



Advanced Research and Invention Agency Act 2022

CHAPTER 4

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately

£6.90



Advanced Research and Invention Agency Act 2022

CHAPTER 4

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Advanced Research and Invention Agency Act 2022

2022 CHAPTER 4

An Act to make provision for and in connection with the establishment of the
Advanced Research and Invention Agency. [24th February 2022]

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:—

The Advanced Research and Invention Agency

1 Establishment of ARIA

- (1) A body corporate called the Advanced Research and Invention Agency is established.
- (2) In this Act that body is referred to as “ARIA”.
- (3) Schedule 1 contains further provision about ARIA.

2 ARIA’s functions

- (1) ARIA may do, or commission or support others to do, any of the following—
 - (a) conduct scientific research;
 - (b) develop and exploit scientific knowledge;
 - (c) collect, share, publish and advance scientific knowledge.
- (2) In exercising its function of supporting others, ARIA may, in particular—
 - (a) encourage, facilitate and provide advice;
 - (b) provide financial support by way of grants, loans, investments in companies or other entities, or in any other form (including prizes);

- (c) make available rights or other property (including by way of loan, licence or gift or other transfer).
- (3) Where ARIA provides financial support, or makes property available, it may do so subject to conditions.
- (4) The conditions may, in particular, include provision under which—
 - (a) financial support is to be repaid or otherwise made good (with or without payment of interest);
 - (b) property is to be restored;
 - (c) information is to be provided to ARIA for the purpose of the exercise of any of its functions.
- (5) The activities which ARIA may do, commission or support in exercising a function are not restricted to activities in the United Kingdom.
- (6) In exercising its functions, ARIA must have regard to the desirability of doing so for the benefit of the United Kingdom, through—
 - (a) contributing to economic growth, or an economic benefit, in the United Kingdom,
 - (b) promoting scientific innovation and invention in the United Kingdom, or
 - (c) improving the quality of life in the United Kingdom (or in the United Kingdom and elsewhere).

3 Ambitious research, development and exploitation: tolerance to failure

In exercising any of its functions under this Act, ARIA may give particular weight to the potential for significant benefits to be achieved or facilitated through scientific research, or the development and exploitation of scientific knowledge, that carries a high risk of failure.

4 Grants to ARIA from the Secretary of State

- (1) The Secretary of State may make grants to ARIA.
- (2) Grants under subsection (1) may be subject to conditions.
- (3) The conditions may, in particular, include provision under which sums paid by the Secretary of State under subsection (1) are to be repaid (with or without payment of interest).

5 National security directions

- (1) The Secretary of State may give ARIA directions as to the exercise of its functions if the Secretary of State considers it necessary or expedient in the interests of national security.
- (2) The power to give directions under this section includes power to vary or revoke a direction.
- (3) ARIA must comply with a direction given under this section.

6 Information

- (1) ARIA must provide the Secretary of State with such information as the Secretary of State may request for the purposes of or in connection with the Secretary of State's functions in relation to ARIA.
This is subject to subsections (4) and (5).
- (2) Information provided under subsection (1) must be provided in such form as the Secretary of State may request.
- (3) A disclosure of information required under this section does not breach—
 - (a) any obligation of confidence owed by ARIA, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (4) This section does not require a disclosure of information if the disclosure would contravene the data protection legislation.
In determining whether a disclosure would do so, the duty imposed by this section is to be taken into account.
- (5) This section does not require the disclosure of anything in respect of which a claim to legal professional privilege (or, in Scotland, to confidentiality of communications) could be maintained in legal proceedings.
- (6) In this section “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

7 Transfer schemes

Schedule 2 contains provision about schemes for the transfer of staff and property, rights and liabilities to ARIA.

