



Atomic Energy Authority Act 1971

1971 CHAPTER 11

Miscellaneous and supplementary provisions

17 Permits under Nuclear Installations Act 1965, s. 2

- (1) In section 2 of the Nuclear Installations Act 1965 (prohibition of certain operations except under permit), in subsection (1), the words " for such a use of the site for purposes of research or development " shall be omitted and after the words " government department " there shall be inserted the words " and for the time being in force " ; and after that subsection there shall be inserted the following subsections:—
- “(1A) A permit granted under this section, unless it is granted by title Minister, shall not authorise the use of a site as mentioned in paragraph (a) or paragraph (b) of the foregoing subsection otherwise than for purposes of research and development.
- (1B) Where a permit granted under this section by the Minister to a body corporate authorises such a use of a site for purposes other than, or not limited to, research and development, the Minister may by order direct that the provisions set out in Schedule 1 to this Act shall have effect in relation to that body corporate.
- (1C) Any power conferred by this section to make an order shall include power to vary or revoke the order by a subsequent order; and any such power shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (1D) Any permit granted under this section by the Authority or by the Minister or any other government department may at any time be revoked by the Authority or by the Minister or that department, as the case may be, or may be surrendered by the person to whom it was granted.”
- (2) In subsection (2) of that section, for the words "the foregoing subsection", there shall be substituted the words " subsection (1) of this section ".
- (3) In section 22(5) of that Act, for the words " the Schedule " there shall be substituted the words " Schedule 2 ".

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- (4) In section 27(1) of that Act (Northern Ireland)—
- (a) for the words " the Schedule ", where those words first occur, there shall be substituted the words " Schedules 1 and 2 " ;
 - (b) the following paragraph shall be inserted after paragraph (d)—
 - “(dd) in section 2(1) and in section 2(1D) any reference to a government department shall be construed as including a reference to a department of the Government of Northern Ireland; and in section 2(1C), for the words from 'and any such power' onwards there shall be substituted the words ' and any order under this section shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954';”;
 - (c) in paragraph (h) for the words " the Schedule " there shall be substituted the words " Schedule 2 " .
- (5) In section 27(7) of that Act after the words " the designated provisions" there shall be inserted the words " other than Schedule 1 to this Act " .
- (6) There shall be inserted, as Schedule 1 to that Act, the provisions set out in the Schedule to this Act; and the Schedule to that Act, as originally enacted, shall become Schedule 2.
- (7) For the purposes of section 6 of the Government of Ireland Act 1920, this section (but not the Schedule to this Act) shall be deemed to have been passed before the appointed day within the meaning of that section.

18 Inspection of factories, works and offices on sites for which permits are in force

- (1) Where an order is made under section 2 of the Nuclear Installations Act 1965 in relation to a body corporate to which a permit has been granted under that section, then—
- (a) in relation to premises on a site in respect of which the permit is for the time being in force and in relation to any building operations or works of engineering construction undertaken by or on behalf of that body corporate on such a site, the Factories Act 1961 shall apply as it applies, by virtue of Schedule 3 to the Atomic Energy Authority Act 1954, in the case of the Authority, that is to say, as if the premises belonged to or were in the occupation of the Crown or, as the case may be, as if the operations or works were undertaken by or on behalf of the Crown; and
 - (b) in relation to premises on such a site, the Offices, Shops and Railway Premises Act 1963 shall apply as it applies, by virtue of section 52(3)(h) of that Act, in relation to premises occupied by the Authority.
- (2) In the application of subsection (1) above to Northern Ireland, for the reference in paragraph (a) to the Factories Act 1961 there shall be substituted a reference to the Factories Act (Northern Ireland) 1965 and for paragraph (b) there shall be substituted the following paragraph:—
- “(b) in relation to premises on such a site, the Office and Shop Premises Act (Northern Ireland) 1966 shall apply as it applies, by virtue of section 51(3)(a) of that Act, in relation to premises occupied by a local authority.”

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- (3) For the purposes of section 6 of the Government of Ireland Act 1920, this section shall be deemed to have been passed before the appointed day within the meaning of that section.

