



# Terrorism Act 2006

## 2006 CHAPTER 11

### PART 1

#### OFFENCES

##### *Offences involving radioactive devices and materials and nuclear facilities and sites*

#### **9 Making and possession of devices or materials**

- (1) A person commits an offence if—
  - (a) he makes or has in his possession a radioactive device, or
  - (b) he has in his possession radioactive material,with the intention of using the device or material in the course of or in connection with the commission or preparation of an act of terrorism or for the purposes of terrorism, or of making it available to be so used.
- (2) It is irrelevant for the purposes of subsection (1) whether the act of terrorism to which an intention relates is a particular act of terrorism, an act of terrorism of a particular description or an act of terrorism generally.
- (3) A person guilty of an offence under this section shall be liable, on conviction on indictment, to imprisonment for life.
- (4) In this section—
  - “radioactive device” means—
    - (a) a nuclear weapon or other nuclear explosive device;
    - (b) a radioactive material dispersal device;
    - (c) a radiation-emitting device;
  - “radioactive material” means nuclear material or any other radioactive substance which—
    - (a) contains nuclides that undergo spontaneous disintegration in a process accompanied by the emission of one or more types of ionising radiation,

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such as alpha radiation, beta radiation, neutron particles or gamma rays;  
and

- (b) is capable, owing to its radiological or fissile properties, of—
- (i) causing serious bodily injury to a person;
  - (ii) causing serious damage to property;
  - (iii) endangering a person's life; or
  - (iv) creating a serious risk to the health or safety of the public.

(5) In subsection (4)—

“device” includes any of the following, whether or not fixed to land, namely, machinery, equipment, appliances, tanks, containers, pipes and conduits;

“nuclear material” has the same meaning as in the Nuclear Material (Offences) Act 1983 (c. 18) (see section 6 of that Act).

#### Commencement Information

**II** S. 9 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

## 10 Misuse of devices or material and misuse and damage of facilities

(1) A person commits an offence if he uses—

- (a) a radioactive device, or
- (b) radioactive material,

in the course of or in connection with the commission of an act of terrorism or for the purposes of terrorism.

(2) A person commits an offence if, in the course of or in connection with the commission of an act of terrorism or for the purposes of terrorism, he uses or damages a nuclear facility in a manner which—

- (a) causes a release of radioactive material; or
- (b) creates or increases a risk that such material will be released.

(3) A person guilty of an offence under this section shall be liable, on conviction on indictment, to imprisonment for life.

(4) In this section—

“nuclear facility” means—

- (a) a nuclear reactor, including a reactor installed in or on any transportation device for use as an energy source in order to propel it or for any other purpose; or
- (b) a plant or conveyance being used for the production, storage, processing or transport of radioactive material;

“radioactive device” and “radioactive material” have the same meanings as in section 9.

(5) In subsection (4)—

“nuclear reactor” has the same meaning as in the Nuclear Installations Act 1965 (c. 57) (see section 26 of that Act);

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“transportation device” means any vehicle or any space object (within the meaning of the Outer Space Act 1986 (c. 38)).

#### Commencement Information

**I2** S. 10 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

## 11 Terrorist threats relating to devices, materials or facilities

- (1) A person commits an offence if, in the course of or in connection with the commission of an act of terrorism or for the purposes of terrorism—
- (a) he makes a demand—
    - (i) for the supply to himself or to another of a radioactive device or of radioactive material;
    - (ii) for a nuclear facility to be made available to himself or to another; or
    - (iii) for access to such a facility to be given to himself or to another;
  - (b) he supports the demand with a threat that he or another will take action if the demand is not met; and
  - (c) the circumstances and manner of the threat are such that it is reasonable for the person to whom it is made to assume that there is real risk that the threat will be carried out if the demand is not met.
- (2) A person also commits an offence if—
- (a) he makes a threat falling within subsection (3) in the course of or in connection with the commission of an act of terrorism or for the purposes of terrorism; and
  - (b) the circumstances and manner of the threat are such that it is reasonable for the person to whom it is made to assume that there is real risk that the threat will be carried out, or would be carried out if demands made in association with the threat are not met.
- (3) A threat falls within this subsection if it is—
- (a) a threat to use radioactive material;
  - (b) a threat to use a radioactive device; or
  - (c) a threat to use or damage a nuclear facility in a manner that releases radioactive material or creates or increases a risk that such material will be released.
- (4) A person guilty of an offence under this section shall be liable, on conviction on indictment, to imprisonment for life.
- (5) In this section—
- “nuclear facility” has the same meaning as in section 10;
  - “radioactive device” and “radioactive material” have the same meanings as in section 9.

