

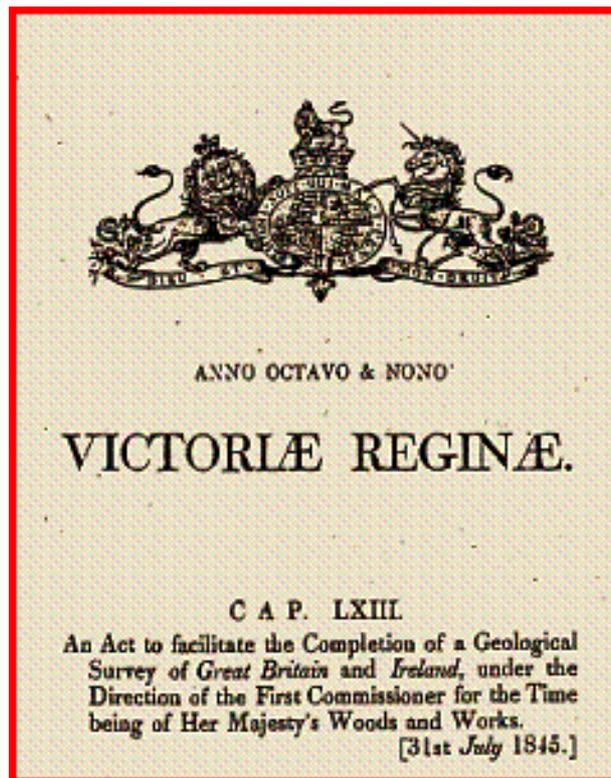


**British
Geological Survey**

NATURAL ENVIRONMENT RESEARCH COUNCIL

British Geological Survey - The legislative framework

Information Management Programme



BRITISH GEOLOGICAL SURVEY

INFORMATION MANAGEMENT PROGRAMME

British Geological Survey -The legislative framework

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R Bowie

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Maps and diagrams in this book use topography based on Ordnance Survey mapping.

BRITISH GEOLOGICAL SURVEY

The full range of our publications is available from BGS shops at Nottingham, Edinburgh, London and Cardiff (Welsh publications only) see contact details below or shop online at www.geologyshop.com

The London Information Office also maintains a reference collection of BGS publications, including maps, for consultation.

We publish an annual catalogue of our maps and other publications; this catalogue is available online or from any of the BGS shops.

The British Geological Survey carries out the geological survey of Great Britain and Northern Ireland (the latter as an agency service for the government of Northern Ireland), and of the surrounding continental shelf, as well as basic research projects. It also undertakes programmes of technical aid in geology in developing countries.

The British Geological Survey is a component body of the Natural Environment Research Council.

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Foreword

This report is the second edition. The original was published in 1998 and has been revised in light of recent legislation. This report outlines the legislative framework within which the Survey was established and continues to operate today. It covers legislation concerning the existence of the Survey as an organisation and also the legislation which relates to the acquisition and curation of scientific information and data for the national geological collections. It does not attempt to cover legislation relating to the day-to-day administrative operations of the Survey in such areas as employment, health and safety, data protection or financial matters. The report does not constitute a formal legal opinion on any aspect of the legislation included.

Acknowledgements

This report was based on the first edition which was a joint effort between the author and Graham McKenna. The Author would also like to acknowledge the National Archives website from which some parts of the text on recent legislation were freely borrowed.

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Summary

Since shortly after its inception in 1835 the Geological Survey has had the support of a number of statutory rights to obtain geological and other scientific information to ensure that it could carry out its role as a National Survey. These rights also carry with them the obligation to maintain records of this work and to make it available to government and the public. As the work of the British Geological Survey and its precursors has mainly been carried out for and funded by Government its records are covered by Public Records legislation. The Freedom of Information Act, the Lord Chancellors Codes of Practice and the Environmental Information Regulations set out further obligations and provide guidance for good practice. The more recent Statutory Instrument 2009 No. 1744 has restored Public Records Body status on the Research Councils and brings them all within the scope of the Public Records Act.

1 Introduction

1.1 Foundation of the Survey and the legislative framework from 1845 on

The Geological Survey came into existence, not as a result of legislation, but as a result of funding being provided by the Board of Ordnance to cover the cost of geologically colouring the topographical maps of the Trigonometrical Survey. Sir Henry de la Beche had first worked for the Board in 1832, having obtained funding to add geological information to 'the topographical maps of Devon. The success of his initial work led to the formal setting up of the Survey in 1835 when a new Board of Ordnance bid was made by Colby and received strong support from Buckland, Lyell and Sedgwick. In his Presidential Address to the Geological Society in 1836, Lyell stated "we drew up a joint report in which we endeavoured to state fully our opinion as to the great advantages which must accrue from such an undertaking, not only as calculated to promote geological science, which would alone be a sufficient object, but also as a work of great practical utility bearing on agriculture, mining, road-making, the formation of canals and railroads and other branches of national industry".

In 1841, the need to protect the surveyors and to expedite the work of the topographic survey at the six-inch scale led to the passing of the Survey Act "to authorise and facilitate the Completion of the Survey of Great Britain and the Isle of Man" (the Irish Survey Act of 1825 already covered survey activity in other parts of the British Isles).

Soon after this the Geological Survey Act published on 31st July 1845 (Appendix 1) provided a similar framework in that it was passed "to facilitate the Completion of the Geological Survey of Great Britain and Ireland under the direction for the Time being of Her Majesty's Woods and Works". Under the Act, responsibility for the Survey passed from the Board of Ordnance to the Office of Woods, Forests, Land Revenues, Works and Buildings.

The 1845 Act covered subsequent activity until the First World War period. As far back as 1914 a review of industrial and scientific research had been under way. By Order-in-Council of 28th July 1915 the Department of Scientific and Industrial Research (DSIR) came into existence "to direct, subject to such conditions as the Treasury may from time to time prescribe, the application of any sums of money provided by Parliament for the organisation and development of scientific and industrial research". On 1st November 1919, the Geological Survey was transferred to the DSIR.

The Department of Scientific and Industrial Research Act of 1956 (Appendix 2) amended aspects of the management of research functions and placed the DSIR under the charge of a Council for Scientific and Industrial Research, the forerunner of the current Research Councils.

In 1965, the Science and Technology Act (Appendix 3) contained "further provision with respect to the responsibility and powers in relation to scientific research and related matters". This Act brought into being (Section 1(b)), the Natural Environment Research Council (NERC) within which the British Geological Survey (BGS) still operates. The NERC was in addition given chartered status by a Royal Charter in 1965 (Appendix 4) and a supplemental Royal Charter in 1993 (Appendix 5). These were considered beneficial for the execution of basic, strategic and applied research, surveying and long term monitoring as set out in the Act

1.2 Overseas activities

The 1965 Act via the NERC Charter sanctioned research activities beyond the UK. Although the overseas work of BGS is now an integral part of its operations, the early Survey legislation made no provision for activity outside the British Isles. Nevertheless several members of the

Geological Survey staff did carry out commissioned survey and research work in various parts of the world during the 19th Century. Formally organised geological activity overseas developed largely with the founding of the Imperial Institute in 1883. One section of the Institute handled work connected to the mineral resources of the Empire. The strong trade connection was reflected in the Institute's parent Department for most of its life. From 1903 to 1916 it was part of the Board of Trade, from 1925 (Imperial Institute Act) it merged with the Imperial Mineral Resources Bureau and operated under the Department of Overseas Trade.

