



# Atomic Energy Act 1946

1946 CHAPTER 80 9 and 10 Geo 6

## GENERAL FUNCTIONS OF MINISTER OF SUPPLY

### 1 General duty of Minister of Supply.

It shall be the general duty of the Minister of Supply (in this Act referred to as “the Minister”) to promote and control the development of atomic energy.

#### Modifications etc. (not altering text)

C1 S. 1. amended by [Atomic Energy Authority Act 1954 \(c. 32\), s. 3\(1\)](#)

### 2 General powers of Minister.

(1) ..... <sup>F1</sup>

(2) [<sup>F2</sup>Subsections (1) and (2) of section two of the <sup>M1</sup>Supply Powers Act 1975] and Articles 5 and 6 of the Ministry of Supply (Transfer of Powers) (No. 1) Order, 1939, shall apply in relation to any functions of the Minister under this Act or any property vested in or under the control of the Minister by virtue of this Act.

#### Textual Amendments

F1 S. 2(1) repealed with savings by [Atomic Energy Authority Act 1954 \(c. 32\), s. 2\(3\)](#)

F2 Words substituted by [Supply Powers Act 1975 \(c. 9\), s. 8\(2\)](#)

#### Marginal Citations

M1 1975 c. 9.

3 ..... <sup>F3</sup>

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*Changes to legislation: There are currently no known outstanding effects for the Atomic Energy Act 1946. (See end of Document for details)*

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### Textual Amendments

**F3** S. 3 repealed by [Atomic Energy Authority Act 1954 \(c. 32\), s. 2\(3\)](#)

## POWERS TO OBTAIN INFORMATION AND TO INSPECT

### 4 Power to obtain information of materials, plant and processes.

- (1) [<sup>F4</sup> Subject to subsection (1A) ] the Minister may by notice in writing served upon any person require him to make such periodical and other returns, at such times and containing such particulars and accompanied by such plans, drawings and other documents as may be specified in the notice,—
- (a) of any prescribed substance, specified in the notice, in his possession or under his control;
  - (b) of any minerals so specified in his possession or under his control or present in or on land owned or occupied by him, being minerals from which, in the opinion of the Minister, any of the prescribed substances can be obtained;
  - (c) of any plant in his possession or under his control designed or adapted for the production or use of atomic energy or research into matters connected therewith;
  - (d) of any contract entered into by him or any licence granted by or to him relating to the production or use of atomic energy or research into matters connected therewith;
  - (e) of any other information in his possession relating to any work carried out by him, or on his behalf or under his direction, in connection with the production or use of atomic energy or research into matters connected therewith.

[<sup>F5</sup>( 1A) No notice may be served under subsection (1) which imposes a requirement which could be imposed—

- (a) by a notice served by the Office for Nuclear Regulation under section 97 of the Energy Act 2013 (power of ONR to obtain information), or
- (b) by an authorised inspector under paragraph 15 of Schedule 8 to that Act (power of inspectors to require information and documents).]

(2) If any person—

- (a) fails to comply with any notice served on him under this section; or
- (b) knowingly or recklessly makes any untrue statement in any return made in pursuance of any such notice;

he shall be guilty of an offence under this Act.

### Textual Amendments

**F4** Words in s. 4(1) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 35\(2\)](#); S.I. 2014/251, art. 4

**F5** S. 4(1A) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 35\(3\)](#); S.I. 2014/251, art. 4

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## 5 Power of entry and inspection.

(1) [<sup>F6</sup>Subject to subsection (1A)] any person authorised by the Minister may, on producing, if so required, some duly authenticated document showing his authority, enter any premises where he has reasonable grounds for believing that work is being carried out for the purpose of or in connection with the production or use of atomic energy or research into matters connected therewith, or that any of the prescribed substances, or any minerals from which any such substance can be obtained, or any such plant as is mentioned in paragraph (c) of subsection (1) of the last foregoing section are situated, and may inspect the premises and any articles found therein.