8 Power to dissolve ARIA

- (1) The Secretary of State may by regulations make provision for the dissolution of ARIA.
- (2) Regulations may not be made under this section within ten years after the date on which this Act is passed.
- (3) Before making regulations under this section, the Secretary of State must consult—
 - (a) ARIA, and
 - (b) such other persons as the Secretary of State considers appropriate.
- (4) Regulations under this section may, in particular—
 - (a) provide for the transfer of property, rights or liabilities of ARIA to the Secretary of State or any other person;
 - (b) create or extinguish rights, or impose or extinguish liabilities, in connection with provision made under paragraph (a);
 - (c) make provision about the continuing effect of things done by ARIA;
 - (d) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of, or in relation to, ARIA when a transfer takes effect;
 - (e) provide for references to ARIA in any instrument or document to be treated as references to another person;

- (f) make provision about the payment by the Secretary of State or ARIA of compensation to any person who suffers loss or damage as a result of the dissolution.
- (5) The property, rights or liabilities mentioned in subsection (4)(a) include –
 - (a) property, rights or liabilities that could not otherwise be transferred;
 - (b) property acquired, and rights and liabilities arising, after a transfer;
 - (c) criminal liabilities.
- (6) Regulations under this section –
 - (a) may transfer rights and liabilities relating to employees, but
 - (b) may not affect the operation of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246).
- (7) Consequential provision made under this section by virtue of section 10(2) may modify any provision, whenever passed or made, of, or made under –
 - (a) primary legislation, or
 - (b) retained direct EU legislation.
- (8) In subsection (7) –
 - “modify” includes amend, repeal or revoke;
 - “primary legislation” means –
 - (a) an Act (including this Act);
 - (b) an Act of the Scottish Parliament;
 - (c) an Act or Measure of Senedd Cymru;
 - (d) Northern Ireland legislation.

Consequential amendments

9 Consequential amendments

Schedule 3 contains consequential amendments.

General

10 Regulations

- (1) A power to make regulations under this Act includes power to make –
 - (a) transitional or saving provision;
 - (b) different provision for different purposes.
- (2) A power to make regulations under section 8 or paragraph 11 or 18(2) of Schedule 1 includes power to make consequential, supplementary or incidental provision.
- (3) Regulations under this Act are to be made by statutory instrument.
- (4) A statutory instrument containing regulations under section 8 may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (5) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.

- (6) This section does not apply to regulations under section 13.

11 Interpretation

- (1) In this Act—
- “functions” includes powers and duties;
 - “scientific knowledge” means knowledge in, or in connection with, any of the sciences (including the social sciences) or technology, and includes the results of scientific research;
 - “scientific research” means research and development in any of the sciences (including the social sciences) or in technology.
- (2) In this Act, references to the transfer of property include references to the grant of a lease.

12 Extent

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) Any amendment made by this Act has the same extent as the provision amended.

13 Commencement

- (1) Subject to subsection (2), the provisions of this Act come into force on such day or days as the Secretary of State may by regulations made by statutory instrument appoint.
- (2) The following provisions come into force on the day on which this Act is passed—
- (a) paragraph 11 of Schedule 1 and section 1(2) and (3) so far as relating to it;
 - (b) sections 10 to 12;
 - (c) this section;
 - (d) section 14.
- (3) The Secretary of State may by regulations made by statutory instrument make transitional or saving provision in connection with the coming into force of any provision of this Act.

14 Short title

This Act may be cited as the Advanced Research and Invention Agency Act 2022.

SCHEDULES

SCHEDULE 1

Section 1

THE ADVANCED RESEARCH AND INVENTION AGENCY

Status

- 1 (1) ARIA is not to be regarded –
 - (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) ARIA's property is not to be regarded –
 - (a) as the property of the Crown, or
 - (b) as property held on behalf of the Crown.

Membership

- 2 (1) ARIA is to consist of –
 - (a) executive members, and
 - (b) non-executive members.
- (2) The executive members are –
 - (a) the Chief Executive Officer,
 - (b) the Chief Finance Officer, and
 - (c) at least two and not more than five other members.
- (3) The non-executive members are –
 - (a) a chair appointed by the Secretary of State,
 - (b) the Government Chief Scientific Adviser, and
 - (c) such other members as the Secretary of State may appoint.
- (4) The Secretary of State must exercise the power in sub-paragraph (3)(c) so as to secure that the majority of members are non-executive members.