In 1947 a new body emerged, the Colonial Geological Surveys and this in turn, reflecting developments, became the Overseas Geological Surveys in 1956. In 1965 the Overseas Geological Surveys and the Geological Survey of Great Britain were merged within the new NERC and became the Institute of Geological Sciences (IGS), on the 26th March 1966. IGS changed its name to BGS in 1984.

2 Legislation relating to the scientific activities of the British Geological Survey

2.1 Current legislation on access and rights to geological data

The full history of legislation affecting the rights and obligations of BGS (through the Natural Environment Research Council) or affecting its work is both long and complex. There have been numerous revisions and amendments. The following is not a comprehensive listing of all the legislation, but covers the current legislation that provide the right of access to property and data relevant to the work of the Survey. A short summary of these rights was published by the Director in 1994 (Appendix 6)

The Relevant Acts

1. Geological Survey Act 1845

This was an enabling act which provided authorisation for any authorised officer "to enter any land for the purpose of making, carrying on, and completing, any geological survey to break up the surface of any part of such land for the purposes of ascertaining the rocks strata or minerals within or under the same and to take and carry away specimens"

A geological survey is now been judged to include geochemical and geophysical surveys

2. The Mining Industry Act of 1926. (23)

The intention of Section 23 of the Mining Industry Act 1926 as amended by the Mines and Quarries Act 1954 and the Science and Technology Act 1965. is to ensure that all information obtained from sinking boreholes and shafts for minerals is made available to the BGS. The Act requires the mandatory notification of all boreholes or shafts sunk for the purpose of mineral exploration or extraction which are intended to reach a depth of more than 100 feet below the surface. A journal must be kept and the cores or fragments retained for a minimum of six months to allow BGS to inspect or copy the journals and take representative specimens of the cores. The data obtained can be published or made available for public inspection except where a request is made for it to be held in confidence. (Similar provisions in the Water Resources Act 1991 cover water bores; see below).

In addition in sections 3 & 5 'the Act gives the same rights to officers appointed by NERC in relation to the production and inspection of plans sections and drawings as are conferred on Inspectors of Mines'. BGS is also given 'free access at all reasonable times to all underground workings' and shall be supplied with 'such information and specimens of seams and strata as may reasonably be required'.

3. *The Petroleum Production Act 1934 (9)*

This declares that the expression 'minerals' in the Mining Industry Act 1926 includes petroleum.

4. *The Mines and Quarries Act 1954 145 (1e)*

Inspectors (and therefore BGS) have the right to the production of and to inspect, 'any registers, books, plans or other documents...which are required to be kept'.

BGS is entitled to take copies of plans data and has exercised this right on a regular basis over the years.

Substantial sections of the Mines and Quarries Act 1954 have now been repealed including those relating to plans and records. These are now covered by new regulations in the Management and Administration of Safety and Health at Mines Regulations 1993.

5. *Minerals (Miscellaneous provisions) Act (Northern Ireland) 1959 as amended by the Mineral Development Act 1969*

These provisions for Northern Ireland contain similar but far wider provisions to those in the Mining Industry and Water Acts. These are intended to ensure that all information from the sinking of all shafts and boreholes or excavations for minerals, water, or engineering works reaching a depth of more than 15m are made available to the Geological Survey of Northern Ireland (GSNI). Data can be required to be sent to the Survey and information from the carrying out of geochemical and geophysical surveys and the production of geophysical logs are unequivocally covered by the Act.

6. *Science and Technology Act 1965*

Following the above act the NERC was established by Royal Charter.

Article 2 states that the NERC responsibilities in the field of geology are exercised by the IGS (BGS) whose duties include the 'conservation, correlation and interpretation of the geological information obtained by others' and the 'communication of the results through...publications and by answers to specific inquiries'.

The Act transferred the facilities provided by the Mining Industry Act, Water Acts and the Geological Survey Act to NERC.

7. *Mineral Exploration and Investment Grants Act 1972*

In return for assistance in mineral exploration on the UK Continental Shelf the applicant agrees to communicate the geological information obtained to the BGS. The data from these mineral exploration operations have been lodged with BGS and the Act has now been revoked, following termination of the grants.

8. *The Petroleum (Production Regulations) 1976*

Contains provision for the Minister to furnish any specified data (All records, returns, plans, maps, samples) to BGS or other similar bodies for the purpose of their geological activities

9. *Water Resources Act 1991 Water Act 1945 & Water Act (Scotland)*

Includes Provides similar provisions to the Mining Industry Act but is generally much more comprehensive and requires copies of the data to be sent to BGS. The data includes information on water levels, flow and analysis. BGS is allowed to take specimens of core material and water.

10. *Royal Charter 1965 and supplemental Royal Charter 1993*

Sets out the objects of the Council to promote and support high quality basic, strategic and applied research, survey and long term environmental monitoring.

Other instructions from Government Departments or Agencies

Petroleum Operations Notice 9 (PON 9) regulations (on-shore and off-shore)

All petroleum licences require operators to retain all the data collected in the course of their operations and to send any or all of this data to the Department of Energy and Climate Change as required. The BGS is the custodian, on behalf of the DECC, of core samples and records collected by operators as a requirement of the Petroleum Operations Notice No 9

Information from Trial Holes Ministry of Housing and Local Government Circular No 18/62

In 1963 the Minister of Housing and Local Government asked Local Authorities to assist the Survey by providing information about strata encountered in the sinking of trial boreholes. The aim being to help to 'add to the value of the advice given by the Survey'.

Department of Transport / Highways Agency Advice Note HA 34/874.26

Part of the arrangement between the Highways Agency and their Consultants/Contractors is that a full copy of the factual sections of any report produced as part of their Ground Investigation work is supplied to the Survey. This now includes the digital data in standard AGS format.

SI No 732, The Control of Pollution (Licensing on Waste Disposal) Regulations 1976

Under powers conferred under the Control of Pollution Act, 1974, BGS should be the prescribed person referred to and where underground storage of toxic waste was planned the licensing authority must refer the proposal to BGS.

3 Legislation related to obligations to maintain information and make it available

3.1 Public Records Act 1958 and 1967

If the creator of a record was a central government department, agency or body, or predecessor to a modern department of state, funded from central Treasury funds granted through a parliamentary vote, then its records are likely to be public records falling within the definition and scope of the 1958 Act.

The Geological Survey, as placed under the Department of Scientific and Industrial Research (DSIR) in 1919 for the period up to 1965, was a public record body, so those records held by the BGS, that were created by or which belonged to the Imperial Institute, the Geological Survey of Great Britain, and the Directorates of Colonial and Overseas Geological Surveys, are all public records

The Natural Environment Research Council was omitted from the listing of Public Record Bodies when the Public Records Act was revised in 1967 (later this was found to be an oversight). Whilst this meant that the administrative records of the council were no longer Public Records the records created by the basic surveying and other work being carried out under

Statues and the other work directly funded by government departments continued to be Public Records. The omission from the Public Records Act was corrected in 2009 (see 3.2 below)

3.2 Freedom of Information Act 2000

Section 4(1) of the Public Records Act 1958 allows the Lord Chancellor to make arrangements with other organisations for the storage, permanent preservation and access to public records. The National Geoscience Data Centres at Keyworth and Edinburgh are among the 235 designated “places of deposit for public records”.