The person carrying out the inspection may make copies of, or extracts from, any drawing, plan or other document found in the premises and, for the purpose of making such copies or extracts, may remove any such drawing, plan or other document and retain possession thereof for a period not exceeding seven days.

[<sup>F7</sup>(1A) No authorisation to enter or inspect any premises may be given by the Minister to any person under subsection (1) if such authorisation could be given by the Office for Nuclear Regulation to an inspector under Part 1 of Schedule 8 to the Energy Act 2013 (appointment and powers of inspectors).]

(2) If any person wilfully obstructs any person exercising powers under this section, he shall be guilty of an offence under this Act.

### Textual Amendments

- F6** Words in s. 5(1) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 36(2)**; S.I. 2014/251, art. 4
- F7** S. 5(1A) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 36(3)**; S.I. 2014/251, art. 4

## POWER TO SEARCH FOR AND WORK MINERALS AND ACQUIRE PROPERTY

### <sup>F8</sup>6 Power to do work for purpose of discovering minerals.

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### Textual Amendments

- F8** S. 6 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(r), **Sch. 23 para. 14**

### <sup>F9</sup>7 Compulsory acquisition of rights to work minerals.

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### Textual Amendments

- F9** S. 7 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(r), **Sch. 23 para. 14**

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## **8 Compulsory acquisition of prescribed substances, stocks of minerals and plant.**

- (1) The Minister may, subject to and in accordance with Part I of the Second Schedule to this Act, compulsorily acquire—
  - (a) any prescribed substance;
  - (b) any minerals, being minerals from which in the opinion of the Minister any of the prescribed substances can be obtained, other than minerals in a natural state or contained in a deposit of waste material obtained from any underground or surface working;
  - (c) any plant designed or adapted for the production or use of atomic energy or research into matters connected therewith.

In the case of any plant which is affixed to land, the Minister may sever it from the land, and shall in that case make good any damage caused by the severance.

- (2) Compensation in respect of the acquisition of any article under this section shall be paid in accordance with Part II of the Second Schedule to this Act.

## **9 Compulsory acquisition of rights under contract.**

- (1) The Minister may serve on any person who is a party to a contract relating to the production or use of atomic energy or research into matters connected therewith, not being a contract for the rendering of personal services, a notice in writing stating that on such date as may be specified in the notice his rights and liabilities under the contract will be transferred to the Minister; and thereupon, subject to any withdrawal of the notice under the following provisions of this section, the contract shall, as regards any rights exercisable, or liabilities incurred, on or after the said date, have effect as if the Minister were a party to the contract instead of the person on whom the notice was served, and as if for any reference in the contract to that person there were substituted a reference to the Minister.
- (2) A notice served under the last foregoing subsection shall contain a statement to the effect that an objection may be made thereto within such time and in such manner as may be specified, and if any such objection is duly made and not withdrawn, the Minister shall afford an opportunity to the person making the objection of appearing before and being heard by a person appointed by the Minister for the purpose.
- (3) After considering any such objection and the report of the person appointed by him under the last foregoing subsection, the Minister may serve on the person on whom the original notice was served a further notice in writing withdrawing the original notice, and if the original notice has already taken effect, it shall cease to operate in relation to the contract as regards any rights exercisable, or liabilities incurred, on or after the date on which the notice of withdrawal was served.
- (4) Where the rights and liabilities of a party to a contract are transferred to the Minister under this section, there shall be paid to that party such compensation in respect of any loss suffered by the party that may be agreed between him and the Minister with the approval of the Treasury or, in default of such agreement, as may be determined by arbitration.