Executive members: appointment and status

- 3 (1) The first Chief Executive Officer is to be appointed by the Secretary of State.
- (2) Subject to sub-paragraph (1), the executive members are to be appointed by the chair after consulting the other non-executive members.
- (3) But the chair may not appoint an executive member without the consent of the Secretary of State.
- (4) The Secretary of State may refuse consent under sub-paragraph (3) only where the Secretary of State considers it necessary or expedient in the interests of national security.

- (5) The executive members are to be members of ARIA’s staff.

Executive members: term

- 4 (1) Any appointment of a Chief Executive Officer must be for a fixed term of not more than five years.
- (2) A person cannot be appointed as the Chief Executive Officer more than twice.
- 5 (1) An executive member –
- (a) ceases to be a member of ARIA upon ceasing to be a member of ARIA’s staff, and
 - (b) may resign from office by notifying the chair.
- (2) The Secretary of State may remove a person from office as an executive member if the Secretary of State considers it necessary or expedient in the interests of national security.

Non-executive members: tenure

- 6 (1) Subject to the provisions of this Schedule, a person holds and vacates office as a non-executive member of ARIA in accordance with that person’s terms of appointment.
- (2) A person may resign from office as a non-executive member by notifying the Secretary of State.
- (3) The Secretary of State may remove a person from office as a non-executive member on any of the following grounds –
- (a) absence from ARIA’s meetings for a continuous period of more than six months without ARIA’s permission,
 - (b) inability or unfitness to carry out the functions of the office, or
 - (c) such other grounds as the Secretary of State considers appropriate.
- (4) A person ceases to be a non-executive member of ARIA upon becoming a member of ARIA’s staff.
- (5) Nothing in this paragraph applies to the Government Chief Scientific Adviser.

Payment of non-executive members

- 7 (1) ARIA must pay its non-executive members such remuneration as the Secretary of State may determine.
- (2) ARIA must pay, or make provision for paying, to or in respect of a person who is or has been a non-executive member of ARIA, such sums as the Secretary of State may determine in respect of allowances or expenses.
- (3) Where a person ceases to be a non-executive member of ARIA, ARIA must pay the person compensation of such amount as the Secretary of State may determine if the Secretary of State determines that the person should be compensated because of special circumstances.
- (4) Sub-paragraph (1) does not apply to the Government Chief Scientific Adviser.

Staffing

- 8 (1) Subject to paragraph 3, ARIA may –
- (a) appoint employees, and
 - (b) make such other arrangements for the staffing of ARIA as it considers appropriate, including arrangements for persons to be seconded to ARIA.
- (2) The terms on which executive members are, by virtue of paragraph 3, to become, or continue to be –
- (a) employees of ARIA, or
 - (b) persons seconded to ARIA under sub-paragraph (1)(b),
- are to be determined in accordance with this paragraph.
- (3) The terms of employment of other employees are to be determined in accordance with this paragraph.
- (4) ARIA must pay its employees such remuneration as may be determined in accordance with this paragraph.
- (5) ARIA must pay, or make provision for paying, –
- (a) to or in respect of an executive member of ARIA, such sums in respect of pensions or gratuities relating to service as an executive member as may be determined in accordance with this paragraph, and
 - (b) to or in respect of a person who is a member of ARIA’s staff, such sums in respect of allowances or expenses as may be determined in accordance with this paragraph.
- (6) ARIA may pay, or make provision for paying, –
- (a) to or in respect of an employee of ARIA, such sums in respect of pensions or gratuities, other than those mentioned in sub-paragraph (5)(a), as may be determined in accordance with this paragraph, and
 - (b) to or in respect of a person who has been an employee of ARIA, such sums in respect of allowances or expenses as may be determined in accordance with this paragraph.
- (7) A matter is determined in accordance with this paragraph if –
- (a) in the case of a matter which relates to the first Chief Executive Officer, it is determined by the Secretary of State;
 - (b) in the case of a matter which relates to any other executive member, it is determined by the chair with the consent of the Secretary of State, after consulting the other non-executive members;
 - (c) in the case of a matter which relates to any other member of ARIA’s staff, it is determined by ARIA with the consent of the Secretary of State.

