

CIVIL DEFENCE BILL 2022

General Scheme

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Head 1: Short title and commencement

Provides that:

- (a) This Act may be cited as the Civil Defence Act, 2022.

- (b) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Explanatory Note

Standard Head.

Head 2: Definitions

Provides that:

In this Act—

“Act of 1939” means the Air-Raid Precautions Act 1939;

“Act of 1946” means the Air-Raid Precautions (Amendment) Act 1946;

“Act of 2001” means the Local Government Act 2001 as amended by the Local Government Reform Act 2014;

“Act of 2012” means the Civil Defence Act 2012;

“Act of 2014” means the Local Government Reform Act 2014;

“administrative area” has the same meaning as it has in the Act of 2014;

“Civil Defence” has the meaning assigned to it by the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), the text of which is set out in the Fifth Schedule to the Geneva Conventions Act 1962 (inserted by section 7 of the Geneva Conventions (Amendment) Act 1998);

“Civil Defence plan” has the meaning assigned to it by section 8;

“Civil Defence officer” or ‘assistant Civil Defence officer’ means an employee of a local authority assigned to Civil Defence duties in accordance with section 5;

“Civil Defence unit” has the meaning assigned to it by section 4;

“Civil Defence volunteer” means a person who stands appointed by a local authority in accordance with section 8;

“Garda vetting” means vetting in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016;

“local authority” means—

(a) a county council within the meaning of the Act of 2001, or

(b) a city council within the meaning of that Act,

“Minister” means the Minister for Defence;

“principal response agencies” means An Garda Síochána, the Health Service Executive and the local authorities;

“register” means the register of Civil Defence volunteers referred to in section 6.

Explanatory Notes

This Head provides definitions for key terms in the Bill.

Head 3: Expenses

Provides that:

The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

Explanatory Note

This is a standard Head in relation to the expenses that will be incurred by the Minister for Defence in the administration of this legislation.

Head 4: Functions of the Minister for Defence with regard to Civil Defence

Provides that:

Without prejudice to any powers conferred on the Minister under this enactment and or any other enactment, the functions of the Minister with regard to Civil Defence shall include, but are not limited to-

- (a) to promote and support the development of Civil Defence in co-operation with the local authority sector as an effective voluntary service in support of the Principal Response Agencies, Government Departments and State Agencies,
- (b) subject to the agreement of the Minister for Housing, to set down conditions for the recruitment by local authorities of Civil Defence officers,
- (c) to provide policy direction to local authorities regarding the activities of Civil Defence,
- (d) to represent Civil Defence policy at a national level, including in dealings with Principal Response Agencies, Government Departments and State Agencies,
- (e) to promote public awareness and the dissemination of coordinated information to the public in relation to Civil Defence,
- (f) to provide such services, including training services, as the Minister considers necessary to local authorities for Civil Defence purposes,
- (g) to procure such goods and equipment as the Minister considers necessary and provide them to local authorities for Civil Defence purposes, and
- (h) to provide any ancillary services as the Minister thinks beneficial to Civil Defence.

Explanatory Note

The purpose of this Head is to set out the general functions of the Minister for Defence in relation to Civil Defence. The Head is without prejudice to any powers concerning Civil Defence conferred on the Minister by this Act or any other enactment.

Head 5 Functions of local authorities with regard to Civil Defence

Provides that:

- (a) Each local authority shall establish at least one Civil Defence unit, comprising of Civil Defence volunteers and one or more Civil Defence officers, for the purpose of providing Civil Defence services in accordance with the policy laid down from time to time by the Minister in the administrative area of that local authority.
- (b) Each local authority shall comply with the policy direction as set down by the Minister in accordance with Head 4.
- (c) Each local authority shall provide such information in relation to Civil Defence as requested by the Minister in a timely fashion.
- (d) Each local authority shall provide suitable accommodation and equipment for its Civil Defence unit.
- (e) Subject to the agreement of the Minister and the Minister for Housing, each local authority shall appoint such and so many suitably qualified civil defence officers and assistant Civil Defence officers as it considers appropriate for the purposes of this Act.
- (f) Notwithstanding Section 85 of the 2001 Act and subsection (a), subject to the agreement of the Minister, a local authority may establish a joint Civil Defence unit with one or more other local authorities.
- (g) With the agreement of the local authorities concerned, Civil Defence volunteers may carry out Civil Defence activities in the administrative area of another local authority.

