



Atomic Energy Authority Act 1971

1971 CHAPTER 11

Transfer of parts of Authority's undertaking

1 Transfer of part of Authority's undertaking to Nuclear Fuels Company

- (1) On the appointed day there shall, by virtue of this Act and without further assurance, be transferred to British Nuclear Fuels Limited (in this Act referred to as " the Nuclear Fuels Company ")—
- (a) so much of the undertaking of the United Kingdom' Atomic Energy Authority (in this Act referred to as " the Authority ") as, immediately before that day, is financed out of the Authority's trading fund and is not excepted from this paragraph by subsection (2) of this section;
 - (b) all such property, rights, liabilities and obligations as, immediately before the appointed day, are property, rights, liabilities and obligations of the Authority appertaining to that part of the Authority's undertaking which falls within paragraph (a) of this subsection and are not excepted from this paragraph by or under subsection (2) of this section or section 3, section 5 or section 6 of this Act; and
 - (c) all such lands and premises as immediately before the appointed day are the property of the Authority at Springfields in the county of Lancaster or at Windscale in the county of Cumberland and do not fall within paragraph (b) of this subsection.
- (2) There are excepted—
- (a) from paragraph (a) of the preceding subsection, so much of the undertaking of the Authority as immediately before the appointed day is carried on at the Authority's Radiochemical Centre at Amersham in the county of Buckingham (in this Act referred to as " the Radiochemical Centre "), or is carried on at the Authority's establishment at Harwell in the county of Berkshire, and
 - (b) from paragraph (b) of that subsection, all such lands and premises as immediately before that day are occupied for the purposes of the Authority's establishment at Risley in the county of Lancaster (whether any such lands or premises are situated in that county or in the county of Chester).

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- (3) For the purposes of this and the next following section any part of the Authority's undertaking shall be taken to be financed out of the Authority's trading fund at any time if the expenses of the Authority in carrying on that part of the undertaking are at that time treated in the accounts of the Authority as payable out of that fund.

2 Transfer of part of Authority's undertaking to Radiochemical Company

- (1) On the appointed day there shall, by virtue of this Act and without further assurance, be transferred to The Radiochemical Centre Limited (in this Act referred to as " the Radiochemical Company ")—
- (a) so much of the undertaking of the Authority as immediately before that day is financed out of the Authority's trading fund and is carried on at the Radiochemical Centre or at the Authority's establishment at Harwell; and
 - (b) all such property, rights, liabilities and obligations as, immediately before that day, are property, rights, liabilities and obligations of the Authority appertaining to that part of the Authority's undertaking which falls within paragraph (a) of this subsection and are not excepted from this paragraph by or under subsection (2) of this section or section 3, section 5 or section 6 of this Act.
- (2) There are excepted from paragraph (b) of the preceding subsection all lands and premises forming part of the Authority's establishment at Harwell.

3 Exclusions from transfers in respect of patents and other industrial property

- (1) There is excepted from paragraph (b) of section 1(1) and from paragraph (b) of section 2(1) of this Act any interest of the Authority in—
- (a) any patent, registered design or registered trade mark, or
 - (b) any application for the grant of a patent, or for the registration of a design or of a trade mark, which is pending immediately before the day which is the appointed day for the purposes of section 1 or section 2 of this Act, as the case may be, or
 - (c) any invention in respect of which an application for a patent is pending as mentioned in paragraph (b) of this subsection or which, in pursuance of arrangements made in that behalf by the Authority, is recorded as having been made before the day mentioned in that paragraph.
- (2) There are also excepted from paragraph (b) of section 1(1) and from paragraph (b) of section 2(1) of this Act—
- (a) any rights, liabilities or obligations of the Authority in respect of any licence to use a patented invention, registered design or registered trade mark, or to use an invention, design or trade mark in respect of which an application for a patent, or for registration of the design or trade mark, is pending, whether any such licence was granted by or to the Authority, including any rights to grant sub-licences under any such licence ;
 - (b) any rights, liabilities or obligations of the Authority arising under any assignment (whether by or to the Authority) of a patent, registered design or registered trade mark, or of the right to apply for or to obtain any patent or to apply for or to obtain registration of a design or trade mark ; and
 - (c) any rights, liabilities or obligations of the Authority under any agreement in so far as it provides (whether conditionally or otherwise) for any such licence

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or such licence as is mentioned in paragraph (a) or any such assignment as is mentioned in paragraph (b) of this subsection to be granted or made in the future or for the furnishing of information or technical assistance relating to any invention, design or trade mark, whether actual or prospective.