The Freedom of Information (FOI) Act in 2000 gives the public the right to ask any public body for all the information they have on any subject. Also, unless there’s a good reason, the organisation must provide the information within a month.

The FOI also has significant implications for places of deposit. Public records are held by places of deposit on behalf of the Lord Chancellor, who expects The National Archives (TNA) to ensure that suitable arrangements are made by places of deposit for compliance with the FOI Act where it relates to information in these records. TNA must also work to help ensure that where public records are held in places of deposit, for permanent preservation, that they comply with the Act,

3.3 Lord Chancellors Code under sections 45 and 46 of the Freedom of Information Act 2000

Under sections 45 and 46 of the FOI Act the Lord Chancellor has a duty to issue Codes of Practice as a supplement to the Act itself. These two Codes provide guidance to all public authorities on the practice which, in the opinion of the Lord Chancellor, would be desirable for them to follow in connection with the discharge of their functions under the FOI Act. These deal with the following two areas:

- The management of records, including (in Part 2 of the s.46 Code) the review and transfer of public records;
- Handling requests for information held in public records (s.45 Code)

The Codes themselves do not have statutory force. However, failure to comply with the provisions of the Codes may lead to breach of the FOI Act, and ultimately enforcement action being taken by the Information Commissioner.

3.4 Environmental Information Regulations (EIR) 2004

The Environmental Information Regulations gives rights of access to environmental information held by public bodies, including the BGS. As with the FOI, the EIR also places obligations on public authorities such as the BGS. Under EIR, any member of the public can apply for access to environmental information

3.5 Statutory Instrument 2009 No. 1744

This instrument corrects the omission in the Public Records Act of 1967 and brings the records of the Research Councils within the scope of public records legislation. It has the effect of ensuring that the Councils have appropriate procedures for managing and appraising their records and information. “The Research Councils are public bodies which invest in scientific and other research in order to advance our knowledge and train scientists, engineers and historians to contribute to the economic competitiveness and intellectual capital of the country and support our quality of life. As a result it has a part in fulfilling the National Archives Acquisition Strategy and Acquisition Criteria by ensuring that those records of the Councils which document

the principal deliberations, decisions and actions of UK government and associated bodies are permanently preserved.”

The inclusion of the Research Councils has corrected the omission in the Public Records Act of 1967 has restored Public Records Body status to the Research Councils and ensures that they will form a research resource for future generations.

4 Some deficiencies or areas where legislation could be improved

The Geological Survey Act covers all contemporary surveying techniques. The drilling of boreholes and the carrying out of geochemical and geophysical surveys are all current survey techniques. However Due to the age of the Act although covered they are not stated.. More recent Northern Ireland legislation covers these deficiencies.

The Mining Industry Act does not require data to be sent to BGS, just made available for inspection and copying. However in practice most companies find it easier to send data at the time it is produced, rather than at a subsequent date. The position with regard to the production of geophysical logs is unclear, but as with the surveying techniques it is considered they are covered..

The drilling of shallow site investigation bores is not covered by any legislation except those over 15m drilled in Northern Ireland. A vast amount of important data of is therefore lost

The Water Resources Act does not require core materials or water samples to be kept for any specific period as is required under the Mining Industry Act.

Appendix 1 Geological Survey Act

Appendix a)



ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

C A P. LXIII.

An Act to facilitate the Completion of a Geological Survey of *Great Britain* and *Ireland*, under the Direction of the First Commissioner for the Time being of Her Majesty's Woods and Works.

[31st July 1845.]

WHEREAS Sums of Money have been from Time to Time granted and appropriated by Parliament to the making a Geological Survey of *Great Britain* and *Ireland*, in connexion with a Trigonometrical Survey of *Great Britain*, in progress under the Direction of the Master General and Board of Ordnance, and Powers are vested in the said Master General and Board of Ordnance for facilitating the Execution and Completion of Surveys under their Charge: And whereas the Union, under the Board of Ordnance, of Surveys having no direct Connexion with each other, has in some Instances been productive of Inconvenience, and it has been deemed expedient to withdraw the Geological Survey of the United Kingdom from the Conduct of the Master General and Board of Ordnance, and to place the same under the Direction and Superintendence of the First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, subject nevertheless to the Control of the Lord High Treasurer or

9 F

Commissioner

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8° & 9° VICTORIÆ, Cap. 63.

Power to
enter Lands,
break Sur-
face, and
affix Marks.

Satisfaction
to be made
for Damage.

Commissioners for the Time being of Her Majesty's Treasury: And whereas it is essential to the Prosecution of such Geological Survey that the First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings should have as ample Powers for making and completing the same as the Master General and Board of Ordnance possess for making and completing Surveys in charge of the said last-mentioned Board: Be it therefore 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, That, for the Purpose of making and completing a Geological Survey of the United Kingdom, or any Part thereof, it shall be lawful for any Surveyor or other Person appointed by or acting under the Orders of the First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and for any Person assisting or employed by any Surveyor or other Person so appointed or acting under such Orders as aforesaid, and they are hereby respectively authorized and empowered, from Time to Time, after Notice in Writing of the Intention of entering shall have been given to the Owner or Occupier, as the Case may be, to enter into and upon the Land of any Owner or Person whomsoever, for the Purpose of making and carrying on any Geological Survey authorized by the First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and to break up the Surface of any Part of such Land for the Purpose of ascertaining the Rocks, Strata, or Minerals within or under the same, and to take and carry away Specimens of the Rocks, Strata, or Minerals found therein, and to fix any Post, Stone, Mark, or Object to be used in the Survey in any such Land (except as herein-after mentioned), and to dig up any Ground for the Purpose of fixing any such Post, Stone, or Mark, and also to enter into or upon any Land through which any such Surveyor or other Person so appointed or acting or employed as aforesaid shall find it necessary to pass for the Purposes of such Survey, at any reasonable Time in the Day, until the Survey shall be completed: Provided always, that it shall not be lawful for any such Surveyor or other Person appointed or acting or employed as aforesaid to fix any Object, Post, Stone, or Mark within any walled Garden, Orchard, or Pleasure Ground, without the Consent of the Owner or Occupier thereof: Provided also, that such Surveyor or other Persons so appointed or employed as aforesaid shall do as little Damage as may be in the Execution of the several Powers to them granted by this Act, and shall make Satisfaction to the Owner or Occupier, as the Case may require, of such Land, or the Owner of any Trees which shall be in any way injured, for all Damages to be sustained in the Execution of any of the Powers of this Act, in case the same shall be demanded; and in case of Dispute between the said Surveyor or other Persons appointed or employed as aforesaid, on the one hand, and the Owner or Occupier, as the Case may be, on the other hand, as to the Amount of Damage sustained, the same shall be ascertained and determined by any Two or more Justices of the Peace, in Petty Sessions assembled, of the County in which the Lands or Trees may be situate.

II. And

8° & 9° VICTORIÆ, Cap. 63

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II. And be it enacted, That if any Person shall resist or wilfully obstruct or hinder any Surveyor or other Person employed or assisting in the Execution of any Survey under the Provisions of this Act, or shall take away or displace, or wilfully deface or destroy, any Stone, Post, Mark, or Object which shall be set up and placed for the Purposes of any such Survey, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, in the Discretion of the Justices before whom such Offender shall be convicted.

Penalty on obstructing Survey or removing Marks.

III. And be it enacted, That all Damages awarded or agreed to be paid to any Owner or Occupier of Land, or Owner of Trees, for any Injury sustained under the Provisions of this Act, shall be paid out of any Aids granted by Parliament for making or completing a Geological Survey of the United Kingdom.

