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*Number 17 of 2023*

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**Civil Defence Act 2023**

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ACTS REFERRED TO

Air-Raid Precautions (Amendment) Act 1946 (No. 28)

Air-Raid Precautions Act 1939 (No. 21)

Civil Defence Act 2012 (No. 51)

Data Protection Act 2018 (No. 7)

Local Authorities (Officers and Employees) Act 1926 (No. 39)

Local Government Act 2001 (No. 37)

National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (No. 47)



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*Number 17 of 2023*

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## **Civil Defence Act 2023**

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An Act to provide for the functions of the Minister for Defence relating to civil defence; to provide for the responsibilities of local authorities relating to civil defence; to make provision relating to civil defence officers and civil defence volunteers; to provide for the establishment and maintenance of a register to be known as the Register of Civil Defence Volunteers; to provide for civil defence plans; to make provision for the funding of civil defence; to provide for codes of practice; for those and other purposes to provide for the repeal of certain enactments and necessary transitional arrangements; and to provide for related matters. [26th June, 2023]

**Be it enacted by the Oireachtas as follows:**

### **Definitions**

1. In this Act—

“Act of 2001” means the Local Government Act 2001;

“Act of 2012” means the National Vetting Bureau (Children and Vulnerable Persons) Act 2012;

“administrative area” has the same meaning as it has in the Act of 2001;

“civil defence” means the volunteer-based organisation, organised at a local authority level, that supports, through the provision of civil defence services, the principal response agencies, Departments of State and, as appropriate, other State agencies, during national, regional and local emergency and non-emergency events, including by assisting at community, local authority, sporting and charitable events;

“civil defence officer” means a person employed in accordance with *section 5(1)* to be a civil defence officer and includes a person employed to be an assistant civil defence officer;

“civil defence plan” has the meaning given to it by *section 8(1)*;

“civil defence services” means the services provided for the purposes of this Act by civil defence volunteers in the performance of their duties;

“civil defence unit” has the meaning given to it by *section 4(1)*;

“civil defence volunteer” means a person who is registered in the Register for the local authority concerned;

“code of practice” means a code of practice prescribed by regulations made under *section 10(1)*;

“Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

“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 local authorities;

“Register” has the meaning given to it by *section 7(1)*.

### **Functions of Minister relating to civil defence**

2. (1) The Minister shall be responsible for the overall policies and strategies relating to civil defence.
- (2) Without prejudice to the generality of *subsection (1)*, the Minister shall be responsible for—
  - (a) promoting and supporting the development of civil defence in co-operation with local authorities,
  - (b) giving directions to local authorities in relation to the performance of their functions under, or for the purposes of, this Act as the Minister considers appropriate,
  - (c) promoting public awareness and disseminating coordinated information to the public, in relation to civil defence,
  - (d) providing, or arranging for the provision of, to local authorities, and to such other persons as the Minister considers necessary and appropriate, such services and facilities, including training services, relating to civil defence, as the Minister considers necessary,
  - (e) procuring such goods and equipment, relating to civil defence, as the Minister considers necessary, and providing, or arranging for the provision of, those goods and equipment to local authorities, and
  - (f) providing, or arranging for the provision of, such other ancillary services relating to civil defence, for the purposes of this Act, as the Minister considers necessary and appropriate.
- (3) Local authorities shall comply with such directions as may be given by the Minister under this Act.

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<sup>1</sup> OJ No. L 119, 4.5.2016, p.1.

**Provision of information to Minister**

3. Each local authority shall provide, in such form as the Minister may require, such information, in relation to the operation of civil defence, as may be requested by the Minister from time to time, not later than 20 working days after receiving the request or within such other period as may be specified by the Minister in that request.

**Establishment of civil defence unit**

4. (1) Each local authority shall, in accordance with such directions as may be given by the Minister, establish at least one unit (in this Act referred to as a “civil defence unit”), comprising one or more civil defence officers and civil defence volunteers, for the purpose of providing civil defence services in the administrative area of that local authority.
  - (2) A local authority, with the prior consent of the Minister, may enter into arrangements with one or more other local authorities for the establishment by them of a joint civil defence unit for the purpose of providing civil defence services in the administrative areas of those local authorities.
  - (3) Section 85(1) of the Act of 2001 shall apply to a joint civil defence unit referred to in *subsection (2)* as it applies to an arrangement under that section, with any necessary modifications.
  - (4) Each local authority shall provide such accommodation and equipment as may reasonably be required for its civil defence unit.
  - (5) With the agreement of the local authorities concerned, civil defence volunteers may provide civil defence services in the administrative area of another local authority.