Explanatory Note

This Head updates Section 15 of the Civil Defence Act 2012. The purpose of this Head is to set out the general functions of local authorities in relation to Civil Defence matters. The Head also provides for local authorities to structure Civil Defence activities across administrative areas of local authorities.

Head 6: Provision of funding for Civil Defence

Provides that:

- (a) Each year the Minister may pay to each local authority a grant or grants of such amounts as the Minister may determine for the purpose of defraying expenditure by the local authority in the performance of its functions relating to Civil Defence.
- (b) The Minister may make payment of the grants referred to in (a) subject to such conditions as he or she deems necessary.
- (c) Such grants shall not exceed seventy percent of the expenditure by the local authority for Civil Defence purposes unless prior approval is obtained from the Minister by the local authority.
- (d) A grant paid to a local authority under this section shall not be used by a local authority for any purpose other than the purpose specified in subsection (a).
- (e) A local authority may, with the approval of the Minister for Housing, incur expenses for the purposes of the performance of its functions in relation to Civil Defence.

Explanatory Note

This Head updates Sections 34 and 35 of the Air-Raid Precautions Act 1939 and Section 14 of the Civil Defence Act 2012. The Head provides that the Minister may give grants to local authorities to defray up to seventy percent of their expenditure on Civil Defence. It also provides that local authorities may spend public monies on Civil Defence.

Head 7 **Register of Civil Defence volunteers**

Provides that:

- (a) Each register (in this section referred to as the “register”) established under section 16 of the Act of 2012 shall continue in being.
- (b) With effect from the commencement of this Act, the register shall be renamed as the register of Civil Defence volunteers.
- (c) The register shall be kept in such form, (including in an electronic format), and include such information, as the Minister may determine.
- (d) Without prejudice to the generality of (c) above, the register may include the following information relating to a Civil Defence volunteer:
 - i. the name of each person appointed as a Civil Defence volunteer by the local authority concerned;
 - ii. the volunteer’s home and electronic address;
 - iii. the telephone number of the volunteer;
 - iv. the volunteer’s date of birth;
 - v. the volunteers personal public service number (required by certain training bodies);
 - vi. records of the volunteer’s training with regard to Civil Defence;
 - vii. records of the volunteer’s qualifications that are relevant to Civil Defence;
 - viii. the date on which the person was appointed a Civil Defence volunteer by the local authority concerned;
 - ix. a number (referred to as a ‘volunteer number’) which shall be used to uniquely identify the volunteer;
 - x. medical information that is required to assess the capacity of the person to serve as a Civil Defence volunteer and carry out specified activities;
 - xi. details of the volunteer’s driving licence;
 - xii. the most recent date the person completed Garda vetting for the purposes of serving as a Civil Defence volunteer.
- (e) Each local authority shall be responsible for the maintenance of the register relating to the Civil Defence volunteers appointed by that local authority.
- (f) The Minister, or such officers of the Minister as the Minister may designate in writing, may inspect, amend and update the register.
- (g) A Civil Defence volunteer shall be entitled to inspect any entry on the register that relates to that volunteer.
- (h) If a particular entered in the register relating to a Civil Defence volunteer is not correct, or ceases to be correct, the Civil Defence volunteer concerned shall, as soon as may be, so inform the relevant local authority and the local authority shall correct the register.

Explanatory Note

This Head updates the provisions set out in section 16 of the Civil Defence Act 2012 in relation to the register of Civil Defence volunteers which is maintained by local authorities. The Minister will be able to designate officers of the Department of Defence who can inspect and amend data contained in the register (subject to compliance with data protection legislation).

The Head specifies the data regarding a Civil Defence volunteer that may be held on the Register. Any data held and processed will be subject to compliance with data protection legislation.

Head 7(b) provides that the register will be renamed as the register of Civil Defence volunteers.

Head 7(c) provides for the register to be kept in such form (including in an electronic format) as may be determined by the Minister for Defence.