Damages how to be paid.

IV. And be it enacted, That all Penalties and Forfeitures inflicted or imposed by this Act may be recovered in a summary Way by the Order and Adjudication of any Two Justices of the Peace for the County or Place in which such Penalty shall be incurred, on Complaint to them for that Purpose exhibited, and shall afterwards be levied, as well as the Costs of Proceedings for the Recovery thereof, in case of Nonpayment, by Distress, Poining, or other legal Process, and Sale of the Goods and Chattels of the Offender or Person liable to pay the same, by Warrant of such Justices; and such Justices are hereby authorized and empowered to summon before them any Witness, and to examine such Witness upon Oath or Affirmation of and concerning all Offences, Penalties, and Forfeitures under this Act, and to hear and determine the same; and the Overplus (if any) of the Money so levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant or other legal Process shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner of the Goods or Chattels so seized or distrained; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justices to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, or Poining, or other legal Process, unless the Offender shall give Security, to the Satisfaction of such Justices, for his Appearance before such Justices on such Day as shall be appointed for the Return of such Warrant of Distress, or Poining, or other legal Process, such Day not being more than Seven Days from the Time of taking any such Security, and which Security the said Justices are hereby empowered to take, by way of Recognizance, Caution, or otherwise; but if upon Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justices and they are hereby authorized and required, by Warrant under their Hands and Seals, to cause such Offender to be committed to the Gaol of such County or Place, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months, unless such Penalties or Forfeitures respectively, and all reasonable Charges, shall be sooner paid

Recovery of Penalties.

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8° & 9° VICTORIÆ, Cap. 63.

paid and satisfied; and such Penalties and Forfeitures, when so levied, shall be paid and applied to the Use of any Infirmary or charitable Institution in the County in which such Offence shall be committed, in such Manner as such Justices respectively shall direct and appoint.

Plea of
General
Issue.

V. And be it enacted, That if any Person shall be sued or prosecuted for any thing done or executed in pursuance of this Act, or of any Clause, Matter, or Thing therein contained, such Person may plead the General Issue, and give the special Matter in Evidence for his Defence.

Interpreta-
tion of Act.

VI. And be it enacted, That in construing this Act the Word "County" shall be taken to include Hundred, City, Borough, Town, Townland, Parish, Burghs, Royal Parliamentary Burghs, Burghs of Regality and Barony, extra-parochial and other Places, Districts, and Divisions, by whatsoever Denomination the same respectively shall be known or called; the Word "Justices" shall include all Persons acting in the Commission of the Peace for any County so interpreted as aforesaid, Sheriffs or Stewards of Counties or Stewartries in Scotland, and the Sheriff and Court of Deemsters of the *Ile of Man*; the Word "Owner" shall include all Bodies Politic, Corporate, or Collegiate, and all Persons entitled to any Estate or Interest in possession; and the Word "Land" shall extend to Lands, Grounds, Hereditaments, and Heritages, of any Tenure or Description; and every Word importing the Singular Number shall, when necessary to give full Effect to the Enactments herein contained, be deemed to extend and be applied to several Persons or Things as well as one Person or Thing; and any Words importing the Plural Number only shall include the Singular Number; and every Word importing the Masculine Gender shall, when necessary, extend and be applied to a Female as well as a Male.

Alteration
of Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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Appendix b)

4 & 5 ELIZ. 2 *Department of Scientific and
Industrial Research Act, 1956*

CH. 58



CHAPTER 58

An Act to make provision with respect to the
Department of Scientific and Industrial Research;
and for purposes connected therewith.

[2nd August, 1956]

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:—

1.—(1) The Department of Scientific and Industrial Research (in this Act referred to as "the Department") shall be placed under the charge of a Council for Scientific and Industrial Research (in this Act referred to as "the Research Council") whose functions under this Act shall be exercised on behalf of the Crown and whose members shall be appointed by the Lord President of the Council after consultation with the President of the Royal Society.

(2) In the exercise of any powers or the performance of any duties conferred or imposed upon them by this Act, the Research Council shall comply with any directions which may from time to time be given to them by a Committee of the Privy Council for scientific and industrial research consisting of the Lord President of the Council and such other members as Her Majesty may from time to time appoint; and for the purposes of the Ministers of the Crown (Transfer of Functions) Act, 1946, the expression "Minister of the Crown" in that Act shall include that Committee.

CH. 58 *Department of Scientific and Industrial Research Act, 1956* 4 & 5 ELIZ. 2

(3) The Research Council shall be charged with the organisation, development and encouragement of scientific and of industrial research and with the dissemination of the results of such research, and without prejudice to the generality of the foregoing provisions of this subsection may in particular—

- (a) encourage and support scientific research in universities, technical colleges and other institutions; and
- (b) establish or develop institutions or departments of institutions for investigation and research relating to the advancement of trade and industry; and
- (c) take steps to further the practical application of the results of scientific and of industrial research,

and may make grants for the purposes of any of their functions under this subsection; and in exercising their functions under this subsection the Research Council shall have regard, consistently with the national interest, to similar or related activities carried on by other persons.

(4) The Research Council may also make grants for post-graduate instruction in science or technology.

(5) The Secretary of the Research Council (in this Act referred to as “the Secretary”) shall be appointed by the Lord President of the Council after consultation with the Research Council, and the other officers and servants of the Department shall, subject to the consent of the Treasury as to number, be appointed by the Research Council; and the Secretary, officers and servants so appointed shall be paid such salaries and allowances as the Research Council may with the consent of the Treasury determine.

The Research Council.

2.—(1) The Research Council shall consist of such number of members as the Lord President of the Council may from time to time determine, and the Lord President of the Council shall from time to time appoint one of those members to act as the chairman of the Research Council; and the chairman and other members of the Research Council shall hold and vacate their offices in accordance with the terms of their respective appointments.

(2) The Research Council shall be a body corporate and shall have an official seal, which shall be authenticated by the signature of the Secretary or of a person authorised by the Secretary, with the approval of the Research Council, to act in that behalf, and which shall be officially and judicially noticed.

(3) The Research Council shall have power to enter into contracts or agreements, to acquire and hold land or any interest in land, and to do all other things necessary or convenient for the purpose of their functions under this Act; and any land or

4 & 5 ELIZ. 2 *Department of Scientific and* CH. 58
 Industrial Research Act, 1956

interest in land acquired by the Research Council shall be held on trust for Her Majesty for the public service:

Provided that any contract or agreement made by or on behalf of the Research Council otherwise than under seal shall be signed by the Secretary or by a person authorised by the Secretary, with the approval of the Research Council, to act in that behalf.

(4) The Research Council may appoint committees to exercise, or advise them on the exercise of, any of their functions under the foregoing section, and may appoint to any such committee persons who are not members of the Research Council, and the Research Council may also enter into arrangements for the performance of such functions on their behalf by other persons.

(5) There shall be paid to the members of the Research Council or of any committee appointed by that Council such remuneration as the Treasury may authorise.

(6) The procedure and quorum of the Research Council and any committee appointed by that Council shall be such as that Council may from time to time determine.

(7) The Research Council shall in each year send to the Committee of the Privy Council referred to in subsection (2) of the foregoing section a report of their proceedings during the preceding year, and the Lord President of the Council shall cause a copy of that report to be laid before each House of Parliament.