19 Application of security provisions to companies established in connection with agreement on gas centrifuge process

- (1) Paragraphs 2 and 4 to 6 of Schedule 1 to the Nuclear Installations Act 1965, as set out in the Schedule to this Act, shall apply in relation to a company designated by the Secretary of State under subsection (2) of this section as they apply in relation to the specified body corporate, as defined in that Schedule.
- (2) For the purposes of this section the Secretary of State may by order made by statutory instrument designate any company registered (whether before or after the passing of this Act) in some part of the United Kingdom and appearing to him to have been formed pursuant to an agreement dated 4th March 1970 providing for collaboration in the development and exploitation of the gas centrifuge process for producing enriched uranium and made between Her Majesty's Government in the United Kingdom and the Governments of the Federal Republic of Germany and the Kingdom of the Netherlands.

20 Pension schemes

- (1) Subject to the following provisions of this section—
- (a) no person who by virtue of section 8(1) of this Act becomes an employee of one of the companies (in this section referred to as a "transferred employee"), and who immediately before the date of transfer is included in a pension scheme maintained by the Authority, shall cease to be included in that scheme by reason only that he has ceased to be employed by the Authority; and
 - (b) no transferred employee who immediately before the date of transfer is not included in such a pension scheme, but would have become eligible for inclusion in such a scheme on attaining an age or fulfilling a condition specified in the scheme, shall be precluded from becoming eligible for inclusion in that scheme by reason only that he has ceased to be so employed.
- (2) Notwithstanding anything in the preceding subsection, a transferred employee shall not by virtue of that subsection be included in such a pension scheme at any time after he has with his agreement been included in a pension scheme maintained by the company of which he became an employee on the date of transfer.
- (3) Subject to the next following subsection, a pension scheme maintained by the Authority may apply to persons, other than transferred employees, who are employed by either of the companies, as well as to—
- (a) transferred employees to whom the scheme is applicable by virtue of subsection (1) of this section, and
 - (b) persons to whom the scheme is applicable apart from the provisions of this section.
- (4) Where at any time the Secretary of State is satisfied with respect to either of the companies—

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- (a) that all persons then employed by the company who are for the time being included in a pension scheme maintained by the Authority would, if they agreed to it, be included in a pension scheme maintained by the company, and
- (b) that, in the case of every such person, the provisions of the scheme maintained by the company which are applicable to him, taken as a whole, are no less favourable (both as to treating previous service as reckon-able service and otherwise) than the provisions, as then in force, of the pension scheme maintained by the Authority in which he is then included,

the Secretary of State may by order made by statutory instrument direct that (without prejudice to the validity of any pension scheme maintained by the Authority in its application to persons not employed by the company) no pension scheme maintained by the Authority shall, on and after such date as may be specified in the order, apply to any person employed by the company.

- (5) In respect of—
 - (a) any payments falling to be made by the Authority in consequence of the application by virtue of this section of a pension scheme maintained by the Authority to persons employed by either of the companies, or
 - (b) the accruing liability of the Authority for any such payments,
 that company shall pay to the Authority such sums as may be agreed between the company and the Authority or as, in default of such agreement, the Secretary of State may direct.
- (6) In addition to any person to whom any pension scheme maintained by the Authority is applicable apart from this subsection, any such scheme may also apply to any person employed by the Science Research Council who—
 - (a) immediately before 1st April 1969 was an employee of the Authority engaged in research in astrophysics at the Authority's laboratory at Culham in the county of Oxford and on that date became an employee of the Council; or
 - (b) at any time after 31st March 1969 (whether before or after the commencement of this Act) was or is taken into the employment of the Council to undertake research in astrophysics at that laboratory.
- (7) In this section any reference to a pension scheme maintained by the Authority is a reference to a scheme maintained under paragraph 7(2)(b) of Schedule 1 to the Atomic Energy Authority Act 1954.

