

Civil Defence Bill 2022
Regulatory Impact Analysis (RIA)

Summary of Regulatory Impact Analysis (RIA)	
Department / Office: Department of Defence	Title of Legislation: Civil Defence Bill 2022
Stage: General Scheme of a Bill	Date: 26 May 2022
Related Publications: <ul style="list-style-type: none">• White Paper on Defence 2015• Civil Defence Towards 2030 Policy Document	
Available to view or download at: https://assets.gov.ie/21963/f1e7723dd1764a4281692f3f7cb96966.pdf https://assets.gov.ie/77153/fd896e7c-6934-4b62-8888-870ba18d4bc1.pdf	
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Policy Objective <p>Implement the recommendation of the White Paper on Defence 2015.</p> <p>The White Paper outlines that the principal legislation governing Civil Defence dates back to 1939. Civil Defence was established by government decision in 1951. While there has been some amending legislation over the years, the 2015 White Paper on Defence identified the need to provide a more modern aggregated piece of governing legislation. A commitment was made to progressing new legislation over the life-time of the White Paper.</p>	

The following policy options have been considered in relation to the Civil Defence Bill 2022:

1. No intervention.
2. Amend existing Civil Defence Legislation
3. Introduce a new Bill to consolidate existing legislation regarding Civil Defence

Preferred option: Option 3

Option 1 is included for benchmarking purposes. It was discounted as it would maintain the current position which is that the legal basis under which Civil Defence was established was the Air Raid Precautions Acts 1939 – 1946. However, those Acts do not mention the words “Civil Defence” and do not provide a comprehensive basis for Civil Defence in its current form. In 2002 a Civil Defence Act was enacted, this Act established the new Civil Defence Board. In 2012 a further Civil Defence Act was enacted dissolving the Civil Defence Board and transferring its functions back to the Minister for Defence. The stated policy objective to provide a more modern aggregated piece of governing legislation is not achieved through this option.

Option 2 is to amend the current suite of legislation relating to Civil Defence which comprises the Air Raid Precautions Acts 1939 to 1946 and the Civil Defence Act 2012. The purpose of the Civil Defence Act 2012 was to provide for the dissolution of the Civil Defence Board and transfer the functions of the Civil Defence Board back to the Minister for Defence and to repeal the Civil Defence Act 2002. The current statutory basis underpinning Civil Defence which comprises Acts enacted between 1939 and 2012 does not provide a coherent and comprehensive legislative framework for the current operations of Civil Defence. Enacting a new Civil Defence Act to amend earlier legislation would only add to the complexity of the existing legislative framework. The stated policy objective to provide a more modern aggregated piece of governing legislation is not achieved through the amendment of the existing suite of legislation.

Option 3 is the preferred option as it achieves the required policy objective of providing a modern aggregated piece of legislation which provides Civil Defence with the necessary legislative basis to operate effectively. Option 3 would result in the enactment of a modern consolidated piece of legislation to provide a comprehensive statutory basis for Civil Defence.

Section 2: Statement of policy problem and objective

Policy Context

Civil Defence (Cosaint Shibhialta) is a statutory volunteer-based organisation with a nationwide footprint, established in 1951. In central Government terms, responsibility for the organisation falls under the aegis of the Department of Defence. At a local level, Civil Defence is managed by Civil Defence Officers employed by each local authority. There are approximately 3,000 Civil Defence volunteers.

Civil Defence policy is set down by the Minister for Defence through the Civil Defence Branch of the Department of Defence. The Department is also responsible for the strategic management and development of Civil Defence at national level.

Each Local Authority has overall responsibility for the day to day operations within their respective Local Authority. The key person within the Local Authority in the context of Civil Defence is the Civil Defence Officer.

The Government's continued commitment to the development of Civil Defence is confirmed in the White Paper on Defence 2015. The White Paper also states that the future of Civil Defence will continue to be developed around its central strategic objective of supporting the Principal Response Agencies in a variety of emergency and non-emergency situations.

The "Civil Defence - Towards 2030" policy document was published in 2020. This was the outcome of a review initiated by the then Minister with Responsibility for Defence, Mr. Paul Kehoe T.D. in September 2018. The policy document set out the five core Civil Defence roles and services into the future;

- Emergency Response,
- Search and Rescue,
- Medical Response,
- Community Assistance
- Radiation Monitoring Service.