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## CONTROL OF PRODUCTION AND USE OF ATOMIC ENERGY AND PUBLICATION OF INFORMATION

### 10 Control of production and use of atomic energy.

- (1) The Minister may by order provide for prohibiting, except under the authority of a licence granted by the Minister,—
- (a) the working of any minerals specified in the order, being minerals from which in the opinion of the Minister any of the prescribed substances can be obtained;
  - (b) the acquisition, production, treatment, possession, use, disposal, export or import,
    - (i) of any of the prescribed substances; or
    - (ii) of any minerals specified in the order, being minerals from which in the opinion of the Minister any of the prescribed substances can be obtained and not being minerals in a natural state or contained in a deposit of waste material obtained from any underground or surface working; or
    - (iii) of any plant designed or adapted for the production or use of atomic energy or for research into matters connected therewith;
- and any such order may contain such incidental and supplementary provisions as the Minister considers necessary.
- (2) The Minister shall secure so far as practicable, by the issue of licences in such cases or classes of cases as he thinks fit, that such minerals, substances and plant as aforesaid are available for purposes of research and education, for medical and biological purposes and for commercial purposes not involving the production or use of atomic energy.
- (3) An order made under this section may provide for the seizure of any article in respect of which there are reasonable grounds for suspecting that a contravention of the order has been committed, and for the retention of any such article pending the institution and final determination of proceedings in respect of the contravention, and for the disposal, if the proceedings lead finally to a conviction, of any such article.
- (4) Any person who contravenes or fails to comply with an order made under this section or any condition subject to which a licence was granted under this section shall be guilty of an offence under this Act.

#### Modifications etc. (not altering text)

C2 S. 10 excluded by Atomic Energy Authority Act 1954 (c. 32), s. 6(4), Sch. 3

### 11 Restriction on disclosure of information relating to plant.

- (1) Subject to the provisions of this section, any person who without the consent of the Minister communicates to any other person except an authorised person any document, drawing, photograph, plan, model or other information whatsoever which to his knowledge describes, represents or illustrates—
- (a) any existing or proposed plant used or proposed to be used for the purpose of producing or using atomic energy;
  - (b) the purpose or method of operation of any such existing or proposed plant; or

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- (c) any process operated or proposed to be operated in any such existing or proposed plant;

shall be guilty of an offence under this Act:

Provided that it shall not be such an offence to communicate information with respect to any plant of a type in use for purposes other than the production or use of atomic energy, unless the information discloses that plant of that type is used or proposed to be used for the production or use of atomic energy.

In this subsection “authorised person” means, in relation to information on any subject to which this subsection applies, a person to whom, by virtue of a general authority granted by the Minister, information on that subject may be communicated.

- (2) The Minister shall not withhold consent under the last foregoing subsection, if he is satisfied that the information proposed to be communicated is not of importance for purposes of defence.

[<sup>F10</sup>( 2A) The communication of information is not an offence under this section if it is—

- (a) communication to the Office for Nuclear Regulation of information required under section 97 of the Energy Act 2013 (power of ONR to obtain information), or any subsequent communication of that information by the Office for Nuclear Regulation, or
- (b) communication to an authorised inspector of information required by the inspector under paragraph 15 of Schedule 8 to that Act (power of inspectors to require information and documents), or any subsequent communication of that information by an inspector.]

- (3) The Minister may by order grant exemption from this section in such classes of cases, and to such extent and subject to such conditions, as may be specified in the order.
- (4) Where any information has been made available to the general public otherwise than in contravention of this section, any subsequent communication of that information shall not constitute an offence under this Act.

#### Textual Amendments

**F10** S. 11(2A) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 37](#); S.I. 2014/251, art. 4

#### Modifications etc. (not altering text)

**C3** S. 11 excluded by [Atomic Energy Authority Act 1954 \(c. 32\)](#), s. 6(4), [Sch. 3](#)

## SPECIAL PROVISIONS AS TO INVENTIONS

### 12 Special provisions as to inventions.

- (1) . . . <sup>F11</sup>
- (5) . . . . . <sup>F12</sup>
- (6) . . . <sup>F11</sup>

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[<sup>F13</sup>(8) The power of the Minister of Supply and persons authorised by the Minister of Supply under section forty-six of the <sup>M2</sup>Patents Act 1949 shall include power to make, use, exercise or vend an invention for such purposes relating to the production or use of atomic energy or research into matters connected therewith as the Minister thinks necessary or expedient, and any reference in that section or in sections forty-seven and forty-eight of that Act to the services of the Crown shall be construed as including a reference to those purposes.]