- (3) Where by virtue of subsection (1) or subsection (2) of this section any interest, rights, liabilities or obligations are excepted as therein mentioned, the exception shall include the copyright in—
- (a) any literary work consisting of a document by which the interest, rights, liabilities or obligations were conferred or imposed or in which the subject-matter to which they relate is embodied, or
 - (b) any artistic work on which that subject-matter was based or from which it was wholly or partly derived.
- (4) The Authority shall make available to each of the companies such facilities for, and information relating to, the use of any invention, design or trade mark in respect of which an exception is made by the preceding provisions of this section as may be agreed between the Authority and the company to be requisite for the purposes of the part of the Authority's undertaking transferred to that company by virtue of this Act, or as, in default of such agreement, the Secretary of State may direct as being requisite for those purposes; and any such facilities or information shall be so made available in such manner, and on such terms as to payment or otherwise, as may be agreed between the Authority and the company or as, in default of such agreement, the Secretary of State may direct.
- (5) In this section any reference to a patent, or to a registered design or registered trade mark, or to copyright, shall be construed as referring to a patent granted, or a design or trade mark registered, or to copyright subsisting, under the laws of any country or territory outside the United Kingdom as well as to a patent granted, design or trade mark registered, or copyright subsisting, under the laws of the United Kingdom.

4 Use of certain lands, premises, apparatus, facilities and services

- (1) The Nuclear Fuels Company—
- (a) shall secure to the Authority the exclusive occupation and use of the lands and premises transferred by subsection (1) of section 1 of this Act as being lands or premises falling within paragraph (c) of that subsection, and
 - (b) shall make available to the Authority the use of such means of access and other facilities and services as may be agreed between them to be requisite in connection with the occupation and use of those lands and premises or as, in default of such agreement, the Secretary of State may direct as being in his opinion requisite in connection therewith.
- (2) The Authority shall secure to the Radiochemical Company the exclusive occupation and use of the lands and premises at Harwell which, immediately before the day which is the appointed day for the purposes of section 2 of this Act, are occupied and used exclusively for the purposes of that part of the Authority's undertaking which is transferred by that section, and shall make available to that company the use of—
- (a) such means of access and other facilities and services as may be agreed between them to be requisite in connection with the occupation and use of those lands and premises or as, in default of such agreement, the Secretary of State may direct as being in his opinion requisite in connection therewith, and

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- (b) all such additional apparatus, facilities and services as may be agreed between them to be additional apparatus, facilities and services which, immediately before that day, were used or enjoyed in connection with that part of the Authority's undertaking carried on at Harwell which is transferred by section 2 of this Act or as, in default of such agreement, the Secretary of State may direct as being in his opinion additional apparatus, facilities and services which were so used or enjoyed.
- (3) The terms on which anything is secured or made available to the Authority in accordance with subsection (1) of this section shall not include any rent or payment in the nature of rent (as distinct from any payment in respect of rates, maintenance or other outgoings).
- (4) Subject to subsection (3) of this section, anything which, in accordance with subsection (1) or subsection (2) of this section, is required to be secured or made available shall be so secured or made available on such terms, as to payment or otherwise, as may be agreed between the Authority and the Nuclear Fuels Company, or between the Authority and the Radiochemical Company, as the case may be, or as, in default of such agreement, the Secretary of State may direct.
- (5) In this section any reference to additional apparatus, facilities and services is a reference to apparatus, facilities and services which—
 - (a) do not form part of the property and rights transferred by section 2 of this Act, and
 - (b) do not fall within subsection (2)(a) of this section.