**Civil defence officers**

5. (1) Subject to *subsection (2)*, each local authority may, with the consent of the Minister, given with the approval of the Minister for Public Expenditure, National Development Plan Delivery and Reform and the Minister for Housing, Local Government and Heritage, and in accordance with such directions (if any) as may be given by the Minister, employ such and so many persons to be civil defence officers or assistant civil defence officers as the local authority considers appropriate for the purposes of this Act.
  - (2) A local authority shall, in accordance with such directions (if any) as may be given by the Minister for Housing, Local Government and Heritage following consultation with the Minister for Public Expenditure, National Development Plan Delivery and Reform, determine the terms and conditions (including terms and conditions relating to remuneration) of employment of civil defence officers and may, from time to time, alter those terms and conditions.
  - (3) The function of a civil defence officer shall be to manage the operation of civil defence in the administrative area of the local authority, including the admission to its civil defence unit, and the training and management, of civil defence volunteers.

- (4) The positions of civil defence officer and assistant civil defence officer are positions to which the Local Authorities (Officers and Employees) Act 1926 does not apply.

#### **Civil defence volunteers**

6. (1) A local authority may, in accordance with such directions as may be given by the Minister, admit to its civil defence unit such and so many persons to be civil defence volunteers as it considers necessary and appropriate for the purposes of the provision of civil defence services in the administrative area of the local authority.
- (2) Without prejudice to the generality of *subsection (1)*, the Minister may give directions to local authorities in relation to—
- (a) the classes of persons who are eligible to be civil defence volunteers,
  - (b) the form and manner in which an application to be a civil defence volunteer shall be made,
  - (c) the conditions for the admission of persons to a civil defence unit as civil defence volunteers, including the requirement to undergo vetting by the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012,
  - (d) conditions with which a civil defence volunteer shall comply, including, but not limited to:
    - (i) standards of training;
    - (ii) attendance for duties;
    - (iii) compliance with any relevant code of practice;
    - (iv) vetting by the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012.
- (3) Subject to and in accordance with any grievance and disciplinary procedures set out in a code of practice, a local authority may revoke the registration of a civil defence volunteer.
- (4) A person shall cease to be a civil defence volunteer where—
- (a) the local authority concerned revokes the registration of that volunteer, or
  - (b) the person resigns as a civil defence volunteer.

#### **Register of civil defence volunteers**

7. (1) Each local authority shall establish and maintain a register of civil defence volunteers and, in relation to the local authority that established it, it shall be known as the “Register of Civil Defence Volunteers” (in this Act referred to as the “Register”).
- (2) Without prejudice to the generality of *subsection (1)*, any register (“the first-mentioned register”) of civil defence members (within the meaning of the Civil Defence Act 2012) maintained by a local authority immediately before the coming into operation of this section shall, for the purposes of this Act, be deemed to be the

Register and all entries in and alterations to the first-mentioned register shall be taken as entries in and alterations to, as the case may be, the Register.

- (3) The Register shall be maintained by a local authority with respect to the civil defence volunteers in its civil defence unit and in such form, including in electronic form, and including such information, as the Minister may determine.
- (4) Without prejudice to the generality of *subsection (3)*, and where necessary and proportionate for the maintenance of accurate information relating to civil defence volunteers, the Register may include the following information relating to a civil defence volunteer:
  - (a) the volunteer's name;
  - (b) the volunteer's home address, email address and telephone number;
  - (c) the volunteer's date of birth;
  - (d) the date on which the volunteer was registered by the local authority concerned;
  - (e) records of the volunteer's training for the purposes of carrying out duties as a civil defence volunteer;
  - (f) records of the volunteer's qualifications for the purposes of carrying out duties as a civil defence volunteer;
  - (g) records of the volunteer's attendance at, and carrying out of, duties as a civil defence volunteer;
  - (h) a unique number assigned to the volunteer which shall be used to identify the volunteer;
  - (i) medical information, only insofar as such information is required to assess the capability of the person to carry out duties as a civil defence volunteer in respect of which such medical information is required;
  - (j) details of the volunteer's driving licence;
  - (k) the most recent date of a vetting disclosure made in respect of the volunteer by the National Vetting Bureau of the Garda Síochána under section 14 of the Act of 2012 for the purposes of carrying out duties as a civil defence volunteer;
  - (l) details of equipment and clothing issued to the volunteer for the purpose of carrying out duties as a civil defence volunteer;
  - (m) such other information as the local authority considers appropriate or as the Minister may from time to time determine for the purposes of this Act.
- (5) Subject to *subsections (6), (7) and (8)*, information in the Register shall be made available for inspection by the following persons only:
  - (a) the Chief Executive of the local authority concerned in respect only of the civil defence volunteers in its civil defence unit;

