shelter affording a degree of protection substantially in excess of the requirements indicated in the instructions as to standards of air-raid shelters has, with the prior consent in writing of the Minister, been provided, and that any conditions imposed by the Minister in giving such consent have been complied with.

6.—(1) No shelter which does not at least comply with all the requirements set out in the instructions as to standards of air-raid shelters shall be regarded as air-raid shelter of a type approved by the Minister for the purposes of Section 58 of the Act.

(2) Any air-raid shelter provided before the date of these Regulations and subsequent to the passing of the Act which the Minister is satisfied is substantially equivalent to shelter which complies with all the requirements set out in the instructions as to standards of air-raid shelters shall be deemed, for the purposes of Section 58 of the Act to be air-raid shelter of a type approved by the Minister.

Given under my hand this 23rd day of February,
1940.

(Signed) SEÁN MOYLAN,
Parliamentary Secretary to the
Minister for Defence.

I consent to the foregoing Regulations.

SEÁN T. O'CEALLAIGH,
Minister for Finance.

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