Committees and sub-committees

- 9 (1) ARIA may establish committees.
- (2) A committee established by ARIA may establish sub-committees.
- (3) A committee or sub-committee may consist of or include persons who are neither members of ARIA nor members of ARIA’s staff.

- (4) ARIA may pay such allowances and expenses as ARIA may determine with the consent of the Secretary of State to any person who –
- (a) is a member of a committee or sub-committee, but
 - (b) is not a member of ARIA or a member of ARIA’s staff.

Procedure

- 10 (1) ARIA may determine its own procedure and the procedure of any committee or sub-committee.
- (2) The quorum for a meeting of ARIA is half the number of its members.
- 11 The Secretary of State may by regulations make provision about the procedures to be adopted for dealing with conflicts of interest of members of ARIA or members of a committee or sub-committee.
- 12 The validity of proceedings of ARIA, or a committee or sub-committee of ARIA, is not affected by a vacancy or defective appointment.

Delegation of functions by ARIA

- 13 (1) ARIA may delegate any of its functions to –
- (a) a member of ARIA,
 - (b) a member of ARIA’s staff authorised for that purpose, or
 - (c) a committee or sub-committee.
- (2) A function is delegated under this paragraph to the extent and on the terms that ARIA determines.

Accounts and audit

- 14 (1) ARIA must –
- (a) keep proper accounts and proper records in relation to them, and
 - (b) prepare a statement of accounts in respect of each financial year.
- (2) Each statement of accounts must comply with any directions given by the Secretary of State as to –
- (a) its content and form;
 - (b) the methods and principles to be applied in preparing it.
- (3) ARIA must send a copy of each statement of accounts to the Secretary of State and the Comptroller and Auditor General as soon as practicable after the end of the financial year to which the statement relates.
- (4) The Comptroller and Auditor General must –
- (a) examine, certify and report on each statement of accounts, and
 - (b) send a copy of each report and certified statement to the Secretary of State.
- (5) The Secretary of State must lay before Parliament a copy of each such report and certified statement.

Annual report

- 15 (1) ARIA must prepare a report on the exercise of its functions during each financial year.

- (2) The report relating to a financial year must be prepared as soon as practicable after the end of the financial year.
- (3) ARIA must send the report to the Secretary of State.
- (4) The Secretary of State must lay the report before Parliament.

Seal and evidence

- 16 (1) The application of ARIA’s seal must be authenticated by the signature of –
 - (a) a member of ARIA, or
 - (b) another person authorised for that purpose by ARIA.
- (2) A document purporting to be duly executed under ARIA’s seal or signed on its behalf –
 - (a) is to be received in evidence, and
 - (b) is to be taken to be executed or signed in that way, unless the contrary is shown.
- (3) But this paragraph does not apply in relation to any document which is, or is to be, signed in accordance with the law of Scotland.

Supplementary powers

- 17 (1) ARIA may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.
- (2) In particular, ARIA may –
 - (a) borrow money,
 - (b) acquire and dispose of land,
 - (c) accept gifts,
 - (d) form and participate in partnerships and joint ventures, and
 - (e) form companies.

