
STATUTORY INSTRUMENTS

1997 No. 1396

DEFENCE

**The Atomic Weapons Establishment
Act 1991 Amendment Order 1997**

<i>Made</i>	- - - -	<i>30th May 1997</i>
<i>Laid before Parliament</i>		<i>3rd June 1997</i>
<i>Coming into force</i>	- -	<i>1st July 1997</i>

The Secretary of State, in exercise of the powers conferred by section 3(2) of the Atomic Weapons Establishment Act 1991(1) (hereinafter referred to as “the Act”) hereby makes the following Order:

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Citation and commencement

1. This Order may be cited as the Atomic Weapons Establishment Act 1991 Amendment Order 1997 and shall come into force on 1st July 1997.

Amendment

2. For paragraph 6 of the Schedule to the Act (which makes provision as to the application of the Nuclear Installations Act 1965(2) for the purpose of conferring privileges and immunities) there shall be substituted the following—

“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.

(1) 1991 c. 46.
(2) 1965 c. 57 as amended by S.I. 1974/2056.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(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.”.

30th May 1997

John Gilbert
Minister of State for Defence Procurement
Ministry of Defence

EXPLANATORY NOTE

(This note is not part of the Order)

The Atomic Weapons Establishment Act 1991 makes provision in connection with the carrying on by contractors of activities on premises which form part of the Atomic Weapons Establishment.

Paragraph 6 of the Schedule to that Act makes provision as to the application of the Nuclear Installations Act 1965 (“the 1965 Act”) for the purpose of conferring certain privileges and immunities in relation to such activities carried on at such premises as may be designated by the Secretary of State by order. ([The Atomic Weapons Establishment \(Designation and Appointed Day\) Order 1992 \(S.I. 1992 No. 2743\)](#) lists those activities and premises which are currently so designated.)

This Order substitutes the said paragraph 6 so as to remove certain privileges conferred in relation to any site in designated premises used by a contractor whilst at the same time preserving certain other privileges which would otherwise have been lost by virtue of the said removal.

In particular, this Order substitutes a new paragraph 6 so as to—

- (a) remove the privileges previously conferred whereby, for the purposes of sections 1 and 2 of the 1965 Act (restriction of certain installations to licensed sites and prohibition of certain operations), any site in designated premises used by a contractor was to be treated as a site used by a government department;
- (b) preserve the status quo in relation to the period of responsibility with respect to any such site, notwithstanding the fact that the contractor is a licensee;
- (c) disapply section 4 of the 1965 Act (attachment of conditions to licences) in relation to certain matters; (previously such sites were not licensable and therefore beyond the scope of the said section 4); and
- (d) exclude any such site from the list of licensed sites which must be maintained by the Minister in accordance with section 6 of the 1965 Act; (previously such sites were not licensable and therefore beyond the scope of the said section 6).