

# Atomic Weapons Establishment Act 1991 c. 46

## Preamble

### Version 1 of 1

25 July 1991 - Present

### Subjects

Armed forces

An Act to make provision in connection with any arrangements that may be made by the Secretary of State with respect to the undertaking carried on by him and known as the Atomic Weapons Establishment.

[25th July 1991]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Contains public sector information licensed under the Open Government Licence v3.0.

## s. 1 Arrangements for the carrying on of certain activities.



Law In Force

Version 2 of 2

1 October 2009 - Present

### Subjects

Armed forces

### Keywords

Nuclear weapons; Premises; Research

### 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 as defined in [section 1\(1\) of the Companies Act 2006](#) and “*formed*”, in relation to a company, includes the alteration of the company's articles so as to add, remove or alter a statement of the company's objects;

] <sup>1</sup>

“*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.

## Notes

- 1 Definition substituted by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009/1941 [Sch.1 para.122](#) (October 1, 2009)

Contains public sector information licensed under the Open Government Licence v3.0.

## s. 2 Provisions applying to the transfer of certain employees.



Law In Force

Version 2 of 2

6 April 2006 - Present

### Subjects

Armed forces

### Keywords

Nuclear weapons; Premises; Transfer of undertakings

### 2.— Provisions applying to the transfer of certain employees.

(1) [The [Transfer of Undertakings \(Protection of Employment\) Regulations 2006](#)]<sup>1</sup> 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 to whose transfer those Regulations apply]<sup>2</sup> .

(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 to whose transfer those Regulations apply]<sup>3</sup> 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.

### Notes

- 1 Words substituted by [Transfer of Undertakings \(Protection of Employment\) Regulations 2006/246 Sch.2 para.6\(2\)\(a\)](#) (April 6, 2006)
- 2 Words substituted by [Transfer of Undertakings \(Protection of Employment\) Regulations 2006/246 Sch.2 para.6\(2\)\(b\)](#) (April 6, 2006)
- 3 Words substituted by [Transfer of Undertakings \(Protection of Employment\) Regulations 2006/246 Sch.2 para.6\(3\)](#) (April 6, 2006)

Contains public sector information licensed under the Open Government Licence v3.0.

## s. 3 Privileges and immunities: application of certain enactments.



Law In Force

Version 1 of 1

25 September 1991 - Present

### Subjects

Armed forces

### Keywords

Acts of Parliament; Immunities; Nuclear weapons; Premises; Privilege

### 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.

Contains public sector information licensed under the Open Government Licence v3.0.

## s. 4 Jurisdiction of Ministry of Defence Police.



Law In Force

### Version 1 of 1

25 September 1991 - Present

### Subjects

Armed forces

### Keywords

Jurisdiction; Ministry of Defence Police; Nuclear weapons; Premises

### 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.

Contains public sector information licensed under the Open Government Licence v3.0.

## s. 5 Expenses of Secretary of State.



Law In Force

### Version 1 of 1

25 September 1991 - Present

### Subjects

Armed forces

### Keywords

Nuclear weapons; Premises; Public expenditure

### 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.

Contains public sector information licensed under the Open Government Licence v3.0.

## s. 6 Short title, commencement and extent.



Law In Force

Version 1 of 1

25 September 1991 - Present

### Subjects

Armed forces

### Keywords

Commencement; Extent; Nuclear weapons; Premises; Short titles

### 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.

Contains public sector information licensed under the Open Government Licence v3.0.



# Schedule 1 APPLICATION OF CERTAIN ENACTMENTS

## para. 1



Law In Force

Version 1 of 1

25 September 1991 - Present

### Subjects

Armed forces

### Keywords

Interpretation; Nuclear weapons; Premises

1.

In this Schedule “*designated premises*” means any designated premises as respects which such arrangements as are referred to in [section 1\(3\)](#) of this Act have been made, whatever may be the respective rights of the Secretary of State and any contractor in or over any part of the premises.

---

*Schedule 1 APPLICATION OF CERTAIN ENACTMENTS > Preliminary > para. 1*

Contains public sector information licensed under the Open Government Licence v3.0.