(8) Every document purporting to be an instrument made or issued by or on behalf of the Research Council and to be sealed with their seal authenticated in the manner provided by subsection (2), or to be signed as mentioned in subsection (3), of this section shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.

3.—(1) The remuneration of the members of the Research Council or of any committee appointed by that Council, the ^{Expenses} salaries and allowances of the Secretary and of the other officers and servants of the Department, and any expenditure incurred by the Research Council under this Act, shall be defrayed out of moneys provided by Parliament. ^{and payments.}

(2) Any payment by or on behalf of the Research Council under this Act shall be made through a person authorised by the Secretary, with the approval of the Research Council, to act in that behalf.

CH. 58 *Department of Scientific and Industrial Research Act, 1956* 4 & 5 ELIZ. 2

Revocations, transitional provisions, etc. 4.—(1) Any Order in Council in force immediately before the appointed day relating to the Committee of the Privy Council for scientific and industrial research and to an advisory council for the purposes of that Committee is hereby revoked, but any person serving immediately before that day as a member, the Secretary or an officer of that Committee shall be deemed to have been duly appointed in pursuance of this Act as respectively a member of the Committee of the Privy Council provided for by subsection (2) of section one of this Act, the Secretary of the Research Council, or an officer or servant of the Department.

(2) The Imperial Trust for the Encouragement of Scientific and Industrial Research is hereby dissolved, and any property vested in, rights enjoyed by, or liabilities incumbent on, that Trust immediately before the appointed day shall hereby vest in or devolve on the Research Council.

(3) Any property held for the purposes of the Department immediately before the appointed day by the Committee of the Privy Council set up under the Orders in Council referred to in subsection (1) of this section, and any rights or liabilities relating to the Department for which immediately before that day the said Committee held themselves responsible, shall hereby vest in or devolve on the Research Council.

Short title and commencement. 5.—(1) This Act may be cited as the Department of Scientific and Industrial Research Act, 1956.

(2) This Act shall come into force on such day as Her Majesty may by Order in Council appoint (in this Act referred to as "the appointed day").

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Appendix 3 Science and Technology Act

Appendix c)



Science and Technology Act 1965

CHAPTER 4

ARRANGEMENT OF SECTIONS

Section

1. The Research Councils.
2. Expenses, accounts etc. of Research Councils.
3. Re-allocation of activities connected with scientific research.
4. Extension of research functions of Atomic Energy Authority.
5. Further powers of Secretary of State and Minister of Technology.
6. Supplementary
7. Short title.

SCHEDULES:

- Schedule 1—Reports, Accounts etc. of Research Councils.
Schedule 2—Minor and consequential Amendments.
Schedule 3—Transitional Provisions on Redistribution of Activities of existing Organisations.
Schedule 4—Repeals.

ELIZABETH II



1965 CHAPTER 4

An Act to make further provision with respect to the responsibility and powers in relation to scientific research and related matters of the Secretary of State, the Minister of Technology and certain chartered bodies and other organisations, and for purposes connected therewith. [23rd March 1965]

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:—

1.—(1) The following bodies established or to be established by Royal Charter shall be Research Councils for the purposes of this Act, that is to say,—

- (a) the Agricultural Research Council and the Medical Research Council ; and
- (b) if Her Majesty is pleased to establish such a body, each of the two bodies respectively referred to in this Act as the Science Research Council and the Natural Environment Research Council ; and
- (c) any other body which is established for purposes connected with scientific research and consists of persons appointed by a Minister of the Crown and which is declared by Order in Council to be established as a Research Council for purposes of this Act.

(2) The Science Research Council shall be a body established wholly or mainly for objects consisting of or comprised in the following, namely, the carrying out of scientific research, the facilitating, encouragement and support of scientific research by other bodies or persons or any description of bodies or persons and of instruction in the sciences and technology, and the dissemination of knowledge in the sciences and technology.

CH. 4 *Science and Technology Act 1965*

(3) The Natural Environment Research Council shall be a body established wholly or mainly for objects consisting of or comprised in the following, namely, the carrying out of research in the earth sciences and ecology, the facilitating, encouragement and support of such research by other bodies or persons or any description of bodies or persons and of instruction in subjects related to the Council's activities, the dissemination of knowledge in the earth sciences and ecology, the provision of advice on matters related to the Council's activities, and the establishment, maintenance and management of nature reserves.

(4) No recommendation shall be made to Her Majesty to make an Order in Council declaring a body to be a Research Council under subsection (1)(c) above unless a draft of the Order, specifying the objects or principal objects of that body, has been laid before Parliament and approved by a resolution of each House of Parliament.

Expenses,
accounts etc.
of Research
Councils.

2.—(1) The Secretary of State may, out of moneys provided by Parliament, pay to any of the Research Councils such sums in respect of the expenses of the Council as he may with the consent of the Treasury determine, and so far as relates to the use and expenditure of sums so paid the Council shall act in accordance with such directions as may from time to time be given to it by the Secretary of State.

(2) The provisions of Schedule 1 to this Act shall have effect with respect to the making of returns and reports by the Research Councils to the Secretary of State, with respect to the keeping and auditing of their accounts and with respect to related matters.

(3) Land occupied in the United Kingdom by any of the Research Councils shall be deemed, for the purposes of any rate on property, to be property occupied by or on behalf of the Crown for public purposes.

1956 c. 28.

(4) The obligations of the Medical Research Council and the Agricultural Research Council under this section in relation to the Secretary of State shall be in place of any corresponding obligations imposed on either Council by its charter or otherwise, and the Agricultural Research Fund established under the Agricultural Research Act 1956 shall no longer be maintained; and subject to the foregoing provisions of this subsection anything which under the charter of either of those Councils is to be done by or to a committee of the Privy Council shall instead be done by or to the Secretary of State.

(5) Nothing in this Act or in any other enactment relating to the general functions of any of the Research Councils shall be taken as restricting the activities of a Research Council to the United Kingdom or any part thereof, nor shall the expenses in respect of which payments may be made under subsection (1)

(6) Where any activities of a Research Council or government department in relation to scientific research are to be taken over from it (otherwise than under this section) by any Research Council or government department, then on the transfer accordingly of responsibility for those activities the Secretary of State may by order made by statutory instrument transfer or provide for transferring property, rights, liabilities or obligations held, acquired or incurred in connection with the carrying on of the activities previously by any Research Council or government department; and a Research Council shall comply with any directions of the Secretary of State requiring it to take over from, or transfer to, any Research Council or government department the responsibility for any activities in relation to scientific research.

(7) On any such transfer of responsibility as is mentioned in subsection (6) above the Secretary of State may by order made by statutory instrument provide, so far as appears to him necessary or expedient for giving full effect to the transfer, for the repeal or amendment of any provision in any enactment affecting a Research Council or government department concerned, and make transitional, supplemental or incidental provision in connection with any such repeal or amendment; but the statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) The provisions of this section, except subsections (6) and (7), shall not come into force until such day as Her Majesty may by Order in Council appoint, and different days may be appointed for different provisions or for different purposes of the same provision.

Extension
of research
functions
of Atomic
Energy
Authority.
1954 c. 32.

4.—(1) The functions of the United Kingdom Atomic Energy Authority shall include the undertaking of scientific research in such matters not connected with atomic energy as may, after consultation with the Authority, be required by the Minister of Technology, and section 2(2) of the Atomic Energy Authority Act 1954 shall apply as if any such research were research into matters connected with atomic energy.