5 Powers of Secretary of State in relation to transfers under ss. 1 and 2

- (1) The Secretary of State may give such directions extending or restricting the operation of any of the provisions of sections 1 and 2 of this Act as he may consider expedient for the purpose of making minor adjustments of the property, rights, liabilities and obligations transferred by virtue of either of those sections, in order to facilitate the carrying on of any part of the Authority's undertaking thereby transferred or to facilitate the carrying on of so much of that undertaking as is not so transferred.
- (2) Any directions under subsection (1) of this section may in particular provide for dividing and apportioning any property, rights, liabilities or obligations between the Authority and the companies or any two of them.
- (3) For the purposes of section 1 or section 2 of this Act the Secretary of State may give a direction with respect to any sum which, immediately before the day which is the appointed day for the purposes of that section, is treated in the accounts of the Authority as loan capital advanced from the Consolidated Fund, that is to say, the Secretary of State may direct—
 - (a) that the sum in question shall for those purposes be taken to be a debt incurred by the Authority to the Secretary of State and repayable with interest on the terms provided by such arrangements relating to it as are for the time being in force as between the Authority and the Secretary of State, and
 - (b) that the liability of the Authority for repayment of the principal of, and payment of interest on, so much of that debt as is apportioned by the direction to the Nuclear Fuels Company or to the Radiochemical Company shall for those purposes be taken to be a liability appertaining to the part of the

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Authority's undertaking transferred to that company by section 1 or section 2 of this Act, as the case may be.

- (4) The Secretary of State may give directions—
 - (a) excepting from the operation of section 1 or section 2 of this Act any books or other documents which in his opinion are not required for use in connection with the part of the Authority's undertaking thereby transferred, or
 - (b) extending the operation of either of those sections to any books or other documents which in his opinion are required for such use.
- (5) Subject to the next following subsection, a certificate issued by the Secretary of State to the effect that any part of the Authority's undertaking or any property of the Authority which is specified in the certificate was, or was not, transferred to the Nuclear Fuels Company or to the Radiochemical Company by virtue of this Act, or that any rights, liabilities or obligations of the Authority specified in the certificate were, or were not, so transferred, shall be conclusive evidence of the matters stated in the certificate.
- (6) The issue of a certificate under subsection (5) of this section shall not prevent a subsequent direction being given under any of the preceding provisions of this section in relation to any property, rights, liabilities or obligations to which the certificate relates.
- (7) Before giving any direction or issuing any certificate under this section in relation to any matter the Secretary of State shall consult the Authority and the companies, if all three of them are affected by that matter, or, if only two of them are affected by it, shall consult those two; and on giving any direction or issuing any certificate under this section the Secretary of State shall send a copy of it to each of those bodies which is affected by it.
- (8) No directions shall be given under subsection (1), subsection (3) or subsection (4) of this section after the end of the period of two years beginning with the day which is the appointed day for the purposes of sections 1 and 2 of this Act (or, if different days are appointed for the purposes of those sections respectively, the period of two years beginning with the later of those days).

6 Supplementary provisions relating to transfers

- (1) In addition to any matter which by or under any of the preceding provisions of this Act is excepted from paragraph (b) of section 1(1) or from paragraph (b) of section 2(1) of this Act, there are excepted from those paragraphs any rights, liabilities or obligations of the Authority under—
 - (a) any contract of employment;
 - (b) any agreement for the rendering by a person of services to the Authority in his capacity as a member of the Authority; or
 - (c) any pension scheme or agreement relating to a pension scheme.
- (2) Where immediately before the day which is the appointed day for the purposes of section 1 or section 2 of this Act there is in force an agreement which—
 - (a) confers or imposes on the Authority any rights, liabilities or obligations which are transferred to one of the companies by virtue of that section, and
 - (b) refers (in whatever terms and whether expressly or by implication) to a member or officer of the Authority,

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the agreement shall have effect, in relation to anything falling to be done on or after that day, as if for that reference there were substituted a reference to such person as that company may appoint or, in default of such appointment, to the officer of that company who corresponds as nearly as may be to the member or officer of the Authority in question.

- (3) Where any right, liability or obligation is transferred to one of the companies by virtue of this Act, that company and all other persons shall, on and after the day on which it is so transferred, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the company; and any legal proceedings by or against the Authority which relate to any property, right, liability or obligation transferred to one of the companies by virtue of this Act, and are pending on the day when the transfer takes effect, may be continued on and after that day by or against the company.
- (4) In subsection (3) of this section any reference to legal proceedings shall be construed as including a reference to any application to an authority, and any reference to the taking or resisting of legal proceedings shall be construed accordingly.

7 Issue of shares in consideration of transfers

Each of the companies shall, in consideration of the property, rights, liabilities and obligations transferred to it by virtue of this Act, issue to the Authority, credited as fully paid up, such shares in the company as may be agreed between the company and the Authority with the approval of the Secretary of State and of the Treasury.