



# Nuclear Explosions (Prohibition and Inspections) Act 1998

## 1998 CHAPTER 7

### *Nuclear explosions*

#### **1 Causing a nuclear explosion**

- (1) Any person who knowingly causes a nuclear weapon test explosion or any other nuclear explosion is guilty of an offence and liable on conviction on indictment to imprisonment for life.
- (2) Nothing in subsection (1) shall apply to a nuclear weapon explosion carried out in the course of an armed conflict.
- (3) If in proceedings for an offence under this section any question arises as to whether a nuclear weapon explosion was or was not carried out in the course of an armed conflict, that question shall be determined by the Secretary of State; and a certificate purporting to set out any such determination and to be signed by the Secretary of State shall be received in evidence and be deemed to be so signed without further proof, unless the contrary is shown.

#### **2 Application of section 1**

- (1) Section 1 shall apply to acts done in the United Kingdom or elsewhere.
- (2) So far as it applies to acts done outside the United Kingdom, section 1 applies to—
  - (a) United Kingdom nationals,
  - (b) Scottish partnerships, and
  - (c) bodies incorporated under the law of any part of the United Kingdom.
- (3) For the purposes of subsection (2), a United Kingdom national is an individual who is—
  - (a) a British citizen, a British Dependent Territories citizen, a British National (Overseas) or a British Overseas citizen,

- (b) a person who under the British Nationality Act 1981 is a British subject, or
  - (c) a British protected person within the meaning of that Act.
- (4) Her Majesty may by Order in Council extend the application of section 1, so far as it applies to acts done outside the United Kingdom, to bodies incorporated under the law of any of the Channel Islands, the Isle of Man or any colony.
- (5) Proceedings for an offence committed under section 1 outside the United Kingdom may be taken, and the offence may for incidental purposes be treated as having been committed, in any place in the United Kingdom.

### **3 Provision supplementary to section 1**

- (1) Proceedings for an offence under section 1 shall not be instituted—
- (a) in England and Wales, except by or with the consent of the Attorney General;
  - (b) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland.
- (2) The court by or before which a person is convicted of an offence under section 1 may order that anything shown to the court's satisfaction to relate to the offence shall be forfeited, and either destroyed or otherwise dealt with in such manner as the court may order.
- (3) In particular, the court may order the thing to be dealt with as the Secretary of State may see fit; and in such a case the Secretary of State may direct that it be destroyed or otherwise dealt with.
- (4) Where—
- (a) the court proposes to order anything to be forfeited under this section, and
  - (b) a person claiming to have an interest in it applies to be heard by the court,
- the court must not order it to be forfeited unless he has been given an opportunity to show cause why the order should not be made.