Head 8: Civil Defence plans

Provides that:

- (a) Each local authority shall prepare and submit to the Minister a plan (in this section referred to as a “Civil Defence plan”) in accordance with this section.
- (b) A local authority shall, in the preparation of a Civil Defence plan, have regard to the need to ensure the most beneficial, effective and efficient use of resources in the implementation of the key objectives and strategies specified in the plan.
- (c) A Civil Defence plan shall—
 - i. specify the key objectives and related strategies (including strategies relating to the use of resources) of a local authority with regard to—
 - (i) its functions relating to Civil Defence having regard to any policy direction of the Minister issued in accordance with section 4,
 - (ii) the appointment of Civil Defence volunteers,
 - (iii) the training of Civil Defence volunteers, and
 - (iv) the provision of equipment required to carry out its functions relating to Civil Defence.
 - ii. be prepared in such form and manner as the Minister may determine, including in electronic form, and
 - iii. make provision in relation to any other matters that the Minister may from time to time specify.
- (d) Each local authority shall review and revise its Civil Defence plan—
 - i. not later than 3 years, or such other period as may be determined by the Minister, after the preparation and submission to the Minister of that plan, and
 - ii. not later than 3 years, or such other period as may be determined by the Minister, after the completion of its most recent review of that plan under this subsection.
- (e) Where a local authority revises its Civil Defence plan, it shall, as soon as may be after the plan’s revision, submit a copy of the plan as so revised to the Minister.
- (f) Where two or more local authorities operate a joint Civil Defence unit, in accordance with Head 5 (f), a single plan shall be submitted to the Minister in respect of the local authorities concerned.

Explanatory Note:

This Head updates Section 12 of the Civil Defence Act 2012. The Head provides that each local authority must prepare a Civil Defence plan, in a format as set down by the Minister for Defence. The plans must be updated every 3 years and submitted to the Minister for Defence.

Head 9: Appointment of Civil Defence volunteers

Provides that:

- (a) A local authority may, in accordance with such directions as may be given by the Minister to the local authority, appoint such and so many Civil Defence volunteers as it considers appropriate to perform such functions in relation to Civil Defence as are specified in those directions within the administrative area of that local authority.
- (b) Without prejudice to the generality of subsection (a), the Minister may give directions under this section to local authorities in relation to—
 - i. the classes of persons who are eligible to be appointed as Civil Defence volunteers,
 - ii. the form and manner in which an application for appointment as a Civil Defence volunteer shall be made,
 - iii. conditions for the appointment of persons as Civil Defence volunteers, including the requirement to undergo Garda vetting.
 - iv. conditions which a person must comply with to remain as a Civil Defence volunteer, to include (but not limited to):
 - i. standard of training,
 - ii. attendance for duties,
 - iii. periodic Garda Vetting.
- (c) The Minister shall make a code of conduct which shall set down the grievance and disciplinary procedures for Civil Defence volunteers. This code of conduct shall include procedures for the suspension and termination of a person's appointment under this section as a Civil Defence volunteer.
- (d) The Minister may revise or revoke any code of conduct issued under subparagraph (c).
- (e) Notwithstanding subparagraph (c), a person shall cease to be a Civil Defence volunteer under this section if—
 - i. the local authority concerned revokes the appointment of that volunteer, or
 - ii. in the case of an appointment that is for a fixed period, on the expiry of that period.

Explanatory Note:

This Head updates Section 15 of the Civil Defence Act 2012. The Head provides for the recruitment by local authorities of Civil Defence volunteers, subject to conditions as set down by the Minister for Defence. It also provides that the Minister may set down conditions which must be complied with by members of Civil Defence.

Head 10 Training records

Provides that:

- (a) The Minister and or the local authority may for administrative and regulatory purposes record the names and addresses of persons who are not Civil Defence volunteers but who have been trained by Civil Defence.
- (b) Such information may be stored in an electronic format.
- (c) Such information shall be stored in compliance with relevant data protection and other applicable statutory provisions.
- (d) The Minister or such officers of the Minister, as the Minister may designate in writing, or the local authority may inspect or amend the information referred to in subsection (a), subject to compliance with all relevant data protection legislation.

Explanatory Note:

This Head provides for the processing in accordance with data protection legislation of data in relation to non-Civil Defence volunteers which is required for administrative and regulatory purposes.

Reference in this Head to an address may mean the place where the training took place, e.g. a school/ college or place of work.

Head 11: **Repeal of the Air-Raid Precautions Act 1939, the Air-Raid Precautions (Amendment) Act 1946 and Civil Defence Act 2012.**

Provides that:

- (a) The Civil Defence Act of 2012, the Air-Raid Precautions Act of 1939 and the Air-Raid Precautions (Amendment) Act of 1946 are repealed.

