



# Anti-terrorism, Crime and Security Act 2001

## 2001 CHAPTER 24

### PART 8

#### SECURITY OF NUCLEAR INDUSTRY

#### 76 Atomic Energy Authority special constables

- (1) Section 3 of the Special Constables Act 1923 (c. 11) shall have effect as if all nuclear sites that are not for the time being designated under subsection (2) were premises under the control of the United Kingdom Atomic Energy Authority.
- (2) The Secretary of State may by order made by statutory instrument designate any nuclear sites which appear to him to be used wholly or mainly for defence purposes as premises to which subsection (1) does not apply.
- (3) An AEA constable shall have the powers and privileges (and be liable to the duties and responsibilities) of a constable anywhere within 5 kilometres of the limits of the nuclear sites to which subsection (1) applies.
- (4) An AEA constable shall have the powers and privileges (and be liable to the duties and responsibilities) of a constable anywhere it appears to him expedient to go—
  - (a) in order to safeguard any nuclear material which is being carried (or being trans-shipped or stored incidentally to its carriage) before its delivery at its final destination; or
  - (b) in order to pursue, arrest, place in the custody of the police, or take to any premises within which the constable was appointed to act, a person who the constable reasonably believes has (or has attempted to) unlawfully remove or interfere with any nuclear material being safeguarded by the constable.
- (5) An AEA constable shall have the powers and privileges (and be liable to the duties and responsibilities) of a constable at any place at which he reasonably believes a particular consignment of nuclear material will be trans-shipped or stored incidentally

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to its carriage, in order to ensure the security of the nuclear material on its arrival at that place.

- (6) This section has effect in United Kingdom waters adjacent to Great Britain as it applies in Great Britain.
- (7) In this section—
- “AEA constable” means a person appointed on the nomination of the United Kingdom Atomic Energy Authority to be a special constable under section 3 of the Special Constables Act 1923;
- “nuclear material” means—
- (a) any fissile material in the form of uranium metal, alloy or chemical compound, or of plutonium metal, alloy or chemical compound; or
- (b) any other fissile material which may be prescribed by regulations made by the Secretary of State;
- “nuclear site” means premises in respect of which a nuclear site licence (within the meaning of the Nuclear Installations Act 1965 (c. 57)) is for the time being in force; and
- “United Kingdom waters” means waters within the seaward limits of the territorial sea.
- (8) An order under subsection (2) shall be laid before Parliament after being made.
- (9) The power to make regulations under subsection (7) is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

## **77 Regulation of security of civil nuclear industry**

- (1) The Secretary of State may make regulations for the purpose of ensuring the security of—
- (a) nuclear sites and other nuclear premises;
- (b) nuclear material used or stored on nuclear sites or other nuclear premises and equipment or software used or stored on such sites or premises in connection with activities involving nuclear material;
- (c) other radioactive material used or stored on nuclear sites and equipment or software used or stored on nuclear sites in connection with activities involving other radioactive material;
- (d) sensitive nuclear information which is in the possession or control of anyone who is (or is expected to be) involved in activities on, or in relation to, any nuclear site or other nuclear premises;
- (e) nuclear material which is being (or is expected to be)—
- (i) transported within the United Kingdom or its territorial sea;
- (ii) transported (outside the United Kingdom and its territorial sea) to or from any nuclear site or other nuclear premises in the United Kingdom; or
- (iii) carried on board a United Kingdom ship;
- (f) information relating to the security of anything mentioned in paragraphs (a) to (e).
- (2) The regulations may, in particular—

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- (a) require a person to produce for the approval of the Secretary of State a plan for ensuring the security of anything mentioned in subsection (1) and to comply with the plan as approved by the Secretary of State;
  - (b) require compliance with any directions given by the Secretary of State;
  - (c) impose requirements in relation to any activities by reference to the approval of the Secretary of State;
  - (d) create summary offences or offences triable either way;
  - (e) make provision for the purposes mentioned in subsection (1) corresponding to any provision which may be made for the general purposes of Part 1 of the Health and Safety at Work etc. Act 1974 (c. 37) by virtue of section 15(2), (3) (c) and (4) to (8) of that Act (health and safety regulations);
  - (f) make provision corresponding to any provision which may be made by virtue of section 43(2) to (5), (8) and (9) of that Act (fees), in connection with the performance by or on behalf of the Secretary of State or any other specified body or person of functions under the regulations; and
  - (g) apply (with or without modifications), or make provision corresponding to, any provision contained in sections 19 to 42 and 44 to 47 of that Act.
- (3) An offence under the regulations may be made punishable—
- (a) in the case of an offence triable either way—
    - (i) on conviction on indictment, with imprisonment for a term not exceeding two years or a fine (or both); and
    - (ii) on summary conviction, with imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both);or
  - (b) in the case of a summary offence, with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale (or both).
- (4) The regulations may make—
- (a) provision applying to acts done outside the United Kingdom by United Kingdom persons;
  - (b) different provision for different purposes; and
  - (c) such incidental, supplementary and transitional provision as the Secretary of State considers appropriate.
- (5) Before making the regulations the Secretary of State shall consult—
- (a) the Health and Safety Commission; and
  - (b) such other persons as he considers appropriate.
- (6) The power to make the regulations is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section—
- “nuclear material” and “nuclear site” have the same meaning as in section 76;
  - “other nuclear premises” means premises other than a nuclear site on which nuclear material is used or stored;
  - “sensitive nuclear information” means—
    - (a) information relating to, or capable of use in connection with, any treatment of uranium that increases the proportion of the isotope 235 contained in the uranium; or