(2) There shall be defrayed out of moneys provided by Parliament any increase attributable to subsection (1) above in the sums payable under section 4(1) of the Atomic Energy Authority Act 1954 out of moneys so provided.

(3) Section 3(6) and (7) above shall have effect in relation to any activities carried on or to be carried on by the United Kingdom Atomic Energy Authority by virtue of this section as if the Authority were a government department.

SCHEDULES

SCHEDULE 1

REPORTS, ACCOUNTS ETC. OF RESEARCH COUNCILS

1. Each of the Research Councils shall furnish the Secretary of State with such returns, accounts and other information with respect to its property and activities as he may from time to time require, and shall prepare programmes and estimates of expenditure in such form and at such times as he may require.

2.—(1) Each of the Research Councils shall as soon as possible after the end of each financial year make to the Secretary of State a report on the exercise and performance by the Council of its functions during that year.

(2) The Secretary of State shall lay a copy of any report under this paragraph before each House of Parliament, together with such comments as he may think fit to make.

3.—(1) Each of the Research Councils shall keep proper accounts and other records, and shall prepare for each financial year statements of account in such form as the Secretary of State with the approval of the Treasury may direct and submit those statements of account to the Secretary of State at such time as he may direct.

(2) The Secretary of State shall, on or before the 30th November in any year, transmit to the Comptroller and Auditor General the statements of account of each Council for the financial year last ended.

(3) The Comptroller and Auditor General shall examine and certify the statements of account transmitted to him under this paragraph, and lay copies of them together with his report thereon before each House of Parliament.

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS

<i>Act Amended</i>	<i>Amendment</i>
The Geological Survey Act 1845. (8 & 9 Vict. c. 63.)	<p>In section 1 for the words "the United Kingdom" there shall be substituted the words "Great Britain", and for the words "the first commissioner for the time being of her Majesty's woods, forests, land revenues, works and buildings", in both places, there shall be substituted the words "the Natural Environment Research Council".</p> <p>In section 2 for the words from "for every such offence" onwards there shall be substituted the words "be liable on summary conviction to a fine not exceeding twenty pounds".</p> <p>Sections 3 and 4 shall be omitted.</p> <p>In section 6 after the word "aforesaid" there shall be inserted the word "and" and the words "and the sheriff and court of deemsters of the Isle of Man" shall be omitted.</p>

5.—(1) The Secretary of State and the Minister of Technology may defray out of moneys provided by Parliament any expenses which, with the consent of the Treasury, they may respectively incur—

- Further powers of Secretary of State and Minister of Technology.
- (a) in carrying on or supporting scientific research or the dissemination of the results of scientific research ;
 - (b) as regards the Minister, in furthering the practical application of the results of scientific research ;
 - (c) in making payments in respect of remuneration, allowances or pension benefits payable to or in respect of members of any advisory body established for the purpose of assisting the Secretary of State or Minister, as the case may be, in matters connected with scientific research.

(2) The Minister of Technology, in and for the discharge of his functions falling within subsection (1)(a) and (b) above, may exercise the powers conferred by section 1 of the Statistics of Trade Act 1947 on competent authorities within the meaning of that Act, and for that purpose the Act shall apply as if he were named as a competent authority in section 17(3) of the Act. 1947 c. 39.

(3) The members of the Advisory Committee under section 6 of the Radioactive Substances Act 1948 shall be appointed by the Secretary of State after consultation with such scientific, professional and technical organisations and persons as he thinks appropriate, and any notice of resignation by a member of that Committee shall be given either to the Secretary of State or (unless the member is chairman of the Committee) to that chairman ; and the Secretary of State shall appoint a member of the Committee to be chairman of it and such person as he thinks fit to be secretary of it. 1948 c. 37.

Provided that this subsection shall not affect any appointment made or notice given before this subsection comes into force.

6.—(1) In this Act " scientific research " means research and development in any of the sciences (including the social sciences) or in technology. Supplementary.

(2) Nothing in this Act shall prejudice or affect any power to amend or revoke the charters of any Research Council, or any power of Her Majesty to grant new charters, or affect the operation of any amendment made or charter granted after the passing of this Act.

(3) The enactments mentioned in Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Schedule, with effect in each case from such day as Her Majesty may by Order in Council appoint.

7. This Act may be cited as the Science and Technology Act 1965. Short title.

SCHEDULES

SCHEDULE 1

REPORTS, ACCOUNTS ETC. OF RESEARCH COUNCILS

1. Each of the Research Councils shall furnish the Secretary of State with such returns, accounts and other information with respect to its property and activities as he may from time to time require, and shall prepare programmes and estimates of expenditure in such form and at such times as he may require.

2.—(1) Each of the Research Councils shall as soon as possible after the end of each financial year make to the Secretary of State a report on the exercise and performance by the Council of its functions during that year.

(2) The Secretary of State shall lay a copy of any report under this paragraph before each House of Parliament, together with such comments as he may think fit to make.

3.—(1) Each of the Research Councils shall keep proper accounts and other records, and shall prepare for each financial year statements of account in such form as the Secretary of State with the approval of the Treasury may direct and submit those statements of account to the Secretary of State at such time as he may direct.

(2) The Secretary of State shall, on or before the 30th November in any year, transmit to the Comptroller and Auditor General the statements of account of each Council for the financial year last ended.

(3) The Comptroller and Auditor General shall examine and certify the statements of account transmitted to him under this paragraph, and lay copies of them together with his report thereon before each House of Parliament.

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS

<i>Act Amended</i>	<i>Amendment</i>
The Geological Survey Act 1845. (8 & 9 Vict. c. 63.)	In section 1 for the words "the United Kingdom" there shall be substituted the words "Great Britain", and for the words "the first commissioner for the time being of her Majesty's woods, forests, land revenues, works and buildings", in both places, there shall be substituted the words "the Natural Environment Research Council". In section 2 for the words from "for every such offence" onwards there shall be substituted the words "be liable on summary conviction to a fine not exceeding twenty pounds". Sections 3 and 4 shall be omitted. In section 6 after the word "aforesaid" there shall be inserted the word "and" and the words "and the sheriff and court of deemsters of the Isle of Man" shall be omitted.

Science and Technology Act 1965

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7

<i>Act Amended</i>	<i>Amendment</i>	SCH. 2
The Mining Industry Act 1926. (16 & 17 Geo. 5. c. 28.)	In section 23 (including the subsection (5) substituted by the Mines and Quarries Act 1954) for any reference to the Committee of the Privy Council for Scientific and Industrial Research or to the Department of Scientific and Industrial Research there shall, in relation to any period after the coming into force of this provision, be substituted a reference to the Natural Environment Research Council.	1954 c. 70.
The Ministry of Supply Act 1939. (2 & 3 Geo. 6. c. 38.)	In section 19 at the end of paragraph (a) of the definition of " articles required for the public service " there shall be added " or required by the Science Research Council or the Natural Environment Research Council for the purpose of the discharge of its functions "	
The Water Act 1945. (8 & 9 Geo. 6. c. 42.)	In section 7 for any reference to the Committee of the Privy Council for Scientific and Industrial Research or to the Department of Scientific and Industrial Research there shall, in relation to any period after the coming into force of this provision, be substituted a reference to the Natural Environment Research Council.	
The Water (Scotland) Act 1946. (9 & 10 Geo. 6. c. 42.)	In section 4 for any reference to the Committee of the Privy Council for Scientific and Industrial Research or to the Department of Scientific and Industrial Research there shall, in relation to any period after the coming into force of this provision, be substituted a reference to the Natural Environment Research Council.	
The Income Tax Act 1952. (15 & 16 Geo. 6 and 1 Eliz. 2. c. 10.)	In section 335(b) and (c) for the words " the appropriate Research Council or Committee " there shall in each case be substituted the words " the Secretary of State or Minister of Technology ", but so that any approval given under either paragraph before the coming into force of this provision shall thereafter be treated as given by the Secretary of State or Minister of Technology, as may be appropriate.	

