

# TERRORISM ACT 2006

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## EXPLANATORY NOTES

### COMMENTARY

#### *Definitions*

#### *Section 9 – Making and possession of devices or materials*

62. The offences in **section 9**, **section 10** and **section 11** are needed in order for the UK to ratify the UN Convention for the Suppression of Acts of Nuclear Terrorism, which the UK signed in September 2005. The new offences which this section and sections 10 and 11 create relate in particular to the use, possession and making of radioactive devices, particularly radioactive material dispersal devices and radiation emitting devices, and use and possession, or the threat of use or possession, of radioactive materials or nuclear facilities for terrorist purposes.

#### **Subsections (1) and (2)**

63. **Subsection (1)** of section 9 makes it an offence to make or possess a radioactive device or to possess radioactive material with the intention of using the device or material in the course of, or in connection with, the commission or preparation of an act of terrorism, or for the purposes of terrorism. It is also an offence if the intention is to make the device or material available to be used in such a way. **Subsection (2)** sets out that for the purposes of the offence being committed, it does not matter whether an intention relates to a specific act of terrorism, or acts of terrorism in general.

#### **Subsections (4) and (5)**

64. The definitions in **subsections (4) and (5)** and other definitions in sections 10 and 11 are based on Article 1 of the UN Convention that these sections are intended to implement. “Radioactive device” is defined in **subsection (4)** as either a nuclear weapon or nuclear explosive device; a radioactive material dispersal device; or any other radiation emitting device. This definition can include (under “radioactive material dispersal device”) a “dirty bomb” in which an explosive causes radioactive material to disperse, with the effect that the radiation causes danger.
65. **Subsection (4)** defines “radioactive material” as nuclear material, or any other radioactive substance which contains nuclides that undergo spontaneous disintegration in a process accompanied by the emission of one or more types of ionising radiation and, due to its radiological or fissile properties, it is capable of causing serious bodily injury or damage to property, endangering life or creating a serious risk to public health and safety. Nuclear material is defined in **subsection (5)** as having the same meaning as in the **Nuclear Material (Offences) Act 1983 (c.18)**. Section 6 of that Act defines such material as nuclear material, within the meaning of the Convention on Physical Protection of Nuclear Material, which is used for peaceful purposes. The definition of nuclear material in Article 1(A) and (B) of that Convention is set out in the Schedule to the 1983 Act. It covers particular types of plutonium and uranium, such as uranium-233 and any material containing such uranium or plutonium.

*These notes refer to the Terrorism Act 2006 (c.11)  
which received Royal Assent on 30 March 2006*

“Device” is defined in **subsection (5)** to include machinery, equipment, appliances, tanks, containers, pipes and conduits, whether or not these are fixed to the land.