#### Textual Amendments

**F11** S. 12(1)—(4)(6)(7) repealed by [Patents Act 1977 \(c. 37\)](#), s. 132(5), [Sch. 6](#)

**F12** S. 12(5) repealed by [Patents and Designs Act 1949 \(c. 62\)](#), s. [32\(1\)](#)

**F13** S. 12(8) substituted by [Patents Act 1949 \(c. 87\)](#), s. [106\(3\)](#)

#### Marginal Citations

**M2** 1949 c. 87.

## GENERAL PROVISIONS

### 13 Disclosure of information obtained under Act.

Any person who, without the authority of the Minister [<sup>F14</sup>or the United Kingdom Atomic Energy Authority], discloses any information obtained in the exercise of powers under this Act, shall be guilty of an offence under this Act.

#### Textual Amendments

**F14** Words inserted by [Atomic Energy Authority Act 1954 \(c. 32\)](#), s. 6(4), [Sch. 3](#)

### 14 Offences and penalties.

- (1) Any person guilty of an offence under this Act shall be liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine; or
  - (b) on conviction on indictment, to [<sup>F15</sup>imprisonment] for a term not exceeding five years or to a fine not exceeding five hundred pounds, or to both such penal servitude and such fine.
- (2) Where a person convicted on indictment of an offence under this Act is a body corporate, the provision of the foregoing subsection limiting the amount of the fine which may be imposed shall not apply and the body corporate shall be liable to a fine of such amount as the court thinks just.
- (3) Where any offence under this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he

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exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

- (4) Proceedings in respect of an offence under section eleven of this Act shall not be instituted, in England or Wales, except by, or with the consent of, the Director of Public Prosecutions, or, in Northern Ireland, except by, or with the consent of, the Attorney General for Northern Ireland.

**Textual Amendments**

**F15** Words substituted by virtue of (E.W.) [Criminal Justice Act 1948 \(c. 58\), s. 1\(1\)](#), (S.) by [Criminal Justice \(Scotland\) Act 1949 \(c. 94\), s. 16\(1\)](#) and (N.I.) by [Criminal Justice Act \(Northern Ireland\) 1953 \(c. 14\), s. 1\(1\)](#)

**15 Provisions as to orders.**

- (1) Every order made by the Minister under this Act <sup>F16</sup>... shall be laid before Parliament forthwith after it is made, and if either House of Parliament, within a period of forty days beginning with the day on which any such order is laid before it, resolves that the order be annulled, the order shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of a new order.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

- (2) Any order made under this Act may be varied or revoked by a subsequent order made in like manner and subject to the like conditions.

<sup>F17</sup>(3) .....

**Textual Amendments**

**F16** Words in s. 15(1) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\), s. 115\(3\)\(r\), Sch. 23 para. 15\(2\)\(a\)](#)

**F17** S. 15(3) repealed by [Statute Law Revision Act 1963 \(c. 30\)](#)

**16 Expenses.**

Any expenses incurred by the Minister in the exercise of functions under this Act and any sums required by or under any provision of this Act to be paid to any person by way of compensation or interest thereon shall be defrayed out of moneys provided by Parliament.

<sup>F18</sup> ...

**Textual Amendments**

**F18** Words in s. 16 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\), s. 115\(3\)\(r\), Sch. 23 para. 15\(2\)\(b\)](#)



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## 17 Service of notices.

