
Changes to legislation: Criminal Justice and Immigration Act 2008, Paragraph 6 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULES

SCHEDULE 17

OFFENCES RELATING TO NUCLEAR MATERIAL AND NUCLEAR FACILITIES

PART 1

AMENDMENTS OF NUCLEAR MATERIAL (OFFENCES) ACT 1983

- 6 (1) Section 6 (material to which the Act applies) is amended as follows.
- (2) Before subsection (1) insert—
- “(A1) This section applies for the purposes of this Act.”
- (3) In subsection (1), omit “in this Act”.
- (4) After subsection (1) insert—
- “(1A) “A nuclear facility” means a facility (including associated buildings and equipment) used for peaceful purposes in which nuclear material is produced, processed, used, handled, stored or disposed of.
- (1B) For the purposes of subsections (1) and (1A)—
- (a) nuclear material is not used for peaceful purposes if it is used or retained for military purposes, and
- (b) a facility is not used for peaceful purposes if it contains any nuclear material which is used or retained for military purposes.”
- (5) In subsection (2) (question whether or not nuclear material used for peaceful purposes to be determined conclusively by certificate of Secretary of State to that effect) after “material” insert “ or facility ”.
- (6) For subsection (5) substitute—
- “(5) “Act” includes omission.
- (6) “The Convention” means the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities (formerly the Convention on the Physical Protection of Nuclear Material and renamed by virtue of the Amendment adopted at Vienna on 8th July 2005).
- (7) “The environment” includes land, air and water and living organisms supported by any of those media.
- (8) “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

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ionising radiation, 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 bodily injury to a person,
 - (ii) causing damage or destruction to property,
 - (iii) endangering a person's life, or
 - (iv) causing damage to the environment.”

(7) For the sidenote, substitute “ Interpretation ”.

Commencement Information

II Sch. 17 para. 6 in force at 30.11.2009 by S.I. 2009/3074, art. 2(q)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)