- (b) such members of staff of the local authority concerned as the Chief Executive of that local authority may designate in writing for the purposes of this subsection in respect only of the civil defence volunteers in its civil defence unit;
  - (c) the Minister or such officers of the Minister as the Minister may designate in writing for the purposes of this subsection.
- (6) Subject to *subsection (7)*, information may be entered in the Register or amended by the following persons only:
  - (a) such members of staff of the local authority concerned as the Chief Executive of that local authority may designate in writing for the purposes of this subsection in respect only of the civil defence volunteers in its civil defence unit;
  - (b) the Minister or such officers of the Minister as the Minister may designate in writing for the purposes of this subsection.
- (7)
  - (a) In respect of medical information referred to in *subsection (4)(i)*, subject to *paragraph (b)*, only civil defence officers employed by the local authority concerned are permitted to access and process such information in respect of the Register of that local authority.
  - (b) Where a local authority has no civil defence officer or a civil defence officer is absent or otherwise unable to perform his or her functions under this Act, the Chief Executive of the local authority may designate a member of staff of that local authority not below the local authority grade that is equivalent to that of civil defence officer to perform the function conferred on a civil defence officer under *paragraph (a)* in respect of medical information referred to in *subsection (4)(i)*.
- (8) A civil defence volunteer is entitled to inspect any entry on the Register that relates to that volunteer.
- (9) Where it comes to the notice of a local authority that information entered in the Register relating to a volunteer is incorrect, subject to *subsection (7)*, such members of staff of the local authority concerned as are designated under *subsection (6)(a)* shall, for the purpose of ensuring that the information entered in the Register is correct, make such alterations to the Register as are considered necessary and shall notify the volunteer in writing of any such alteration.
- (10) If a civil defence volunteer becomes aware that information included in the Register relating to the volunteer is not correct, or ceases to be correct, the civil defence volunteer concerned shall notify the relevant local authority in writing and, subject to *subsection (7)*, such members of staff of the local authority concerned as are designated under *subsection (6)(a)* shall correct the Register as soon as practicable.
- (11) Information entered in the Register shall be stored only for as long as is necessary for the purposes of this section and in accordance with the Data Protection Regulation and the Data Protection Act 2018 and in every case medical information referred to in *subsection (4)(i)* shall be removed from the Register as soon as practicable after a person ceases to be a civil defence volunteer.

**Civil defence plans**

8. (1) Subject to *subsections (7) and (9)*, as soon as may be after the coming into operation of this section each local authority shall, in accordance with this section, prepare and submit to the Minister for approval a plan (in this section referred to as a “civil defence plan”).
- (2) 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.
- (3) A civil defence plan shall—
- (a) specify the key objectives and related strategies (including strategies relating to the use of resources) of the local authority with regard to—
    - (i) its functions under this Act having regard to any direction of the Minister given under this Act,
    - (ii) the admission to its civil defence unit of civil defence volunteers,
    - (iii) the training of civil defence volunteers, and
    - (iv) the provision of equipment required to carry out its functions under this Act,
  - (b) be prepared in such form and manner as the Minister may determine, including in electronic form, and
  - (c) make provision in relation to any other matters that the Minister may from time to time specify.
- (4) Each local authority shall review and, as appropriate, revise its civil defence plan—
- (a) not later than 3 years, or such other period as may be determined by the Minister, after the submission to the Minister of that plan under *subsection (1)*, and
  - (b) thereafter 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.
- (5) Where a local authority reviews its civil defence plan in accordance with *subsection (4)*, it shall, as soon as may be after the completion of the review of the plan, submit a copy of the plan to the Minister for approval whether or not it has been revised following such review.
- (6) The Minister may give a direction to the local authority to make specified amendments to a civil defence plan, including any civil defence plan referred to in *subsection (5)*.
- (7) Where 2 or more local authorities have established a joint civil defence unit in accordance with *section 4(2)*, a single civil defence plan shall be submitted to the Minister in respect of the local authorities concerned and *subsections (4), (5) and (6)* shall apply to a plan under this subsection with any necessary modifications.
- (8) Where a civil defence plan (including any civil defence plan referred to in *subsection (5)*) has been approved by the Minister, with or without amendment, as the case may

be, each local authority shall, as soon as practicable, publish the approved civil defence plan on a website maintained by or on behalf of that local authority.