- (b) The SIs listed at Schedule 1 are hereby revoked.

Explanatory Note:

This Head allows for the repeal of the Civil Defence Act of 2012, the Air-Raid Precautions Act of 1939 and the Air-Raid Precautions (Amendment) Act of 1946 and related Statutory Instruments.

Schedule 1

- Air Raid Precautions (Register of Designated Premises) Regulations 1940 (S.I. No. 59 of 1940)
- Air-Raid Precautions (Cesser of Certain Scheduled Urban Areas) Order 1960 (S.I. No. 63 of 1960)
- Air Raid Precautions Act, 1939 (Appeals under Sections 22 and 25) Rules 1940 (S.I. No. 89 of 1940)
- Air-Raid Precautions (Approval of Expenditure by Local Authorities) (Amendment) Regulations 1959 (S.I. No. 126 of 1959)
- Air-Raid Precautions (Approval of Expenditure by Local Authorities) (Amendment) (No. 2) Regulations 1943 (S.I. No. 327 of 1943)
- Air-Raid Precautions Schemes (Prescribed Provisions) (Amendment) (No. 3) Regulations 1943 (S.I. No. 326 of 1943)
- Air-Raid Precautions Schemes (Prescribed Provisions) (Amendment) (No. 2) Regulations 1942 (S.I. No. 58 of 1942)
- Air-Raid Precautions (Approval of Expenditure by Local Authorities) (Amendment) Regulations 1941 (S.I. No. 354 of 1941)
- Air-Raid Precautions Schemes (Prescribed Provisions) (Amendment) Regulations 1941 (S.I. No. 264 of 1941)
- Air-Raid Precautions (Approval of Expenditure by Local Authorities) Regulations 1939 (S.I. No. 401 of 1939)
- Air-Raid Precautions Schemes (Prescribed Provisions) Regulations 1939 (S.I. No. 238 of 1939)
- Air-Raid Precautions (Approval of Expenditure by Essential Undertakers) (Amendment) (No. 2) Regulations 1944 (S.I. No. 157 of 1944)
- Air-Raid Precautions (Approval of Expenditure by Essential Undertakers) (Amendment) Regulations 1942 (S.I. No. 72 of 1942)
- Air-Raid Precautions (Approval of Expenditure by Essential Undertakers) Regulations 1940 (S.I. No. 180 of 1940)
- Air-Raid Precautions (Essential Undertaker's) Schemes (Prescribed Provisions) Regulations 1940 (S.I. No. 179 of 1940)
- Air-Raid Precautions Act, 1939 (Grants under Section 58) (Amendment) Regulations 1940 (S.I. No. 300 of 1940)
- Air Raid Precautions Act, 1939 (Grants under Section 58) Regulations 1940 (S.I. No. 83 of 1940)
- Air-Raid Precautions Equipment (Storage and Loan) Regulations 1940 (S.I. No. 184 of 1940)
- Air-Raid Precautions Equipment (Importation and Sale) Order, 1940 (Revocation) Order 1960 (S.I. No. 219 of 1960)
- Air-Raid Shelters (Sale) Order 1940 (S.I. No. 215 of 1940)
- Air-Raid Precautions Services (Compensation for Personal Injuries) (Seventh Amendment) Scheme 2008 (S.I. No. 244 of 2008)

Air-Raid Precautions Services (Compensation for Personal Injuries) (Sixth Amendment) Scheme 2005 (S.I. No. 848 of 2005)

Air-Raid Precautions Services (Compensation for Personal Injuries) (Fifth Amendment) Scheme 2003 (S.I. No. 676 of 2003)

Air-Raid Precautions Services (Compensation for Personal Injuries) (Fourth Amendment) Scheme 1976 (S.I. No. 183 of 1976)

Air-Raid Precautions Services (Compensation for Personal Injuries) (Third Amendment) Scheme 1976 (S.I. No. 27 of 1976)

Air-Raid Precautions Services (Compensation for Personal Injuries) (Second Amendment) Scheme 1975 (S.I. No. 179 of 1975)

Air-Raid Precautions Services (Compensation for Personal Injuries) Scheme, 1973 (First Amendment) Scheme 1973 (S.I. No. 268 of 1973)

Air-Raid Precautions Services (Compensation for Personal Injuries) Scheme 1973 (S.I. No. 104 of 1973)