



Health and Safety Executive		Sector Information Minute	
Public Services		SIM 07/2001/33	
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Target Audience:
 All FOD Inspectors
 All HID Inspectors
 OSD Diving Inspectors
 TD 6
 NSD 1 & 3

THE PRIVATISATION OF THE DEFENCE EVALUATION AND RESEARCH AGENCY (DERA) AND THE FORMATION OF THE DEFENCE SCIENCE AND TECHNOLOGY LABORATORIES (DSTL) AND QINETIQ

This SIM advises inspectors of the partial privatisation of the Defence Evaluation and Research Agency (DERA) and the formation of the Defence Science and Technology Laboratories (DSTL) and QinetiQ, a Government-owned private company. An updated list of DSTL and QinetiQ establishments is appended. This SIM supersedes NIGM 7/B/1998/8, which should be cancelled.

BACKGROUND

1 The Defence Evaluation and Research Agency (DERA) was an Agency of the Ministry of Defence (MOD) which undertook research and evaluation activities at a number of sites throughout the UK. Information on DERA, its organisation and activities was contained in NIGM 7/B/1998/8. DERA is also referred to in NIGM 7/B/1998/12, which should now be read in conjunction with this SIM.

2 As part of a Strategic Defence Review the MOD had been considering options for DERA and the possibility of a public private partnership (PPP). As a consequence of these considerations, DERA was split into 2 new organisations: Defence Science and Technology Laboratories (DSTL); and QinetiQ Ltd. This split came into effect on 2 July 2001 and thereafter DERA ceased to exist. DSTL remains within the MOD as an Agency, whilst QinetiQ Ltd became a Government -owned limited company without Crown privilege or immunity. Lead PI for DSTL remains the Defence Fire and Police Unit (DFP Unit), and the Services Group in Basingstoke (FMU24) becomes Lead PI for QinetiQ, as their operational headquarters is in Farnborough, Hampshire.

3 Prior to privatisation, QinetiQ had been seeking all the necessary authorisations,

licences and certifications required of a company without the benefit of Crown privilege. Many of these were in place by 2 July 2001, but others, such as explosive licences, were not. HSE's Chief Inspector of Explosives has therefore issued a certificate of exemption to allow the operation of sites by QinetiQ, pending the issue of explosive licences in due course. In the interim, QinetiQ will continue to work to the safe systems of work which were in place in DERA and remain under the MOD's own regime of explosive licensing and control.

INSPECTION

4 Inspection of DSTL, as an Agency of MOD, will be covered by the MODHSE General Agreement (NIGM 7/B/1998/14 currently refers). QinetiQ, as a private company, is not subject to the General Agreement and normal inspection practice should be adopted when visiting their sites. In line with normal Lead PI procedures, any proposed enforcement action should be brought to the attention of the respective Lead PIs and Client records should not be changed without their permission. Lead PI for QinetiQ is the B2 FMU24 Basingstoke. The DFP Unit, also in Basingstoke, is lead PI for DSTL as it is an MOD Agency.

5 Both DSTL and QinetiQ have national health and safety advisors:

Mr C Shimmell, Chief Health, Safety and Environment Advisor, QinetiQ
Cody Building, Room GO 32,
Cody Technology Park
Iverly Road
Farnborough
Hampshire, GU14 0LX
Tel: 01252 396739

Mr P Brooke, Head of Divisional Management,
Building 352, Room 22
DSTL
Porton Down
Wiltshire, SP4 0JQ
Tel: 01980 613782

6 With regard to the allocation of DSTL and QinetiQ premises to enforcing authorities, DSTL sites will be allocated to HSE as they are still part of the Crown. Sites occupied by QinetiQ will need to be allocated in accordance with their main activity and the Health and Safety (Enforcing Authority) Regulations 1998 Schedule 1. In consultation with FOD's Crown, Local Government, Education and Research Unit (CLGER Unit), it has been acknowledged that the main activity at most of QinetiQ's sites could be classed as research, a non-Schedule 1 activity, and hence they would be allocated to HSE. However, the term 'research' is not defined and some sites could be allocated to local authorities, where their main activity is classed as 'Office Activities'. This may need to be determined on a case-by-case basis, but QinetiQ has accepted that the main activity of a small number of sites clearly is 'Office Activities'. These sites are primarily their corporate offices in London, and offices in Bristol and Aberdeen. The sites which are likely to be allocated to HSE are noted at the [Appendix](#).

7 Many ex-DERA ranges, whilst still likely to be owned by the MoD to avoid the application of certain environmental legislation, will be operated by QinetiQ. The main activities on such ranges will be research and trials work, neither of which are Schedule 1 activities. As such, they will be allocated to HSE.

8 The [Appendix](#) lists the sites which will be under the control of DSTL, and those under QinetiQ's control. DSTL staff will also be encountered on a number of QinetiQ's sites, working either within defined enclaves or integrated with QinetiQ staff. It is probable that QinetiQ will operate some of their sites under licence from the MOD, although the sites themselves will remain in MOD ownership, eg ranges, trials sites and airfields. Inspectors will therefore need to consider landlord's duties owed under the HSW Act ss.3 and 4 when looking at site based issues. This will be particularly important when enforcement action is being considered.

9 Queries on the allocation of QinetiQ sites should be addressed to local enforcement liaison officers and the Lead PI, band 2 FMU24 Basingstoke. Queries in relation to 'research' as an activity should be addressed to the CLGER Unit, Chelmsford.

FOCUS

10 New client records have been set up for DSTL (CI 020344940) and QinetiQ (CI 060217101). On visiting sites, inspectors should update records using these new client records, bearing in mind that both organisations may have staff on the same site and so 2 incumbents may need to be created. DERA incumbents should be closed. Since DERA is a national Client (CI 020217114), it should not be merged with the new DSTL or QinetiQ Clients on a local basis.

SECURITY

11 DSTL and QinetiQ will both continue to undertake work for the MOD and other government departments. Some of this work will have national security implications and be subject to the Official Secrets Act. Inspectors dealing with such work should ensure that they have sufficient security clearance and work in accordance with the Manual of Security in Government Departments. Advice on security matters can be sought from HSE's Departmental Security Manager in Personnel Policy Division A.

CANCELLATION OF INSTRUCTIONS

12 NIGM 7/B/1998/8 - **cancel** and **destroy**.

Date first issued: 5 November 2001



APPENDIX
(paras 6 and 8)

MAIN DSTL AND QINETIQ SITES

The list below covers the main operating locations for the new organisations. In addition, the organisations operate numerous minor sites around the country, some of which are normally only activated for specific trials.

DSTL OPERATED SITES

Home Counties Division

Porton Down, Portsdown West, Winfrith

London and South East Division

Fort Halstead

QINETIQ OPERATED SITES.

Wales and West Division

Aberporth *, Defford, Llanbedr *, Malvern, Pendine *^c, Pershore

Home Counties Division

Alverstoke, Bedford, Bingleaves, Boscombe Down *^c, Christchurch, Farnborough/Pyestock (DSTL enclave), Fraser Range, Haslar, Hurn & Barnsfield, Larkhill *, Portsdown (Land Based Test Site), Shoeburyness *^c, Winfrith

London and South East Division

Aquila, Chertsey, Cobbett Hill, Funtington

North West Division

Eskmeals *^c

Scotland

Bishopton *, Burntisland *, BUTEC *, Kirkcudbright *, Loch Goil *, Rosneath *, Rosyth *, West Freugh *

* Sites may remain in MOD ownership.

^c COMAH sites.