



Anti-terrorism, Crime and Security Act 2001

2001 CHAPTER 24

PART 8

SECURITY OF NUCLEAR INDUSTRY

76 Atomic Energy Authority special constables

^{F1}

Textual Amendments

^{F1} S. 76 repealed (1.4.2005) by Energy Act 2004 (c. 20), ss. 197, 198(2), Sch. 23 Pt. 1 (with Sch. 23 Pt. 2 para. 3); S.I. 2005/877, art. 2(1), Sch. 1 Table

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;
- [^{F2}(cza) nuclear construction sites and equipment used or stored on such sites;]
[^{F3}(ca) equipment or software in the United Kingdom which—
- (i) is capable of being used in, or in connection with, the enrichment of uranium; and

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- (ii) is in the possession or control of a person involved in uranium enrichment activities;]
- [^{F4}(d) sensitive nuclear information which is in the possession or control in the United Kingdom of—
- (i) a person who is involved in activities on or in relation to a nuclear site or nuclear premises or who is proposing or likely to become so involved;
 - (ii) a person involved in uranium enrichment activities; or
 - (iii) a person who is storing, transporting or transmitting the information for or on behalf of a person falling within sub-paragraph (i) or (ii);]
- (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—
- (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 [^{F5}not exceeding 12 months (in England and Wales or Scotland) or 6 months (in Northern Ireland), or a fine (in England and Wales) or a fine not exceeding £20,000 (in Scotland and Northern Ireland), 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).

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[^{F6}(3A) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates' court's power to imprison), the reference to 12 months in subsection (3)(a)(ii), as it has effect in England and Wales, is to be read as a reference to 6 months.]

(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) [^{F7}the Office for Nuclear Regulation] ; 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.

[^{F8}(6A) References in this section to a person involved in uranium enrichment activities are references to a person who is or is proposing to become involved in any of the following activities (whether in the United Kingdom or elsewhere)—

- (a) the enrichment of uranium;
- (b) activities carried on with a view to, or in connection with, the enrichment of uranium;
- (c) the production, storage, transport or transmission of equipment or software for or on behalf of persons involved in uranium enrichment activities; or
- (d) activities that make it reasonable to assume that he will become involved in something mentioned in paragraphs (a) to (c).]

(7) In this section—

[^{F9}“enrichment of uranium” means a treatment of uranium that increases the proportion of isotope 235 contained in the uranium;

“equipment” includes equipment that has not been assembled and its components;]

[^{F10}“nuclear construction site” means a site—

- (a) on which works are being carried out with a view to its becoming a nuclear site used wholly or mainly for purposes other than defence purposes; and
- (b) which is situated within 5 kilometres of an existing nuclear site.]

[^{F11}“nuclear material” has the same meaning as in Chapter 3 of Part 1 of the Energy Act 2004;

“nuclear site” means a licensed nuclear site within the meaning of that Chapter;]

“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, [^{F12}the enrichment of] 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.

Textual Amendments

- F2** S. 77(1)(cza) inserted (18.12.2011) by [Energy Act 2011 \(c. 16\)](#), **ss. 105(2)**, 121(3)
- F3** S. 77(1)(ca) inserted (5.10.2004) by [Energy Act 2004 \(c. 20\)](#), **ss. 77(2)**, 198(2); S.I. 2004/2575, **art. 2(1)**, [Sch. 1](#)
- F4** S. 77(1)(d) substituted (5.10.2004) by [Energy Act 2004 \(c. 20\)](#), **ss. 77(3)**, 198(2); S.I. 2004/2575, **art. 2(1)**, [Sch. 1](#)
- F5** Words in s. 77(3)(a)(ii) substituted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 32(2)**; S.I. 2014/251, **art. 4**
- F6** S. 77(3A) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 32(3)**; S.I. 2014/251, **art. 4**
- F7** Words in s. 77(5)(a) substituted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 32(4)**; S.I. 2014/251, **art. 4**
- F8** S. 77(6A) inserted (5.10.2004) by [Energy Act 2004 \(c. 20\)](#), **ss. 77(4)**, 198(2); S.I. 2004/2575, **art. 2(1)**, [Sch. 1](#)
- F9** Words in s. 77(7) inserted (5.10.2004) by [Energy Act 2004 \(c. 20\)](#), **ss. 77(5)**, 198(2); S.I. 2004/2575, **art. 2(1)**, [Sch. 1](#)
- F10** Words in s. 77(7) inserted (18.12.2011) by [Energy Act 2011 \(c. 16\)](#), **ss. 105(3)**, 121(3)
- F11** Words in s. 77(7) substituted (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), **ss. 69**, 198(2), **Sch. 14 para. 10(1)**; S.I. 2005/877, **art. 2(1)**, [Sch. 1](#)
- F12** Words in s. 77(7)(a) substituted (5.10.2004) by [Energy Act 2004 \(c. 20\)](#), **ss. 77(5)(b)**, 198(2); S.I. 2004/2575, **art. 2(1)**, [Sch. 1](#)

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) ^{F13}

Textual Amendments

- F13** S. 78(2) repealed (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), **ss. 197**, 198(2), **Sch. 23 Pt. 1**; S.I. 2005/877, **art. 2(1)**, [Sch. 1](#) Table

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

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- (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;
 - [^{F14}“nuclear material” has the same meaning as in Chapter 3 of Part 1 of the Energy Act 2004;]
 - “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.
- (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.

Textual Amendments

- F14** Words in s. 79(4) substituted (1.4.2005) by [Energy Act 2004 \(c. 20\), ss. 69, 198\(2\), Sch. 14 para. 10\(2\)](#); [S.I. 2005/877, art. 2\(1\)](#), Sch. 1

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.

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- (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 [^{F15}or the Office for Nuclear Regulation] 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.
- [^{F16}(7A) The Secretary of State must consult the Office for Nuclear Regulation before laying a draft of the regulations, unless they give effect, without modification, to any proposals for them submitted by the Office for Nuclear Regulation under section 81(1)(a)(v) of the Energy Act 2013.]
- (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.

Textual Amendments

F15 Words in s. 80(4)(b) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 33\(2\)](#); [S.I. 2014/251](#), art. 4

F16 S. 80(7A) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 33\(3\)](#); [S.I. 2014/251](#), art. 4

[^{F17}80A Extension of Official Secrets Acts to certain places

- (1) A place to which subsection (2) applies is deemed to be a place belonging to or used for the purposes of Her Majesty for the purposes of section 3(c) of the Official Secrets Act 1911 (c. 28) (power of Secretary of State to declare a place belonging to or used for the purposes of Her Majesty a prohibited place).

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- (2) This subsection applies to a place if—
- (a) equipment or software which is designed or adapted for use in, or in connection with, the enrichment of uranium (or which is not so designed or adapted but is likely to be of exceptional use in that connection) is held at the place, or
 - (b) information relating to, or capable of use in connection with, the enrichment of uranium is held at the place.

- (3) In this section—

“enrichment of uranium” means a treatment of uranium which increases the proportion of isotope 235 contained in the uranium, and

“equipment” includes equipment which has not yet been assembled and a component of equipment.]

Textual Amendments

F17 S. 80A inserted (26.1.2009) by [Energy Act 2008 \(c. 32\)](#), **ss. 101**, 110(2); S.I. 2009/45, art. 2(d)(vii)

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 [^{F18} Advocate 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.

Textual Amendments

F18 Words in s. 81(1) substituted (12.4.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), s. 87(1), **Sch. 7 para. 36(b)**; S.R. 2010/113, art. 2, Sch. para. 19(f)

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