

TERRORISM ACT 2006

EXPLANATORY NOTES

COMMENTARY

Definitions

Section 11 – Terrorist threats relating to devices, materials or facilities

Subsection (1)

68. **Subsection (1)** makes it an offence in the course of or in connection with the commission of an act of terrorism, or for the purposes of terrorism, to demand the supply of a radioactive device or of radioactive material, or that a nuclear facility or access to a nuclear facility is made available, if this demand is supported with a threat to take action if the demand is not met. The offence only takes place if the threat is credible, in that the circumstances and manner of the threat are such that it is reasonable for the person to whom it is made to assume there is a real risk of the threat being carried out if the demand is not met.

Subsection (2)

69. **Subsection (2)** makes it an offence to make one of a number of threats, listed in **subsection (3)**, in the course of or in connection with the commission of an act of terrorism, or for the purposes of terrorism. Again it is an element of the offence that the circumstances and manner of the threat are such that it is reasonable for the person to whom it is made to assume there is a real risk of the threat being carried out if the demand is not met.

Subsection (3)

70. **Subsection (3)** provides those threats which it will be an offence to make under subsection (2). It will be an offence to make a threat to use radioactive material; to use a radioactive device; or 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.