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SCH. 2	<i>Act Amended</i>	<i>Amendment</i>
	The Income Tax Act 1952. (15 & 16 Geo. 6 and 1 Eliz. 2. c. 10.)— <i>cont.</i>	In section 340(4) for the words “the appropriate Research Council or Committee” there shall be substituted the words “the Secretary of State or Minister of Technology as may be appropriate in relation to the activities in question”, and for the words “the decision of the Council or Committee” there shall be substituted the words “his decision”. In section 449(1)(a) for the words “the Committee of the Privy Council for Scientific and Industrial Research” there shall be substituted the words “the Minister of Technology”, but so that any approval given under the paragraph before the coming into force of this provision shall thereafter be treated as given by the Minister of Technology.
	The Protection of Birds Act 1954. (2 & 3 Eliz. 2. c. 30.)	In section 10(2)(b), and in paragraph (c) of the definition in section 14(1) of “authorised person”, for any reference to the Nature Conservancy there shall be substituted a reference to the Natural Environment Research Council, but so that any licence or authorisation granted by the Nature Conservancy before the coming into force of this provision shall have effect, and the Act shall apply in relation thereto, as if it had been granted by that Council.
	The Deer (Scotland) Act 1959. (7 & 8 Eliz. 2. c. 40.)	In section 1(4)(a) for the reference to the Nature Conservancy there shall, in relation to any appointment to be made thereunder after the coming into force of this provision, be substituted a reference to the Natural Environment Research Council.
	The Deer Act 1963 ... (1963 c. 36.)	In section 11 for any reference to the Nature Conservancy there shall be substituted a reference to the Natural Environment Research Council, but so that any licence granted thereunder before the coming into force of this provision shall have effect, and the Act shall apply in relation thereto, as if it had been granted by that Council.
	The Water Resources Act 1963. (1963 c. 38.)	In section 102 for any reference to the Nature Conservancy there shall be substituted a reference to the Natural Environment Research Council.

Science and Technology Act 1965

CH. 4

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SCHEDULE

REPEALS

Chapter	Short Title	Extent of Repeal
8 & 9 Vict. c. 63.	The Geological Survey Act 1845.	Sections 3 and 4. In section 6, the words "and the sheriff and court of deemsters of the Isle of Man."
9 & 10 Geo. 5. c. 21.	The Ministry of Health Act 1919.	In section 3(1), proviso (i) from "but" onwards.
9 & 10 Geo. 6. c. 81.	The National Health Service Act 1946.	In section 16(1), the words from "and the" to "said Act".
11 & 12 Geo. 6. c. 37.	The Radioactive Substances Act 1948.	In section 6, subsections (2) and (3) and in subsection (4) proviso the words "to the Ministers referred to in subsection (2) of this section".
12, 13 & 14 Geo. 6. c. 97.	The National Parks and Access to the Countryside Act 1949.	Sections 24, 25(2) and 96. In section 100(a), the words "the Treasury".
15 & 16 Geo. 6. and 1 Eliz. 2. c. 10.	The Income Tax Act 1952.	In section 340(1), the definition of "the appropriate Research Council or Committee".
4 & 5 Eliz. 2. c. 28.	The Agricultural Research Act 1956.	In section 1, in subsection (1), the words from "subject to" to "appoint" and subsections (2) to (7).
4 & 5 Eliz. 2. c. 58.	The Department of Scientific and Industrial Research Act 1956.	The whole Act.
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Schedule 1, in Part II, and in the Part substituted for it by Schedule 3 in its application to the Senate and House of Commons of Northern Ireland, the entry for the Research Council within the meaning of the Department of Scientific and Industrial Research Act 1956. In Schedule 1, in Part III, the entry for the chairman of the National Institute for Research in Nuclear Science.
8 & 9 Eliz. 2. c. 5.	The Atomic Energy Authority Act 1959.	Section 2, except as regards persons employed with the National Institute for Research in Nuclear Science before the coming into force of this repeal.
9 & 10 Eliz. 2. c. 9.	The Agricultural Research etc. (Pensions) Act 1961.	Section 1(2) from the beginning to "this Act; and"

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Appendix 4 Charter of the Natural Environment Research Council (extract)

Appendix d)

CHARTER OF THE COUNCIL

ELIZABETH THE SECOND by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

WHEREAS Our Secretary of State has appointed certain persons to be the Chairman and other members of a Council for promoting and supporting research in the earth sciences and ecology and related matters to be known as The Natural Environment Research Council:

AND WHEREAS it has been represented unto Us that for the purpose of carrying out the objects of the said Council and with a view to facilitating the holding of and dealing with property and to encouraging the making of gifts and bequests in aid of the said objects it is expedient that the said Council should be incorporated:

NOW, THEREFORE, KNOW YE that We, by virtue of Our Prerogative Royal and of all other powers enabling Us in that behalf, of Our especial grace, certain knowledge and mere motion have granted and declared and do by these Presents for Us, Our Heirs and Successors, grant and declare as follows:

1. The persons now the Chairman and other members of the Natural Environment Research Council aforesaid (whose names are set out in the First Schedule hereto), and all such other persons as may hereafter become the Chairman and other members of the body corporate hereby constituted, shall for ever hereafter (so long as they continue to be members of the Council) be one Body Corporate under the name of 'The Natural Environment Research Council' (hereinafter referred to as 'the Council'), and by the same name shall have perpetual succession and a Common Seal, with power to break, alter and make anew the said Seal from time to time at their will and pleasure, and by the same name shall and may sue and be sued in all courts and in all manner of actions and suits, and shall have power to enter into contracts, to acquire, hold and dispose of property of any kind, to accept trusts and generally to do all matters and things incidental or appertaining to a Body Corporate.

2. (1) The objects for which the Council are established and incorporated are as follows:

- (a) To encourage and support by any means research by any person or body in the earth sciences and ecology and in particular (but without prejudice to the foregoing) in geology, meteorology, seismology, geomagnetism, hydrology, oceanography, forestry, nature conservation, fisheries or marine and freshwater biology.
- (b) To carry out research in any field aforesaid.
- (c) Without prejudice to paragraph (a) above, to provide and operate ships, equipment or other facilities for common use in research in any field aforesaid by universities, technical colleges or other institutions or persons engaged in research.
- (d) To provide advice and disseminate knowledge in any field aforesaid.
- (e) To establish, maintain and manage nature reserves including reserves for the maintenance of physical or geological features, in Great Britain.
- (f) To make grants for post-graduate instruction in subjects related to the Council's activities.

(2) The Council may pursue their objects, other than under paragraph (e) above, in Our United Kingdom of Great Britain and Northern Ireland or elsewhere.