Interpretation

- 18 (1) In this Schedule –
 - (a) references to the Government Chief Scientific Adviser include a person for the time being acting as such;
 - (b) references to members of ARIA’s staff are to persons who –
 - (i) are employees of ARIA, or
 - (ii) have been seconded to it under paragraph 8(1)(b).
- (2) The Secretary of State may by regulations provide that references in this Schedule to the Government Chief Scientific Adviser are references to the person for the time being appointed to, or acting in, another office that is specified in the regulations.
- (3) The Secretary of State may by regulations make such amendments of this Schedule (including of sub-paragraph (2)) as appear to the Secretary of State to be appropriate in consequence of the exercise of the power under sub-paragraph (2).
- (4) In this Schedule, “financial year” means –

- (a) the period beginning with the date on which ARIA is established and ending with the second 31 March following that date, and
- (b) each successive period of 12 months.

SCHEDULE 2

Section 7

TRANSFER SCHEMES

Transfer schemes

- 1 (1) The Secretary of State may make one or more property transfer schemes or staff transfer schemes.
- (2) A “property transfer scheme” is a scheme for the transfer to ARIA from a permitted transferor of any property, rights or liabilities, other than rights or liabilities under or in connection with a contract of employment.
- (3) A “staff transfer scheme” is a scheme for the transfer to ARIA from a permitted transferor of any rights or liabilities under or in connection with a contract of employment.
- (4) In this Schedule, a “permitted transferor” means the Secretary of State or United Kingdom Research and Innovation.

Supplementary

- 2 (1) The things that may be transferred under a property transfer scheme or a staff transfer scheme include—
 - (a) property, rights and liabilities that could not otherwise be transferred;
 - (b) property acquired, and rights and liabilities arising, after the making of the scheme;
 - (c) criminal liabilities.
- (2) A property transfer scheme or a staff transfer scheme may make supplementary, incidental, transitional or consequential provision and may, in particular—
 - (a) create rights, or impose liabilities, in relation to property or rights transferred;
 - (b) make provision about the continuing effect of things done by the permitted transferor in respect of anything transferred;
 - (c) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of, or in relation to, the permitted transferor in respect of anything transferred;
 - (d) make provision for references to the permitted transferor in an instrument or other document in respect of anything transferred to be treated as references to ARIA.
- (3) A property transfer scheme may make provision for the shared ownership or use of property.
- (4) A staff transfer scheme may make provision which is the same as or similar to the TUPE regulations.

Interpretation

- 3 (1) For the purposes of this Schedule –
- (a) an individual who holds employment in the civil service is to be treated as employed by virtue of a contract of employment, and
 - (b) the terms of the individual’s employment in the civil service are to be regarded as constituting the terms of the contract of employment.
- (2) In this Schedule –
- (a) “civil service” means civil service of the State;
 - (b) “TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246).

SCHEDULE 3

Section 9

CONSEQUENTIAL AMENDMENTS

Public Records Act 1958

- 1 In Part 2 of the Table in paragraph 3 of Schedule 1 to the Public Records Act 1958 (definition of public records), at the appropriate place insert –
“Advanced Research and Invention Agency.”

Parliamentary Commissioner Act 1967

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), at the appropriate place insert –
“Advanced Research and Invention Agency.”

House of Commons Disqualification Act 1975

- 3 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), at the appropriate place insert –
“The Advanced Research and Invention Agency.”

Northern Ireland Assembly Disqualification Act 1975

- 4 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified), at the appropriate place insert –
“The Advanced Research and Invention Agency.”

Income Tax (Earnings and Pensions) Act 2003

- 5 In section 61L(1) of the Income Tax (Earnings and Pensions) Act 2003 (meaning of “public authority”), after paragraph (b) insert –
“(ba) the Advanced Research and Invention Agency.”

Equality Act 2010

- 6 In Part 1 of Schedule 19 to the Equality Act 2010 (authorities subject to the

public sector equality duty), in the group of entries under the heading “Industry, business, finance etc.”, at the appropriate place insert –
“The Advanced Research and Invention Agency.”

