EXPLANATORY MEMORANDUM TO

THE NATURAL HISTORY MUSEUM (AUTHORISED REPOSITORIES) ORDER 2011

2011 No. 1682

1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 The instrument alters the definition of two of the authorised repositories of the Natural History Museum (the "Museum") as set out in the British Museum Act 1963 (the "Act") as follows:

(i) the description of the site in Tring lying to the east of Akeman Street and to the north of Park Street (paragraph 2 of Part 2 of Schedule 3 to the Act) will be altered to exclude those parts of the site known as the Boiler Room and Roof Plant Area. See paragraph 2(1) of the instrument; and

(ii) the description of the site in Wandsworth known as 75 Kimber Road, London SW18 4NX (paragraph 4 of Part 2 of Schedule 3 to the Act) will be altered to exclude those parts of the site known as the Boiler Room, Plant Area and the Chiller Compound Area. The current description of the site in paragraph 4 of Part 2 of Schedule 3 to the Act already excludes the site known as 249 to 251 Merton Road, London SW18 5EB; this exclusion will not be altered but is restated by the instrument. See paragraph 2(2) of the instrument.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The Act establishes the powers and duties of the Trustees of the Museum (the "Trustees"). Section 10(3) of the Act prevents the Trustees from selling or otherwise disposing of a building or site vested in them, being an authorised repository or the site of an authorised repository. The authorised repositories of the Museum are defined by section 10(1) of the Act and Part 2 of Schedule 3 to the Act.

4.2 Section 10(2) of the Act allows the Secretary of State to alter the description of a site, with the agreement of the Trustees. The instrument is being made to

alter the description of two of the Museum's authorised repositories described in Part 2 of Schedule 3 to the Act.

5. Extent

5.1 This instrument extends to all of the United Kingdom but is only of practical application to England.

6. European Convention on Human Rights

6.1 Ed Vaizey, Minsiter for Culture, has made the following statement regarding Human Rights:

In my view the provisions of the Natural History Museum (Authorised Repositories) Order 2011 are compatible with the Convention rights.

7. Policy background

7.1 The Museum is seeking to enter into a 15 year energy services contract with an energy supplier. The contract requires the supplier to provide certain energy services which, to be able to do so, will require installation by the supplier of plant and equipment at several of the Museum's sites and it also requires the granting of two leases to the supplier: (i) a 15 year lease at the site in Tring (to the east of Akeman Street and north of Park Street) relating only to those parts of the site known as the "Boiler Room" and the "Roof Plant Area"; and (ii) a 15 year lease at the site in Wandsworth (known as 75 Kimber Road, London SW18 4NX) relating only to those parts of the site known as the "Boiler Room", the "Plant Area" and the "Chiller Compound Area".

7.2 The scope of works which will require an amendment to the description of the Museum's authorised repositories to enable to the Museum to enter into the two leases is as follows:

Combined heat and power project: the Museum wishes to reduce the energy running costs of the Tring and Wandsworth sites and it selected a combined heat and power project (CHP) funded by a public/private partnership (PPP) to deliver reduced CO2 emissions and improved carbon reduction, whilst transferring the risks to a third party. Under the proposed arrangement, the supplier will provide and operate a CHP generator system, replace existing boilers, making necessary changes to infrastructure, and also take on responsibility for the maintenance of the equipment.

Chiller replacement: the existing chiller units at the Wandsworth and Tring sites are due to be replaced with 3 number new air cooled chillers funded by a PPP, to be located on the existing roof areas.

Boiler replacement: the boilers at both Tring and Wandsworth site are to be replaced because the existing boilers are approaching the end of their useful lives.

Variable speed drives: the replacement of the existing pump motors for the boilers with Variable Speed Drive (VSD) motors is included. The supplier will

be responsible for assessing the existing boiler circuit design and determine the viability of the VSD's from an economic and feasibility standpoint before commencing with the works.

Each of these works relates to the sites described in paragraphs 2 and 4 of Part 2 of Schedule 3 to the Act. The plans which illustrate the areas to be excluded and which correspond to the descriptions in the instrument can be provided.

7.3 The consent of the Secretary of State is separately required to amend Part 2 of Schedule 3 to the Act. Consent was given by Ed Vaizey, Minister for Culture, on 7 July 2011.

8. Consultation outcome

8.1 Consultation not considered necessary. The instrument is required to be made with the consent of the Trustees.

9. Guidance

9.1 Guidance not considered necessary.

10. Impact

10.1 There will be no impact on business, charities or voluntary bodies.

10.2 There will be no impact on the public sector.

10.3 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Monitoring and review not applicable. If either or both of the leases expires or terminates the description of the relevant sites in Part 2 of Schedule 3 to the Act will reviewed and amended as required.

13. Contact

13.1 Saima Mirza at the Department for Culture, Media and Sport, Tel: 020 7211 6176 or e-mail: saima.mirza@culture.gsi.gov.uk can answer any queries regarding the instrument.