- (9) A plan which has been submitted to the Minister in accordance with section 12(5) of the Civil Defence Act 2012 within 3 years before the coming into operation of *section 13(a)* shall be deemed to be a civil defence plan for the purposes of this section and this section shall apply to that plan as it applies to a civil defence plan subject to the modification that a reference in *subsection (4)* to “its most recent review of that plan under this subsection” includes a plan so deemed.

### **Funding of civil defence**

9. (1) Each year the Minister may pay, out of moneys provided by the Oireachtas, 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 under this Act.
- (2) The Minister may make payment of the grants referred to in *subsection (1)*, subject to such conditions as the Minister considers necessary.
- (3) The total of any such grants paid under *subsection (1)* in any year shall not exceed 70 per cent of the expenditure incurred in that year by the local authority in the performance of its functions under this Act unless prior approval is obtained from the Minister by the local authority.
- (4) A grant paid to a local authority under this section shall not be used by it for any purpose other than the purpose specified in *subsection (1)*.
- (5) A local authority may, with the approval of the Minister for Housing, Local Government and Heritage, incur expenses for the purposes of the performance of its functions under this Act.

### **Code of practice**

10. (1) The Minister may make regulations prescribing codes of practice for the purposes of this Act.
- (2) Without prejudice to the generality of *subsection (1)*, a code of practice may include—
- (a) procedures relating to the suspension and revocation of a person’s registration under this Act as a civil defence volunteer, and
- (b) grievance and disciplinary procedures for civil defence volunteers.
- (3) A code of practice shall set out the standards of conduct and integrity to be maintained by civil defence volunteers in carrying out their duties and in relation to any matter connected with or affecting or likely or appearing to affect the carrying out of those duties and in relation to such other matters (if any) as may be specified in the code relating to those duties.

- (4) A civil defence volunteer to whom a code of practice applies shall, in so far as it is relevant to the volunteer in carrying out that volunteer's duties, comply with the code in carrying out those duties.

### **Expenses**

11. 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, National Development Plan Delivery and Reform, be paid out of moneys provided by the Oireachtas.

### **Regulations**

12. (1) Regulations made under this Act may contain such incidental, supplementary and consequential provisions as the Minister considers necessary or expedient.
- (2) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House sits after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

### **Repeals**

13. The following Acts are repealed:
- (a) the Civil Defence Act 2012;
  - (b) the Air-Raid Precautions Act 1939;
  - (c) the Air-Raid Precautions (Amendment) Act 1946.

### **Transitional arrangements**

14. (1) Where, immediately before the coming into operation of this section, there is in being a unit, by whatever name called, established by the local authority concerned for the purpose of providing civil defence services in the administrative area of that local authority, such unit shall, notwithstanding the repeal of the enactments under *section 13*, continue in being on and after that coming into operation and be deemed to be a civil defence unit for the purposes of *section 4*.
- (2) A person who, immediately before the coming into operation of *section 5*, was employed as a civil defence officer or assistant civil defence officer, as the case may be, of a local authority continues to be a civil defence officer or assistant civil defence officer, as the case may be, for the purposes of this Act on and from that coming into operation.
- (3) A person who, immediately before the coming into operation of *section 6*, was a civil defence member (within the meaning of the Civil Defence Act 2012) shall, on and

from that coming into operation, be deemed to be a civil defence volunteer for the purposes of this Act.

- (4) (a) Notwithstanding the repeal of the Air-Raid Precautions Act 1939 by *section 13(b)*, the Scheme shall continue in force on and after the coming into operation of *section 13(b)* and continue to apply to each person who, immediately before that coming into operation, was in receipt of any payment made under the Scheme, for so long as such person is entitled to receive such payment under the Scheme, and the Minister may, by regulations made with the consent of the Minister for Finance, amend the Scheme for indexation purposes only or revoke the Scheme, as the case may be.

- (b) In this subsection—

“indexation”, in relation to the Scheme, means the provision of increases in the amounts payable under the Scheme, in each successive year of the period during which payments are made under the Scheme;

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

#### **Short title and commencement**

- 15.** (1) This Act may be cited as the Civil Defence Act 2023.
- (2) This Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.