The review involved consultation with all stakeholders including Civil Defence Officers, Civil Defence Volunteers, the Civil Defence Inter-Agency Guidance Team, the Principal Response Agencies, including the Local Authorities who are responsible for the day to day management of Civil Defence.

The "Civil Defence – Towards 2030" policy document highlighted the Government's pride in the volunteer ethos of Civil Defence and reaffirmed the Government's commitment to supporting Civil Defence into the future.

Current Legislative Position

Civil Defence was established by government decision in 1951. From a legislative perspective, Civil Defence relies upon a number of provisions as set out in the Air Raid Precautions Acts 1939 – 1946. However, those Acts do not mention the words “Civil Defence”. The provisions relied upon in these Acts do not appropriately reflect the modern Civil Defence organisation. There are also a number of statutory instruments made under the Air Raid Precautions Acts which add to the complexity of the current legal framework.

In 2002 a Civil Defence Act was enacted to establish the new Civil Defence Board as a State-sponsored body. In 2012 a further Civil Defence Act was enacted dissolving the Civil Defence Board and transferring its functions back to the Minister for Defence.

It has been a long-standing policy objective of the Department to review the legislation relating to Civil Defence. The 2015 White Paper on Defence commits to progressing new Civil Defence legislation with a view to providing a more modern aggregated piece of governing legislation

Proposed legislation

The main purpose of this Bill is to implement the recommendation of the White Paper on Defence 2015 to provide for a modern aggregated piece of legislation relating to Civil Defence. The main objectives of the legislation are to:

- define the functions of both the Minister for Defence and the local authorities in relation to Civil Defence.
- provide for the funding of Civil Defence both by the Minister and the local authorities.
- provide a legal basis for the collection and processing of personal data from civil defence volunteers.
- require each local authority to put a civil defence plan in place.
- allow the Minister set conditions which must be met to become and remain a volunteer.
- provide for the repeal of the Air Raid Precautions Acts 1939 to 1946 and the Civil Defence Act 2012.

Section 3: Identification and description of options

The options considered to implement the policy objective included:

Option 1 is included for benchmarking purposes. It was discounted as it would maintain the current position which is that the legal basis under which Civil Defence was established was the Air Raid Precautions Acts 1939 – 1946. However, those Acts do not mention the words “Civil Defence” and do not provide a comprehensive statutory basis for Civil Defence in its current form. In 2002 a Civil Defence Act was enacted, this Act established the new Civil Defence Board. In 2012 a further Civil Defence Act was enacted dissolving the Civil Defence Board

and transferring its functions back to the Minister for Defence. The stated policy objective to provide a more modern aggregated piece of governing legislation is not achieved through this option.

Option 2 is to amend the suite of legislation governing Civil Defence which comprises the Air Raid Precautions Acts 1939 to 1946 and the Civil Defence Act 2012. The Air Raid Precautions Acts were enacted during the Emergency Period of the 1940s and there would be difficulties in adapting the legislation to suit modern requirements. The principal purpose of the Civil Defence Act 2012 was to provide for the dissolution of the Civil Defence Board and transfer the functions of the Civil Defence Board back to the Minister for Defence and to repeal the Civil Defence Act 2002. Enacting a new Civil Defence Act to amend earlier legislation would only add to the complexity of the current legislative framework. The stated policy objective to provide a more modern aggregated piece of governing legislation is not achieved through the amendment of the existing legislation.

Option 3 is the preferred option as it achieves the required policy objective of providing a modern aggregated piece of legislation which provides Civil Defence with the necessary legislative basis to operate effectively. Option 3 would result in the enactment of a modern consolidated piece of legislation to provide a comprehensive basis for Civil Defence.