Any notice required or authorised by or under this Act to be served on any person may be served either—

- (a) by delivering it to that person; or
- (b) by leaving it or sending it in a registered letter to him at his usual or last known residence or place of business; or
- (c) in the case of an incorporated company or body, by delivering it to their clerk or secretary at their registered or principal office, or by sending it in a registered letter addressed to him at that office; or
- (d) in the case of a notice to be served on the owner, lessee or occupier of land, if it is not practicable after reasonable inquiry to ascertain his name or address, addressing it to him by the description “owner,” “lessee” or “occupier” of the land (describing it) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it may be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

## 18 Definitions.

- (1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say—

“atomic energy” means the energy released from atomic nuclei as the result of any process, including the fission process, but does not include energy released in any process of natural transmutation or radioactive decay which is not accelerated or influenced by external means;

[<sup>F19</sup> “inspector” means an inspector appointed under Schedule 8 to the Energy Act 2013; and “authorised”, in relation to such an inspector, is to be construed in accordance with paragraph 2(4) of that Schedule;]

“minerals” includes all substances obtained or obtainable from the soil by underground or surface working;

“plant” includes any machinery, equipment or appliance, whether affixed to land or not;

“prescribed substance” means uranium, thorium, plutonium, neptunium or any of their respective compounds or any such other substance as the Minister may by order prescribe, being a substance which in his opinion is or may be used for the production or use of atomic energy or research into matters connected therewith.

- (2) Any reference in this Act to articles shall be construed as including a reference to substances, vehicles, vessels and animals and also as including a reference to electricity.
- (3) Any reference in this Act to the working of minerals shall be construed as including a reference to the getting, carrying away, sorting and treating of minerals.
- (4) Any reference in this Act to the production or use of atomic energy shall be construed as including a reference to the carrying out of any process preparatory or ancillary to such production or use.

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**Textual Amendments**

**F19** Words in s. 18(1) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 38](#); S.I. 2014/251, art. 4

**19 Application to Scotland.**

In the application of this Act to Scotland—

- (a) for references to a mortgage and a mortgagee (except where those expressions occur in the Second Schedule to this Act) there shall be respectively substituted references to a heritable security, and to the creditor in such a security; the expression “hire purchase agreement” means a contract to which the <sup>M3</sup>Hire Purchase and Small Debt (Scotland) Act 1932 applies or would apply if a limitation as to value contained in section one of that Act were omitted; for any reference to an arbitrator there shall be substituted a reference to an arbiter;
- (b) any provision in this Act requiring the Minister to serve notices on the owners, lessees and occupiers of land shall be deemed to be complied with if notice is served on all the persons appearing from the valuation roll or otherwise known to the Minister to have an interest in the land. Service of a notice on any person so appearing to have an interest may be effected by sending the notice in a registered letter addressed to him at his address as entered in the valuation roll;
- <sup>F20</sup>(c) .....
- <sup>F20</sup>(d) .....
- (e) section seventeen of this Act shall have effect as if paragraph (d) thereof were omitted.

**Textual Amendments**

**F20** S. 19(c)(d) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(r), [Sch. 23 para. 15\(2\)\(c\)](#)

**Marginal Citations**

**M3** 1932 c. 38.

**20 Application to Northern Ireland.**

- (1) It is hereby declared that this Act <sup>F21</sup>... extends to Northern Ireland, <sup>F22</sup>...
- <sup>F23</sup>(2) .....
- <sup>F24</sup>(3) .....

**Textual Amendments**

**F21** Words in s. 20(1) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(r), [Sch. 23 para. 15\(2\)\(d\)](#)

**F22** Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), s. 41(1), [Sch. 6 Pt. I](#)

**F23** S. 20(2) repealed by [Northern Ireland Act 1962 \(c. 30\)](#), [Sch. 4 Pt. IV](#)

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**F24** S. 20(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 16** Group 1

**21 Short title.**

This Act may be cited as the Atomic Energy Act 1946.

**Changes to legislation:**

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