Small Business, Enterprise and Employment Act 2015

- 7 The Small Business, Enterprise and Employment Act 2015 is amended as follows.
- 8 In section 7 (sections 4 to 6: interpretation), in subsection (2), for the definition of “public authority” substitute –
““public authority” means –
(a) a public authority within the meaning of the Freedom of Information Act 2000 (see section 3 of that Act), or
(b) the Advanced Research and Invention Agency;”.
- 9 In section 22 (sections 21 and 23 to 25: “qualifying regulatory provisions” etc), in subsection (8), for the definition of “public authority” (but not the “and” immediately after it) substitute –
““public authority” means –
(a) a public authority within the meaning of the Freedom of Information Act 2000 (see section 3 of that Act), or
(b) the Advanced Research and Invention Agency;”.
- 10 In section 27 (sections 21 to 25 etc: interpretation), in subsection (6), for the definition of “public authority” (but not the “and” immediately after it) substitute –
““public authority” means –
(a) a public authority within the meaning of the Freedom of Information Act 2000 (see section 3 of that Act), or
(b) the Advanced Research and Invention Agency;”.
- 11 In section 28 (duty to review regulatory provisions in secondary legislation), in subsection (4), for the words following ““public authority”” substitute “means –
(a) a public authority within the meaning of the Freedom of Information Act 2000 (see section 3 of that Act), or
(b) the Advanced Research and Invention Agency.”

Enterprise Act 2016

- 12 In section 13 of the Enterprise Act 2016 (definitions used in Part 1), in the definition of “public authority” –
(a) omit “or” at the end of paragraph (a);
(b) after paragraph (b) insert “, or
(c) the Advanced Research and Invention Agency.”

Data Protection Act 2018

- 13 The Data Protection Act 2018 is amended as follows.
- 14 In section 7 (meaning of “public authority” and “public body”) –
(a) in subsection (1), after paragraph (b) (but before the “and” at the end

- of that paragraph) insert –
- “(ba) the Advanced Research and Invention Agency,”;
- (b) in subsection (4), for “described in subsection (1)(a) or (b)” substitute “described or mentioned in subsection (1)(a), (b) or (ba)”.
- 15 (1) Section 21 (definitions for purposes of Chapter 3 of Part 2) is amended as follows.
- (2) In subsection (5), in the definition of “FOI public authority” –
- (a) omit “or” at the end of paragraph (a);
- (b) after paragraph (b) insert “, or
- (c) the Advanced Research and Invention Agency.”
- (3) At the end insert –
- “(8) In relation to the Advanced Research and Invention Agency –
- (a) for the purposes of subsection (6)(a) –
- (i) section 3(2) of the Freedom of Information Act 2000 is to be read as if “public authority” included that Agency, and
- (ii) section 3(2) of the Freedom of Information (Scotland) Act 2002 (asp 13) is to be read as if “authority” included that Agency, and
- (b) subsection (7) does not apply.”

Social Security Contributions (Intermediaries) Regulations

- 16 (1) In regulation 3A of the Social Security Contributions (Intermediaries) Regulations 2000 (S.I. 2000/727) (meaning of “public authority”), after paragraph (b) insert –
- “(ba) the Advanced Research and Invention Agency,”.
- (2) In regulation 3A of the Social Security Contributions (Intermediaries) (Northern Ireland) Regulations 2000 (S.I. 2000/728) (meaning of “public authority”), after paragraph (b) insert –
- “(ba) the Advanced Research and Invention Agency,”.

Public Contracts Regulations

- 17 (1) In regulation 2(1) of the Public Contracts Regulations 2015 (S.I. 2015/102), in the definition of “contracting authorities”, at the end insert “or the Advanced Research and Invention Agency”.
- (2) In regulation 2(1) of the Public Contracts (Scotland) Regulations 2015 (S.S.I. 2015/446), in the definition of a “contracting authority”, at the end insert “, but does not include the Advanced Research and Invention Agency”.

UK GDPR

- 18 (1) In Article 2 of the UK GDPR (material scope), in paragraph (5)(d), for “and (7)” substitute “to (8)”.
- (2) In sub-paragraph (1), “UK GDPR” has the same meaning as in the Data Protection Act 2018 (see sections 3(10) and 205(4) of that Act).



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