# Schedule 1 APPLICATION OF CERTAIN ENACTMENTS

## para. 2



Law In Force

Version 1 of 1

25 September 1991 - Present

### Subjects

Armed forces

### Keywords

Armed forces; Nuclear weapons; Premises; Real property

2.

For the purposes of [Part II](#) of the [Military Lands Act 1892](#) (byelaws for lands under the management of Secretary of State used for service purposes), land in designated premises shall be treated as land under the management of the Secretary of State for military purposes.

---

*Schedule 1 APPLICATION OF CERTAIN ENACTMENTS > Military Lands Act 1892 (c. 43) > para. 2*

Contains public sector information licensed under the Open Government Licence v3.0.

# Schedule 1 APPLICATION OF CERTAIN ENACTMENTS

## para. 3



Law In Force

Version 1 of 1

25 September 1991 - Present

### Subjects

Armed forces; Landlord and tenant

### Keywords

Business tenancies; Contracting out; Disapplication; Nuclear weapons; Premises; Security of tenure

3.

Part II of the [Landlord and Tenant Act 1954](#) (security of tenure for business tenants) shall not apply to any tenancy granted to a contractor in respect of any land in designated premises.

---

*Schedule 1 APPLICATION OF CERTAIN ENACTMENTS > Landlord and Tenant Act 1954 (c. 56) > para. 3*

Contains public sector information licensed under the Open Government Licence v3.0.

# Schedule 1 APPLICATION OF CERTAIN ENACTMENTS

## para. 4



Version 2 of 2

27 August 1993 - Present

### Subjects

Armed forces

[...] <sup>1</sup>

### Notes

1 Repealed by Clean Air Act 1993 c. 11 [Sch.6 para.1](#) (August 27, 1993)

---

*Schedule 1 APPLICATION OF CERTAIN ENACTMENTS > Clean Air Act 1956 (c. 52) > para. 4*

Contains public sector information licensed under the Open Government Licence v3.0.

# Schedule 1 APPLICATION OF CERTAIN ENACTMENTS

## para. 5



Version 2 of 2

27 August 1993 - Present

### Subjects

Armed forces

[...] <sup>1</sup>

### Notes

1 Repealed by Radioactive Substances Act 1993 c. 12 [Sch.6\(I\) para.1](#) (August 27, 1993)

---

*Schedule 1 APPLICATION OF CERTAIN ENACTMENTS > Radioactive Substances Act 1960 (c. 34) > para. 5*

Contains public sector information licensed under the Open Government Licence v3.0.

# Schedule 1 APPLICATION OF CERTAIN ENACTMENTS

## para. 6



Version 2 of 2

1 July 1997 - Present

### Subjects

Armed forces

### Keywords

Licence conditions; Nuclear installations; Nuclear weapons; Premises

[

6.—

(1) Any conditions which, by virtue of [section 4](#) of the [Nuclear Installations Act 1965](#), are attached to a nuclear site licence granted in respect of a site in designated premises used by a contractor, shall not apply to the extent that such conditions affect the design of a nuclear device or any other device (other than a nuclear reactor) intended to simulate the properties of a nuclear device.

(2) If a nuclear site licence has been granted in respect of any site in designated premises used by a contractor, the provisions of that Act shall have effect as if any reference to the period of the licensee's responsibility were a reference to any period during which the contractor occupies that site.

(3) [Section 6](#) of that Act (maintenance of list of licensed sites) shall not apply in relation to any site in designated premises used by a contractor in respect of which a nuclear site licence has been granted.

] <sup>1</sup>

## Notes

<sup>1</sup> Substituted by Atomic Weapons Establishment Act 1991 Amendment Order 1997/1396 [art.2](#) (July 1, 1997)

---

*Schedule 1 APPLICATION OF CERTAIN ENACTMENTS > Nuclear Installations Act 1965 (c. 57) > para. 6*

Contains public sector information licensed under the Open Government Licence v3.0.

