



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);

Status: This is the original version (as it was originally enacted).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

- (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.

Status: This is the original version (as it was originally enacted).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

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;

Status: This is the original version (as it was originally enacted).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

- (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.

Status: This is the original version (as it was originally enacted).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

(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.