Section 4: Analysis of costs, benefits and other impacts for each option

Option 1	COST	BENEFIT	IMPACTS
No intervention	There will be no cost to the Exchequer	No legislative changes required	<ul style="list-style-type: none"> • Does not achieve a modern aggregated piece of legislation as set down by the 2015 White Paper on Defence. • There is still a reliance on out-dated legislation dating back to the Air Raid Precautions Acts 1939 – 1946 to provide a statutory basis for Civil Defence
Option 2	COST	BENEFIT	IMPACTS
Amend existing suite of legislation (Air Raid Precaution Acts 1939 to 1946 and the Civil Defence Act 2012)	<p>Any cost to the Department would be met from within existing resources.</p> <p>There would be no cost implications for Civil Defence</p>	Amendments are made to the existing suite of primary legislation	<ul style="list-style-type: none"> • Does not achieve the stated policy objective of a modern aggregated piece of legislation as set down by the 2015 White Paper on Defence. • Adds to the complexity of the existing legislative framework relating to Civil Defence. • Amends existing legislation, as far as feasible, to: <ul style="list-style-type: none"> ○ define the functions of both the Minister for Defence and the local authorities in relation to Civil Defence. ○ provide for the funding of Civil Defence both by the Minister and the local authorities. ○ provide a legal basis for the collection and processing of personal data from civil defence volunteers. ○ require each local authority to put a civil defence plan in place. ○ allow the Minister set conditions which must be met to become and remain a volunteer. ○

Option 3	COST	BENEFIT	IMPACTS
Introduce a new Bill to consolidate existing legislation	<p>Any cost to the Department would be met from within existing resources.</p> <p>There would be no cost implications for Civil Defence</p>	A modern aggregated piece of legislation which provides Civil Defence with the necessary legislative basis to operate effectively.	<ul style="list-style-type: none"> • Positive impact on Civil Defence in terms of providing a modern piece of legislation ultimately enhancing the governance of Civil Defence. • The enactment of new legislation which will comprehensively in one statute: <ul style="list-style-type: none"> ○ define the functions of both the Minister for Defence and the local authorities in relation to Civil Defence. ○ provide for the funding of Civil Defence both by the Minister and the local authorities. ○ provide a legal basis for the collection and processing of personal data from civil defence volunteers. ○ require each local authority to put a civil defence plan in place. ○ allow the Minister set conditions which must be met to become and remain a volunteer. • The legislation will provide for the repeal of the outdated Air Raid Precautions Acts along with the Civil Defence Act 2012.

Other impacts

Small and medium Enterprises

This Bill deals solely with the Civil Defence organisation, there are no impacts on small and medium enterprises.

The Right of Citizens / Human Rights

There is no impact in this area

The socially excluded or vulnerable groups including gender equality, poverty, people with disabilities and rural communities;

There is a positive impact in this area, Civil Defence volunteers serve their entire community in each County through the following five core services:

- Provision of trained personnel and equipment to assist in response to emergencies,
- Provision of trained personnel and equipment to assist in search and rescue for missing persons
- Provision of pre-hospital medical service personnel
- Provision of trained personnel and equipment in the context of Community Assistance, and
- Provision of a Radiation Monitoring Service.

Therefore the implementation of a modern aggregated piece of legislation provides Civil Defence with the necessary legislative basis to operate effectively and serve all of the community, including socially excluded or vulnerable groups, poverty, people with disabilities and rural communities;

The environment;

There is no impact in this area

Economic market including impacts on competition and consumers;

There is no impact in this area

North-South, East-West relations;

There is no impact in these areas

Compliance burden on third parties e.g. citizens and business

There is no impact in this area

Section 5: Consultation

Consultation with stakeholders such as the City and County Managers Association (CCMA) and Civil Defence Officers Association (CDOA) occurred as part of the 2015 White Paper on Defence process. Further consultation with these stakeholders and other relevant stakeholders including the Principal Response Agencies and the Department of Housing has commenced and will continue during the preparation of the Legislation.

Section 6: Enforcement and Compliance

The legislation will be implemented by the Department of Defence in conjunction with local authorities.

Section 7: Publication

This Regulatory Impact Analysis statement shall be published on the Department of Defence’s website and accompanied by a link to the Bill once it becomes available and has been approved for publication.

Review

The Legislation will be kept under review and updated as required. The Department of Defence has ongoing engagement with the local authority sector and civil defence officers which include regular meetings to consider Civil Defence matters.