



# Anti-terrorism, Crime and Security Act 2001

## 2001 CHAPTER 24

### PART 6

#### WEAPONS OF MASS DESTRUCTION

##### *Nuclear weapons*

#### **47 Use etc. of nuclear weapons**

- (1) A person who—
- (a) knowingly causes a nuclear weapon explosion;
  - (b) develops or produces, or participates in the development or production of, a nuclear weapon;
  - (c) has a nuclear weapon in his possession;
  - (d) participates in the transfer of a nuclear weapon; or
  - (e) engages in military preparations, or in preparations of a military nature, intending to use, or threaten to use, a nuclear weapon,
- is guilty of an offence.
- (2) Subsection (1) has effect subject to the exceptions and defences in sections 48 and 49.
- (3) For the purposes of subsection (1)(b) a person participates in the development or production of a nuclear weapon if he does any act which—
- (a) facilitates the development by another of the capability to produce or use a nuclear weapon, or
  - (b) facilitates the making by another of a nuclear weapon,
- knowing or having reason to believe that his act has (or will have) that effect.
- (4) For the purposes of subsection (1)(d) a person participates in the transfer of a nuclear weapon if—

- (a) he buys or otherwise acquires it or agrees with another to do so;
  - (b) he sells or otherwise disposes of it or agrees with another to do so; or
  - (c) he makes arrangements under which another person either acquires or disposes of it or agrees with a third person to do so.
- (5) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for life.
- (6) In this section “nuclear weapon” includes a nuclear explosive device that is not intended for use as a weapon.
- (7) This section applies to acts done outside the United Kingdom, but only if they are done by a United Kingdom person.
- (8) Nothing in subsection (7) affects any criminal liability arising otherwise than under that subsection.
- (9) Paragraph (a) of subsection (1) shall cease to have effect on the coming into force of the Nuclear Explosions (Prohibition and Inspections) Act 1998 (c. 7).

#### **48 Exceptions**

- (1) Nothing in section 47 applies—
- (a) to an act which is authorised under subsection (2); or
  - (b) to an act done in the course of an armed conflict.
- (2) The Secretary of State may—
- (a) authorise any act which would otherwise contravene section 47 in such manner and on such terms as he thinks fit; and
  - (b) withdraw or vary any authorisation given under this subsection.
- (3) Any question arising in proceedings for an offence under section 47 as to whether anything was done in the course of an armed conflict shall be determined by the Secretary of State.
- (4) A certificate purporting to set out any such determination and to be signed by the Secretary of State shall be received in evidence in any such proceedings and shall be presumed to be so signed unless the contrary is shown.

#### **49 Defences**

- (1) In proceedings for an offence under section 47(1)(c) or (d) relating to an object it is a defence for the accused to show that he did not know and had no reason to believe that the object was a nuclear weapon.
- (2) But he shall be taken to have shown that fact if—
- (a) sufficient evidence is adduced to raise an issue with respect to it; and
  - (b) the contrary is not proved by the prosecution beyond reasonable doubt.
- (3) In proceedings for such an offence it is also a defence for the accused to show that he knew or believed that the object was a nuclear weapon but, as soon as reasonably practicable after he first knew or believed that fact, he took all reasonable steps to inform the Secretary of State or a constable of his knowledge or belief.