



Atomic Weapons Establishment Act 1991

1991 CHAPTER 46

1 Arrangements for the carrying on of certain activities

- (1) This Act applies in relation to such activities, carried on at such premises, as may be designated by the Secretary of State by order; and in this Act, in relation to any designated premises—

“the qualified employees” means the persons who are employed in the civil service of the Crown in or in connection with the undertaking on such day as the Secretary of State appoints by order;

“the undertaking” means the carrying on by the Secretary of State of designated activities at those premises.

- (2) The activities that may be designated under subsection (1) above are any activities connected with the development, production or maintenance of nuclear devices or with research into such devices or their effects; and the premises that may be so designated are those which, when this Act comes into force, form part of the undertaking carried on by the Secretary of State and known as the Atomic Weapons Establishment.
- (3) This Act shall apply if, as regards any designated premises, the Secretary of State makes arrangements—
- (a) for a company to carry on designated activities at the premises under contract with him; and
 - (b) for that or another company—
 - (i) to become the employer of such of the qualified employees as are employees to whom the arrangements apply; and
 - (ii) to acquire from him rights in or over the premises or any part of them and any property used for the purposes of the undertaking,with a view to their services and that property being made available for carrying on the designated activities at those premises;
- and any reference in this subsection to a company includes a reference to a company formed by the Secretary of State.
- (4) In this Act—

“company” means a company formed under the Companies Act 1985 or the corresponding provisions of any earlier enactment and “formed”, with reference to the purposes of a company, includes the alteration of its objects;

“contractor” means a company which carries on designated activities at designated premises under contract with the Secretary of State or, by making the services of employees or property available, enables such activities to be carried on at such premises, whether by a company or by the Secretary of State;

“designated”, with reference to any activities or premises, means designated by an order under subsection (1) above.

- (5) The power to make an order under subsection (1) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

2 Provisions applying to the transfer of certain employees

- (1) The Transfer of Undertakings (Protection of Employment) Regulations 1981 shall apply to the transfer of the undertaking or any part of it whether or not, apart from this provision, the undertaking would be treated as an undertaking in the nature of a commercial venture for the purposes of those Regulations.
- (2) For the purposes of those Regulations, the services of the qualified employees together with the rights in or over the premises and property used for the purposes of the undertaking shall be treated as a part of that undertaking capable of being transferred as a business whether or not the company which is to become their employer also carries on designated activities.
- (3) Where in pursuance of the arrangements referred to in section 1(3) above a company is to become the employer of any person, none of the agreed redundancy procedures applicable to persons employed in the civil service of the Crown shall apply to him.
- (4) Where in pursuance of the arrangements referred to in section 1(3) above—
- (a) a person ceases to be employed in the civil service of the Crown on becoming employed by a company; and
 - (b) he would not have so ceased if it were not for those arrangements,
- he shall not, on so ceasing, be treated for the purposes of any scheme under section 1 of the Superannuation Act 1972, or any pension scheme maintained by the United Kingdom Atomic Energy Authority, as having retired on redundancy.

3 Privileges and immunities: application of certain enactments

- (1) The Schedule to this Act (which, for the purpose of conferring privileges and immunities, makes provision as to the application of certain enactments) shall have effect.
- (2) The Secretary of State may by order repeal or amend any provision of the Schedule to this Act; but this power shall not be exercised so as to extend the application of any privilege or immunity which is for the time being provided for by that Schedule.
- (3) The power to make an order under subsection (2) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

4 Jurisdiction of Ministry of Defence Police

- (1) The places to which subsection (2) of section 2 of the Ministry of Defence Police Act 1987 (jurisdiction) applies shall include land, vehicles, vessels, aircraft and hovercraft which are—
 - (a) in the possession, under the control or used for the purposes of a contractor; and
 - (b) used for the purposes of, or for purposes which include, carrying on designated activities.
- (2) Subsection (3) of that section shall have effect as if the reference to Crown property included a reference to property which—
 - (a) belongs to a contractor, is in its possession or under its control or has been unlawfully removed from its possession or control; and
 - (b) is (or was immediately before its removal) used to any extent for the purpose of carrying on designated activities.

5 Expenses of Secretary of State

There shall be paid out of money provided by Parliament any expenses of the Secretary of State incurred—

- (a) in connection with the formation of any company formed with a view to, or for any purpose of, the carrying on of designated activities or with the operation of any such company wholly owned by the Secretary of State; or
- (b) in assuming responsibility for any liabilities (whether of such a company or any other company which is or has been a contractor) which are liabilities arising out of the carrying on of designated activities or liabilities to or in respect of persons employed or formerly employed in or in connection with the carrying on of such activities.

6 Short title, commencement and extent

- (1) This Act may be cited as the Atomic Weapons Establishment Act 1991.
- (2) This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.
- (3) This Act, except section 4 above, does not extend to Scotland or Northern Ireland.