Appendix 5 Supplemental Royal Charter 1993

ELIZABETH THE SECOND
 by the Grace of God of the United Kingdom of Great Britain and
 Northern Ireland and of Our other Realms and Territories Queen,
 Head of the Commonwealth, Defender of the Faith:

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

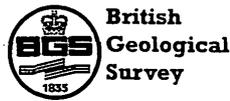
WHEREAS We did by Royal Charter dated the First day of June 1965 (hereinafter referred to as "the original Charter") constitute a body corporate called "The Natural Environment Research Council" (hereinafter referred to as "the Council") for promoting and supporting research into the Earth sciences and ecology and related matters:

AND WHEREAS it has been represented unto Us that it is expedient, for the better execution of the purposes of the Science and Technology Act 1965, and of the objects of the Council, to grant a Supplemental Charter to the Council:

NOW THEREFORE Know Ye that We, by virtue of Our Prerogative Royal and of all other powers enabling Us so to do, have of Our especial grace, certain knowledge and mere motion granted and declared and do by these Presents for Us, Our Heirs and Successors, grant and declare as follows:

1. With the exception of Article 1, the provisions of the original Charter are hereby revoked.
2. (1) The objects for which the Council is established and incorporated are:
 - (a) to promote and support, by any means, high-quality basic, strategic and applied research, survey, long-term environmental monitoring and related post-graduate training in terrestrial marine and freshwater biology and Earth, atmospheric, hydrological, oceanographic and polar sciences and Earth observation;
 - (b) to advance knowledge and technology, and to provide services and trained scientists and engineers, which meet the needs of users and beneficiaries (including the agricultural, construction, fishing, forestry, hydrocarbons, minerals, process, remote-sensing, water and other industries), thereby contributing to the economic competitiveness of Our United Kingdom, the effectiveness of public services and policy, and the quality of life;
 - (c) to provide advice on, and disseminate knowledge and promote public understanding of, the fields aforesaid.
- (2) The Council may pursue its objects in Our United Kingdom of Great Britain and Northern Ireland or elsewhere.
3. All moneys and property howsoever received by the Council, including any moneys voted by Parliament, shall be applied solely towards the promotion of the objects of the Council and no portion thereof (except as otherwise provided in this Our Supplemental Charter) shall be paid or transferred directly or indirectly to the members thereof.
4. (1) The Council shall consist of a Chairman, a Chief Executive and Deputy Chairman, and not less than ten nor more than eighteen other members, at least half of whom shall be appointed by reason of their qualifications in science or engineering.
 - (2) Subject to the provisions of paragraph (3) of this Article, the Chairman, Chief Executive and Deputy Chairman, and other members shall be appointed and the terms of their appointment or the revocation of any appointment determined by Our Chancellor.
 - (3) (a) Before appointing any member, including the Chairman and the Chief Executive and Deputy Chairman, on account of his qualifications in science or engineering, Our Chancellor shall consult the President for the time being of Our Royal Society or of Our Royal Academy of Engineering as Our Chancellor shall see fit.
 - (b) Before appointing any member, including the Chairman and the Chief Executive and Deputy Chairman, Our Chancellor shall consult the Chairman for the time being of the Council, who may consult other members of the Council as he shall see fit.
 - (4) Every member, including the Chairman and Chief Executive and Deputy Chairman, shall hold and vacate his office solely in accordance with the terms of his appointment, and shall, on the expiry of his term of appointment, be eligible for re-appointment but
 - (a) a member shall not be appointed for a term of more than four years;
 - (b) a member who is re-appointed on ceasing to be a member shall not again be eligible for re-appointment before the expiration of one year from the end of the period for which he is re-appointed: provided that this sub-paragraph shall not apply to a person appointed to serve as Chairman or Chief Executive and Deputy Chairman; and
 - (c) a member may at any time by notice in writing to Our Chancellor resign his office.
- (5) Except as provided in paragraph (7) of this Article, the Council shall in the case of any such member as Our Chancellor may determine
 - (a) pay to him such remuneration and allowances as may be so determined in his case; and
 - (b) pay to or in respect of him such pension, allowance or gratuity on his retirement or death, or make such payments towards provision for such a pension, allowance or gratuity, as may be so determined in his case.
- (6) If a person ceases to be a member of the Council otherwise than on the expiration of his term of office, and it appears to Our Chancellor that there are special circumstances which make it right that that person should receive compensation, the Council shall make to that person a payment of such amount as Our Chancellor may determine.
- (7) The Council shall not in any circumstances or at any time make to or in respect of any person in his capacity as a member of the Council any payment of any kind whatsoever for or in respect of any period when he is also a member of Our Commons House of Parliament, other than a payment by way of reimbursement to him of actual out of pocket expenses previously and necessarily incurred by him in the performance of his duties as such member of the Council.
- (8) The provisions of paragraphs (5) and (6) of this Article shall not apply to a member who is an officer of a Department of Our Government.
5. (1) The Council may act notwithstanding a vacancy among the members thereof and the validity of any proceedings of the Council shall not be affected by any defect in the appointment of a member thereof.
 - (2) The quorum of the Council shall be six members personally present or such greater number as the Council may from time to time determine.
6. Subject to the provisions of this Our Supplemental Charter the Council may regulate its own procedure.

Appendix 6 Statement of BGS Rights to Geoscience Data



**British
Geological
Survey**

THE BRITISH GEOLOGICAL SURVEY ('THE SURVEY') RIGHTS TO GEOSCIENCE DATA

Appendix e)

Background

The Survey is a component body of the Natural Environment Research Council and has for the last three years been developing the National Geosciences Information Service as the national focus for geoscientific data. Those data are essential input to geological mapping of Great Britain.

Much of the data held by the Survey results from its own activities. Other data are deposited voluntarily or because of legal requirements to provide the Survey with data resulting from exploration activities.

The Survey's rights to data and access to data

The Survey's rights to data and access to data derive from Acts of Parliament going back as far as the Geological Survey Act of 1845. This gave rights of access 'for the purpose of making and completing a geological survey of Great Britain', which means the onshore area and to the edge of the three-mile limit out to sea.

The Mining Industry Act 1926 (Section 23), as amended by the Science and Technology Act 1965, requires those sinking boreholes for mineral exploration to give prior notification to NERC of their intention to drill holes deeper than 30 metres.

The 1926 Act gives the Survey rights, among other things:

- (i) to have access to the borehole journals, i.e. to all records which are collected as a matter of practice by industry relating to the borehole, whether analogue or digital, and to samples taken (core, chippings etc.);
- (ii) to make copies of the records and to take representative samples.

The Water Resources Act 1991 (Section 198) and Water (Scotland) Act 1946 require records of drilling made in the search for water to be deposited with NERC together with any test results of water flow.

The Petroleum (Production) Act 1934 (Section 9) defines petroleum as a mineral for the purpose of the Mining Industry Act 1926.

It should be noted, however, that the requirement under the 1926 Act to provide the Survey with borehole data is quite separate from the obligations placed on those searching for petroleum to furnish copies of such geological records as the Minister may determine to the Department of Trade & Industry pursuant to the terms of licences granted under the provisions of the Petroleum (Production) (Landward Areas) Regulations 1984 and the Petroleum (Production) (Seaward Areas) Regulations 1988.

Summary

The effect of the legislation is that there is a requirement on all exploration companies operating in Great Britain, either onshore or as far as the three-mile limit, to:

- (i) advise the Survey of their intention to drill any hole deeper than 30 metres; and
- (ii) provide access for the Survey to wells, cores and cuttings and to all well logs—primarily lithologic logs and down-hole geophysical logs.