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**An Bille um Chosaint Shibhialta, 2023**  
**Civil Defence Bill 2023**

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*Meabhrán Miniúcháin*  
*Explanatory Memorandum*

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**CIVIL DEFENCE BILL 2023**

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**EXPLANATORY MEMORANDUM**

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**Background**

Civil Defence (Cosaint Shibhialta), established in 1951, is a statutory volunteer-based organisation which is organised at a local authority level. In central Government terms, responsibility for the organisation falls under the aegis of the Department of Defence.

The White Paper on Defence 2015 identified the need to provide a more modern aggregated piece of governing legislation concerning Civil Defence and a commitment was made to progress new legislation over the life-time of the White Paper.

The White Paper also stated that the future of Civil Defence will continue to be developed around its central strategic objective of supporting the Principal Response Agencies (that is, An Garda Síochána, the Health Service Executive and local authorities) in a variety of emergency and non-emergency situations.

**Purpose of the Bill**

The purpose of the Civil Defence Bill 2023 is to modernise the existing legislation relating to civil defence matters which is contained within the Air-Raid Precautions Acts 1939 and 1946 and the Civil Defence Act 2012.

The existing suite of civil defence legislation will be repealed by this Bill.

**Provisions of the Bill**

*Section 1 (Definitions)* is a standard provision to set out definitions for key terms used in the Bill.

*Section 2 (Functions of Minister relating to civil defence)* sets out the responsibility of the Minister for Defence for the overall policies and strategies relating to civil defence.

The section also makes provision for the general functions of the Minister for Defence in relation to Civil Defence including:

- the promotion and support of Civil Defence in co-operation with local authorities;
- the provision of policy direction to local authorities in relation to the performance of their functions under the legislation;
- the promotion of public awareness and the dissemination of coordinated information to the public relating to civil defence;

- the provision, or arranging for the provision, of services as the Minister considers necessary, including the provision of training and procurement of goods and equipment for civil defence purposes.

The section also sets out the requirement for local authorities to comply with any directions issued by the Minister under this legislation.

*Section 3 (Provision of information to Minister)* relates to the provision within specified time limits of information by a local authority to the Minister for Defence concerning the operation of civil defence where such information is required by the Minister.

*Section 4 (Establishment of civil defence unit)* relates to the establishment by each local authority of a dedicated civil defence unit for the purpose of providing civil defence services in the administrative area of that local authority.

The section includes provisions enabling a local authority to make arrangements concerning the establishment of a joint civil defence unit with one or more other local authorities (as is the case for example in Dublin) for the purposes of providing shared civil defence services in the administrative areas of those local authorities. Any such arrangement shall be subject to the consent of the Minister for Defence.

The provisions set out in section 85 of the Local Government Act 2001 concerning the arrangements that may be agreed between local authorities for the provision of specified services by one local authority on behalf of another local authority shall also apply to agreements and arrangements concerning the operation of a joint civil defence unit.

This section also provides that each local authority shall provide accommodation and equipment for its civil defence unit.

Essentially, this section provides for the continuation of the existing arrangements as they relate to civil defence units.

*Section 5 (Civil defence officers)* relates to the employment by local authorities of civil defence officers.

The role of a civil defence officer is to manage the operation of civil defence at a local authority level including the admission, training and management of civil defence volunteers.

The numbers of civil defence officers employed by each local authority will be subject to the consent of the Minister for Defence which will be given with the approval of the Minister for Housing, Local Government and Heritage and the Minister for Public Expenditure and Reform.

The terms and conditions (including terms and conditions relating to remuneration) of civil defence officers will be a matter for the relevant local authority to determine in the standard manner as would be the case for any other local authority employee.

*Section 6 (Civil defence volunteers)* relates to the process by which a person may become a civil defence volunteer for the purpose of providing civil defence services in the administrative area of a local authority.

The section sets out that the Minister may give directions to local authorities concerning civil defence volunteers. These directions include;

- the persons eligible to be a civil defence volunteer;
- how applications to be a civil defence volunteer should be made;
- the requirement on applicants to undergo vetting by the National Vetting Bureau;

- mandatory conditions that will apply to a civil defence volunteer, including conditions concerning training, attendance and adherence to the civil defence code of practice.

Subsection (4) sets out the circumstances as to when a person ceases to be a civil defence volunteer. These circumstances are:

- where a local authority revokes the registration of a civil defence volunteer; or
- where a person resigns as a civil defence volunteer.