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(b) information relating to activities carried out on or in relation to nuclear sites or other nuclear premises which appears to the Secretary of State to be information which needs to be protected in the interests of national security;

“United Kingdom ship” means a ship registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995 (c. 21)

(8) Any sums received by virtue of provision made under subsection (2)(f) shall be paid into the Consolidated Fund.

## **78 Repeals relating to security of civil nuclear installations**

(1) In Schedule 1 to the Nuclear Installations Act 1965 (c. 57) (security provisions applicable by order under section 2 of that Act), paragraphs 5 and 6 shall cease to have effect.

(2) In section 19(1) of the Atomic Energy Authority Act 1971 (c. 11) (application of certain security provisions to designated companies), for “Paragraphs 4 to 6” and “they apply” substitute respectively “ Paragraph 4 ” and “ it applies ”.

## **79 Prohibition of disclosures relating to nuclear security**

(1) A person is guilty of an offence if he discloses any information or thing the disclosure of which might prejudice the security of any nuclear site or of any nuclear material—

- (a) with the intention of prejudicing that security; or
- (b) being reckless as to whether the disclosure might prejudice that security.

(2) The reference in subsection (1) to nuclear material is a reference to—

- (a) nuclear material which is being held on any nuclear site, or
- (b) nuclear material anywhere in the world which is being transported to or from a nuclear site or carried on board a British ship,

(including nuclear material which is expected to be so held, transported or carried).

(3) A person guilty of an offence under subsection (1) is liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding seven years or a fine (or both); and
- (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both).

(4) In this section—

“British ship” means a ship (including a ship belonging to Her Majesty) which is registered in the United Kingdom;

“disclose” and “disclosure”, in relation to a thing, include parting with possession of it;

“nuclear material” has the same meaning as in section 76; and

“nuclear site” means a site in the United Kingdom (including a site occupied by or on behalf of the Crown) which is (or is expected to be) used for any purpose mentioned in section 1(1) of the Nuclear Installations Act 1965 (c. 57).

(5) This section applies to acts done outside the United Kingdom, but only if they are done by a United Kingdom person.

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- (6) Proceedings for an offence committed 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.
- (7) Nothing in subsection (5) affects any criminal liability arising otherwise than under that subsection.

## **80 Prohibition of disclosures of uranium enrichment technology**

- (1) This section applies to—
  - (a) any information about the enrichment of uranium; or
  - (b) any information or thing which is, or is likely to be, used in connection with the enrichment of uranium;and for this purpose “the enrichment of uranium” means any treatment of uranium that increases the proportion of the isotope 235 contained in the uranium.
- (2) The Secretary of State may make regulations prohibiting the disclosure of information or things to which this section applies.
- (3) A person who contravenes a prohibition is guilty of an offence and liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding seven years or a fine (or both); and
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both).
- (4) The regulations may, in particular, provide for—
  - (a) a prohibition to apply, or not to apply—
    - (i) to such information or things; and
    - (ii) in such cases or circumstances,as may be prescribed;
  - (b) the authorisation by the Secretary of State of disclosures that would otherwise be prohibited; and
  - (c) defences to an offence under subsection (3) relating to any prohibition.
- (5) The regulations may—
  - (a) provide for any prohibition to apply to acts done outside the United Kingdom by United Kingdom persons;
  - (b) make different provision for different purposes; and
  - (c) make such incidental, supplementary and transitional provision as the Secretary of State thinks fit.
- (6) The power to make the regulations is exercisable by statutory instrument.
- (7) The regulations shall not be made unless a draft of the regulations has been laid before and approved by each House of Parliament.
- (8) In this section—
  - “disclosure”, in relation to a thing, includes parting with possession of it;
  - “information” includes software; and
  - “prescribed” means specified or described in the regulations.

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## **81 Part 8: supplementary**

- (1) Proceedings for an offence under section 79 or 80 shall not be instituted—
  - (a) in England and Wales, except by or with the consent of the Attorney General;  
or
  - (b) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland.
- (2) In this Part “United Kingdom person” means a United Kingdom national, a Scottish partnership or a body incorporated under the law of any part of the United Kingdom.
- (3) For this purpose 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 (c. 61) is a British subject;  
or
  - (c) a British protected person within the meaning of that Act.

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