

SCHEDULES

SCHEDULE 17

OFFENCES RELATING TO NUCLEAR MATERIAL AND NUCLEAR FACILITIES

PART 1

AMENDMENTS OF NUCLEAR MATERIAL (OFFENCES) ACT 1983

4 For section 2 substitute—

“2 Offences involving preparatory acts and threats

- (1) If a person, whatever his nationality, in the United Kingdom or elsewhere contravenes subsection (2), (3), (4) or (7) he shall be guilty of an offence.
- (2) A person contravenes this subsection if without lawful authority—
 - (a) he receives, holds or deals with nuclear material, and
 - (b) he does so either—
 - (i) intending to cause, or for the purpose of enabling another to cause, relevant injury or damage by means of that material, or
 - (ii) being reckless as to whether, as a result of his so receiving, holding or dealing with that material, relevant injury or damage would be caused by means of that material.
- (3) A person contravenes this subsection if without lawful authority—
 - (a) he does an act directed at a nuclear facility, or which interferes with the operation of such a facility, and
 - (b) he does so either—
 - (i) intending to cause, or for the purpose of enabling another to cause, relevant injury or damage by means of the emission of ionising radiation or the release of radioactive material, or
 - (ii) being reckless as to whether, as a result of his act, relevant injury or damage would be caused by means of such an emission or release.
- (4) A person contravenes this subsection if he—
 - (a) makes a threat of a kind falling within subsection (5), and
 - (b) intends that the person to whom the threat is made shall fear that it will be carried out.
- (5) A threat falls within this subsection if it is a threat that the person making it or any other person will cause any of the consequences set out in subsection (6) either—

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- (a) by means of nuclear material, or
 - (b) by means of the emission of ionising radiation or the release of radioactive material resulting from an act which is directed at a nuclear facility, or which interferes with the operation of such a facility.
- (6) The consequences mentioned in subsection (5) are—
- (a) relevant injury or damage, or
 - (b) damage to the environment.
- (7) A person contravenes this subsection if, in order to compel a State, international organisation or person to do, or abstain from doing, any act, he threatens that he or any other person will obtain nuclear material by an act which, whether by virtue of section 1(1) above or otherwise, is an offence mentioned in section 1(1)(c) above.
- (8) A person guilty of an offence under this section shall be liable, on conviction on indictment, to imprisonment for life.
- (9) In this section references to relevant injury or damage are references to death or to injury or damage of a type which constitutes an element of any offence mentioned in section 1(1)(a) or (b) above.

2A Inchoate and secondary offences: extended jurisdiction

- (1) If a person, whatever his nationality—
- (a) does an act outside the United Kingdom, and
 - (b) his act, if done in any part of the United Kingdom, would constitute an offence falling within subsection (2),
- he shall be guilty in that part of the United Kingdom of the offence.
- (2) The offences are—
- (a) attempting to commit a nuclear offence;
 - (b) conspiring to commit a nuclear offence;
 - (c) inciting the commission of a nuclear offence;
 - (d) aiding, abetting, counselling or procuring the commission of a nuclear offence.
- (3) In subsection (2) a “nuclear offence” means any of the following (wherever committed)—
- (a) an offence mentioned in section 1(1)(a) to (d) above (other than a blackmail offence), the commission of which is (or would have been) in relation to or by means of nuclear material;
 - (b) an offence mentioned in section 1(1)(a) or (b) above, the commission of which involves (or would have involved) an act—
 - (i) directed at a nuclear facility, or which interferes with the operation of such a facility, and
 - (ii) which causes death, injury or damage resulting from the emission of ionising radiation or the release of radioactive material;
 - (c) an offence under section 1B, 1C or 2(1) and (2) or (3) above;

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- (d) an offence under section 50(2) or (3), 68(2) or 170(1) or (2) of the Customs and Excise Management Act 1979 the commission of which is (or would have been) in connection with a prohibition or restriction relating to the exportation, shipment as stores or importation of nuclear material;
 - (e) for the purposes of subsection (2)(b) to (d)—
 - (i) a blackmail offence, the commission of which is in relation to or by means of nuclear material;
 - (ii) an offence under section 2(1) and (4) or (7) above;
 - (iii) an offence of attempting to commit an offence mentioned in paragraphs (a) to (d).
- (4) In subsection (3) “a blackmail offence” means—
- (a) an offence under section 21 of the Theft Act 1968,
 - (b) an offence under section 20 of the Theft Act (Northern Ireland) 1969, or
 - (c) an offence of extortion.
- (5) In subsection (2)(c) the reference to incitement is—
- (a) a reference to incitement under the law of Scotland, or
 - (b) in relation to any time before the coming into force of Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to England and Wales or Northern Ireland, a reference to incitement under the common law of England and Wales or (as the case may be) of Northern Ireland.”