*Section 7 (Register of civil defence volunteers)* provides for the mandatory establishment by each local authority of a register of persons serving as civil defence volunteers in that local authority area. The intention is that the register will be maintained in an electronic form. Any register of volunteers currently maintained by local authorities under the Civil Defence Act 2012 shall be deemed to be the register for the purpose of this Act.

On the commencement of the legislation, the title of the exiting register will change from the “Register of Civil Defence Members” to the “Register of Civil Defence Volunteers” so as to more appropriately reflect the voluntary nature of Civil Defence.

The electronic register of civil defence volunteers will be maintained by local authorities. It will contain *inter alia* the following information relating to civil defence volunteers:

- name, contact details and date of birth;
- date of registration as a volunteer, volunteer number, record of volunteer training and qualifications relevant to civil defence;
- vetting information relating to the volunteer;
- volunteer’s driving licence, details of equipment and clothing issued;
- certain medical information relevant to the volunteer’s role in civil defence.

The section re-affirms that any personal data held on the register is stored and processed subject to compliance with data protection legislation. In that regard, access to the information in the register, excluding medical information which has additional protections, is limited to the following:

- the chief executive or any member of the local authority designated in writing by the chief executive of the relevant local authority;
- the Minister or any officers of the Minister designated in writing by the Minister;

In relation to medical information held on the register, additional safeguards are included in the Bill specifying that only civil defence officers of the relevant local authority may access medical information relating to a volunteer in the relevant local authority.

Where there is no civil defence officer in place within a local authority, the section provides that the local authority may designate another officer of that local authority at the equivalent local authority grade of a civil defence officer or higher to perform the duties of a civil defence officer specifically in relation to the accessing of medical information of a volunteer.

The section also provides that a volunteer can inspect the register in relation to their personal information and, if necessary, seek to have any errors corrected.

Data entered on the register shall only be retained for as long as necessary and in accordance with Data Protection legislation.

*Section 8 (Civil defence plans)* updates existing provisions concerning the preparation by local authorities of civil defence plans.

A civil defence plan sets out the key objectives and strategies of a local authority in relation to the operation of civil defence including but not limited to:

- functions relating to civil defence;
- registration and training of civil defence volunteers;
- provision of equipment.

The plan will be reviewed and, if necessary, updated at least every three years and the Minister may direct a local authority to make specific amendments to the plan. A local authority will be obliged to publish the civil defence plan once it has been approved by the Minister for Defence.

*Section 9 (Funding of civil defence)* restates in an updated form the long-standing arrangements under which the Minister for Defence provides grant funding to local authorities in support of civil defence activities which shall not exceed in a year a maximum of seventy percent of civil defence expenditure, unless prior approval is received from the Minister by a local authority. It also provides that a local authority may, with the approval of the Minister for Housing, Local Government and Heritage, incur expenses relating to Civil Defence.

*Section 10 (Code of practice)* includes provisions in relation to the making by the Minister for Defence of regulations concerning codes of practice for civil defence volunteers. The civil defence code of practice will set out:

- procedures relating to the suspension and revocation of civil defence volunteers;
- grievance and disciplinary procedures for civil defence volunteers;
- the standards of conduct and integrity for civil defence volunteers in carrying out their duties.

*Section 11 (Expenses)* is a standard provision and provides that expenses incurred by the Minister for Defence in the administration of the legislation to such extent as may be sanctioned by the Minister for Public Expenditure and Reform will be paid out of moneys provided by the Oireachtas.

*Section 12 (Regulations)* is a standard provision concerning the making of regulations relating to this Bill. Any regulations made under this Bill shall be laid, as soon as practicable, before the Houses of the Oireachtas for approval.

*Section 13 (Repeals)* provides for the repeal of the Air Raid Precautions Acts 1939 and 1946 and the Civil Defence Act 2012 (these enactments comprise the existing suite of legislation concerning civil defence matters).

*Section 14 (Transitional arrangements)* provides for a number of necessary transitional provisions, which are as follows:

- Existing civil defence units will continue in being;
- Existing civil defence officers employed by a local authority will continue to be civil defence officers for the purposes of the new legislation;

- Existing civil defence members under the Civil Defence Act 2012 will be deemed to be civil defence volunteers under this legislation;
- Notwithstanding the repeal of the Air-Raid Precautions Act 1939, recipients of compensation for personal injuries under a scheme made under that Act will continue to receive payments under the scheme and the Minister may periodically increase the payments made to such persons.

*Section 15 (Short title and commencement)* is a standard provision relating to the short title of the Bill and commencement provisions.

**Financial Implications**

There are no additional costs to the Exchequer associated with this Bill.

*An Roinn Cosanta,*

*Mí Eanáir, 2023.*