21 Savings and transitional provisions

- (1) Nothing in section 1 of this Act shall affect the office of special constable held by any person who, immediately before the day which is the appointed day for the purposes of that section, is a special constable by virtue of section 3 of the Special Constables Act 1923 as applied by Schedule 3 to the Atomic Energy Authority Act 1954, or shall affect any duty, power or privilege of any such person in his capacity as such a special constable in relation to any premises transferred by virtue of the said section 1.
- (2) Where immediately before the day which is the appointed day for the purposes of section 1 of this Act any place which is transferred to the Nuclear Fuels Company by virtue of that section is a prohibited place for the purposes of the Official Secrets Act 1911, having been declared to be such a prohibited place by an order made under section 3(c) of that Act, then, while that order remains in force.—

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- (a) that place shall continue to be a prohibited place for the purposes of that Act so long as it continues to belong to, or to be used for the purposes of, that company, as if it belonged to, or were used for the purposes of, Her Majesty; and
- (b) sub-paragraph (2) of paragraph 3 of Schedule 1 to the Nuclear Installations Act 1965, as set out in the Schedule to this Act, shall have effect in relation to any such place as if any reference therein to the specified body corporate were a reference to that company and as if the order in question had been made under the said section 3(c) as extended by sub-paragraph (1) of that paragraph.

22 Stamp duty

- (1) Property vested in either of the companies by virtue of section 1 or section 2 of this Act shall not be treated as so vested by way of sale for the purposes of section 12 of the Finance Act 1895 (which requires Acts to be stamped as conveyances on sale in certain cases).
- (2) Stamp duty shall not be chargeable under section 112 of the Stamp Act 1891 in respect of any increase in the nominal share capital of either of the companies which is certified by the Treasury as having been effected for the purpose of complying with the requirements of section 7 of this Act.

23 Financial provisions

There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of moneys so provided—

- (a) under section 4(1) of the Atomic Energy Authority Act 1954; and
- (b) under, or in respect of expenses incurred under, section 24 of the Nuclear Installations Act 1965.

24 Interpretation and supplementary provisions

- (1) In this Act " the companies " means the Nuclear Fuels Company and the Radiochemical Company, " share" includes stock, and " pension " has the meaning assigned to it by section 8(2) of the Atomic Energy Authority Act 1954.
- (2) In this Act " the appointed day " means such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be so appointed for the purposes of section 1 and section 2 of this Act respectively.
- (3) For the purposes of this Act—
 - (a) property, rights, liabilities and obligations of the Authority shall be taken at any time to be property, rights, liabilities and obligations appertaining to a part of the Authority's undertaking transferred by virtue of section 1 or section 2 of this Act, and
 - (b) persons shall be taken at any time to be employees of the Authority engaged in such a part of the Authority's undertaking,if at that time they are property held, rights acquired, liabilities or obligations incurred or persons employed by the Authority (as the case may be) wholly or mainly for the purposes of, or in the course of carrying on, that part of the Authority's undertaking (as distinct from the Authority's undertaking in general or any other part of that undertaking in particular).

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- (4) For the avoidance of doubt it is hereby declared that—
- (a) any reference in this Act to property of the Authority is a reference to property of the Authority whether situated in the United Kingdom or elsewhere, and
 - (b) any reference in this Act to rights, liabilities or obligations of the Authority is a reference to rights to which the Authority is entitled, or (as the case may be) liabilities or obligations to which the Authority is subject, whether under the laws of the United Kingdom or of a part of the United Kingdom or under the laws of any country or territory outside the United Kingdom;
- and it shall be the duty of the Authority and of each of the companies to whom any property situated in a country or territory outside the United Kingdom is transferred by virtue of this Act, or to whom any rights, liabilities or obligations of the Authority under the laws of any such country or territory are so transferred, to take all such steps as may be requisite for perfecting the transfer.
- (5) Any power conferred by any provision of this Act, except subsection (2) of this section, to make an order shall include power to revoke or vary the order by a subsequent order made under that provision.
- (6) Nothing in this Act shall be construed as transferring to either of the companies any right, liability or obligation expressly conferred or imposed on the Authority by name by any enactment (other than section 2(1) of, and Schedule 2 to, the Atomic Energy Authority Act 1954) or by statutory instrument.

25 Short title and extent

- (1) This Act may be cited as the Atomic Energy Authority Act 1971.
- (2) Sections 1 to 7, 17 to 20, 21(2) and 24 of this Act and the Schedule to this Act extend to Northern Ireland; but, with the exception of those provisions, this Act does not extend to Northern Ireland.