# Schedule 1 APPLICATION OF CERTAIN ENACTMENTS

## para. 7



### Version 1 of 1

25 September 1991 - Present

### Subjects

Armed forces; Health and safety at work

### Keywords

Exemptions; Health and safety at work; Ministers' powers and duties

7.—

(1) The power of the Secretary of State under [section 48\(4\)](#) of the [Health and Safety at Work etc. Act 1974](#) (Crown exemptions) shall include power to provide for exemptions, in relation to designated premises or activities carried on by a contractor at such premises, from all or any of the relevant statutory provisions within the meaning of [Part I](#) of that Act.

(2) For the purposes of the [Health and Safety \(Enforcing Authority\) Regulations 1989](#), designated premises and the activities carried on by a contractor at such premises shall be treated as premises occupied, and as activities carried on by, the Crown.

---

*Schedule 1 APPLICATION OF CERTAIN ENACTMENTS*  
*> Health and Safety at Work etc. Act 1974 (c. 37) > para. 7*

Contains public sector information licensed under the Open Government Licence v3.0.

# Schedule 1 APPLICATION OF CERTAIN ENACTMENTS

## para. 8



Version 2 of 2

27 August 1993 - Present

### Subjects

Armed forces

### Keywords

Crown Estate; Nuclear weapons; Pollution control; Premises

8.—

[...]<sup>1</sup>

(2) For the purposes of [section 105\(3\)](#) of that Act (treatment of Crown land under the Act), any interest of a contractor in designated premises shall be treated as a Crown interest in those premises.

### Notes

1 Repealed by Clean Air Act 1993 c. 11 [Sch.6 para.1](#) (August 27, 1993)

---

*Schedule 1 APPLICATION OF CERTAIN ENACTMENTS > Control of Pollution Act 1974 (c. 40) > para. 8*

Contains public sector information licensed under the Open Government Licence v3.0.



# Schedule 1 APPLICATION OF CERTAIN ENACTMENTS

## para. 9



Law In Force

Version 1 of 1

25 September 1991 - Present

### Subjects

Armed forces; Local government

### Keywords

Non-domestic rates; Nuclear weapons; Premises

9.

For the purposes of [Part III](#) of the [Local Government Finance Act 1988](#) (under which non-domestic rates are levied except on land occupied by or on behalf of the Crown for public purposes), land in designated premises shall be treated as occupied on behalf of the Crown for public purposes.

---

*Schedule 1 APPLICATION OF CERTAIN ENACTMENTS > Local Government Finance Act 1988 (c. 41) > para. 9*

Contains public sector information licensed under the Open Government Licence v3.0.

# Schedule 1 APPLICATION OF CERTAIN ENACTMENTS

## para. 10



Law In Force

Version 1 of 1

25 September 1991 - Present

### Subjects

Armed forces; Planning

### Keywords

Crown Estate; Nuclear weapons; Planning; Premises

### 10.

For the purposes of [section 31](#) of the [Planning \(Hazardous Substances\) Act 1990](#) (exercise of powers in relation to Crown land), any interest of a contractor in designated premises shall be treated as a Crown interest in those premises.

---

*Schedule 1 APPLICATION OF CERTAIN ENACTMENTS >  
Planning (Hazardous Substances) Act 1990 (c. 10) > para. 10*

Contains public sector information licensed under the Open Government Licence v3.0.

# Schedule 1 APPLICATION OF CERTAIN ENACTMENTS

## para. 10A



Version 2 of 2

6 April 2010 - Present

### Subjects

Armed forces

[...] <sup>1</sup>

### Notes

- 1 Repealed by Environmental Permitting (England and Wales) Regulations 2010/675 [Sch.28 para.1](#) (April 6, 2010 immediately after the coming into force of SI 2009/3381)

---

*Schedule 1 APPLICATION OF CERTAIN ENACTMENTS > Radioactive Substances Act 1993 > para. 10A*

Contains public sector information licensed under the Open Government Licence v3.0.

# Schedule 1 APPLICATION OF CERTAIN ENACTMENTS

## para. 10B



Version 1 of 1

27 August 1993 - Present

### Subjects

Armed forces; Environment

### Keywords

Emissions; Nuclear weapons; Pollution control; Premises

[

### 10B.—

(1) [Subsection \(1\) of section 46](#) of the [Clean Air Act 1992](#) (Crown premises) shall have effect, in relation to emissions from designated premises, as if—

(a) references to premises under the control of a government department which are occupied for the public service of the Crown included a reference to designated premises; and

(b) references to the responsible Minister were references to the Secretary of State.