#### Commencement Information

**I3** S. 11 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

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## [<sup>F1</sup>11A Forfeiture of devices, materials or facilities

- (1) A court by or before which a person is convicted of an offence under section 9 or 10 may order the forfeiture of any radioactive device or radioactive material, or any nuclear facility, made or used in committing the offence.
- (2) A court by or before which a person is convicted of an offence under section 11 may order the forfeiture of any radioactive device or radioactive material, or any nuclear facility, which is the subject of—
  - (a) a demand under subsection (1) of that section, or
  - (b) a threat falling within subsection (3) of that section.
- (3) Before making an order under this section, a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner or otherwise interested in anything which can be forfeited under this section.
- (4) An order under this section does not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time).
- (5) Where a court makes an order under this section, it may also make such other provision as appears to it to be necessary for giving effect to the forfeiture, including, in particular, provision relating to the retention, handling, disposal or destruction of what is forfeited.
- (6) Provision made by virtue of subsection (5) may be varied at any time by the court that made it.
- (7) The power of forfeiture under this section is in addition to any power of forfeiture under section 23A of the Terrorism Act 2000.]

### Textual Amendments

- F1** S. 11A inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 38(3), 100(5) (with s. 101(2)); S.I. 2009/1256, art. 2(c)

## 12 Trespassing etc. on nuclear sites

- (1) The Serious Organised Crime and Police Act 2005 (c. 15) is amended as follows.
- (2) In sections 128(1), (4) and (7) and 129(1), (4) and (6) (trespassing etc. on a designated site in England and Wales or Northern Ireland or in Scotland), for “designated”, wherever occurring, substitute “protected”.
- (3) After section 128(1) (sites in England and Wales and Northern Ireland) insert—
  - “(1A) In this section ‘protected site’ means—
    - (a) a nuclear site; or
    - (b) a designated site.
  - (1B) In this section ‘nuclear site’ means—
    - (a) so much of any premises in respect of which a nuclear site licence (within the meaning of the Nuclear Installations Act 1965) is for the time being in force as lies within the outer perimeter of the protection provided for those premises; and

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- (b) so much of any other premises of which premises falling within paragraph (a) form a part as lies within that outer perimeter.

(1C) For this purpose—

- (a) the outer perimeter of the protection provided for any premises is the line of the outermost fences, walls or other obstacles provided or relied on for protecting those premises from intruders; and
- (b) that line shall be determined on the assumption that every gate, door or other barrier across a way through a fence, wall or other obstacle is closed.”

(4) After section 129(1) (sites in Scotland) insert—

“(1A) In this section ‘protected Scottish site’ means—

- (a) a nuclear site in Scotland; or
- (b) a designated Scottish site.

(1B) In this section ‘nuclear site’ means—

- (a) so much of any premises in respect of which a nuclear site licence (within the meaning of the Nuclear Installations Act 1965) is for the time being in force as lies within the outer perimeter of the protection provided for those premises; and
- (b) so much of any other premises of which premises falling within paragraph (a) form a part as lies within that outer perimeter.

(1C) For this purpose—

- (a) the outer perimeter of the protection provided for any premises is the line of the outermost fences, walls or other obstacles provided or relied on for protecting those premises from intruders; and
- (b) that line shall be determined on the assumption that every gate, door or other barrier across a way through a fence, wall or other obstacle is closed.”

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**Commencement Information**

**I4** S. 12 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

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