

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

TERRORISM ACT 2006

EXPLANATORY NOTES

COMMENTARY

Definitions

Section 12 - Trespassing etc. on nuclear sites

Subsection (3)

73. **Subsection (3)** amends section 128 of the SOCAP so that it applies to protected sites. A protected site is either a designated site (the type of site that section 128 already applied to) or a nuclear site. A nuclear site is defined within section 128 (as amended) and as a consequence there is no need for the Secretary of State to make an order defining a nuclear site as there is with a designated site. A nuclear site is defined, in new subsection (1B) of section 128, as so much of any premises for which a nuclear site licence is in force as lies within the outer perimeter fence, wall or other obstacle securing the protection of the site, plus any other premises falling within this outer perimeter fence etc. This is to make clear that in cases where there are differences between the alignment of the outer perimeter fence etc. and the area of the licensed site, it is an offence to be inside the outer perimeter fence etc. Conversely, where there is land that is part of a licensed nuclear site, but which falls outside the outer perimeter fence etc., it is not an offence to be on this land. The powers of a constable to arrest a person suspected of committing the offence in section 130 of the SOCAP apply.