(2) For the purposes of [section 36](#) of that Act (notices requiring information about air pollution), designated premises, and persons at such premises, shall be treated as premises used for, or persons in, the public service of the Crown.

(3) For all other purposes of that Act any such premises shall be treated as Crown premises occupied by a government department.

] <sup>1</sup>

## Notes

<sup>1</sup> Added by [Clean Air Act 1993 c. 11 Sch.4 para.5](#) (August 27, 1993)

---

*Schedule 1 APPLICATION OF CERTAIN ENACTMENTS > Clean Air Act 1993 > para. 10B*

Contains public sector information licensed under the Open Government Licence v3.0.

# Schedule 1 APPLICATION OF CERTAIN ENACTMENTS

## para. 10C



Version 2 of 2

1 January 2017 - Present

### Subjects

Environment

### Keywords

Environmental permits; Radioactive waste; Waste disposal

[

### 10C

(1) For the purposes of [the [Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#)]<sup>2</sup>, so far as relating to an environmental permit for the disposal of radioactive waste, a relevant site in designated premises shall be treated as a site in respect of which a nuclear site licence is for the time being in force.

(2) For the purposes of sub-paragraph (1), “*relevant site*” means a site used by a contractor for the purposes of any activity which would, if [section 1](#) of the [Nuclear Installations Act 1965](#) applied to the site, require a nuclear site licence.

] <sup>1</sup>

### Notes

- 1 Added by Environmental Permitting (England and Wales) Regulations 2010/675 [Sch.26\(1\) para.6\(b\)](#) (April 6, 2010 immediately after the coming into force of SI 2009/3381)
- 2 Words substituted by Environmental Permitting (England and Wales) Regulations 2016/1154 [Sch.29\(1\) para.7\(b\)](#) (January 1, 2017)

---

*Schedule 1 APPLICATION OF CERTAIN ENACTMENTS > Environmental Permitting (England and Wales) Regulations 2016 > para. 10C*

Contains public sector information licensed under the Open Government Licence v3.0.

# Schedule 1 APPLICATION OF CERTAIN ENACTMENTS

## para. 10D



Version 1 of 1

1 April 2014 - Present

### Subjects

Armed forces

[

### 10D.—

(1) The power of the Secretary of State under [section 111\(6\)](#) of the [Energy Act 2013](#) (Crown exemptions) shall include power to provide for exemptions, in relation to designated premises or activities carried on by a contractor at such premises, from all or any of the relevant provisions.

(2) In this paragraph “*relevant provisions*” means the relevant statutory provisions within the meaning of [Part 3](#) of the [Energy Act 2013](#) other than—

(a) a provision of the [Nuclear Safeguards Act 2000](#); and

(b) any provision of nuclear regulations identified in accordance with [section 74\(9\)](#) of the [Energy Act 2013](#) as being made for the nuclear safeguards purposes.

] <sup>1</sup>

## Notes

- <sup>1</sup> Added by [Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014/469](#) [Sch.2 para.14](#) (April 1, 2014)

---

*Schedule 1 APPLICATION OF CERTAIN ENACTMENTS > Energy Act 2013 (c.32) > para. 10D*

Contains public sector information licensed under the Open Government Licence v3.0.

# Schedule 1 APPLICATION OF CERTAIN ENACTMENTS

## para. 11



Law In Force

Version 1 of 1

25 September 1991 - Present

### Subjects

Armed forces

### Keywords

Acts of Parliament; Nuclear weapons; Premises; Transitional provisions

11.

All instruments, authorities, powers and privileges subsisting at the commencement of this Act under the enactments mentioned in the foregoing provisions of this Schedule shall (until revoked) continue in force in accordance with those provisions.

---

*Schedule 1 APPLICATION OF CERTAIN ENACTMENTS > Supplemental > para. 11*

Contains public sector information licensed under the Open Government Licence v3.0.